

FREEDOM FROM RELIGION *foundation*

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May 4, 2021

SENT VIA EMAIL & U.S. MAIL: bfullen@hendersontx.us

The Honorable John “Buzz” Fullen
Mayor
Henderson City Hall
400 W. Main St.
Henderson, TX 75652-3099

Re: National Day of Prayer Mayor’s Prayer Breakfast Event

Dear Mayor Fullen:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional concern with the City of Henderson’s promotion of, and your participation in, a Mayor’s Prayer Breakfast on the National Day of Prayer. FFRF is a national nonprofit organization with more than 35,000 members across the country, including more than 1,400 members in Texas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned Henderson resident has reported that the City of Henderson is promoting, and you are participating in, a Mayor’s Prayer Breakfast on May 6, 2021 for the National Day of Prayer. This event is advertised on the City’s official website and Facebook page. The City’s official calendar describes the event: “The Mayor of Henderson invites people of all faiths to pray for the nation, **as we mobilize the Christian community** to intercede for America’s leaders and its families.” This is an explicit recognition that this event is intended to be for Christians, despite the invitation of people of other faiths. Please see the enclosed screenshots.

As you are apparently aware, the National Day of Prayer is a sectarian event. It originated with the Reverend Billy Graham during his evangelical crusade in Washington, D.C. in 1952. He expressed an openly Christian purpose, seeking an annual prayer proclamation by the President because he wanted “the Lord Jesus Christ” to be recognized across the land. Subsequently, the National Day of Prayer Task Force was created to “communicate with every individual the need for personal repentance and prayer, mobilizing the Christian community to intercede for America and its leadership.” The task force issues annual National Day of Prayer proclamations and submits them to the President, choosing a theme with supporting scripture from the bible. This year’s theme is “Lord Pour Out Your Love, Life, and Liberty” based upon the New Testament verse 2 Corinthians 3:17.

In its announcement of the theme for 2021, the task force reveals that its idea of “love, life, and liberty” amounts to religious assimilation through proselytization. It writes¹:

Everyone needs to know that they were created by God and that He loved them so much He put His image in them and authored their value and purpose that no person can take away from them. As followers of Jesus we must come together in obedient unity and love that spreads God’s glory across the earth. We must share this message of love and life, so that our neighbors, co-workers, classmates – so that all the world would come to repentance, that NONE may perish and know the LIBERTY, the freedom from the stain and shame of sin. Everyone can have freedom ring in their hearts, liberty that pronounces you, “NOT GUILTY” from the One true Judge. God alone knows your heart, knows everything about you; everything you have thought, done and had done against you. God alone is our judge and in Christ alone, we experience authentic, eternal LIBERTY.

The task force has a Statement of Faith that is exclusive to Christians, including that “The Holy Bible is the inspired, only, infallible, authoritative Word of The Living God” and a belief in “the spiritual unity of believers in our Lord Jesus Christ.”²

We ask that Henderson drop its support for this divisive, evangelistic vision for America and cease participating in or promoting National Day of Prayer events.

The City of Henderson’s promotion of, and your participation in, this National Day of Prayer event poses constitutional concerns. The Establishment Clause of the First Amendment prohibits the government from organizing or endorsing a religious event. As the Supreme Court has put it, the Establishment Clause “mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). The City’s official endorsement of, and your participation in, this National Day of Prayer event, which is advertised by the City and uses City resources, creates the appearance of favoritism toward Christians.

In 2002, a federal court enjoined a city and mayor from organizing, advertising, promoting or endorsing a prayer breakfast. *Newman v. City of East Point*, 181 F. Supp. 2d 1374 (N.D. Ga. 2002). In that case, the court restricted the use of city funds, employees, resources and supplies in facilitating the Mayor’s Prayer Breakfast. *See id.* As a result of the city’s activities (making and sending invitations, issuing press releases, advertising the event, etc.), the court stated, “an objective observer would most certainly conclude that the City of East Point has endorsed religion, specifically Christianity, by its actions.” *Id.* at 1381.

You appear to be sponsoring the event in your official capacity as Mayor. The United States Supreme Court has held that public officials may not seek to advance or promote religion,

¹ https://www.nationaldayofprayer.org/introducing_the_national_day_of_prayer_2021_theme.

² *Statement of Faith*, NATIONAL DAY OF PRAYER TASK FORCE (last visited Apr. 16, 2021), www.nationaldayofprayer.org/statement_of_faith.

specifically stating, “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.” *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

Legal arguments aside, participating in and promoting these events is unnecessarily divisive. The events send the message that the City not only prefers religion over non-religion, but also Christianity over all other faiths. It alienates non-Christians in Henderson by turning them into political outsiders in their own community. The National Day of Prayer is explicitly designed to exclude the 24% of Americans who are nonreligious and, more broadly, the 30% of Americans who are non-Christian.³

Government officials can worship, pray, and participate in religious events in their personal capacities. But they are not permitted to provide credibility or prestige to their religion by lending a government office and government title to religious events. Their office and title belong to “We the people,” not the office’s temporary occupant.

We hope you’ll agree that the City of Henderson should strive to appear equally welcoming of all residents, regardless of whether they are Christian, practice a minority religion, or are nonreligious. The City must refrain from further organization, participation in, and promotion of religious events. You must also refrain from participating in religious events in your official capacity as Mayor. Please inform us in writing of the steps taken to respect the right of conscience of all Henderson residents and to send a message that is inclusive of the minority religious and nonreligious among you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Line", with a stylized flourish extending from the end.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosures

³ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.prri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.



To reserve your seat for the Mayor's Prayer Breakfast, please visit:
www.hendersonmetro.org/content.cfm?id=9071

 **The City of Henderson, TX - Government**
April 27 at 2:36 PM · 🌐

To reserve your seat for the Mayor's Prayer Breakfast, please visit:
www.hendersonmetro.org/content.cfm?id=9071



HENDERSONMETRO.ORG
Mayor's Prayer Breakfast | May 6th | Henderson Civic Center | 6:30am [Sign Up](#)

Mayor's Prayer Breakfast



Thursday, May 6, 2021

The Mayor of Henderson invites people of all faiths to pray for the nation, as we mobilize the Christian community to intercede for America's leaders and its' families. The Mayor's Prayer Breakfast is hosted in association with the Henderson Area Ministerial Alliance.