

FREEDOM FROM RELIGION *foundation*

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April 4, 2011

SENT VIA MAIL AND FAX
(860-832-2804)

Dr. Matthew Warshauer
Professor of History, CCSU
Civil War Commemoration Coordinator
Central Connecticut State University
1615 Stanley Street
New Britain, CT 06050

COPY

Re: URGENT: April 17th Worship Service During State-Sponsored Civil War Commemoration

Dear Dr. Warshauer:

A local citizen recently informed our organization, the Freedom From Religion Foundation (FFRF), that a state-sponsored sesquicentennial commemoration of the Civil War inappropriately includes a religious worship service during the commemoration kick-off weekend. FFRF is a nationwide nonprofit organization that works to protect the constitutional principle of separation between church and state. FFRF represents more than 16,000 members across the country including more than 150 members in Connecticut.

It is our understanding that a worship service is planned for the morning of Sunday, April 17th at New Britain's Stanley Quarter Park. We understand that you asked a pastor from the Asylum Hill Congregational Church, Gary Miller, to lead the worship service. According to information found on the Commemoration's website, this worship service is included as a part of the Commemoration Kickoff Weekend. The Commemoration's website further indicates that the events of the weekend are sponsored by Central Connecticut State University (CCSU), the City of New Britain, the Connecticut Civil War Commemoration Committee, and Commission. It is our understanding that all four of these sponsors have some government affiliation. We understand that Central Connecticut State University is a publicly funded university; the City of New Britain is a municipality; the Connecticut Civil War Commemoration Commission (Civil War Commission) was created by an executive order; and, the Civil War Commemoration Committee is composed of both private organizations and multiple government entities.

It is inappropriate to offer a worship service during a state-sponsored Civil War Commemoration. While it may be acceptable to teach about religion's impact on the war from

a scholarly perspective, the Establishment Clause prohibits the state from sponsoring a religious worship service, thus promoting religion over non-religion. It is a fundamental constitutional principle that publicly funded institutions cannot support, promote or otherwise endorse religion or engage in religious exercises. It is inappropriate for public institutions such as CCSU, the City of New Britain, and the Civil War Commission to schedule a worship service as part of a secular commemoration weekend. By inviting a minister from a Christian church, the public institutions' demonstrate the government's apparent endorsement not only of religion over nonreligion but also Christianity over all other faiths.

The inclusion of a worship service gives the impression that the government endorses Christianity. Supreme Court Justice Blackmun stated, "It is not enough that the government restrain from compelling religious practices, it must not engage in them either..." *Lee v. Weisman*, 505 U.S. 577, 604 (1992) (Blackmun, J., concurring). This behavior is government endorsement of religion. Endorsement occurs when religious activity is "expression [made] by the government itself or else government action alleged to discriminate in favor of private religious expression or activity." *Capitol Square Advisory Board v. Pinette*, 515 U.S. 753, 764 (1995) (citing *Lynch v. Donnelly*, 465 U.S. 668 (1984); *Board of Ed. of Kiryas Joel Village School Dist. v. Grumet*, 512 U. S. 687, 708-10 (1994)). When multiple public institutions offer a worship service at a secular commemoration, the government itself expresses an establishment of religion and shows favoritism for the Christian religion.

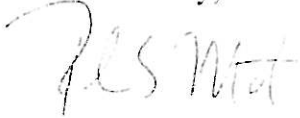
It is no defense that the worship service is an event at which participation or attendance is voluntary. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See generally, Lee v. Weisman*, 505 U.S. at 596 ("It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice."); *Abington Sch. Dist. v. Schempp*, 374 U.S. 203, 288 (1963)(Brennan, J., concurring)("Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question..."); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003)("...VMI cannot avoid Establishment Clause problems by simply asserting that a cadet's attendance at supper or his or her participation in the supper prayer are 'voluntary.'").

Furthermore, a worship service at a secular Civil War Commemoration is unnecessary, inappropriate and divisive. Individuals are free to worship on their own time in their own way. Public institutions, however, ought not to lend their power and prestige to religion, amounting to a governmental endorsement of religion that excludes the 15% of the U.S. population that is nonreligious (Religious Identification Survey 2008). In addition, the inclusion of a worship service dishonors those Civil War veterans who were not Christian and nonreligious.

Finally, sponsorship of a Christian worship service by public institutions also raises concerns under the Connecticut Constitution. The state constitution ensures that "[n]o preference shall be given by law to any religious society or denomination in the state" Art. 7. Including a worship service offered by one religious denomination shows governmental preference for Christianity.

We respectfully request that you remove the worship service from the agenda for the Commemoration's Kickoff Weekend. Please notify us in writing at your earliest convenience about the steps you are taking to end this entanglement so that we may notify our complainant. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "RSM", is written over the typed name.

Rebecca S. Markert
Staff Attorney

CC: Timothy T. Stewart, Mayor of New Britain