



# FREEDOM FROM RELIGION FOUNDATION

P.O. Box 750 • Madison WI 53701 • (608) 256-8900 • [www.ffrf.org](http://www.ffrf.org)

December 1, 2010

## SENT VIA U.S. MAIL & ELECTRONIC MAIL

The Honorable Rick Meehan  
Mayor  
Town of Ocean City  
City Hall  
301 Baltimore Ave  
Ocean City MD 21842

COPY

Re: Mayor's Prayer Breakfast- December 10, 2010

Dear Mayor Meehan:

On behalf of Ocean City residents and other Maryland members of the Freedom From Religion Foundation (FFRF), I urge you to immediately discontinue using City resources and taxpayer funds to plan, organize and promote the upcoming Mayor's Prayer Breakfast. FFRF is a national nonprofit organization with nearly 16,000 members, including over 200 members in Maryland, whose purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that that the 21<sup>st</sup> Annual Ocean City Mayor's Prayer Breakfast is scheduled for December 10<sup>th</sup> this year. We further understand that the event will be from 7-9AM at the Clarion Fontainebleau Hotel. Our complainant informs us that tickets are \$15 and are available for purchase at city hall. Tickets were evidently available for purchase at city hall for last year's event as well. Upon further research it was also discovered that City Councilmember Doug Cymek is listed as the Co-Director of the Mayor's Prayer Breakfast. In fact, this position is listed on his biography on the city's website.

We understand that this prayer breakfast is a Christian event. As you are likely aware, the Ocean City Mayor's Prayer Breakfast was started to "bring the word of God back to the Ocean City and Worcester County community..." Christine Cullen, *Uplifting Message Part of Annual Prayer Breakfast*, Ocean City Today, November 27, 2009. This year, organizer Bruce Spangler reiterated the purpose to inject religion, particularly Christianity, into the government sphere: "This country was founded upon Biblical values, and we've really turned away from it. That's not because of the people, but because of the government shutting God out of everything." Christine Cullen, *Prayer Breakfast Set for Dec. 10*, Ocean City Today, November 26, 2010.

Your participation in this annual event, and the city's apparent coordination of the event, poses serious constitutional separation of state and church concerns. The Establishment Clause of the First Amendment to the United States Constitution prohibits the government from endorsing, advancing or promoting religion. Therefore, it is grossly illegal and inappropriate for the City to be hosting, organizing, supporting or otherwise promoting a patently religious event, such as a prayer breakfast. This practice, which has been recurring for the last 21 years, certainly has the effect of government endorsement of religion. The official Christian prayer breakfast organized for the purpose of bringing "God back to the Ocean City and Worcester County" sends the message that the City not only prefers religion over non-religion, but also Christianity over all other religions. It alienates non-believers in Ocean City by turning them into political outsiders in their own community. This annual event unequivocally "communicate[s] the message that the [Town of Ocean City] endorses prayer and encourages its citizens to engage in it." *Freedom From Religion Foundation v. Obama*, --- F.Supp.2d ----, 2010 WL 1499451, 17 (W.D. Wis. 2010). This violates the Establishment Clause of the First Amendment to the United States Constitution, which requires government neutrality toward religion.

Any reasonable City resident would logically interpret the City's actions in this case as government endorsement of religion. The City is selling tickets for this religious event. Indeed, one of the City Council members is the Co-Director of the event! It is of no consequence that the breakfast will take place on private property. Given the high degree of City involvement and entanglement in the event, any reasonable person would interpret this conduct as government espousal of religion.

The City must refrain from expending any further taxpayer dollars, using publicly funded employees, and drawing on any other publicly funded resources to promote the religious prayer breakfast. This includes publicizing the event on the City website, advertising and handling ticket sales, and being a sponsor (or co-sponsor) of the event.

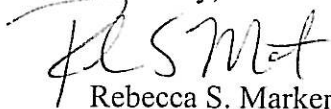
It is not uncommon for ministerial associations or private groups to host a prayer breakfast and invite public officials, who attend as individuals. This is the case at the "National Prayer Breakfast" in D.C., for example. But it is absolutely unlawful, inappropriate and unseemly, under the First Amendment for a mayor's office itself to host such an event or work in tandem with event organizers to put on the breakfast.

Finally, you appear to be sponsoring and attending the event in your official capacity as mayor of Ocean City. The United States Supreme Court has held that public officials may not seek to advance or promote religion. The Supreme Court has specifically stated, "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." (emphasis added) *West Virginia Board of Education v. Barnett*, 319 U.S. 624, 642 (1943).

The separation of church and state is among one of the most fundamental principles of our system of government. As the City's highest elected official, you are charged with great responsibility and have been given significant trust by its citizens, including those citizens who may not share your religious viewpoints. Even if the prayer breakfast is sponsored by an outside religious organization or church, any insinuation that you attend these religious events in your official capacity as mayor raises grave Establishment Clause concerns. Therefore, we strongly urge you to consider your status as the highest elected official in Ocean City and the importance of the constitutional principle of separation of church and state before you agree to attend any future religious functions in your community as Mayor of your city, much less lend your name as mayor to the event.

We ask that you take immediate steps to remedy the serious violations of the Establishment Clause the City's involvement in the prayer breakfast presents. We further ask that you comply with your oath of office to protect and defend the United States. May we hear from you in writing at your earliest convenience about what steps you have taken to ensure constitutional dictates are followed?

Sincerely,

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

Rebecca S. Markert  
Staff Attorney