

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRF.ORG

May 11, 2023

**SENT VIA EMAIL AND U.S. MAIL:**

**mayorsph@cmvny.com**

The Honorable Shawyn Patterson-Howard  
Mayor, City of Mount Vernon  
1 Roosevelt Square N  
Mount Vernon, NY 10550

Re: Unconstitutional Religious Promotion by City

Dear Mayor Patterson-Howard:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding multiple constitutional violations that have occurred in the City of Mount Vernon (the City). We have previously written to your office on August 23, 2022 and September 12, 2022 regarding previous constitutional violations. Unfortunately, we have received yet another set of reports by a concerned resident and taxpayer regarding the City's continued engagement in unconstitutional religious promotion.

It is our information that on February 12, the City used its official government website to live stream a church service.<sup>1</sup> In the recording of the stream that we received, a pastor is giving a sermon, saying in part:

Some of you have malfunctioned in the pandemic and can't seem to reset yourself. Oh my God, my God. God has created us to need him. God has created us to depend upon him. God has created us to call upon him. Our humanity is delicately balanced.

It is also our understanding that the recent "State of the City" event on April 4 was held at the Allen Memorial Church of God in Christ.<sup>2</sup>

We write to ask that the City cease using its official platforms to promote religious services, and that future city events be held at secular venues.

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<sup>1</sup> See attached.

<sup>2</sup> *Id.*

The Supreme Court has said time and again that “[t]he touchstone for our analysis is the principle that the ‘First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.’” *McCreary Cty., Ky. v. American Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *see also Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947).

Streaming a church service via official government channels, and the selection of any house of worship as a site for an official city event both demonstrate a preference for religion over nonreligion, and more specifically in this case, Christianity over all other faiths. This “sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents ‘that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309–10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

Live streaming worship services is an inappropriate use of any of the City’s official channels of communication. The Supreme Court recently described the power of social media sites as “the principal sources for knowing current events, checking ads for employment, speaking and listening in the modern public square, and otherwise exploring the vast realms of human thought and knowledge.” *Packingham v. North Carolina*, 137 S. Ct. 1730, 1737 (2017) (internal citations omitted). Government entities must be particularly diligent not to entangle religious messages with official government pronouncements made in this “modern public square.” The City’s website, which regularly live streams government meetings and other official government announcements, functions the same way official live streams on social media pages do.

The use of a church for the “State of the City” is similarly inappropriate and raises further constitutional concerns.

The City should endeavor to hold all of its events in secular locations. Holding even one event in a church forces members of the community, who may be of varying faiths or none at all, to enter a Christian house of worship in order to participate. The City should not ask citizens to come to a house of worship to participate in its meetings and events. This is especially true when there are more appropriate secular locations for such occasions.

The City has a legal duty to remain neutral toward religion. By live streaming church services and holding official government events at a church, it abridges its duty to remain neutral and alienates the thirty-seven percent of Americans who are non-Christians, including the nearly thirty percent who now identify as religiously unaffiliated.<sup>3</sup>

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<sup>3</sup> Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), available at [www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/](http://www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/).

We ask that the City ensure that its official website is not being used to live stream religious worship, and that future events are no longer held in houses of worship. Please send us your response in writing so that we may notify our complainant that this issue has been resolved. Thank you in advance for your time and attention to this matter.

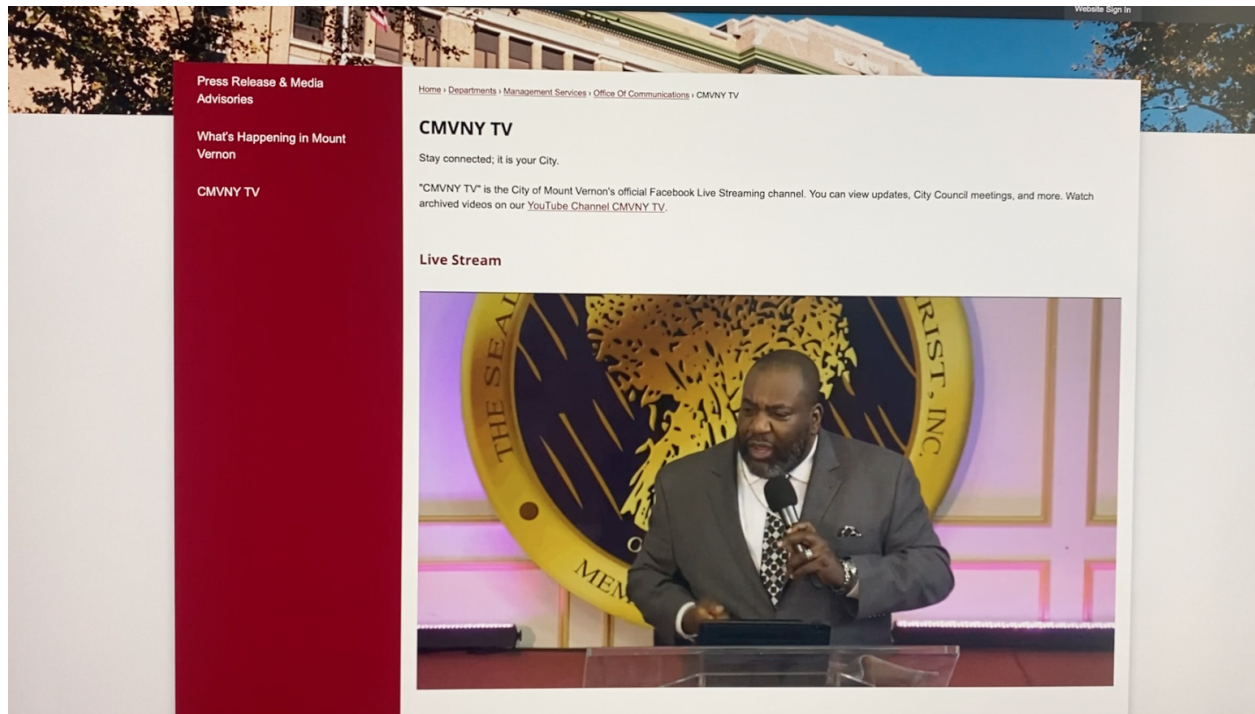
Sincerely,

A handwritten signature in black ink, appearing to read "Kat D. Grant", with a stylized flourish at the end.


Kat D. Grant

*Equal Justice Works Fellow (sponsored by Wm. Collins Kohler Foundation)*  
*Freedom From Religion Foundation*

Enclosures





2023 State of the City







PLEASE JOIN MAYOR SHAWYN PATTERSON-HOWARD FOR THE


STATE  
★ ★ ★ OF THE ★ ★ ★  
CITY

TUESDAY APRIL 4<sup>TH</sup>, 2023  
7:00PM

STATE OF THE CITY WILL ALSO BE LIVESTREAMED VIA  

ALLEN MEMORIAL CHURCH OF GOD IN CHRIST  
132 CRARY AVENUE, MOUNT VERNON, NY 10550

 @MOUNTVERNONNY  @SHAYORSEPH  @CMVNY  CMVNY.COM



Please join Mayor Shawyn-Patterson Howard as she presents the 2023 State of The City address at Allen Memorial Church of God In Christ on Tuesday, April 4th, 2023.

The address will begin at 7 pm and be live-streamed on Youtube and Facebook.