

REPLACEMENT

AGENDA	
Section	New Business
Item No.	VI.F.!



Meeting Date
July 7, 2015

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Pre-Meeting Invocation Policy
DEPT/OFFICE:	District 4 Commission Office

Requested Action:
 Adopt the attached resolution formalizing the Board's Pre-Meeting invocation policy and authorize County Attorney to seek Declaratory Judgment

Summary Explanation & Background:

Board members have received a joint letter from Americans United for Separation of Church and State (AUSCS), The Freedom from Religion Foundation (FFRF), the ACLU of Florida, and the ACLU Program on Freedom of Religion and Belief (collectively called "the ACLU) in behalf of specifically named individuals who are held out to be atheists, agnostics or secular humanists and that letter requests the Board to allow the named atheists, agnostics and secular humanists to give a pre-meeting invocation at a regular Board meeting. Although the Board has previously authorized the Chair to send a letter setting forth an informal policy that would allow secular supplications during the Public Comment section of the agenda, the Board has never formalized a policy.

The County Attorney Office research of the secular humanist and atheist organizations requesting an opportunity to give the pre-meeting invocation is set forth in the proposed resolution. Based on that research and the strategies that have been used by these organizations in the past with regard to their disagreements with local governments over separation of church and state issues, it seems very likely that the Board's pre-meeting invocation process will end up in litigation. For that reason, as District 4 Commissioner, I am recommending two actions.

First, it is recommended that the Board adopt the attached resolution setting forth our research on the organizations as a backdrop for a formalized and clarified pre-meeting prayer policy. The policy allows the traditional faith-based invocation prior to the beginning of the Board's secular business agenda and subsequent "secular invocations" during the Public Comment section of that secular agenda.

Second, it is recommended that the Board authorize the County Attorney to seek a declaratory judgment to determine the validity of the Board policy.

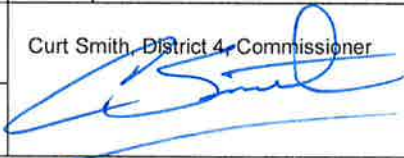
Option 1: Adopt resolution and authorize a declaratory judgment action by the County Attorney's Office
 Option 2: Decline to adopt resolution and, or authorizing a declaratory judgment action.

Fiscal Impact: NONE except court filing fees and possibly costs for depositions

Clerk to the Board Instructions:

Exhibits Attached:

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Curt Smith, District 4, Commissioner 
Stockton Whitten	Assistant County Manager	



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
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July 8, 2015

M E M O R A N D U M

TO: Commissioner Curt Smith, District 4

RE: Item VI.F.1., Resolution Formalizing the Board's Pre-Meeting Invocation Policy

The Board of County Commissioners, in regular session on July 7, 2015, approved Option 1, to adopt Resolution No. 15-101, formalizing the Board's Pre-Meeting Invocation Policy; and authorized the County Attorney to seek Declaratory Judgment. Enclosed is a certified copy of the Resolution.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

Encl. (1)

cc: County Attorney

Resolution No. 2015-101

A RESOLUTION OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE BOARD OPERATING PROCEDURES SET FORTH IN RESOLUTION 05-332, AS AMENDED BY RESOLUTION 14-219; ADOPTING A FORMAL POLICY RELATING TO TRADITIONAL CEREMONIAL PRE-MEETING PRAYER.

WHEREAS, the Board of County Commissioners in Brevard County has had a longstanding tradition of calling for an invocation before commencing a regular meeting of the County Commission at which the secular business of the County will be reviewed and acted upon; and

WHEREAS, the Board has previously responded in writing to requests made by atheists seeking to perform a pre-meeting prayer and, in so doing, has identified an informal policy addressing the issue of pre-meeting prayer; and

WHEREAS, the Board has not yet enacted a formal policy relating to pre-meeting prayer; and

WHEREAS, Board members have received a joint letter from Americans United for Separation of Church and State (AUSCS), The Freedom from Religion Foundation (FFRF), the ACLU of Florida, and the ACLU Program on Freedom of Religion and Belief (collectively called "the ACLU) in behalf of specifically named individuals who are held out to be atheists, agnostics or secular humanists and that letter requests the Board to allow the named atheists, agnostics and secular humanists to give a pre-meeting prayer at a regular Board meeting; and

WHEREAS, the Board wishes to formalize a policy on invocations that is not hostile to faith-based religions and that does not endorse secular humanism or non-belief over traditional faith-based religions comprised of constituents who believe in God;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida:

Section 1. Findings:

Brevard County Tradition of Pre-meeting Invocations

1. For at least the past forty-four years, the Brevard County Board of County Commissioners has observed the tradition of calling for a ceremonial invocation in the form of a short prayer delivered prior to the commencement of the Board's business agenda at regular meetings of the Board. (See Board Minutes attached as Exhibit A)

2. The invocation is not part of the Board's business agenda, an agenda that invariably involves entirely secular business presented to and acted upon by the Board.

3. All regular meetings of the Board of County Commissioners are open to the public and televised.

4. On a rotating basis, individual Board members have predominately selected clerics from monotheistic religions and denominations—including Christian, Jewish and Muslim—to present the invocation.

5. Prior to the invocation, in recognition of the traditional positive role faith-based monotheistic religions have historically played in the community, the Board through one or more of its member, typically interacts with the presenting cleric by offering the cleric the opportunity to tell the Board, meeting attendees and the viewing audience something about their religious organization, which may include the organization's location and ongoing and future programs or events that might be of interest to the community at large.

6. Virtually all invocations and opportunities to speak afforded to clerics during the invocation segment prior to a regular meeting last less than five minutes.

Relevant Demographics in Brevard County

7. In Brevard County the faith-based community is a minority component of the larger majority community represented by the Board of County Commissioners.

8. According to *The Association of Religious Data Archives (ARDA), County Membership Report, Brevard County*, in 2010 the population of Brevard County was 543,376.¹ (See attached Exhibit B)

9. According to the ARDA report, cited above, out of the 543,376 people living in Brevard County in 2010, only 189,430 people (including church members, their children and others who regularly attend services) claimed to be adherents to any religious faith, which was 34.9% of the County's total population.² (See attached Exhibit B)

10. According to *City Data.com*, as of 2002, Brevard County religious adherents represented 39.4% of the total population in Brevard County,³ as compared to a 50.2% average for all counties in the United States. (See attached Exhibit C)

11. According to *The Association of Statisticians for American Religious Bodies*, in the year 2000, the percent of population claimed by all religious groups in Brevard County was between 35% and 44.9%.⁴ (See attached Exhibit D)

¹ Excerpt from: The Association of Religious Data Archives: County Membership Report, Brevard County, 2010 http://www.thearda.com/rcms2010/r/c/12/rcms2010_12009_county_name_2010.asp; (retrieved June 18, 2015)

² The Association of Religious Data Archives: County Membership Report, Brevard County, 2010 http://www.thearda.com/rcms2010/r/c/12/rcms2010_12009_county_name_2010.asp; (retrieved June 18, 2015)

³ Brevard County, Florida (FL) Religion Statistics Profile - Palm Bay, Melbourne, Titusville, Merritt Island, Rockledge, <http://www.city-data.com/county/religion/Brevard-County-FL.html> (retrieved June 18, 2015)

12. Brevard County is known as Florida's Space Coast due to the presence of NASA and the world-renowned Kennedy Space Center. The County's major industries are aerospace related and include such high profile companies as Lockheed-Martin, Boeing, Northrup Grumman and Embraer.

13. Brevard County is the home to a large population of rocket scientists including aerospace and aviation engineers; mechanical engineers; computer engineers; biological scientists and environmental scientists. Brevard County is also home to the only independent technological university in the Southeast, Florida Institute of Technology which offers programs and research in rocket science, biological science, marine biology, aerospace and mechanical engineering, environmental science, physics, space science, civil engineering, aeronautical science and aviation, and computer science.

The Request

14. In behalf of specifically named individuals who are held out to be atheists, agnostics and, or Secular Humanists, the Freedom from Religion Foundation (FFRF) has joined together with Americans United for the Separation of Church and State (AUSCS) and the ACLU to present a written request to the Board members asking that the specifically named atheists, agnostics and Secular Humanists be allowed to present a pre-meeting prayer.

15. With one exception, the named individuals are members of Humanist Community of the Space Coast—the avowed purpose of which is to advance secular values and secular humanism—the Central Florida Freethought Community and, or the Space Coast Freethought Association. (See attached Exhibit E)

16. The Central Florida Free Thought Community is affiliated with the Freedom from Religion Foundation and American Humanist Association (AHA). (See: <http://cflfreethought.org/>)

17. The Humanist Community of the Space Coast is affiliated, under sponsorship, with the Central Florida Free Thought Community and the American Humanist Association (AHA). (See attached Exhibit F)

18. FFRF sponsors a webpage that invites persons to sign up for the opportunity to post "Your Godless quotes" on a "cyberboard campaign" designed to allow participants to proclaim that they are "a freethinker and why". (See attached Exhibit G)

19. Apparently, the FFRF staff then selects certain "Godless quotes" to post on their website at their www.ffrf.org/out/staffpicks page of that website. Many of the quotes selected for the FFRF "staffpicks" page are openly scoffing, mocking, demeaning, extremely hostile and even hateful toward traditional faith-based monotheistic religions,

⁴ "Percent of Population Claimed by All Religious Groups: Adherents as Percent of Population". *The Association of Statisticians for American Religious Bodies*. <http://www.rcms2010.org/maps2000/005.jpg> (retrieved June 18, 2015)

such as those that are represented before the Board during the invocation presented at any regular Board meeting. Examples of these quotes posted as of June 21, 2015, (attached as Composite Exhibit H), include:

- a. "Religion is the most devastating weapon ever used against humanity";
- b. "Superman is objectively better than Jesus, because Superman will save you whether you believe in him or not."
- c. "God-The most vengeful, jealous, pernicious, unloving dead beat Dad ever. Who also has superpowers to see and hear everything you do. Really? Who wants to sign up for that?"
- d. "The Bible is just a story. It's not even a very good one."
- e. "The church is a charity in precisely the same way that a tapeworm is a weight loss program."
- f. "I am a nonbeliever because there is historical and empirical proof that all religions are evil."

20. FFRF has engaged in this cyberboard campaign at least back to September of 2014 where other hostile quotes were posted at www.ffrf.org/out/stack/stack/2/. The same types of scoffing, mocking and hostile comments appeared on that page. (See Composite Exhibit I) Examples of those statements (the first of which omits the full spelling of a common epithet) include:

- a. "Your God is an a _____, for the Bible tells me so."
- b. "Ditch God belief and re-join the real world."
- c. "I view religion like cancer. Just because a bunch of people have it doesn't make it a good thing."
- d. "How can I be good without God? I am not a socio-path."
- e. "History shows that as scientific knowledge increases, the need for the super natural decreases."

21. Americans United for Separation of Church and State (AUSCS) operates and maintains a website that makes clear the organization's calculated goal to aggressively monitor local governments with the express intent of eliminating any activity the AUSCS considers to violate their views of what the principles of separation of church and state should be, including their view of pre-meeting invocation protocols and prayers that do not conform to the AUSCS interpretation of such principles. (See attached Exhibit J)

22. Exhibit J also demonstrates that AUSCS's website evidences the intent to create extensive political pressure on local government elected officials in an effort to make the tradition of pre-meeting prayer such an inflammatory and controversial political issue that local officials will be intimidated into either capitulating to the organization's views on pre-meeting invocations or eliminating such invocations altogether.

23. The AUSCS website content shown in Exhibit J also demonstrates that the organization's strategies include political, legal and judicial attacks against local

governments and local government officials that do not adhere or submit to the AUSCS interpretation of separation of church and state principles including the organization's views on who should be able to present an pre-meeting prayer at a regular public meeting of the local government governing body.

24. In the past, FFRF and its affiliate, Central Florida Freethought Community (CFFC), have engaged in a strategy of asserting the organizations view of issues involving the separation of church and state through litigation with local governments who do not share their views.

25. An example is the FFRF and CFFC collaboration to challenge local government policies relating to the inclusion of the religious community, a recent case being the FFRF suit against the Orange County school board where the FFRF sought to prevent tables set up for the passive distribution of Bibles in Orange County Schools. FFRF responded with a letter asking the school board to stop the practice, and then asked to distribute materials that are critical of the Bible. When the school board refused to allow FFRF materials to be distributed, FFRF sued. While the suit was pending FFRF contacted The Satanic Temple (TST)⁵ —the Tenets of which include “compassion and empathy towards all creatures in accordance with reason” and “[b]eliefs should conform to our best scientific understanding of the world. We should take care never to distort scientific facts to fit our beliefs.” TST then approached the School Board with the demand to distribute Satanic Temple literature. David Williamson—one of the persons seeking to give an invocation before this Board—labelled this strategy “Lucien’s Law.” Andrew Seidel, the lawyer for FFRF and signatory to the letter before this Board, describes Lucien’s Law as follows:

“Lucien’s Law states that governments will either (1) close open forums when The Satanic Temple asks to speak, or (2) censor The Satanic Temple, thereby opening itself to legal liability. It is “like the nuclear option of church/state separation cases.” By

⁵ According to its website, the fundamental tenets of TST are:

- One should strive to act with compassion and empathy towards all creatures in accordance with reason;
 - the struggle for justice is an ongoing and necessary pursuit that should prevail over laws and institutions;
 - one’s body is inviolable, subject to one’s own will alone;
 - the freedoms of others should be respected, including the freedom to offend;
 - to willfully and unjustly encroach upon the freedoms of another is to forgo your own;
 - beliefs should conform to our best scientific understanding of the world. We should take care never to distort scientific facts to fit our beliefs;
 - people are fallible. If we make a mistake, we should do our best to rectify it and resolve any harm that may have been caused;
 - every tenet is a guiding principle designed to inspire nobility in action and thought. The spirit of compassion, wisdom, and justice should always prevail over the written or spoken word.
- www.thesatanictemple.com/?page_id=15

November 2014, it became clear that the school board was going to choose option #1 and close the forum, which they eventually did in February 2015.”⁶

Mr. Seidel subsequently noted that: “From the first letter we sent in January 2013, we made it clear we were trying to “halt all distributions” from the bible to atheist literature.”⁷ (See attached Composite Exhibit K)

Secular Humanism

26. The stated purpose of the signatory organizations and named representatives seeking to deliver an invocation is to advance secular humanism and the humanist view of separation of church and state.

27. The Council on Secular Humanism website asserts that “Secular humanism is *nonreligious*.”

28. The Council on Secular Humanism website describes Secular Humanism in the following terms:

A comprehensive, nonreligious lifestance

Secular humanism is comprehensive, touching every aspect of life including issues of values, meaning, and identity. Thus it is broader than atheism, which concerns only the nonexistence of god or the supernatural. Important as that may be, there’s a lot more to life ... and secular humanism addresses it.

Secular humanism is nonreligious, espousing no belief in a realm or beings imagined to transcend ordinary experience.

Secular humanism is a lifestance, or what Council for Secular Humanism founder Paul Kurtz has termed a eupraxsophy: a body of principles suitable for orienting a complete human life. As a secular lifestance, secular humanism incorporates the Enlightenment principle of individualism, which celebrates emancipating the individual from traditional controls by family, church, and state, increasingly empowering each of us to set the terms of his or her own life.

A naturalistic philosophy

Secular humanism is philosophically *naturalistic*. It holds that nature (the world of everyday physical experience) is all there is, and that reliable knowledge is best obtained when we query nature using the scientific method. Naturalism asserts that supernatural

⁶ Seidel, Andrew. “What I Learned from Fighting Back Against Public School Bible Distributions”. Patheos.com, *Friendly Atheist Blog* (<http://www.patheos.com/blogs/friendlyatheist/2015/05/05/what-i-learned-from-fighting-back-against-public-school-bible-distributions/>)

⁷ Ibid.

entities like God do not exist, and warns us that knowledge gained without appeal to the natural world and without impartial review by multiple observers is unreliable.

A cosmic outlook rooted in science

Secular humanism provides a *cosmic outlook*—a world-view in the broadest sense, grounding our lives in the context of our universe and relying on methods demonstrated by science. Secular humanists see themselves as undesigned, unintended beings who arose through evolution, possessing unique attributes of self-awareness and moral agency.

A consequentialist ethical system

Secular humanists hold that ethics is *consequential*, to be judged by results. This is in contrast to so-called command ethics, in which right and wrong are defined in advance and attributed to divine authority. “No god will save us,” declared *Humanist Manifesto II* (1973), “we must save ourselves.” Secular humanists seek to develop and improve their ethical principles by examining the results they yield in the lives of real men and women.⁸

29. Three of the five persons seeking to perform nontheistic invocations are represented as being ordained Humanist Celebrants and, in one case, a Humanist Chaplain. All three of these individuals are also represented as being Secular Humanists

30. CFFC-affiliated speakers giving invocations at other local government meetings have exploited the opportunity to proselytize and advance their own beliefs while disparaging the beliefs of faith-based religions. (See Composite Exhibit L). For example, speakers have said:

- a. “When an invocation takes on the form of public prayer, it is also a violation of the very principles upon which our country and Constitution were founded. Although we are dismayed that the practice of public prayer by governing bodies charged with representing all citizens still continues in violation of the Constitution . . .” (Composite Exhibit L, sub-exhibit #1)
- b. “I speak in the name of the overwhelming majority, including anyone I’ve ever met who do not want their government to decide for them regarding anything regarding religion or any gods. I speak as well for those political leaders who despair that success in politics cannot be achieved without hypocritical piety . . . I invoke all of these people to urge Chairman Samuel S. Olens, Commissioner Helen Golen, Commissioner Bob Ott . . . to please avoid the arrogance of thinking you can or ever should express any religious beliefs other than your own. . . For any of you who are made uncomfortable by my remarks . . . [p]lease join me in urging that the Cobb County commissioners and planning commissioners cease to open their meetings

⁸ “What is Secular Humanism”; <https://www.secularhumanism.org/index.php/3260>

with public religious invocations of any kind.” (Composite Exhibit L, sub-exhibit #2).

- c. “I would prefer that the practice of invocations be discontinued . . . I ask that you do not look upward for guidance from some higher power which is most likely an outgrowth of our own fear of mortality . . . It’s important to remember that you don’t need a god to hop, to care, to love, or to live. And we certainly don’t need one to help conduct city business.” (Composite Exhibit L, sub-exhibit #3).
- d. “People in the later ages eventually became obsessed with power and greed, driven by their beliefs that their higher powers were better than any others . . . Put it simply as, ‘My Sky Cake is better that [sic] your Sky Baklava.’” (Composite Exhibit L, sub-exhibit #4).
- e. “[F]or the bounty of logic, reason, and science, we simply thank the atheists, agnostics, Humanists . . . Let us, above all, love one another, not to obtain mythical rewards for ourselves now, hereafter, or based on superstitious threats of eternal damnation, but rather, embrace secular-based principles of morality . . . And so we pray. So what?” (Composite Exhibit L, sub-exhibit #5)
- f. “When we need to find wisdom, let’s look to the documents of government, the Constitution . . . the Bill of Rights, and yes, the first amendment which in one sentence provides for the separation between church and state . . . In the face of adversity, we need not look above for answers . . .” (Composite Exhibit L, sub-exhibit # 6)

31. According to Defendant CFFC’s own Facebook page, it strategically seeks to offend faith-based religions in open forums in order to pressure the local government into closing the forum or censoring the content and exposing itself to liability. In a post by CFFC on its Facebook page, it asked the question: “Should Atheists be More Confrontational When Giving Secular Invocations at Government Meetings?” and linked to the eponymous article posted on “The Friendly Atheist” blog. Composite Exhibit M. In the article, the writer says: “What is the purpose of these secular invocations? We want to get rid of them altogether.” (Composite Exhibit M, p.4). He goes on to say “when atheists are granted the chance to lead invocations, we have an opportunity to put the Christian majority in a very uncomfortable place. Why should we squander it?” (Composite Exhibit M, p.4).

32. In a prior Board-approved letter responding to CFFC founder David Williamson’s request to deliver a Humanist invocation at the beginning of a regular Board meeting, the Board promulgated an informal policy allowing secular humanists or atheists to present any supplication, redress of grievances or proposed instruction to the Board on matters relating to County business—including instruction about their views relating to pre-meeting prayer, as well as their philosophy—during the public comment

portion of the secular agenda where secular business is reviewed and acted upon by the Board. (See attached Composite Exhibit N)

33. The letter to Mr. Williamson reflects a longstanding practice of the Board to provide a limited public forum under the Public Comment section of its business agenda at regular meetings of the Board, which occurs twice during the course of a regular meeting—once after the consent portion of the business agenda has been acted upon and a second time at the end of the meeting. The limited public forum during Public Comment implements Article I, section 5 of the Florida Constitution which provides that “the people shall have the right...to instruct their representatives, and to petition for redress of grievances”.

34. The Board has not and does not censor or restrict what is said during Public Comment agenda as long as it relates to matters within the broad range of subjects identified in the Public Comment Policy set forth in this Resolution. The Board does restrict each Public Comment speaker to three minutes of speaking time.

35. The underlying policy for the Public Comment section of the business agenda is set forth in Resolution 14-219. In accordance with that policy, “[p]ersons speaking under the public comment portion of the agenda may address topics or issues under the jurisdiction or control of the County Commission or that are relevant to business of the County Commission” and “to those items where the Board has traditionally expressed a position for the betterment of the community interest.” The Board’s existing policy notes that “it is the policy of the Board of County Commissioners to respect minority views as well as differing opinions conclusions backgrounds and beliefs.” The underlying purpose for the policy is the Board’s finding “that input from differing perspectives enriches public discussion and helps to build a better consensus.”⁹

Conclusions

36. Based upon findings 1 through 37, above, the Board finds that yielding to FFRF and AUSCS views by supplanting traditional ceremonial pre-meeting prayer before the Board’s secular business agenda at regular Board meetings—a segment reserved for the acknowledgement and interaction with the county’s faith-based community—with an “invocation” by atheists, agnostics or other persons represented by or associated with FFRF and AUSCS could be viewed as County hostility toward monotheistic religions whose theology and principles currently represent the minority view in Brevard County. The Board concludes that such action may be deemed to violate the Constitution of the State of Florida.

37. Based upon findings 1 through 37, the organizations requesting the substitution of Secular Humanists or atheists to conduct a pre-meeting invocation by displacing representatives of the minority faith-based monotheistic community which has

⁹ Brevard County Resolution 2014-219

traditionally given the pre-meeting prayer, could be viewed as the Board endorsement of Secular Humanist and Atheist principles in view of:

- a. the overwhelmingly secular nature of the Board's business meeting following the invocation; and
- b. the evidence suggesting that the requesting organizations are engaged in nothing more than a carefully orchestrated plan to promote or advance principles of Secular Humanism through the displacement or elimination of ceremonial deism traditionally provided by monotheistic clerics giving pre-meeting prayers.

38. All of the organizations seeking the opportunity to provide an invocation have tenets or principles paying deference to science, reason and ethics, which, in most cases, are the disciplines the Board must consider, understand and utilize when acting upon secular items presented for consideration during the Board's secular business agenda.

39. Therefore, the Board finds that deferring consideration or presentation of a secular humanist supplication during the Public Comment portion of the agenda immediately after the consent agenda—which is the first item on the secular business agenda is acted upon—does not deny or unreasonably restrict the opportunity of the requesting parties to present their Secular Humanist or atheistic invocations, supplications, instruction, petitions for redress of grievances or comments, all of which can be presented during the portion of the agenda reserved for secular business matters.

Section 2. Amendment of Resolution 05-332.

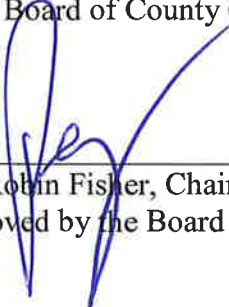
Resolution 05-332, as amended by Resolution 14-219, is hereby amended by adding a new section 9.1(c) to read as follows:

“(c) The Board's findings and conclusions set forth in the Resolution Adopting a Formal Policy Relating to Traditional Ceremonial Pre-Meeting Prayer, enacted on July 7, 2015, are hereby incorporated into this policy. In view of the requests by secular, humanist, atheist and Secular Humanist organizations to provide a secular, Secular Humanist or an atheist invocation, the Board hereby clarifies the intent of the Board's existing policies allowing Public Comment to include individual or representative comments intended to instruct the Board; to petition for redress of grievances; to comment upon matters within the control, authority and jurisdiction of the Board; and to comment on matters that are relevant to business of the County Commission, as well as matters upon which the Board has traditionally expressed a position for the betterment of the community interest. Secular invocations and supplications from any organization whose precepts, tenets or principles espouse or promote reason, science, environmental factors, nature or ethics as guiding forces, ideologies, and philosophies that should be observed in the secular business or secular decision making process involving

Brevard County employees, elected officials, or decision makers including the Board of County Commissioners, fall within the current policies pertaining to Public Comment and must be placed on the Public Comment section of the secular business agenda. Pre-meeting invocations shall continue to be delivered by persons from the faith-based community in perpetuation of the Board's tradition for over forty years."

Done and Resolved, this 7th day of July, 2015.

Brevard County Board of County Commissioners

By: 
Robin Fisher, Chairman
(as approved by the Board on July 7, 2015)

Attest:


Scott Ellis, Clerk



MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS

BREVARD COUNTY, FLORIDA

APRIL 22, 1971

The Board of County Commissioners of Brevard County, Florida, met in Regular Session, on April 22, 1971, at 9:00 a.m., in Commission Chambers, Brevard County Courthouse, Titusville, Florida. Present were: Chairman Evans; Commissioners Hurst, Wenner and Wilson. Absent was: Commissioner Steele*

The Invocation was given by Commissioner Hurst.

Commissioner Wenner led the assembly in the Pledge of Allegiance.

APPROVE MINUTES OF MEETING

Motion by Commissioner Wenner, seconded by Commissioner Hurst, to approve the minutes of the regular meeting, April 8, 1971, as submitted. Motion carried and ordered.

Motion by Commissioner Hurst, seconded by Commissioner Wenner, to approve the minutes of the Workshop Session, April 1, 1971, as submitted. Motion carried and ordered.

Motion by Commissioner Wilson, seconded by Commissioner Hurst, to approve the minutes of the regular meeting, April 15, 1971, as submitted. Motion carried and ordered, Commissioner Wenner abstained.

*Commissioner Steele's presence was noted at this time.

PERSONAL APPEARANCES - ED CALDWELL, PURCHASING DIRECTOR

Motion by Commissioner Hurst, seconded by Commissioner Wenner, to award Bid No. 71-58, Theodolite and Tripod, for the Public Works Department to the fourth low bidder, Florida Level and Transit Company, in the amount of \$1,816.00. All bids, awards, and justifications of award are filed in the office of the Secretary to the Board. Motion carried and ordered. Commissioners Wilson and Steele abstained.

Motion by Commissioner Hurst, seconded by Commissioner Wilson, to authorize purchase of shelving in the amount of \$1,233.50 for the Melbourne Public Library, on a sole source basis. Motion carried and ordered.

Motion by Commissioner Hurst, seconded by Commissioner Wilson, to grant permission to purchase on a sole source basis, micro-film and indexes from the New York Times in the amount of \$3,166.50 for the Cocoa Public Library. Motion carried and ordered.

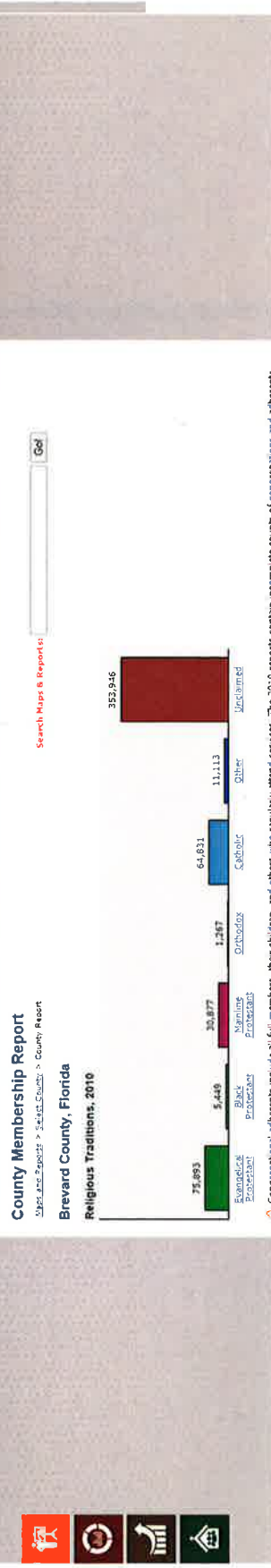
Motion by Commissioner Hurst, seconded by Commissioner Wenner, to authorize repair to a D-7 Caterpillar, costs in the approximate amount of \$5,000.00, on a sole source basis. Motion carried and ordered.

CO01

EXHIBIT

A

tabbles



Congregational adherents include all full members, their children, and others who regularly attend services. The 2010 reports contain incomplete counts of congregations and adherents belonging to the eight largest historically African-American denominations. These denominations are not included in the 2000 reports and are largely missing from the 1990 and 1980 reports.

2010 Report

Religious Bodies	Tradition	Family	Congregations	Adherents	Adherence Rate ¹
African Methodist Episcopal Church	Black Protestant	Methodist/Piety	7	2,045	3.8
African Methodist Episcopal Zion Church	Black Protestant	Methodist/Piety	1	117	0.2
American Baptist Association, The	Evangelical Protestant	Baptist	2	23	0.0
American Baptist Churches in the USA	Mainline Protestant	Baptist	1	28	0.1
Anglican Church in North America	Evangelical Protestant	Episcopalianism/Anglicanism	3	***	***
Antiochian Orthodox Christian Archdiocese of North America, The	Orthodox	Eastern Liturgical (Orthodox)	1	65	0.1
Assemblies of God	Evangelical Protestant	Pentecost	13	1,891	3.5
Associate Reformed Presbyterian Church	Evangelical Protestant	Presbyterian-Reformed	2	379	0.7
Bahá'í	Other	Other Groups	3	185	0.3
Bible Presbyterian Church (General Synod)	Evangelical Protestant	Presbyterian-Reformed	1	***	***
Buddhism, Theravada	Other	Other Groups	3	132	0.2
Buddhism, Mahayana	Other	Other Groups	1	375	0.7
Calvary Chapel Fellowship Churches	Evangelical Protestant	Pentecostal	4	***	***
Catholic Church	Catholic	Catholicism	14	64,831	119.3



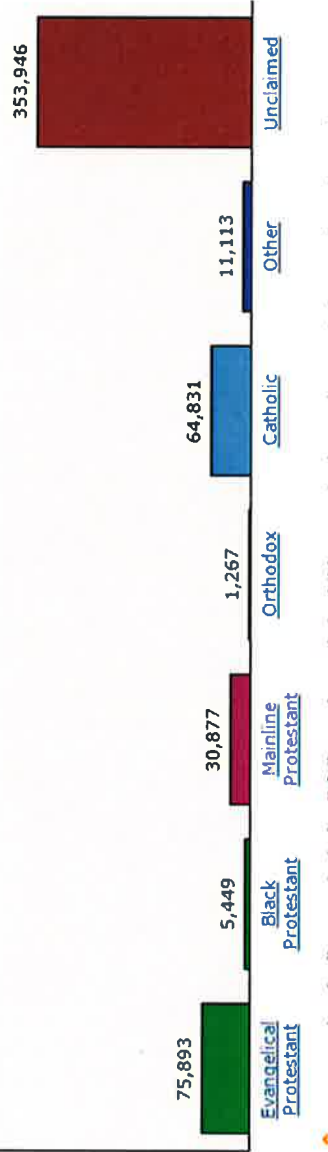
County Membership Report

[Maps and Reports](#) > [Select County](#) > County Report

Brevard County, Florida

Religious Traditions, 2010

[Search Maps & Reports:](#)



Unity Churches, Association of	Other	Other Groups
Vineyard USA	Evangelical Protestant	Pentecostal	2	123
Wesleyan Church, The	Evangelical Protestant	Holiness	1	34
Wisconsin Evangelical Lutheran Synod	Evangelical Protestant	Lutheran	2	304
Totals:			414	189,430

The population of Brevard County, Florida was 543,376 in 2010; in 2000 it was 476,230. The total population changed 14.1%. The adherent totals of the religious groups listed above (189,430) included 34.9% of the total population in 2010.

* In an effort to better match the ASARB standards for adherents, a few religious bodies changed the way their adherents were reported in 2010, including the Catholic Church, Amish groups, Friends groups, Jewish groups, the Church of Jesus Christ of Latter-day Saints, Non-denominational Christian Churches, and the United Methodist Church. This change does not affect any of the data in the newly released 2010 U.S. Religion Census: Religious Congregations & Membership Study. In fact, the data for these groups are now more comparable to that of other bodies than it was in previous decadal reports.

However, the change in methodology can distort assessments on growth or decline between 2000 and 2010 for each of these groups. County-level 2000 data using the new methodology are not readily available. ASARB staff has adjusted some 2000 county-level adherent statistics to allow for a more accurate picture on growth or decline. The revised maps and charts are now available on-line at www.usreligioncensus.org for those who are interested in these trends.

Source

2010 data were collected by the *Association of Statisticians of American Religious Bodies (ASARB)* and include statistics for 236 religious groups, providing information on the number of their congregations and adherents within each state and county in the United States. Clifford Gramlich, Kirk Hadaway, Richard Houseal, Dale E. Jones, Alexei Krindatch, Richie Stanley and Richard H. Taylor supervised the collection. These data originally appeared in *2010 U.S. Religion Census: Religious Congregations & Membership Study*, published by the *Association of Statisticians of American Religious Bodies (ASARB)*. [\[More information on the data collection\]](#)

*The adherence rate provides the number of adherents of a particular church per 1,000 population. For example, in 2010 the Episcopal Church had an adherence rate of 7.6 in Autauga County, Alabama. This means that about 8 out of every 1,000 people in Autauga County were Episcopalian.

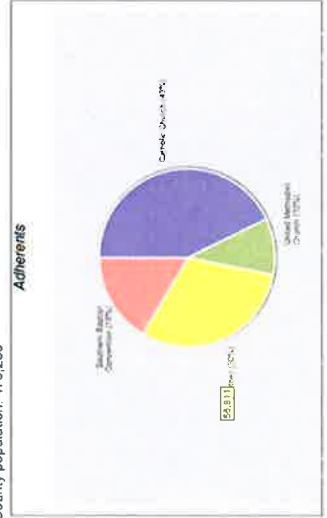


Brevard County, Florida (FL) Religion Statistics Profile - Palm Bay, Melbourne, Merritt Island, Rockledge

Back to: Brevard County profile, Florida, Florida forum, All US cities

Percentage of population affiliated with a religious congregation: 39.17%
 Here 39.2%
 USA 39.2%
 Total adherents in this county: 186,516, state total: 6,576,205
 Total congregations in this county: 284, state total: 10,078
 County population: 476,230

Jump to a detailed profile or search site with Google Custom Search
 City, County or Zip Code
 Search

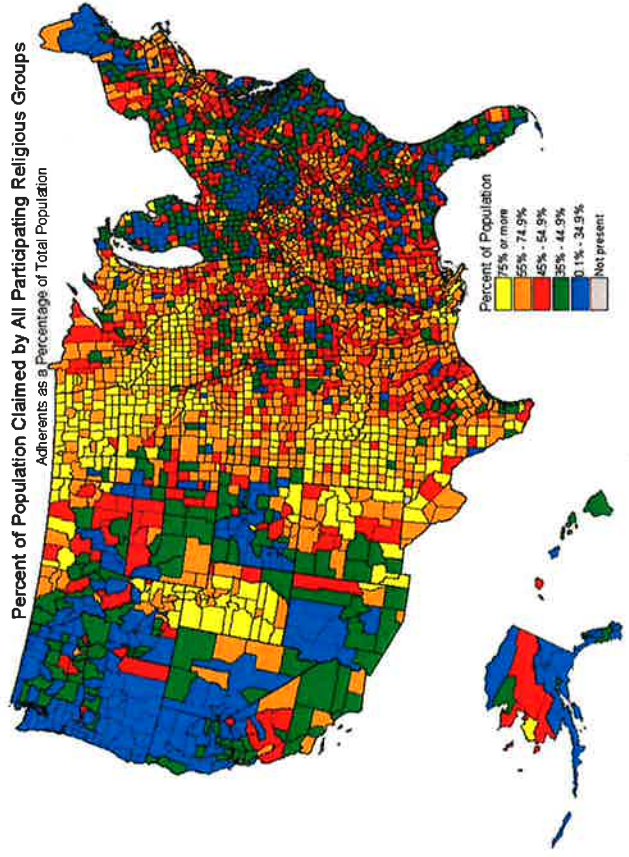


Breakdown of population affiliated with a religious congregation - Main religions

Religion	County	State
Catholic Church	79,847 (42.8%)	79,847 (42.8%)
Protestant	59,301 (31.8%)	59,301 (31.8%)
Evangelical Protestant	35,301 (19.2%)	35,301 (19.2%)
Other Denominations	8,653 (4.6%)	8,653 (4.6%)



Percent of Population Claimed by All Participating Religious Groups Adherents as a Percentage of Total Population





(202) 466-3234
(202) 898-0955 (fax)
www.au.org

1901 L Street, NW
Suite 400
Washington, DC 20036

May 26, 2015

By U.S. Mail and Email

Commissioner Robin Fisher
Chair
Board of County Commissioners
400 South Street
Suite 1-A
Titusville, Florida 32780
D1.Commissioner@brevardcounty.us

Commissioner Jim Barfield
Vice Chair
Board of County Commissioners
Merritt Island Service Complex
2575 North Courtenay Parkway
Suite 200
Merritt Island, Florida 32953
D2.Commissioner@brevardcounty.us

Commissioner Trudie Infantini
1311 E. New Haven Avenue
Melbourne, Florida 32901
D3.Commissioner@brevardcounty.us

Commissioner Curt Smith
2725 Judge Fran Jamieson Way
Building C Suite 214
Viera, Florida 32940
D4.Commissioner@brevardcounty.us

Commissioner Andy Anderson
1515 Sarno Road
Building B
Melbourne, Florida 32935
D5.Commissioner@brevardcounty.us

Re: Nontheists' Requests to Deliver Opening Invocations

Dear Commissioners Fisher, Barfield, Infantini, Smith, and Anderson:

On January 26, 2015, we sent you a letter requesting that certain nontheists, including David Williamson and Chase Hansel, be permitted to deliver invocations at the opening of Board of County Commissioners meetings. We did not receive a response to this letter. You previously denied, through a resolution enacted on August 19, 2014, a request made to you directly by Mr. Williamson that he, or other members of his organization Central Florida Freethought Community, be permitted to deliver invocations.

We now supplement our January 26, 2015 letter by requesting that the nontheist individuals listed below, or other representatives or members of the nontheist organizations listed below, be permitted to deliver nontheistic invocations at the opening of Board of County Commissioners meetings:

• Keith Becher, a resident of Satellite Beach and District 4 of Brevard County. Mr. Becher is an atheist and a Secular Humanist. He is an ordained Humanist Celebrant. He is the President and Organizer of Humanist Community of the Space Coast (described below), and a member of the boards of directors of Central Florida



Freethought Community and Space Coast Freethought Association (described below).

- Ronald Gordon, a resident of Palm Bay and District 3 of Brevard County. Mr. Gordon is an atheist/agnostic. He e-mailed Commissioner Infantini requests to be permitted to deliver an invocation, on August 20, August 27, and September 12, 2014, but he did not receive a response to those e-mails.

- Jeffery Koeberl, a resident of West Melbourne and District 5 of Brevard County. Mr. Koeberl is a Secular Humanist and an atheist. He is an ordained Humanist Celebrant and Humanist Chaplain. He is the Co-Organizer of Humanist Community of the Space Coast, and a member of Central Florida Freethought Community and Space Coast Freethought Association.

- Space Coast Freethought Association (“SCFA”), a non-profit organization headquartered in Palm Bay and District 3 of Brevard County. SCFA describes itself as a

community of reason-based individuals organized to facilitate social interaction, promote the non-theistic, rationalist viewpoint as a valid contribution to public discourse, reinforce the First Amendment guarantee of separation between government and religion through education and activism, and work in coalition with like-minded organizations where joint action is needed to achieve these goals.

Most of SCFA’s members reside in Brevard County and characterize themselves as atheists, though SCFA’s membership also includes people who additionally or instead characterize themselves as Humanists, agnostics, and/or freethinkers.

- Humanist Community of the Space Coast (“HCSC”), an association headquartered in Satellite Beach and District 4 of Brevard County. HCSC’s mission statement and organizational description is:

We would like to build a supportive and safe community for adults and families who acknowledge that ethical living does not require belief in supernatural, scriptural, or religious dogma. We welcome all who strive to better our communities through kindness, compassion, empathy, reason, science and rationality. Through volunteer efforts, community outreach and positive activism we look to advance secular values, government, and secular humanism as a whole. “Give to every human being every right that you claim for yourself.” ~ R. G. Ingersoll

Most of HCSC’s members reside in Brevard County. HCSC welcomes as members people who identify themselves as Humanists, agnostics, freethinkers, church-state separation advocates, and other nontheists.



We further reiterate the prior requests you have received that the nontheist individuals listed below, or other representatives or members of the nontheist organizations listed below, be permitted to deliver nontheistic invocations at the opening of Board of County Commissioners meetings:

- David Williamson, a resident of Oviedo, Florida. Mr. Williamson is an atheist and a Secular Humanist. He is an ordained Humanist Celebrant. He is the founder and Chair of Central Florida Freethought Community and a member of Space Coast Freethought Association and Humanist Community of the Space Coast.

- Chase Hansel, a resident of Melbourne and District 3 of Brevard County. Mr. Hansel is an atheist and a Secular Humanist. He is the President of Space Coast Freethought Association.

- Central Florida Freethought Community ("CFFC"), a non-profit organization that is headquartered in Winter Park. CFFC has many members in Brevard County. Its members include people who characterize themselves as atheists, agnostics, Humanists, and freethinkers. More details about CFFC are set forth in its letters to you of May 9 and July 22, 2014.

Please let us know by June 16, 2015 whether you will permit the nontheist individuals listed above, or other representatives or members of the nontheist organizations listed above, to deliver nontheistic opening invocations at your meetings. We will treat a failure to respond to this letter as a denial of our requests, in accordance with the resolutions you passed on the issue of nontheistic invocations at your August 19 and November 6, 2014 meetings. Thank you for your attention to this matter.

Sincerely,



Alex J. Luchenitser
Associate Legal Director
Americans United for Separation of
Church and State
1901 L Street NW, Suite 400
Washington, DC 20036

Daniel Mach
Director
ACLU Program on Freedom of Religion
and Belief
915 15th Street NW
Washington, DC 20005

Rebecca S. Markert
Andrew L. Seidel
Attorneys
Freedom From Religion Foundation
PO Box 750
Madison, WI 53701

Nancy Abudu
Legal Director
ACLU of Florida
4500 Biscayne Blvd. Suite 340
Miami, FL 33137



Humanist Community of the Space Coast

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Central Florida Freethought Community

Central Florida Freethought Community/FFRF Chapter and Affiliate



American Humanist Association

Advocating progressive values, equality for humanists, atheists, and all

EXHIBIT

Tables

F

2:27 PM

Home - Our Billboard Campaign

CALLING ALL NONBELIEVERS... COME OUT OF THE CLOSET!

Join FFRF's Out of the Closet Virtual Billboard Campaign

Declare and share your nonbelief. Although the nonreligious — including one in six U.S. citizens — are a significant segment of the world population, many Americans have never knowingly met a nonbeliever. You can help dispel myths, educate and promote reason by adding your voice, face and message to FFRF's friendly neighborhood free-thinker campaign. FFRF's "Out of the Closet" billboards and bus signs are going up around the country. Although we can't put everyone on a real billboard, every nonbeliever can participate in this unique "outreach" campaign. (Yours might even be chosen, with your permission, for an actual billboard.) This is your chance to proclaim you're a free thinker and why. It's working for the gay rights movement. Now it's time for atheists and agnostics to come out of our closet. Many faces make Enlightenment work.

To be most effective, keep statements succinct. Participants may wish to coin a catchable quote about religion that you'd like to see on a real billboard or advertisement, or to make an affirmative statement about being a free thinker. We encourage you to really "come out of the closet" and use your face and your own words. You may prefer fast, funny, non-verbal or to add a description, such as "atheist" ("No D"), "atheism", "agnostic or deist", "college student", "grandfather", "gambler", etc. for a personal touch.

Your picture goes here

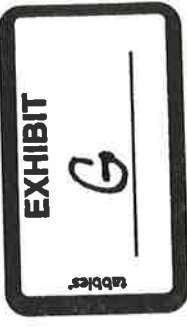
Your Godless quote goes here

Your name
Out of the Closet (Your Affiliation)

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Out of the Closet Atheist
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*Religion is the most devastating
weapon ever used against humanity.*

Out of the Closet Atheist

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I believe in the one true Dog, and I
put no Dogs before him. The father,
the son, and the holy kibble.

Out of the Closet Atheist

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EXHIBIT

H

tabbles

Out of the Closet Atheist
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“Superman is objectively better than Jesus, because Superman will save you whether you believe in him or not.”



Out of the Closet Atheist
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Out of the Closet Rationalist
FFRF.ORG FREEDOM FROM RELIGION FOUNDATION

The threat of damnation is no reason to believe in something. I don't negotiate with terrorists, including gods.

Out of the Closet Atheist
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Out of the Closet Freethinker

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God- The most vengeful, jealous, pernicious, unloving dead beat Dad ever. Who also has super powers to see and hear everything you do. Really? Who wants to sign up for that?

Out of the Closet Atheist

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EXHIBIT

H

tabbles

What is Secular Hum... x FFRE STAFF PICKS - x
frrf.org/2015/07/22/staff-picks
Apps Google Imported From IE ARC - Inbox - S... biblegateway.c... f biblos.com Sear... @ rr.com News, S... MSN.com UF Football Ga... Facebook Amazon Smart... Facebook Other bookmarks

No mind-reading deities?
Now THAT'S good news!
[Redacted]
Out of the Closet Atheist
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The Bible is just a story. It's
not even a very good one.
[Redacted]
Out of the Closet Atheist
FFRF.ORG FREEDOM FROM RELIGION FOUNDATION

4000...
FFRE STAFF P...
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EXHIBIT
H

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I am a nonbeliever because there
is historical and empirical proof
that all religions are evil.



Out of the Closet Unbeliever

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The church is a charity in precisely the same way that a tapeworm is a weight loss program.

Out of the Closet Atheist

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Christians are so used to being in a position of privilege that they mistake any loss of privilege for oppression

Out of the Closet Atheist

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Out of the Closet Atheist
FFRF.ORG FREEDOM FROM RELIGION FOUNDATION

*Religion is a lie, Believers are the victims.
Fight faith with facts.*

Out of the Closet Atheist

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FFRF.ORG FREEDOM FROM RELIGION FOUNDATION

Man couldn't handle the idea of death so he invented an invisible man in the sky who can magically grant him the opportunity to see his loved ones after he dies.



Out of the Closet Atheist

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It was reading the bible for myself that



When I became convinced that the universe is natural—that all the ghosts and gods are myths, there entered into my brain, into my soul, into every drop of my blood, the sense, the feeling, the joy of freedom. —Robert Green Ingersoll (1833–1899)

Out of the Closet Atheist

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Your god is an asshole,
for the bible tells me so.

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Don't cut what you can untie.

Out of the Closet Humanist

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[Like](#) Sign Up to see what your friends like.

Ditch the god belief and re-join the real world

Out of the Closet Atheist

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The best cure for christianity is reading the bible. There are many thousand gods in the world. They are all made by people.

Out of the Closet Atheist

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When you need something to believe in, start with yourself.

Out of the Closet Atheist

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Like | One person likes this. Sign Up to see what your friends like.

Telling an adult there is no god, is like telling a child there is no Santa Clause. Do you still believe in Santa Clause too?

[Redacted]

Out of the Closet Atheist

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[Like](#) Sign Up to see what your friends like.

No hell below us...
Above us only sky.

[Redacted]

Out of the Closet Atheist

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I eventually figured out that you CANNOT call yourself an educated person if you believe in a talking snake and a woman made from a rib. That's the mindset of the uneducated.

[Redacted]

Out of the Closet Atheist

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I view religion like I do cancer. Just because a bunch of people have it, doesn't make it a good thing.

Out of the Closet Atheist

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Somebody said, "Be the change you want to see in the world." Maybe he was on to something. I chose to be free from the chains of religion, so that my children would be free to change.

Out of the Closet Free thinker

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"Why am I an Atheist? Because it matters. It matters regardless of whether you agree or fully understand."

- Josh "Mr. Gigabytes" Tordsen

Out of the Closet Atheist

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Jesus died for my sins? Where should I send his Darwin Award?

Out of the Closet Atheist

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I think evolution is a supernatural thing who will create from what it had when I believe in IT about the technology today who I think will be!

Out of the Closet Atheist

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How can I be good without God? I'm not a socio-path!

Out of the Closet Atheist

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[Like](#) One person likes this. Sign Up to see what your friends like.

Religious suppression is a parasite on the mind, it is an institution against the ability to think rationally. Knowledge should be to educate, reason and logical thought are the good. I am so happy to be free of my own religious beliefs who I will have to be free to think like an atheist friend.

Out of the Closet Atheist

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[Like](#) Sign Up to see what your friends like.

History shows that as scientific knowledge increases, the need for the supernatural decreases.

Out of the Closet Atheist

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Americans United fights for church-state separation of a wide variety of fronts. Here are some of the issues we work on. We encourage you learn more about each of them. Knowledge is power.

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Our Issues

- Discrimination, Religious Exemptions & Free Exercise of Religion
- Churches and Politics
- Marriage, Reproductive Justice & Other Privacy Issues
- Nominations & the Judiciary
- Foundations of Church-State Separation
- Religion in Public Schools and Universities
- The Faith-Based Initiative & Government Subsidies of Religious Institutions (other than schools)
- School Vouchers & Government Subsidies of Religious Schools
- Official Prayer, Religious Displays & Ceremonial Religion (outside schools)
- Fighting the Religious Right

Religion in Public Schools and Universities

- Creationism & Evolutionism
- School Prayer
- Bibles and Religious Texts in Curricula
- Student Religious Clubs
- Religious Organizations, Events and Evangelism during the School Day
- Religious Music
- Religious Displays and Holidays
- Pledge of Allegiance
- Religious Instruction during the School Day or "Release Time"
- Use of Religious Buildings by Schools
- Use of School Buildings by Religious Groups (during non-school hours)
- Other Issues regarding Religion in Schools and Universities

School Vouchers & Government Subsidies of Religious Schools

- Vouchers
- Tuition Tax Credits and Deductions
- Other Government Aid to Religious Schools

Official Prayer, Religious Displays & Ceremonial Religion (outside schools)

- Prayer at Government Events and Legislative Meetings
- Government-Sponsored Religious Displays
- Religious Memorials, Pledges and Resolutions (outside schools)



Official Prayer, Religious Displays & Ceremonial Religion (outside schools)

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Government should treat all of its citizens equally. No American should be made to feel like a second-class citizen on the basis of what he or she believes (or does not believe) about God or religion. When government sponsors prayer, erects religious symbols or includes worship in official activities, it sends a message that some faiths are preferred over others or that faith is preferred over non-faith. Government should be neutral on theological questions and should never send a message like this.

After the Supreme Court Ruling in *Town of Greece v. Galloway*, we launched *Operation Inclusion*, our campaign to encourage inclusive ceremonies and meeting invocations at local government meetings.

Legislative Activity

Governors Push For Private School Vouchers
 2 Web App

Legal Activity

Hickentopper V. Freedom From Religion Foundation
 2 Web App



MOST RECENT

Nature Coast (Florida) Chapter Shares Accomplishments
 In The Field



Operation Inclusion

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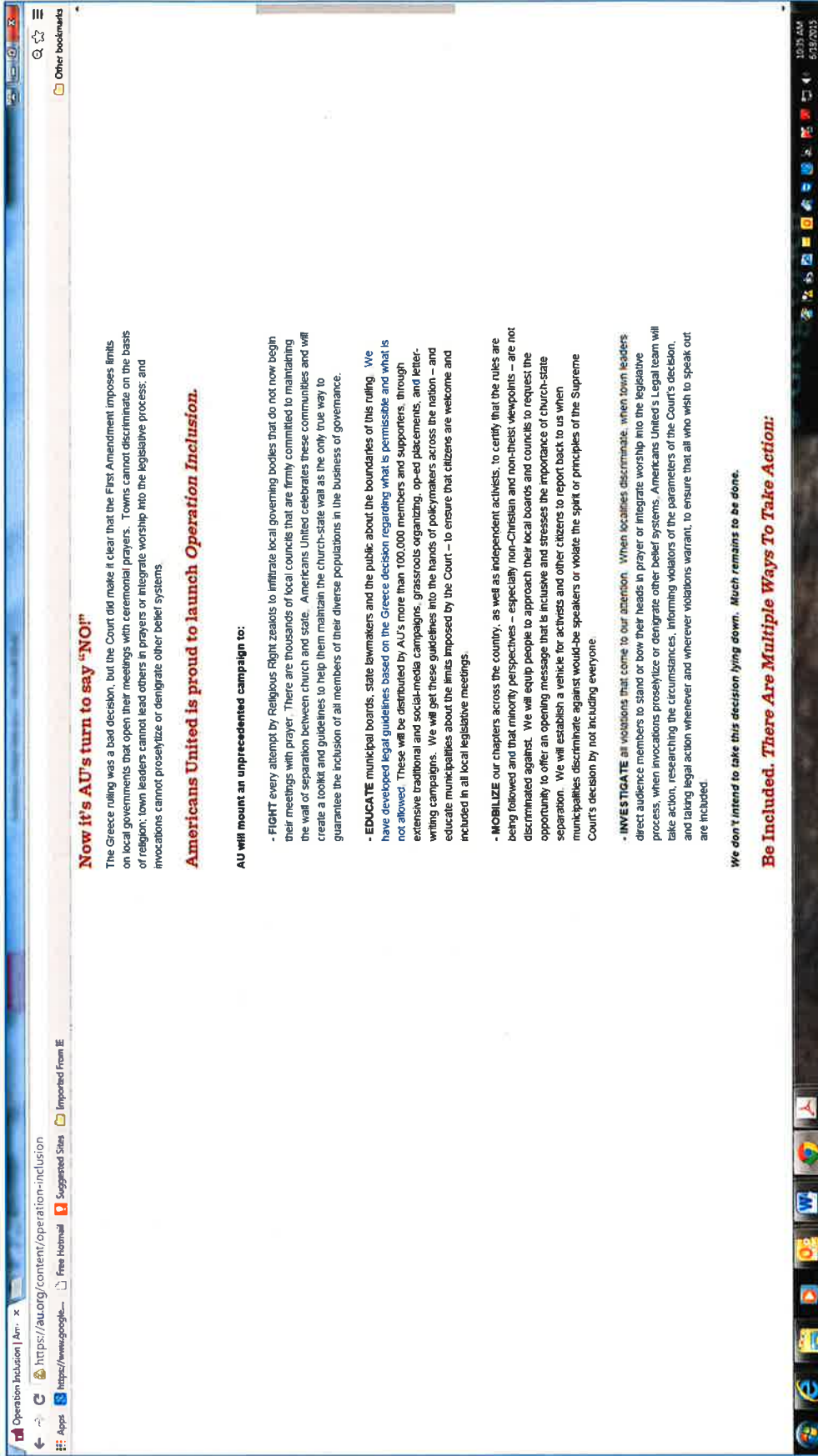


SEE SOME EXAMPLES OF OPERATION INCLUSION IN ACTION.

Americans United fought to keep exclusive prayers – ones that evoke particular religions – out of your town meetings, and the Supreme Court told us “NO.” – Now Religious Right zealots are hijacking the Town of Greece v. Galloway decision, claiming they have a green light to promote the majority’s prayers in local government meetings across the nation.

Now it’s AU’s turn to say “NO!”

The Greece ruling was a bad decision, but the Court did make it clear that the First Amendment imposes limits on local governments that open their meetings with ceremonial prayers. Towns cannot discriminate on the basis of religion; town leaders cannot lead others in prayers or integrate worship into the legislative process; and individuals cannot encourage or denigrate other belief systems.



Now it's AU's turn to say "NO!"

The Greece ruling was a bad decision, but the Court did make it clear that the First Amendment imposes limits on local governments that open their meetings with ceremonial prayers. Towns cannot discriminate on the basis of religion; town leaders cannot lead others in prayers or integrate worship into the legislative process; and invocations cannot proselytize or denigrate other belief systems.

Americans United is proud to launch *Operation Inclusion*.

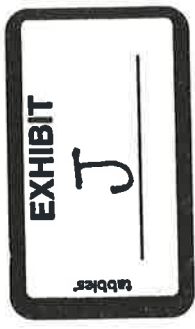
AU will mount an unprecedented campaign to:

- **FIGHT** every attempt by Religious Right zealots to infiltrate local governing bodies that do not now begin their meetings with prayer. There are thousands of local councils that are firmly committed to maintaining the wall of separation between church and state. Americans United celebrates these communities and will create a toolkit and guidelines to help them maintain the church-state wall as the only true way to guarantee the inclusion of all members of their diverse populations in the business of governance.
- **EDUCATE** municipal boards, state lawmakers and the public about the boundaries of this ruling. We have developed legal guidelines based on the Greece decision regarding what is permissible and what is not allowed. These will be distributed by AU's more than 100,000 members and supporters, through extensive traditional and social-media campaigns, grassroots organizing, op-ed placements, and letter-writing campaigns. We will get these guidelines into the hands of policymakers across the nation – and educate municipalities about the limits imposed by the Court – to ensure that citizens are welcome and included in all local legislative meetings.
- **MOBILIZE** our chapters across the country, as well as independent activists, to certify that the rules are being followed and that minority perspectives – especially non-Christian and non-biased viewpoints – are not discriminated against. We will equip people to approach their local boards and councils to request the opportunity to offer an opening message that is inclusive and stresses the importance of church-state separation. We will establish a vehicle for activists and other citizens to report back to us when municipalities discriminate against would-be speakers or violate the spirit or principles of the Supreme Court's decision by not including everyone.

- **INVESTIGATE** all violations that come to our attention. When localities discriminate, when town leaders direct audience members to stand or bow their heads in prayer or integrate worship into the legislative process, when invocations proselytize or denigrate other belief systems, Americans United's Legal team will take action, researching the circumstances, informing violators of the parameters of the Court's decision, and taking legal action whenever and wherever violations warrant, to ensure that all who wish to speak out are included.

We don't intend to take this decision lying down. Much remains to be done.

Be Included. There Are Multiple Ways To Take Action:



FREEDOM FROM RELIGION *foundation*

Protecting the constitutional principle of the separation of state and church

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Home > News > Blog > What I Learned from Fighting Back Against Public School Bible Distributions



What I Learned from Fighting Back Against Public School Bible Distributions

May 11, 2015

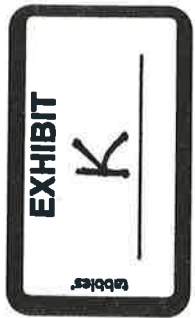
This was a guest post written by Andrew Seidel for the Friendly Atheist Blog on May 5, 2015.

When bibles were distributed in Orange County Public Schools in January of 2013, I wrote a letter to the school district on behalf of FFRF asking them to "halt all distributions" (See Exhibit D). Earlier this year the district finally banned all such distributions, but only after we sued.

Yesterday, the Eleventh Circuit Court of Appeals handed down the final word on the case, which has essentially been over since the school board voted in February to give FFRF what it asked for 28 months ago. Basically, the court said the case was

IN THIS SECTION
Archived Blog

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Yesterday, the Eleventh Circuit Court of Appeals handed down the final word on the case, which has essentially been over since the school board voted in February to give FFRF what it asked for 28 months ago. Basically, the court said the case was moot because the school district changed its mind.

Endings are a time for reflection and I learned several lessons litigating this case. But to understand the lessons, you need to understand exactly what happened. FFRF tries to resolve state church complaints through education. We only resort to lawsuits when the government ignores us or defends their First Amendment violations as legitimate. Hence, our January 2013 educational letter to the district asking them to halt all bible distributions.

The district refused. It claimed that it had an "open forum" where any outside group, including FFRF, could distribute any literature, including bibles, on school property. FFRF's position has always been that these forums should be closed. It's a debate I've been having with Oklahoma's Attorney General Scott Pruitt for a few weeks now. (The following shows why Pruitt is wrong.) But if bibles are going to be distributed, FFRF thinks students should also get literature that criticizes the bible.

With the help of our local chapter, the Central Florida Freethought Community and its founder David Williamson, FFRF asked to distribute our own lit. Orange County Public Schools insisted on vetting the literature and censored much of it. For instance, the district prohibited one book because its message that Jesus was not crucified or resurrected "is age inappropriate for the maturity levels of many of the students in high school," even though the district-approved bible claims that Jesus was crucified and resurrected. So, FFRF sued.

Only after we filed the federal lawsuit did the school district agree that our material should be permitted in public schools. The following school year, on January 3, 2014, the school district told FFRF its literature could be distributed and that the deadline for submitting new material to the school district for vetting was December 31, 2013. Yes, you read that correctly, they told us three days after the deadline. Had we wanted to distribute new literature — and we did — it would have been impossible given this timing. Moreover, the district kept the same broken vetting process in place — the same person, same procedures, and the same unbridled authority to prohibit literature with a message the district disliked — and that vetting was only applied to us. (The district actually admitted it did not vet the bible.)

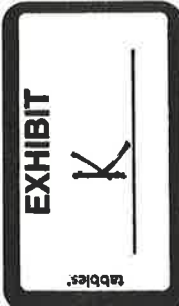
Even though we were not given any time to actually participate in the 2014 distribution, the court declared the case moot.

But more importantly, the distribution forum was still open. Sure, we could finally distribute our message, but that was not our primary goal. From the first letter we sent in January 2013, we made it clear we were trying to "halt all distributions" from the bible to atheist literature. So we wanted a way to test the forum, to ensure that it truly was a fair forum, open to all.

That's why I called my friend Lucien Greaves at The Satanic Temple in July 2014. Lucien agreed that, if the bible is being

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That's why I called my friend Lucien Greaves at The Satanic Temple in July 2014. Lucien agreed that, if the bible is being distributed in the public schools, kids should hear about the messages of other religions as well, including The Satanic Temple. Like FFRF, TST thinks that schools should stick to educating students and not open forums for adults to prey on other people's children — but like us, TST is unwilling to allow bible-thumpers to monopolize those forums.

When TST requested to distribute its wonderful coloring books in public schools, the backlash was harsh and immediate. It was also predictable. In fact, it's so predictable that David Williamson, who is not only the founder of CFFC but also a plaintiff in the case, coined a new phrase: "Lucien's Law."

Lucien's Law states that governments will either (1) close open forums when The Satanic Temple asks to speak, or (2) censor The Satanic Temple, thereby opening itself to legal liability. It is, as Hemant has noted, "like the nuclear option of church-state separation cases." By November 2014, it became clear that the school board was going to choose option #1 and close the forum, which they eventually did in February 2015.

So what have we learned?

Lesson #1: Despite the court opinions declaring the case moot, it was an unqualified success for FFRF and our chapter, CFFC. We sought to close this bible distribution forum, and it is closed. We accomplished our objectives, even if the court battle was technically a loss.

Lesson #2: Apparently, The Satanic Temple's coloring book is scarier than atheist literature. Perhaps we atheists are not the most hated group in America. Or, perhaps we're the most hated, but less feared. After all, Satan does run hell.

Lesson #3: This strategy is portable. Other school districts around the country allow bible distributions. Just this year, two districts in Oklahoma — Okemah and Checotah — told us bible distributions occurred as part of open forums. I informed them that, in that case, FFRF would like to use the forum and that we'd be telling some friends. They had closed their distributions forums within a month.







Lesson #4: Groups trying to distribute bibles in public schools are not thinking. (Shocking, I know.) Bibles are the most widely available book in this country, if not the world. It is incredibly easy for students to get a bible, but it's much harder for students to get literature critical of the bible. When these groups infiltrate schools, the schools are forced to declare an open forum, which brings in the atheists. Which message will have a bigger impact on students, the one they hear for the hundredth time or the one they hear for the first time?



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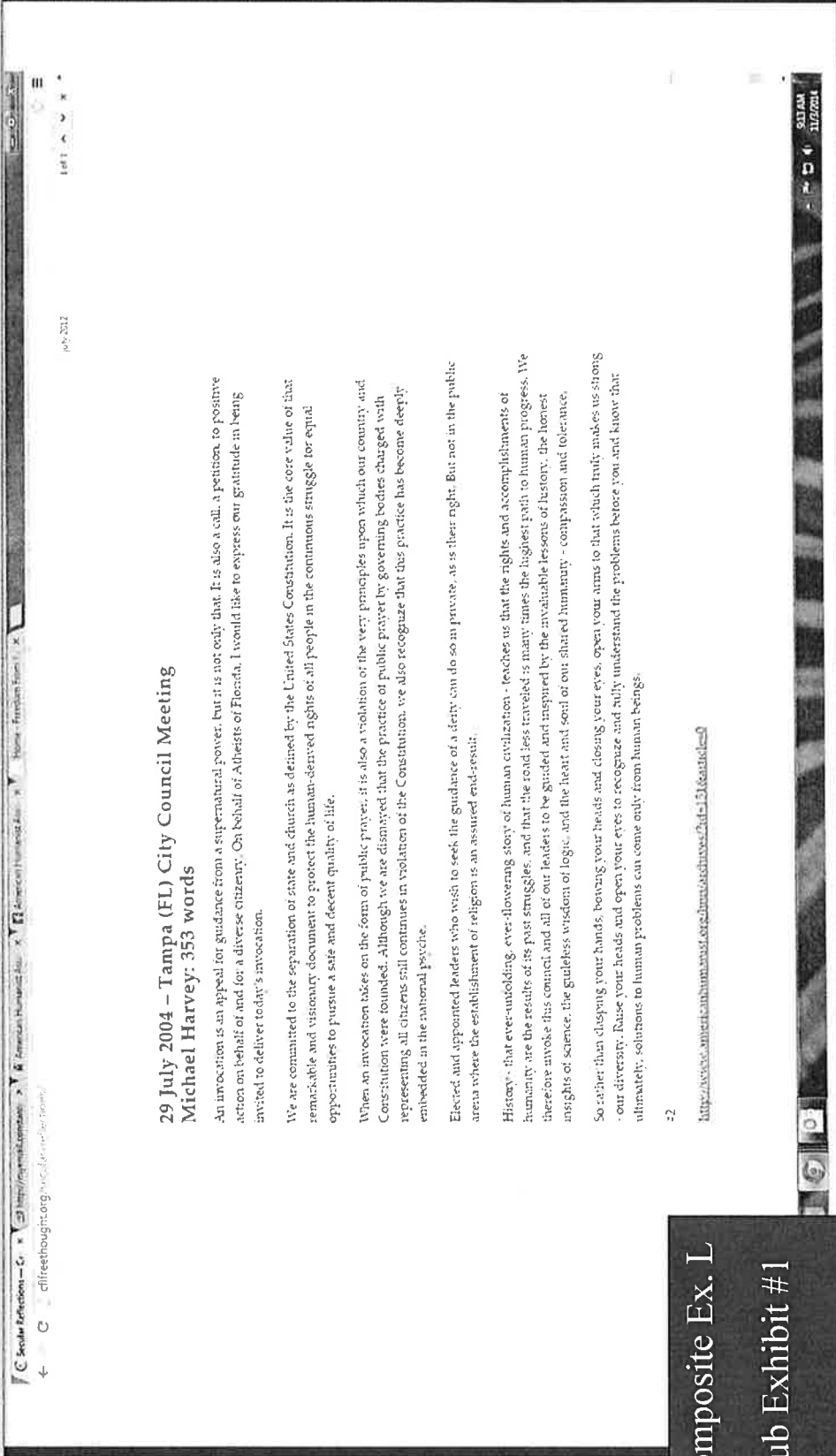
If bibles or other religious literature is being distributed in your schools, report the violation to FFRF here. Think handling 3,500 state/church complaints every year is impressive? Join FFRF.

The opinions expressed in this article are those of the author.

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COMPOSITE EXHIBIT L



29 July 2004 - Tampa (FL) City Council Meeting Michael Harvey: 353 words

An invocation is an appeal for guidance from a supernatural power, but it is not only that. It is also a call, a petition, to positive action on behalf of and for a diverse citizenry. On behalf of Atheists of Florida, I would like to express our Gratitude in being invited to deliver today's invocation.

We are committed to the separation of state and church as defined by the United States Constitution. It is the core value of that remarkable and visionary document to protect the human-derived rights of all people in the continuous struggle for equal opportunities to pursue a safe and decent quality of life.

When an invocation takes on the form of public prayer, it is also a violation of the very principles upon which our country and Constitution were founded. Although we are dismayed that the practice of public prayer by governing bodies charged with representing all citizens still continues in violation of the Constitution, we also recognize that this practice has become deeply embedded in the national psyche.

Elected and appointed leaders who wish to seek the guidance of a deity can do so in private, as is their right. But not in the public arena where the establishment of religion is an assured end-result.

History - that ever-unfolding, ever-flourishing story of human civilization - teaches us that the rights and accomplishments of humanity are the results of its past struggles, and that the road less traveled is many times the highest path to human progress. We therefore invoke this council, and all of our leaders to be guided and inspired by the invaluable lessons of history, the honest insights of science, the guileless wisdom of logic, and the heart and soul of our shared humanity - compassion and tolerance.

So rather than closing your hands, bowing your heads and closing your eyes, open your arms to that which truly makes us strong - our diversity. Raise your heads and open your eyes to recognize and truly understand the problems before you and know that ultimately, solutions to human problems can come only from human beings.

Composite Ex. L

Sub Exhibit #1

28 July 2009 - Cobb County (GA) Commission Ed Buckner: 534 words - 4 min 4 sec

Thank you and certainly anybody can stand if they wish. For any of you who are bowing your heads, I'd respectfully recommend against doing that as well. I'm Ed Buckner, a Cobb County resident and taxpayer, and the national president of American Atheists. According to my dictionary, an invocation is done to call on a higher power, and since we all know that the only supreme power in Cobb County is the citizenry, I speak now in the name of the 700,000 people who live in this county, especially the majority (and yes, I do mean over half) of those 700,000 who are not members of any church, mosque, temple, or other religious organization.

And even more especially, I speak in the name of the overwhelming majority, including anyone I've ever met who do not want their government to decide for them regarding anything regarding religion or any gods. I speak as well for those political leaders who despair that success in politics cannot be achieved without hypocritical piety from politicians and who would prefer to run for office and to govern based on competence and political philosophy rather than on beliefs, real or pretended, in any supernatural beings.

I speak, oddly enough, on behalf of Southern Baptists who know their own faith and message which declares in chapter 17 that Church and State should be separate and that the church should not resort to the civil power to carry on its work. I speak in the name of all Americans who know our history and who know for example that in 1797, the US Senate voted unanimously in favor of, and that President John Adams then signed, a treaty with Tripoli that specified that the government of the United States is not in any sense founded on the Christian religion.

I invite all of these people to urge Chairman Samuel S. Oates, Commissioner Helen Cohen, Commissioner Bob Ott, even though he is not here, and my own Commissioner, Woody Thompson, and the thousands of dedicated employees to work hard ethically, and honestly, on our behalf, to represent us well, [a] all things unrelated to religion of course. And to please avoid the arrogance of thinking you can or ever should express any religious beliefs other than your own. For any of you who are made uncomfortable by my remarks, who think this is more a provocation than an invocation, who would prefer not to hear such comments at a meeting you came to expecting government, instead of religion and philosophy, please join me in urging that the Cobb County commissioners and planning commissions cease to open their meetings with public religious invocations of any kind.

For Christians such exercises are a plain violation of Matthew 6:5-6 and, more importantly, they are for all of us an insult to our right to choose our own religion and religious representatives for ourselves, if we want any at all. And these invocations are a violation of the letter and intent of the Constitution of the state of Georgia of the 1st Amendment to the Constitution of the United States, and of the 14th Amendment, ratified exactly 141 years ago today. Go and sin no more. Thank you.

July 2012 - Portage (MI) City Council Tim Earl: 394 words

I represent no congregation or denomination. But I appreciate the invitation to give this invocation on behalf of the non-believers in our city, which includes those who do not subscribe to any particular religious group and those who deny the existence of a supreme being altogether.

It's easy to forget or pretend that we don't exist because we are a small minority. But polls indicate that we are the fastest growing religious demographic in America right now.

We include doctors, lawyers, teachers, and people of all walks of life who live moral lives and contribute to the welfare of our community. As a veteran I can even assure you that there are indeed atheists in foxholes, contrary to popular belief.

And so, while I would prefer that the practice of invocations be discontinued, I recognize that that is unlikely to happen here in the near future, so I thank you again for this opportunity to represent a minority viewpoint.

And so, without appealing to a higher power which I do not believe exists, I ask that we put forth our best effort to listen intently, resolve our differences, reach common goals, and advance the progress and prosperity of our community.

Because with or without prayer, that's what needs to be done - and prayers don't pay; the bills, maintain the roads, or do any of the work that this council and our city manager do so effectively on our behalf. As human beings, all we can do is use the talents and wisdom which nature, education, and experience have given us to overcome the challenges we face.

And when the task before you is difficult, I ask that you do not look upward for guidance from some higher power which is most likely an outgrowth of our own fear of mortality, but instead look inward to your own sense of morality and reason, and also look outward to the members of this community who come forward to lend their own assistance and support.

For only through a spirit of cooperation and unity can we continue to make the City of Portage such a wonderful place to live, work, and raise our families.

In closing, it's important to remember that you don't need a god to hope, to care, to love, or to live. And we certainly don't need one to help conduct city business.

Composite Ex. L
Sub Exhibit #3

12 August 2014 – City of Colorado Springs (CO) City Council Meeting Eric Williams: 275 words - 1 min 55 sec

Thousands of years ago, after emerging from relative obscurity, mankind began to form communities. The first ones were simple hunter gatherers, evolved to feed their own very small camps. Soon, these small camps and tribes began to join to each other, either through violence or simple needs. Either way, they saw joining forces as being the foundation for survival.

Over the millennia, agriculture built even larger tribes. They became large villages, then towns, then cities, then city-states. And even farther, empires and great Kingdoms. These people in the later ages eventually became obsessed with power and greed, driven by their beliefs that their higher powers were better than any others. Patton Oswalt, a contemporary comedian, put it simply as, "My Sky Cake is better than your Sky Baklava." These divisions caused chaos within the overall Sapien community for millennia.

Then, after centuries of great strife, the "Enlightenment" was born.

The United States was built upon the principles of this enlightenment. The Deists that formed our Constitution knew the dangers of sectarian strife and therefore enshrined secular government in our most sacred document.

With this in mind, I stand before the most basic unit of Human democracy: the City Council. The core unit of our lives as humans living within an inherently secular system. It's the local government that actually guides the daily lives of the citizens of this great nation.

Let us therefore, this afternoon, provide both our vocal and thoughtful support to this most fundamental institution of humanity today, and hope that reason and thoughtful reflection will guide our elected leaders to lead this great city to where it could be.

So be it.

#36

Our city has a long history of saying no to hate and bigotry, and as we move forward, we remember the difficult decisions of our former leaders. Let us continue to build on their legacy.

-46

<http://agenda.alpasos.texas.gov/sites/default/files/2014/12/14/2014-12-14-AGENDA>

2 December 2014 – City of Lake Worth (FL) Commission Meeting Preston Smith 199 words - 1 min 50 sec

Our collective atheism — which is to say, loving empathy, scientific evidence, and critical thinking — leads us to believe that we can create a better, more equal community without religious divisions.

May we pray together.

Mother Earth, we gather in your redeeming and glorious presence, to invoke your eternal guidance in the universe, the original Creator of all things.

May the efforts of this council blend the righteousness of Allah with the all-knowing wisdom of Satan. May Zeus, the Great God of justice, grant us strength tonight. Jesus might forgive our shortcomings while Buddha enlightens us through His divine affection. We praise you, Krishna, for the sanguine sacrifice that freed us all. After all, if Alinghny Thor is with us, who can ever be against us?

And finally, for the bounty of logic, reason, and science, we simply thank the atheists, agnostics, humanists, who now account for 1 in 5 Americans, and growing rapidly. In closing, let us, above all, love one another, not to obtain mythical rewards for ourselves now, hereafter, or based on superstitious threats of eternal damnation, but rather, embrace secular-based principles of morality — and do good for goodness' sake.

And so we pray. So what?

-47

Composite Ex. L
Sub Exhibit #5

6 January 2015 - City of Chico (CA) City Council George Gold: 589 words - 4 min

Rather than bowing our heads and closing our eyes in deference, we want to encourage you to open your eyes wide to face the reality that confronts us. We should do so without losing sight of our ideals and what we might achieve.

When this body comes together to govern, you do so with the consent of the citizens of Chico. Chico is a diverse community with many different races and opinions. This ethnic community, according to the Pew Research Center includes 20 per cent of our population living secular lives.

In the city of Chico that means in the time time even I'm here representing over 17,000 secular Chico citizens with this invocation. Humans, non-believers, Agnostics and adherents by their very nature, believe that we have the power to solve all problems within ourselves, amongst ourselves, through science and reason and that by applying this science and reason with the strength found in transparency and compassion we can overcome any hurdle we encounter.

It is incumbent upon this council to make the best decisions for the entire community. In this regard, I ask that you use wisdom, common sense, and empathy in your deliberations.

In your wish, here, able also account the implications your decisions will have now and in the future. Be reminded of the joyous laughter of children playing in the corner of the shade of our trees. You are farming seeds for the benefit of future generations.

When there are problems, when there is debate, let us be accountable for our own actions. Let's not point to the shortcomings of others. Let us behave morally and judiciously. Let's treat each other with respect.

When we need to find wisdom, let's look to the documents of government, the Constitution of the United States, the Bill of Rights, and yes, the first amendment which in one sentence provides for the separation between church and state, and we might even consult our own charter for direction.

Let us open our hearts to the inherent dignity and worth of each person in our community. I hope we can appreciate and realize our differences of race and religion, and of lack of religion.

In the end we are all human beings. When we bleed, we bleed one of the four basic blood groups. Regardless of race, regardless of where we live, regardless of our political affiliation, whether we are rich or poor, and yes, whether we are religious or decidedly not religious, for in every single one of us, the color of our blood is the same.

In the face of adversity, we need not look above for answers, but instead we should recognize the proven potential within ourselves and in each other to overcome the many challenges that we will face in this coming year.

Our communities unite us, and I hope we, and you, can recognize our humanity as we get ready for the challenges of this new year.

We, the secular community, want to participate in our communities with a bit of inspiration, imagination, and beauty.


Each of us wants to live an honorable and ethical life. We hope each of you feels the same.

Some people say, "I'm just a child of the 60's, just look at my long hair. Just hat oh gone, my big black beard oh gone, but I suppose that it might be true. Nevertheless, my manna has always been made here not far. Today, I guess it nothing else, I still believe in that.

Thank you and Happy New Year.

482

City of Ocala Council Meeting - Secular Invocation



CITY OF OCALA COUNCIL MEETING - SECULAR INVOCATION
 Tuesday, October 22, 2014 4:17:50pm EDT
 12 people went

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Central Florida FreeThought Community


P2 Crepsau, via The Friendly Atheist, proposes turning up the heat when giving a secular invocation. http://bit.ly/1H0y035

Should Atheists Be More Confrontational When Giving Secular Invocations at Government Meetings?
 Since Greece's Galaxi, atheists have secretly

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An obituary for Lillian Gabriel Klose, the woman, who at 12 years old, refused to recite the pledge. http://bit.ly/1E20jg597



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PRETENDERS HELP BRING FLORIDA CLOSER TO TUBE...

Press Release - 15 July 2014
 Press Release - 13 May 2014

TONY SOLOMON

http://www.fox35.com/2014/07/15/tony-solomon-press-release-15-july-2014/

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Doc Synoville

With the history school coming up a class, I'd like to see the school board...

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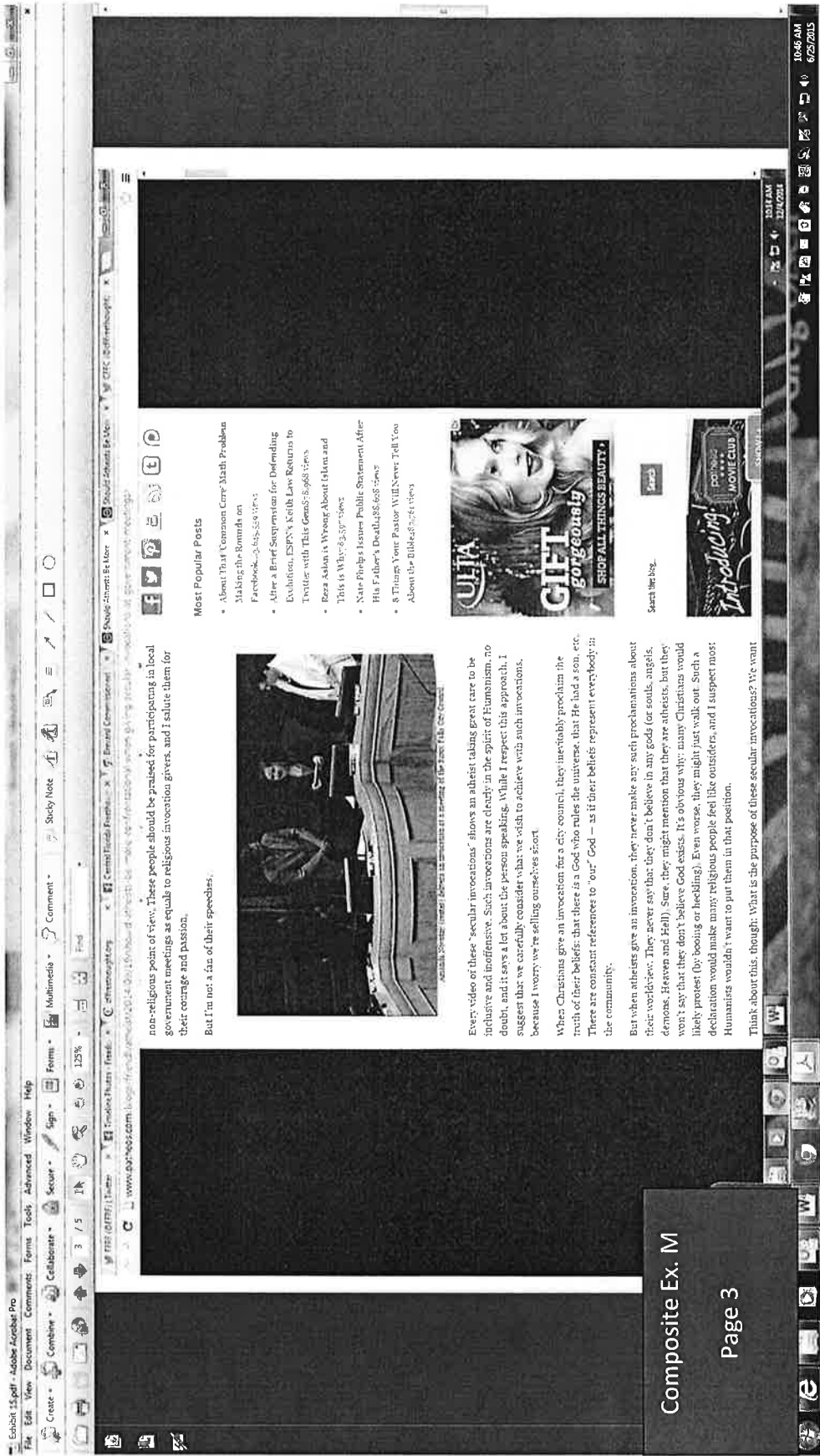
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Should Atheists Be More Confrontational When Giving Secular Invocations at Government Meetings?
 — September 19, 2014 by **RJ Crepeau**
 This is a guest post written by **RJ Crepeau**. Crepeau is a sculptor, writer, and filmmaker from Denver, Colorado.

Since *Greer v. Gilton*, many atheists have seized the opportunity to deliver secular invocations, at least in those places where city officials have permitted the string of a non-religious point of view. These people should be praised for participating in local government meetings as equals to religious invocation givers, and I salute them for their courage and passion.

But I'm not a fan of their speeches.



non-religious point of view. These people should be praised for participating in local government meetings as equals to religious invocation givers, and I salute them for their courage and passion.

But I'm not a fan of their speeches.



Photo: Spencer Platt / Wikimedia Commons

Every video of these "secular invocations" shows an atheist taking great care to be inclusive and inoffensive. Such invocations are clearly in the spirit of Humanism, no doubt, and it says a lot about the person speaking. While I respect this approach, I suggest that we carefully consider what we wish to achieve with such invocations, because I worry we're selling ourselves short.

When Christians give an invocation for a city council, they inevitably proclaim the truth of their beliefs: that there is a God who rules the universe, that He had a son, etc. There are constant references to "our" God — as if their beliefs represent everybody in the community.

But when atheists give an invocation, they never make any such proclamations about their worldview. They never say that they don't believe in any gods (or souls, angels, demons, Heaven and Hell). Sure, they might mention that they are atheists, but they won't say that they don't believe God exists. It's obvious why: many Christians would likely protest (by booing or heckling). Even worse, they might just walk out. Such a declaration would make many religious people feel like outsiders, and I suspect most Humanists wouldn't want to put them in that position.

Think about this, though: What is the purpose of these secular invocations? We want

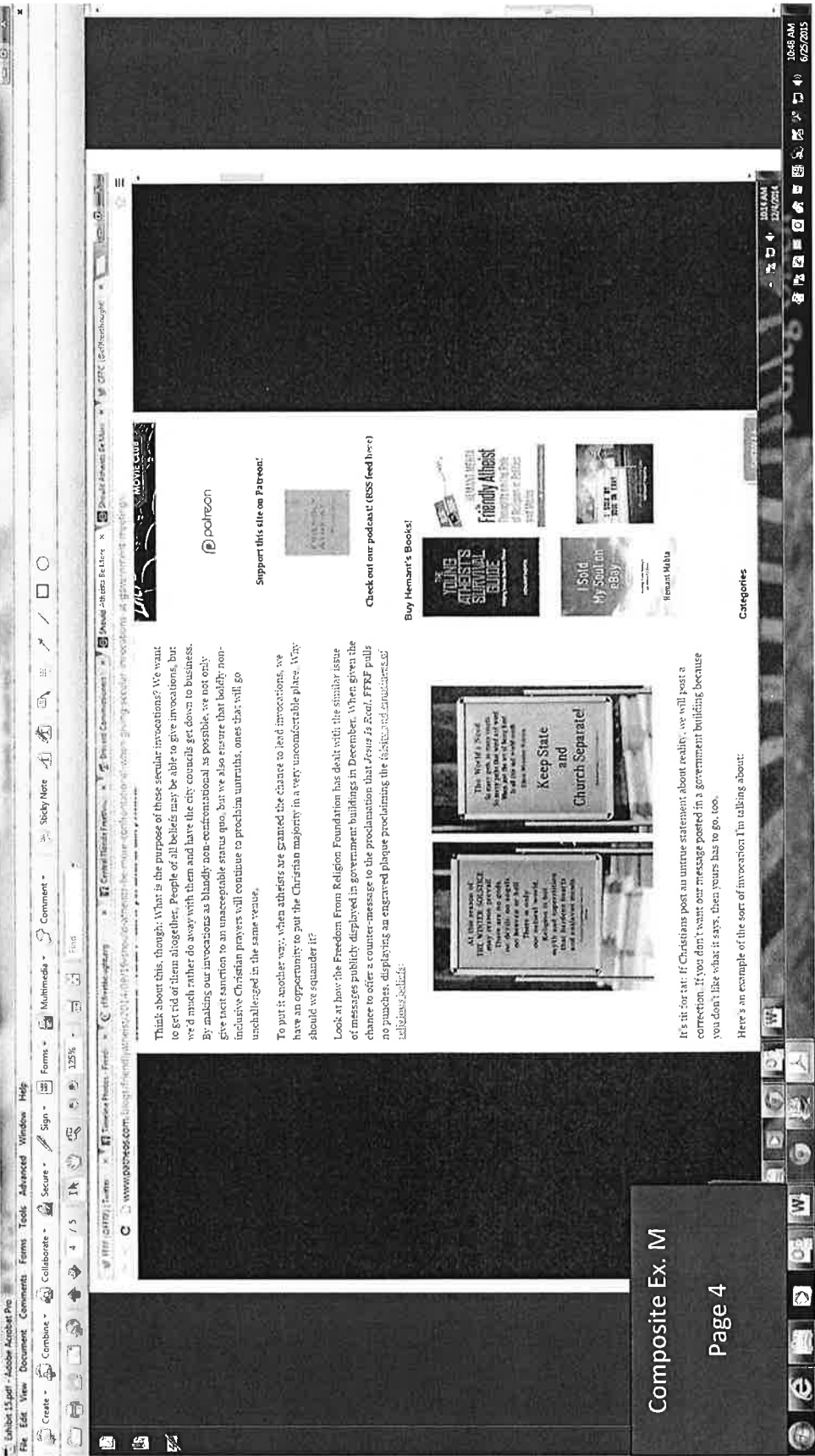
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Think about this, though: What is the purpose of these secular invocations? We want to get rid of them altogether. People of all beliefs may be able to give invocations, but we'd much rather do away with them and have the city councils get down to business. By making our invocations as blandly non-confessional as possible, we not only give tacit sanction to an unacceptable status quo, but we also ensure that badly non-inclusive Christian prayers will continue to proclaim untruths, ones that will go unchallenged in the same venue.

To put it another way, when atheists are granted the chance to lead invocations, we have an opportunity to put the Christian majority in a very uncomfortable place. Why should we squander it?

Look at how the Freedom From Religion Foundation has dealt with the similar issue of messages publicly displayed in government buildings in December. When given the chance to offer a counter-message to the proclamation that *Jesus is Lord*, FFRE pulls no punches, displaying an engraved plaque proclaiming the distinction between secular and religious beliefs:



It's important: If Christians post an untrue statement about reality, we will post a correction. If you don't want our message posted in a government building because you don't like what it says, then yours has to go, too.

Here's an example of the sort of invocation I'm talking about:

Support this site on Patreon:



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Categories

Composite Ex. M

Page 4

Exhibit 15.pdf - Adobe Acrobat Pro
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It's not too: If Christmas post an untrue statement about reality, we will post a correction. If you don't want our message posted in a government building because you don't like what it says, then yours has to go, too.

Here's an example of the sort of invocation I'm talking about:

"We all live in a godless universe, but only we atheists acknowledge this fact. We have no eternal soul; those are just myths. When we die, all experience ends, as if the universe died with us. But in spite of this, we push on. We know we have an obligation to make the world a better place, because everyone who shares this planet will, as long as they are alive, just like us. I encourage our city council members to make the most of this fleeting and make the lives of those in this community even better."

It may not win us many friends, but I believe this approach would help eliminate invocations at government meetings. Might there be protesters and vainglorious? You bet there would be! But if those who give the invocations are careful not to attack specific religions or their followers, they would have a strong defense that they were merely doing what Christians do during invocations all the time — proclaiming their sincere beliefs.

Then, and perhaps only then, would local officials bring a swift end to such invocations.

[Note from Honors: The opinions expressed here don't necessarily represent my own, but they're very interesting to think about.]

Filed Under: CENTRAL POLITICAL SCIENCE, INVOCATIONS, POST OFFICES

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THIS WAY TO GIFTING GREATNESS
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Composite Ex. M
 Page 5

10:49 AM 6/25/2015



David Wiliamson
Central Florida Freethought Community
PO Box 621123
Oviedo, FL 32762

Dear Mr. Williamson:

Thank you for your request.

The Invocation portion of the agenda is an opening prayer presented by members of our faith community. The prayer is delivered during the ceremonial portion of the County's meeting and typically invokes guidance for the County Commission from the highest spiritual authority, a higher authority which a substantial body of Brevard constituents believe to exist. The invocation is also meant to lend gravity to the occasion, to reflect values long part of the County's heritage and to acknowledge the place religion holds in the lives of many private citizens in Brevard County.

Your website leads us to understand your organization and its members do not share those beliefs or values which, of course, is your choice under the laws of the United States. However, this Commission chooses to stand by the tradition of opening its meetings in a manner acknowledging the beliefs of a large segment of its constituents. Your claims to the contrary notwithstanding, over the years this Commission has heard invocations from a variety of religious faiths in our community, including Catholic, Protestant, Jewish, Muslim, Mormon and Adventist. "Even those who disagree as to religious doctrine may find common ground in the desire to show respect for the divine in all aspects of their lives and being." (Justice Anthony Kennedy, writing for the Court in *Galloway v. Town of Greece*)

This Commission respectfully takes issue with the claim that members of your organization are being excluded from presenting their viewpoint at County Commission meetings. You or your Brevard members have the opportunity to speak for three minutes on any subject involving County business during the Public Comment portion of our meeting. County business clearly includes the subject of pre-meeting prayers at County Commission meetings. As a practical matter, there are no restrictions on what is said during those three minutes. During Public Comment presentations, this Board has politely listened to Bible readings; political points of view of all varieties; and some of our citizens' sharpest critiques and criticisms of County staff and the County Commission, among other things.



During that segment, members of your organization are free to speak their views and beliefs, or even a closing supplication. You or your members are also free to invoke whatever authorities they choose, including but not limited to, those you have quoted on your website. To paraphrase Justice Kennedy: the Establishment Clause in the United States Constitution “requires an inquiry into the opportunity as a whole” and a violation of the Establishment Clause is not “made out any time a person experiences a sense of affront from the expression of contrary religious views in a legislative forum, especially where any member of the public is permitted to offer views reflecting his or her own convictions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Bolin Lewis", written over a horizontal line.

Mary Bolin Lewis, Chair
(as approved by the Board on August 19, 2014)



July 22, 2014

SENT VIA MAIL & EMAIL

D4.Commissioner@brevardcounty.us

The Honorable Mary Bolin Lewis
Chairwoman, Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Building C, Suite 214
Viera, FL 32940

Re: Discrimination against a religious minority

Dear Chairwoman Lewis:

You may recall our correspondence via email and certified mail requesting permission to offer an invocation at an upcoming Brevard County Board of County Commissioners meeting. In our letter, we requested that you notify us in writing about the next opportunity for us to offer the invocation at an upcoming meeting. The original letter and email were sent on May 9, 2014, yet over 60 days have passed and we have received no response.

The Central Florida Freethought Community is a local educational organization of more than two hundred members, many of whom reside in Brevard County. We are a chapter of the Freedom From Religion Foundation and an affiliate of the American Humanist Association.

If the Brevard County Board of County Commissioners continues to open its meetings with invocations by invited guests and clergy, it must not categorically exclude certain faiths from inclusion in the practice. In this case, the Board is excluding members of our organization, that of a minority religion, from the same opportunity as members of majority religions.

In the recent Supreme Court decision, *Town of Greece v. Galloway*, 134 S. Ct. 1811, 1823-25 (2014), the Court emphasized that the government must maintain "a policy of nondiscrimination" and it must make reasonable efforts to include invocations from all members of the community, regardless of their faith. In fact, the completely open and non-discriminatory selection process was crucial to the prayer practice being upheld: "The town at no point excluded or denied an opportunity to a would-be prayer giver. Its leaders maintained that a minister or layperson of any persuasion, including an atheist, could give the invocation. *Id.* at 1816 & 1824. Indeed, "any member of the public [was] welcome in turn to offer an



invocation." *Id.* at 1826. The Court reasoned: "Congress . . . acknowledges our growing diversity not by proscribing sectarian content *but by welcoming ministers of many creeds.*" *Id.* at 1820-21 (emphasis added). Therefore, excluding a particular faith group such as Humanists and Atheists from the invocation practice is unconstitutional. *See Pelphrey v. Cobb County*, 547 F.3d 1263, 1277-79, 1281 (11th Cir. 2008) (holding county's invocation selection process unconstitutional because "certain faiths were categorically excluded" and rejecting argument that "the selection process is immaterial when the content of the prayer is constitutional[.]"). *See also Atheists of Fla., Inc. v. City of Lakeland*, 713 F.3d 577, 592 (11th Cir. 2013); *Simpson v. Chesterfield County Bd. of Supervisors*, 404 F.3d 276, 284-85 (4th Cir. 2005) (selection of invocation-givers must "not 'stem from an impermissible motive'"); *Snyder v. Murray City Corp.*, 159 F.3d 1227, 1234 (10th Cir. 1998) (same); *Jones v. Hamilton County*, 891 F. Supp. 2d 870, 886 (E.D. Tenn. 2012) ("Even when operating under a facially neutral policy, a legislature may not select invocational speakers based on impermissible motives or sectarian preferences."); *Cf. Galloway*, 134 S. Ct. at 1824 (selection process upheld because it did not reflect "an aversion or bias on the part of town leaders against minority faiths").

Justice Alito's concurrence in *Galloway* further supports the majority's ruling, noting: "the mistake [of excluding the Rochester area] was at worst careless, and it was not done with a *discriminatory intent*. (I would view this case *very differently* if the omission of these synagogues were intentional.)" 134 S. Ct. at 1830-31 (emphasis added). The Ninth Circuit employed the same reasoning in upholding a practice identical to Greece: "Here, as in *Joyner*, 'there is no evidence to suggest that the [City] attempted to . . . ensure that only Christian prayer would be offered.'" *Rubin v. City of Lancaster*, 710 F.3d 1087, 1099 n.12 (9th Cir. 2013) (citations omitted).

This Board's exclusion of our members from the invocation selection process seems premised solely on religion since every invocation offered at the Board meetings in the previous twelve months has been a prayer performed by Christian clergy.

Unlike the governments in *Marsh v. Chambers*, 463 U.S. 783 (1983) and *Galloway*, Brevard County has not "made reasonable efforts" to be inclusive. *Galloway*, 134 S. Ct. at 1824. In *Galloway*, the Court could not fault the town for the fact that the majority of the prayers were Christian because this was a product of *availability*. In Greece, "all the houses of worship listed in the local Community Guide were Christian churches" and there were "no synagogues[.]" *Id.* at 1828 (Alito, J., concurring). In contrast, non-Christian invocation-givers are available in the county here, yet the county refuses to include these members in the selection process.



As such, this letter demands that Brevard County permit a member of our organization to deliver an invocation and to ensure its selection procedures for invocations comport with the Constitutions of Florida and of the United States. Given the serious nature of the County's actions, we request a response by July 31, 2014.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Williamson', with a stylized flourish at the end.

David Williamson
Founder and Chair

VIII, D

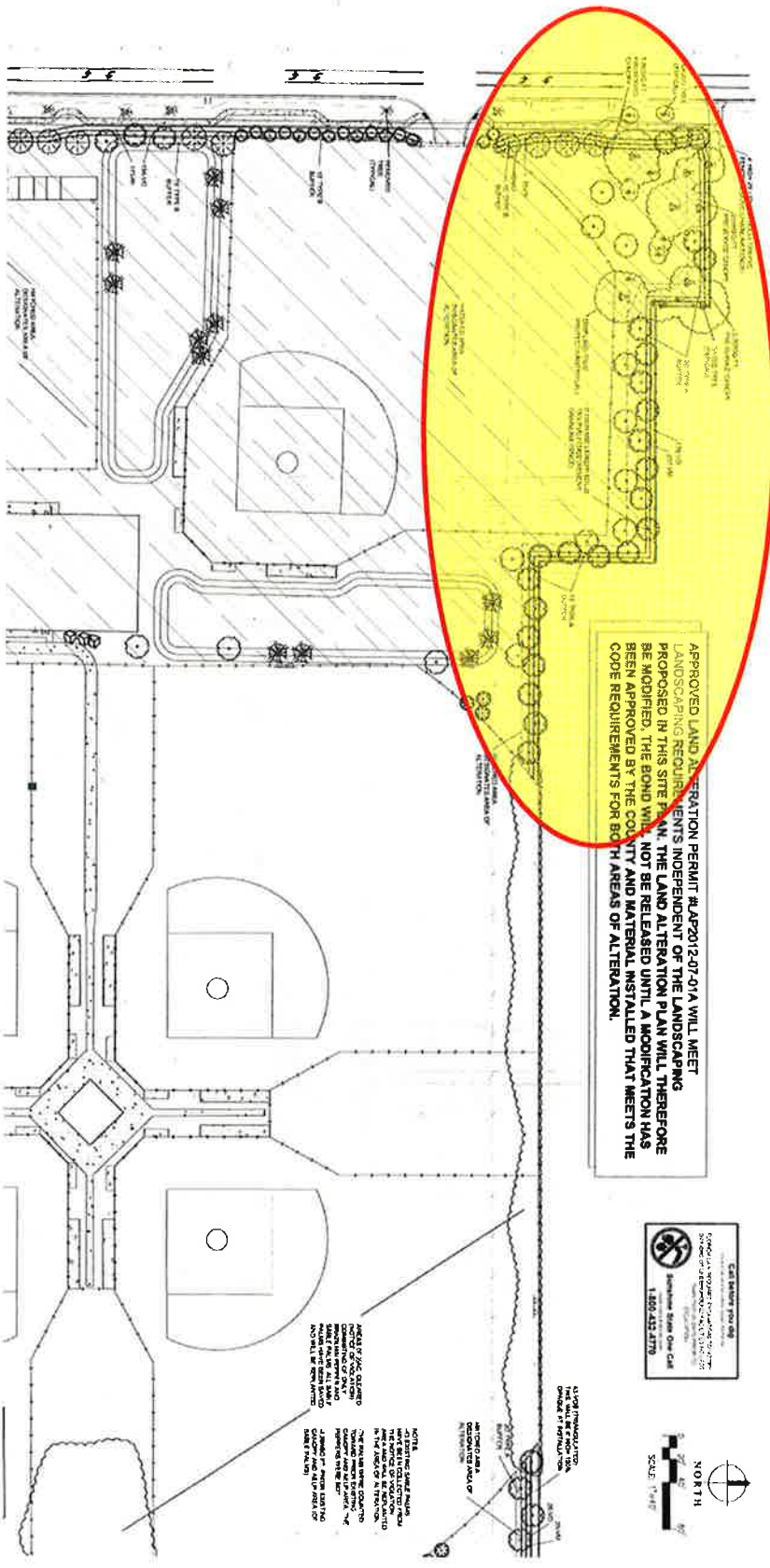


Cocoa Expo Buffers



VIII, D

Natural Resources has not been asked to conduct a landscaping inspection, therefore a full deficiency list is not available. However, significant deficiencies have been observed through cursory inspection.



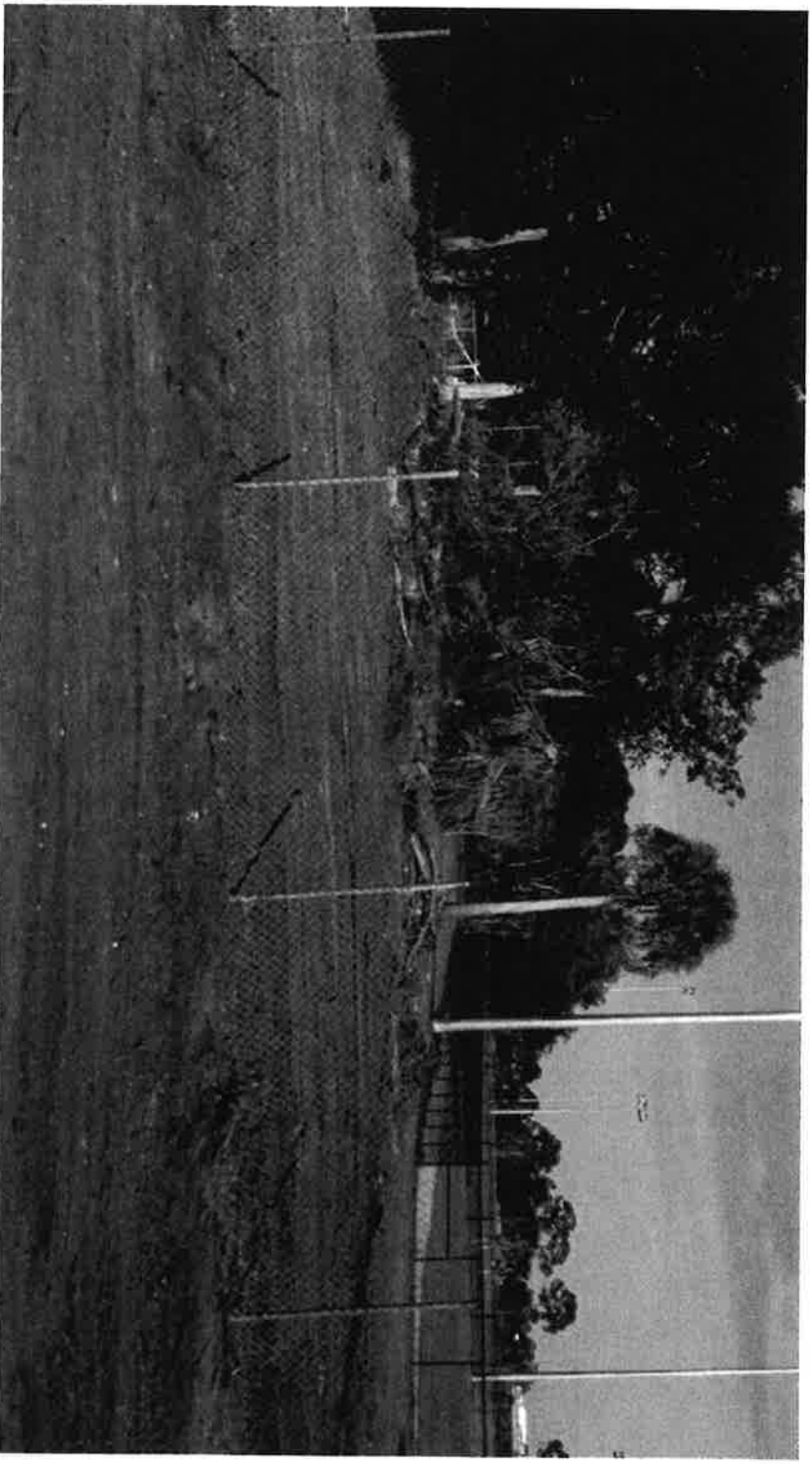


Cocoa Expo Deficiencies



Large preserved oak trees and palms in the buffer area along the north property line have been removed. This buffer is required as part of the BDP and Alternative Landscape Enhancement Plan to offset noise and glare to adjacent residents.

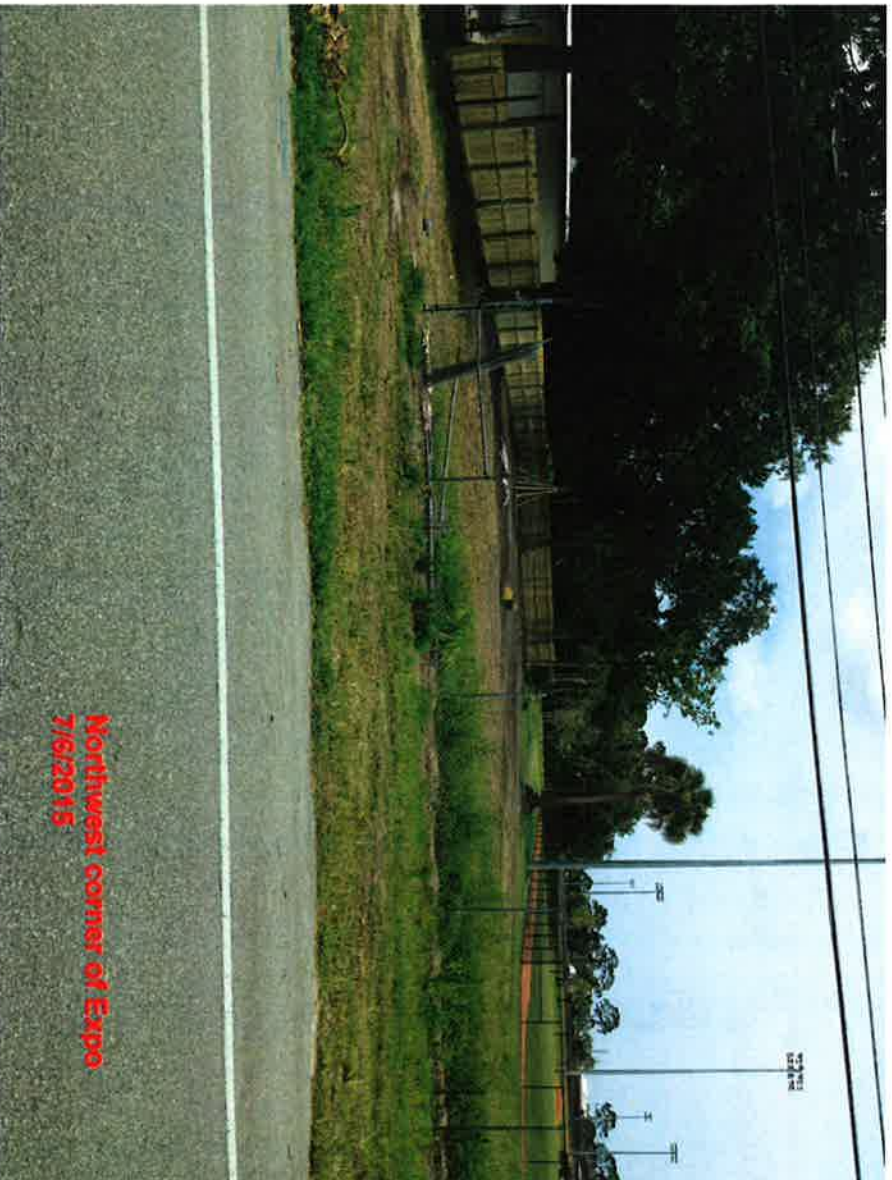
Looking East along North Property Line on 5/6/15



Cocoa Expo Deficiencies

UPDATE: Fence installed. Approved buffer includes 37 trees (planted and preserved) and 43 relocated palms. Two rows of shrubs required. No shrubs are present adjacent to the home. About half trees (pines) planted have died. Eight cabbage palms and three large protected oaks were removed (20", 19", and 11" dbh). No plan has been submitted regarding the replacement of the trees removed.

Looking East along North Property Line on 7/6/15



Northwest corner of Expo
7/6/2015

Cocoa Expo Deficiencies

This buffer was required as part of the BDP and Alternative Landscape Enhancement Plan to offset noise and glare for adjacent residents. This landscaping has not been installed.

Looking East along Young Property Line on 5/6/15





Cocoa Expo Deficiencies



UPDATE: 11 trees required, only 2 preserved trees and 7 dead trees present. Two rows of shrubs installed and doing well.

Half of the fence on this side needs to be reinstalled.

Looking East along Young Property Line on 7/6/15



Fence and shrubs on the Young's Expo property line
More / planned trees appear dead 7/6/2015



III



Dr. Carolyn Ann Mitri
1081 Rock Springs Dr
Melbourne FL 32940-6951





Susan Young

400 + 410 Friday Rd

Pictures Taken approx 4:30 w/10/15

III



↑ 410 Friday Rd Driveway



↑ Cocoa Expo's side berm breached



410 Friday Rd Frontage



In between 400 + 410 Friday Rd No place for storm water to drain

Pictures taken Net + morning After fence fell down

6/20/15

III,

Susan



Behind 400 Friday Rd



North Side of 410 Friday Rd



North Side of 410 Friday Rd



North Side of 410 Friday Rd