

Separation of Church & State in NW Ohio & SE Michigan

What are the issues and what can we do?

1st Amendment

- Congress shall make **no law** respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Significant Church & State Court Cases

- **McCullum v. Board of Education Dist. 71, 333 U.S. 203 (1948)** - Court finds religious instruction in public schools a violation of the establishment clause and therefore unconstitutional.
- **Torcaso v. Watkins, 367 U.S. 488 (1961)** - Court holds that the state of Maryland cannot require applicants for public office to swear that they believed in the existence of God. The court unanimously rules that a **religious test** violates the Establishment Clause.
- **Engel v. Vitale, 82 S. Ct. 1261 (1962)** - Any kind of prayer, composed by public school districts, even nondenominational prayer, is unconstitutional government sponsorship of religion.
- **Abington School District v. Schempp, 374 U.S. 203 (1963)** - Court finds Bible reading over school intercom unconstitutional and **Murray v. Curlett, 374 U.S. 203 (1963)** - Court finds forcing a child to participate in Bible reading and prayer unconstitutional.
- **Lemon v. Kurtzman, 91 S. Ct. 2105 (1971)** - Established the three part test for determining if an action of government violates First Amendment's separation of church and state:
 - 1) the government action must have a secular purpose;
 - 2) its primary purpose must not be to inhibit or to advance religion;
 - 3) there must be no excessive entanglement between government and religion.

Significant Church & State Court Cases

- **Edwards v. Aguillard (1987)** - the court ruled that teaching creationism in public schools violates the 1st amendment.
- **Kitzmiller v. Dover Area School District (2005)** - District court ruled that teaching intelligent design was a violation of the 1st amendment because intelligent design is not science and "cannot uncouple itself from its creationist, and thus religious, antecedents."

Significant Church & State Court Cases

- **Religious Freedom Restoration Act [RFRA] (1993)** - federal law that restored the Sherbert Test (strict scrutiny be used to burden religious belief)
- **City of Boerne v. Flores (1997)** - the court ruled that the RFRA did not apply to the states. Since then several states have enacted their own version.

Significant Church & State Cases

- **Town of Greece v. Galloway (2014)** - ruled 5-4 in favor of the Town of Greece, that the town's practice of beginning legislative sessions with prayers does not violate the Establishment Clause of the First Amendment. Invocations have to be open to all faiths and none and the government body can't prescribe the invocation.
- **Burwell v. Hobby Lobby Stores, Inc. (2014)** - Supreme court ruled that closely held for-profit corporations to be exempt from a regulation its owners religiously object to, if there is a less restrictive means of furthering the law's interest, according to the provisions of the Religious Freedom Restoration Act (RFRA). Gives protection to corporation's religious beliefs.

How to spot a 1st amendment violation

- Does the **ACTION** involve the government in some way?
- Does it appear to give special or preferred treatment?
- Does it force **YOU** to support or adhere to a specific set of standards, principles, or values?

Reporting a violation

1

Contact the government body where the violation happened

2

Contact a group that supports separation of church and state

3

Contact the media – get a story printed or broadcast or a letter to the editor

Examples of Church & State Issues

- Ten Commandments marker on the lawn of the Lucas County court house – The ACLU sued in 2003 and a federal court ruled in 2006 that the marker was **NOT** a violation because it had been there so long without a complaint and wasn't actually religious but a moral code with a secular purpose!



Examples of Church & State Issues

- The Republican dominated Ohio General Assembly has passed at least 20 anti-abortion restrictions without outlawing abortion (although there is a bill introduced in May that wants to do that too). Most of these TRAP* laws were added to budget bills so they can't be repealed by citizen petition and they all have nothing to do with protecting women.

*(*Targeted regulation of abortion providers)*





Examples of Church & State Issues

- Findlay Municipal Building Mural – a group of artists donated a huge mural to the city of Findlay and it is on display in the municipal building. The mural includes a bible verse

Examples of Church & State Issues

- US Rep. Marcy Kaptur and host of current and former city of Toledo officials demand The Catholic Diocese of Toledo **NOT** demolish St. Anthony Church. It closed in 2005 and there was no previous plan to reuse the building until some nostalgic politicians swooped in to "save" the church. *(On going)*



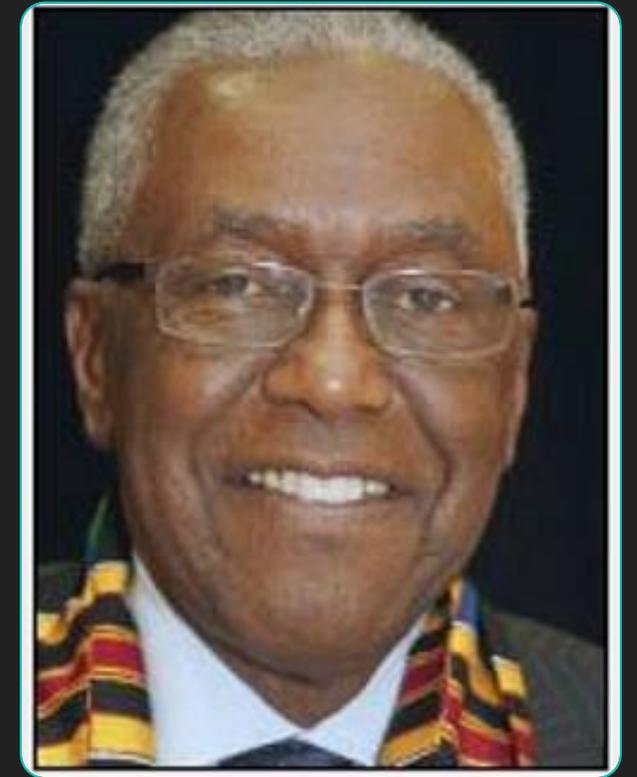
Examples of Church & State Issues

- Genoa High School Principal has TV interview in front of religious sign in her office. Letter of complaint from FFRF caused sign to be taken down and outrage from religious types raged in the area. Students sold T-shirts with the sign printed on it and homes near the school had signs about “saving” the sign.



Examples of Church & State Issues

- In 2015, Toledo Municipal Court Judge C. Allen McConnell refused to marry a same-sex couple citing his religious beliefs. The decision called into question his ability to be impartial on the bench. The Ohio Supreme Court decided all judges in the state could not refuse to perform same-sex marriages in light of the Obergefell v. Hodges US Supreme Court case that year.



Examples of Church & State Issues

- Just this week, FFRF sent a letter of complaint to the Hicksville school district complaining about the High School handing every graduating student a package that contained Christian materials. The package included a copy of "Evolution vs. God," an anti-evolution film created by Christian evangelist Ray Comfort, "Rich in Christ: A Dead Dog at the King's Table," a religious tract titled "Are you a Good Person," and a religious pamphlet that "explains the plan of salvation in easy-to-understand terms" called "Life's Most Important Question."



Examples of Church & State Issues



- The Center for Inquiry, a secular group, sued the Kent County (MI) Clerk in Federal court to accept marriages solemnized by secular celebrants. Currently, marriages can only be solemnized in Michigan by certain elected and appointed government officials, and ministers of the gospel or other religious practitioners. Efforts to include secular celebrants in Ohio have been ongoing.

Groups that support and fight for Church & State Separation



How To Report A Violation



Be Prepared For Push Back

- Loss of friends or family
- Death Threats
- Loss of a job or customers

It's better to complain out in the open but it's okay to complain and withhold your personal information

Questions

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