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December 18, 2014

Governor Bobby Jindal  
Office of the Governor  
P.O. Box 94004  
Baton Rouge, LA 70804

Re: *Governor's Invitation to The Response*

Dear Governor Jindal:

You recently issued, under the Seal of the State of Louisiana and in your capacity as Governor, an invitation to an evangelical Christian rally called “The Response-Louisiana.” In your invitation, you unequivocally state that “Jesus Christ, Son of God and the Lord of Life, is America’s only hope,” and urge the nation to engage in Christian worship in order to “ask[] God for mercy and grace for what we Christians have allowed in our nation.” When you became Governor, you swore an oath to support the Constitution and laws of the United States. The invitation letter makes a mockery of that oath by flagrantly violating the Establishment Clause of the First Amendment to the U.S. Constitution.

The most basic rule of the Establishment Clause is that government officials may not take any action that would result in “perceived and actual endorsement of religion,” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 305 (2000), and must maintain “governmental neutrality ... between religion and nonreligion,” *McCreary Cnty. v. Am. Civil Liberties Union*, 545 U.S. 844, 860 (2005) (quotation marks omitted). There can be no clearer actual endorsement of religion than a call to the nation—signed by the Governor of Louisiana under the State seal—to beg God’s forgiveness and prayerfully seek the aid of Jesus Christ.

Moreover, the courts have specifically forbidden the government from either hosting a religious event or lending the government’s name or money to support a private organization’s religious event. *See, e.g., Gilfillan v. City of Phila.*, 637 F.2d 924, 930 (3d Cir. 1980); *Newman v. City of E. Point*, 181 F. Supp. 2d 1374, 1381-82 (N.D. Ga. 2002). Indeed, “if the [state]-sponsorship is known, that aid connotes the state approval of a particular religion, one of the specific evils the Establishment Clause was designed to prevent.” *Gillfilan*, 637 F.2d at 930. As a result, the government cannot use its own funds to promote or support a religious rally, the government’s name or imprimatur must not be used for promotion of or fundraising

for the rally, and government officials should not attend the rally in their official capacities. *See Doe v. Vill. of Crestwood*, 917 F.2d 1476, 1478-79 (7th Cir. 1990) (concluding that city may not hold Mass during town-sponsored festival because “[a] religious service under governmental auspices necessarily conveys the message of approval or endorsement”); *Gilfillan*, 637 F.2d at 930-31, 933-34 (concluding that Establishment Clause prohibited city’s collaboration with Archdiocese and its monetary support for Pope’s visit and Mass); *Newman*, 181 F. Supp. 2d at 1381-82 (concluding that, when city printed and distributed fliers advertising private prayer breakfast, “an objective observer would most certainly conclude that the [city] has endorsed religion, specifically Christianity”).

Your letter invokes early leaders who came to this country on the Mayflower, “In the name of God and for the advancement of the Christian faith.” Allow us to rebut by invoking James Madison, one of the principal architects of the U.S. Constitution. Madison opposed a bill that would have entangled the government with religion because “the Bill implies either that the Civil Magistrate is a competent Judge of Religious Truth; or that he may employ Religion as an engine of Civil policy. The first is an arrogant pretention falsified by the contradictory opinions of Rulers in all ages, and throughout the world: the second an unhallowed perversion of the means of salvation.” James Madison, *Memorial and Remonstrance against Religious Assessments*, June 20, 1785, available at [http://press-pubs.uchicago.edu/founders/documents/amendI\\_religions43.html](http://press-pubs.uchicago.edu/founders/documents/amendI_religions43.html). Mr. Madison and the other Founders saw the danger in government officials’ use of religion as a political tool, and the Founders views provide no cover for your actions.

Governor Jindal, you were elected to represent all of your constituents, not just the Christians. Your proselytizing letter under the seal of your office and the State of Louisiana represents a flagrant disregard for large portions of your constituency, and of the requirements of the Constitution of the United States. For these reasons, we ask that you withdraw this invitation and all governmental support from “The Response – Louisiana.” We would appreciate a response to this letter within thirty days. If you have any questions, please contact Ian Smith at (202) 466-3234 or [ismith@au.org](mailto:ismith@au.org).

Sincerely,



Ayesha N. Khan, Legal Director  
Ian Smith, Staff Attorney