



(202) 466-3234
(202) 466-3353 (fax)
www.au.org

1310 L Street NW
Suite 200
Washington, DC 20005

November 8, 2021

By U.S. Mail & Email

Mayor Lori Lightfoot
121 N. LaSalle Street
Chicago City Hall, 4th Floor
Chicago, IL 60602
letterforthemayor@cityofchicago.org

Re: *Endorsement of Chicago Day of Prayer and Thanksgiving*

Dear Mayor Lightfoot,

As you know, Chicago is richly diverse, including with respect to religion: The City includes people of many different faiths, as well as nonbelievers. The City and its mayor should always respect—and indeed celebrate—this wide range of beliefs, to ensure that no one is specially favored or disfavored and that no one feels excluded or unrepresented in city government based on faith or belief.

We have received a complaint regarding the Chicago Day of Prayer and Thanksgiving event held on November 6, 2021. That event brought faith leaders together to pray for a safe holiday season and to urge vaccinations against COVID-19. Before the event, the City of Chicago [dedicated a webpage](#) to promoting the program and urged religious leaders to register for it. Your official mayoral Twitter account also [retweeted](#) an endorsement of the event. And you then participated and also [retweeted](#) a message about your participation from your official mayoral Twitter account.

We share your laudable goal of increasing COVID-19 vaccination rates to protect the health and safety of all the City's residents. That goal must, of course, be pursued in accordance with constitutional requirements.

The governmental sponsorship of the November 6 religious event did not adhere to constitutional mandates: The City's and your office's official actions violated the Establishment Clause of the First Amendment to the U.S. Constitution by sponsoring and endorsing the inherently religious activity of prayer. And while the Day of Prayer may have been nondenominational, activities sponsored by the City or its mayor must be inclusive and welcoming to citizens of all faiths and beliefs, including those who believe that religion should not be coopted by government, as well as to those who are

not members of any faith tradition. In the future, the City should not sponsor, promote, or endorse events like the Day of Prayer. Houses of worship should—and easily can—organize and advertise the events themselves.

The Establishment Clause prohibits government and public officials from taking any action that communicates a message of endorsement of religion. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 305 (2000). A governmental entity “may not promote or affiliate itself with any religious doctrine or organization” (*County of Allegheny v. ACLU*, 492 U.S. 573, 590 (1989)), but instead must maintain “neutrality . . . between religion and nonreligion” (*McCreary Cnty. v. ACLU*, 545 U.S. 844, 860 (2005) (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968))).

It follows that the City and its mayor must not give their imprimatur to a religious event like the Day of Prayer. *See, e.g., Gilfillan v. City of Phila.*, 637 F.2d 924, 930 (3d Cir. 1980). Ultimately, “each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance.” *Engel v. Vitale*, 370 U.S. 421, 435 (1962); *see also Gilfillan*, 637 F.2d at 930 (noting that state sponsorship connotes state approval of religion, which the Establishment Clause was “designed to prevent”); *Doe v. Village of Crestwood*, 917 F.2d 1476, 1478–79 (7th Cir. 1990) (concluding that city must not hold Mass during town-sponsored festival because “[a] religious service under governmental auspices necessarily conveys the message of approval or endorsement”); *Newman v. City of East Point*, 181 F. Supp. 2d 1374, 1381–82 (N.D. Ga. 2002) (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”). Here, the Mayor’s office enthusiastically endorsed, promoted, and participated in the Day of Prayer. The official governmental sponsorship of the religious event was unambiguous and unconstitutional.

Going forward, please ensure that neither your office nor any other city departments or officials sponsor or endorse religious events. We would appreciate a response to this letter within thirty days that advises us how you plan to proceed. If you have any questions, you may contact us at (202) 466-3234 or katskee@au.org and luchenitser@au.org.

Sincerely,



Richard B. Katskee, Vice President & Legal Director

Alex J. Luchenitser, Associate Vice President & Associate Legal Director

cc:
Celia Meza
Corporation Council of the City of Chicago
30 N. LaSalle Street, Suite 800
Chicago, IL 60602
Celia.Meza@cityofchicago.org