

Atheist Attack Can't Stop National Day of Prayer Event in North Miami, Fla.

In a victory for Christians, a Florida town will not interfere with a National Day of Prayer rally.

The City Council of North Miami, Fla., ignored the threatening, inaccurate letter from the Freedom From Religion Foundation (FFRF) in favor of Mission Miami and local pastors, after receiving a letter from Liberty Counsel.

The city of North Miami loans its sound truck, event staff and certain public property to local nonprofits free of charge. By an initial vote of 4-1, the North Miami City Council approved the same for Mission Miami's National Day of Prayer event, but the action item was put back on the agenda after the dissenting councilman said that taxpayer dollars should not be funding religion and the FFRF wrote a letter urging the city to reverse its decision. Liberty Counsel intervened, and North Miami's National Day of Prayer event remains on schedule after a 3-2 vote.

While the city need not provide city property for use by nonprofits, once it does, it creates a "forum" for purposes of the First Amendment. Once government opens property in this manner for use by the public, it cannot discriminate on the basis of viewpoint. Requiring Impact Miami to pay a fee for use of city property simply because it espouses a religious position constitutes viewpoint discrimination in violation of the First Amendment.

The city "has no legitimate concerns that it may be violating the Establishment Clause by allowing Impact Miami to engage in private religious speech, even where it is in relation to the National Day of Prayer and on public property," Liberty

Counsel told the City Council. The Supreme Court ruled in *Capitol Square Review and Advisory Bd. v. Pinette* that “private religious speech, far from being a **First Amendment** orphan, is as fully protected under the Free Speech Clause as secular private expression.”

The Supreme Court has been very clear that government may not exclude individuals or groups from public property or a government-created limited public forum simply because the speakers are religious or because they wish to communicate a religious message.

“On May 2, thousands of National Day of Prayer events will take place across America, despite the best efforts of atheist groups to remove God from the public square,” says Mathew Staver, Liberty Counsel founder and chairman.