

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.<sup>1</sup> (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.<sup>2</sup> (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,<sup>3</sup> 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%.<sup>4</sup> (See attached Exhibit D)

<sup>1</sup> Excerpt from: The Association of Religious Data Archives: County Membership Report, Brevard County, 2010 [http://www.thearda.com/rems2010/r/c/12/rems2010\\_12009\\_county\\_name\\_2010.asp](http://www.thearda.com/rems2010/r/c/12/rems2010_12009_county_name_2010.asp); (retrieved June 18, 2015)

<sup>2</sup> The Association of Religious Data Archives: County Membership Report, Brevard County, 2010 [http://www.thearda.com/rems2010/r/c/12/rems2010\\_12009\\_county\\_name\\_2010.asp](http://www.thearda.com/rems2010/r/c/12/rems2010_12009_county_name_2010.asp); (retrieved June 18, 2015)

<sup>3</sup> 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](http://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,

---

<sup>4</sup> "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/](http://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)<sup>5</sup>—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

---

<sup>5</sup> 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](http://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.”<sup>6</sup>

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.”<sup>7</sup> (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

---

<sup>6</sup> 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/> )

<sup>7</sup> 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.<sup>8</sup>

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

---

<sup>8</sup> “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 than [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.”<sup>9</sup>

#### 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

---

<sup>9</sup> 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:

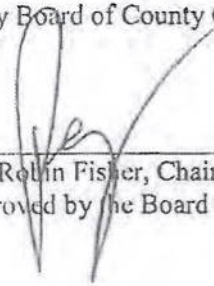
“(c) The Board's findings and conclusions set forth in the Resolution Adopting a Formal Policy Relating to Traditional Ceremonial Pre-Meeting Prayer, enacted on July 7, 2015, are hereby incorporated into this policy. In view of the requests by secular, humanist, atheist and Secular Humanist organizations 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."

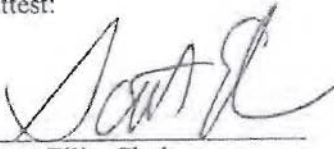
Done and Resolved, this 7<sup>th</sup> day of July, 2015.

Brevard County Board of County Commissioners

By: \_\_\_\_\_

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

Attest:

  
\_\_\_\_\_  
Scott Ellis, Clerk