



CONGRESSIONAL PRAYER CAUCUS FOUNDATION

CONGRESSIONAL ADVISORY MEMBERS

Congressman Randy Forbes
Senator James Lankford
Congressman Mark Walker
Senator John Boozman
Congressman Robert Aderholt
Congressman Brian Babin
Congresswoman Marsha
Blackburn
Congressman John Carter
Congressman Mike Conaway
Congressman Kevin Cramer
Congressman Rick Crawford
Congressman Jeff Fortenberry
Congressman Trent Franks
Congressman Gregg Harper
Congressman Vicky Hartzler
Congressman Jody Hice
Congressman Richard Hudson
Congressman Bill Huizenga
Congressman Randy Hultgren
Congressman Doug Lamborn
Congressman Steve Pearce
Congressman Robert Pittenger
Congressman Paul Ryan
Congressman Chris Smith
Congressman Glenn Thompson
Congressman Tim Walberg
Congressman Joe Wilson
Congressman Robert Wittman

August 21, 2017

Mr. Chip Fletcher
Hillsborough County Attorney
601 E. Kennedy Blvd., 27th Floor
Tampa, FL 33601-1110

Re: Grants to St. Paul Lutheran Church

Dear Mr. Fletcher:

I have the honor of serving as the Executive Director of the Congressional Prayer Caucus Foundation. The Foundation serves nearly 100 members of Congress who are part of the Congressional Prayer Caucus (the names of those members of Congress who serve on the Congressional Prayer Advisory Team are listed on the left).

In addition, the Foundation serves Legislative Prayer Caucuses in 31 states, which have over 750 state senators and state representatives as members of these Legislative Prayer Caucuses. These leaders are working together to preserve the integrity of our Founding Principles and protect First Amendment rights for all.

We recently learned from news reports that an out-of-state organization urged Hillsborough County to no longer provide funding to renovate and repair St. Paul Lutheran Church in Tampa, which reportedly has received grants from the County's Historic Preservation Challenge Grant fund. Although the news reports do not say, we assume that there are several Tampa historic sites worthy of funding, and that St. Paul was only one of several applicants to receive such funding. We further assume that this funding was used *only* for building restoration, and not the salary of the pastor or other expenses essential for congregational worship. In fact, it appears that the portion of St. Paul's that is being restored with public funds is not the church's main worship center, but rather is for incidental use (Sunday School and Adult Education classes, children sermons, and Bible studies).

The Freedom From Religion Foundation cites several cases for making its argument that St. Paul's church restoration project is unconstitutional, but conspicuously absent is the case about another Lutheran church – the 2017 U.S. Supreme Court decision in *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017). In *Trinity Lutheran*, as here, the issue was whether a

church was eligible to receive a public benefit, or whether its status as a church made it constitutionally ineligible to participate in the public benefit. The Chief Justice, on behalf of the 7-2 Court, held that “the refusal to allow the church – solely because it is a church – to compete with secular organizations for a grant” was a violation of the Free Exercise Clause, and imposed on the State the burden of proving that the refusal was a compelling state interest, and that there was no less restrictive measure to achieve its compelling state interest, which it could not do. 137 S. Ct. at 2022.

In addition to complying with the Free Exercise Clause, the decision by those governing the Hillsborough County Historic Preservation Challenge Grant Program to award a grant to St. Paul’s also complied with the Establishment Clause. As noted by Justice Thomas, who wrote for the Court in *Mitchell v. Helms*, 530 U.S. 793, 810 (2000) the following:

[I]f the government, seeking to further some legitimate secular purpose, offers aid on the same terms, without regard to religion, to all who adequately further that purpose,... then it is fair to say that any aid going to a religious recipient only has the effect of furthering that secular purpose.

The secular purpose behind the Hillsborough County Historic Preservation Challenge Grant Program is, of course, to preserve Hillsborough County’s historic sites for posterity. Refusing to allow a church to participate in this program would not only violate the Church’s Free Exercise rights, it would also show the County’s hostility to religion. In its long history, the Court never said that government must be hostile to religion. In fact, as the U.S. Supreme Court stated well in *Zorach v. Clauson*, 343 U.S. 306, 314 (1952): “[W]e find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence.”

We support the decision of the Hillsborough County Historic Preservation Challenge Grant Program to neutrally apply its program to include religious structures. We trust that the County will continue this position and will continue to fund the St. Paul restoration project.

We hope this letter emboldens you to continue standing strong against their threats. Feel free to contact me with questions or for additional legal support from our team at 757-353-9141.

For Faith and Freedom,



Lea Carawan
Executive Director
Congressional Prayer Caucus Foundation