

## **AMERICAN ATHEISTS, INC.**

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### **HIGH COURT RULING ON FAITH-BASED INITIATIVE AVOIDED FIRST AMENDMENT ISSUE, "NOT THE END IN DISPUTE OVER PUBLIC FUNDING OF RELIGION," SAY ATHEISTS**

The 5-4 ruling in the case of *Hein v. Freedom From Religion Foundation* "is not the end in the dispute over the public funding of religion," American Atheists President Ellen Johnson said today.

"This decision was very focused on the issue of whether taxpayers have sufficient legal right or 'standing' to bring a case against the Executive Branch, and really did not address broader constitutional questions regarding the federal faith-based initiative."

The suit focused on President Bush's creation of a faith-based scheme using powers of executive privilege that has re-directed billions of dollars in federal funds for use by religious organizations that operate social programs. Five justices opined that taxpayers did not have appropriate legal standing to challenge the executive branch, but could contest spending programs approved directly by Congress. Four of the justices, though (Souter, Stevens, Ginsburg, Breyer) stated that taxpayers did have the necessary standing.

Johnson added that the written majority opinions by Justices Scalia and Alito make it more difficult for citizens, particularly those holding unorthodox opinions in respect to religion, to have their grievances addressed.

"The court majority is more focused on expanding the powers of the Executive Branch than in dealing with the constitutionality of whether government should be providing tax money to support religious organizations," said Dave Silverman, Communications Director for American Atheists. "On the other hand, the minority in this case, particularly Justice Souter, was right in citing James Madison's caution that "government in a free society may not 'force a citizen to contribute three pence only of his property for the support of any one establishment' of religion."

"This is not going to be the end for this sort of legal dispute" added Silverman. "Millions of Americans, including those who are Atheists, Freethinkers and Humanists, won't stand idly by as our money is laundered through the public treasury and used to support religion-bases social programs."

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AMERICAN ATHEISTS is a nationwide movement that defends civil rights for Atheists; works for the total separation of church and state; and addresses issues of First Amendment public policy.

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