

## NOTICE

On August 8, 2007, Judge Avern Cohn issued an opinion in American Atheists, Inc., et al. v. City of Detroit Downtown Development Authority, et al., 06-CV-11696. The summary provided below was prepared by Judge Cohn. The summary is provided solely to assist the reader, and is not part of the opinion/order itself, and may not be cited as precedent.

This case challenged, as a violation of the Establishment Clause of the First Amendment to the Constitution, the inclusion of three churches in a public program which will partially reimburse, through-tax generated funds, the churches for certain improvements and repairs they have made to the façades of their churches, other buildings, and parking lots.

The Court held that the program is constitutional, with exception to the reimbursements intended for the improvement or replacement of the monolithic signs in front of the church buildings and for work done on two stained glass windows containing religious imagery located in one of the churches.

The portions of the program which have been upheld are constitutional because: (1) the recipients were neutrally selected without reference to religion; (2) the primary effect of the program was to advance the secular goal of improving the appearance of Lower Woodward Avenue in anticipation of the large number of visitors to downtown Detroit for the 2005 All-Star baseball game and 2006 SuperBowl football game; and (3) the reimbursements will not be diverted by the churches to advance their religious mission as the program contain no religious component.