

FREEDOM FROM RELIGION *foundation*

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July 12, 2016

Sent via U.S. mail and Email: tcjudge@att.net

Mr. Hollis Alexander
Trigg County Judge/Executive
P. O. Box 672
Cadiz, KY 42211

Re: Refusing to perform a secular wedding ceremony

Dear Mr. Alexander:

I am writing on behalf of the Freedom From Religion Foundation to alert you to a very serious constitutional violation that you recently committed. FFRF is a national non-profit with more than 24,000 members, including members in Kentucky and a local chapter, FFRF Kentucky.

It is our understanding that Mandy Heath and her fiancé, Jon, were planning on getting married in Trigg County, KY on Friday July 22 at your courthouse. Ms. Heath arranged with the county clerk to get the marriage license and have you perform the legal formalities. The couple would then have a family ceremony the next day.

We understand that Ms. Heath requested that the courthouse marriage you perform be secular. After making those plans with the clerk, we understand that you called Ms. Heath to inform her that you would “be unable to perform [her] wedding ceremony” at the courthouse. When asked why, you apparently responded: “I include God in my ceremonies and I won’t do one without him.”

We then understand that you told the couple, who are not from Kentucky, that they could go locate another officiant, a man named Craig Owen in Christian County.

This refusal violates the U.S. Constitution. As a government official, you have an obligation to remain neutral on religious matters. The Supreme Court has established that “the ‘First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.’” *McCreary County v. ACLU*, 545 U.S. 844, 860 (2005) (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985)). Moreover, “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee v. Weisman*, 505 U.S. 577, 589 (1992)).

The County sends a message of religious endorsement by refusing to provide secular ceremonies. Under the Constitution it is illegal to condition a government benefit on a religious test. *See*

Torcaso v. Watkins, 367 U.S. 488, 496 (1961) (holding that religious requirements unconstitutionally invade citizens' freedom of belief and religion and therefore cannot be enforced against them). By conditioning the receipt of a marriage license from Trigg County on an agreement to have a religious ceremony, the County is violating the rights of nonreligious couples to equal access to government benefits.

Under Kentucky law:

- (1) Marriage shall be solemnized only by:
 - (a) Ministers of the gospel or priests ...
 - (b) Justices and judges of the Court of Justice, retired justices and judges of the Court of Justice except those removed for cause or convicted of a felony, county judges/executive, and such justices of the peace and fiscal court commissioners as the Governor or the county judge/executive authorizes; or
 - (c) A religious society that has no officiating minister or priest and whose usage is to solemnize marriage at the usual place of worship and by consent given in the presence of the society, if either party belongs to the society.

Ky. Rev. Stat. Ann. § 402.050.

Marriage may be solemnized *only* by religious figures (a) and (c), and, government employees and officials like yourself. There is no requirement that such ceremonies be religious (any such requirement would be unconstitutional). Ms. Heath sought you out as the only secular alternative available to her under Kentucky law.

As a government employee, you have a constitutional obligation to remain neutral on religious matters while acting in your official capacity. You have no right to impose your personal religious beliefs on people seeking to be married. Governments in this nation, including the Commonwealth of Kentucky, are secular. They do not have the power to impose religion on citizens.

The bottom line is that by law, there must be a secular option for people seeking to get married. In Trigg County, *you* are that secular option. The default ceremony offered by your office should be secular and people wishing to add in religion should be able to do so upon request. Not the other way around and certainly not to the exclusion of a secular option.

We request written assurances that future wedding ceremonies you perform will be secular. If citizens wish to have religious ceremonies, they can amend the ceremony as they see fit or get married in a church. I look forward to your written response.

Sincerely,



Andrew L. Seidel
Staff Attorney
Freedom From Religion Foundation