

FREEDOM FROM RELIGION *foundation*

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Mailed and Emailed to BOC@onslowcountync.gov

November 16, 2011

Onslow County Board of Commissioners
4024 Richlands Highway
Jacksonville, NC 28540
910-347-4717

Dear Chairman Jarman and Commissioners:

I am writing on behalf of a local resident and other members of the Freedom From Religion Foundation (FFRF) to alert you to serious concerns over Sheriff Ed Brown's use of his office, title, and authority in an illegal manner. FFRF is a nationwide nonprofit organization that works to protect the constitutional principle of separation between state and church. FFRF has a state chapter in North Carolina, the Triangle Freethought Society, and represents 17,000 members nationally, including nearly 400 members in North Carolina.

It is our information and understanding that Sheriff Brown placed an advertisement, taking the form of a letter, in the Jacksonville Daily News on October 23, 2011. (See enclosed). Our copy of the letter is addressed from "Sheriff Brown to: All Decent and Respectable Citizens Of a Decent and Respectful Society." In top right hand corner of the letter is the Official Badge and Seal for the Sheriff of Onslow County. The letter is signed "A caring and serving Sheriff, Ed Brown," and appears to be personally signed by the sheriff. Clearly this letter is meant to carry the weight and authority of the Sheriff's office and of Onslow County.

This letter, endorsed by the county government in the person of the sheriff, is a violation of the Constitution. The sole purpose of the letter is to proselytize, to urge people to "stand and be counted for the Cause of God," and to bring people to the "Truth of God." "Learning" and "books" are denigrated while it is claimed that "believers have a truth." The full text of the letter is four paragraphs, not a single sentence of which may be constitutionally endorsed by a sheriff or county.

It is a fundamental principle of Establishment Clause jurisprudence that the government cannot in any way promote, advance, or otherwise endorse religion. The Supreme Court has said, "The touchstone for our analysis is the principle 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. Board of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985)).

The Establishment Clause, "at the very least, prohibits government from appearing to take a position on questions of religious belief or from 'making adherence to a religion

relevant in any way to a person's standing in the political community.' ” *County of Allegheny v. American Civil Liberties Union*, 492 U.S. 573, 594 (1989) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 687 (1984)). The overt promotion of Christianity by the County Sheriff using his official title, badge, and seal gives the impression that the County government supports and endorses particular religious views. The government is sending the message “to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members...” *Id.* (citations omitted). “This presents a problem for the Sheriff because the Establishment Clause prohibits the government from ‘promot[ing] or affiliat[ing] itself with any religious doctrine or organization.’” *Milwaukee Deputy Sheriffs’ Ass’n v. Clarke*, 588 F.3d 523, 528 (7th Cir. 2009), quoting *Allegheny*, 492 U.S. 573, 590 (1989).

Cities are not permitted to have religious imagery on their seals. See *Harris v. City of Zion, Lake County, Ill.*, 927 F.2d 1401, 1412 (7th Cir. 1991); *Robinson v. City of Edmond*, 68 F.3d 1226 (10th Cir. 1995); *Foremaster v. City of St. George*, 882 F.2d 1485 (10th Cir. 1989); *Friedman v. Board of County Com’rs of Bernalillo County*, 781 F.2d 777 (10th Cir. 1985); *Webb v. City of Republic, Mo.*, 55 F. Supp. 2d 994 (W.D. Mo. 1999); *American Civil Liberties Union of Ohio, Inc. v. City of Stow*, 29 F.Supp.2d 845. Seals may not have religious imagery, nor may they be lent to give weight to a particular religious creed. The Sheriff’s use of his official badge and seal, naming Onslow County, in this letter was unconstitutional.

Additionally, from a policy point of view, it is absurd for an officer of human law to be preaching “God’s Law” and “the Law of God, The Ten Commandments” from his official post. We are fortunate in this country to be free from religious police.

We request that you ensure that no further religious messages from Sheriff Brown are disseminated with his official title, seal, and authority. In addition, we request that the Board take appropriate disciplinary action against the Sheriff and that the Sheriff issue an apology for failing in his duty to uphold the Constitution. Finally, we request that you provide us with all information pertaining to the purchase of this advertisement, specifically whether taxpayer funds were used. Please inform us in writing of the actions that Onslow County is taking to remedy these constitutional violations. We look forward to a reply at your earliest convenience.

Sincerely,



Patrick C. Elliott
Staff Attorney

Enclosure

**SHERIFF BROWN TO:
All Decent and Respectable Citizens
Of a Decent and Respectful Society**



Is the opinion of one with a doctrinal degree in whatever subject, greater than the Truth of God or greater than those decent and respectable standards both of which are necessary for an orderly, decent, and respectful society? I tell you no.

I ask you to look for yourself. Our society is in a big mess today because good, decent, and respectful citizens have ignored the Truth of God, good common sense, and a decent standard because of an opinion given by someone with a doctrinal degree who has no wisdom. My fellow citizens, wisdom does not come from the books of man or degree of man's learning. Wisdom comes from God only. When America turns back to God's Law and man's standards established from God's Law, good and decent things will turn around for All Americans.

My fellow Believers, do not wait and watch to see what may be, but instead stand and be counted for the Cause of God and what is decent and right. Both are good and necessary for a decent and respectful society for All People. Remember, there are no loop holes or places for opinion in the Law of God, The Ten Commandments.

Man has a saying: "The Pen is Mightier than the Sword." But Believers have a truth: "The Almighty God is Greater than Both the Pen and the Sword."

Thank You.

A caring and serving Sheriff

Ed Brown