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May 27, 2008

Mesa County Clerk and Recorder  
PO Box 20000  
Grand Junction, CO 81502

Dear Madam or Sir:

I am writing to you on behalf of The Freedom From Religion Foundation, Inc. The Foundation is a nationally-recognized nonprofit corporation which has in excess of 10,000 members throughout the United States. Its principal function is to promote the constitutional separation of church and state for atheists, agnostics, and others Americans who believe in our heritage of religious liberty.

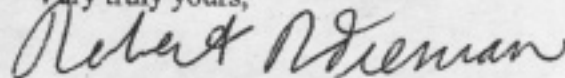
The Foundation has informed me that your office is requiring applicants for marriage licenses and certificates to state an oath to the "everliving God." In fact, I am told that persons who refuse to do so are denied licenses and certificates. For the reasons set forth below, you are hereby requested to discontinue this practice.

As you are aware, applications for marriage licenses, certificates, and solemnizations are governed by §§14-2-106 and 109 of the Colorado Revised Statutes. The form of oaths is prescribed by §24-12-101 of the CRS and includes the phrase "by the everliving God." However, §24-12-102 provides an alternative form of affirmation for anyone who has conscientious scruples against swearing an oath to a deity.

There are judicial decisions which apply to this issue as well. In 1961 the United States Supreme Court, in *Torcaso v. Watkins*, reported at 367 U.S. 448, ruled that the First Amendment to the U.S. Constitution, which is applied to state and local governments by Amendment 14, prohibits government from forcing a person to profess a belief in God or in any religion as a condition of obtaining public services or benefits. *Torcaso* was cited by the Colorado Supreme Court in *People v. Velarde*, 616 P.2d 104 (1980) where it was held that, although jurors are required to state affirmations, they are not required to swear an oath to the "everliving God."

In light of the above, we are respectfully requesting that your office discontinue the practice of requiring an oath to God for marriage licenses and certificates or anything else having to do with official business. I thank you for your giving your attention to this matter and please notify me of the action you take in response to this request.

Vary truly yours,



Robert R. Tiernan

cc: Ms. Annie Laurie Gaylor, Co-President  
The Freedom From Religion Foundation, Inc.