

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

December 18, 2018

SENT BY EMAIL AND U.S. MAIL: rlwallace@amberleyvillage.org

Rich Wallace
Police/Fire Chief
Amberley Village Police-Fire Department
7149 Ridge Road
Amberley Village, OH 45237

Re: Unconstitutional Sponsorship and Endorsement of Religious Ceremony

Dear Chief Wallace:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) concerning the Amberley Village Police-Fire Department hosting and endorsing a religious event each year. FFRF is a national nonprofit organization with about 32,000 members across the country, including more than 700 members and a chapter in Ohio. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned local area resident contacted FFRF to report that each year the Amberley Village Police-Fire Department hosts a Menorah lighting ceremony. It is our understanding that this event is sponsored by the Department and this year's event was promoted on the Village's website and social media pages where residents were invited to "[j]oin us for this opportunity to take part in this tradition or learn for the first time the meaning of the candle-lighting during the celebration of Hanukkah." We also understand that you participated in this religious ceremony and that other Department representatives participated while in uniform. Please see the enclosed screenshots.

The Department's official sponsorship of this religious ceremony poses serious constitutional problems. The Establishment Clause of the First Amendment to the United States Constitution prohibits the government from endorsing, advancing, or promoting religion. Therefore, it is illegal and inappropriate for the Department to host and promote this event and for Department representatives to participate in their official capacities.

The Supreme Court has said time and again that the First Amendment "mandates governmental neutrality between religion and religion, and between religion and nonreligion." *McCreary Cnty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005) (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. 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 Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee v. Weisman*, 505 U.S.

577, 589 (1992)). By hosting an explicitly religious event, the Department is violating these constitutional limits on government religious endorsement.

The Supreme Court has explained that “the prohibition against governmental endorsement of religion ‘preclude[s] government from conveying or attempting to convey a message that religion or a particular religious belief is favored or preferred.’” *City of Allegheny v. ACLU Greater Pittsburgh Chapter*, 492 U.S. 573, 593 (1989). The goal of the endorsement test is to ensure that the government does not “appear[] to take a position on questions of religious belief.” *Id.* at 594.

The menorah is a religious symbol and has been recognized as such by the U.S. Supreme Court. *Id.*, 492 U.S. at 613 (“The menorah, one must recognize, is a religious symbol: it serves to commemorate the miracle of the oil as described in the Talmud.”); *see also American Civil Liberties Union of New Jersey v. Schundler*, 104 F.3d 1435, 1446 (3d Cir. 1997)(“the menorah is a religious symbol.”); *Kaplan v. City of Burlington*, 891 F.2d 1024, 1028 (2d Cir. 1989)(“The menorah, like the crèche, is clearly a religious symbol.”).

Hosting a Menorah lighting ceremony each year sends the message that Department not only prefers religion over non-religion, but Judaism over all other faiths, and is unconstitutional. See *Milwaukee Deputy Sheriff's Ass'n v. Clarke*, 588 F.3d 523, 525-26 (7th Cir. 2009) (holding that religious messages during sheriff's department meetings and the distribution of Christian literature were unconstitutional under the Establishment Clause). This event gives the strong appearance of a religious endorsement by the Department.

Official Amberly Village Police-Fire Department sponsorship of a religious ceremony creates the appearance of village entanglement with religion and alienates the non-Jewish and nonreligious members of the community and Department. To avoid the constitutional concerns and the divisiveness religion can cause within the Department, the Amberly Village Police-Fire Department must refrain from hosting religious events in the future, and village employees cannot attend religious events in their official capacities, which means that officers cannot attend religious events while on the clock or in uniform. Please inform us in writing of the actions that the Department is taking to remedy this serious constitutional violation.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher Line
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

Enclosures

Menorah Lighting Dec 2



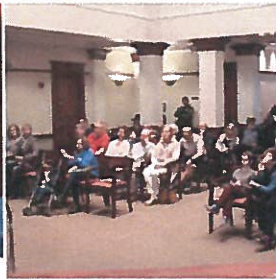
[G](#) Google Bookmark [f](#) Facebook [+](#) More

You're invited! The Amberley Village Police-Fire Department will host again this year a community Menorah Lighting on December 2 at 4 p.m. in Council Chambers, open to everyone! Join us for this opportunity to take part in this tradition or learn for the first time the meaning of the candle-lighting during the celebration of Hanukkah.

Amberley Village **Amberley Village, Ohio - Government** is with Rich-Kim Wallace. ...

December 2 at 6:20 PM · 🌐

Menorah lighting



[👍](#) [👍](#) [👍](#)