

FREEDOM FROM RELIGION *foundation*

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June 9, 2015

SENT VIA MAIL AND EMAIL TO: mayor@archbold.com

The Honorable Jim Wyse
Mayor, Village of Archbold
P.O. Box 406
300 N. Defiance
Archbold, OH 43502

Re: Unconstitutional Village Seal and Declaration that Archbold “is a Christian community”

Dear Mayor Wyse:

I am writing on behalf the Freedom From Religion Foundation to notify you that the Village of Archbold seal containing a church and the declaration that Archbold is “Christian community” on the official Archbold website violate the Constitution. We were contacted by a concerned Archbold resident. FFRF is a nationwide nonprofit organization, which works to protect the constitutional principle of separation between state and church. FFRF has over 22,500 members across the country, including over 600 in Ohio.

As you know, the Village of Archbold seal contains the unmistakable image of a church. The church is placed among symbols of education, farming, forestry, and industry. We understand that the Village seal is featured in a number of settings, including government buildings where the public’s business is conducted, the Village’s website, on street signs throughout the village, and on Village forms and documents, such as utility bills. Additionally, the Archbold website declares on its “History” page that Archbold “is a Christian community.” Please see the enclosed photos.

The inclusion of a church on the official Village seal and declaration that the Village “is a Christian community” violate the Establishment Clause of the First Amendment. 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.’ ” *Cnty. of Allegheny v. Am. Civil Liberties Union*, 492 U.S. 573, 594 (1989) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 687 (1984)). The City’s inclusion of the church signals an endorsement of Christianity, which is confirmed by the declaration that the Village “is a Christian community.” This “sends a 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 of the political community.” *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984).

Federal courts have ruled that similar seals violate the Establishment Clause. *Foremaster v. City of St. George*, 882 F.2d 1485 (10th Cir. 1989) (finding that Establishment Clause challenge to city logo depicting Mormon Temple could proceed; suit was later settled after the City had substantially stopped using the logo); *Harris v. City of Zion*, 927 F.2d 1401 (7th Cir. 1991) (cities’ seals that included a local church violated Establishment Clause). The Village of Archbold seal is particularly akin to the seal at issue in *Harris v. City of Zion*. In *Harris*, the City of Rolling Meadows seal was designed by a student who “drew the things she saw in Rolling Meadows,” including a local church and images symbolizing the city’s education and industry on the seal. *Id.* at 1403. In striking it down, the Seventh Circuit Court of Appeals addressed the problem with such endorsement:

The images on the seal are not just neutral snapshots of the community; they are charged with endorsement...the Rolling Meadows seal does promote the selected images it depicts. To any observer, the Rolling Meadows seal expresses the city's approval of those four pictures of city life--its flora, its schools, its industry and commercial life, and its Christianity.

Id. at 1412. The Court concludes, "It is this last expression of approval--Rolling Meadows' endorsement of Christianity--that simply cannot withstand constitutional scrutiny." *Id.* at 1413. In the same case, the Court found that the City of Zion seal could not be absolved because the City claimed that it commemorated the historical origins of the City. The court said, "No appeal to history can abate that message when the images in the seal are abstract symbols of a particular Christian sect." *Id.* at 1415.

Other federal courts have also consistently ruled that religious symbolism on municipal seals is unconstitutional. See *Robinson v. City of Edmond*, 68 F.3d 1226 (10th Cir. 1995) (city seal containing Latin cross in one quadrant violated Establishment Clause); *Ellis v. City of La Mesa*, 990 F.2d 1518 (9th Cir. 1993) (city insignia depicting "well-known local feature" containing a Latin Cross violated the No Preference Clause of the California Constitution); *Friedman v. Board of County Com'rs of Bernalillo County*, 781 F.2d 777 (10th Cir. 1985) (Latin cross with Spanish motto meaning "With This We Conquer" on county seal violated Establishment Clause); *Webb v. City of Republic, Mo.*, 55 F. Supp. 2d 994 (W.D. Mo. 1999) (city seal with religious fish symbol in one quadrant violated Establishment Clause); *American Civil Liberties Union of Ohio, Inc. v. City of Stow*, 29 F. Supp. 2d 845 (N.D. Ohio 1998) (finding city seal containing Latin cross in one quadrant violated Establishment Clause).

Regardless of the legal issue, as a matter of policy, the Village should take the opportunity to remove exclusionary religious messages from its seal and website. Updating the seal and website would show the citizens of Archbold that their village and its leadership do not favor any one religion or belief system. By remaining neutral on matters of religion, the Village would embrace the diversity of its citizens, including non-Christian religious citizens and citizens who have no religion at all. Today nearly 30% of adults in the U.S. are non-Christian, and that number is rising. Among millennials, those born between 1981 and 1996, over 43% are non-Christian, either practicing a minority religion or no religion at all.¹ Leaving a sectarian religious symbol on the Village of Archbold seal and declaring the Village a "Christian community" ostracizes these citizens.

We urge the Village to immediately discontinue using this seal and to adopt a new representation of the Village that is inclusive of all of your citizens. The Village must also remove the declaration that Archbold is a Christian community from its website. We request a written response outlining what steps the Village is taking to comply with constitutional dictates.

Sincerely,



Madeline Ziegler
Attorney

MEZ:njf

Enclosures

¹ *America's Changing Religious Landscape*, Pew Research Center (May 12, 2015) available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.



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History

History of Archbold

The Village of Archbold is situated in western [Fulton County](#) and in the Township of German, State of Ohio. It is a Christian community and its people are of German, Swiss, and French ancestry with the majority being German. Topo-graphically, the township is flat with a very slight roll to the north and east. The Tiffin River and Brush Creek are the only state waterways which flow through the area. These provide drainage and a source of water for the village.

George Ditto was the first to settle upon the land which is now within the corporate limits of Archbold. It is so stated that Mr. Ditto arrived in 1838 and purchased the land which lies north of the New York Central Railroad. This area is known today as the Ditto and Haywood additions. This land was entirely wooded, so it was natural that the first industry was woodworking. Woodworking is still a major industry in the village today.



In the book, *The History of Fulton County*, the name Archbold is attributed to the chief engineer of the railroad, Mr. James Archbald. In this account it states that another story about the naming of the town was that it was named for two engineers, Arch and Bald.

In 1854 James Archbald, who was the mayor of Carbondale, PA for a number of years, moved to Adrian, Michigan, accepting the position of vice-president, chief engineer of the Michigan Southern and Northern Indiana Railroad. During his employment by this railroad he built what was then known as the famous "Air Line" railroad from Toledo, Ohio to Indianapolis. As a result, a prosperous town on the border line between the states of Ohio and Indiana was named Archbald in his honor. In a letter written about 1900 to his son, Robert, from someone in Archbold said that the first Postmaster chose the name. It was easier to work with than the "a" spelling.



**VILLAGE OF ARCHBOLD
UTILITY DEPARTMENT
P.O. BOX 406
ARCHBOLD, OH 43502**

**OFFICE HOURS
8:30 AM - 4:30 PM**

www.archbold.com