

# FREEDOM FROM RELIGION *foundation*

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December 27, 2017

SENT VIA EMAIL AND U.S. MAIL:

[Kay.Ivey@governor.alabama.gov](mailto:Kay.Ivey@governor.alabama.gov)

The Honorable Kay Ivey  
Governor of Alabama  
600 Dexter Avenue  
Montgomery, AL 36130

Re: Religious promotion on social media

Dear Governor Ivey:

I am writing on behalf of the Freedom From Religion Foundation to alert you to unconstitutional religious endorsements posted on your official social media page. FFRF is a national nonprofit organization whose purposes are to protect the separation between state and church and to educate the public on matters related to nontheism. We have 30,000 members throughout the country, including members in Alabama.

A concerned citizen contacted FFRF to report that on December 25, the official Alabama governor's Facebook page posted a religious message and your 2017 Christmas message video. The post read, "My fellow Alabamians, today, as we celebrate the birth of our Lord Jesus Christ, I pray that each of us share His light and love with one another. As we're upon the Christmas season, reflecting on the past year, let us be filled with hope and joy as we look toward the opportunities that lie before us. May your days ahead be filled with the light of God and His abundant grace. ..." See <https://www.facebook.com/KayIveyAL/posts/1555337194564938>.

The video message was similarly religious (<https://youtu.be/WdBb4aIhIpk>):

... No matter what we face, we must never forget Christmas really celebrates one thing: the birth of Jesus Christ. During the holidays our homes are filled with lights, from the candles we burn to the lights that twinkle on our trees. We use lights at Christmas because they symbolize that we have the light of Christ, a light which represents hope and promise for the future, within in us. Despite our differences, we are all made in the image and likeness of God. We share a common bond, a desire to care for each other and to make this world a better place. That is the message of Jesus and the story of Christmas. May your Christmas and the days ahead be filled with the light of God and his abundant grace. Merry Christmas to each of you and your families.

We write to inform you that as a government entity, the Office of the Governor cannot endorse religious messages. These religious messages violate the Establishment Clause by communicating that the department, and by extension the state of Alabama, prefer religion, specifically Christianity, over nonreligion and all minority faiths.

As a government entity, the Office of the Governor has a constitutional obligation not to promote one religion over others. The Supreme Court has long recognized 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); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). When you use your office to promote exclusively religious messages, you have violated this neutrality.

This Facebook post conveys a message to non-Christians that they are not “favored members of the political community.” *Cty. of Allegheny v. Am. Civil Liberties Union Greater Pittsburgh Ch.*, 492 U.S. 573, 595 (1989). These citizens should not be excluded, made to feel like outsiders in their own state, because the government they support with their taxes prominently places religious endorsements on its social media page. While many Alabama citizens may support these religious sentiments, a significant proportion are excluded by them. Overall, 24% of Americans identify as religiously unaffiliated and nearly 30% are non-Christians, either practicing a minority religion or no religion at all.<sup>1</sup>

Of course, the law does not prevent you from recognizing Christmas. The Supreme Court has said that the “government may celebrate Christmas in some manner and form, but not in a way that endorses Christian doctrine.” *Cty. of Allegheny v. Am. Civil Liberties Union Greater Pittsburgh Ch.*, 492 U.S. 573, 601 (1989). But as in that case, your message “transgressed this line. [You chose] to celebrate Christmas in a way that has the effect of endorsing a patently Christian message: Glory to God for the birth of Jesus Christ. . . . nothing more is required to demonstrate a violation of the Establishment Clause.” *Id.* at 601-602.

Your promotion of religion also jeopardizes taxpayer dollars by exposing the state to legal liability. The sheriff’s office in Bradley County, Tennessee recently agreed to pay more than \$40,000 in damages and attorneys’ fees after promoting religion on social media and ignoring objections to the practice. *American Atheists v. Watson*, No. 1:2016cv00118 (E.D. Tenn. filed May 6, 2016). There is no need to expose the State of Alabama to similar liability by continuing to post religious content from a government account.

There are also problems with the message itself. We do not care that you said, “Merry Christmas” to conclude your video—this has never been an issue—but we do admonish the exclusionary and erroneous nature of much of the message. For instance, many Americans do not believe that we are, as you claimed, “made in the likeness of God.” And the idea that “We use lights at Christmas because they symbolize that we have the light of Christ . . . within in us” is an absurd modern rebranding. In several places in the video, including as you talk of Christmas lights, images of Christmas trees appear on screen. But every good Christian knows that in Jeremiah 10:2-4 the bible bans the use of pagan trees, decorated to reflect light with gold and silver and later, with the lights to which you laid claim:

This is what the Lord says:

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<sup>1</sup> Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at [www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf](http://www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf).

“Do not learn the ways of the nations  
or be terrified by signs in the heavens,  
though the nations are terrified by them.  
For the practices of the peoples are worthless;  
they cut a tree out of the forest,  
and a craftsman shapes it with his chisel.  
They adorn it with silver and gold;  
they fasten it with hammer and nails  
so it will not totter.

As FFRF’s co-presidents explained to Sarah Huckabee Sanders, “Christians created a religious ‘reason for the season.’ They wanted to convert the heathens who worshipped Sol Invictus, the unconquered sun, at the time of the Winter Solstice. So they assigned the birth of their savior to a time when the heathens were already celebrating to sell them on Christianity. Jesus’ invented December birthday was simply a tool for proselytizing.” FFRF Press Release (Dec. 12, 2017).

Even your claim that “We share a common bond, a desire to care for each other and to make this world a better place ... is the message of Jesus and the story of Christmas,” is wrong. It is true that we share this bond, but it is not religious in nature and its source is not Jesus or the bible. Both Jesus and the bible call for the death of non-Christians:

“Do not suppose that I have come to bring peace to the earth. I did not come to bring peace, but a sword. For I have come to turn a man against his father, a daughter against her mother, a daughter-in-law against her mother-in-law—a man’s enemies will be the members of his own household. Anyone who loves their father or mother more than me is not worthy of me; anyone who loves their son or daughter more than me is not worthy of me.” Matt. 10:34-37.

We ask that this religious post be removed from the Governor’s official Facebook page. Please inform us in writing of the steps taken to address this constitutional violation so that we can notify our complainant. Thank you for your time and attention.

Sincerely,



Andrew L. Seidel  
Constitutional Attorney  
Director of Strategic Response