

FREEDOM FROM RELIGION *foundation*

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June 22, 2016

SENT BY EMAIL & U.S. MAIL

harperchief@att.net

Mr. Doug Murphy
Police Chief
Harper Police Department
201 W. Main Street
Harper, KS 67058

Re: Unconstitutional Religious Endorsement

Dear Police Chief Murphy:

I am writing on behalf of the Freedom From Religion Foundation concerning the inclusion of a religious decal on patrol cars. We were contacted by a concerned citizen. FFRF is a nationwide nonprofit organization with almost 24,000 members across the country, including nearly 150 members in Kansas. We protect the constitutional separation between church and state.

We are informed that the Harper Police Department has placed a decal on the back of patrol cars reading "Romans 13:4." The verse in question reads as follows: "For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil" (King James Version).

Displaying a decal referencing this ominous quote violates the Establishment Clause of the First Amendment. These decals must be removed. FFRF recently settled a nearly identical lawsuit against the Brewster County Sheriff (Texas). That sheriff put crosses on vehicles, ignored our letters of complaint, and ended up losing a lawsuit and about \$20,000 in fees and costs paid to FFRF.¹

The Supreme Court has repeatedly recognized that the First Amendment "mandates governmental neutrality between religion and religion, and between religion and nonreligion." *McCreary Cnty. 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). Placing decals referencing biblical quotes on the back of a law enforcement vehicle fails to respect either constitutional mandate of neutrality.

It is inappropriate and unconstitutional for a government entity to display such a decal on its property because it conveys a preference by the HPD—and by extension, the City of Harper—for religion over nonreligion and Christianity over all minority faiths. The Supreme Court has

¹ See <http://ffrf.org/news/news-releases/item/26774-ffrf-hails-speedy-victory-for-constitution-in-texas>.

ruled, “The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief.” *Cnty. of Allegheny v. Am. Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 593-94 (1989).

Placing a Romans 13:4 decal on a law enforcement vehicle sends the message to county residents who are not Christian “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) (O’Connor, J., concurring). When a sheriff mandates the display of a symbol from his preferred religion on county property, not only does he unconstitutionally endorse religion, but also risks alienating the nearly 30% of Americans who are non-Christian.²

As you are aware, citizens interact with and rely on law enforcement officers during some of the most urgent and vulnerable times of their lives. These citizens should not be made to feel offended, excluded, and like political outsiders because the local government they support with their taxes oversteps its power by prominently placing a religious statement on government vehicles. Nor should the HPD turn religious citizens into “insiders.” We think you’ll agree that law enforcement must be even-handed and avoid any appearance of bias toward some citizens, and hostility toward others.

This choice of verse is particularly disturbing. Romans 13 begins by claiming, “there is no power but of God: the powers that be are ordained of God” (King James Version). This idea directly conflicts with the Constitution’s source of power: “We the people.” There is also something perverse about referring to “revengers,” “bearing swords,” and “executing wrath,” when your true job is to protect and serve. It is not for the HPD to mete out biblical punishments or divine wrath.

Spending taxpayer time and money placing religious symbols on patrol cars is beyond the scope of secular government. The Romans 13:4 decals must be removed from HPD vehicles. Please inform us in writing of the steps the Sheriff’s Office intends to take to address this constitutional violation.

Sincerely,



Andrew L. Seidel
Staff Attorney

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² *America’s Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.