

FREEDOM FROM RELIGION *foundation*

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

June 30, 2017

SENT BY FAX & U.S. MAIL
danhughes7@yahoo.com

The Honorable Dan Hughes
County Mayor
Henderson County Mayor's Office
17 Monroe St.
Lexington, TN 38351

Re: Unconstitutional Display of Bible Verse on Courthouse

Dear Mayor Hughes:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to urge you to remove the unconstitutional display from the Henderson County Courthouse. A concerned local resident contacted us. FFRF is a national nonprofit organization with 29,000 members across the country, including more than 350 members in Tennessee. FFRF's purpose is to protect the constitutional principle of separation between state and church, and to educate the public on the topic of nontheism.

We understand that a bible verse is etched on the wall of the Henderson County Courthouse in Lexington, Tennessee. The verse reads "Justice and judgment are the habitation of thy throne: Mercy and truth shall go before thy face. Psalms 89:14." A picture of the inscription on the courthouse wall is enclosed.

The Establishment Clause in the First Amendment to the U.S. Constitution prohibits government sponsorship of religious messages. The Supreme Court has said time and again, that the "First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion." *McCreary County, Ky. v. American Civil Liberties Union of Ky.*, 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. Board of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947).

It is inappropriate for the county to display this religious message on the wall of the Henderson County Courthouse because it conveys government support for religion. The Supreme Court has ruled, "The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief." *County of Allegheny v. American Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 593-594 (1989). Like the Ten Commandments posting in county buildings in *McCreary* and the crèche display on county land in *Allegheny*, this display is unconstitutional under the precedent of *Lemon v. Kurtzman*, 403 U.S. 602 (1971). A reasonable observer would view the text as an endorsement of religion by Henderson County.

The context of the religious message is particularly problematic. The verse alludes to the throne of a Judeo-Christian god, and it is embedded into the walls of the courthouse, the seat of government. This perpetuates the myth that our law is based on biblical principles, and it sends the message to private citizens with business at the courthouse that the justice they seek will be decided based on religion.

The Henderson County Courthouse serves all citizens regardless of belief or nonbelief, and with this display, Henderson County appears to be preaching to citizens required to come to the courthouse. The message alienates the 23% of adult Americans who are non-religious.¹ It excludes non-Christian residents of Henderson County and expresses a preference for Judeo-Christian faith in a government building responsible for administering and upholding our laws. By endorsing a particular religion, the city “sends the ... 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.’” *McCreary*, 545 U.S. at 860 (citations omitted).

Please remove the religious text from the Henderson County Courthouse as soon as possible and inform us in writing of the actions taken to remedy this violation so we may notify our complainant.

Sincerely,



Rebecca S. Markert
Staff Attorney

RSM:rmb

Enclosure

¹*America's Changing Religious Landscape*, Pew Research Center (May 12, 2015), *available*

JUSTICE AND JUDGEMENT ARE
THE HABITATION OF THY THRONE:
MERCY AND TRUTH SHALL GO
BEFORE THY FACE.

PSALMS 89:14