

FREEDOM FROM RELIGION *foundation*

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

June 13, 2017

SENT VIA FAX & U.S. MAIL
219-937-4412

The Honorable Frank Mrvan
North Township Trustee's office
5947 Hohman Avenue
Hammond, IN 46320

Re: Unconstitutional government sponsorship of religion

Dear Trustee Mrvan:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding unconstitutional correspondence sent by your office. FFRF is a national nonprofit organization with more than 29,000 members across the country, including over 400 Hoosiers. Our purpose is to protect the constitutional principle of separation between state and church and to represent the views of freethinkers (atheists, agnostics, and nonbelievers).

A concerned local complainant informed us that you send condolence letters on behalf of "North Township Trustee Frank J. Mrvan and staff" to express sympathy for the loss of recently passed constituents. The letter carries an explicit Christian message, stating in part that:

Whereas God in His infinite wisdom has removed [the deceased] from your midst, He has not removed him from your heart. One of God's own, we celebrate his "Homecoming", [sic] where he has been given a new heavenly body that will enter into the presence of the Lord and rejoice among the angels.

Dear family, while we recognize that you are experiencing a time of profound loss and sorrow, Proverbs 3:5-6 states "Trust in the Lord with all thine heart and lean not unto thine own understanding." [sic] In all thine ways ways acknowledge Him and He shall direct they path." Please remember that God can, God will, and it is up to us to accept what he [sic] does.

As Trustee for the Township, you represent a diverse population that consists not only of Christians, but also atheists, agnostics, and adherents of other faiths. The Township has a constitutional obligation to remain neutral regarding religion. The Supreme Court has long recognized that the First Amendment "mandates governmental neutrality between religion and religion, and between religion and nonreligion." *McCreary Cty. v. Am. 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. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). When the Township's Trustee endorses a Christian message to grieving families, it creates a perception that the Township itself caters to members of a particular faith.

Moreover, the United States Supreme Court has held that public officials may not seek to advance or promote religion, specifically stating, "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us." *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). When you correspond on North Township letterhead, it creates the unmistakable appearance that the views expressed are made in your official capacity as Trustee.

Government officials can worship, pray, and participate in religious events in their personal capacities. But they are not permitted to use their government office to provide credibility or prestige to their religion. Their office and title belong to "We the people," not the office's temporary occupant.

Overall, 23 percent of Americans identify as nonreligious, and another 6 percent practice non-Christian faiths.¹ If you send similar condolences to the families of all of your constituents, you are certain to bring an unwelcome and even offensive message to many grieving households. Not all families are comforted by the thought that their loved one is rejoicing among the angels. Worse, nonreligious families are likely to receive an alternate message: that the Township shares the Christian belief that nonbelievers, potentially including the deceased, are sent to hell. While these letters are unconstitutional regardless of the recipients' religious views, they are especially inappropriate in this context.

We understand and appreciate that the Township wants to express its respect for lost recipients. However, you can draft condolence letters that do not promote religion and are respectful of the Township's duty to remain neutral on religious matters. We respectfully request that you inform us in writing of the steps you are taking to ensure that similar constitutional violations will not occur in the future.

Sincerely,



Andrew Seidel
Staff Attorney

ALS:cmp

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