

FREEDOM FROM RELIGION *foundation*

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SENT VIA U.S. MAIL AND EMAIL

jbaumann@miottawa.org

Chair Joe Baumann
Ottawa County Board of Commissioners
Ottawa County Administrative Offices
12220 Fillmore Street
West Olive, MI 49460

Re: Display of Bible Verse on County Sign

Dear Chair Baumann and Commissioners:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the Ottawa County Board of Commissioners' (Board) decision to reinstate a religious sign on public property. FFRF is a nationwide nonprofit organization which works to protect the constitutional principle of separation of state and church. We represent 21,500 members across the country, including more than 550 members in Michigan.

It is our understanding that pursuant to a local complaint by the Michigan Association of Civil Rights Activists, the Ottawa County Parks Department took down a billboard in Hager Park, a public park, which read, "The heavens declare the glory of God; and the firmament sheweth his handiwork." Psalm 13:1." We understand the Board recently voted to put the sign back up.

The Establishment Clause 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. 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 Ed. of Ewing*, 330 U.S. 1, 15-16 (1947). This sign violates this basic First Amendment principle.

It is inappropriate for the County to display a bible verse on a billboard in a County park because it conveys government support for religion, and bible-based religion in particular. 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 posters in county buildings in *McCreary* and the crèche display on county land in *Allegheny*, this display of a bible verse on a sign owned and maintained by the County would be viewed by a reasonable observer as an endorsement of religion by the County, and is therefore unconstitutional.

"Permanent monuments displayed on public property typically represent government speech," which "must comport with the Establishment Clause." *Pleasant Grove City, Utah v. Summum*, 555 U.S. 460, 470, 468 (2009). "Just as government-commissioned and government-financed

monuments speak for the government, so do privately financed and donated monuments that the government accepts and displays to the public on government land. It certainly is not common for property owners to open up their property for the installation of permanent monuments that convey a message with which they do not wish to be associated.” *Id.* at 471. The Board’s vote to reinstate the bible verse at Hager Park reiterates that the Ottawa County government approves of and endorses the message in this permanent monument.

Quoting the King James Bible in particular, as the County does here, also sends a message of endorsement for one particular Christian sect over all others. The Eleventh Circuit, for example, specifically noted that the King James Version of the bible is a Protestant version and that there was conflict between Catholics and Protestants over the use of this version of the bible in nineteenth century public schools. *See Glassroth v. Moore*, 335 F.3d 1282, 1299 n. 3 (11th Cir. 2003) (“[i]n some cases the differences among [versions of a holy text] might seem trivial or semantic, but lurking behind the disparate accounts are deep theological disputes.”). “The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another.” *Id.* (quoting *Larson v. Valente*, 456 U.S. 228, 244 (1982)). The government should not be in the business of taking a position on matters of religious interpretation.

No legitimate secular purpose is served by posting a bible verse in a public park informing citizens of “the glory of God.” This billboard serves only to express approval of religion. This display “sends the ancillary 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.’” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Such a message is inappropriate for a county to send, as its parks should be open to all citizens, religious or not.

The Parks Department was correct in its action to remove this unconstitutional sign. Ottawa County must follow suit and immediately rescind its decision to put the billboard with a bible verse on it back in Hager Park. Please inform us in writing of the steps you take to remedy this constitutional violation.

Sincerely,



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Staff Attorney

RSM:mez

cc: Director John Scholtz
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