

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL

jchudnow@cityofoviedo.net

Mr. Jeffrey A. Chudnow
Chief of Police
Oviedo Police Department
300 Alexandria Blvd.
Oviedo, FL 32765

Re: Unconstitutional Religious Promotion

Dear Chief Chudnow:

Thank you for your response to our previous letter.

First, we agree that the First Amendment protects the right of *private citizens* to freely exercise religion. However, this protection does not extend to a government agency or to an agent acting in his or her official capacity. For example, as a private citizen, the Free Exercise Clause protects you. But, when acting as Chief of Police of Oviedo Police Department, you *are* the government. And the First Amendment prohibits government from impinging on citizens' rights; it does not give the government any rights.

Second, your statement that the religion clauses of the First Amendment are “fluid and dynamic” is problematic. In 1878, the Supreme Court quoted Thomas Jefferson to explain the principle underlying the First Amendment’s religion clauses: “I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should ‘make no law respecting an establishment of religion or prohibiting the free exercise thereof,’ thus building a wall of separation between church and State.” *Reynolds v. United States*, 98 U.S. 145, 164 (1878).

Regardless of the composition of the Supreme Court, the justices have referred time and again to the words of Thomas Jefferson in interpreting the Establishment Clause and will likely continue to do so well into the future. Jefferson’s “wall of separation between church and State” as quoted in *Reynolds* has been repeatedly noted as the central organizing principle presented by the Establishment Clause. *Pleasant Grove City v. Summum*, 555 U.S. 460, 482 (2009) (Scalia, J., concurring); *Van Orden v. Perry*, 545 U.S. 677, 709 (2005) (Stevens, J., dissenting); *Mitchell v. Helms*, 530 U.S. 793, 873 (2000) (Souter, J., dissenting); *Capitol Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 797 (1995) (Stevens, J., dissenting); *Lee v. Weisman*, 505 U.S. 577, 600-601 (1992); *Cty. of Allegheny v. ACLU*, 492 U.S. 573, 657 (1989); *Lynch v. Donnelly*, 465 U.S. 668, 673 (1984); *Marsh v. Chambers*, 463 U.S. 783, 802 (1983) (Brennan, J., dissenting); *Larkin v. Grendel’s Den*, 459 U.S. 116, 123 (1982); *McDaniel v. Paty*, 435 U.S. 618, 630 (1978) (Brennan, J., concurring); *Wolman v. Walter*, 433 U.S. 229, 236 (1977); *Comm. for Pub. Educ. & Religious Liberty v. Nyquist*, 413 U.S. 756, 761 (1973); *Epperson v. Ark.*, 393 U.S. 97, 106 (1968); *Bd. of Educ. v. Allen*, 392

U.S. 236, 251 (1968) (Black, J., dissenting); *Engel v. Vitale*, 370 U.S. 421, 425 (1962); *Braunfeld v. Brown*, 366 U.S. 599, 604 (1961); *McGowan v. Maryland*, 366 U.S. 420, 433 (1961); *Torcaso v. Watkins*, 367 U.S. 488, 493 (1961); *Ill. ex rel. McCollum v. Bd. of Educ.*, 333 U.S. 203, 211 (1948); *Everson v. Bd. of Educ.*, 330 U.S. 1, 18 (1947).

Third, the “Ten Commandments” you saw “hanging on a wall” at the United States Supreme Court are not depictions of the Ten Commandments at all. Rather, the tablets “signify the permanence of the law when ‘written in stone’” and are not direct references to any biblical ideas.¹ While many laws engraved into stone tablets have been recovered by archaeologists, i.e., the stele featuring Hammurabi’s code, the Ten Commandments only appear in a highly fictionalized Bible story. The single tablet (not two, as in the Ten Commandments stories) bearing Roman numerals that appears in the East Courtroom frieze is actually a representation of the Bill of Rights.² Tablets bearing only the Roman numerals I-X appear on the support frame of the courtroom’s bronze gates, on the lower interior panel of the courtroom doors, and held by a figure in the woodwork of the library, again, signifying the Bill of Rights, not the Ten Commandments.³

The depiction of Moses in the South frieze shows him (holding two tablets) standing among other allegedly historical lawgivers such as Menes (holding an Egyptian ankh), Hammurabi (who allegedly received his laws from the Babylonian Sun God), Solomon (who was wise enough to manage 700 wives and 300 concubines), Solon, the legendary Lycurgus (the central figure, who consulted the Oracle at Delphi), Draco, Confucius, Octavian, Justinian, Charlemagne, King John, the Crusader Louis IX, Hugo Grotius, Sir William Blackstone, John Marshall, and Napoleon, as well as allegorical or mythical lawgivers such as the Greek goddess “Fame,” the Egyptian goddess “Authority,” the “Light of Wisdom” goddess, “Equity,” “Philosophy” and “History.”⁴ Muhammad also appears with Moses.

We again ask that you uphold your constitutional duty and discontinue the practice of opening ceremonies with invocations and holding secular OPD events at facilities that are religious in nature.

Please inform us in writing of the steps OPD is taking to remedy these violations.

Sincerely,



Andrew L. Seidel
Staff Attorney

ALS:dds

¹ Retrieved at <https://www.supremecourt.gov/about/symbolsflaw.pdf>.

² *Id.*

³ *Id.*

⁴ Retrieved at <https://ffrf.org/faq/freethought/item/15139-did-you-know>.