

FREEDOM FROM RELIGION *foundation*

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March 21, 2018

SENT VIA EMAIL AND U.S. MAIL: richard.finan@evendaleohio.org

The Honorable Richard H. Finan
Mayor
Village of Evendale
10500 Reading Road
Evendale, OH 45241

Re: Religious Veterans, Police and Fire Memorial Plaques

Dear Mayor Finan:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to constitutional concerns over a religious memorial recently constructed in the Village of Evendale. FFRF is a national nonprofit organization with 32,000 members across the country, including over 800 members and a chapter in Ohio. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned local resident has reported that in May 2017, Evendale spent more than \$388,000 to rebuild the Village of Evendale's Veterans, Fire and Police Memorial. We understand the memorial was built to serve as the new home of seven religious plaques that contain a Christian prayer for each branch of the armed forces, police officers, and firefighters. We understand that you described the previous memorial containing these plaques as "very inconspicuous," and that you desired to "build a more suitable and inviting memorial for these plaques at the entrance to Baxter Park."¹

We understand that as part of this new memorial each of these seven plaques is prominently displayed upon a separate gray-stone pillar and contains an exclusively Christian prayer, with five ending "through Jesus Christ our Lord. Amen." It is our understanding that the five armed forces prayers come from the Armed Services Prayer Book, first distributed by the Protestant Episcopal Church in 1951. Please see the full text of these seven prayers and photos of the plaques attached.

We write to ask that the Village remove the religious plaques from its memorial in order to be more inclusive of those who practiced a minority religion or were nonreligious and who served our community or country with distinction.

¹ Sheila Vilvens, *A Verdin bell, clock to be part of Evendale memorial*, CINCINNATI.COM, Available at: <https://www.cincinnati.com/story/news/local/community-news/2016/10/19/evendale/92407382/>

The importance of honoring those who have died serving their communities cannot be overstated. We appreciate that Evendale intended to memorialize that sacrifice. But honoring those who have served their community and country does not override the need to remain neutral toward religion. A memorial that prominently displays sectarian prayers, like any other religious display endorsed by the government, is unconstitutional.

Most memorials across the U.S. honor veterans, law enforcement, and first responders without using any sectarian language, including the National World War II Memorial, the Vietnam Veterans Memorial, the Korean War Veterans Memorial, the National September 11 Memorial, and the National Fallen Firefighters Memorial. Each is secular in nature and without religious reference, which offends no one and is respected by all. The lack of religious imagery within those memorial designs neither diminishes their significance nor detracts from the respect and honor shown for those who have served our country. We encourage the Village to follow suit by modifying its memorial to be fully secular.

Federal courts of appeals regularly hold that memorials featuring religious emblems or messages are illegal. *See, e.g., Am. Humanist Ass'n v. Maryland-Nat'l Capital Park & Planning Comm'n*, 874 F.3d 195, *reh'g en banc denied*, No. 15-2597 (4th Cir. Mar. 1, 2018) (holding that a World War I memorial Latin cross on public property violated the Establishment Clause); *Trunk v. City of San Diego*, 629 F.3d 1099 (9th Cir. 2011) (holding war memorial dominated by Latin cross primarily conveyed message of government endorsement of religion in violation of Establishment Clause); *Am. Atheists v. Davenport*, 637 F.3d 1095 (10th Cir. 2010) (ruling roadside Latin cross memorials placed by highway patrol violated Constitution); *Separation of Church & State Comm. v. City of Eugene*, 93 F.3d 617 (9th Cir. 1996) (finding war memorial featuring religious symbol illegally endorsed Christianity); *Gonzales v. N. Twp. of Lake Cnty.*, 4 F.3d 1412 (7th Cir. 1993) (holding war memorial crucifix had principal purpose and effect of advancing a Christian message); *Buono v. Norton*, 212 F. Supp. 2d 1202 (C.D. Cal. 2002) (ruling unconstitutional a war memorial cross in a national preserve); *Jewish War Veterans of U.S. v. U.S.*, 695 F. Supp. 3 (D.C. Dist. 1988) (finding POW/MIA memorial cross on Marine Corps base unconstitutional).

FFRF is committed to defending the rights of religious minorities and the nonreligious when governments insist on promoting religion in their memorial displays. It can be quite costly for a government to ignore its obligations under the Establishment Clause. The city of King, North Carolina learned this in January 2015, when it settled a lawsuit over a Christian flag and statue of a kneeling soldier in its veterans memorial. The city agreed to pay \$500,000 in legal fees and the religious flag and statue were removed from the display.

The Village of Edendale should recognize sacrifices without also endorsing one religion over all others in violation of the Constitution. Over 23% of military personnel express no religious preference or are atheists² and they should not be made to feel excluded, like

² See MAAF Department of Defense Religious Preference and Chaplain Support Study (July 2012), available at <http://militaryatheists.org/demographics/>.

“outsiders, not full members of the political community” because the Village chooses to endorse religion in its memorial. *McCreary Cnty. v. ACLU of Ky.*, 545 U.S. 844, 860 (2005) (citations omitted). By placing sectarian prayers on its Memorial, the Village sends the message that it values the service of nonreligious service members, police officers, and firefighters less than their religious counterparts.

While many of your constituents may support these religious sentiments, a significant proportion are alienated. Nearly a quarter of all Americans are nonreligious, as are 38% of millennials.³ We respect the Village’s desire to remember those who served in the military, police officers, and firefighters, but it can – and should – do so without endorsing a particular faith. *See Greater Houston Chapter of ACLU v. Eckels*, 589 F. Supp. 222, 234 (S.D. Tex. 1984) (ruling that “because the county can effectively recognize its... dead without... religious symbols, it must do so”).

In recognition of *all* veterans, military members, police officers, and firefighters please remove the religious plaques from the Veterans, Police, and Fire Memorial. We ask for a response in writing outlining the actions that the Village intends to take.

Sincerely,



Christopher Line
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

Enclosures

³ Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*. Public Religion Research Institute (2017). available at: <https://www.pri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf>

A Soldier's Prayer

O Lord God of Hosts, stretch forth, we pray thee, thine almighty arm to strengthen and protect the soldiers of our country. Support them in the day of battle, and in the times of rest and training keep them safe from all evil; endue them with courage and loyalty; and grant that in all things they may serve without reproach; through Jesus Christ our Lord. *Amen.*

A Flyer's Prayer

O Lord God of hosts, who stretchest out the heavens like a curtain; Watch over and protect, we pray thee, the airmen of our country as they fly upon their appointed tasks. Give them courage as they face the foe, and skill in the performance of their duty. Sustain them with thy Everlasting Arms. May thy hand lead them and thy right hand hold them up that they may return to the earth with a grateful sense of thy mercy; through Jesus Christ our Lord. *Amen.*

A Sailor's Prayer

O Lord, who of old didst still the raging of the sea, watch over, we beseech thee, the men of the Coast Guard as they sail upon their missions of helpfulness and succour. Grant them courage and skill and a safe return, and a grateful sense of thy mercy toward them; through the same Jesus Christ our Lord. *Amen.*

A Marine Prayer

O Eternal Father, we commend to thy protection and care the members of the Marine Corps. Guide and direct them in the defense of our country and in the maintenance of justice among nations. Protect them in the hour of danger. Grant that wherever they serve they may be loyal to their high traditions and that at all times they may put their trust in thee; through Jesus Christ our Lord. *Amen.*

A Sailor's Prayer

O eternal Lord God, who alone spreadest out the heavens, and rulest the raging of the sea; Vouchsafe to take into thy almighty and most gracious protection our country's Navy, and all who serve therein. Preserve them from the dangers of the sea, and from the violence of the enemy; that they may be a safeguard unto the United States of America, and a security for such as pass on the seas upon their lawful occasions; that the inhabitants of our land may in peace and quietness serve thee our God, to the glory of thy Name; through Jesus Christ our Lord. *Amen.*

A Firefighter's Prayer

Dear Lord, we call upon You for strength and guidance. Look kindly upon us in our needs. Teach us to look always to You for assistance, as our fellow citizens look to us. Give us courage and give us pride and joy in our work. When calling us to duty, give us speed and efficiency and ride with us through the village streets, shielding us from danger. We ask only that You may be pleased with our service, that when the Last Alarm shall have sounded for us, we may receive our eternal assignment with You. *Amen.*

A Policeman's Prayer

Dear Lord, please be with us in our work, this day and every day. Grant us strength that each weary task we do may ease a brother's way. May we be protective of the Aged and both strong and inspirational to the young. We ask your guidance to be with us to be triumphant over those whose acts are mean and cruel. And when the final summons comes and we must all account, Lord, may we forever be in your presence and our many transgressions forgiven. *Amen.*



U.S. ARMY

"A SOLDIER'S PRAYER"

O LORD GOD OF HOSTS, STRETCH FORTH,
 WE PRAY THEE, THINE ALMIGHTY ARM TO
 STRENGTHEN AND PROTECT THE SOLDIERS OF
 OUR COUNTRY, SUPPORT THEM IN THE DAY OF
 BATTLE, AND IN THE TIMES OF REST AND TRAINING
 KEEP THEM SAFE FROM ALL EVIL; ENDUE THEM WITH
 COURAGE AND LOYALTY, AND GRANT THAT IN ALL
 THINGS THEY MAY SERVE WITHOUT REPROACH
 THROUGH JESUS CHRIST OUR LORD AMEN



U.S. MARINE CORPS

"A MARINE PRAYER"

O ETERNAL FATHER, WE COMEND TO THY
 PROTECTION AND CARE THE MEMBERS OF THE MARINE
 CORPS, GUIDE AND DIRECT THEM IN THE DEFENSE OF
 OUR COUNTRY AND IN THE MAINTENANCE OF JUSTICE
 AMONG NATIONS, PROTECT THEM IN THE HOUR OF
 DANGER, GRANT THEM WHEREVER THEY SERVE THEY
 MAY BE LOYAL TO THEIR HIGH TRADITIONS, AND THAT
 AT ALL TIMES THEY MAY PUT THEIR TRUST IN THEE,
 THROUGH JESUS CHRIST OUR LORD AMEN



U.S. AIR FORCE

"A FLYER'S PRAYER"

O LORD GOD OF HOSTS, WHO ESTABLISHED
 OUT THE HEAVENS LIKE A CURTAIN, WHICH OVER US
 PROTECT, WE TRUST THEE, THE PRINCE OF PEACE
 COUNTRY AS THEY FLY UPON THEIR ASSIGNED
 TASKS, GIVE THEM COURAGE AS THEY FACE THE ENEMY,
 AND BRUI IN THE FIRM CONFIDENCE IN THEIR DUTY,
 SUSTAIN THEM WITH THY EVER-FAITHFUL GOODNESS
 MAY THY HANDS LEAD THEM AND THY LIGHT WORDS
 HOLD THEM UP, THAT THY WILL BE DONE TO THE
 EARTH WITH A CONFIDENT BELIEF IN THY MERCY,
 THROUGH JESUS CHRIST OUR LORD AMEN



U.S. NAVY

"A SAILOR'S PRAYER"

O ETERNAL LORD GOD, WHO ALONE RESPONDEST OUT
 THE HEAVENS AND RULEST THE RAGERS OF THE SEA,
 VOUCHSAFE TO TAKE INTO THY ALMIGHTY AND BRIST
 GRACIOUS PROTECTION OUR COUNTRY'S NAVY
 AND ALL WHO SERVE THEREIN, PRESERVE THEM FROM
 THE DANGERS OF THE SEA, AND FROM THE ENEMY,
 THAT THEY MAY BE A SAFEGUARD UNTO THE UNITED
 STATES OF AMERICA, AND THAT THE IMPORTANTS
 OF OUR LAND MAY BE PEACE AND EARLIEREST SERVE
 THEE, OUR GOD, TO THE GLORY OF THY NAME,
 THROUGH JESUS CHRIST OUR LORD AMEN



U.S. COAST GUARD

"A SAILOR'S PRAYER"

O LORD, WHO HAS MADE THE SEA THE
 HIGHWAY OF THE WORLD, AND WHO HAS
 WE BRIGADES AND THE MEN OF THE COAST GUARD
 AS THEY FACE THE DANGERS OF THE SEA,
 HELP US WITH THY MERCY AND GRACE TO SERVE
 AND OUR AND OUR COUNTRY WITH
 GRATEFUL HEARTS TO THE GLORY OF THY NAME,
 THROUGH JESUS CHRIST OUR LORD AMEN



EVENDALE POLICE DEPARTMENT

"A POLICEMAN'S PRAYER"

DEAR LORD, PLEASE BE WITH US IN OUR WORK THIS
 DAY AND EVERY DAY. GRANT US STRENGTH THAT EACH
 WEARY TASK WE DO MAY EASE A BROTHER'S WAY.
 MAY WE BE PROTECTIVE OF THE AGED AND BOTH STRONG
 AND INSPIRATIONAL TO THE YOUNG. WE ASK YOUR
 GUIDANCE TO BE WITH US TO BE TRIUMPHANT OVER
 THOSE WHOSE ACTS ARE MEAN AND CRUEL, AND WHEN OUR
 FINAL SUMMONS COMES AND WE MUST ALL ACCOUNT,
 LORD, MAY WE FOREVER BE IN YOUR PRESENCE
 AND OUR MANY TRANSGRESSIONS FORGIVEN. AMEN.



EVENDALE FIRE DEPARTMENT

"A FIREFIGHTER'S PRAYER"

DEAR LORD, WE CALL UPON YOU FOR STRENGTH AND GUIDANCE. LOOK KINDLY UPON US IN OUR NEEDS. TEACH US TO LOOK TO YOU FOR ASSISTANCE, AS OUR FELLOW-CITIZENS LOOK TO US GIVE US COURAGE, AND GIVE US PRIDE AND JOY IN OUR WORK. WHEN CALLING US TO DUTY, GIVE US SPEED AND EFFICIENCY AND RIDE WITH US THROUGH THE VILLAGE STREETS, SHIELDING US FROM DANGER. WE ASK ONLY THAT YOU MAY BE PLEASED WITH OUR SERVICE, THAT WHEN THE LAST ALARM SHALL HAVE SOUNDED FOR US, WE MAY RECEIVE ONE ETERNAL ASSIGNMENT WITH YOU AMEN.

