

FREEDOM FROM RELIGION *foundation*

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

April 4, 2024

SENT VIA EMAIL & U.S. MAIL: ElwoodJ.Caudill@ky.gov

The Honorable Elwood Caudill Junior
Rowan County Clerk
Rowan County Clerk's Office
600 West Main Street Suite 102
Morehead, KY 40351

Re: Unconstitutional social media religious promotion

Dear Mr. Caudill:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding constitutional violations occurring on the Rowan County Clerk's Office social media. FFRF is a national nonprofit organization with over 40,000 members across the country, including more than 300 members and a chapter in Kentucky. 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 community member reported that the Rowan County Clerk's Office posted a religious message on its official Facebook page regarding its office closing for Good Friday on March 29, 2024. The accompanying image included a picture of the crucifixion of Jesus Christ. Please see the enclosed screenshot.

We ask that the Clerk's Office investigate and counsel employees to refrain from posting sectarian messages using official government channels.

It is inappropriate and unconstitutional for a Clerk's Office to post religious messages on its official social media pages. The Supreme Court has long held that the Establishment Clause requires "government neutrality between religion and religion, and between religion and nonreligion." *McCreary Cnty., Ky. v. ACLU 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). By promoting Christian messages on the official Clerk's Office's Facebook page, your office conveys a message to all non-Christians in Rowan County that they are disfavored members of the community. While it is laudable that the Clerk's Office wants to send holiday greetings to community members, it should seek to do so in ways that are inclusive and do not needlessly promote a particular religious message or belief.

As you are aware, citizens interact with and rely on Clerk's Office staff during some of the most crucial times of their lives. We hope you will agree that the Clerk's Office must be even-handed and avoid any appearance of bias toward some citizens or hostility toward others. Promoting Christianity through the Clerk's Office's official social media suggests that your office prefers

Christianity over all other religions and over nonreligion. This alienates those Rowan County residents who are among [the nearly 30 percent](#) of adult Americans who are religiously unaffiliated, as well as the additional six percent of Americans adhering to non-Christian faiths.¹

To avoid further Establishment Clause concerns and out of respect for the diversity of the community, we ask that the Rowan County Clerk's Office remove this post and ensure that it refrains from promoting religion on its official social media pages in the future. Please inform us in writing of the steps the Clerk's Office is taking to address this matter so that we may inform our complainant. Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink that reads "Samantha F. Lawrence". The signature is fluid and cursive, with the first name being the most prominent.

Samantha F. Lawrence
Anne Nicol Gaylor Legal Fellow
Freedom From Religion Foundation

SFL:hmj

Enclosure

¹ Gregory A. Smith, *Religious 'Nones' in America: Who They Are and What They Believe*, Pew Research Center, Jan. 24, 2024, <https://www.pewresearch.org/religion/2024/01/24/religious-nones-in-america-who-they-are-and-what-they-believe/>.



Rowan County Clerk's Office



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The Clerk's Office will be closed Friday March 29th in Observance of Good Friday. Have a safe and Happy Easter!!



CLOSED
FOR GOOD FRIDAY

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