

# FREEDOM FROM RELIGION *foundation*

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

December 13, 2023

**SENT VIA EMAIL & U.S. MAIL: [ScottTravis@spencercountyky.gov](mailto:ScottTravis@spencercountyky.gov)**

Judge-Executive Scott Travis  
Spencer County Fiscal Court  
P.O. Box 397  
Taylorsville, KY 40071

Re: Unconstitutional and divisive Ten Commandments display

Dear Mr. Travis:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding an unconstitutional Ten Commandments display inside the Spencer County Courthouse. 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 resident reported that the Ten Commandments are currently displayed inside the Spencer County Courthouse. Our complainant witnessed this display when they visited the courthouse on personal business in early December 2023. Please see the enclosed photograph of the display.

We write to request that the County remove this Ten Commandments display. Displaying the Ten Commandments in the county courthouse is not only an unconstitutional display of government favoritism towards religion, it needlessly alienates and excludes county residents who do not share the religious beliefs that the Ten Commandments embody and represent.

A Ten Commandments display in a county courthouse violates the Establishment Clause of the First Amendment. In *McCreary Cty. v. ACLU*, 545 U.S. 844 (2005), the Supreme Court ruled that displays of the Ten Commandments in two Kentucky courthouses violated the Constitution. The Court discussed at length the requirement of government neutrality on matters of religion. The Court said, “The touchstone for our analysis is the principle that the ‘First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.’” *Id.* at 860 (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968)); *see also* *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947), *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985).

The religious message of the Ten Commandments is obvious. As the Supreme Court explained in *McCreary*:

[The Ten Commandments] proclaim the existence of a monotheistic god (no other gods). They regulate details of religious obligation (no graven images, no sabbath breaking, no vain oath swearing). And they unmistakably rest even the universally accepted prohibitions (as against murder, theft, and the like) on the sanction of the divinity proclaimed at the beginning of the text.

545 U.S. 844, 868. The Court went on to say:

The point is simply that the original text viewed in its entirety is an unmistakably religious statement dealing with religious obligations and with morality subject to religious sanction.

*Id.* at 869. By displaying this religious text in its courthouse, the County demonstrates a plain and undeniable preference for religion over nonreligion, and for those religions which subscribe to the Ten Commandments above all other faiths.

Further, other non-historical Ten Commandments displays have been struck down by federal courts. *See, e.g., Felix v. City of Bloomfield*, 841 F.3d 848 (10th Cir. 2016), *cert. denied*, 138 S.Ct. 357; *ACLU of Ohio Found. v. Deweese*, 633 F.3d 424 (6th Cir. 2011), *cert. denied*, 131 S.Ct. 368; *Green v. Haskell Cty. Bd. of Com'rs*, 568 F.3d 784 (10th Cir. 2009), *cert. denied*, 130 S.Ct. 1687. When municipalities unsuccessfully defend unconstitutional Ten Commandments displays, they are on the hook for the plaintiffs' costs and attorneys fees. In Establishment Clause challenges to Ten Commandments displays, these can be significant. *See Felix v. City of Bloomfield*, 1:12-cv-00125, Doc. 159 (N.M. D.C. Judgment for Attorneys' Fees and Costs, Dec. 5, 2017) (**Ordering payment of \$700,000**); *FFRF v. New Kensington-Arnold Sch. Dist.*, No. 2:12-cv-01319 (*W.D. Pa 2017*) (Settled in February 2017 with the removal of the Ten Commandments monument and **payment of \$163,500** for costs and attorney fees).

Finally, as a matter of policy, the County should not display the Ten Commandments in the courthouse. The first Commandment alone makes it obvious why the Ten Commandments should not be posted on government property. The government has no business telling citizens which god they must have, how many gods they must have, or that they must have any god at all.

Out of respect for the Constitution and the rights of conscience of the County's residents, we ask that the Ten Commandments display be removed from the Spencer County Courthouse. Please respond in writing with the steps being taken 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 written in a cursive, flowing style.

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

Enclosure

