

FREEDOM FROM RELIGION *foundation*

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December 6, 2021

SENT VIA EMAIL & U.S. MAIL: jgreene@columbusco.org

Sheriff Jody Greene
Columbus County Sheriff's Office
805 Washington Street
Whiteville, NC 28472

Re: Unconstitutional Religious Display

Dear Sheriff Greene:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding another constitutional violation occurring in the Columbus County Sheriff's Office. We are still awaiting a response to our January 26, 2021 letter regarding the Sheriff's Office regularly promoting Christianity on its official Facebook page.

A concerned Columbus County resident has reported that the Columbus County Sheriff's Office has a large Bible verse display in its building. Our complainant reports that the Sheriff's Office displays "I can do all things through Christ which strengtheneth me. Philippians 4:13" on the walls in one of its hallways. Please see the enclosed screenshot.

We write to ask that the Sheriff's Office remove this religious sign from its property in recognition that it represents an unconstitutional endorsement of Christianity.

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 Cty., 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). The Court has also ruled, "The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief." *Cty. of Allegheny v. Am. Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 593-94 (1989). Like the Ten Commandments posters in county buildings in *McCreary* and the crèche display on county land in *Allegheny*, this bible verse display promoting Christianity in a sheriff's office building is correctly viewed by a reasonable observer as an endorsement of religion, and is therefore unconstitutional.

Federal courts have upheld restrictions on the display of religious materials by government employees on government property because such restrictions exist to avoid Establishment Clause violations. The Ninth Circuit Court of Appeals has stated that the "government has a greater interest in controlling what materials are posted on its property than it does in controlling the

speech of the people who work for it.” *Tucker v. Dept. of Educ.*, 97 F.3d 1204, 1214 (9th Cir. 1996); *see also Berry v. Dept. of Soc. Serv.*, 447 F.3d 642, 651 (9th Cir. 2006) (“materials posted on the walls of the corridors of government offices may be interpreted as representing the views of the state”).

In *Berry*, the court upheld restrictions on displays of religious materials in work spaces, even private cubicles or offices, because public access to the area could cause someone to “reasonably interpret the presence of visible religious items as a government endorsement of religion.” *Id.* at 652. The court concluded that “[d]isplaying the Bible implicitly endorses a religious message and it is precisely that message which the Department reasonably seeks to avoid.” *Id.* Courts have recognized that “the state has a legitimate interest, for example, in preventing the posting of crosses or Stars of David in the main hallways, by the elevators, or in the lobbies, and in other locations throughout its buildings. Such a symbol could give the impression of impermissible government support of religion.” *Tucker*, 97 F.3d at 1216. The display of a Bible verse in a government building similarly violates the law.

The Columbus County Sheriff’s Office serves all citizens regardless of belief or nonbelief. This message alienates the 24% of Americans who are non-religious.¹ We urge the Sheriff’s Office to recognize its obligation to provide all citizens with an environment free from religious endorsement by removing this exclusionary display. The Sheriff’s Office should also cease promoting Christianity on its official Facebook page. Please respond in writing detailing the actions the Sheriff’s Office has taken so that we may notify our complainant. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosure

¹ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

