

FREEDOM FROM RELIGION *foundation*

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

August 19, 2021

SENT VIA EMAIL & U.S. MAIL: mmatney@washcova.com

Dr. Mark J. Matney
Commissioner of Revenue
Government Center Building
1 Government Center Place
Abingdon, VA 24210

Re: Unconstitutional Religious Endorsement

Dear Commissioner Matney:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to your misuse of the Washington County Commissioner of Revenue's Office to endorse your personal religious beliefs. FFRF is a national nonprofit organization with more than 35,000 members across the country, including more than 800 members in Virginia. 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 Washington County resident has reported that you have been using your position as Washington County Commissioner of Revenue to promote and endorse your personal religious beliefs, including on the official Washington County Commissioner of Revenue Office's Facebook page. Your official website lists your mission as "To provide our citizens and businesses with the highest quality service in the assessment of local taxes by applying the laws of the Commonwealth and the County in a fair, uniform, and **Godly manner**."¹ On October 22, 2020, you posted on the official Washington County Commissioner of Revenue Office Facebook page "My office has been given to the Lord. My office will always put God, Taxpayers, and my Employees first. We will always try to be fair and impartial and conduct our duties in a Godly manner, and that is my promise to the citizens of Washington County." This post included an image with the words, "Stop, reflect, and give it to God." Please see the enclosed screenshot.

Our complainant reports that you regularly endorse religion and religious leaders on the official Facebook page. You regularly post "Pastor Appreciation posts," where each week you "feature" a pastor from Washington County that you have asked to pray for your staff, your office, and the community in order to "promote prayer in Government and to promote the need for more prayer for everyone. Please see the enclosed screenshots of some of these "Pastor Appreciation posts."

We also understand that you regularly post prayer requests, Christian messages, and bible verses. Please see the enclosed screenshots.

¹ <https://www.washcova.com/commissioner-of-the-revenue/>

We write to request that you immediately cease using the Washington County Commissioner of Revenue Office to officially endorse Christianity, and that you cease inviting pastors in to pray for the office, cease promoting those pastors on the official Washington County Commissioner of Revenue Office's Facebook page, and that you remove any and all religious endorsements currently on the Facebook page.

The Supreme Court has said time and again that the First Amendment “mandates governmental neutrality between religion and religion, and between religion and nonreligion.” *McCreary County, 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 Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). The government must remain neutral toward religion because “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000).

As an elected official, your overt promotion of religion using your official title, office, and the Washington County Commissioner of Revenue Office's official communication channels gives the clear indication that the County supports and endorses particular religious beliefs. The government is sending the message “to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members...” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309–10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O'Connor, J., concurring)). “This presents a problem... because the Establishment Clause prohibits the government from ‘promot[ing] or affiliat[ing] itself with any religious doctrine or organization.’” *Milwaukee Deputy Sheriffs' Ass'n v. Clarke*, 588 F.3d 523, 528 (7th Cir. 2009), (cite to Sup. Ct. omitted).

You represent a diverse population that consists of not only Christians, but also minority religious and nonreligious citizens. Religious endorsements made in your official capacity send a message that excludes the 35 percent of Americans who are non-Christian.² Religious endorsements coming from your office needlessly alienate the non-Christian and nonreligious citizens you represent, turning them into political outsiders in their own community.

It would be entirely possible, of course, for you to send uplifting and motivational messages to your constituents without ostracizing a significant portion of those you represent. By couching your sentiments in religious terms, and featuring Christian religious leaders, you unnecessarily exclude a significant portion of the community. Regardless of your intent, your actions and your social media posts send the message to your minority religious and nonreligious constituents that their participation in the political process is less valued than that of their Christian counterparts.

The Supreme Court has described the power of social media sites as “the principal sources for knowing current events, . . . speaking and listening in the modern public square, and otherwise exploring the vast realms of human thought and knowledge.” *Packingham v. North Carolina*, 137

² *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.

S. Ct. 1730, 1737 (2017) (internal citations omitted). Accordingly, government officials must be particularly diligent not to entangle their personal religious beliefs with official government pronouncements made in this “modern public square.”

Government officials can worship, pray, or quote any religious text they wish when acting in their personal capacities. But they are not permitted to provide prestige to their personal religion by lending a government office and government title to religious ideology. Their offices and titles belong to “We the people,” not the offices’ temporary occupants. As an elected official, you are charged with great responsibility and have been given significant trust by citizens in Washington County, including those citizens who do not share your religious viewpoint.

We hope you will agree that the Washington County Commissioner of Revenue’s Office should strive to be equally welcoming of all residents, regardless of whether they are Christian, practice a minority religion, or are nonreligious. In your personal capacity, you can freely exercise your religion as you see fit. In your official capacity as an officer of the government, you are bound by the Establishment Clause and cannot abuse that office to preach, promote, and endorse your personal religious views. We request written assurances that you have removed the religious posts and will cease using your office and the official Washington County Commissioner of Revenue Office’s Facebook page to endorse your personal religious beliefs in order to respect the rights of conscience of all Washington County residents, regardless of their religious or nonreligious beliefs.

Sincerely,

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

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosures



Washington County Commissioner of Revenue Office

October 18, 2020 · ⚙️



My office has been given to the Lord. My office will always put God, Taxpayers, and my Employees first. We will always try to be fair and impartial and conduct our duties in a Godly manner, and that is my promise to the citizens of Washington County.



**Stop, reflect,
& give it to God**



Washington County Commissioner of Revenue Office

July 23 at 1:13 PM · 🌟

PASTOR APPRECIATION POST. Each week we will have a feature pastor of the week as we will invite pastors from all over Washington County to come in and pray for our staff, this office, and the community and those that are suffering from illness. This is to promote prayer in Government and to promote the need for more prayer for everyone. THE FEATURE PASTOR THIS WEEK IS: Pastor Larry Glover of the Swartz Chapel Church here in Washington County, Bristol VA address. Thank you Larry to your service to the country as a Vietnam Vet. Thank you for visiting us and praying for us Pastor Glover.





Washington County Commissioner of Revenue Office

July 8 · 🌟

PASTOR APPRECIATION POST. Each week we will have a feature pastor of the week as we will invite pastors from all over Washington County to come in and pray for our staff, this office, and the community and those that are suffering from illness. This is to promote prayer in Government and to promote the need for more prayer for everyone. THE FEATURE PASTOR THIS WEEK IS: Pastor Dan Birchfield of the Greenfield Baptist Church in Meadowview. Thank you for visiting us and praying for us Pastor Birchfield!





Washington County Commissioner of Revenue Office



August 9 at 12:22 PM · 🌟

ATTENTION PRAYER REQUEST: Please be in prayer for Master Deputy to our office Jennifer Stiltner as she is feeling under the weather. Prayers Jennifer feels better. Thank You! And May God Bless You All!



Washington County Commissioner of Revenue Office



May 2 · 🌟



I ASK YOU DEAR LORD
PLEASE PROTECT THOSE WHO
PROTECT US!

~Amen~



Washington County Commissioner of Revenue Office

March 28 · ⚙️



— *Do not let your hearts be troubled* —

TRUST IN GOD

— JOHN 14:1 —



Godsfingerprints.net



Washington County Commissioner of Revenue Office

November 1, 2020 · ⚙



SERVE GOD
FAITHFULLY
AND
LOVE HIM
FIRST



Washington County Commissioner of Revenue Office



March 7 · 🌟

Psalm 54:6

King James Version

6 I will freely sacrifice unto thee: I will praise thy name, O Lord; for it is good.

