

FREEDOM FROM RELIGION *foundation*

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March 26, 2021

**SENT VIA EMAIL AND U.S. MAIL:
mayorhctn@gmail.com**

The Honorable Eddie Bray
County Mayor
Henderson County Mayor's Office
17 Monroe St.
Lexington, TN 38351

Re: Unconstitutional Display of Bible Verses at Courthouse

Dear Mayor Bray:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding multiple religious displays at the Henderson County Courthouse. After several follow ups, we have yet to receive a response to our June 15, 2020 complaint regarding the unconstitutional display of bible verses in Henderson County Courthouse. See enclosed photographs. One verse reads "Justice—Then shalt thou understand judgment. Proverbs 2:9." Another verse reads "Justice and judgment are the habitation of thy throne: Mercy and truth shall go before thy face. Psalms 89:14."

Since submitting this previous complaint, it is our understanding that a third bible verse has been displayed. A public-facing paper sign reading "Blessed are the Peace Makers Matthew 5:9" is now taped to the side of a security or receptionist desk in the hallway. See enclosed photograph.

We request that these bible verses be removed from the Henderson County Courthouse, as they constitute an unconstitutional endorsement of religion.

The Establishment Clause in the First Amendment to the U.S. Constitution 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 County, Ky. v. American 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. Board of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947).

It is inappropriate for the county to display these religious messages in Henderson County Courthouse because they convey government support for religion. The Supreme Court has ruled, "The Establishment Clause, at the very least, prohibits the government from appearing to take a

position on questions of religious belief.” *County of Allegheny v. American Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 593-594 (1989). Like the Ten Commandments posting in county buildings in *McCreary* and the crèche display on county land in *Allegheny*, the bible passages on display at the Henderson County Courthouse are unconstitutional because a reasonable observer would view them as an endorsement of religion by Henderson County.

The context of the religious messages are particularly problematic. The verses perpetuate the myth that our law is based on biblical principles, and send the message to private citizens with business at the courthouse that the justice they seek will be decided based on religion.

The Henderson County Courthouse serves all citizens regardless of belief or nonbelief, and with these displays, Henderson County appears to be preaching to citizens that are required to come to the courthouse. These messages alienate the 26% of adult Americans who are non-religious.¹ They exclude non-religious residents of Henderson County and express a preference for Judeo-Christian faith in a government building responsible for administering and upholding our laws. By endorsing a particular religion, the County “sends 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.’” *McCreary*, 545 U.S. at 860 (citations omitted).

We request that these religious displays be removed from the Henderson County Courthouse as soon as possible. Please inform us in writing of the actions taken to remedy these violations so we may notify our complainant.

Sincerely,



Joseph McDonald
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

Enclosure

¹ *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/>

JUSTICE

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Proverbs 2:9



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PSALMS 89:14

