

# FREEDOM FROM RELIGION *foundation*

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**SENT VIA EMAIL & U.S. MAIL: [hbaertschiger@josephinecounty.gov](mailto:hbaertschiger@josephinecounty.gov),  
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Herman E. Baertschiger Jr.  
Chair  
Josephine County Board of Commissioners  
500 NW 6th St., Dept. 6  
Grants Pass, OR 97526

Re: Unconstitutional government promotion of religion

Dear Chairman Baertschiger and Board Members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to raise concerns with the Board's blatant promotion of Christianity and denigration of non-religious members of the community. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 1,100 members in Oregon. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that the County voted in June to end local tax funding for the Oregon State University Extension Service, including local 4-H programs, because of its "woke agenda" after it prohibited 4-H participants representing "Jesus Over Everything" from wearing clothing that promoted Christianity during official competitions it hosted. We understand the Extension Service prohibited participants from promoting Christianity during its events because it is a government-funded organization and so it must remain religiously neutral.

In response to the Extension Service's decision, Chair Baertschiger stated, "It just saddens me, you taking God out of 4-H...It still says 'In God, we trust' on every single dollar bill. We say it in our Pledge of Allegiance."<sup>1</sup> The Board later voted 2-1 to defund the Extension Service leaving it short about \$400,000 from what it expected to receive, effectively killing many of its important programs.

We write to request that the Board restore funding to the Extension Service because it defunded it based on its desire to promote the Christian faith, and that the Board cease using its power to aid the Christian religion. The Board may not use its legislative power to promote, favor, and force a select set of religious values on Josephine County's citizens.

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<sup>1</sup> <https://www.theivnews.com/2023/06/13/county-says-woke-agenda-cause-for-4-h-defunding/>

The Supreme Court has long held that the Establishment Clause requires that the government remain neutral between religions, and between religion and nonreligion. See *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947). When the Board takes action based on its blatant desire to promote a specific religion it sends the unmistakable message to all nonreligious and minority religion citizens “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 message needlessly alienates community members who are part of the thirty-seven percent of Americans who are non-Christian,<sup>2</sup> including the 31 percent of Josephine County residents who are religiously unaffiliated.<sup>3</sup>

Moreover, it is inappropriate to assert that “In God We Trust” being on our money and “under God” being included in the Pledge of Allegiance in any way associates the United States with Christianity or religion in general. The United States was founded by Enlightenment-inspired thinkers who valued reason and skepticism. If the Framers had wanted to establish the United States based on religious principles, they would have said so in the Constitution, the founding document of our nation. Instead they did the opposite. Our Founders made our country the first among nations to adopt a godless and entirely secular Constitution, one whose only references to religion are exclusionary (e.g., Article VI’s prohibition of any religious test as a qualification for public office).<sup>4</sup> Later attempts to foist God into our government via the National Motto (1956) and the Pledge of Allegiance (1954), haven’t altered our country’s secular identity.

Many of the Founders were particularly wary of forming a country that commingled religion with government. That is why they drafted a Constitution that effectively formed “a wall of separation between church and state.” This is perfectly exemplified in George Washington’s response to a letter from Presbyterian Ministers in Massachusetts and New Hampshire expressing their disappointment in the absence of “some Explicit acknowledgement of the only true God and Jesus Christ” in the Constitution. Washington replied “that the path of true piety is so plain as to require but little political direction. To this consideration we ought to ascribe the absence of any regulation, respecting religion, from the [Constitution] of our country.”<sup>5</sup>

In 1797, our country famously signed a treaty with Tripoli declaring that the “government of the United States is not, in any sense, founded on the Christian religion.” This treaty—drafted during George Washington’s presidency, approved unanimously by the Senate, and signed by John Adams—is a reminder that the Founders explicitly held the United States to be a government that separated state from church. It is pure misinformation to suggest that our country is in any way associated with God. As elected officials, the Board should strive to promote an accurate understanding of United States history that respects the foundational principles of the

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<sup>2</sup> Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), [www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/](http://www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/).

<sup>3</sup> *The 2020 Census of American Religion*, Public Religion Research Institute (July 8, 2021), available at <https://www.prii.org/research/2020-census-of-american-religion>.

<sup>4</sup> U.S. CONST. art. VI, § 3.

<sup>5</sup> Letter from George Washington to Presbyterian Ministers of Massachusetts and New Hampshire (Nov. 2, 1789).

Constitution's First Amendment. The Board is obligated to uphold the Constitution and rule of law, not take actions to advance Christianity.

While you are certainly free to express and promote your own religious beliefs in your personal capacity, it is unconstitutional for you to do so in your official capacities as elected commissioners. By defunding a local program for attempting to respect religious neutrality, based on your stated desire to advance religion, the Board violates the Establishment Clause of the First Amendment, disregards the wall of separation between state and church, and disrespects the diversity of Josephine County's citizens. We request that the Board immediately correct this constitutional violation and cease taking similar actions or making similar statements in the future. Please inform us in writing of the steps you will take to remedy this constitutional violation so that we may inform our complainant.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Line", with a long horizontal flourish extending to the right.

Christopher Line  
Staff Attorney  
Freedom From Religion Foundation