

FREEDOM FROM RELIGION *foundation*

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

July 17, 2020

SENT VIA EMAIL AND U.S. MAIL:

amack@longviewtexas.gov

The Honorable Andy Mack
Mayor
City of Longview
P.O. Box 1952
Longview, TX 75606

Re: Divisive Religious Promotion on Social Media

Dear Mayor Mack:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to constitutional concerns over religious promotion on your official government Facebook page.¹ FFRF is a national nonprofit organization with over 32,000 members across the country, including over 1,300 members in Texas. 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 Longview resident contacted us to report that each time you post an update on your official government Facebook page regarding the spread of the novel coronavirus, you include a bible verse. For instance, on July 14, 2020, we understand that you posted a graphic quoting Psalm 37:4. See enclosure.

I write to request that you refrain from including religious content, like bible verses, in your official government communications going forward. Using your elected office to spread your personal religious beliefs is divisive and cannot be squared with the requirements of the First Amendment.

The First Amendment prohibits government sponsorship of religious messages. The Supreme Court has long held that the Establishment Clause “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. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947). You violate this mandate when you use your office and the power of official government communications to spread the message of the Christian faith.

As Mayor, 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 26 percent of American adults who identify as nonreligious.² These

¹ @mackforlongview.

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/>.

messages 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 exclusively religious terms, and by quoting exclusively from one religion's holy book, you unnecessarily exclude a significant portion of the community. Regardless of your intent, these 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 recently described the power of social media sites as “the principal sources for knowing current events, checking ads for employment, speaking and listening in the modern public square, and otherwise exploring the vast realms of human thought and knowledge.” *Packingham v. North Carolina*, 137 S. Ct. 1730, 1737 (2017) (internal citations omitted). Government officials must be particularly diligent not to entangle their personal religious beliefs with official government pronouncements made in this “modern public square.” Courts are willing to treat accounts that politicians believe to be private as official government accounts when they are used to disseminate official government communications. The Ninth Circuit Court of Appeals recently noted that the President’s Twitter feed is composed of “official statements by the President of the United States.” *See Hawaii v. Trump*, 859 F.3d 741, 773 n. 14 (9th Cir. June 12, 2017), *vacated on other grounds*, 874 F.3d 1112 (9th Cir. Nov. 2, 2017). We see no legal reason why your Facebook page would be treated differently.

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 Mayor, you are charged with great responsibility and have been given significant trust by citizens in your city, including those citizens who do not share your religious viewpoint.

We ask that in the future you disassociate your government office from your personal religious beliefs and refrain from posting religious endorsements on your official Facebook page. Please inform us in writing of the steps taken to respect the rights of conscience of all Longview residents, regardless of their religious beliefs or lack thereof. Thank you for your time and attention to this matter, and I hope this letter finds you in good health.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Johnson", with a long horizontal flourish extending to the right.

Brendan Johnson, Esq.
Robert G. Ingersoll Legal Fellow
Freedom From Religion Foundation

BCJ:kg



Andy Mack

July 14 at 3:31 PM · 🌐

COVID-19 Report for July 14, 2020

Today's update:

-24 additional confirmed positives

-15 new recoveries... [See More](#)

COVID-19

UPDATE FOR LONGVIEW, TEXAS

DATA REPORTED BY GREGG COUNTY HEALTH DEPARTMENT
AS OF 5:00 P.M. ON JULY 14, 2020

	GENDER	AGE RANGE
	399	00-20 - 108 21-40 - 237 41-59 - 183
	263	60 - 79 - 101 80+ - 28
	UNKNOWN - 6	UNKNOWN - 11

668 CASES CONFIRMED

141 RECOVERIES

14 DEATHS

53 HOSPITALIZATIONS IN LONGVIEW

AS REPORTED BY TEXAS DEPARTMENT OF HEALTH & HUMAN SERVICES

"Delight yourself in the Lord, and he will give you the desires of your heart." Psalm 37:4

507

130 Comments 116 Shares