

FREEDOM FROM RELIGION *foundation*

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

December 8, 2020

SENT VIA U.S. MAIL AND EMAIL

scribbs@maconnc.org

Shaun Cribbs
Recycling Coordinator
109 Sierra Drive
Franklin, NC 28734

Re: Religious displays in government workplace

Dear Mr. Cribbs:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to constitutional concerns regarding religious material posted in the Macon County Solid Waste Department (the Department). FFRF is a national nonprofit organization with more than 33,000 members across the country, including over 700 in North Carolina. FFRF's 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 employee contacted us to report religious materials on display in the workplace at Otto Center in Macon County North Carolina. We understand that these displays include the Ten Commandments as well as various multiple other religious postings.¹

We write to request that these religious materials be taken down. When government agencies display religious materials, they appear to endorse religion in violation of the Establishment Clause.

The Establishment Clause of the First Amendment 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 Cnty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005) (quoting *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)). Display of the Ten Commandments and other religious messages sends the unmistakable message that the Department endorses religion.

¹ See Enclosures.

It is inappropriate and unconstitutional for the Department to display religious messages because it conveys government preference for religion over nonreligion. “The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief.” *Cnty. of Allegheny v. Am. Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 593-94 (1989). In *Allegheny* the Supreme Court held that a seasonal crèche display in a county courthouse endorsed an indisputably religious message in violation of the Establishment Clause. *Id.* at 598–600. These displays must come down for the same reason.

The Department’s religious displays exclude the the 26 percent of Americans who are nonreligious,² sending them the message “that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.” *Lynch v. Donnelly*, 465 U.S. at 668, 688 (1984) (O’Connor, J., concurring). By removing these displays, the Department would send a message that all employees are equally valued and welcome in the workplace.

For these reasons, we ask that the Department remove all religious displays at its facilities immediately. Please inform us in writing of the steps taken to remedy these constitutional violations. 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

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/>.