

# FREEDOM FROM RELIGION *foundation*

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

February 27, 2020

**SENT VIA U.S. MAIL AND FAX: 407-836-2730**

Scott Randolph  
Orange County Tax Collector  
P. O. Box 545100  
Orlando, FL 32854

Re: Religious sign on county property

Dear Mr. Randolph:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) in response to a complaint from an area resident about a religious sign facing the public in the Orange County Tax Collector's West Oaks Mall branch. FFRF is a national nonprofit organization with more than 30,000 members across the country, including more than 1,500 members and a local chapter in Florida, Central Florida Freethought Community. 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 area resident reports that inside the Orange County Tax Collector's office inside of the West Oaks Mall there is a religious sign on display to the public. The sign says, "Faith – it does not make things easy it makes them possible – Luke 1:37." Please see the enclosed photo.

We write to ask that the county remove this religious sign from county property in recognition that it represents an unconstitutional endorsement of religion over nonreligion.

The Establishment Clause 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 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. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947). The Court has also ruled, "The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief." *Cty. of Allegheny v. Am. Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 593-94 (1989). Like the Ten Commandments posters in county buildings in *McCreary* and the crèche display on county land in *Allegheny*, this display of religious sentiment on a sign directed towards the public in a county office space would be viewed by a reasonable observer as an endorsement of religion, and is therefore unconstitutional.

Federal courts have upheld restrictions on the display of religious materials by government employees on government property because such restrictions exist to avoid Establishment Clause violations. The Ninth Circuit Court of Appeals has stated that the "government has a greater interest in controlling what materials are posted on its property than it does in controlling the speech of the people who work for it." *Tucker v. Dept. of Educ.*, 97 F.3d 1204, 1214 (9th Cir. 1996); *see also Berry v. Dept. of Soc. Serv.*, 447 F.3d 642, 651 (9th Cir. 2006) ("materials posted on the walls of the corridors of government offices may be interpreted as representing the views of the state").

In *Berry*, the court upheld restrictions on displays of religious materials in work spaces, even private cubicles or offices, because public access to the area could cause someone to “reasonably interpret the presence of visible religious items as a government endorsement of religion.” *Id.* at 652. The court concluded that “[d]isplaying the Bible implicitly endorses a religious message and it is precisely that message which the Department reasonably seeks to avoid.” *Id.* Courts have recognized that “the state has a legitimate interest, for example, in preventing the posting of crosses or Stars of David in the main hallways, by the elevators, or in the lobbies, and in other locations throughout its buildings. Such a symbol could give the impression of impermissible government support of religion.” *Tucker*, 97 F.3d at 1216. A religious sign directed towards the public in a government office similarly violates the law.

The Orange County Tax Collector serves all citizens regardless of belief or nonbelief. This message alienates the 24% of Americans who are non-religious.<sup>1</sup> We urge the County to recognize its obligation to provide all citizens with an environment free from religious endorsement by removing this exclusionary display. Please respond in writing detailing the actions the County has taken so that we may notify our complainant.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with the first name "Chris" being larger and more prominent than the last name "Line".

Christopher Line  
*Staff Attorney*  
*Freedom From Religion Foundation*

Enclosure

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<sup>1</sup> Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), [www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf](http://www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf).

faith

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-luke 1:37-