

# FREEDOM FROM RELIGION *foundation*

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Joe Moss, Chairperson  
Ottawa County Board of Commissioners  
12220 Fillmore Street  
West Olive, MI 49460

Re: Concerns regarding constitutionally dubious resolution

Dear Chairperson Moss and Commissioners:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to object to your recently passed “Constitutional County” resolution. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 1,000 members in Michigan. FFRF works to protect the constitutional separation between state and church and to educate about nontheism.

Along with the majority of your constituents who spoke at the Board’s May 24 meeting, we were shocked to see the Board pass a resolution declaring itself a “Constitutional County.” Though legally flaccid, the resolution raises serious concerns because it is based on constitutional and historical arguments that are contrary to reality. We urge the Board to examine its sources and to educate itself on its true constitutional duties.

Vice Chair Sylvia Rhodea reportedly justified this resolution by citing a “required affirmation of a Marxist DEI value system for some county positions,” which she stated conflicts with her religious beliefs, as well as individual freedoms that were

allegedly “repeatedly violated” during the coronavirus pandemic.<sup>1</sup> These claims are specious. A commissioner having religiously based objections to a government policy does not render that policy unconstitutional. The Free Exercise Clause of the First Amendment to the U.S. Constitution, and its analogue in the Michigan Constitution, prohibit the government from targeting religious actions for disfavored treatment.<sup>2</sup> This does not give every government official an unbridled religious veto power. To the contrary, if a commissioner’s religious beliefs conflict with their official duties to the point where they cannot carry out those duties, they are unfit to hold that position and should resign.

The Board’s distorted view of religious liberty may come from various members’ reported support of the false notion that the United States government is based on “Judeo-Christian values,” an ahistorical argument often made by Christian nationalists. The concept of “Judeo-Christian values” did not even exist until the mid-20th century, let alone at the time the United States was founded.<sup>3</sup> To the contrary, 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> They deliberately placed sovereignty not in a divinity, but in “We the People.” They went on to adopt the Bill of Rights, whose First Amendment protects the free exercise of religion precisely because it also bars the government from establishing a religion. In the United States, you may have any religion you like or none at all, and the government may not take sides in this debate.

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 nation is founded on

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<sup>1</sup> Yonat Shimron, *In fight against ‘tyranny,’ Michigan board declares itself ‘constitutional county,’* ReligionNews.com (May 24, 2023).

<sup>2</sup> See, e.g., *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993).

<sup>3</sup> James Loeffler, *The Problem with the “Judeo-Christian Tradition,”* The Atlantic (Aug. 1, 2020), [www.theatlantic.com/ideas/archive/2020/08/the-judeo-christian-tradition-is-over/614812/](https://www.theatlantic.com/ideas/archive/2020/08/the-judeo-christian-tradition-is-over/614812/).

<sup>4</sup> U.S. Const. Art. VI, § 3.

Judeo-Christian values. As elected officials, the Board should strive to promote an accurate understanding of U.S. history that respects the foundational principles of the Constitution's First Amendment.

The Board is obligated to uphold the U.S. and Michigan Constitutions based on actual history and legal precedent, not a false historical narrative about Judeo-Christian values and an imagined superiority of Commissioners' personal religious beliefs over the rule of law. As county commissioners, your obligation is to uphold the rights of *all* your constituents, including those who have different religious beliefs than your own, or no religious beliefs at all. Today, non-religious Americans are the fastest growing segment of the U.S. population by religious identification — 35 percent of Americans are non-Christians, and this includes the more than three-in-ten adult Americans (29 percent) who now identify as religiously unaffiliated.<sup>5</sup> A recent survey found that 21 percent of Americans born after 1999 are explicitly atheist or agnostic.<sup>6</sup>

FFRF and our Michigan membership urge the Board to reflect on its constitutional obligations and to reject the influence of Christian nationalists who may have misinformed Commissioners about an imagined version of American history that elevates Christian religious beliefs above other fundamental rights.

Very truly,



Annie Laurie Gaylor & Dan Barker  
Co-Presidents  
ALG/DB:rdj

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<sup>5</sup> *About Three-in-Ten U.S. Adults are Now Religiously Unaffiliated* Pew Research Center (Dec. 14, 2021), available at [www.pewresearch.org/religion/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/](http://www.pewresearch.org/religion/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/).

<sup>6</sup> *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018), <https://www.barna.com/research/atheism-doubles-among-generation-z/>.