

FREEDOM FROM RELIGION *foundation*

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

MAILED & FAXED (918-423-0722)

August 24, 2011

Commission Chairman Kevin Smith
& Members of the Pittsburg County Commission
600 East Choctaw Avenue
McAlester OK 74501-5357

Re: In God We Trust Divisive

Dear Chairman Smith and Commissioners:

On behalf of FFRF members and complainants in Pittsburg County, we are writing to strenuously object to the proposed scheme floated by Christian right attorneys in Springfield, Mo., to prominently post "In God We Trust" on your county courthouse. Our national organization, with more than 17,000 members nationwide, including an active chapter in Tulsa and members throughout Oklahoma, works to safeguard the constitutional principle of the separation between state and church.

Our association is writing to point out that the prominent posting of "In God We Trust" at the foyer of the county seat of government would send an unfortunate message of exclusion to those citizens who do not believe in a God.

The definitive American Religious Identification Survey 2008 reveals that 15% of the U.S. population is nonreligious. The message alienates not only significant numbers of atheists and agnostics but those with beliefs in other gods, such as Hindus, Wiccans, Native American practitioners, etc. Consider the outcry that would justifiably greet the posting of "In Allah We Trust" on your courthouse. Or, "We Trust in Reason — Not God." In addition to being an unconstitutional endorsement of religion, the motto is inaccurate. To be accurate it would have to read "In God Some Of Us Trust," and wouldn't that be silly? It is improper for the government to take sides on a matter that must be left to individual conscience.

The Establishment Clause in the First Amendment to the U.S. Constitution prohibits, among other things, government "sponsorship" of religion. *See Lemon v. Kurtzmann*, 403 U.S. 602, 612 (1971). That prohibition applies to government actions that favor one religion over another or that favor religion in general over nonreligion. *See Committee for Public Education & Religious Liberty v. Nyquist*, 413 U.S. 756, 771 (1973).

Art. 1, Sect. 2 of the Oklahoma Constitution guarantees that "no religious test shall be required for the exercise of civil or political rights" and Art II. Sec. 5 assures that "no public money or property shall ever be appropriated . . . or used, directly or indirectly, for the use, benefit or support of any sect, church, denomination, or system of religion."

The proposal would impose a religious test to exercise civil rights, exposing nonbelievers to a proselytizing and hostile message. It would be use of county property to benefit a system of religion.

The phrase "In God We Trust" was chosen belatedly as a national motto by an Act of Congress only in 1956. It first appeared on paper currency in 1957. The johnny-come-lately appearance of this religious motto, adopted as the result of a religious campaign by a McCarthyesque Congress, has unfortunately been used as precedent to justify other First Amendment violations. This symbolic unity of "God" with government has created a lack of respect for the previously revered constitutional principle of the separation of state and church. It would be advantageous to all if the motto "E pluribus unum" (From Many, come one) could resume its former stature. After all, it was the motto chosen by Thomas Jefferson, John Adams and Benjamin Franklin.

While the constitutionality of "In God We Trust" has not been fully established by courts, our judiciary does scrutinize more closely symbolic violations with which individuals are forced to come into personal contact. This is exactly what your county proposes. Anyone with any business, anyone called in for jury duty, who must register civil business with the county, will be told they must conform to a system of county-endorsed orthodoxy in matters of religion.

There is a very clear a record of intent revealing that the purpose behind the move is to endorse Christianity and to misleadingly suggest that our nation was founded upon belief in a deity. The idea for the posting springs from out-of-state Christian activist attorneys, who wrote: "We are a Christian nation and we are losing the faith of our fathers. It is my belief that for all Americans and for new people coming in to American they need to recognize what our history is, what our culture is."

That is his belief, but nothing could be further from the truth. Our nation is founded upon a secular and godless Constitution, whose sovereignty is invested not in a deity but in "We, the People." The only references to religion in government in our Constitution are exclusionary, such as that there may be no religious test for public office. Our founders, contrary to your assertion that "it goes with our history," deliberately sought to form a nation where religion was separated from government.

Commissioner Gene Rogers has said "it should be posted in the courthouse because the government supports this slogan and we support our government. I think it should be everywhere." This kind of remark unites patriotism and piety, and tells "nonadherents 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." Justice O'Connor, *Allegheny v. ACLU*, 492 U.S. 573, 625.

McAlester Mayor Kevin Priddle told the News-Capital that he personally agrees with the resolution: "I believe the founding fathers' true meaning was to ensure that the

government wasn't intruding on religion, not to keep God out of government." Here is an open admission by an elected official, who took an oath to uphold a secular Constitution, that he wants his personal religious views to be inscribed at the courthouse for an avowedly religious purpose — to further religion via government.

More damning, the posting was inspired by U.S. Rep. J. Randy Forbes of Virginia, founder of the Congressional prayer Caucus, who belittles opponents as “ a small minority.”

It is not legally relevant that private funds are paying for the display. *See Stone v. Graham*, 449 U.S. 39, 42 (1980) (“It does not matter that the posted copies of the Ten Commandments are financed by voluntary private contributions, for the mere posting of the copies under the auspices of the legislature provides the ‘official support of the State ... Government’ that the Establishment Clause prohibits.”); *See also Green v. Haskell County Board of Com'rs*, 568 F.3d 784 (10th Cir. 2009).

We ask you reconsider this exclusionary motto, and the self-interested and divisive agenda of those who proposed it. Many other phrases, such as “United We Stand,” or the original motto, E Pluribus Unum, express a patriotic sentiment without endorsing religion and excluding many good Pittsburg County citizens.

May we hear from you at your earliest convenience?

Very truly,


Dan Barker and Annie Laurie Gaylor