

# FREEDOM FROM RELIGION *foundation*

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November 8, 2021

**SENT VIA FAX AND U.S. MAIL: (202) 226-0776**

The Honorable Jody Hice  
United States House of Representatives  
404 Cannon HOB  
Washington, DC 20515

Re: Inappropriate participation in unconstitutional Ten Commandments dedication

Dear Representative Hice:

We are writing on behalf of the Freedom From Religion Foundation and our Georgia membership to object to your planned participation in a dedication of a religious display on government property. We were contacted by a concerned constituent. FFRF is a national nonprofit organization with more than 35,000 members across the country, including more than 500 members and a chapter in Georgia. FFRF works to protect the constitutional principle of separation between state and church and educates about nontheism.

On Nov. 2, you issued a press release stating your intent to participate in a Nov. 9 dedication ceremony for a display entitled “Foundations of American Law & Government, a set of nine historic documents that will be prominently featured in the Monticello City Council Chambers at City Hall.”<sup>1</sup> You stated that these documents will consist of “the Ten Commandments, Mayflower Compact, Magna Carta, Declaration of Independence, Star Spangled Banner, National Motto, Preamble to the Georgia Constitution of 1945, Bill of Rights, and Lady Justice.”

The group behind the display, Ten Commandments Georgia, whose website you linked to in your press release, leaves no doubt which of these nine items is the real reason for the display. The group is “committed to the task of restoring a common moral code based upon The Ten Commandments and the founding philosophy of our country.”<sup>2</sup> This premise is fallacious.

Only two of the nine documents included are relevant to the founding philosophy of the United States: the Bill of Rights and the Declaration of Independence. The collection shockingly omits the U.S. Constitution itself—the country’s founding document—which is entirely godless and is revolutionary, among other reasons, in that it created the first

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<sup>1</sup> [hice.house.gov/news/documentsingle.aspx?DocumentID=6597](https://hice.house.gov/news/documentsingle.aspx?DocumentID=6597).

<sup>2</sup> [tencommandmentsga.org/about-us](https://tencommandmentsga.org/about-us).

country that officially separated religion and government. The Constitution's only references to religion are exclusionary, such as that there can be no religious test for public office. Instead of displaying the U.S. Constitution, the display features the Ten Commandments and documents with religious references that have no bearing on the founding of the U.S. government, and deliberately create a false impression that the United States was founded on biblical principles.

When running for office, you reportedly said, "I have one plan: the Constitution. If we were following this document we wouldn't have the problems that we're facing today."<sup>3</sup> Yet strangely, the array of "historical" documents regarding the country's founding does not include the Constitution, with the exception of the Bill of Rights. And you ignore the first item of the Bill of Rights, the Establishment Clause, which prohibits the government from establishing a religion, e.g., endorsing any particular religious message, or preferring religion over nonreligion.

The Ten Commandments have no relation to the foundation of the United States. Our entirely secular Constitution makes no reference to them. Our leaders wisely shaped the laws of the United States on fundamental principles of democracy and not on religious dogma. As noted in *ACLU of Ky v. Grayson County*, 591 F.3d 837, 849 n.6 (6th Cir. 2010), the claim that the Ten Commandments provided the foundation of American law is historically inaccurate.<sup>4</sup>

Of course, the Ten Commandments have significant religious meaning to Christian and Jewish citizens in your community. For some, the edits and deletions from biblical renditions of the "Ten Commandments" that are used in the display would contradict their beliefs and cause offense. Jewish, Catholic and Lutheran, and different Protestant denominations do not even agree on the wording and numbering of the Ten Commandments.

Beside the Ten Commandments and the two relevant historical documents, the display consists of two historical documents irrelevant to the U.S. government's founding—the Mayflower Compact and the Magna Carta—and three relatively recent documents that obviously shed no light on the history of our country's founding: the Star Spangled Banner, which became the national anthem in 1931, the preamble from Georgia's 1945 state constitution, and a document about "The National Motto 'In God We Trust,'" a motto which

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<sup>3</sup>Andrew Kaczynski, *Nearly Every Founding Fathers' Quote Shared By A Likely Future Congressman Is Fake*, BuzzFeed News (Aug. 26, 2014), [www.buzzfeednews.com/article/andrewkaczynski/jody-hice#2hnd8rx](http://www.buzzfeednews.com/article/andrewkaczynski/jody-hice#2hnd8rx).

<sup>4</sup> See, e.g., Steven K. Green, "Bad History": *The Lure of History in Establishment Clause Adjudication*, 81 NOTRE DAME L.REV. 1717, 1746 (2006) ("[R]egardless of the popularity of this belief of a unique status, it lacks historical support. There is no evidence that early political and legal figures saw the Decalogue as singularly (or even significantly) important or influential to American law."); Paul Finkelman, *The Ten Commandments on the Courthouse Lawn and Elsewhere*, 73 FORDHAM L.REV. 1477, 1500–16 (2005) ("[T]he claim that the Ten Commandments . . . are the moral foundation of American law, does not stand up to careful scrutiny."); Andrew L. Seidel, *The Founding Myth: Why Christian Nationalism is Un-American*, part III (Sterling Publishing, 2019).

did not receive this unfortunate designation until 1956. Finally, there is a bizarre undated document related to Lady Justice.

This is no history display. Its sponsors do not want to educate citizens. The real purpose of this exhibit is to promote a myth about America as a Christian nation founded on Christian principles, even though history tells us quite the opposite.

Several years ago you got into trouble over your pro-Christian, revisionist history when the “nearly every founding fathers’ quote” you shared on social media turned out to be falsely attributed.<sup>5</sup> We hoped you had learned your lesson after this embarrassing exposé, but that does not appear to be the case.

You represent *all* of your constituents, not just those who share your personal religious beliefs. 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 more than one in four Americans who now identifies as religiously unaffiliated.<sup>6</sup> Younger Americans are not just religiously unaffiliated, they are largely atheist or agnostic. A recent survey found that 21 percent of Americans born after 1999 are atheist or agnostic.<sup>7</sup>

You may work as a pastor in your capacity as a private citizen, but as an elected official you swore an oath of office to defend our secular Constitution. Please reconsider your official sponsorship of these ahistorical religious displays.

Very truly,



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

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<sup>5</sup> Kaczynski, *supra* note 3.

<sup>6</sup> Pew Research Center, “In U.S., Decline of Christianity Continues at Rapid Pace,” (Oct. 17, 2019) at [pewrsr.ch/2VPiFS7](https://www.pewresearch.org/2019/10/17/in-u-s.-decline-of-christianity-continues-at-rapid-pace/).

<sup>7</sup> *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018), <https://www.barna.com/research/atheism-doubles-among-generation-z/>.