

FREEDOM FROM RELIGION *foundation*

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October 19, 2022

SENT VIA EMAIL & U.S. MAIL: merrol.hyde@sumnercountyttn.gov

Merrol N. Hyde
Chairman
Sumner County Board of Commissioners
355 N Belvedere Drive
Gallatin, TN 37066

Re: Unconstitutional government promotion of religion

Dear Chairman Hyde and Board Members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation in Sumner County. FFRF is a national nonprofit organization with over 38,000 members across the country, including more than 400 members and a local chapter in Tennessee. 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 local resident reports that on October 17, 2022, the Sumner County Board of Commissioners (“the Board”) voted to pass a preamble and rules declaring itself a commission based on “Judeo-Christian values”, despite the County’s legal director urging it not to. Please see the enclosed screenshot of the Preamble, which reads:

We, the Sumner County Board of Commissioners as the legislative branch of Sumner County, recognizes that all powers are reserved by the citizens of this county. In order to perfect the operation of our County government, to ensure that it is just, orderly, efficient, cost-effective **and most importantly reflective of the Judeo-Christian values inherent in our nation’s founding**, as well as responsive and transparent to the people of Sumner County, our goal in serving the citizens of Sumner County is to exceed the requirements established in Tennessee state law and do hereby adopt these Standing Rules and Procedures.

We write to request that the Board immediately rescind this Preamble and remove the reference to “Judeo-Christian values.” The Board may not use its legislative power to promote, favor, and force a select set of religious values on Sumner County’s citizens.

The Supreme Court has long held that the Establishment Clause requires that the government remain neutral between religions, and between religion and nonreligion. *See Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947). When the Board blatantly promotes a specific brand of

religion, going so far as to declare it in the Preamble to its Standing Rules and Procedures, it sends the unmistakable message to all nonreligious and minority religion citizens “that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309–10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). This message needlessly alienates the Sumner County citizens who belong to the nearly one in three Americans who now identify as religiously unaffiliated.¹

Moreover, it is erroneous to assert that our nation was founded on Judeo-Christian values. 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.² 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).³

In reality, many of the Founders were particularly wary of forming a country that commingled religion with government. That is why they drafted a Constitution that effectively formed “a wall of separation between church and state.” This is perfectly exemplified in George Washington’s response to a letter from Presbyterian Ministers in Massachusetts and New Hampshire expressing their disappointment in the absence of “some Explicit acknowledgement of the only true God and Jesus Christ” in the Constitution. Washington replied “that the path of true piety is so plain as to require but little political direction. To this consideration we ought to ascribe the absence of any regulation, respecting religion, from the [Constitution] of our country.”⁴

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 Judeo-Christian values. As elected officials, the Board should strive to promote an accurate understanding of United States history that respects the foundational principles of the Constitution’s First Amendment. The Board is obligated to uphold the Constitution and rule of law, not Judeo-Christian values coupled with an erroneous recitation of national history.

While the Board’s members are certainly free to express and promote their own religious beliefs in their personal capacity, it is unconstitutional to do so in their official capacities as elected

¹ Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), available at www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

² James Loeffler, *The Problem with the “Judeo-Christian Tradition,”* THE ATLANTIC (Aug. 1, 2020), <https://www.theatlantic.com/ideas/archive/2020/08/the-judeo-christian-tradition-is-over/614812/>.

³ U.S. CONST. art. VI, § 3.

⁴ Letter from George Washington to Presbyterian Ministers of Massachusetts and New Hampshire (Nov. 2, 1789).

commissioners. By adopting a Preamble officially promoting Judeo-Christian values, the Board violates the Establishment Clause of the First Amendment, disregards the wall of separation between state and church, and disrespects the diversity of Sumner County's citizens. We request that the Board immediately correct this constitutional violation and remove any reference to Judeo-Christian values or other religious ideologies from the Preamble. Please inform us in writing of the steps you will take to remedy this constitutional violation so that we may inform our complainant.

Sincerely,

A handwritten signature in black ink that reads "Samantha F. Lawrence". The signature is written in a cursive style with a large initial 'S'.

Samantha F. Lawrence
Anne Nicol Gaylor Legal Fellow
Freedom From Religion Foundation

Enclosure

CC: terry.moss@sumnercountytn.gov; terry.wright@sumnercountytn.gov;
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**STANDING RULES AND PROCEDURES
SUMNER COUNTY BOARD OF COUNTY COMMISSIONERS**

Preamble

We, the Sumner County Board of Commissioners as the legislative branch of Sumner County, recognize that all powers are reserved by the citizens of this county. In order to perfect the operation of our County government, to ensure that it is just, orderly, efficient, cost-effective and most importantly reflective of the Judeo-Christian values inherent in our nation's founding, as well as responsive and transparent to the people of Sumner County, our goal in serving the citizens of Sumner County is to exceed the requirements established in Tennessee state law and do hereby adopt these Standing Rules and Procedures.

I. COMMISSION MEETINGS

A. Regular Meetings: The Commission shall convene on the third Monday of each month at 7:00 p.m. at the Sumner County Administration Building. Meeting time and location may be changed by a majority vote of the Commission, and appropriate, legal, public notice of such changes shall be given.

B. Quorum and Attendance

- i. A quorum for the transaction of business shall be a majority of all the duly elected and acting members of the county legislative body, and not simply a majority of those in attendance. A vacancy would not be counted in determining the required majority.
- ii. Commissioners who anticipate an absence from a Commission meeting shall attempt to notify the Commission Chair in advance of such absence. Such absences will be announced to the public by the Commission Chair and made part of the public record. [added Sept. 1, 2022]

C. Order of Business

- i. **Call to Order** by the Commission Chair
- ii. The **Commission declared open** by the Sheriff
- iii. **Invocation**
- iv. **Pledge of Allegiance**
- v. **Roll call** by County Clerk
- vi. **Approval of the Regular Agenda**
 1. Agenda items may be added, deleted, reordered, rearranged, or amended prior to the approval of the Agenda if such changes are approved by a majority vote of the Commission. [edited October 17, 2022]
 2. Items may be moved from the Regular Agenda to the Consent Agenda by unanimous vote of the Commission. Any one Commissioner may move an item from the Consent Agenda to the Regular Agenda prior to the approval thereof. Any appropriation from the budget Committee authorizing an expenditure in excess of \$25,000.00 must be considered by a vote of this body during the regular agenda and not be placed upon the consent agenda. [added 11/21/16]
 3. Once added to the Agenda, new items shall be considered to be a part of the Agenda, as originally distributed. Disposition of such items shall require the same voting majorities as hereinafter provided, as if they had appeared on the printed and distributed Agenda.
- vii. **Approval of the Minutes**
- viii. **Recognition of the Public**
 1. **Addressing the Commission:** The public may address the Commission concerning any matter on the Agenda as approved for the current meeting of the Commission.