

FREEDOM FROM RELIGION *foundation*

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April 17, 2012

SENT VIA MAIL & EMAIL
(mayor@sylvaniaalabama.com)

The Honorable Mitchell Dendy
Mayor
Town of Sylvania
PO Box 150
Sylvania AL 35988

Re: Unconstitutional "Welcome" Signs

Dear Mayor Dendy:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the Town of Sylvania's endorsement of Christianity and flagrant violation of the U.S. Constitution. We were contacted by a concerned area complainant. FFRF is a nationwide nonprofit organization, which works to protect the constitutional principle of separation between state and church. FFRF represents over 17,500 members across the county including Alabama members and a state chapter, the Alabama Freethought Association.

We understand that Sylvania recently placed 4 "welcome" signs that contain biblical quotations. The signs say, "Sylvania Welcomes You" and "Ephesians 4:5 - One Lord, One Faith, One Baptism." They also say, "Mayor - Mitchell Dendy." We understand that these signs are prominently placed so that visitors encounter them on heavily traveled routes into town. We were told that two signs are placed along the right-of-way on Hwy 75. A photo of one sign is enclosed.

The inclusion of biblical quotation on official municipal signs violates the core of the Establishment Clause of the First Amendment. The Supreme Court has said, "The touchstone for our analysis is the principle that the 'First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.'" *McCreary County v. ACLU*, 545 U.S. 844, 860 (2005) (citations omitted). The Establishment Clause, "at the very least, prohibits government from appearing to take a position on questions of religious belief or from 'making adherence to a religion relevant in any way to a person's standing in the political community.'" *County of Allegheny v. American Civil Liberties Union*, 492 U.S. 573, 594 (1989) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 687 (1984)).

The Sylvania "welcome" signs are not welcoming; they affiliate the government with one religion, Christianity, and exclude others. The endorsement of the tenets of one religion on government signs is unconstitutional. No court would uphold this blatant violation of the Constitution.

Federal courts that have examined similar religious statements by the government have found them to violate the Establishment Clause. *See Harris v. City of Zion, Ill.*, 927 F.2d 1401, 1412 (7th Cir. 1991)(Striking down city logo that contained Latin cross and statement “God Reigns,” as well as city seals with Latin cross); *Robinson v. City of Edmond*, 68 F.3d 1226 (10th Cir. 1995) (City seal containing Latin cross in one quadrant violated Establishment Clause); *Friedman v. Board of County Com’rs of Bernalillo County*, 781 F.2d 777 (10th Cir. 1985) (Latin cross with Spanish motto meaning “With This We Conquer” on county seal violated Establishment Clause); *Webb v. City of Republic, Mo.*, 55 F. Supp. 2d 994 (W.D. Mo. 1999) (City seal with religious fish symbol in one quadrant violated Establishment Clause); *American Civil Liberties Union of Ohio, Inc. v. City of Stow*, 29 F.Supp.2d 845 (N.D. Ohio 1998)(Finding city seal containing Latin cross violated Establishment Clause); *Doe v. County of Montgomery, Ill.*, 915 F.Supp. 32 (C.D.Ill. 1996)(Sign stating “THE WORLD NEEDS GOD” at county courthouse violated the Establishment Clause); *Goldstein v. Fire Dept. of the Village of Suffern*, 559 F.Supp. 1389 (D.C.N.Y. 1983)(Sign on firehouse stating “Keep Christ in Christmas” violated Establishment Clause).

The message on the Sylvania signs is more egregious than in other cases. The signs quote a Christian bible passage which restates fundamental beliefs of many Christians. This goes well beyond the religious symbolism that courts have struck down in other cases. It is reprehensible for a Town to endorse the Christian bible and instruct travelers of its teachings.

The Town ought not to lend its power and prestige to one religion, amounting to a governmental endorsement that excludes the 15% of Americans who identify as nonreligious (*American Religious Identification Survey*, 2008) as well as those who practice other religions. The signs are not even representative of the beliefs of all Christians. To some, the Epistle to the Ephesians is a fraud, as many biblical scholars have said that Paul of Tarsus did not write it.¹

Those traveling on taxpayer-funded public highways are confronted by Sylvania’s endorsement of Christianity. Whether to believe or not believe in “One Lord, One Faith, One Baptism” is a personal decision protected under our First Amendment as a paramount matter of conscience. Local governments have no place in making position statements on such matters.

We request that Sylvania immediately remove all biblical statements from welcome signs. May we hear from you at your earliest convenience?

Sincerely,



Patrick C. Elliott
Staff Attorney

¹ See *The New Oxford Annotated Bible, New Revised Standard Version with Apocrypha*, 3rd ed. Oxford University Press, Inc. 2001. P. 321.

SYLVANIA



**WELCOMES
YOU**

Ephesians 4:5 - One Lord, One Faith, One Baptism

Mayor - Mitchell Dendy