

FREEDOM FROM RELIGION *foundation*

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January 27, 2016

SENT VIA U.S. MAIL & EMAIL

brian.hieatt@tcsova.org

Brian Hieatt
Tazewell County Sheriff
315 School St. Ste. 3
Tazewell, VA 24651

Re: In God We Trust and Endorsement of Religion

Dear Sheriff Hieatt:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding several constitutional violations in the Tazewell County Sheriff's Office. Several concerned Tazewell County residents contacted us. FFRF is a national nonprofit organization with more than 23,000 members across the country, including nearly 500 members in Virginia. FFRF's purpose is to protect the constitutional principle of separation between state and church.

We understand that the Tazewell County Sheriff's Office has decided to add bumper stickers with the controversial national motto "In God We Trust" to all of its vehicles. News reports quote you as saying, "We want the public to know that we have strong Christian men and women serving their community," and "Our department feels very strongly about having *In God We Trust* on our vehicles. We know there is nothing we can do for our community without the guidance of our Lord." You also reportedly bragged, "Members of the department actually hold weekly Bible Study meetings."

The United States Supreme Court has held that public officials may not seek to advance or promote religion. It is inappropriate for the Tazewell County Sheriff to place "In God We Trust" on its patrol cars as a mark of the "strong Christian men and women" that work at the Office. Court approval of the phrase has traditionally been based on the phrase's lack of "religious significance." *Aronow v. United States*, 432 F.2d 242, 243 (9th Cir. 1970). Your admission that the phrase is indicative of the Christianity of your staff belies any argument that the phrase is being used in a merely "ceremonial" or "patriotic" manner with "no theological . . . impact." *Id.* This gives the appearance of government endorsement of Christianity, which conflicts with personal religious and nonreligious views of many county residents and employees.

Your statement that "we have strong Christian men and women serving their community," and putting a religious motto on patrol cars to represent that Christianity, imply a religious test for employment, which is unconstitutional: "no religious test shall ever be required as a qualification to any office or public trust under the United States." U.S. Const. art. VI, cl. 3. We question whether you are running the department in compliance with federal and state laws prohibiting discrimination on the basis of religion in employment.

Your actions also "present[] a problem . . . because the Establishment Clause prohibits the government from 'promot[ing] or affiliat[ing] itself with any religious doctrine or organization.'" *Milwaukee Deputy Sheriffs' Ass'n v. Clarke*, 588 F.3d 523, 528 (7th Cir. 2009) (holding religious speech by a sheriff, bible readings, and distribution of Christian literature during mandatory employee meetings unconstitutional

under the Establishment Clause). In *Clarke*, the federal court took issue with the sheriff's statement in part that "Whether or not we acknowledge it, each of us here today has a high calling and corresponding responsibility," and subsequent citation of a bible verse. This bears stark similarity to your statement that "We know there is nothing we can do for our community without the guidance of our Lord," reference to wanting the public "to know that we have strong Christian men and women serving their community," and approving mention of departmental bible studies. Your endorsement of religion over nonreligion and Christianity over all other faiths is unconstitutional.

It is also inappropriate for the Office to display "In God We Trust" on government property. Statements about a god have no place on government-owned cars. Public officials should not use their government position and government property to promote their religious views. The Office protects all residents of Tazewell County, including those who do not believe in a monotheistic god or any gods.

Citizens of Tazewell County trust their law enforcement officers to attend to their secular duties. Spending taxpayer time placing religious messages on patrol cars is beyond the scope of secular government. Further, in a time when citizens nationwide are increasingly distrustful of law enforcement officers' actions, it is frightening and politically dubious for the Office to announce to citizens that deputies rely on the judgment of a deity rather than on the judgment of the law.

The history of the motto "In God We Trust" evidences no secular purpose; on the contrary, the motto was first adopted during the Cold War as a reaction to the purported "godlessness" of Communism. America's original motto was purely secular—"E Pluribus Unum" ("out of many, one")—and was selected by Thomas Jefferson, John Adams, and Benjamin Franklin.

Overall, 23% of Americans identify as nonreligious.¹ That 8-point increase since 2007² makes the "nones" the fastest growing identification in America. "In God We Trust" is thus not even accurate. For it to be accurate, it would have to read, "In God Some of Us Trust."

On behalf of Tazewell County residents and taxpayers, we ask that you refrain from promoting Christianity in your official capacity as Sheriff, and urge you remove "In God We Trust" from all Tazewell County Sheriff's Office vehicles. Any discriminatory employment practices must cease. The Tazewell County Sheriff's Office should respect the rights of conscience of all citizens, including non-Christians and others who in good conscience reject belief in a god. Please inform us in writing of the actions you are taking on this matter. We look forward to a reply at your earliest convenience.

Sincerely,



Madeline Ziegler
Cornelius Vanderbroek Legal Fellow
Freedom From Religion Foundation

¹ *America's Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.

² "Nones on the Rise: One-in-Five Adults Have No Religious Affiliation," Pew Research Center, The Pew Forum on Religion & Public Life (October 9, 2012), available at <http://www.pewforum.org/Unaffiliated/nones-on-the-rise.aspx>