

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: william.ayub@ventura.org

Sheriff Bill Ayub
Ventura County Sheriff's Office
800 S. Victoria Avenue
Ventura, CA 93009

Re: Removal of Christian imagery from Sheriff's Office badges

Dear Sheriff Ayub:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional concern occurring in the Ventura County Sheriff's Office. FFRF is a national nonprofit organization with more than 33,000 members across the country, including more than 4,500 members in California. 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 Ventura County resident has reported a concern with the Ventura County Sheriff's Office's badge, which depicts a religious mission with a Latin cross on top. Please see the enclosed image. As you may be aware, the Ventura County Board of Supervisors has recently been considering redesigning the current County Seal to remove an image of Junipero Serra. The primary motivation for removing Serra from the seal is his establishment of the California mission system during the era of Spanish colonization, which was designed to convert and acculturate the Native California population to Catholicism and European culture. Native Californians who tried to escape were captured and those who disobeyed were beaten. Indigenous beliefs and customs were also banned. The depiction of a religious mission and Latin cross raise the same issues of endorsement of converting people to Christianity that are raised by the inclusion of a Junipero Serra on the County Seal.

The inclusion of religious imagery on the official Ventura County Sheriff's Office badge violates the Establishment Clause of the First Amendment. 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.'" *Cnty. of Allegheny v. Am. Civil Liberties Union*, 492 U.S. 573, 594 (1989) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 687 (1984)). The imagery signals an endorsement of Christianity. This "sends a message to 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." *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984).

Federal courts have ruled that religious symbols on official city logos or representations violate the Establishment Clause. The Ventura County Sheriff's badge design is akin to numerous other unconstitutional municipal representations:

- *Robinson v. City of Edmond*, 68 F.3d 1226 (10th Cir. 1995) (City seal containing Latin cross in one quadrant violated Establishment Clause);
- *Ellis v. City of La Mesa*, 990 F.2d 1518 (9th Cir. 1993) (City insignia depicting “well-known local feature” containing a Latin Cross violated the No Preference Clause of the California Constitution);
- *Harris v. City of Zion*, 927 F.2d 1401 (7th Cir. 1991) (Cities’ seals that included a Latin cross violated Establishment Clause);
- *Davies v. L.A. Cty. Bd. of Supervisors*, 2016 U.S. Dist. LEXIS 71693 (County placing a Latin Cross on the apex of the roof of the depiction of the San Gabriel Mission on the County seal 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 in one quadrant violated Establishment Clause).

In *Friedman* and *Robinson*, the Tenth Circuit Court of Appeals considered not just the particular message conveyed by the actual elements of the seal, but also its pervasiveness, ““the seal ... pervades the daily lives of county residents. It is not displayed once a year for a brief period ... [but r]ather it appears on all county paperwork, on all county vehicles, even on county sheriff’s uniforms.’ We therefore concluded that the seal violated the Establishment Clause.” *Robinson*, 68 F.3d at 1231(internal citations omitted). Similarly, the Ventura County Sheriff’s badge is an official representation of the County prominently displayed on all of your deputies and no doubt throughout the Sheriff’s Office.

Regardless of the unconstitutionality of the seal, as a matter of policy, the Sheriff’s Office should remove exclusionary religious images from its official representations. Changing the badge would show the citizens of Ventura County that their County and its leadership do not favor any one religion or belief system. Today, nearly 30% of adults in the U.S. are non-Christian and 24% practice no religion at all.¹ By remaining neutral on matters of religion, the Sheriff’s Office would embrace the diversity of its citizens, including non-Christian religious citizens and citizens who are nonreligious.

We urge the Ventura County Sheriff’s Office to adopt a new representation for its badges that is inclusive of all citizens.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

¹ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, Public Religion Research Institute (Sept. 6, 2017), available at www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

