

# FREEDOM FROM RELIGION *foundation*

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**SENT VIA EMAIL & U.S. MAIL: [rheamayor@rheacounty.org](mailto:rheamayor@rheacounty.org)**

The Honorable Jim Vincent  
Mayor  
Rhea County  
1475 Market St., Ste. 300  
Dayton, TN 37321

Re: Unconstitutional and divisive Ten Commandments display

Dear Mayor Vincent:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding an unconstitutional Ten Commandments display inside the Rhea County Courthouse. FFRF is a national nonprofit organization with over 42,000 members across the country, including more than 500 members and a 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 recently reported that the Rhea County Courthouse prominently displays the Ten Commandments in its lobby. Please see the enclosed photo.

Our staff and members independently witnessed the display during a recent event we hosted on the courthouse grounds, which included a tour of the building. What should have been a civic and educational experience quickly turned sour when attendees encountered an overtly religious message in a space intended to serve all citizens equally. Many of our participants, who are primarily nonreligious, expressed discomfort and concern at being greeted by a sectarian display in a government facility that should welcome everyone.

We write to request that the County remove the Ten Commandments display from the courthouse. Displaying the Ten Commandments in the county courthouse is not only an unconstitutional display of government favoritism toward religion, it needlessly alienates and excludes county residents who do not share the religious beliefs that the Ten Commandments embody and represent. As a nationally recognized historic site, the Rhea County courthouse should reflect our shared civic values, not a single religious tradition.

A Ten Commandments display in a county courthouse violates the Establishment Clause of the First Amendment. In *McCreary Cnty. v. ACLU*, 545 U.S. 844 (2005), the Supreme Court ruled that displays of the Ten Commandments in two Kentucky courthouses violated the Constitution. The Court discussed at length the requirement of government neutrality on matters of religion. The Court 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.’” *Id.* at 860 (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968)); see also *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947), *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985).

The religious message of the Ten Commandments is obvious. As the Supreme Court explained in *McCreary*:

[The Ten Commandments] proclaim the existence of a monotheistic god (no other gods). They regulate details of religious obligation (no graven images, no sabbath breaking, no vain oath swearing). And they unmistakably rest even the universally accepted prohibitions (as against murder, theft, and the like) on the sanction of the divinity proclaimed at the beginning of the text.

545 U.S. 844, 868. The Court went on to say:

The point is simply that the original text viewed in its entirety is an unmistakably religious statement dealing with religious obligations and with morality subject to religious sanction.

*Id.* at 869. By displaying this religious text in its courthouse, the County demonstrates a plain and undeniable preference for religion over nonreligion, for those religions which subscribe to the Ten Commandments above all other faiths, and for those Christian sects who believe in this particular version of the Ten Commandments over other denominations, such as Catholics, whose versions differ.

Further, other non-historical Ten Commandments displays have been struck down by federal courts. *See, e.g., Felix v. City of Bloomfield*, 841 F.3d 848 (10th Cir. 2016), *cert. denied*, 138 S.Ct. 357; *ACLU of Ohio Found. v. Deweese*, 633 F.3d 424 (6th Cir. 2011), *cert. denied*, 131 S.Ct. 368; *Green v. Haskell Cnty. Bd. of Com'rs*, 568 F.3d 784 (10th Cir. 2009), *cert. denied*, 130 S.Ct. 1687. When municipalities unsuccessfully defend unconstitutional Ten Commandments displays, they are on the hook for the plaintiffs' costs and attorneys fees. In Establishment Clause challenges to Ten Commandments displays, these can be significant. *See Felix v. City of Bloomfield*, 1:12-cv-00125, Doc. 159 (N.M. D.C. Judgment for Attorneys' Fees and Costs, Dec. 5, 2017) (**Ordering payment of \$700,000**); *FFRF v. New Kensington-Arnold Sch. Dist.*, No. 2:12-cv-01319 (*W.D. Pa 2017*) (Settled in February 2017 with the removal of the Ten Commandments monument and **payment of \$163,500** for costs and attorney fees).

Finally, as a matter of policy, the County should not display the Ten Commandments in the courthouse. The first Commandment alone makes it obvious why the Ten Commandments should not be posted on government property. The government has no business telling citizens which god they must have, how many gods they must have, or that they must have any god at all.

Out of respect for the Constitution and the rights of conscience of the County's residents, we ask that the Ten Commandments display be removed from the Rhea County Courthouse. Please respond in writing with the steps being taken to address this matter. Thank you for your time and attention.

Sincerely,



Kyle Steinberg  
*Anne Nicol Gaylor Legal Fellow*  
*Freedom From Religion Foundation*

Enclosure

THE  
TEN COMMANDMENTS

- I Thou shalt have no other gods before me
- II Thou shalt not make unto thee any graven image
- III Thou shalt not take the name of the Lord thy God in vain
- IV Remember the sabbath day to keep it holy
- V Honor thy father and thy mother
- VI Thou shalt not kill
- VII Thou shalt not commit adultery
- VIII Thou shalt not steal
- IX Thou shalt not bear false witness
- X Thou shalt not covet

EXODUS 20