



*Promoting reason, science, and freedom of inquiry.*

Chair Joe Baumann  
Ottawa County Board of Commissioners  
Ottawa County Administrative Offices  
12220 Fillmore Street  
West Olive, MI 49460

March 15, 2015

Dear Chair Baumann and Commissioners:

In January of this year, the Center for Inquiry wrote to Director Scholtz of the Ottawa County Parks & Recreation Commission regarding the possibility of placing a sign in Hager Park bearing the Biblical quotation "The heavens declare the glory of God; and the firmament sheweth his handiwork. Psalm 13:1." It is our understanding that the Board of Commissioners decided on January 27, 2015, to replace this sign in the park by a memorial rock to the donor who provided land and money for the establishment of the park.

The Board recognized that simply placing a sign with a direct Biblical reference on public land would be unconstitutional. Indeed, the legal opinion provided to the Board by its counsel, Silver and Van Essen, P.C. indicated as much. In an attempt to skirt this illegality, the Board suggested that a disclaimer should be added in the form of a separate sign, stating, "This memorial area is intended to honor and recognize Titus Hager and his contribution to the Hager Park property, to the citizens of Ottawa County, and is not an endorsement by Ottawa County of his personal views expressed in this memorial area."

CFI is pleased that the Board of Commissioners recognized that placing the sign alone would be both inappropriate and a violation of the constitutional prohibition on religious establishment. However, the disclaimer proposed does not eliminate this constitutional violation. The First Amendment "mandates government neutrality between religion and religion, and between religion and non-religion." *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968). Supreme Court precedent has made clear that signs and displays on public property, such as the sign at issue here, are unconstitutional if they are seen as sending a message of endorsement of a religious belief, and that the determination of this is a fact specific one, dependent on the context of the display. *County of Allegheny v. ACLU*, 492 U.S. 573, 597 (1989).

It is not the government's intent in placing the sign or display which determines its constitutionality, it is the effect upon a 'reasonable observer.' *Allegheny*, 492 U.S. at 620. The disclaimer sign here does not change the impact of the Biblical sign itself. Prominently placed in a public park, the sign sends a clear message to all who view it – Ottawa County is endorsing a Judeo-Christian world view. The sign is on public property, where it is typically seen as public speech, despite being donated by a private citizen.

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It is the sole expression of religious devotion present. Indeed, it is not balanced by other non-religious messages. Ottawa County has not indicated a willingness to allow other groups, religious and secular, to place their own signs in the park. As such a reasonable observer cannot fail but to see this sign as governmental endorsement of a particular religious view. The Board's hope that such a conclusion can be avoided by the placement of a small sign, relying on passersby to stop and read the small print, is a vain hope.

Replacing the sign violates the Constitution, with or without the addition of the disclaimer. It sends a message to non-religious Michiganders, as well as those who subscribe to religions other than Judeo-Christian ones, that they are excluded. The role of the Ottawa County government is to represent all its citizens, not to endorse the religious views of one group over others. The Center for Inquiry therefore respectfully requests that the Board reverses its decision to restore the sign. If it does not, and the sign is placed in Hager Park in contradiction of the constitution, we will be forced to further explore our legal options on behalf of our local members whose rights are being violated.

Yours Sincerely,

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