



AMERICAN ATHEISTS

March 6, 2018

The Honorable Rep. Mark Tuggle
Chairperson, House State Government
Committee
11 South Union Street
Suite 410-C
Montgomery, Alabama 36130-2950

The Honorable Rep. Randy Davis
Chairperson, House Constitution Campaigns
and Elections Committee
11 South Union Street
Suite 417-G
Montgomery, Alabama 36130-2950

Re: OPPOSITION for HB 144/SB 181, Testimony from American Atheists, in opposition to constitutional amendments regarding Ten Commandments monuments, for House committee hearings

Dear Chairpersons Tuggle and Davis and Members of the House State Government Committee and the House Constitution Campaigns and Elections Committee:

American Atheists, on behalf of its constituents in Alabama, writes in opposition to HB 144/SB 181, controversial measures which seek to amend the Alabama Constitution to allow Ten Commandments monuments to be placed on public land. However, Alabama cannot legally place Ten Commandments monuments on public land based on the US Constitution. Therefore these bills are not only unnecessary and wasteful, they would also fail to achieve the goal of their sponsors. We urge you to table these measures.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for real religious liberty, American Atheists believes that no one should be coercively subjected to religious speech by the government.

Certain lawmakers and officials in Alabama have sought to place Ten Commandments displays on public property since at least 1992. Since that time, these effort have sparked numerous lawsuits, costing the state hundreds of millions of dollars. Yet in each case, placement of Ten Commandments monuments on public land has been found to be prohibited by the US Constitution, and the monuments have been removed. Religious displays on public property raise constitutional concerns because they frequently violate the Establishment Clause, which states that “Congress shall make no law respecting the establishment of religion.” The courts have found displays unconstitutional where, based on the nature

of the displays and their physical and historical context, there is “no question that the statute or activity was motivated wholly by religious considerations.”¹

Now the bills at issue today, HB 144 and SB 181, would create a ballot measure to amend the Alabama Constitution to include language allowing placement of Ten Commandments monuments on public property, including schools and courthouses. Alabama has no secular purpose for erecting Ten Commandments displays on public land, and any court would find that the state is simply reaching for a way to disguise the religious significance of these monuments.²

If Alabama simply wishes to place materials with religious significance on public property in ways that align with the US Constitution, the state may already do so, and there is no need to amend Alabama’s Constitution. If the state seeks to place religious monuments on public property as an endorsement of religion, passage of these measures will do nothing to support that goal – such placements will continue to be invalid under the US Constitution. Instead, these measures appear to be blatant political pandering, made in mocking disregard for the Constitution of the United States, for the separation of religion and government which is the bedrock of our religious liberty, and for the Alabama taxpayers who must foot the bill for this perennial nonsense.

We urge you to table these unnecessary and controversial measures. If you should have any questions regarding American Atheists’ opposition to HB 141/SB 181, please contact me at 908.276.7300 x9 or by email at agill@atheists.org.

Sincerely,



Alison Gill, Esq.
Legal and Policy Director
American Atheists

cc: All members of the House State Government Committee and the House Constitution Campaigns and Elections Committee

¹ *Lynch v. Donnelly*, 465 U.S. 668, 680 (1984).

² *McCreary County v. ACLU*, 545 U.S. 844 (2005).