



AMERICAN ATHEISTS

November 3, 2016

Via Certified Mail

Mayor William P. Moon, Jr.
21 Seneca St.
Oil City, PA 16301

Dear Mayor Moon,

On Tuesday, October 25, 2016, the American Atheists Legal Center (AALC) received a complaint regarding a message engraved on a bench in Justus Park in Oil City. We learned the bench was part of a memorial donated in 2003 by the Veterans of Foreign Wars (“VFW”), Post 464 (the “VFW Memorial”). The complaint is about the message: “Men Who Aren’t Governed By God, Will Be Governed By Tyrants” (the “Tyrants Bench”).

The AALC is part of American Atheists, Inc., a national nonprofit organization dedicated to the separation of religion and government and the equality of atheists. American Atheists has more than 350,000 members and supporters, including in Oil City, as well as those who have served and currently serve in the U.S. Armed Forces.

After receiving the complaint, American Atheists obtained pictures of the entire VFW Memorial and understands the intent of the obelisk and two benches is to honor those who have served and died overseas. However, the Tyrants Bench contains an overtly religious message which endorses one particular religious viewpoint: Christianity. The statement that “Men Who Aren’t Governed By God, Will Be Governed By Tyrants” not only has absolutely nothing to do with honoring our service members but is derisive toward the all non-Christian American service members who have served and died for this country.

The number of non-Christian service members is significant; 23.5% of the men and women who serve our country, well over 500,000 individuals, have identified themselves as either atheist, agnostic, or as having no religious preference. *See Military Religious Demographics*, Military Association of Atheists and Freethinkers, (last visited November 2, 2016), <http://militaryatheists.org/demographics/>. The inscription on this bench denigrates and excludes the sacrifices made by nearly a quarter of this nation’s military personnel.

The display of religious imagery, text, or iconography on public property raises constitutional concerns. Such displays risk violating the Establishment Clause of the First Amendment to the U.S. Constitution, which states that “Congress shall make no law respecting the establishment of religion.” This prohibition requires that government maintain the separation between itself and religion while also refraining from taking positions which are hostile to any particular religious

points of view. *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968). The Supreme Court has made clear that the Establishment Clause does not permit the government to sponsor messages which disparage or disadvantage particular religious points of view or single out members of minority religious groups for opprobrium, regardless of the context. *Town of Greece v. Galloway*, ___ U.S. ___, 134 S.Ct. 1811, 1821-22 (2014); *Van Orden v. Perry*, 545 U.S. 677, 698 (2005) (Breyer, J., concurring); *McCreary County v. ACLU*, 545 U.S. 844, 860 (2005); *Edwards v. Aguillard*, 482 U.S. 578, 593 (1987) ; *Epperson v. Arkansas*, 393 U.S. 97, 103-04 (1968).

As a consequence, the Tyrants Bench likely violates the Establishment Clause of the First Amendment to the U.S. Constitution. However, we believe that this violation may be easily remedied at no cost to the Oil City taxpayers—or the VFW. If Oil City agrees to remove the Tyrants Bench, American Atheists is willing to donate a new bench to replace the Tyrants Bench that would be the same as the second bench in the VFW Memorial, except it would have a message that honors *all* of the brave men and women who have fought for the United States. We are willing to work with VFW Post 464 to find a mutually agreeable quote and, so long as the quote is approved by American Atheists, our organization will pay the costs incurred in constructing the new bench and installing it in place of the Tyrants Bench.

Please respond via email within five business days regarding whether Oil City will consider our proposal and, if so, when we should expect a final decision.

Thank you for your time and attention to this matter.

Sincerely,

Geoffrey T. Blackwell, Esq.
Staff Attorney
American Atheist Legal Center
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