

# THE RUTHERFORD INSTITUTE

Post Office Box 7482  
Charlottesville, Virginia 22906-7482

JOHN W. WHITEHEAD  
Founder and President

TELEPHONE 434 / 978 - 3888  
FACSIMILE 434/ 978 - 1789  
[www.rutherford.org](http://www.rutherford.org)

October 6, 2015

Sheriff Donald Valenza  
Houston County Sheriff's Office  
144 North Oates Street  
Dothan, Alabama 36303

**Re: "Blessed Are the Peacemakers" Vehicle Decals**

Dear Sheriff Valenza:

On behalf of The Rutherford Institute,<sup>1</sup> an organization dedicated to preserving and defending the Constitution of the United States, I urge you to reconsider your decision to have "Blessed Are the Peacemakers" decals removed from Houston County Sheriff's Department vehicles. I would also like to offer The Rutherford Institute's assistance in defending against any challenges that might arise due to such a reversal.

It is our understanding that Americans United for Separation of Church and State and the Freedom from Religion Foundation have threatened lawsuits over the display of the "Peacemakers" decals, insisting that they violate the so-called "separation of church and state." These groups, apparently operating on a strictly separatist notion that any reference to religion must be purged from public life, are misguided in their understanding of the First Amendment's protections for free speech.

It is our view that the "Peacemakers" decals do not violate the Establishment Clause of the First Amendment as the following analysis will show. Indeed, they serve a clear secular purpose—to reinforce the sheriff's department's commitment to peaceful enforcement of the law—and are as legally defensible as nonsectarian prayers at legislative meetings,<sup>2</sup> Ten

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<sup>1</sup> The Rutherford Institute is a national nonprofit civil liberties organization dedicated to the defense of constitutional freedoms.

<sup>2</sup> *Town of Greece v. Galloway*, 134 S. Ct. 1811 (2013).

Commandments monuments on public property,<sup>3</sup> and the inscription of “In God We Trust” on U.S. currency.<sup>4</sup>

The display of “Peacemakers” decals on law enforcement vehicles serves a compelling secular purpose

By including the phrase “Blessed are the peacemakers” on their patrol vehicles, the Houston Country Sheriff’s Office reminds both police officers and citizens of the community that the primary role of the police should be to foster peace. The relationship between citizens and the police force can be one of mistrust or hostility if members of the community believe law enforcement’s goal is dominance and control, as opposed to keeping the peace. A message of peace on the side of police vehicles tells the community that the objective of Sheriff’s Department personnel is not just to make arrests, but instead to ensure that Houston law enforcement is there to serve as peace officers.

The Constitution should not be read to prohibit local governments from displaying religious messages on the side of police vehicles when there are also compelling secular reasons for displaying them. The sheriff’s office is attempting to make the community a safer place by spreading a message of peace and fostering good relations between the police force and the public. Promoting a positive relationship between the police force and the community is clearly a compelling secular purpose for including this message of peace on the side of police vehicles.

The Supreme Court has long recognized that religion and references to religion need not be entirely expunged from public life

The presence of “Blessed are the Peacemakers” decals with the source reference to the Bible (Matthew 5:9) is wholly consistent with court decisions allowing governmental acknowledgement of religion in public life.<sup>5</sup>

The U.S. Supreme Court has long recognized and made clear that religion and references to religion need not be entirely expunged from public life, and that “religion has been closely identified with our history and government.”<sup>6</sup> In fact, there is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life.<sup>7</sup>

Moreover, there are a great number of examples in which religious messages within a governmental forum have been found not to violate the Establishment Clause. For example, the

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<sup>3</sup> See also *Lynch*, at 680, 687; *Marsh v. Chambers*, 463 U.S. 783, 792 (1983); *McGowan v. Maryland*, 366 U.S. 420, 437-40 (1960); *Walz v. Tax Comm'n of City of New York*, 397 U.S. 664, 676-678 (1970).

<sup>4</sup> *Newdow v. Lefevre*, 598 F.3d 638 (9<sup>th</sup> Cir. 2010).

<sup>5</sup> *Lynch*, 465 U.S. at 673.

<sup>6</sup> *School Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 212 (1963).

<sup>7</sup> *Lynch v. Donnelly*, 465 U.S. 668, 674 (1984).

inscription of the phrase “In God We Trust” on currency does not violate the Constitution.<sup>8</sup> Additionally, federal, state and local legislative bodies may open their meetings with a prayer that invokes divine guidance and inspiration.<sup>9</sup> Similarly, the City of Las Cruces was found not to violate the Establishment Clause by including the Christian Latin Cross on its official symbol (which appeared on government vehicles) where the cross was an acknowledgement of the role the cross played in the city’s history.<sup>10</sup>

Finally, within the last decade, the Supreme Court has affirmed the constitutionality of a display on public property of a monument displaying and celebrating the Ten Commandments from the Bible’s Book of Exodus. In *Van Orden v. Perry*, 545 U.S. 677, 690 (2005), the Court wrote: “Simply having religious content or promoting a message consistent with a religious doctrine does not run afoul of the Establishment Clause.”<sup>11</sup>

No reasonable person would interpret the pacifist phrase “Blessed are the peacemakers” as an unconstitutional endorsement of religion

The mere presence of a pacifist phrase on the side of police vehicles, even with a biblical citation included, cannot be construed as an attempt to advance any particular religion over another. No *reasonable* person reading such a message on the side of a police car would think that Houston County police were attempting to convert the public to Christianity, or evincing some preference for Christians over other members of the religious community.

Whether or not the pacifist phrase “Blessed are the peacemakers” is derived from a religious source and acknowledges that source, the mere presence of religious content or a message consistent with religious beliefs on government property does not violate the Establishment Clause. In *Van Orden*, 545 U.S. at 691-92, the Supreme Court recognized that a government action may have a “dual significance, partaking of both religion and government,” and that having a religious significance does not violate the Constitution. Including a citation to the source of the message of peace (“Matthew 5:9”) is no less acceptable or legal than including the message. The crucial point is that the quote “Blessed are the peacemakers” on the side of official vehicles serves a number of secular purposes,<sup>12</sup> and simply having a religious origin does not make the quote unconstitutional.

“Blessed are the peacemakers” is a global message of peace that has been echoed repeatedly by other leaders, religious, secular and otherwise

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<sup>8</sup> *Newdow v. Lefevre*, 598 F.3d 638 (9<sup>th</sup> Cir. 2010).

<sup>9</sup> *Town of Greece v. Galloway*, 134 S. Ct. 1811 (2013).

<sup>10</sup> *Weinbaum v. City of Las Cruces*, 541 F.3d 1017 (10<sup>th</sup> Cir. 2008)

<sup>11</sup> See also *Lynch*, at 680, 687; *Marsh v. Chambers*, 463 U.S. 783, 792 (1983); *McGowan v. Maryland*, 366 U.S. 420, 437-40 (1960); *Walz v. Tax Comm'n of City of New York*, 397 U.S. 664, 676-678 (1970).

<sup>12</sup> Courts have recognized that invoking religious tradition can be a valid way of reminding people to act according to their own morals. *Town of Greece Galloway*, 134 S.Ct.1811 (2014). (It was permissible to open town board meetings with a prayer intended to place town board members in a solemn and deliberative frame of mind, invoke divine guidance in town affairs, and recognize a longstanding legislative tradition.)

The message itself, “Blessed are the peacemakers,” is not exclusive to the Christian religion. Nor is the sentiment exclusively religious. In fact, the message of peace conveyed by the decal is a universally global sentiment that has been echoed repeatedly by other leaders, religious, secular and otherwise.

- For example, Thich Nhat Hanh, a Buddhist monk and peace activist, asked: “How do you want to create peace, if there is no peace inside yourselves?”
- The Dalai Lama advises that “Peace is not just mere absence of violence. Peace is, I think, the manifestation of human compassion.”
- Mahatma Gandhi, a Hindu, declared: “An eye for an eye will only make the whole world blind.” and “Be the peace you wish for the world.”
- John Lennon, a British-born musician famously said: “Give peace a chance.”
- Catholic priest Oscar Romero said: “Peace is not the silent result of violent repression.”
- Scientist Albert Einstein said: “Peace cannot be kept by force; it can only be achieved by understanding.”
- Ralph Waldo Emerson stated: “Peace cannot be achieved through violence, it can only be attained through understanding.”

The Establishment Clause prohibits the government from endorsing religion, but also from showing hostility towards it

To single out this particular message of peace merely because it has a biblical source is to exhibit an unlawful hostility towards religion, Christianity in particular, which flies in the face of the Constitution’s mandates.

Although under the Constitution, governments are not permitted to advance any particular religion, they also may not inhibit religion.<sup>13</sup> In this case, removing the phrase “Blessed are the peacemakers” from the side of police vehicles would be an act of unnecessary hostility towards religion.

There is “no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious

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<sup>13</sup> *Lemon v. Kurtzman*, 403 U.S. 612 (1971).

influence.”<sup>14</sup> While there are limits on the government’s power to endorse religious principals, those limits do not prevent the government from promoting valid secular policy, just because that policy may also line up with the doctrine of some religious sects.

To require the Houston County Sheriff’s Department to remove a message of peace from the side of its police vehicles simply because some religions also promote peace would be asking the government to “throw its weight” against religion.

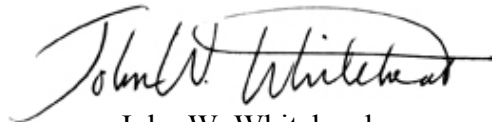
The “Peacemakers” decal is a welcome and timely reminder that law enforcement officers are first and foremost peace officers

For the reasons discussed herein, we respectfully urge the Houston County Sheriff’s Department to reconsider its decision to remove the message “Blessed are the peacemakers” from its police vehicles.

At a time when public trust in law enforcement is eroding due to repeated reports of excessive use of force against unarmed citizens, the “Peacemakers” decal is a welcome and timely reminder that law enforcement officers are first and foremost peace officers and that the Houston County Sheriff’s Department is dedicated to preserving the peace.

As I mentioned earlier, The Rutherford Institute is available as a resource should you have any further questions or find yourself in need of legal assistance.

Sincerely yours,

A handwritten signature in black ink that reads "John W. Whitehead". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John W. Whitehead  
President

cc: Houston County Administrator Bill Dempsey  
County Commissioner Jackie Battles  
County Commissioner Mark Culver  
County Commissioner James Curtis Harvey, Jr.  
County Commissioner Brandon Shoupe  
County Commissioner Doug Sinqeufield

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<sup>14</sup> *Zorach v. Clauson*, 343 U.S. 306 (1952).