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## Atheists lose



**Levy County Attorney Anne Brown speaks to the County Commission.**

**Story and Photo By Jeff M. Hardison © Dec. 6, 2017 at 4:17 p.m.**

**BRONSON** -- Levy County Attorney Anne Bast Brown told the County Commission on Tuesday (Dec. 5) that the county won in its defense against a suit brought by a group of atheists.

One central point of the suit is that the county did not treat the non-believers with equality when they asked to erect a monument. The group was reacting to a historic monument of The Ten Commandments that is on county property next to the Levy County Courthouse.

The group has 30 days to appeal the decision by the federal civil court judge in Gainesville.

The county's legal representative in this matter, Brown said, had argued that the action should be summarily dismissed based on the plaintiff lacking standing. The judge agreed, Brown said.

Charles Ray Sparrow, a member of Williston Atheists, a group of about a dozen nonbelievers that applied for the monument in January of 2014, has expressed his opinion that the county did not treat his group's request to place a monument with the same standards applied to the group that put up the monument of The Ten Commandments.

Sparrow and his group received approval to proceed with their lawsuit in 2016 as Federal Judge Mark E. Walker of the United States District Court for the Northern District of Florida looked at the matter.

Judge Walker dismissed the case this week, however, saying that the atheists didn't have proper legal standing to bring the case forward. Since Sparrow only is thought to have visited the courthouse to see the monument, the injury he allegedly suffers from

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seeing it is not significant.

The judge ruled Sparrow lacked standing because he does not visit the Levy County Courthouse much.

Sparrow was noted to have failed to satisfy the “direct and unwelcome personal contact” standard. Hence, he lacked standing to bring the suit.

There was no reason to think Levy County officials were selectively applying rules to the atheists that were not applied to all others equally, as far as the brief facts and evidence brought to bear so far showed.

United States District Court Judge Walker appears to have noted the atheists wasted the court's time by not following procedure better.

"... maybe if Plaintiffs try a little harder their next application will be accepted. But it's doubtful that's what Plaintiffs really want... Rather, like with their Establishment Clause claim, it seems that the only reason Plaintiffs filed these applications was to hastily manufacture standing. Indeed, when given an opportunity to file their amended application, Plaintiffs chose to argue about the guidelines instead of attempting to comply with them."

The plaintiffs had filed a complaint about equal protection, and about the county's alleged violation of the Establishment Clause, Brown said.

Levy County Attorney Brown said that after the time passes for an appeal, and when this issue is finished, she plans to review it with County Coordinator Wilbur Dean to see if there is a method for the county to reduce its vulnerability to attacks like this in courts.

This after-the-fact review is something Brown does for all of these types of incidents, she said.

"We will be looking at the guidelines, application forms, to see what changes we may need to make," Brown said.

Brown reminded the County Commission that some other group of atheists may bring another claim against the county in federal court, or this group may attempt to appeal the most recent decision on the matter.