

FREEDOM FROM RELIGION *foundation*

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July 12, 2018

SENT BY EMAIL AND U.S. MAIL:
hwoodpd@yahoo.com

Chief Jason Hepler
Hollywood Police Department
P.O. Box 240
Hollywood, AL 35752

Re: Divisive religious video on social media

Dear Chief Hepler:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding religious promotion on the Hollywood Police Department Facebook page. FFRF is a nationwide nonprofit organization with more than 32,000 members throughout the country, including many members in Alabama. Our purposes are to educate the public on matters related to nontheism and to protect the constitutional separation between state and church.

We were notified by multiple concerned citizens that the Hollywood Police Department recently participated in the Lip Sync Challenge with a video, posted to its Facebook page, of you, in uniform, performing "I Can Only Imagine" by MercyMe. The song includes lyrics like "Surrounded by Your glory / What will my heart feel / Will I dance for You, Jesus / Or in awe of You be still." The video includes you clasping your hands in prayer, going down on one knee, turning your face skyward, and other body language expressing your personal religious connection to the song.

As you are aware, citizens interact with and rely on law enforcement officers during some of the most urgent and vulnerable times of their lives. As Police Chief for the town of Hollywood, you serve a diverse population that consists of not only Christians, but also minority religious and nonreligious citizens. We hope you will agree that law enforcement must be even-handed and avoid any appearance of bias toward some citizens, or hostility toward others. Religious endorsements made in your official capacity send a message that excludes the 24 percent of American adults who identify as nonreligious, including 38 percent of millennials and younger Americans.¹ Religious endorsements coming from your department needlessly alienate the non-Christian and nonreligious citizens in Hollywood, turning them into political outsiders in their own community.

It would be entirely possible, of course, for the department to participate in the Lip Sync Challenge without ostracizing a significant portion of Hollywood's citizens. Sticking to secular messages is inclusive of everyone and honors our Constitution. It should be a matter of pride that the United States was first among nations to adopt an entirely secular

¹ Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

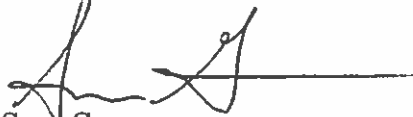
constitution, in which the only references to religion are exclusionary, such as barring religious tests for public office and separating religion from government.

Our Constitution's Establishment Clause, which protects all Americans' religious freedom by ensuring the continued separation of religion and government, dictates that the government cannot in any way endorse religion. The First Amendment prohibits even the *appearance* of religious endorsement by government officials. *See, e.g., Capitol Square Review and Advisory Bd. v. Pinette*, 515 U.S. 753, 787 (1995) (Souter, J., concurring) ("Effects matter to the Establishment Clause, and one, principal way that we assess them is by asking whether the practice in question creates the appearance of endorsement to the reasonable observer."); *Allegheny*, 492 U.S. at 593–94 ("The Establishment Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief . . ."). Promoting one specific set of religious beliefs, your personal religious beliefs, in an official department video violates the department's obligation under the Constitution and your constitutional obligation when acting in your capacity as a government officer.

Government employees can worship, pray, or express their personal religious beliefs however they wish when acting in their personal capacities. But they are not permitted to provide prestige to their personal religion through the machinery of a government office. The police department belongs to "We the people," not the department's temporary occupants. As a law enforcement officer, you are charged with great responsibility and have been given significant trust by citizens in your community, including those citizens who do not share your religious viewpoint.

To avoid further Establishment Clause concerns, the Hollywood Police Department must refrain from promoting religion on social media and should take down its video tribute to the personal religious beliefs of its police chief. Please inform us in writing of the steps taken to respect the rights of conscience of *all* Hollywood residents, regardless of their personal religious or nonreligious beliefs. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Grover", written over a horizontal line.

Sam Grover
Associate Counsel