

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

June 19, 2017

SENT VIA EMAIL & U.S. MAIL
sheriffbuchanan@asheco.com

Mr. Terry Buchanan
Ashe County Sheriff
140 Government Circle
Jefferson, NC 28640

Re: Sponsorship of "Time of Prayer" event

Dear Sheriff Buchanan:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) about an imminent constitutional violation. We were contacted by a concerned local resident about the matter. FFRF is a national nonprofit organization with more than 29,000 members across the country, including more than 600 members in North Carolina, and a state chapter, the Triangle Freethought Society. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

We understand that the Ashe County Sheriff's Office is hosting a "Time of Prayer" event on June 24. The event will take place at the Ashe County Sheriff's Office and that the prayer will be lead by Anne Graham Lotz, daughter of Evangelist Billy Graham. We further understand that this event is being advertised by the ACSO on both its official website, and social media pages. The ACSO shield and seal appear on the advertisements. See enclosed.

The ACSO's apparent organization and coordination of this event poses serious constitutional separation of state and church concerns. The Establishment Clause of the First Amendment to the United States Constitution prohibits the government from endorsing, advancing or promoting religion. Therefore, it is illegal and inappropriate for the Sheriff's Office to be hosting, organizing, supporting, or otherwise promoting a patently religious event, such as a "Time of Prayer."

Holding a Time of Prayer event sends the message that the ACSO not only prefers religion over non-religion, but also Christianity over all other faiths. It alienates the 23% of Americans who are nonreligious by turning them into political outsiders in their own community.¹ This violates the Establishment Clause of the First Amendment to the United States Constitution, which the Supreme Court has said time and again "mandates government neutrality between religion and religion, and between religion and nonreligion." *McCreary Cnty., Ky. v. Am. Civil Liberties*

¹ *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/

Union of Ky., 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947).

The Supreme Court has also held that public officials may not seek to advance or promote religion, specifically stating, "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

From all appearances, any reasonable Ashe County resident would logically interpret the sheriff's office's actions in this case as government endorsement of religion. The sheriff's office is promoting the event on social media and the event will take place on public property. Given the direct ACSO involvement in the event, any reasonable person would interpret this conduct as government espousal of religion. The ACSO must refrain from publicizing prayer events or allowing them to be officially held on government property.

In 2002, a federal court in Georgia enjoined a city and mayor from organizing, advertising, promoting or endorsing a similar prayer event. *Newman v. City of East Point*, 181 F. Supp. 2d 1374 (N.D. Ga. 2002). In that case, the court restricted the use of city funds, employees, resources and supplies in facilitating a Mayor's Prayer Breakfast. *See id.* As a result of the city's activities (making and sending invitations, issuing press releases, advertising the event, etc.), the court stated, "an objective observer would most certainly conclude that the City of East Point has endorsed religion, specifically Christianity, by its actions." *Id.* at 1381.

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. These citizens should not be made to feel offended, excluded, and like political outsiders because the local government they support with their taxes oversteps its power by organizing and promoting religious events. Citizens of Ashe County trust their law enforcement officers to attend to their secular duties. Expending resources organizing a Time of Prayer event is beyond the scope of secular government.

The ACSO must refrain from organizing and promoting religious events. The ACSO must cancel the Time of Prayer event and disassociate itself from any future religious events. Please inform us in writing of the steps you are taking to ensure this constitutional violation does not recur.

Sincerely,



Andrew Seidel
Staff Attorney

AS:dchh

Enclosure



You are personally invited to attend a time of prayer for our county, led by Anne Graham Lotz. It will be held on the front steps of the Ashe County Sheriff's Office on June 24th at 10 a.m. Lotz is the daughter of Evangelist Billy Graham. Everyone is welcome to attend. If you have any questions, feel free to call 336-846-5633.

Where: Ashe County Sheriff's Office

When: Saturday, June 24th at 10 a.m.

