



MAY 18 2018

Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 South Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

Ryan D. Jayne, Esq.
Freedom From Religion Foundation
P.O. Box 750
Madison, WI 53701

Dear Mr. Jayne:

I write to follow-up on my December 8, 2017 response to your May 9, 2017 letter, as well as your additional letter of April 20, 2018. As I indicated in that response, we have been in the process of conducting a detailed review of the factual assertions in your earlier letter. We are now in a position to provide a more detailed response to the specific claims you asserted.

First, your assertion that Father Brandt, the head of the Chaplains Unit (“Unit”), “openly promotes religion” apparently was based on internet content from a website (www.chicagopcm.org) that is not maintained, operated, or funded by the Chicago Police Department (“CPD”). As I explained in my December 8 letter, the Unit is funded via a 501(c)(3) corporation, and those funds are used to maintain the chicagopcm.org website, not CPD’s. CPD has no control over, or ability to change, the content of that website. Further, as I explained in my December 8 letter, the Unit’s primary function is to provide services to CPD members, such as counseling, crisis ministry or visitations, but those services are only provided if a CPD member requests them (and are provided by a person of a denomination of the CPD member’s choosing).¹ No CPD member is required to partake in services offered by the Unit. Likewise, the F.O.P. newsletters you describe are published and managed by the union that represents members of CPD and are not sanctioned or funded by CPD.² Accordingly, we respectfully disagree that any of these voluntary associative activities run afoul of the Establishment Clause of the First Amendment because, *inter alia*, none are under the control of CPD.

Next, your May 19 letter identified two events where you believe problematic activity took place, CPD’s graduation ceremony and the annual Police Recognition Ceremony and Luncheon. You stated that “it appears” that the graduation ceremony requires graduates to recite the Law Enforcement Code of Ethics with the words “before God.” This is not correct. Like the

¹ We also note that in addition to Jewish, Catholic, and various other Christian denominations being represented in the Unit, it now also includes a member of the Muslim faith. Should a CPD member seek secular counseling from a member of the Unit they would provide it, and in appropriate circumstances, may also provide the member with a referral to CPD’s Employee Assistance Program, which provides professional counseling services.

² Unit member Rabbi Moshe Wolf also contributes one page to the monthly F.O.P. newsletter.

National Police Prayer at the annual Luncheon, the Code of Ethics is merely printed in the program for the event, and is not recited by anyone during the event itself. Accordingly, no religious oath is required of CPD members.³ Furthermore, inclusion of the words “before God” in the Code of Ethics is no different from inclusion of the words “In God We Trust” on U.S. Currency or the words “under God” in the Pledge of Allegiance, both of which have withstood multiple Establishment Clause challenges. You also state that CPD members are commanded to remove their hats during benedictions and invocations at these and other events. Although our review has found that this may have occurred occasionally, this is not an official CPD requirement or policy.

Your April 20, 2018, letter, while reiterating the claims made in your earlier letter, also makes reference to two new issues. First, you assert that the programs for Police Academy graduations this past January and April made reference to an “Invocation” to be delivered at each by a member of the Unit. You do not include allegations as to the content of said “invocations,” but rather seem to rest on the argument that the inclusion of the word itself on the program is somehow unconstitutional. We are unaware of legal authority for this proposition.

Second, you object, in your April 20 letter, to a mass this past February for the slain police Commander Bauer at which Father Brandt spoke.⁴ While giving lip service to the fact that this event was “a memorial for a fallen officer,” you appear to take the position that any involvement of the Unit was *ipso facto* an Establishment Clause violation. I would respectfully submit that the unique circumstances and context of this gathering only serve to highlight the justification for the Unit’s existence and activities. As I explained in my December 8 letter, the Unit exists to provide crisis counseling, upon request, to members of CPD who may be dealing with traumatic events, such as the slaying of a fellow officer. Many officers, if they so choose, take comfort from the availability of counseling and related services on offer from the Unit, which are informed by a focused awareness of these particular risks facing police officers. Commander Bauer and his family were Catholics, and hence the memorial celebration took on forms from that particular tradition. If your position is that any involvement by the Unit, or by CPD more broadly, to celebrate the late Commander’s life would only have been permissible if cleansed of overtones stemming from or echoing his faith tradition, this too is a proposition for which we find no support in the case law.

While we again respectfully disagree that any of the activities referenced in your letters violate the Establishment Clause, we are updating our practices in the following ways: (1) no orders will be given to remove hats during invocations or benedictions at mandatory CPD sponsored events, and (2) the National Police Prayer will be not be printed in the annual

³ We further note that the annual Luncheon is not a mandatory event for CPD members, and those who choose to attend do so at their own expense.

⁴ Your letter does not identify the date or location of this event, making it difficult to assess what you are referencing, but based on your description we presume you are referring to the February 24 mass held at F.O.P. headquarters. As you know, the F.O.P. is the union representing police officers, not a part of CPD.

Luncheon program, which will instead contain the Law Enforcement Oath of Honor (copy enclosed). We consider this matter resolved.

Sincerely,



Charise Valente
General Counsel
Office of the Superintendent

Enclosure

Cc: Edward Siskel, Corporation Counsel, City of Chicago



57TH ANNUAL RECOGNITION CEREMONY

Friday, May 11, 2018

Noon

Hyatt Regency Chicago
151 East Wacker Drive • Chicago, Illinois

Law Enforcement Oath of Honor

On my honor, I will never betray my badge, my integrity,
my character or the public trust.

I will always have the courage to hold myself and
others accountable for our actions.

I will always uphold the Constitution,
my community, and the agency I serve.

