

FREEDOM FROM RELIGION *foundation*

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

June 7, 2017

SENT VIA FAX & U.S. MAIL: 334-514-1033

Ms. Regina Edwards
City Attorney, City of Wetumpka
109 E. Bridge St.
Wetumpka, AL 36092

Re: Unconstitutional Religious Promotion

Dear Ms. Edwards:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding serious constitutional violations occurring in the Wetumpka Police Department. We sent a letter to Wetumpka Police Chief Danny Billingsley regarding a related issue on January 20, 2017, but we have yet to receive a response. A copy of that letter is enclosed. FFRF is a national nonprofit organization with more than 29,000 members across the country, including members in Alabama. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that the City of Wetumpka hosts a "CJ Deputy Summer Program" at the Wetumpka Police Department that includes "Daily Devotionals," and that the Wetumpka Police Department hosts a monthly dinner with local churches called "People Extending Christian Kindness." We understand these dinners take place at the Wetumpka Police Department and involve religious leaders and members coming into the police department to serve food. These dinners are promoted on the Wetumpka Police Department's official Facebook page, sometimes accompanied by bible verses. These posts often praise god or contain Christian religious messages. One such post reads, "Thank you to all who were involved, served, and helped make this even fun and fulfilling! But a special thanks goes to God the Father for the opportunity, resources, and for His love. Thank You Lord for giving us all we need to give back to the community we love to protect and serve." Please see the enclosed screenshots.

We also understand that police officers at the Wetumpka Police Department have been hosting bible studies for kids while on duty and in uniform. This practice was shared on the police department's official Facebook page and the City of Wetumpka's official Facebook page. Please see the enclosed screenshot.

We write to ensure that the City of Wetumpka does not let the Wetumpka Police Department proselytize, endorse specific religions, or host religious events. The police department's proselytizing and the endorsement of this proselytizing through the official Facebook pages of the City and the Department violate the Establishment Clause of the First Amendment by favoring a specific religion over others. These violations must be stopped and the Facebook posts promoting them should be removed.

As a branch of city government, the police department has a constitutional obligation not to pick favorites between religions. The Supreme Court has long recognized that the First Amendment "mandates governmental neutrality between religion and religion, and between religion and nonreligion." *McCreary County v. ACLU*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). When the Department hosts bible studies, provides devotionals, and hosts dinners with local churches that make

explicit reference to their Christian purposes, the Department favors Christianity over all other religions and over those with no religion. Furthermore, the promotion of these events through official government social media pages suggests that Christianity is the preferred religion of the Wetumpka Police Department and the City of Wetumpka. These posts send the message to all the non-Christians and nonreligious people in Wetumpka that they “are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.” *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring). The Department’s favoring of Christianity alienates the 30% of American adults who are non-Christian, or who identify with no religion at all.¹ It is also a clear violation of the Establishment Clause.

As I’m sure 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 excluded, or like political outsiders because the local government they support with their taxes oversteps its power by proselytizing and promoting religious events through official government channels. Nor should the police department turn religious citizens into “insiders.” We think you’ll agree that law enforcement must be even-handed and avoid any appearance of bias toward citizens in its community. Regardless of any actual bias, the mere appearance of bias undermines the ability for law enforcement to protect and serve.

We ask that Wetumpka Police Department staff immediately cease proselytizing while on duty and in uniform. We ask that events sponsored by the City or the Department discontinue including devotionals or other religious elements, and that the Department cease official participation in religious events like the “People Extending Christian Kindness” dinners. Please inform us in writing of the steps you are taking to resolve these constitutional violations. Thank you for your time and attention to this matter.

Sincerely,



Christopher Line
Patrick O’Reiley Legal Fellow
Freedom From Religion Foundation

Enclosures

¹ *America’s Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.

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January 20, 2017

SENT BY FAX AND U.S. MAIL: (334) 567 1322

Mr. Danny Billingsley
Chief, Wetumpka Police Department
P.O. Box 190
Wetumpka, AL 36092

Re: 1:1 Prayer Project

Dear Chief Billingsley:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to constitutional concerns regarding the Wetumpka Police Department's (WPD) involvement in the 1:1 Prayer Project. FFRF is a nationwide nonprofit organization, which works to protect the constitutional principle of separation of church and state. FFRF represents 26,000 members across the country, including members in Alabama.

According to recent media reports, the WPD chaplain has implemented a new 1:1 Prayer Project.¹ The program was created by Chaplain John Gallups and organized with River Region Chaplain Service (RRCS). Participants donate \$20 to RRCS and are paired with a first responder. RRCS asks the participants to pray for their first responder, send their responder a coin provided by RRCS as a symbol of their support for the police department, and write an encouraging note to their first responder each month. People interested in joining are directed to contact Chaplain Gallups through his city email address or by sending donations to him at the Wetumpka Police Department.

WPD's participation and advancement of this Christian 1:1 Prayer Project is problematic. It is a fundamental principle of Establishment Clause jurisprudence that the government cannot in any way promote, advance, or otherwise endorse religion. The Supreme Court has said, "The touchstone for our analysis is the principle that the 'First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.'" *McCreary County v. ACLU*, 545 U.S. 844, 860 (2005), (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Board of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985)). While we understand that some of the support for this program is coming from outside groups, WPD cannot promote, advance, or endorse this religious program to the community or to its officers. If an outside group wishes to conduct this program then they must do so without official promotion or endorsement from the WPD.

¹ Available at <http://www.elmoreautoguanews.com/single-post/2017/01/02/11-Prayer-Project---Community-opportunity-established-to-support-encourage-First-Responders-in-Elmore-County>.

The "1:1 Prayer Project's" overt promotion of religion sends the message "to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members..." *Id.* (citations omitted). "This presents a problem for the Sheriff because the Establishment Clause prohibits the government from 'promot[ing] or affiliat[ing] itself with any religious doctrine or organization.'" *Milwaukee Deputy Sheriffs' Ass'n v. Clarke*, 588 F.3d 523, 528 (7th Cir. 2009). WPD should end its promotion and endorsement of this program including its promotion through WPD Chaplain Eileen Zoellner.

WPD's chaplaincy program is also problematic. Courts have held that public chaplains may only exist as an accommodation of a public employee's religious beliefs when the government makes it difficult or impossible to seek out private ministries. For instance, it may be difficult for military service members to find a place of worship while on mission in a foreign country, or for an inmate in a prison to find a way to worship. Chaplains are meant to lighten the government-imposed "burden" on religious exercise. The WPD does not place any such burden on employees or the public, so there is no need, and therefore no legitimate legal reason, to provide chaplains for them. The employment of chaplains, even if volunteer, demonstrates government endorsement of religion, which is a violation of both the federal and Alabama constitutions. It is inappropriate and illegal to provide religious services in a public institution.

WPD should focus on programs that actually make a difference in police officer's lives rather than expending any department resources for ineffectual Christian programming. Please inform us in writing that WPD is no longer participating in or endorsing the 1:1 Prayer Project. Thank you for your time and attention to this matter.

Sincerely,



Andrew L. Seidel
Staff Attorney

ALS:njn

City of Wetumpka's

CJ DEPUTY SUMMER PROGRAM



MI.K Jr. Center
200 Lancaster Street
Wetumpka, Alabama 36092

June 5, 2017 – July 31, 2017
8:00am – 4:00pm
Monday through Friday

- Daily Devotionals
- Reading
- Motivational Speakers
- Field Trips
- Arts & Crafts
- Games
- Movies
- Ice Cream Fridays

FREE – Breakfast, Lunch, Juice and Snacks Provided Daily!

Registration: April 24, 2017 – May 22, 2017

Wetumpka Police Department
208 Marshall Street
Wetumpka, Alabama 36092
Must be between the ages of 3 and 18

For Volunteer Opportunities & Donations Contact:
Sergeant Filla Roberts (334) 850-2566

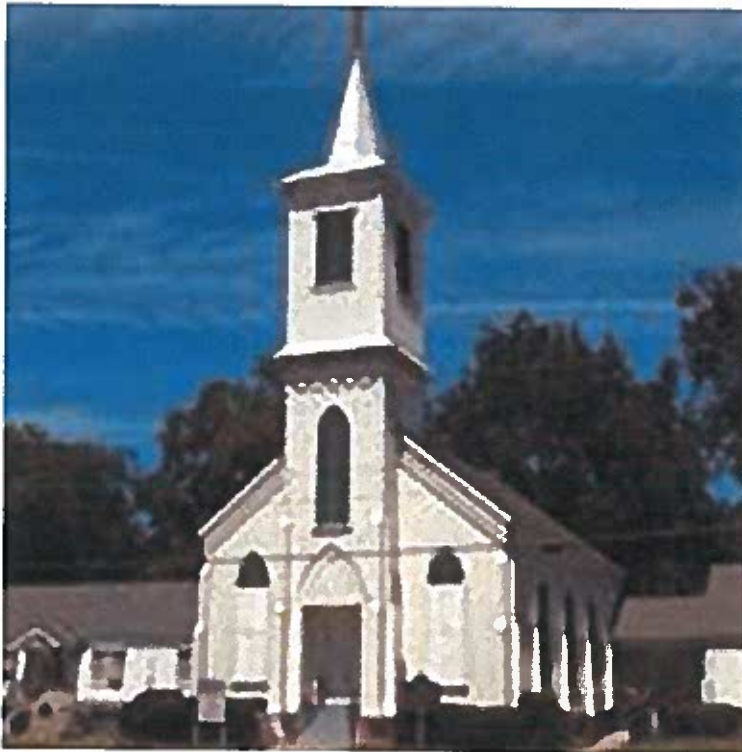


Wetumpka Police Dept

April 26, 2016 · 🌐

This month's P.E.C.K. (People Extending Christian Kindness) dinner will be this Thursday, April 28th, 2016 at 6:00 pm at the Wetumpka Police Department. This month's dinner will be hosted by First Presbyterian Church of Wetumpka and Pastor Jonathan Yarboro. Thanks to First Presbyterian Church for their kindness and please encourage underprivileged families to attend.

These dinners have been a huge success thanks to the organizations and churches who volunteer their time and resources each month. As of this date, nearly 1100 people have been touched by this program, by attending the monthly dinner or seeking shelter from domestic violence situations. If your church or organization would like to sponsor one of our monthly dinners, please contact Chief Danny Billingsley at 334-567-5321.





Wetumpka Police Dept added 12 new photos.

August 26, 2016 · 🌐

This month's P.E.C.K (People Extending Christian Kindness) Dinner went great last night August 25, 2016. The dinner was held at the Wetumpka Police Department. Officer Peoples, Officer Dailey, Officer Hogan, the Department Chaplin John Gallups, and members of the community also took food out to the community to serve. We'd like to thank Redland Hills Church and Pastor Wes Gunn for hosting. Thank you to all who were involved, served, and helped make this event fun and fulfilling! But a special thanks goes to God the Father for the opportunity, resources, and for His love. Thank You Lord for giving us all we need to give back to the community we love to protect and serve. Stay tuned for next month's dinner. Will post soon!

If anyone is interested in helping with next month's dinner whether it's individual, a church, or organization please contact Chief Danny Billingsley at 334-567-5321. God bless everyone.





Wetumpka Police Dept

March 16 · 🌐

Tonight's PECK Dinner went great! Special thanks to Bethel Worship Center for helping us serve our community with great food and a great time! Don't forget that we have changed our PECK Dinner to the 1st and 3rd Thursday of each month. It's still at the Police Department at 6 p.m. and some plates get taken out into the community! Spread the word and share this post! We'd love to see some new faces! Tonight there were about 150 served. Thank you to everyone who helps make this happen!





Wetumpka Police Dept added a new photo.

August 29, 2016 · 🌐



Blue Lives Matter

Aug 28 at 11:46pm · 🌐

Officer Dailey of the Wetumpka Police Department having bible study with some kids on her beat. Awesome job Officer! Everyone send us your pictures and we'll share them on <https://instagram.com/officialbluelivesmatter>



👍❤️👤 You, Jay Luis and 4.8k others

177 Comments 753 Shares

👍 Love

💬 Comment

➦ Share