

FREEDOM FROM RELIGION *foundation*

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July 10, 2018

SENT BY EMAIL AND U.S. MAIL:
dwinters@crandallpolice.com

Chief Dean Winters
Crandall Police Department
112 S. Main St.
Crandall, Texas, 75114

Re: Divisive religious video on social media

Dear Chief Winters:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding religious promotion on the Crandall Police Department Facebook page. FFRF is a nationwide nonprofit organization with more than 32,000 members throughout the country, including over 1,400 in Texas. Our purposes are to protect the constitutional separation between state and church and to educate the public on matters related to nontheism.

We were notified that the Crandall Police Department recently posted a video to its Facebook page of officers lip-syncing to the evangelical Christian song “God’s Not Dead” by the Newsboys. The department’s video included many instances of explicit endorsement of Christianity, including the police chief repeatedly pointing to the sky (while lyrics like “Now I’m lost in Your freedom” played), a spotlight on a Christian cross on the wall while the chief reads a bible below it, officers posing in front of a sign reading “FOR GOD’S GLORY,” and a shot of “In God We Trust” printed on the side of a department vehicle.

The Supreme Court has long held that the Establishment Clause “mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cty., Ky. v. Am. Civil Liberties 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 Crandall Police Department’s video conveys a message to non-Christians that they are not “favored members of the community.” *Cty. of Allegheny v. Am. Civil Liberties Union Greater Pittsburgh Ch.*, 492 U.S. 573, 595 (1989).

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 a city police department, 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 by your department 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

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

alienate the non-Christian and nonreligious citizens in Crandall, 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 Crandall'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 constitution, in which the only references to religion are exclusionary, such as barring religious tests for public office and separating religion from government.

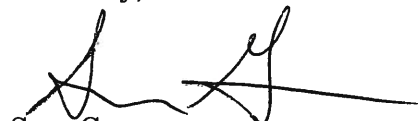
Our Constitution's Establishment Clause, which protects all Americans' religious freedom by ensuring the continued separation of religion and government, dictates that the government cannot in any way endorse religion. The First Amendment prohibits even the *appearance* of religious endorsement by government 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 in an official department video violates the department's obligation under the Constitution as a government entity.

Government employees can worship, pray, or read any religious text 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 law enforcement officials, 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.

Finally, the department's promotion of Christianity needlessly jeopardizes taxpayer dollars by exposing the city to legal liability. Not long ago the sheriff's office in Bradley County, Tennessee agreed to pay more than \$40,000 in damages and attorneys' fees after promoting religion on social media and ignoring objections to the practice. *Am. Atheists v. Watson*, No. 1:2016cv00118 (E.D. Tenn. filed May 6, 2016). There is no need to expose the department and the city of Crandall to similar liability by continuing to promote Christianity on a government account.

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

Sincerely,



Sam Grover
Associate Counsel