

# FREEDOM FROM RELIGION *foundation*

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January 13, 2017

SENT BY MAIL AND EMAIL TO:

lvance@city.jackson.ms.us

Mr. Lee Vance  
Chief, Jackson Police Department  
327 East Pascagoula Street  
Jackson, MS 39205

Re: Illegal religious endorsement by Jackson Police Department

Dear Chief Vance:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) concerning your decision to lead prayer in your official capacity as Police Chief on the steps of the Jackson Police Department (Department). As you may recall from our June 2015 letter, FFRF is a nationwide nonprofit organization that works to protect the constitutional principle of separation of church and state. We represent 26,000 members across the country, including members in Mississippi.

A concerned resident has contacted us to report that you have once again organized a prayer service on the steps of the Department—this one scheduled for noon on Friday, January 13—in an effort to reduce crime within Jackson.

We are writing to remind you that organizing and leading prayer in your official capacity on government property and advocating prayer as a Department-wide crime-fighting strategy constitutes illegal religious endorsement that violates the U.S. Constitution.

Calling upon citizens to pray is coercive and beyond the authority of any government official, let alone a community's chief law enforcement officer. The Supreme Court has repeatedly recognized that the First Amendment "mandates governmental neutrality between religion and religion, and between religion and nonreligion." *McCreary Cnty. 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).

In November 2014, the City of Ocala, Florida was sued for conducting a prayer vigil in an almost identical manner to the Jackson Police Department prayers. The prayer vigil was sponsored and promoted by the City of Ocala and its police department and included Christian preaching, proselytization, and prayers. In July 2015, the court denied the city's motion to dismiss and further held that the government officials involved, including the police chief, were not entitled to qualified immunity. The magistrate wrote, "No factually particularized, pre-existing case law was necessary for it to be obvious to local government officials that organizing and promoting a Prayer Vigil would violate the Establishment Clause" and "the alleged conduct 'lies so obviously at the very core of what the [Establishment Clause] prohibits that the unlawfulness of the conduct was readily apparent.'" *Am. Humanist Asso. v. City of Ocala*, No. 5:14-cv-651, Report and Recommendation at

22–23 (M.D. Fla. July 3, 2015). The same can be said for the Jackson Police Department’s calls for prayer.

It is the height of hypocrisy to call for a reduction in crime through an act that itself breaks the law. This prayer service sets a horrible example for the citizens of Jackson, who look to the Department to enforce the laws, not violate them.

Not only is it illegal for a city official to endorse religion, but tying crime prevention efforts to religion needlessly ostracizes a significant portion of the Jackson community. In response to objections to your proposed prayer, you reportedly remarked, “I understand there are people that may have issues with it, but I would tell those people to join with us, see for yourself it’s an honest effort to make things better.”<sup>1</sup> Rather than inviting minority religious and nonreligious citizens to join you in prayer to your personal god, it would be more prudent to separate the Department’s efforts at crime reduction from religious rituals. That way everyone in the community, regardless of religious or nonreligious preference, could participate freely.

Citizens should not be made to feel excluded or like political outsiders because the police department they support with their taxes promotes prayer as a method to fight crime. Overall, 23% of Americans, and 35% of millennials, identify as nonreligious.<sup>2</sup> You asked rhetorically, “Why would anybody not want to pray for peace? Why would anybody not want to pray that Jackson is seen as a safe city?”<sup>3</sup> Rather than *praying* for a safer city, the nearly one-in-four nonreligious Americans in your community would prefer to *make* Jackson safer. Rather than relying on a higher power to intervene, why not take the secular step of making it so?

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 their Police Chief oversteps his authority by endorsing an exclusively religious message. Nor should the 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 some citizens, and hostility toward others.

Citizens of Jackson trust local law enforcement to attend to their secular duties while acting and appearing unbiased. While religious leaders are free to hold prayer rallies, the Jackson Police Department is not; you must stop leading prayer services on city property in your capacity as Police Chief. Please inform us in writing of the actions the Department takes to set an example for its community by following the law. Thank you for your time and attention to this matter.

Sincerely,



Sam Grover  
Staff Attorney

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<sup>1</sup> Therese Apel, *JPD, JFD defend front step prayer services*, THE CLARION-LEDGER (Jan. 11, 2017) available at [www.clarionledger.com/story/news/local/2017/01/11/jackson-first-responders-hold-prayer-service/96444086/](http://www.clarionledger.com/story/news/local/2017/01/11/jackson-first-responders-hold-prayer-service/96444086/).

<sup>2</sup> *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).

<sup>3</sup> Apel, *supra* note 1.