

FREEDOM FROM RELIGION *foundation*

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

October 6, 2017

SENT VIA U.S. MAIL AND EMAIL TO: jailerlcdc@windstream.net

Jamie Mosley
Laurel County Jailer
Laurel County Correctional Center
204 W. 4th St.
London, KY 40741

Re: Unconstitutional Prayer Event

Dear Mr. Mosley:

I am writing on behalf of the Freedom From Religion Foundation concerning several constitutional violations occurring at the Laurel County Correctional Center. We were contacted by a concerned county resident. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including many in Kentucky and a state chapter in Louisville. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

The "Night of Prayer" violated the constitution.

We understand that on August 29, 2017, a "Night of Prayer" event was held at the Laurel County Correctional Center from 7pm to 9pm. News coverage of the event indicates that you conceived the government-sponsored prayer at the jail. Vernon Jarvis, a local pastor, said: "This was all the doing of the jailer. I saw his post and contacted him and told him to count me in."¹ Reports indicate that you "ask[ed] *every citizen and church in Laurel County* to come join us in prayer for our inmates, their families, the victims of their crimes, and our staff."²

It is our understanding that several local Christian ministers attended the event with members of their churches, as well as other members of the community and jail staff. It is estimated that around 600 people attended – more than the jail's entire incarcerated population.³ The crowd gathered beneath a large tent that was erected on the grounds. A choir from a local Pentecostal church performed music. At

¹ Nita Johnson, "Laurel County Jail to host 'Night of Prayer.'" The Times-Tribune (Corbin, KY), August 25, 2017. Available at: http://www.thetimestribune.com/news/laurel-county-jail-to-host-night-of-prayer/article_6b47162e-8a04-11e7-8eb1-5343752cb4a0.html

² *Id* (emphasis added).

³ Nita Johnson, "Lifting their voices... Jail prayer service brings out 600," The Sentinel Echo (London, KY), September 1, 2017. Available at: http://www.sentinel-echo.com/news/lifting-their-voices-jail-prayer-service-brings-out/article_4573750a-8f27-11e7-8da4-1bd19dbe5daf.html

some point, jail staff escorted inmates in handcuffs to the tent to interact with the crowd. The crowd was then led inside the jail, locking hands and forming a “prayer chain.” Video from news coverage of the event shows that people lined up alongside rows of windowed cell doors on every level of the facility, raising their hands in prayer as they faced the inmates through the window.⁴ See the enclosed photo.

It is unconstitutional for government officials to use their public office to advance, promote or endorse one religion over another, or religion over nonreligion. The First Amendment “requires the state to be neutral in its relations with groups of religious believers and non-believers.” *Everson v. Board of Ed.*, 303 U.S. 1, 18 (1947). The Supreme Court has explained that “the prohibition against governmental endorsement of religion ‘preclude[s] government from conveying or attempting to convey a message that religion or a particular religious belief is favored or preferred.’” *Cty. of Allegheny v. ACLU Greater Pittsburgh Chapter*, 492 U.S. 573, 593 (1989). This event violated these constitutional strictures in several ways.

The government cannot legally host a religious event in its facility, promote it in its official capacity, and involve its officials and employees in the event itself. Nor can it use a county jail, in which it literally has a captive audience, to proselytize.

The “Night of Prayer” was highly coercive to jail staff.

It is also concerns to us that uniformed jail staff attended the “Night of Prayer.” Jail staff may not be present at religious events in their official capacity and may not appear in uniform. As private citizens, all staff may attend prayer events or worship services on their own time. However, they cannot lend the title and uniform of Laurel County Correctional Services to religious events, because to do so constitutes an endorsement of religion.

The Supreme Court has said time and again that the First Amendment “mandates governmental 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) (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson*, 330 U.S. 1, 15-16; *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985)). When a member of the Laurel County community witnesses uniformed county employees working during a mass prayer gathering on county property, that person will understandably conclude that the county is endorsing whatever religious messages are delivered at the event.

Forcing, coercing, or even asking or recommending that employees attend a religious event violates the First Amendment. Federal courts have held that mandatory meetings for government employees cannot promote religion. See *Warnock v. Archer*, 380 F.3d 1076, 1080-81 (8th Cir. 2004) (prohibiting public school district from orchestrating or supervising prayers at mandatory teacher meetings

⁴ “Hundreds gather for night of prayer at Laurel Co. jail,” WKYT (Lexington, KY), August 29, 2017. Available at: <http://www.wkvt.com/content/news/Hundreds-gather-for-night-of-prayer-at-Laurel-Co-jail-442192313.html>

and in-service training); *Milwaukee Deputy Sheriff's Ass'n v. Clarke*, 588 F.3d 523, 525-26 (7th Cir. 2009) (holding religious speech by a sheriff, bible readings, and distribution of Christian literature during mandatory employee meetings unconstitutional under the Establishment Clause). The prayer event would remain illegal even if your employees were told that they could “opt out” of participation.

Please see the attached records request, which we will use to determine the extent of these violations.

The “Night of Prayer” is one instance in a long line of religious coercion of inmates.

It is our understanding that as Laurel County Jailer, you have instituted several reforms that seek to impose Christianity on a captive audience. We have learned that you have sought to reduce prison violence by increasing church services for inmates. You have also implemented Celebrate Recovery, an explicitly Christian twelve-step program.⁵ Finally, you claim that over 500 inmates have been baptized in your facility since you took over as jailer in 2011.⁶

It is well-established that jails and prisons may offer religious programming to inmates in order to *accommodate* their beliefs. However, considering that your facility is meant to serve inmates awaiting trial or serving short sentences, pushing these exclusively Christian programs appears to not be an accommodation, but rather, a deliberate attempt on your part to proselytize inmates and convert them to Christianity. Your statement to the Sentinel Echo is telling: “I said when I came here that I wanted to make this place more than just a place to be until a court date came around or until release. I wanted this to be a place that changed somebody’s life.”⁷

Compelling or coercing inmates to attend a religious event or service is unconstitutional. With respect to substance abuse programs in particular, secular programs must be offered and accessible to pass constitutional muster. Federal courts have consistently held that governmentally compelled attendance in substance abuse treatment programs with a substantial religious component violates the Establishment Clause. *See Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996).

The Eighth Circuit Court of Appeals has similarly ruled that being required to attend and complete a non-secular substance abuse treatment program in order to be eligible for early parole violates the Constitution. *See Jackson v. Nixon*, 747 F.3d

⁵ Celebrate Recovery openly identifies itself as “A Christ-Centered Recovery Program.” See www.celebraterecovery.com.

⁶ Nita Johnson, “Lifting their voices... Jail prayer service brings out 600,” The Sentinel Echo (London, KY), September 1, 2017. Available at: http://www.sentinel-echo.com/news/lifting-their-voices-jail-prayer-service-brings-out/article_4573750a-8f27-11e7-8da4-1bd19dbe5daf.html

⁷ *Id.*

537 (8th Cir. 2014). This court also held the Department of Corrections Director personally liable for requiring an atheist prisoner to participate in religious programming. He violated that prisoner's First Amendment free exercise rights. *Id.* at 544. This is no longer an ambiguous area of law.

The power you hold over these inmates carries an inherent risk of coercion. During their term of incarceration, these inmates' lives are entirely in your hands. They depend upon you and your staff to meet all of their basic needs – food, shelter, clothing, and social interaction. By fostering a prison atmosphere in which Christianity is favored above all other religions and nonreligion, you are creating a culture of conformity in which inmates will feel compelled to express Christian beliefs in order to gain favorable treatment. This is highly coercive and repugnant to the individual right of freedom of conscience enshrined in the First Amendment.

Conclusion.

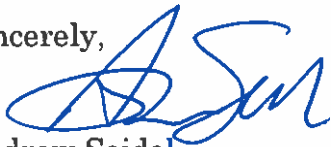
“The Night of Prayer” at the jail violated the Establishment Clause in easily preventable ways: your official involvement in planning, promoting, and participating in the event; the use of uniformed jail employees during the event; and the coercive nature of the event on the inmates. No event of this nature may take place at Laurel County Correctional Center again.

No staff member may be compelled to participate in a religious event at work, nor may they be forced to choose between showing up for work and being subjected to religion. When acting in your official capacity, you must remain neutral in matters of religious belief and may not prefer to any religion.

Finally, please review and reevaluate the religious programming that your jail offers to inmates. Accommodations may be provided, but you may not use the machinery of the state to promote your personal religion. Non-Christian and secular alternatives must be made available in order to protect the freedom of conscience of each individual.

Please inform us in writing of the actions that you are taking to address these issues. Thank you for your time and attention to this matter.

Sincerely,



Andrew Seidel
Constitutional Attorney, Director of Strategic Response
Freedom From Religion Foundation

ALS:cem



NEW AT 11:00

**JAILER CALLS FOR NIGHT OF PRAYER
LAUREL COUNTY**



11:10 68°



01:13



01:40





NEW AT 11:00
JAILER CALLS FOR NIGHT OF PRAYER
LAUREL COUNTY



11:10 68°

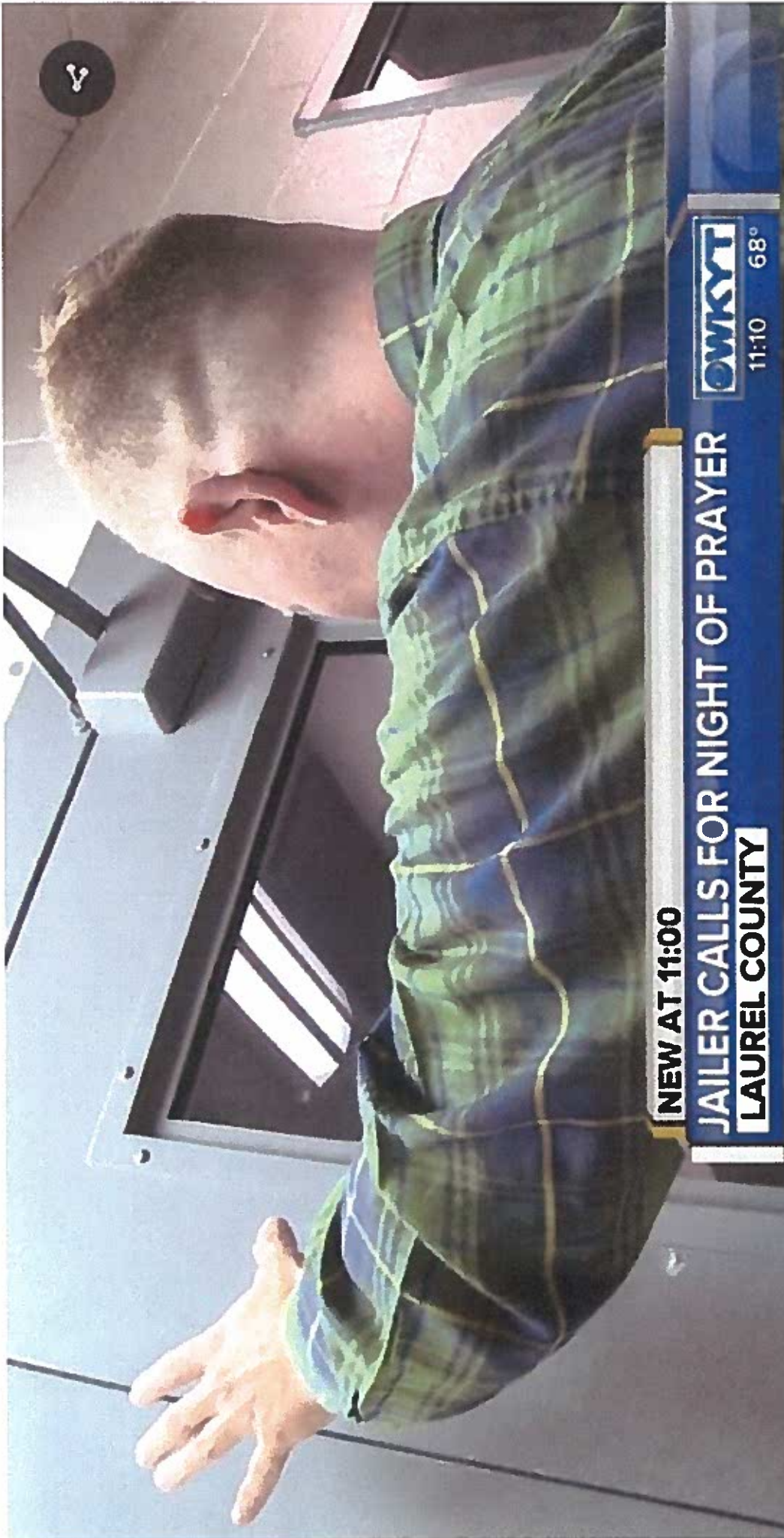


01:28



01:40





NEW AT 11:00

**JAILER CALLS FOR NIGHT OF PRAYER
LAUREL COUNTY**



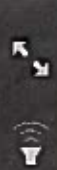
11:10 68°



01:34



01:40





 Jonathan Durham
August 29

Prayer night at the jail. — at  Laurel County Detention Center.

 Sheila Clark, Missi Wright, Victoria Wright and 6 others like this.

 Jina LaFary Wish I could have made it!
August 29 at 8:28pm

 Wilma McDowell Love to see people united in prayer
August 31 at 5:13pm



Peggy Jo Kirby shared an event — with Jamie Mosley at [Laurel County Detention Center](#).

August 25 · London, KY · 🌐

We are asking every citizen and church in Laurel County to come join us in prayer for our inmates, their families, victims of crime, and our staff - as we all are affected by this villain called "drugs". We hope to form a prayer chain around each floor, and around the entire jail. We also would like for our local pastors to be available to provide prayer individually for those who request it. Please urge your friends, family, and church to join us for this special event on

TUESDAY, AUG. 29th at 7:00 P.M.

For more information contact Jamie Mosley at 606-224-8872.

(Please SHARE this event with others!)



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Night of Prayer at Laurel Co Jail

Tue 7:00 PM EDT - 204 W 4th St, London, KY 40741

342 people interested

Wilma Mcdowell, Jerry W Blevins, Karen Boles Dean and 4 others like this.