FREEDOM FROM RELIGION *foundation*

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

9 October 2013

SENT BY MAIL AND EMAIL to kmurphy@montgomeryal.gov

Kevin J. Murphy
Chief, Montgomery Police Department
320 N. Ripley Street
Montgomery, AL 36104

Re: Montgomery Police Department "Using Christianity to Fight Crime"[1]

Dear Chief Blackwell:

I am writing on behalf of the Freedom From Religion Foundation ("FFRF") and our local members who object to the Montgomery Police Department's Operation Good Shepherd. FFRF is a nationwide nonprofit organization, which works to protect the constitutional principle of separation of church and state. FFRF represents nearly 20,000 members across the country and has a state chapter, the Alabama Freethought Society.

According to recent media reports, the MPD has instituted a publicly funded Christian ministry that seeks to lower crime by converting people to Christianity.[2] This is a serious affront to both the Constitution and criminology. Such a program grossly tramples the Constitution, a document you are sworn to protect, and ignores sociological and criminological studies which show more religious societies have greater levels of violence.

Operation Good Shepherd

We understand that "Operation Good Shepherd, [is] a publicly funded Christian outreach ministry started by the Montgomery Police Department that puts Christian pastors on crime scenes to counsel and pray with victims and witnesses." One professed motive is "evangelism—[the MPD] believe a stronger sense of Christianity will reduce crime."

The MPD is deliberately taking advantage of the victims of crime or loss and using their fragile, vulnerable state to attempt to convert them. MPD's official chaplain (a problem we will address as soon as OGS is cancelled, has stated that people "adversely affected" by "a major fire . . . a storm or a disaster" are susceptible to religious proselytizing, that the chaplains have an "evangelistic advantage."

It is reprehensible that a police department would use its resources and official status as first responders to convert vulnerable citizens to a religion the state sees fit.

Operation Good Shepherd is unconstitutional.

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)). As noted Constitutional scholar, attorney, and UC Irvine Law School dean Erwin

Dan Barker and Annie Laurie Gaylor, *Co-Presidents*

Chemerinsky observed about your program "Even without paying the ministers, using ministers as a formal part of the police department— as an outreach ministry — I think violates the Establishment Clause. The government cannot take actions that appear to endorse religion. Using ministers in this way does exactly that."[3]

The government cannot fund a religious ministry. The government cannot seek to convert citizens to one religion or another. And the government cannot, in this most disturbing and appalling manner, use its privileged position as first responder to emergencies to preach the Christian religion.

MPD'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).

This discriminatory and exclusionary practice alienates the 19% of the American population that is nonreligious.[4] Not only are 1-in-5 Americans nonreligious, younger Americans are the least religious population in the country: 1-in-3 Americans aged 18-29 are not religious.[5] MPD cannot align itself with Christianity or preach its doctrine without violating the constitution and alienating many of its citizens. This will not unite your city, it will only privilege insiders, Christians, and turn all nonChristians into outsiders in their own city.

Jesus will not lower crime

Apparently, the MPD believes prayer walks will lower crime. *The Atlantic* article reads "Alabama cops hope religion can help curb their city's skyrocketing murder rate."[6] This belief is not based in science or fact, but in metaphors about seeds and elephants.[7]

Increased religiosity will not and cannot stop violence. Scientific studies[8] show that societies with less prayer have less violence:

> "Murder rates are actually lower in more secular nations and higher in more religious nations where belief in God is deep and widespread. And within America, the states with the highest murder rates tend to be highly religious, such as Louisiana and Alabama, but the states with the lowest murder rates tend to be among the least religious in the country, such as Vermont and Oregon. Furthermore, although there are some notable exceptions, rates of most violent crimes tend to be lower in the less religious states and higher in the most religious states. Finally, of the top 50 safest cities in the world, nearly all are in relatively non-religious countries, and of the eight cities within the United States that make the safest-city list, nearly all are located in the least religious regions of the country."[9]

Furthermore, "studies of heroic altruism during the Holocaust, found that the more secular people were, the more likely they were to rescue and help persecuted Jews."[10] In fact, when any given factor of societal health or well-being is measured, invariably the *less* religious countries score better. The *least religious countries* of this world:

- Have the lowest rates of violent crime and homicide
- Are the best place to raise children and be a mother
- Have the lowest rates of corruption

- Have the lowest levels of intolerance against racial and ethnic minorities
- Score highest when it comes to women's rights and gender equality
- Have the greatest protection and enjoyment of political and civil liberties
- Are better at educating their youth in reading, math, and science
- Are the most peaceful and the most prosperous
- Have the highest quality of life. [11]

The pattern of lower religiosity to higher societal well being also exists within United States. Those states that are the most religious also have a high occurrence of societal ills. States that tend to be among the *most religious* in the nation:

- Have the highest rates of poverty
- Have the highest rates of obesity
- Have the highest rates of infant mortality
- Have the highest rates of STDs
- Have the highest rates of teen pregnancy
- Have the lowest percentage of college-educated adults
- Have the highest rates of violent crime and murder.[12]

These studies do not prove that religion causes all of society's ills, but it certainly seems like Operation Good Shepherd might be throwing gasoline on a fire. To avoid the constitutional concerns and the divisiveness this program will cause within the community ***the solution is simple: discontinue using the MPD to promote prayers.*** Do something practical to prevent other such crimes. Please inform us in writing of that MPD has cancelled Operation Good Shepherd and you have decided to uphold your oath to protect the Constitution, not trample it underfoot. May we hear from you at your earliest convenience?

Sincerely,

Andrew L. Seidel
Staff Attorney

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[1] Ray Downs, "Using Christianity to Fight Crime" *The Atlantic* (9/27/2013) *available at* http://www.theatlantic.com/national/archive/2013/09/using-christianity-to-fight-crime/280038/
[2] *Id.*
[3] *Id.*
[4] The Pew Forum on Religion & Public Life, *Asian Americans: A Mosaic of Faiths*, 148 (July 2012), based on aggregated data from Pew Research Center for the People & the Press 2011 surveys. *Available at* http://www.pewforum.org/Asian-Americans-A-Mosaic-of-Faiths-overview.aspx.
[5] "Nones on the Rise: One-in-Five Adults Have No Religious Affiliation," Pew Research Center, The Pew Forum on Religion & Public Life (October 9, 2012) *available at* http://www.pewforum.org/Unaffiliated/nones-on-the-rise.aspx
[6] Downs, *supra* note 1.
[7] *Id.*
[8] In a synthesis of the latest social scientific research concerning some of these issues *see* Zuckerman, Phil. 2009. 'Atheism, Secularity, and Well-Being: How the Findings of Social Science Counter Negative Stereotypes and Assumptions.' *Sociology Compass*, Vol. 3 Issue 6, 949-971.
[9] Zuckerman at 955 (internal citations omitted).
[10] *Id.*
[11] Zuckerman at 960-61 (internal citations omitted).
[12] Zuckerman at 955, 961 (internal citations omitted).