

# FREEDOM FROM RELIGION *foundation*

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21 November 2013

**SENT BY MAIL AND EMAIL to** [professionalstandards@ocfl.net](mailto:professionalstandards@ocfl.net)

*J Bowman @ harlemga.org*

Mr. David Sward  
Director, Harlem Department of Public Safety  
P.O. Box 99  
Harlem, GA 30814

**COPY**

Re: Police Chief violating U.S. Constitution

Dear Mr. Sward:

I am writing on behalf of the Freedom From Religion Foundation ("FFRF") and our local members who object to the Harlem Police Chief using government resources to promote his personal religious views and his church. 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 including more than 300 members in Georgia.

It is our understanding that Police Chief Gary Jones is using official government resources to promote his personal religious ideology. Apparently, Mr. Jones is posting religious messages to the Harlem Department of Public Resources Facebook page (*see enclosed examples*). A recent example read:

"There are many kids that have been raised in Godly homes that have went astray at no fault of the parent(s); however, too many have went astray due to parents failing to discipline and get involved in their children's lives. The Police cannot raise your kids. Parents must become the disciplinarian and impose and enforce rules. The law does not prohibit a parent or guardian from spanking their children. The law says that parents may administer reasonable corporal punishment. No, it is not reasonable to strike a child with a bat or other object, but you can use a belt and strike their rear-ends. This may offend some parents that do not believe in spanking, and to you I say statistics are against you. Parents be nosy, check behind your kids and never assume that they will always be truthful. Doing these very things just may save the life of your child. Fathers you are the head of the home and God will hold you accountable. Get your children in church and teach them about the one and only true Saviour...Jesus Christ."

Jones noted in a news story that this is "his" opinion, yet feels he can co-opt the machinery of the government to endorse beating children in the name of Jesus.

Jones also advertises for his own church on the government page:

If anyone wants to be uplifted and hear a Great Man of God, come to Old Union Baptist Church in Harlem tonight at 7 PM. Dr. Frye will be preaching for our third

night of Revival. Tomorrow night is the conclusion with the topic on the "Family". Don't miss out on this devine [sic] appointment. Come see what GOD has for you!

In another post advertising his church, he bragged: "Our Pastor preaches the word straight from the Bible, free of the watered down sermons where Pastors only tell folks what they want to hear. We would love to have more folks come and visit with us. The best news of all....Two people accepted Jesus Christ as their personal Savior. You may ask, what does this have to do with law enforcement." The short answer to this question is, nothing. Jesus has nothing to do with law enforcement. Law enforcement is the responsibility of our secular government.

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)).

The police chief's overt promotion of religion using the Harlem Police Chief's office, title, and Facebook page gives the unfortunate impression that the Harlem government supports and endorses particular religious rituals. The government is sending 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 (7<sup>th</sup> Cir. 2009), (cite to *Sup. Ct.* omitted). If Mr. Jones wishes to disseminate these messages he must do so on his own, personal Facebook page: he cannot use the machinery of the government, or even his title, to push people to live in accordance with his religion or go to church.

Disturbingly, Mr. Jones shows no remorse of intention of stopping. He says, "I will continue to post and most of the people in Harlem are of Christian belief, and I've gotten a lot more support than people that don't support it." Perhaps most of the people in Harlem are Christian, but not all: 19% of the American population is nonreligious, and 27% are not Christian.<sup>1</sup> 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.<sup>2</sup> Mr. Jones is publicly ostracizing these people.

In fact, Jones apparently doubled down on his constitutional ignorance, writing on November 19 (see also his September 5 entry, enclosed):

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<sup>1</sup> 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>.


<sup>2</sup> "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>

As expected, our most recent post regarding the diciplining [*sic*] of children and christianity [*sic*] has ruffled some feathers. Some folks are upset about me using the word God or Jesus Christ on a page that's associated with the Harlem Department of Public Safety. This country was founded on the principles of God. We have allowed the government to remove him from the courtrooms, the schools and other places. I will lead this agency acknowledging Jesus Christ as my Savior. He guides my daily walk and directs me in the decisions that I make, to include [*sic*] those decisions made as a Department Head. I have never claimed to be perfect or sinless; however, I am proud to say that I need God in my life. This page does not necessarily reflect the same views or opinions of the City, but they are mine and I will continue to operate this agency with God first. Those that are of a different belief, to simply put it, don't read our posts. I love you anyway. God Bless!

There are numerous mistakes in this post. Our country is not founded on the "principles of God" (good luck even trying to articulate what those principles may be), it is founded, as the Constitution quite clearly states, on "We the People." We have not "allowed the government to remove him..." He was never there. Our country and our Constitution—an entirely godless and secular document—keep religion out of government and government out of religion. That is the only way a pluralist democracy can function.

To avoid the constitutional concerns and the divisiveness religion causes when mixed with government *the solution is simple: Jones must stop using a government office to promote his personal religion.* Please inform us in writing of the actions that Orange County is taking to remedy these constitutional violations. May we hear from you at your earliest convenience?

Very truly,



Andrew L. Seidel