

FREEDOM FROM RELIGION *foundation*

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July 31, 2020

SENT VIA EMAIL & U.S. MAIL: josephbaudler@ashland-ne.com

Joseph Baudler
Police Chief
Ashland Police Department
2304 Silver St. #3
Ashland, NE 68003

Re: Religious promotion on social media

Dear Chief Baudler:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Ashland Police Department. FFRF is a national nonprofit organization with more than 32,000 members across the country, including members in Nebraska. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that the Ashland Police Department regularly promotes Christianity on its official Facebook page. On March 19, 2020, the Department posted an image that depicts fictionalized quotes from Satan and Jesus. Satan says, "I will cause anxiety, fear and panic. I will shut down business, schools, places of worship, and sports events. I will cause economic turmoil." Jesus says:

I will bring together neighbors, restore the family unit, I will bring dinner back to the kitchen table. I will help people slow down their lives and appreciate what really matters. I will teach my children to rely on me and not the world. I will teach my children to trust me and not their money and Material resources. AMEN!

On May 25, 2020, the Department posted an image of a Latin cross overlaid on an American flag with the message, "Only two defining forces have ever offered to die for you: Jesus Christ and the American Solider[sic]. One died for your soul, the other for your freedom. Thank them both today."

Please see the enclosed screenshots.

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). These religious posts on the official Ashland Police Department Facebook page convey 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).

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 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 on the official Ashland Police Department Facebook page violates the Department's obligation under the Constitution as a government entity.

The Supreme Court recently described the power of social media sites as "the principal sources for knowing current events, checking ads for employment, speaking and listening in the modern public square, and otherwise exploring the vast realms of human thought and knowledge." *Packingham v. North Carolina*, 137 S. Ct. 1730, 1737 (2017) (internal citations omitted). Government entities must be particularly diligent not to entangle religious messages with official government pronouncements made in this "modern public square."

Of course, government employees can worship, pray, or quote 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 Ashland Police Department belongs to "We the people." As a government entity, the Department is charged with great responsibility and has been given significant trust by citizens in your community, including those citizens who do not share your religious viewpoint.

To avoid further Establishment Clause concerns, the Department must remove all social media posts promoting religion and refrain from uploading such posts in the future. Please inform us in writing of the steps taken to respect the rights of conscience of all Ashland residents, regardless of their personal religious or nonreligious beliefs. Thank you for your time and attention to this matter.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosures



Ashland Police Department



March 19 · 🌟

As the government wages war against the Coronavirus it's good to remember every cloud has a silver lining:

Satan- "I will cause anxiety, fear and panic. I will shut down business, schools, places of worship, and sports events. I will cause economic turmoil."

Jesus- "I will bring together neighbors, restore the family unit, I will bring dinner back to the kitchen table. I will help people slow down their lives and appreciate what really matters. I will teach my children to rely on me and not the world. I will teach my children to trust me and not their money and material resources."

AMEN!



Ashland Police Department

May 25 · 🌐



Only two defining forces
have ever offered
to die for you:
Jesus Christ and the
American Solider.

One died for your soul,
the other for your
freedom.

Thank them both today.

Memories For the Soul