

FREEDOM FROM RELIGION *foundation*

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

September 30, 2019

SENT BY U.S. MAIL AND EMAIL

suggest@blountalsheriff.org

Mark Moon

Sheriff

Blount County Sheriff's Office

225 Industrial Park Road

Oneonta, Alabama 35121

Re: Government Sponsored Prayer Vigil

Dear Sheriff Moon:

I am writing on behalf of the Freedom From Religion Foundation ("FFRF") regarding your office's plans to organize and lead a prayer vigil. FFRF is a nationwide nonprofit organization with more than 30,000 members across the country, including members in Alabama. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned Alabama resident reached out to FFRF to inform us that on September 16, 2019, you announced that your office would be organizing a prayer vigil on October 2, 2019. In explaining your decision to organize this event you cited the Bible, saying among other things that "the lord tells us... seek the face of God" and later explaining your goal was to get "the community together as a county and reach[] out to the lord." The vigil is being promoted on the official Blount County Sheriff's Office (BCSO) website.

We write to inform the BCSO that as a government entity it cannot promote or endorse religion. The BCSO's hosting and promotion of this prayer vigil is a violation of the Establishment Clause of the First Amendment and it must be cancelled immediately.

The Supreme Court has repeatedly recognized that the First Amendment "mandates governmental neutrality between religion and religion, and between religion and

nonreligion.” *McCreary Cty. 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). Calling for community prayer is in no way neutral between religion and nonreligion; it is an impermissible endorsement of religion.

Recently, the City of Ocala, Florida was sued for conducting a similar prayer service. The prayer vigil was sponsored and promoted by the City and included Christian preaching, proselytization, and prayers. In ruling against the city, the federal court explained “If individuals or religious groups organize a prayer vigil and gather in the Downtown Square in the City of Ocala to pray for an end to violent crime, the First Amendment to the United States Constitution will protect the “free exercise” of their religion. But what if the government organizes and sponsors the prayer vigil? That is a problem because under the Establishment Clause of the First Amendment, the government cannot conduct such religious activity.” *Rojas v. City of Ocala*, 315 F. Supp. 3d 1256, 1263 (M.D. Fla. 2018)

It also makes no difference that citizens are not required to attend this religious event being hosted by the BCSO. Courts have rejected the argument that voluntariness excuses a constitutional violation. *See Lee v. Weisman*, 505 U.S. 577, 596 (1992) (“It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 288 (1963) (Brennan, J., concurring) (“Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question”); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (“VMI cannot avoid Establishment Clause problems by simply asserting that a cadet’s attendance at supper or his or her participation in the supper prayer are ‘voluntary.’”); *Jager v. Douglas Cnty. Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989), *cert. denied*, 490 U.S. 1090 (1989) (“[W]hether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis . . . The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual.”).

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 excluded, or like political outsiders because the local government they support with their taxes oversteps its power by hosting and promoting government-sponsored religious events. Nor should the BCSO turn religious

citizens into “insiders.” We think you’ll agree that law enforcement must be even-handed and avoid any appearance of bias toward citizens in its community. Regardless of any actual bias, the mere appearance of bias undermines the ability for law enforcement to protect and serve.

There is simply no reason for the Blount County Sheriff’s Office to host a religious event. The BCSO must cancel this prayer vigil immediately. Please inform us in writing of the steps you are taking to resolve this constitutional violation. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Dante CH Harootunian". The signature is written in a cursive style with some capital letters.

Dante CH Harootunian
Patrick O’Reiley Legal Fellow
Freedom From Religion Foundation

Enclosure

Prayer Vigil

10/02/2019

The Prayer Vigil has been set for Wednesday October 2, 2019 at 6:00 pm at Cleveland High School at the High School Gym. Please Spread the word and plan to attend. This is not a denomination thing, this is not about a specific case, it is about community unity and prayer. I want more than anything to lift up Blount County and to bring everyone together. Due to the stressful times and most recent events it is evident that evil is running rampant among us. I am a firm believer in the power of prayer and the power of God. My desire is to call upon the Lord and seek his guidance and for the Holy Spirit to move across our land.

Matthew 21:22

"And whatever you ask in prayer, you will receive, if you have faith."

2 Chronicles 7:14

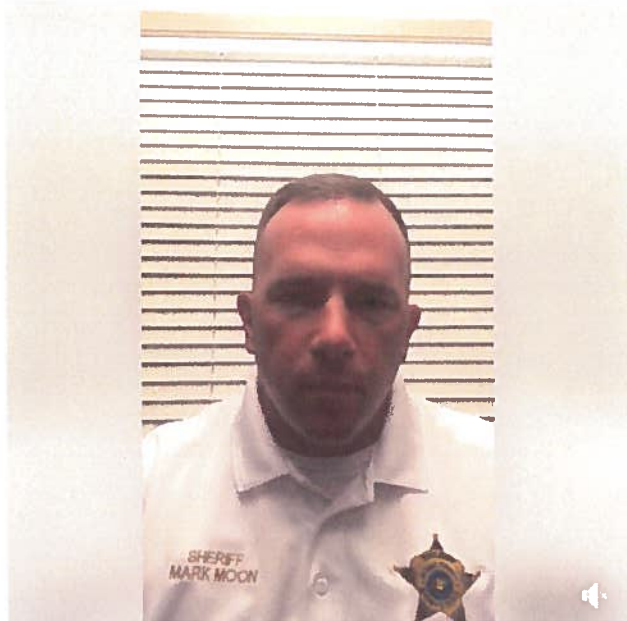
"If my people who are called by my name humble themselves, and pray and seek my face and turn from their wicked ways, then I will hear from heaven and will forgive their sin and heal their land."

[Media Kit](#)



Mark Moon Blount County Sheriff

September 16 at 9:30 PM · 🌐



9,738 Views

Blount County Sheriff's Office

September 16 at 9:30 PM · 🌐

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Mondays with Mark Prayer vigil