

FREEDOM FROM RELIGION *foundation*

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

July 15, 2020

SENT VIA FAX & U.S. MAIL: (417) 581-1641

Sheriff Brad Cole
Christian County Sheriff's Office
110 W. Elm Street, Suite 70
Ozark, MO 65721

Re: Unconstitutional Endorsement of Prayer Event

Dear Sheriff Cole:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that occurred in the Christian County Sheriff's Office. FFRF is a national nonprofit organization with more than 32,000 members across the country, including more than 400 members in Missouri. 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 Christian County resident has reported that on July 1, 2020, the Christian County Sheriff's Office sponsored and encouraged citizens to participate in a "Day of Prayer" event on the Ozark Square. This event was promoted on the Christian County Sheriff's Office's official Facebook page with a post that included a Latin cross and a bible verse, "'If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, and I will forgive their sin and heal their land.' 2 Chronicles 7:14." Please see the attached screenshot.

We write to ask that the Sheriff's Office refrain from endorsing religious messages and events in the future. This unnecessary and divisive prayer event not only alienated those Christian County residents who don't pray to the Christian god, or at all, it may have exacerbated the spread of coronavirus in Christian County. Ozarks Independent reported that an attendee of this event was infectious, symptomatic, and did not wear a mask.¹

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). The Sheriff's Office's endorsement of this prayer event conveys 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).

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. As Sheriff, you serve a diverse population that consists of not

¹<http://ozarksindependent.com/2020/07/08/christian-county-announces-multiple-public-exposures-including-day-of-prayer-event/>

only Christians, but also minority religious and nonreligious citizens. We hope you will agree that the Sheriff's Office must be even-handed and avoid any appearance of bias toward some citizens, or hostility toward others. Religious endorsements made by your office send a message that excludes the 24 percent of American adults who identify as nonreligious, including 38 percent of millennials and younger Americans,² turning them into political outsiders in their own community.

Our Constitution's Establishment Clause, which protects all Americans' religious freedom by ensuring the continued separation of religion and government, dictates that the government cannot in any way endorse religion. The First Amendment 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 an event dedicated to one specific set of religious beliefs on the official Christian County Sheriff's Office Facebook page violates the Sheriff's Office'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."

Finally, the Sheriff's Office's promotion of Christianity needlessly jeopardizes taxpayer dollars by exposing the county to legal liability. Not long ago the sheriff's office in Bradley County, Tennessee agreed to pay more than \$40,000 in damages and attorneys' fees after promoting religion on social media and ignoring objections to the practice. *American Atheists v. Watson*, No. 1:2016cv00118 (E.D. Tenn. filed May 6, 2016). There is no need to expose the Sheriff's Office and Christian County to similar liability by continuing to promote Christianity on a government account.

To avoid further Establishment Clause concerns, the Christian County Sheriff's Office must refrain from promoting religious messages and events, including on its official social media pages. Please inform us in writing of the steps taken to respect the rights of conscience of all Christian County 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

² Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.prii.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.



Christian County Sheriff's Office

June 23 at 1:41 PM · 🌐

...

July 1st has been designated as a Day of Prayer for Christian County by the Christian County Commission.

Join us for a time of prayer on the Ozark Square, near the Gazebo, 7:30 am. It should be less than 30 minutes so you can go on about your day.

All are encouraged to have a time of prayer at home, work, or at a local church between 4:00-6:00 p.m. (or a time set by the church on that day).

We will be praying for specific prayer needs:

*County/Cities- Leaders (wisdom for decisions that impact our community)

*Law Enforcement (that they are encouraged, strengthened, and granted wisdom in justly keeping our community safe.)

*Justice System (to dispense justice & mercy in a righteous way)

*Those specifically impacted by Racism in any form (receive hope peace and justice)

*Citizens (to make Godly decisions regarding all of these)

*Health care workers (strength, peace, and protection in giving care to those impacted by Pandemic)

*School Officials (decisions on next school year)

*Those that have become unemployed these last weeks or months.

This prayer time is open to all and we look forward to coming together as one to pray for our county. #christiancountystrong #christiancountytogether

"If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, and I will forgive their sin and heal their land." 2 Chronicles 7:14

<http://www.christiancountysheriff.net/.../Christian-county-co...>



Day of Prayer

**CHRISTIAN COUNTY
COMMUNITY**

WEDNESDAY, JULY 1 AT 7:30 AM
OZARK SQUARE
OPEN TO ALL

EVERYONE IS INVITED TO PRAY
FROM 4 - 6 PM FROM HOME,
WORK OR A LOCAL CHURCH.

✝

We will pray as a community for
our County and City Leaders,
Law Enforcement, Justice
System, Those Affected by
Racism, Poverty, or
Unemployment, Healthcare
Workers, School Officials, and
all citizens of Christian county.