

FREEDOM FROM RELIGION *foundation*

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

June 20, 2019

SENT VIA U.S. MAIL & EMAIL TO: blake.turman@covcounty.com

Mr. Blake Turman
Covington County Sheriff
P.O. Box 188
Andalusia, AL 36420

RE: Religious promotion on social media

Dear Sheriff Turman:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to unconstitutional religious promotion on the official Covington County Sheriff's Department Facebook page. FFRF is a national nonprofit organization with the purposes to protect the separation between church and state and to educate the public on matters of nontheism. We have over 31,000 members across the country, including many members in Alabama.

A concerned Covington County resident contacted FFRF to report that the official Covington County Sheriff's Department page regularly promotes Christianity. For instance, on May 31 the department's post quotes Micah 6:8, "See that justice is done, let mercy be your first concern, and humbly obey your God." Another post on April 21 wishes others a Happy Easter before emphatically proclaiming that "He has risen indeed!" Lastly, a post on April 7 asks county residents to pray for prisoners to open up to "God." Images of these posts are enclosed.

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 Supreme Court has held that government officials violate the First Amendment if they even *appear* to endorse religion. *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."); *Cty. of Allegheny v. Am. Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 593–94 (1989) ("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 Covington County Sheriff's Department Facebook page violates the department's obligation under the Constitution as a government entity. Posting a bible quote or encouraging citizens to pray that those in jail "can

see God in their life” sends a clear message that the department endorses religion over nonreligion, and Christianity over minority faiths.

As for the post celebrating Easter, a government office can acknowledge a religious holiday but must refrain from promoting the holiday’s religious message. As the Supreme Court has stated, “[t]he government may acknowledge Christmas as a cultural phenomenon, but under the First Amendment it may not observe it as a Christian holy day by suggesting people praise God for the birth of Jesus.” *Allegheny*, 492 U.S. at 601. The same holds true for celebrating Easter. The department’s post violates this constitutional restriction by using a government office as a sounding board to promote personal religious beliefs. The post excludes those who observe Easter without subscribing to its religious meaning, as well as those who do not celebrate it.

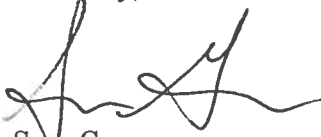
As you are aware, citizens interact with and rely on law enforcement officers during some of the most vulnerable times of their lives. The Covington County Sheriff’s Department serves a diverse population that consists of not only Christians, but also minority religious and nonreligious citizens. We hope you will agree that the department must be even-handed and avoid any appearance of bias toward some citizens, or hostility toward others.

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.”

Sticking to secular messages is inclusive of everyone and honors our Constitution and history. 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 the government.

To avoid further Establishment Clause concerns, the Covington County Sheriff’s Department must refrain from promoting religion on social media. Please inform us of the steps taken to respect the rights of conscience of all Covington County residents, regardless of their personal beliefs. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sam Grover', with a stylized flourish at the end.

Sam Grover
Associate Counsel
Enclosure

STG;rjs



Covington County Sheriffs Department

May 31 at 1:41 AM · 🌐

God has told us what is right and what He demands: "See that justice is done, let mercy be your first concern, and humbly obey your God." Micah 6:8.

👍❤️ 245

74 Comments 9 Shares



Covington County Sheriffs Department

April 21 · 🌐

**Happy Easter! He has risen
indeed!!! Spend time with your
family and be safe.**



Covington County Sheriffs Department

April 7 · 🌐

Just a few pictures of the jail chapel. I'm sure you can figure out what is under my watch. I apologize because I know it's offensive because it is to me. I came in this evening to attend church at the jail and this is what I see. Guys, this really gets in my craw. Pray for me and my staff. Vandalism in Gods house is a new kind of low. Pray we stay vigilant and have the wisdom to stop this. You try to do right and help and this is what is returned.

This is disheartening. It kind of knocked the wind out of me. Folks these people need prayer. Pray that they can see God in their life. Pray the seeds are planted deep. I hope they are smitten with God. These guys have done wrong , God still loves them. If He can love them we should too.

