

# FREEDOM FROM RELIGION *foundation*

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

May 17, 2023

**SENT VIA EMAIL AND U.S. MAIL: [dperry@crawfordcountysheriff.org](mailto:dperry@crawfordcountysheriff.org)**

Sheriff Daniel Perry  
Crawford County Sheriff's Office  
4235 Alma Highway  
Van Buren, AR 72956

Re: Multiple Constitutional Violations

Dear Sheriff Perry:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding multiple constitutional violations occurring in the Crawford County Sheriff's Office. FFRF is a national nonprofit organization with more than 40,000 members across the country, including members in Arkansas. 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 Crawford County Sheriff's Office has been promoting religion and explicitly affiliating itself with Christianity. It is our understanding that the Sheriff's Office hosted a baptism for inmates in partnership with Kibler Baptist Church. It then promoted this government-sponsored religious activity and its preference for Christianity on Facebook, celebrating how "38 incarcerated Men and Women accepted Jesus Christ behind bars." Please see the enclosed screenshot, which shows a post on the official Sheriff's Office Facebook page depicting inmates being baptized along with the bible verse: "Therefore we are buried with him by baptism into death: that like as Christ was raised up from the dead by the glory of the Father, even so we also should walk in newness of life." — Romans 6:4."

We write to ensure that the Crawford County Sheriff's Office ceases its promotion of, and official affiliation with, Christianity on its official social media pages and through its programs and activities in violation of the Establishment Clause of the First Amendment. While the Sheriff's Office may permissibly accommodate the free exercise rights of its inmates by providing opportunities for religious worship, Crawford County and its employees may not organize, promote, or participate in religious events and activities, or promote religion on its social media pages.

It is a basic tenet of Establishment Clause jurisprudence that the government is prohibited from taking action that advances, shows preference for, or coerces individuals to participate in religion. See, e.g., *Zelman v. Simmons-Harris*, 536 U.S. 639, 648-49 (2002); *Van Orden v. Perry*, 545 U.S. 677, 683 (2005). The Establishment Clause prohibits government sponsorship of religious messages. The Supreme Court has said time and time again 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).

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 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. The promotion of Christianity by your department sends a message that excludes the 37 percent of Americans who are non-Christian, including the nearly one in three Americans who are nonreligious.<sup>1</sup> The Department’s public support of religion, and specifically Christianity, needlessly alienates the non-Christian and nonreligious citizens in Crawford County, turning them into political outsiders in their own community.

Government employees can worship, pray, or quote any religious text they wish when acting in their personal capacities. But they are not permitted to use the machinery of a government office to advance their personal religion. The Sheriff’s Office is meant to serve “We the people.” As Sheriff, you are charged with great responsibility and have been given significant trust by citizens in your community, including those citizens who do not share your religious viewpoint. This responsibility is heightened when you’re dealing with the incarcerated people that you have been entrusted to oversee, and who you have massive power over.

You should also note that the Sheriff 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).

While it is commendable to facilitate prisoners freely exercising their chosen religious or nonreligious beliefs, it is inappropriate for the Crawford County Sheriff’s Office to organize, participate in or promote any religious event in ways that make it appear that the government supports the event or the underlying religious beliefs. By organizing and promoting a baptism intended to convert people to Christianity, and celebrating those conversions on official social media, the Sheriff’s Office indicates that it, and by extension Crawford County, prefers Christianity over all other religions and religion generally over nonreligion.

Taken as a whole, it is obvious that the Office’s motive in planning and promoting inmate baptisms is not simply to accommodate inmates, but to advance Christianity and coerce inmates and the broader Crawford County community to adhere to the tenets of Christianity. The Sheriff’s Office is actively coercing inmates to participate in its religious activity. Any inmate aware of the Sheriff’s Office’s official support for, and celebration of inmates participating in, religious programs will not feel free to decline to participate. This is constitutionally impermissible. The government cannot legally itself host sectarian religious events in its facility,

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<sup>1</sup> Gregory A. Smith, About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated, Pew Research Center (Dec. 14, 2021), [www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/](http://www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/).

or promote them in its official capacity. Nor can it use a County jail, with a literal captive audience, to proselytize and convert inmates to Christianity.

To avoid further Establishment Clause concerns and to protect the rights of its inmates and the general public, the Crawford County Sheriff's Office must refrain from promoting religion on social media and cease its coordination of religious programs and events. Please inform us of the steps you are taking to rectify these constitutional violations so that we may inform our complainants.

**Open Records Request**

Pursuant to the Arkansas Public Records Act (Ark. Code § 25-19-102), I request a copy of the following records from the past 3 years:

1. All records related to the organization of, participation in, or advertising of the inmate baptisms and religious programs described above or in the Facebook post; and
2. All communication (including but not limited to email) sent to or from any representative of the Crawford County Sheriff's Office regarding the planning of, participation in, or advertising of inmate baptisms described above.

If your agency does not maintain these public records, please forward this request to the proper custodian(s) and let me know the name and address of the custodians of these records. If you choose to deny this request, please respond with a written explanation of the denial including any references to applicable statutory exemptions upon which you rely.

If any of these records are available through electronic media, they may be e-mailed to **chris@ffrf.org**. If I can provide any clarification that will help expedite your attention to my request, please contact me at 608-256-8900.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher Line  
Staff Attorney  
Freedom From Religion Foundation

Enclosure



**Crawford County Sheriff's Office**

April 24 at 5:59 PM · 🌐

With the help of Capt V.C Winters, Chief Brad Wiley and Sheriff Daniel Perry we want to give a big thank you to Kibler Baptist Church for being present in our facility this past Sunday on April 23, 2023.

38 incarcerated Men and Women accepted Jesus Christ behind bars.

"Therefore we are buried with him by baptism into death: that like as Christ was raised up from the dead by the glory of the Father, even so we also should walk in newness of life."

— Romans 6:4

