

FREEDOM FROM RELIGION *foundation*

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

May 10, 2023

SENT VIA EMAIL & U.S. MAIL: barrett@danesherriff.com

Kalvin D. Barrett
Sheriff
115 W Doty Street
Madison, WI 53703

Re: Unconstitutional promotion of religious event

Dear Sheriff Barrett:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that occurred in the Dane County Sheriff's Office. FFRF is a national nonprofit organization headquartered in Madison with over 40,000 members across the country, including more than 1,700 members and a local chapter in Wisconsin. 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 Dane County community member reported that on April 25, 2023 the Dane County Sheriff's Office promoted a religious event via the Sheriff's Office's official email. The flier attached to the email advertises a Blue Mass that is being held at St. Bernard's Parish in Madison on May 16, 2023. Additionally, the flier encourages law enforcement officers and fire personnel to attend the Blue Mass in full uniform. Please see the enclosed copy of the flier.

We write to request that in future the Dane County Sheriff's Office refrain from promoting religious events. Additionally, while law enforcement officers are free to attend religious events while acting in their personal capacities, they should not do so in uniform.

The Dane County Sheriff's Office's apparent promotion of and favoritism towards religion poses serious constitutional concerns. As the Supreme Court has put it, the Establishment Clause of the First Amendment "mandates government neutrality between religion and religion, and between religion and nonreligion." *McCreary Cty., Ky. v. ACLU 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). By promoting a "Blue Mass" held in a Catholic church and encouraging law enforcement officers to attend in full uniform, the Sheriff's Office signals a clear preference for religion over nonreligion and Christianity over other faiths.

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. Minority religious and nonreligious citizens should not be made to feel like outsiders in their own community because the Sheriff's Office and its law enforcement officers promote a particular religious group's events and participate in religious events while in full uniform, implying official support for the church. Religious events like this Blue Mass explicitly exclude and needlessly alienate the forty percent of Dane County residents who are religiously unaffiliated.¹

¹ *American Religious Identity at the County Level*, PRRI (Jul. 8, 2021), <https://www.prii.org/research/2020-census-of-american-religion/>.

Dane County citizens who belong to the thirty-seven percent of Americans who are non-Christians, including the nearly one in three Americans who now identify as religiously unaffiliated.² Any event that marginalizes a significant segment of Dane County's residents is not an appropriate event for the Sheriff's Office to promote.

We ask that the Dane County Sheriff's Office refrain from promoting religious events in the future and that law enforcement officers refrain from attending religious events while in uniform. Please inform us in writing of the steps your office is taking to respect the constitutional rights and honor the diversity of Dane County's citizens.

Sincerely,

A handwritten signature in black ink that reads "Samantha F. Lawrence". The signature is written in a cursive style with a large initial 'S'.

Samantha F. Lawrence
Anne Nicol Gaylor Legal Fellow
Freedom From Religion Foundation

Enclosure

² Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, PEW RESEARCH CENTER (Dec. 14, 2021), available at www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

IN THANKSGIVING FOR THEIR FAITHFUL SERVICE,

Most Rev. Donald J. Hying, Bishop of Madison

St. Bernard Parish Knights of Columbus Council 9082, and

Bishop William P. O'Connor 4th Degree Assembly, Knights of Columbus

CORDIALLY INVITES

All Law Enforcement Personnel

Police | Sheriff | DNR | All Other Law Enforcement Agencies

All Fire Department Personnel

Firefighters | EMTs | EMS Personnel

to attend the 6th Annual

BLUE MASS

In Honor of

All First Responders

Tuesday, May 16, 2023 at 6:30pm

St. Bernard Parish | 2450 Atwood Avenue, Madison

Most Rev. Donald J. Hying, Principal Celebrant



**All law enforcement officers and fire personnel,
both active and retired, are invited to attend
in full uniform, regardless of faith.**

Public Welcome!

*A reception with brats & hamburgers will be held
in the parish hall immediately following the Mass, sponsored by
Gunderson Funeral and Cremation Care*

*For more information, please contact
Dick Rinchart (retired MPD LT) rdrinchart@charter.net*