

FREEDOM FROM RELIGION *foundation*

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

November 20, 2015

SENT VIA EMAIL:

vic.williams@co.itasca.mn.us

Mr. Victor Williams
Itasca County Sheriff
440 1st Ave NE
Grand Rapids, MN 55744

Re: Inappropriate and unconstitutional promotion of prayer event

Dear Sheriff Williams:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation by your office. We were contacted by an Itasca County resident. FFRF is a national nonprofit organization with 23,000 members across the country, including more than 500 members in Minnesota, as well as a local chapter, the Grand Rapids Area Freethinkers. Our purpose is to protect the constitutional principle of separation between state and church.

We understand that the Itasca County Sheriff's Office has promoted a day of prayer event scheduled to take place tomorrow, Nov. 21. A letter promoting the event was distributed to various members of the community, including public safety, fire and emergency services employees. The letter by Dale H. Kaiser, who is identified as the "Itasca County Sheriffs' Chaplain," was on Itasca County Sheriff's Office letterhead and included the seal of the Sheriff's Office. We understand the letter was first distributed at the beginning of this month.

Not only is the County's endorsement of this religious ritual and sectarian event unconstitutional, the inflammatory and proselytizing content in the letter is grossly inappropriate communications to be coming from a government office.

As you are aware, the letter begins: "Our Land of the free and home of the brave appears to be on a course for a crash landing. It seems the evils our country was once protected from continue to invade our land." The letter includes a biblical verse which states, "If my people, who are called by my name, will humble themselves and pray to me and seek my face, turn from their wicked ways, then I will hear from heaven, forgive their sin and heal their land." The letter then says, "The only answer our country has is God." It says, "It is us up to us, his chosen, to stand up and pray for God to intervene..."

The use of Itasca County resources to coordinate such an event is unconstitutional and cannot continue. While it would be appropriate for County staff to participate in a memorial event for

fellow law enforcement officers, this all-day prayer and religious program is well beyond the bounds of what government officials may facilitate.

The Supreme Court has said time and again, “[t]he touchstone for our analysis is the principle that the ‘First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.’” *McCreary County, Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005) (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985)). Moreover, “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee v. Weisman*, 505 U.S. 577, 589 (1992)). By promoting prayer to County employees and all citizens, the Sheriff’s Office is advancing and endorsing religion in violation of the Establishment Clause of the First Amendment.

County officials may not abuse their public office to promote their personal religious views. The U.S. Court of Appeals for the Eighth Circuit, which has jurisdiction over Minnesota, has found that such religious activity in the employment setting constitutes an illegal government endorsement of religion. *Warnock v. Archer*, 380 F.3d 1076, 1080 (8th Cir. 2004) (Finding that prayer at mandatory teacher meetings and in-service training constitute illegal government endorsement of religion). The court in *Warnock v. Archer* said, “The Constitution, however, forbids [the government] from conveying the message that it decisively endorses a particular religious position.” Other courts have likewise found problems with religious activity at events for employees. *See Milwaukee Deputy Sheriff’s Ass’n v. Clarke*, 588 F.3d 523, 525-26 (7th Cir. 2009) (holding religious speech by a sheriff, bible readings, and distribution of Christian literature during employee meetings was unconstitutional under the Establishment Clause).

In addition, Itasca County Sheriff’s Office chaplaincy in itself is a violation of the Establishment Clause. A county government cannot allow a Christian pastor to proselytize through the County’s law enforcement office. The letter from the chaplain, and presumably his other religious functions within the Sheriff’s Office, constitute a religious endorsement.

This alienates and discriminates against the nearly 30% of adult Americans who identify as nonreligious.¹ Our First Amendment seeks to prevent the alienation of citizens by prohibiting the government from sending messages “to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.” *County of Allegheny v. American Civil Liberties Union*, 492 U.S. 573, 595 (1989)(quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984)).

Even if it is claimed that the chaplain provides counseling, Itasca County cannot endorse the religious beliefs of the chaplain by having him preach to vulnerable people. Those who are involved in a crime or accident, whether victims, perpetrators, or witnesses, often do need counseling; however, it is not appropriate for the government to hold out religious figures as their official agents of comfort and counsel to people, especially to those who have recently

¹ *America’s Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at <http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/>.

experienced a trauma and, therefore, are psychologically vulnerable. When the government provides victims of a crime or accident with a chaplain, any reasonable person would think that the government is promoting a religious viewpoint as the proper solution to these victims' traumatic experiences.

Given the letter, the Sheriff's Office is now aware that Rev. Dale Kaiser has used his position as "Itasca County Sheriffs' Chaplain" to proselytize. This cannot continue and the only proper response is to end the chaplaincy altogether. To continue with a chaplain would put the County in the position of policing his actions, words, and programs. In our experience, government entities rarely exert the appropriate oversight of clergy members they work with, allowing them to use the workplace as their church. Whether or not a chaplain is paid, the chaplaincy program is sponsored by the County and therefore subject to the First Amendment. The best solution is to discontinue these religious programs.

We request that you take immediate action to rectify past violations of the First Amendment and to prevent further violations. The Sheriff's Office must withdraw its support from the prayer event and the Sheriff's Office may not have any official involvement in the event itself. Please contact us to let us know what steps you are taking to address these violations.

Sincerely,



Patrick Elliott
Staff Attorney

CC: County Board Chair Davin Tinquist (Via email: davin.tinquist@co.itasca.mn.us)

ITASCA COUNTY SHERIFF'S OFFICE

VICTOR J. WILLIAMS, SHERIFF



440 1st Avenue NE • Grand Rapids, MN 55744 • 218-326-3477 • FAX: 218-326-4663

To: Itasca County Public Safety, Fire and Emergency Services

November 2015

From: Itasca County Sheriffs' Chaplain Dale H. Kaiser
440 1st. Avenue NE.
Grand Rapids, Mn. 55744 1-218-327-1052

Re: Day of Prayer for Law Enforcement, Fire, Emergency Services and The United States of America, Saturday November 21, 2015

Itasca County Law Enforcement, Fire and Emergency Services.

Our Land of the free and home of the brave appears to be on a course for a crash landing. It seems the evils our county was once protected from continue to invade our land. Public Safety is under attack both locally and nationally and needs our help.

In 2nd. Chronicles 6, King Solomon is crying out to the Lord to protect his land and his people. In Chapter 7, God answers The Kings prayer: "If my people, who are called by my name, will humble themselves and pray to me and seek my face, turn from their wicked ways, then I will hear from heaven, forgive their sin and heal their land."

The only answer our country has is God. It is up to us, his chosen, to stand up and pray for God to intervene, heal our country and protect all our public safety officers.

Saturday November 21st, 2015 starting at 6am, we will be having a 24 hour prayer vigil at the Itasca Courthouse Law Enforcement Memorial, north side of the courthouse on 5th street. This will be an outdoor, informal mostly silent prayer vigil open to the public. Dress according to the weather. The courthouse will not be open for our use, prepare accordingly. Bring a folding chair if you desire.

Prayer will be focused on Law Enforcement, Fire, E.M.S. our country, our leaders and the people of this country. My request is even if someone can only spare 5 minutes, that's great. Outlying Churches can also have prayer meetings in their own churches and homes if desired. The main thing is for us to pray. If hunters wish to come in blaze orange, awesome. Or spend some time in prayer from the deer stand, even better.

God will heal our land, but as His faithful we need to do our part also. If you have any questions, please contact me directly. 1 218-327-1052

Gods' Blessings
Dale H. Kaiser
Itasca County Sheriffs' Chaplain

Dale H. Kaiser
1-218-327-1052