

FREEDOM FROM RELIGION *foundation*

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

July 8, 2021

SENT VIA EMAIL & U.S. MAIL: jmoats@polkga.org

Sheriff Johnny Moats
Polk County Sheriff's Office
1676 Rockmart Highway
Cedartown, GA 30125

Re: Unconstitutional Endorsement of Religion and **Public Records Request**

Dear Sheriff Moats:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding multiple constitutional violations that have recently occurred in the Polk County Sheriff's Office. FFRF is a national nonprofit organization with nearly 36,000 members across the country, including more than 500 members and a local chapter in Georgia. 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 Chief Deputy Jonathan Blackmon has been using his position within the Polk County Sheriff's Office to promote and endorse his personal religious beliefs to both inmates and the public at large. We understand that Christian ministries are regularly brought into the Polk County Jail in order to proselytize directly to inmates, and that the Polk County Sheriff's Office regularly posts religious messages on its official Facebook page.

On April 9, 2021, the Polk County Sheriff's Office posted a message on its official Facebook page announcing it was restarting its "jail ministry program." This post included a photo of a Latin cross with a crown of thorns.

On May 31, 2021, Chief Blackmon posted a message on the official Polk County Sheriff's Office Facebook page explaining that he led prayer to open a Memorial Day Service:

Honored to attend and lead the opening prayer for the Memorial Day Service this morning in Cedartown.

On June 24, 2021, Chief Blackmon posted a message on the official Polk County Sheriff's Office Facebook page where he explained that the Sheriff's Office not only invited in a Christian ministry to convert inmates, but that he prayed with the ministry while it was at the jail:

This past Saturday was our first time since the Pandemic to have the Fly Right Ministry Team come back inside our jail. This year I was asked to say a prayer

over this Team before they entered out[sic] jail. What an honor to do so and then go in with them to observe as they share, pray, hug and cry with our inmates!

I know there is always talk of “Jailhouse Religion” but what I personally experienced Saturday was true Salvation, hard hearts changed, forgiveness, acceptance, love and freedom for so many broken souls!

Thank God for these amazing Missionaries that stopped their lives to enter our jail and share from their hearts!

Please see the enclosed screenshots.

Fly Right is a Christian ministry whose primary goal is to “[t]o see inmates come to know Jesus Christ.”¹ In a Facebook post on June 23, 2021, Flyright bragged about being allowed to enter the Polk County Jail to convert inmates:

Fly Right had an awesome time at the Polk County Jail in Cedartown, GA on Saturday, June 19, 2021. We had 30 volunteers, many of who were first timers with us, visited 176 prisoners. These warriors for the Lord saw 40 first time Salvation decisions! ... Can you imagine the impact that will have not only on them but on their families as well?

The Polk County Sheriff’s Office also regularly posts calls for prayer or messages of thanks to God on its official Facebook page.

We write to ensure that the Polk County Sheriff’s Office is no longer inviting Christian ministries into its jail to proselytize to inmates or promoting and endorsing religion on its official Facebook page in violation of the Establishment Clause of the First Amendment. While the Polk County Jail may permissibly accommodate the free exercise rights of its inmates by providing opportunities for religious worship and may even allow outside private groups to organize religious events within the jail, the County and its employees may not organize, promote, endorse, or participate in religious events.

While it is commendable to facilitate prisoners freely exercising their chosen religious or nonreligious beliefs, it is inappropriate for the Sheriff’s Office to participate in or promote any religious event in ways that make it appear that the government endorses the event or the underlying religious beliefs. By participating in this event while acting in his official capacity as Chief Deputy, and by celebrating this event using religious language on the Sheriff’s Office’s official Facebook page, Chief Blackmon creates the appearance that the Sheriff’s Office, and by extension Polk County, endorses Christianity over all other religions and religion generally over nonreligion. In the future, only private groups should be permitted to conduct religious ceremonies at the jail and only at the request of inmates. The role of law enforcement is to ensure that events at the jail are safe and secure, not to participate in or promote religious events.

¹ <https://flyright.org/about/?v=f29d875540b6>

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 Facebook posts convey 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, inmates 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 inmates, 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 Religious endorsements coming from your office needlessly alienate the non-Christian and nonreligious citizens in Polk County, 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 one specific set of religious beliefs on the official Polk County Sheriff’s Office Facebook page violates the Sheriff’s Office’s obligation under the Constitution as a government entity.

The Supreme Court has 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*,

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

No. 1:2016cv00118 (E.D. Tenn. filed May 6, 2016). There is no need to expose the Sheriff's Office and Polk County to similar liability by continuing to promote Christianity in its jail or on its official Facebook page.

To avoid further Establishment Clause concerns, the Polk County Sheriff's Office must refrain from endorsing or participating in religious events in its jail or promoting religion on its official social media pages. Please inform us in writing of the steps taken to respect the rights of conscience of all Polk County residents, regardless of their personal religious or nonreligious beliefs, and please respond to the following public records request.

Public Records Request

Pursuant to O.C.G.A. § 50-18-70 et. seq., I request a copy of the following:

1. All records related to the Polk County Sheriff's Office's organization of, participation in, or advertising of the Fly Right Ministry event described above; and
2. All communication (including but not limited to email) between any representatives of the Polk County Sheriff's Office and any representatives of Fly Right Ministry regarding the planning of, participation in, or advertising of the event described above.

I request these records within three business days of receipt of this request. If any records are available in electronic format, they may be emailed 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. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Line", with a stylized flourish at the end.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosures



Polk County Georgia Sheriff's Office

April 9 · 🌟

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We will be starting our Jail Ministry program back in the near future. If you are already enrolled in this program, we will be calling to schedule your re-certification class soon. If you are interested in joining our ministry program please come by the Sheriff's Office and pick up an application in-person, Monday – Friday, 9am – 3pm. You can also print the application off our website under Volunteer Applications: www.polkga.org/sheriffs-office





Polk County Georgia Sheriff's Office

May 31 · ⚙



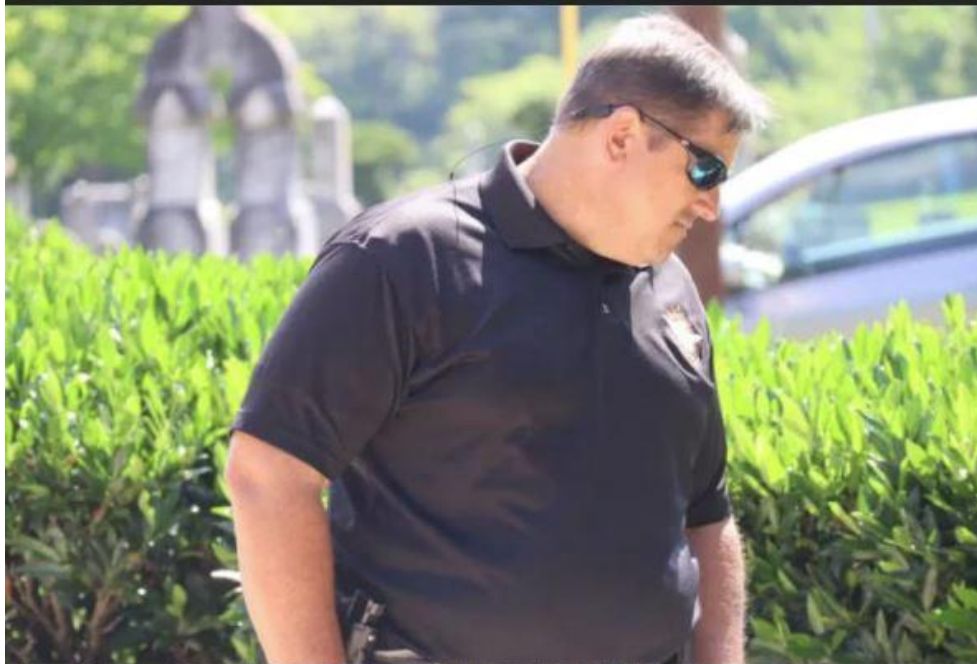
Honored to attend and lead the opening prayer for the Memorial Day Service this morning in Cedartown.

Thank you to our Chaplain Bill Heaton for attending doing the closing prayer as well.

Thank you to Kenneth Roberts for the invite, for our American Legion and all the men and women that served our great country for our freedom!

Continued prayers for the families that are left behind and the Troops that are still serving today.

Chief [Jonathan Blackmon](#)





Polk County Georgia Sheriff's Office

June 24 at 5:12 AM · ⚙

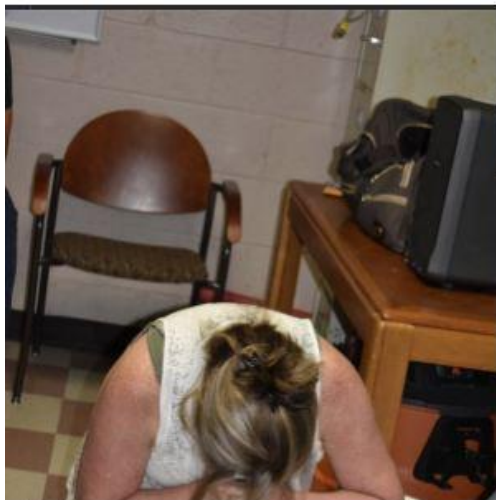
This past Saturday was our first time since the Pandemic to have the Fly Right Ministry Team come back inside our jail. This year I was asked to say a prayer over this Team before they entered out jail. What an honor to do so and then go in with them to observe as they share, pray, hug and cry with our inmates!

I know there is always talk of "Jailhouse Religion" but what I personally experienced Saturday was true Salvation, hard hearts changed, forgiveness, acceptance, love and freedom for so many broken souls!

Thank God for these amazing Missionaries that stopped their lives to enter our jail and share from their hearts!

Chief Jonathan Blackmon

esome time at Polk County
ne 19, 2021. We had 30 v
ners with us, visited 176
d saw 40 first time Salvation
dications and 28 prayers
nging decisions!! Can you i
only on them but on their
e information on our 2021



Fly Right Ministry added 52 new photos to the album: Welcome back from the abyss of Covid! — with Frank Lomas.

June 23 at 2:39 PM · 🌐

