

FREEDOM FROM RELIGION *foundation*

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June 22, 2020

SENT VIA EMAIL ONLY:

preston.cole@wisconsin.gov

Preston Cole
Secretary
Wisconsin Department of Natural Resources
PO Box 7921
Madison, Wisconsin 53707-7921

Re: Unconstitutional prayer at mandatory government employee meeting

Dear Secretary Cole:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that occurred at an event for Wisconsin Department of Natural Resources employees. FFRF is a Wisconsin-based national nonprofit organization with more than 31,000 members across the country, including more than 1,400 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.

It is our understanding that on March 3, 2020, several Wisconsin Department of Natural Resources (DNR) employees were required to attend an awards ceremony at the Chula Vista resort in Wisconsin Dells. According to the complainant, during the event official DNR chaplains led prayers and invoked Jesus Christ. We also understand that before the ceremony an individual named Kate Braestrup gave a presentation about grieving that was overtly religious.

As a government entity, DNR has a constitutional obligation to remain neutral toward religion. 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 Cty., 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)) (emphasis added). DNR must respect that “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) (O'Connor, J., concurring)). When DNR staff events include prayer, it is endorsing religion over nonreligion and Christianity over all other faiths.

Federal courts have held that mandatory meetings for government employees cannot promote religion. 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 mandatory employee meetings unconstitutional under the Establishment Clause); *Warnock v. Archer*, 380 F.3d 1076, 1080-81 (8th Cir. 2004) (prohibiting public school district from orchestrating or supervising prayers at mandatory teacher meetings and in-service training). This type of religious endorsement unfairly isolates non-Christian and nonreligious employees and could also be perceived as workplace harassment.

We request that DNR take steps to ensure that future events do not impermissibly endorse religion. Please respond in writing outlining the steps that DNR will take to respect the right of conscience of all its employees so that we may notify our complainant.

Sincerely,



Dante CH Harootunian
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation