

FREEDOM FROM RELIGION *foundation*

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December 11, 2024

SENT VIA EMAIL & U.S. MAIL: kbriley@sheriff1.com

Sheriff Ken Briley
Grundy County Sheriff's Department
111 East Illinois Avenue
Morris, IL 60450

Re: Unconstitutional chaplaincy division

Dear Sheriff Briley:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding an ongoing constitutional violation in the Grundy County Sheriff's Department. FFRF is a national nonprofit organization with over 40,000 members across the country, including more than 1,100 members and a local chapter in Illinois. 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 Grundy County resident informs us that the Department employs a chaplain who is part of an official chaplaincy program. The Department's official chaplain is pastor Steve Larson of First Baptist Church in Morris. In a recent Facebook post, Larson said "As the Chaplain, I am so thankful that I can point us to Jesus." In his official capacity, pastor Larson led a crowd of 60 in prayer at a Department event.¹

Police chaplaincy programs demonstrate a preference for religion over non-religion, and one religion over all others. That is unconstitutional. We ask the Department to dissolve its chaplaincy program.

Government chaplains may only exist as an accommodation of a public employee's religious beliefs when the government makes it difficult or impossible to seek out private ministries. For instance, it may be difficult for military service members to find a place of worship while on mission in a foreign country or for an inmate in a prison to find a way to worship. Chaplains are meant to lighten a government-imposed "burden" on religious exercise. That is not applicable when discussing local police chaplains.

¹ Michael Urbanec, *Morris Honor Guard memorializes anniversary of 9/11*, Shaw Local, Sept. 12, 2024, <https://www.shawlocal.com/morris-herald-news/2024/09/12/morris-honor-guard-memorializes-anniversary-of-911/>.

The First Amendment's Establishment Clause—which protects Americans' religious freedom by ensuring the continued separation of religion and government—dictates that the government cannot in any way show favoritism toward religion. As the Supreme Court has stated, “the First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cnty. v. ACLU of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947). The Department selected a chaplain from a religion it preferred, while excluding chaplains that it does not prefer. The Department necessarily picked a chaplain from a religious background, excluding the non-religious. This means that the Department necessarily favored one religion, and religion over non-religion.

Additionally, sheriff department chaplain programs create state/church entanglement and lead to increased liability for the Department. Paid or not, chaplains are sponsored by the Department and are bound by the First Amendment, and your office is liable for their constitutional violations.

In addition to concerns regarding the federal Establishment Clause, law enforcement chaplaincy programs violate Illinois's constitutional provisions requiring the separation of church and state. Illinois's Establishment Clause reads “[n]o person shall be required to attend or support any ministry or place of worship against his consent, **nor shall any preference be given by law to any religious denomination or mode of worship.**” Ill. Const. Art. I. § 3 (emphasis added). Illinois's state Establishment Clause is “*more restrictive* than the [] federal Constitution.” *Record of Proceedings*, Sixth Ill. Const. Conv. at 1372 (emphasis added). So, irrespective of any First Amendment analysis, Illinois law prohibits law enforcement chaplaincy programs—like the Department's. *See People ex rel. Bakalis v. Bd. of Educ.*, 54 Ill. 2d 448 (Ill. 1973); *People v. Falbe*, 189 Ill.2d 635 (Ill. 2000).

Those Department employees who do not share pastor Larson's religious beliefs will necessarily feel uncomfortable disclosing certain traumas or worries with him. The benefit that Larson might provide is therefore only received by those employees who share his faith. That is a difference of perceived benefit that differs on account of religion. That is expressly prohibited by federal and state employment discrimination laws. *See* 42 U.S.C. § 2000e; 775 ILCS 5/1-101 *et seq.* That is also unconstitutional under Illinois's Constitution. *See* Ill. Const. Art. I § 3.

Community resources or licensed therapists who have certifications in counseling should be the first resort for vulnerable people, law enforcement, and their families, not members of the clergy who hope to be helpful. Your Department employs and serves people who are not Christians, and it employs and serves people who are not religious. They should not be encouraged to compromise their beliefs and to support religion. Chaplains cannot simply set aside their religion in order to assist a nonbeliever, and are often unwilling to

attempt to do so. Chaplains view the world and its problems through the lens of religion and a god, a view inapposite to nonbelievers.

We ask that you end this official Department chaplaincy. The Department should provide secular support services and leave decisions to seek religious support to individuals. Grundy County is a diverse community with ample opportunities for people of various faiths to seek support. The Department must separate its mission from religion and respect the beliefs, including nonbelief, of all. Please respond in writing with the steps the District will take to cure this violation, so that we may inform our complainant.

Sincerely,

A handwritten signature in cursive script that reads "Hirsh M. Joshi".

Hirsh M. Joshi
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation