

FREEDOM FROM RELIGION *foundation*

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June 24, 2016

SENT VIA U.S. MAIL AND EMAIL

tjeffries@azdes.gov

Mr. Tim Jeffries
Director
Arizona Department of Economic Security
1789 W. Jefferson Street
Phoenix, Arizona 85007

Re: Unconstitutional Promotion of Religion

Dear Mr. Jeffries:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) again to object to your inappropriate use of government resources to promote your personal religious views. We were contacted by multiple concerned Arizona residents about this matter.

It is our understanding that you emailed all Department of Economic Security (DES) employees discussing your membership in a religious order and soliciting messages from employees to take with you to a religious site. We understand you had your assistant, a DES employee, track these letters. We also understand you sent several updates replete with religious references to all DES employees about your trip.

It is unconstitutional to use DES staff and resources to promote your personal religious views. We request that you immediately cease promoting religion through DES email and do not involve DES employees in any future religious trips you take.

The Supreme Court has said time and again that the Constitution “mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cnty., 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).

“[T]he Supreme Court has repeatedly stated that the [Constitution is violated] if official action, regardless of its purpose, ‘conveys a message of endorsement or disapproval’ of religion.” *Roberts v. Madigan*, 921 F.2d 1047, 1054-55 (10th Cir. 1990) (citing *Wallace v. Jaffree*, 472 U.S. 38, 56 n. 42 (1985); *Sch. Dist. of Grand Rapids v. Ball*, 473 U.S. 373, 389 (1985); *Lynch v. Donnelly*, 465 U.S. 668, 690 (1984); *Lemon v. Kurtzman*, 430 U.S. 602, 619 (1971)). Put simply, government power cannot be “exploited to proselytize or advance any one . . . faith or belief.” *Marsh v. Chambers*, 463 U.S. 783 (1983).

Government officials can worship, pray, and participate in religious events in their personal capacities. But they are not permitted to provide credibility or prestige to their religion by using the weight of their government office and government title to compel staff to track letters for a personal religious vacation, or use their government-furnished email to recount details of that personal religious trip to all employees.

Presuming that your employees will want to read about your pilgrimage to a Catholic shrine or even have you deliver messages to the shrine for them indicates favoritism towards those religious employees, and disregard for those who do not share your views. Tasking your assistant with keeping track of those messages on DES time further demonstrates an unconstitutional preference for religion. This leads any reasonable observer to conclude that the DES under your leadership endorses religion over nonreligion, and Christianity over all other faiths.

Overall, 23% of Americans identify as nonreligious, and 30% are not Christian.¹ This means there are thousands of DES employees who are alienated by your continual unconstitutional insertion of religion into your government duties. “[S]ponsorship of a religious message is impermissible because it sends the ancillary message 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.’” *Santa Fe*, 530 U.S. at 309-10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. at 668 (O’Connor, J., concurring)).

The separation of church and state is among the most fundamental principles of our system of government. As the head of the Arizona Department of Economic Security, you are charged with great responsibility and have been given significant trust by citizens and employees, including those who may not share your religious viewpoint. We ask that you stop using DES email to chronicle your religious activities and solicit religious messages from employees, as well as stop assigning your subordinates tasks related to your personal religious views instead of government business. Please inform us in writing of the steps you are taking to ensure these constitutional violations do not recur.

Sincerely,



Madeline Ziegler, Esq.
Cornelius Vanderbroek Legal Fellow
Freedom From Religion Foundation

¹ *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.