



AMERICAN ATHEISTS

August 13, 2018

Via Certified Mail & Email

Steve Soboroff
Los Angeles Police Commission
100 West 1st Street
Los Angeles, CA 90012

Re: Establishment Clause violation; request for related public records pursuant to CPRA, Cal. Gov. Code § 6250, et seq.

Dear Mr. Soboroff:

The American Atheists Legal Center (AALC) recently received a report that a large kiosk promoting the Church of Scientology was installed in at least one of the Los Angeles Police Department's facilities. The placement of a kiosk promoting the tenets of any religion inside a police facility sends the unmistakable message that the department endorses that particular religion. This violated the Establishment Clause of the First Amendment. In order to remedy this violation, the LAPD should immediately remove all such kiosks from its facilities and take steps to ensure that similar materials endorsing religious viewpoints are not placed in LAPD facilities in the future.

The AALC is part of American Atheists, Inc., a national nonprofit organization dedicated to the separation of religion and government and elevating atheists and atheism in our nation's public and political discourse. American Atheists is based in Cranford, New Jersey, and has more than 350,000 members and supporters across the country, including in Los Angeles and the LAPD.

The display of religious imagery, text, iconography, or materials promoting the tenets of a particular religion on public property raises constitutional concerns. Such displays risk violating the Establishment Clause of the First Amendment to the U.S. Constitution, which states that "Congress shall make no law respecting the establishment of religion."¹ This prohibition requires that government maintain the separation between itself and religion while also refraining from taking positions which promote any particular religious points of view.² Even passive displays of religious symbols on government property are subject to the *Lemon Test*.³ That test requires that a challenged government action have a secular purpose and have the primary effect of neither

¹ U.S. Const., Amend. I.

² *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968).

³ *McCreary County v. ACLU*, 545 U.S. 844, 859 (2005).

advancing nor inhibiting a religious viewpoint, as indicated by “(i) whether governmental aid results in government indoctrination; (ii) whether recipients of the aid are defined by reference to religion; and (iii) whether the aid creates excessive government entanglement with religion.”⁴ A display must meet every prong of the *Lemon* test to be constitutionally permissible.⁵

The Scientology kiosks in question are far from passive and appear to violate each and every prong of the test. Each kiosk is approximately five feet tall and is dominated by a large (42”+) screen connected to a touch panel allowing (and encouraging) passers-by to interact with the content. The screen is flanked by two panels promoting particular tenets of Scientology, accompanied by pamphlets and booklets produced and distributed by the Church. The kiosk placed in the Hollywood Division sits adjacent to the main reception desk.

The placement of these kiosks in police department facilities violates each prong of the *Lemon* test. First, no secular purpose is served by placing a large fixture designed solely to promote the tenets of Scientology in the lobby of an LAPD facility. Second, the primary effect of permitting the kiosk to be placed in such a prominent location is to advance the interests of the Church of Scientology. Third, the size and other unique characteristics of this display necessarily create excessive entanglement between the Church and the LAPD, given the discussions that must have taken place between LAPD and the Church about delivery and placement of the display, its power requirements, the restocking of pamphlets, and other related issues.

Pursuant to the California Public Records Act, Cal. Gov. Code § 6250, *et seq.*, I have submitted a request that the following documents be produced to me via email at records@atheists.org or, if electronic delivery is not possible, to my office at 1220 L St. NW, Ste. 100-313, Washington, D.C. 20005.

1. All emails, letters, faxes, voicemails, and other correspondence sent to or from any LAPD officer or employee since August 1, 2016 which refers to these or similar displays promoting Scientology;
2. All materials provided to the LAPD by the Church of Scientology (or a member, officer, or employee thereof) since August 1, 2016 for the LAPD’s review and/or approval in connection with the installation and maintenance of these or similar displays promoting Scientology;

⁴ *Card v. City of Everett*, 520 F.3d 1009, 1015 (3d Cir. 2008); see also *Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971).

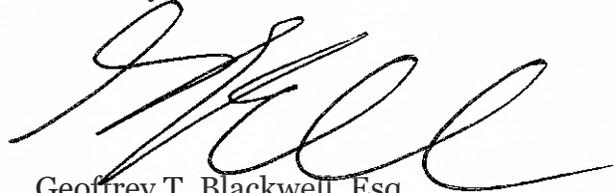
⁵ *Newdow v. Rio Linda Union Sch. Dist.*, 597 F.3d 1007 (3d Cir. 2010).

3. All complaints received by the LAPD since August 1, 2016 referring to these or similar displays promoting Scientology;
4. All invoices, expense reports, purchase orders, receipts, and other itemized financial records showing the expenditure of funds by the LAPD since August 1, 2016 in connection with the delivery and maintenance of these or similar displays promoting Scientology;
5. All records indicating the locations in which these or similar displays promoting Scientology have been installed since August 1, 2016; and
6. All manifests, work orders, schedules, confirmations, receipts, or other records of LAPD taking possession of and maintaining these or similar displays promoting Scientology since August 1, 2016.

The AALC respectfully requests that the LAPD remedy this violation by removing all such displays promoting Scientology from all facilities under the LAPD's control in the next ten business days. If the displays are not removed, the AALC will assist our complainant in pursuing legal remedies for this violation, for which the LAPD may be held financially responsible.

Thank you for your time and attention to this important matter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Geoffrey T. Blackwell, Esq.
Staff Attorney
American Atheist Legal Center
legal@atheists.org

Cc: Michel Moore, Chief of Police (*via email*)