



AMERICAN ATHEISTS

September 28, 2017

Via Cert. Mail & Email

Deborah Yankow
Bergen County Animal Shelter
Division of the Animal Center
100 United Lane
Teterboro, New Jersey 07608

Dear Director Yankow,

A Bergen County resident recently informed the American Atheists Legal Center (AALC) that the Bergen County Animal Shelter (BCAS) is promoting an event dubbed the “Blessing of the Animals” on Wednesday, October 4, 2017 (the Event). According to the invitation posted on the BCAS’s Facebook page, Bergen County residents are invited to bring their pets to the shelter that day so that the animals can “be blessed by Franciscan Bishop Reihl.” This report has raised a number of concerns, chief among them that the BCAS is devoting county resources to a religious exercise, in violation of the First Amendment of the U.S. Constitution and Article I, ¶ 3 of the New Jersey Constitution.

The AALC is part of American Atheists, Inc., a national nonprofit organization dedicated to the separation of religion and government and the equality of atheists. American Atheists is based in Cranford, New Jersey, and has more than 350,000 members and supporters across the country, including pet owners in Bergen County.

The Establishment Clause prohibits government agencies from enacting any law or policy “respecting the establishment of religion.” U.S. Const. Amend. 1. The Fourteenth Amendment extends this prohibition to state and local government agencies. *School District of Abington Twp. v. Schempp*, 374 U.S. 203, 205 (1963). In general, a government action is considered to unconstitutionally establish a religious belief if 1) the government lacked a secular purpose in implementing the policy, 2) the policy has the primary effect of advancing (or hindering) a religious viewpoint, or 3) the policy unduly entangles the government in religious practice. *Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971). If a policy violates any of the three prongs of the “*Lemon Test*,” the policy has unconstitutionally advanced a religious perspective. *Id.*

If the report from our complainant is accurate, it appears that the BCAS’s Event violates each prong of the *Lemon Test*. Though no possible secular purpose could be served by inviting a Franciscan Bishop to a government facility to “bless” residents’ pets, the

policy's religious intent is readily apparent.¹ So too is the fact that the Event will have the primary effect of advancing a particular religious viewpoint. The decision by a government facility to host an expressly Catholic religious observance and devote government resources to promoting and conducting the event does nothing other than promote Catholicism in the community and convey to residents that the Catholic faith is favored by the Bergen County government. Finally, hosting and promoting a religious ritual and placing government personnel and resources under the control of a member of the clergy (or, conversely, a member of the clergy under the control of government personnel) creates the very form of excessive entanglement which the Establishment Clause was intended to prevent.

The pet owners of Bergen County, as well as those residents who are considering taking on the responsibility of becoming pet owners, have the right to utilize the services of the BCAS without regard for the resident's religious background. Yet if the Event is permitted to take place, for an hour and a half on Wednesday, October 4, 2017, they will be denied the right to avail themselves of the BCAS's services, unless of course they are willing to subject themselves to a religious ritual with which they may or may not agree. For this reason, the AALC respectfully requests that the BCAS cancel the "Blessing of the Animals" on Wednesday, October 4, 2017. Please inform me by 5:00 pm on Monday, October 2, 2017, via email at the address listed below, whether the BCAS intends to carry out this religious ritual.

Thank you for your time and attention to this matter.

Sincerely,



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

¹ The religious intent behind the Event is clear at least with regard to the blessing of all feline, avian, aquatic, and other non-canine pets. The religious purpose behind the blessing of canines is murkier given that, from the believer's perspective, "all dogs go to Heaven" regardless of whether the animal has been "blessed." ALL DOGS GO TO HEAVEN (MGM/UA Distribution Company 1989). Despite this potential ambiguity in the limited case of dog blessings, the religious motivation behind the Event is indisputable.