

FREEDOM FROM RELIGION *foundation*

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June 19, 2018

SENT VIA U.S. MAIL

The Honorable Jefferson Beauregard Sessions, III
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Re: Using the bible to justify public policy changes

Dear Mr. Attorney General:

I am writing on behalf of the Freedom From Religion Foundation to strenuously object to your use of the bible to justify public policy changes for the Department of Justice. FFRF is a national nonprofit organization with over 33,000 members across the country. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

We watched your June 14 speech in Indiana seeking to justify a new policy to separate children from refugee and immigrant parents with great concern and dismay. As you explained it, American officials will only split families apart when they enter the country illegally, a lie that has been repeatedly exposed.¹

We write to condemn both the child separation policy and your use of the bible to justify it. Religion has no place in shaping public policy in our secular nation. Under our godless Constitution, which separates state and church, the bible is not a legitimate justification for any action our government takes. In fact, the Supreme Court has said that if a government action lacks a secular purpose (i.e., it has a religious purpose) that action is unconstitutional. *See, Lemon v. Kurtzman*, 403 U.S. 602 (1971).

¹ *See, e.g.*, Zack Beauchamp, "The Trump administration separated 2,000 kids from their parents in just 6 weeks," *Vox* (June 15, 2018) ("Some families presented themselves for asylum legally by coming to a port of entry — an official border crossing — and were then separated.") at <https://www.vox.com/policy-and-politics/2018/6/15/17468782/family-separation-border-trump-how-many-kids>; Dara Lind, "Trump keeps making it harder for people to seek asylum legally," *Vox* (June 5, 2018) ("including asylum-seeking parents who are separated from their children by being placed in criminal jails") at <https://www.vox.com/policy-and-politics/2018/6/5/17428640/border-families-asylum-illegal>. The ACLU even sued over this, <https://www.aclu.org/cases/ms-l-v-ice>.

Religious justifications are applicable only to religious laws, not for government policy under the diverse and secular United States. Today nearly one-quarter or Americans, 24%, are religiously unaffiliated and nearly 30% are non-Christians, either practicing a minority religion or no religion at all.² Many younger Americans are not just religiously unaffiliated, but 21 percent of Americans born after 1999 identify as explicitly atheist or agnostic.³

Though a so-called holy book should not be used to justify actions by our secular government, we were unsurprised that the White House sought to invoke the bible to justify its inhumane policy ripping children from their parents and even caging children in camps. The bible has brought out the worst in America and been used to justify our greatest shames. From slavery, to segregation, to the subjugation of women, the bible has been used as an engine of regression since America's founding.

That is precisely why our founders adopted our entirely secular Constitution and, when they did so, they did not pray at the Constitutional Convention, which shows intent. The only references to religion in that godless Constitution are exclusionary, such as that there shall be no religious test for public office (U.S. Const. art. VI). The United States was first among nations to adopt a secular constitution, investing sovereignty in "We the People," not a divinity. Our founders were aware that "[t]orrents of blood have been spilt in the old world" when religion and government were united. (James Madison, Memorial and Remonstrance, 1785). Madison added, "During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy, ignorance and servility in the laity, in both, superstition, bigotry and persecution."

"Persecution." Madison was more right than he knew. The office of the attorney general is using the bible to justify the persecution of people seeking to become part of our nation. This persecution is blackening our nation's reputation at home and abroad. President Trump's child separation policy is doing serious damage not only to these parents and children, but also to America. Your use of religion to justify it is an egregious violation of the spirit of the First Amendment, codifying our nation's great principle of separation between state and government.

The bible should not shape public policy — not just because it is a behavioral grab bag full of primitive and outdated ideas and morality, but because we live in a secular nation and under a secular government. Imagine the consternation had you preached instead from the Koran? It is equally inappropriate for the attorney general to preach from the Christian Bible.

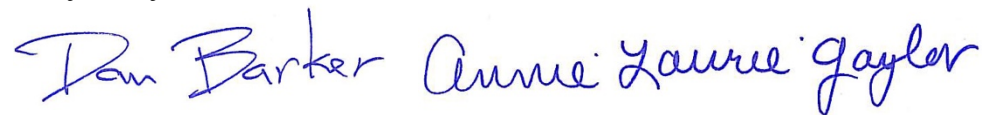
² Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, Public Religion Research Institute (Sept. 6, 2017), available at www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

³ *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018), <https://www.barna.com/research/atheism-doubles-among-generation-z/>.

Ironically, you yourself acknowledged your secular duty in the same speech in which you preached from Romans 13. "But I am a law officer, a law officer for a nation state, a secular nation state, not a theocracy; it's not a church." Yes, America is not a theocracy. So please stop treating your government office as though it were a pulpit.

In other words, stop preaching and harming innocent children. That's the province of religion. Our nation must be better.

Very truly,

A handwritten signature in blue ink that reads "Dan Barker Annie Laurie Gaylor". The signature is written in a cursive, flowing style.

Dan Barker & Annie Laurie Gaylor

Co-Presidents

DB/ALG:als