

FREEDOM FROM RELIGION *foundation*

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March 23, 2020

SENT VIA EMAIL ONLY:

bill.lee@tn.gov

The Honorable Bill Lee
Governor
State Capitol, 1st Floor
600 Dr. Martin L. King, Jr. Blvd.
Nashville, TN 37243

RE: Inappropriate call for prayer

Dear Governor Lee:

I am writing on behalf of the Freedom From Religion Foundation (FFRF), a national nonprofit organization with more than 31,000 members across the country, including more than 400 members in Tennessee and a local chapter, FFRF East Tennessee. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

We understand that during a conference call on March 18, 2020, with Tennessee mayors and other local officials about the state's response to coronavirus, you concluded your list of recommendations for responding to the pandemic with a call for prayer. You stated: "Lastly I want to encourage you to pray. I want you to pray... I want you to know that you're being prayed for as leaders in your community that you will have wisdom and discernment."

We ask that you refrain from making similar religious pronouncements while carrying out state business in the future and ensure that the state's response to the pandemic is based on methods grounded in science.

As governor, you represent a diverse population that consists not only of Christians, but also atheists and agnostics who do not believe in prayer, much less a deity who answers prayer. Your request urging local officials to pray, delivered in your official capacity while conducting the

state's response to a pandemic, unabashedly sends an official message of endorsement of religion over nonreligion and of exclusion to the 26 percent of Americans, including 38 percent of young Americans, who are not religious.¹ It alienates non-Christians and nonbelievers in Tennessee by turning them into political outsiders in their own community.

The Establishment Clause of the First Amendment to the U.S. Constitution prohibits government sponsorship of religious messages. The Supreme Court has said time and again that the "First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion." *McCreary Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *see also Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Board of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). Your call for prayer sends the message that you, as governor, and the State of Tennessee prefer and endorse religion over nonreligion. This violates the Establishment Clause of the First Amendment.

The separation between state and church is among one of the most fundamental principles of our system of government. The Supreme Court has specifically stated, "If there is any fixed star in our constitutional constellation, it is that **no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.**" *West Virginia Board of Education v. Barnette*, 319 U.S. 624, 642 (1943) (emphasis added). When the government urges its citizens to pray, reasonable citizens will interpret this as government endorsement of religion.

Government officials may worship and pray in their personal capacities. But they may not direct citizens to pray. As governor, you have taken an oath of office to uphold the secular U.S. Constitution and must scrupulously avoid using your public office to promote or advance your personal religious beliefs during a time of crisis.

We appreciate your attention to this matter, and encourage you to stand up for the constitutional principle of the separation between state and church, which unites and protects all citizens, in good times and in bad.

Very truly,



Dan Barker and Annie Laurie Gaylor
Co-Presidents

DB/ALG:DCHH

¹ Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.prii.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.