

# FREEDOM FROM RELIGION *foundation*

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April 27, 2020

The Honorable Brian Kemp  
Office of the Governor  
203 State Capitol  
Atlanta, GA 30334

Re: "Statewide Day of Prayer" Declaration and Worship Service

Dear Governor Kemp:

We are writing on behalf of the Freedom From Religion Foundation, our 32,000 members nationwide and our Georgia membership and chapter to object to two gubernatorial acts: your recent "Statewide Day of Prayer" Declaration and your participation in an official Day of Prayer service.

First, it is our understanding that you declared April 27, 2020, as a "Statewide Day of Prayer." In declaring this day of prayer, you stated:

While we cannot all be together right now, we can join with one another in prayer for our frontline healthcare workers, first responders, law enforcement, business owners, local leaders, and fellow Georgians as we continue the important work of fighting COVID-19 and safely reopening our state. On Monday, I am calling on all Georgians to participate in our Day of Prayer by posting on social media and showing their support for their fellow citizens.

Second, we also understand that you, Lt. Gov. Geoff Duncan, and Speaker David Ralston, held a Day of Prayer service in the rotunda of the Georgia State Capitol on April 27, 2020. Your office issued a press release announcing the event and encouraged citizens to participate via livestream on the governor's official Facebook page. You began the event by saying:

...This virus has touched us all. Today let's come together to lift our voices in prayer. In these difficult times, let us pray for hope, for wisdom and for strength.

The prayer service included prayers delivered by more than a dozen Christian ministers, one rabbi, one imam, and multiple Georgia state representatives.

We agree that it's vital to support and acknowledge our frontline healthcare workers, first responders, law enforcement, business owners, and all of those who have suffered harm and lost loved ones during these turbulent times. But your declaration and your sponsorship and participation in a religious worship event in your official capacity as governor excludes many citizens who do not believe in a deity, much less one who answers prayer. It also constitutes an inappropriate endorsement of religion by the highest executive in the state. For this and the reasons spelled out below, we ask that you refrain from making similar religious declarations or sponsoring worship events in the future, and ensure that the state's response to the pandemic is based on methods grounded in science that will actually protect our healthcare workers and the citizens of Georgia.

The Establishment Clause of the First Amendment to the U.S. Constitution wisely 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); *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). By issuing a declaration calling on Georgia citizens to pray and by sponsoring and participating in a statewide worship service, you abridge your duty to remain neutral and to respect the freedom of conscience of all your citizens. Whether to pray, and whether to believe in a god who answers prayer, is an intensely personal decision protected under our First Amendment as a matter of conscience.

Even though the worship event that you sponsored and participated in included leaders of the Jewish and Muslim faiths, it was dominated by Christian clergy, and by definition sent an exclusionary message to those of no religious faith. Nonreligious Americans make up the fastest growing segment of the U.S. population by religious identification—more than one in four Americans now identifies as religiously unaffiliated. Any prayer declaration or state-sponsored worship event "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 Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-310 (2000) (quoting *Lynch v. Donnelly*).

The separation between state and church is 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.

During times of crisis, citizens look for leadership. You were elected governor, not preacher. People look to you for civic leadership, not religious support. They may decide to turn to a church, but the state may not turn into a church. Using official state resources and the power of your office to broadcast a gubernatorial-led religious service is a misuse of your civil and secular authority. Instead you should be instructing Georgians to stay at home, engage in social distancing, and take other recommended precautions. It is incumbent on the governor to impart practical and medical advice, not religion. Your actions are not only inappropriate and unconstitutional, but counterproductive to public health.

In conclusion, we ask that you, as governor of Georgia, remain cognizant that you have taken an oath to uphold and defend the U.S. Constitution — an entirely godless and secular document, and are charged with great responsibility over citizens, including those citizens who may not share your personal religious viewpoints. Leaving religion as a private matter for private citizens is the wisest public policy. Observing a strict separation of church and state offends no one and honors the First Amendment to the U.S. Constitution.

We appreciate your attention to this matter, and encourage you to get off your knees and instead 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,

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

Annie Laurie Gaylor & Dan Barker  
Co-Presidents

ALG/DB:cal