

FREEDOM FROM RELIGION *foundation*

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December 1, 2020

SENT VIA EMAIL & U.S. MAIL: governoroffice@iq.ok.gov

The Honorable J. Kevin Stitt
Governor
State of Oklahoma
Oklahoma State Capitol
2300 N. Lincoln Blvd.
Oklahoma City, Oklahoma 73105

Re: “Oklahoma Day of Prayer and Fasting” Proclamation

Dear Governor Stitt:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) and our Oklahoma membership to object to proclaiming Thursday, Dec. 3, as the “Oklahoma Day of Prayer and Fasting” (see attached). FFRF is a national nonprofit organization with more than 33,000 members across the country, including in Oklahoma. 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.

You will recall that we wrote to you in March regarding your previous unconstitutional prayer proclamation and your office’s inappropriate official sponsorship of a religious worship event. It has been reported that more than 1,700 Oklahomans have died from complications of the virus and 197,745 in the state have contracted the virus since your first statewide day of prayer back in March.¹ Yet, Governor Stitt, you have failed to issue mandates on social distancing or mask-wearing in your state, at most belatedly indicating citizens may don masks if they deem it appropriate. It is more than ironic that as head executive of your state you misguidedly feel you have the right in our secular nation to direct citizens to “unite in prayer” over the pandemic, yet eschew directing them to follow science by taking basic secular precautions to prevent the spread of COVID-19. Even more ironic is that your proclamation, by singling out “churches and faith communities ...to find safe ways to gather . . . [and] unite in prayer,” is directing citizens to engage in religious gatherings that will further the spread of the virus. This goes beyond a breach of your First Amendment duties and borders on absolute recklessness.

In your current proclamation, you cite the New Testament verse, 2 Chronicles 7:14, “If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, and I will forgive their sin and will heal their land.” In citing this verse you appear to be blaming the victims of COVID-19, including more than 1,700 citizens in your state who have died from the virus, and labeling

¹<https://oklahoman.com/article/5677312/stitt-declares-day-of-prayerand-fasting-for-oklahomans-affected-by-covid-19>

them “wicked.” COVID-19 is not a punishment from a deity, it is a virus with natural causes, whose spread can be mitigated by rational public health policy.

You also urge “Oklahomans of all faiths and religious backgrounds to join together with me in prayer and fasting to continue to ask God to heal those who are sick, comfort those who are hurting, and provide renewed strength and wisdom to all who are managing the effects of COVID-19.” We continue to believe it’s important to be there for our health care professionals and those who have suffered harm and lost loved ones during these turbulent times. We also hope that those who are sick will be healed, those who are hurting will be comforted, and that everyone dealing with the effects of COVID-19 will persevere. But your repeated prayer proclamations do nothing to help Oklahomans actually deal with the pandemic. As governor, you have many tools to actually help heal, comfort, and protect Oklahomans, and you should use these tools rather than using your office and state resources to promote your personal religious beliefs. Your repeated proclamations exclude many citizens who do not believe in a deity, much less one who answers prayer. They also constitute inappropriate endorsements of religion by the highest executive in the state. We, once again, ask that you refrain from making these ineffective and exclusionary proclamations, and instead take real, meaningful actions to ensure that the state’s response to the pandemic is based on methods grounded in science that will actually heal, comfort, and protect our healthcare workers and the citizens of Oklahoma.

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 proclamation calling on Oklahoma citizens to pray, 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 if this proclamation is intended to include those of non-Christian faiths, which seems unlikely given its inclusion of a Christian bible verse, it excludes those of no religious faith. Nonreligious Americans make up the fastest growing segment of the U.S. population by religious identification — 35 percent of Americans are non-Christians,² and this includes the more than one in four Americans who now identify as religiously unaffiliated.³ Any prayer proclamation “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

² *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.

³ *Id.*

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 ask citizens to pray and fast is a misuse of your civil and secular authority. Instead you should be instructing Oklahomans to stay at home, engage in social distancing, wear masks, and take other recommended precautions. It is incumbent on the governor to impart secular 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 Oklahoma, 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. We encourage you not only 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, but to enact appropriate mandates on social distancing and masking.

Very truly,



Annie Laurie Gaylor & Dan Barker
Co-Presidents

ALG/DB:cal

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OKLAHOMA SECRETARY OF STATE

STATE OF OKLAHOMA



EXECUTIVE DEPARTMENT

Proclamation

Whereas, Oklahomans have always turned to prayer to guide us through trials and seasons of uncertainty; and

Whereas, I ask Oklahomans of all faiths and religious backgrounds to join together with me in prayer and fasting to continue to ask God to heal those who are sick, comfort those who are hurting, and provide renewed strength and wisdom to all who are managing the effects of COVID-19; and

Whereas, churches and faith communities have an incredible opportunity during this season to provide hope to Oklahomans who are struggling as we close a year that has been mentally, emotionally, and physically draining. It is important that we continue to find safe ways to gather as we all do our part to protect our families, neighbors, and communities from the virus; and

Whereas, when we unite in prayer, we are reminded that there is no burden too heavy for God to lift or for this state to bear with His help. 2 Chronicles 7:14 proclaims that, "If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, and I will forgive their sin and will heal their land;"

Now Therefore, I, Governor J. Kevin Stitt, do hereby proclaim December 3, 2020, as

"Oklahoma Day of Prayer and Fasting"

in the State of Oklahoma.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed.



Done at the Capitol, in the City of Oklahoma City, this 30th day of November, in the Year of Our Lord two thousand and twenty, and of the State of Oklahoma in the one hundred and thirteenth.

41231

[Signature]
Acting Assistant Secretary of State

[Signature]
GOVERNOR