

# FREEDOM FROM RELIGION *foundation*

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**SENT VIA EMAIL & U.S. MAIL: rep.abigail.whelan@house.mn**

The Honorable Abigail Whelan  
Minnesota House of Representatives  
439 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, Minnesota 55155

Re: Inappropriate Promotion of Religion

Dear Representative Whelan:

On behalf of the Freedom From Religion Foundation and our 29,000 nonreligious members nationwide, including more than 500 Minnesota members, we write to express our grave concern about proselytizing remarks you made on the floor of the Minnesota House of Representatives.

During a May 23 debate over whether or not to pass an amendment to an omnibus tax bill, State Rep. Paul Thissen asked you a question related to the amendment. Rather than answering his question, you chose to deliver an impromptu sermon on the House floor:

“... It might be because it’s late and I’m really tired, but I’m going to take this opportunity to just share with the body something I have been grappling with over the past several months, and that is, the games that we play here.

And I just want you to know, Representative Thissen and the [Democratic] caucus—I forgive you. It is okay, because I have an eternal perspective about this.

I have an eternal perspective and I want to share that with you and with the people listening at home, that at the end of the day, when we try to reach an agreement with divided government, we win some, we lose some, nobody is really happy, but you know what? Happiness and circumstances—not what it’s about. There is actual joy to be found in Jesus Christ. Jesus loves you all.

If you would like to get to know him, [if] you’re listening at home, [or] here in this room, please email me, call me. Would love to talk to you about Jesus. He is the hope of this state and of this country.”

These proselytizing remarks were completely inappropriate and an egregious violation of the spirit of the constitutional principle of separation between state and church. The Supreme Court has held that public officials may not seek to advance or promote religion, specifically stating, “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can proscribe 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.” *W. Va. Bd. of Educ. v. Barnett*, 319 U.S. 624, 642 (1943).

When representatives speak as representatives, that speech is not perceived as private speech, but as speech representing the government, subject to the dictates of the Establishment Clause. *See Garcetti v.*

*Ceballos*, 547 U.S. 410, 421 (2006) (“We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.”) While you are free to practice and promote your personal religious beliefs on your own time, it is inappropriate to do so through the special platform you have been afforded through your elected office.

You specifically abused the power of your position and used government resources to proselytize to the “people listening at home.” You expressed an intent and desire to use state resources, “call me, email me,” to “talk to you [citizens] about Jesus.”

The Establishment Clause of the First Amendment 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 Cnty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005) (quoting *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947)). Using state resources to promote your personal religious beliefs on the House floor, and suggesting that people should convert or even consider converting to that religion, is inappropriate.

More than 23 percent of Americans identify as nonreligious.<sup>1</sup> That 8 point increase since 2007<sup>2</sup> and 15 point jump since 1990 makes the “Nones” the fastest growing identification in America.<sup>3</sup> Nationally, about 35 percent of millennials—born after 1981—are nonreligious.<sup>4</sup> Nearly 30 percent of Americans are non-Christians, either practicing a minority religion or no religion at all, and about 44 percent of millennials are non-Christian.<sup>5</sup>

You were elected to a secular office to deal with civil challenges, taking an oath to uphold our country’s godless and entirely secular Constitution, whose only references to religion are exclusionary. Your statement to turn everything over to your deity seems to be an admission of professional failure, that would tend to suggest you’ve given up personal responsibility to deal with issues you were elected to help resolve. Our advice to pious politicians everywhere is to “get off your knees and get to work.” The answers will not come from above, and personal religious beliefs are no excuse for inaction.

Religion should not be promoted using the power, infrastructure or imprimatur of our secular government. We request that you log this letter and respond in writing with your commitment to uphold your constitutional duty not to promote your personal religion while acting in your official capacity. Thank you for your time and attention to this matter.

Very truly,



Dan Barker & Annie Laurie Gaylor

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<sup>1</sup> *America’s Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).

<sup>2</sup> “Nones on the Rise: One-in-Five Adults Have No Religious Affiliation,” Pew Research Center, The Pew Forum on Religion & Public Life (October 9, 2012) available at <http://www.pewforum.org/Unaffiliated/nones-on-the-rise.aspx>

<sup>3</sup> Barry Kosmin, National Religious Identification Survey 1989-1990.

<sup>4</sup> *Id.*

<sup>5</sup> *America’s Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).