

# FREEDOM FROM RELIGION *foundation*

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March 8, 2018

**SENT VIA U.S. MAIL & EMAIL**  
**gherbert@utah.gov**

The Honorable Gary Herbert  
Governor's Office  
350 North State Street, Suite 200  
Salt Lake City, Utah 84114-2220

RE: Prayer's no business of our secular government

Dear Governor Herbert:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) and our members in Utah to object to your call to pray for snow. FFRF is a national nonprofit organization with over 32,000 members across the country, including members in Utah. 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.

It is our understanding that you sent a letter on gubernatorial letterhead, signed with your official title, asking the "faith community to unite in thanksgiving and prayer during the first week of March 2018." The letter also cites a 2012 drought and notes that "within days of your collective prayers the rains came." We hasten to note that when things go right, believers invariably praise their deity, but when things go wrong, "God" never gets the blame. A memorable case in point: When Rick Perry, then Texas governor, called for a day for prayer to cure a drought in 2011, the state caught fire later that summer.

Using the official imprimatur of an office that belongs to "We the People," you asked for citizens to engage in a religious ritual: "As you gather in your places of worship and in your homes during the first week of March, would

you please join me in a special prayer?” You even directed the content of that prayer: “I believe we should thank our Creator of the extraordinary blessing that we enjoy as a state. But I would also encourage us to pray that the elements temper on our behalf.”

Many of our nontheistic members living in Utah are affected by this drought crisis. It is a helpless feeling to watch even from a distance. Our hearts go out to everyone affected. Yet that does not excuse the use of government office to sponsor a religious ritual, particularly such a useless one.

Using your official capacity as governor to unabashedly promote a religious ritual — prayer — sends an official and impermissible message of endorsement of religion and of exclusion to many of your constituents. Whether to pray, whether to believe in a god who answers prayer, is an intensely precious and personal decision protected under our First Amendment as a paramount matter of conscience.

You may, as a private citizen, attend any religious functions you like, the church of your choice, etc. But the federal and state Constitutions — and good etiquette — dictate that as governor you may not bless such events or allow your title as governor to be used for any purely religious event or function. It is an inappropriate usurpation of the Governor’s Office for the governor himself to proclaim a day of prayer. The action conveys your state’s endorsement of a private religious exercise.

As the Supreme Court has explained:

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. *W. Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943).

As governor, you took an oath of office to uphold the U.S. Constitution, which is a godless and secular document whose only references to religion in government are exclusionary, such as that there can be no religious test for

public office. It is a fundamental principle of Establishment Clause jurisprudence that the government cannot in any way promote, advance, or otherwise endorse religion. It can neither promote one religion over another, or religion over nonreligion. The “establishment of religion” clause of the First Amendment means at least this: “Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another.” *Everson v. Board of Education*, 330 U.S. 1, 15 (1947)

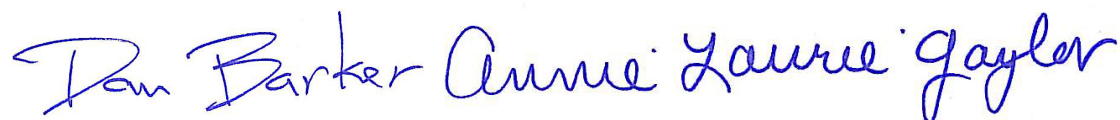
Entanglement between government and religion is inevitable under your announcement, once you lend your name as governor to it. The Governor’s Office should take care to be above the fray of religious discord, and should not appear to be favoring one religious position over others.

Pious politicians would do well to remember the bible’s edict to “Render unto Caesar that which is Caesar’s, and unto God that which is God’s” — another way of expressing that state and church should be separate.

As governor, you represent not only religious members of your community but atheists and agnostics and other nonbelievers, as well. Today those with no religion (the “Nones”) represent almost a quarter of the adult U.S. population, 36 percent of Millennials and even higher percentage among Generation Z. Our members believe that nothing fails like prayer. Wishful thinking cannot suspend the natural laws, much less create precipitation. Governmental prayer is the ultimate “snow job.”

We request on behalf of our Utah members that in the future the Governor’s Office refrain from asking citizens to pray. May we hear from you at your earliest convenience?

Very truly,



Dan Barker & Annie Laurie Gaylor  
Co-Presidents



## STATE OF UTAH

GARY R. HERBERT  
GOVERNOR

OFFICE OF THE GOVERNOR  
SALT LAKE CITY, UTAH  
84114-2220

SPENCER J. COX  
LIEUTENANT GOVERNOR

February 22, 2018

Dear Religious Leader,

I am writing today to invite you and your faith community to unite in thanksgiving and prayer during the first week of March 2018.

During the bitterly hot, dry and windy summer of 2012, Utah had become a tinderbox. We witnessed heroism from our firefighters across the state. But after all we could physically do, most of the state still remained under red flag warnings.

At that time I reached out to our interfaith community with a request for an extra measure of providential help in our battle against the fires. And you responded with prayers in your synagogues, your mosques, your cathedrals, your chapels, and your homes, asking that life and property be protected and that the elements be tempered.

Within days of your collective prayers the rains came. And not just any rain, but gentle, soaking rains without the winds that would have exacerbated the fires. The elements had, in fact, been tempered.

Today our state faces another similar challenge. Although we have just received some fresh snow, this year's uncharacteristically warm and dry weather pattern has left the state with about half the snowpack that we might experience in a regular year.

Because the health of our waterways, our wetlands, our agriculture, and our forests in particular depend on an abundant snowpack and because none of us can afford to witness the destruction that comes with wildfire, I am again reaching out to you and your faith communities with an invitation to unite in prayer.

As you gather in your places of worship and in your homes during the first week of March, would you please join me in a special prayer? First and foremost, I believe we should thank our Creator for the extraordinary blessings that we enjoy as a state. But I would also encourage us to pray that the elements be tempered on our behalf.

Thank you for considering this special request, and thank you for all you do to meet the significant spiritual needs of the people of our great state.

Sincerely,

A handwritten signature in black ink that reads "Gary R. Herbert".

Gary R. Herbert  
Governor