

FREEDOM FROM RELIGION *foundation*

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January 18, 2024

SENT VIA EMAIL & U.S. MAIL: wwendler@wtamu.edu

Dr. Walter V. Wendler
President
West Texas A&M University
2501 Fourth Avenue
Canyon, TX 79016

Re: Unconstitutional promotion of religion

Dear President Wendler:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding multiple constitutional violations occurring at West Texas A&M University. As you may recall from our previous letter, FFRF is a national nonprofit organization with over 40,000 members across the country, including more than 1700 members in Texas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned student reported that West Texas A&M University has started the Hill Institute, a conservative think tank. The Institute is designed to promote “Texas Panhandle Values.”¹ As you have previously noted, those panhandle values are the most conservative among Texas public universities this century.² The Institute, as our complainant notes, promotes the “The Free And Open Exercise Of Faith: in recognition of natural law, as an inarguable right of every human being, and the historic relationship of personal belief in a thoughtfully guided moral order.”³ The Hill Institute cites Joseph A. Hill, its namesake, who believed in the “importance of Judeo-Christian values in a free society.”⁴

Separately, you have authored a Christmas card to all West Texas A&M students, even publishing it on the WTAMU website. The card, sent through your official university email, includes three different biblical quotes:

Every good gift, every perfect gift, comes from above. These gifts come down from the Father, the creator of the heavenly lights, in whose character there is no change at all.
James 1:11.

The weapons we fight with are not the weapons of the world. On the contrary, they have divine power to demolish strongholds. 2 Corinthians 10:4.

¹ Kate McGee, *West Texas A&M University receives \$20 million gift for new institute to promote “Texas Panhandle values,”* The Texas Tribune, Oct. 4, 2023, <https://www.texastribune.org/2023/10/04/west-texas-am-hill-institute/>.

² Walter Wendler, *Texas' most conservative 21st-century public university*, Amarillo Globe-News, June 20, 2021, <https://www.amarillo.com/story/opinion/2021/06/20/west-texas-a-m-states-most-conservative-public-university/7720664002/>.

³ The Hill Institute, <https://www.wtamu.edu/about/administration/president/hill-institute/index.html> (last accessed Jan. 16, 2024).

⁴ *Id.*

And he answered, ‘you shall love the Lord your God with all your heart and with your soul and with all your strength and with all your mind, and your neighbor as yourself.’
Luke 10:27.⁵

The second sentence of the card reads “[t]he hustle and bustle of shopping malls, carols being sung, the consumption of baked goods, the togetherness of people, and most importantly, celebrating the birth of Jesus Christ all make Christmas so special.”⁶ Further, one sentence starts “as we celebrate the birth of Jesus Christ.”⁷ Please see the enclosed copy of the card.

It is perfectly acceptable that West Texas A&M University wishes to create a think tank and promote general values. It is also reasonable that a university president wishes to celebrate a joyous season—particularly towards the end of a semester. But like all public institutions, WTAMU is bound by the federal Constitution—including the Establishment Clause.

We ask that West Texas A&M University refrain from injecting religion into university programs and that you refrain from using official communication channels and resources to promote your personal religious beliefs.

Public universities may not promote or favor religion. Under the Establishment Clause of the First Amendment, government must remain neutral between religions, and between religion and nonreligion. *See generally Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); *McCullum v. Bd. of Ed.*, 333 U.S. 203 (1948) As the Supreme Court has stated, “[t]he government may acknowledge Christmas as a cultural phenomenon, but under the First Amendment it may not observe it as a Christian holy day by suggesting people praise God for the birth of Jesus.” *Cty. of Allegheny v. ACLU Greater Pittsburgh Chapter*, 492 U.S. 573, 593–94 (1989). By sending a religious message to students, you unconstitutionally favor Christianity over all other faiths in violation of the First Amendment.

Further, it is inappropriate for a public institution to promote “natural law” and “Judeo-Christian values.” While private actors are free to discuss, debate, promote, or disparage each as they wish, state actors—like you and the Hill Institute—must not promote sectarian values over secular values, or religion over nonreligion. Our secular and godless constitution constrains all public officials conducting their public duties from promoting or favoring any religion or religious idea over others.

Public officials are not allowed to commandeer university resources to promote a sectarian message. You are of course more than free to acknowledge the holiday season when acting in your official capacity. However, using your official position and communications channels to urge students to celebrate the birth of Jesus Christ and citing it as the most important reason for the season is unconstitutional and inappropriate. That would have been more than appropriate on your private blog.⁸ Instead you used government resources to disseminate this message—and that violates the constitutional principle of separation between state and church.

⁵ *WTAMU 2023 Christmas Card from Mary and President Walter V. Wendler*, <https://www.wtamu.edu/about/administration/christmas-card.html> at pg 2-3. (last accessed Jan. 16, 2024).

⁶ *Id.*

⁷ *Id.*

⁸ www.walterwendler.com (last accessed Jan. 16, 2024).

Moreover, WTAMU serves a diverse community with diverse religious beliefs, as you are well aware.⁹ “School sponsorship of a religious message is impermissible because it 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*, 530 U.S. at 309–10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Promoting “Judeo-Christian values,” through the Hill Institute, and Christianity, as you did in your Christmas card, needlessly alienates the students, faculty, and community members who belong to the thirty-seven percent of Americans who are non-Christian, including the nearly one in three Americans who identify as religiously unaffiliated.¹⁰ At least a third of Generation Z (those born after 1996) have no religion,¹¹ with a recent survey revealing almost half of Gen Z qualify as “nones” (religiously unaffiliated).¹² WTAMU must be neutral with regard to religion in order to respect and protect the First Amendment rights of its community.

As a state university, WTAMU may not promote religion via the Hill Institute. Out of respect for the First Amendment and the religious diversity of the community, we also ask you to refrain from using state resources to promote your personal religious beliefs going forward. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Samantha F. Lawrence". The signature is written in a cursive style with a large initial 'S'.

Samantha F. Lawrence
Anne Nicol Gaylor Legal Fellow
Freedom From Religion Foundation

SFL:hmj

Enclosures

⁹ Walter Wendler, *A Personal Reflection For the Season*, Dec. 23, 2023, <https://walterwendler.com/2023/12/23/>.

¹⁰ Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

¹¹ Samuel J. Abrams, *Perspective: Why even secular people should worry about Gen Z’s lack of faith*, Deseret News (Mar. 4, 2023), www.deseret.com/2023/3/4/23617175/gen-z-faith-religious-nones-civic-life-volunteers-charity

¹² 2022 Cooperative Election Study of 60,000 respondents, analyzed by Ryan P. Burge, www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.



Dear WT Family;

The Christmas and holiday season brings about a festive spirit. The hustle and bustle of shopping malls, carols being sung, the consumption of baked goods, the togetherness of people, and most importantly, celebrating the birth of Jesus Christ all make Christmas so special. In the Texas Panhandle, folks celebrate the season through different faith communities while having a regard for others. We trust that families will be giving during this time of year while contributing to economic prosperity in the community. Panhandle people have great virtue, patriotism for one's country and work hard in their daily endeavors. This rugged individualism is celebrated this time of year by the giving of gifts, recognizing a performance culture of those who excel. All of this to say that during this season of reflection, it is important to recognize the personal responsibility of others.

"Every good gift, every perfect gift, comes from above. These gifts come down from the Father, the creator of the heavenly lights, in whose character there is no change at all." James 1:17

In 1914, on Christmas Eve, a soccer game brought two opposing groups together. The "Christmas Truce" is storied to be one of the oddest moments of the First World War. On that December night, German and British troops put their differences aside and took part in a soccer game. Some would call that "a Christmas miracle." I believe this story is a tremendous example of how athletics can link people together to create something magical.

*"The weapons we fight with are not the weapons of the world. On the contrary, they have divine power to demolish strongholds."
2 Corinthians 10:4*

At West Texas A&M University, we combine the power of Texas Panhandle values with personal values we bring with us. This one-two punch creates excellence inside and outside of the classroom. WT is blessed with talented students, dedicated faculty, exceptional staff, and generous donors. We are grateful for those in the WT Family Community.

WT, the Panhandle's University, is committed to serving the Panhandle first, then the world, as detailed in the long-range plan WT 125: From the Panhandle to World. We are making progress every day through rigorous academic programs, regional responsive research, and excelling in athletics.

"The very nature of intercollegiate athletic competition unites a university with the broader community it serves. Athletics brings students, local citizens, parents and alumni together in a way that no other entity on campus can do."
wtamu.edu/wt125athletics

As we celebrate the birth of Jesus Christ, Mary and I wish you all a Merry Christmas and Happy Holiday season. The Texas Panhandle is the best place to be and we're thankful every day to call it home.

*"And he answered, 'You shall love the Lord your God with all your heart and with all your soul and with all your strength and with all your mind, and your neighbor as yourself."
Luke 10:27*

May God Bless each of you and West Texas A&M University.
On, On Buffaloes!

Walter and Mary Waudler