

FREEDOM FROM RELIGION *foundation*

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July 6, 2023

SENT VIA EMAIL AND U.S. MAIL: governor@utah.gov

The Honorable Spencer Cox
Governor's Office
350 N. State Street, Suite 200
P.O. Box 142220
Salt Lake City, UT 84114-2220

Re: "Day of Prayer" Proclamation

Dear Governor Cox:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) and our Utah membership to object to your recent "Day of Prayer" proclamation. FFRF is a national nonprofit organization with more than 40,000 members across the country and more than 200 in Utah. Our 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 issued an official proclamation declaring July 2, 2023, as a "Day of Prayer and Thanksgiving." In your proclamation, you state:

Utahns across the state poured their hearts into prayers to receive needed water to combat the intensifying drought... by praying collaboratively and collectively and asking our higher powers for more snow and rain, Utah received record-breaking snowfall this winter season and ideal spring runoff circumstances... we believe there is real power in people of all different faiths and backgrounds uniting together and pleading for help from a higher authority... we want to express our gratitude and appreciation for the water our state has received...

Please see a copy of the proclamation attached.

It is fine to be thankful that Utah has received significant precipitation this year, but by couching your message in religious terms and promoting religious worship, your message excludes many citizens who do not believe in a deity who answers prayer. For this and the reasons spelled out below, we ask that you refrain from making similar proclamations in the future, and ensure that the state's response to future events is based on methods grounded in science.

The Establishment Clause in 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 Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *see also 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 Utah citizens to pray, you abridge your duty to remain

neutral and to respect the freedom of conscience of all Utah 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.

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 Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). When the government urges its citizens to pray, reasonable citizens will interpret this as official government support of religion.

As an elected official, you represent a diverse population from many religious backgrounds, including agnostics and atheists who do not believe in prayer. Even if this proclamation may not necessarily offend non-Mormon or non-Christian Utahans, it still excludes those of no religious faith. Any prayer proclamation or government-sponsored religious activity alienates non-Christians and nonbelievers in the state of Utah and sends the message “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.” *Lynch v. Donnelly*, 465 U.S. at 668, 688 (1984) (O’Connor, J., concurring). This proclamation unabashedly promotes a religious ritual and alienates the nearly 30 percent of adult Americans who are religiously unaffiliated.¹

May we point out that today the religiously unaffiliated, better known as the “Nones,” are the fastest-growing segment of the population by religious identification? PRRI’s definitive census on religion, which documents affiliation by county, shows that fully 28 percent of Salt Lake City residents are “Nones.”² Overall, at least 22 percent of Utahans have no religion.³ They, too, are your constituents, and care as much about the drought as religious Utahans. They simply do not believe in the efficacy of appealing to supernatural forces, that rainfall or snowfall is doled out by a capricious deity as a reward or punishment based on whether enough people groveled to it. They subscribe to FFRF’s motto, “Nothing fails like prayer,” know that we cannot look to a deity to solve our problems for us, and that it would be far more effective for the government to prioritize climate change mitigation than to engage in wishful thinking.

Government officials may worship, pray, and participate in religious events in their personal capacities. But they may not provide credibility or prestige to their religion by lending a government office and government title to religious events. Their office and title belong to “We the people,” not the offices’ temporary occupants. As an elected official, you have taken an oath of office to uphold the secular U.S. Constitution and must avoid using your public office to promote or advance your personal religious beliefs.

¹ 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/.

² PRRI 2021 Census of American Religion:

<https://www.ppri.org/spotlight/ppri-2021-american-values-atlas-religious-affiliation-updates-and-trends-white-christian-decline-slows-unaffiliated-growth-levels-off/>

³ PRRI, *The Atlas of American Values* (2022):

<https://ava.ppri.org/#religious/2022/States/religion/m/US-UT>

As a matter of policy, an official day of prayer proclamation is inappropriate and unnecessary. Promotion of prayer by elected officials raises the distasteful appearance of political pandering to appeal to or appease a vocal religious constituency. As Utah's highest elected official, you are charged with great responsibility and have been given significant trust by citizens, including those citizens who may not share your personal religious viewpoints. Leaving prayer as a private matter for private citizens is the wisest public policy. The state of Utah is constitutionally prohibited from supporting religion over nonreligion, as it has done here. Please respond in writing with the steps that you will take to avoid constitutional violations of this nature in the future.

Very truly,

A 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



Spencer J. Cox
Governor

Declaration

Whereas, Utah is one of the driest states in the nation and has experienced drought conditions in various parts of the state nearly every year since 2000;

Whereas, Utah experienced “extreme” and “exceptional” drought conditions statewide during 2022;

Whereas, Utahns had to reevaluate how to conserve and use water resources wisely and sparingly;

Whereas, Utahns across the state poured their hearts into prayers to receive needed water to combat the intensifying drought;

Whereas, Utah residents come from a variety of religious denominations, affiliations and beliefs;

Whereas, Utahns not only expressed faith and hope through prayer, but have done their part statewide, conserving billions of gallons of water in whatever ways they were able;

Whereas, by praying collaboratively and collectively and asking our higher powers for more snow and rain, Utah received record-breaking snowfall this winter season and ideal spring runoff circumstances;

Whereas, we believe there is real power in people of all different faiths and backgrounds uniting together and pleading for help from a higher authority; and,

Whereas, we want to express our gratitude and appreciation for the water our state has received;

Now, therefore, I, Spencer J. Cox, governor of the state of Utah, do hereby declare July 2, 2023, as a

Day of Prayer and Thanksgiving

Spencer J. Cox
Governor