

# FREEDOM FROM RELIGION *foundation*

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March 23, 2020

**SENT VIA EMAIL ONLY: gherbert@utah.gov**

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

Re: "Weekend of Prayer" Proclamation

Dear Governor Herbert:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) and our Utah membership to object to your recent "Weekend of Prayer" proclamation. FFRF is a national nonprofit organization with more than 31,000 members across the country. 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 issued an official proclamation declaring March 20-22, 2020, as a "Weekend of Prayer and Service in Utah." In your proclamation you state:

. . .we all stand in great need of comfort during these times of fear and uncertainty . . . I believe that such comfort can be found as we feel the guiding hand of God in our lives . . . I invite all Utahns to join me in prayer for guidance, comfort, patience, and healing as we face the COVID-19 pandemic . . . we will get through these hard times, particularly as we come together as a community, and we hold to our faith in God. . .

We agree that "we all stand in great need of comfort" now, but 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 religious proclamations in the future, and ensure that the state's response to the pandemic is based on methods grounded in science.

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 Utah 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 includes those of non-Mormon or non-Christian faiths, it still excludes those of no religious faith. Non-religious Americans make up the fastest growing segment of the U.S. population by religious identification – 35 percent of Americans are non-Christians,<sup>1</sup> and this includes the more than one in four Americans who now identify as religiously unaffiliated.<sup>2</sup> Any prayer proclamation or activity “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 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.

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<sup>1</sup> *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/>.

<sup>2</sup> *Id.*

As a matter of policy, an official weekend 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 the state'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.

We appreciate your attention to this matter, and encourage you 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.

Very truly,

A handwritten signature in blue ink, reading "Annie Laurie Gaylor Dan Barker". The signature is written in a cursive, flowing style.

Annie Laurie Gaylor & Dan Barker  
Co-Presidents

ALG/DB:cal