

# FREEDOM FROM RELIGION *foundation*

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September 29, 2021

**SENT VIA FAX & U.S. MAIL: (518) 474-3767**

The Honorable Kathy Hochul  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Re: Your inappropriate religious remarks

Dear Governor Hochul:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) and our New York membership first to thank you for getting behind the Covid-19 vaccine and using your “bully pulpit” to promote it. However, we hasten to add that the gubernatorial office is not a literal “pulpit,” and we are therefore writing to object to recent troubling religious remarks made in your official capacity as governor while discussing the pandemic and the state’s response. FFRF is a national nonprofit organization with more than 35,000 nonreligious members across the country, including nearly 1,900 members in New York. 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 on September 26, 2021, you attended a service at Christian Cultural Center in Brooklyn. A transcript of these remarks has been published via official gubernatorial communication channels and on your office’s official website. To begin, we’d like to praise *you* for your compassionate remarks about “getting “money out to the people who need it,” and your expressed empathy for those suffering because of the pandemic.

However, according to the transcript, you then said that when you talk to young people living through this troubling time. you tell them, **“God let you survive this pandemic because he wants you to do great things someday. He let you live through this when so many other people did not and that is also your responsibility.”**<sup>1</sup>

We find such statements troubling. They would seem to be saying that “God” did not want “great things” for the 1 in 500 Americans who have died in the pandemic, including many young people and children. If “God let you survive,” therefore,

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<sup>1</sup><https://www.governor.ny.gov/news/rush-transcript-governor-hochul-attends-service-christian-cultural-center>

according to such logic, he apparently deliberately let others less valued die. This religious ideology expresses deeply insensitive reasoning.

You went on to explain:<sup>2</sup>

We are not through this pandemic. I wished we were but I prayed a lot to God during this time and you know what - **God did answer our prayers. He made the smartest men and women, the scientists, the doctors, the researchers - He made them come up with a vaccine. That is from God to us and we must say, thank you, God. Thank you.** And I wear my 'vaccinated' necklace all the time to say I'm vaccinated. All of you, yes, I know you're vaccinated, you're the smart ones, **but you know there's people out there who aren't listening to God and what God wants.** You know who they are.

While once again commending your strong support of vaccination and the measures you have taken to fight this global pandemic, we must remind you that the vaccine did not come from on high, like manna, from a deity. It was developed thanks to the heroic scientists, doctors, and researchers that you alluded to (plus vast public funding). These *people*, not some conjured deity, deserve our thanks and praise. Your deity even gets the credit for making the scientists smart! You credit prayer, including your own prayer, for the vaccination breakthroughs ("God did answer our prayers"). As FFRF's founder, Anne Nicol Gaylor, put it: Nothing fails like prayer. The unanswered prayers could fill the universe. Had those researchers and scientists got down on their knees and prayed instead of applying their own knowledge and ingenuity almost nonstop during the stress of the pandemic lockdown to help save humanity, there would be no health- and life-saving vaccines.

You continued:<sup>3</sup>

**I need you to be my apostles.** I need you to go out and talk about it and say, we owe this to each other. We love each other. **Jesus taught us to love one another** and how do you show that love but to care about each other enough to say, please get the vaccine because I love you and I want you to live, I want our kids to be safe when they're in schools, I want to be safe when you go to a doctor's office or to a hospital and are treated by somebody, you don't want to get the virus from them. You're already sick or you wouldn't be there.

I've been a public servant my whole life and **I believe there is a strong intersection between the teachings of the New and the Old Testaments and what we have been told to do**, the lessons we've been given, delivered to us in places like this all over America,

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

<sup>3</sup> *Id.*

and if we're listening to those messages, **it's calling all of us but particularly those who've been called to serve as public servants, positions like Governor and Congressman, Assemblymember, Council Member**, all of us have an extra weight of responsibility because as you heard in the earlier songs today and they're so beautiful and I thank them for lifting my heart and my soul listening to music, one of the messages was, **God will keep his promise to you. God will keep his promise to you.**

We agree that those who are vaccinated should, in the secular sense, be “evangelists” for the good news about how vaccinations protect health and life. But it is highly unfortunate that you couched such cheerleading by invoking a sectarian Christian belief in Jesus, particularly when a third of the U.S. population today (most of them unaffiliated) identifies as non-Christian. You made remarks in a Christian church, but as a public official you must direct your remarks to include all your constituents, rather than assuming they are all Christian or implying they ought to be Christian. 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>4</sup> and this includes the more than one in four Americans who now identify as religiously unaffiliated.<sup>5</sup> Any official religious endorsement by your office “sends the ancillary message to . . . non-adherents ‘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*).

We would likewise agree with you for saying vaccinated Americans are “the smart ones,” or at least we would praise such Americans for being guided by reason and science. In fact, atheists are the most vaccinated Americans,<sup>6</sup> and the individuals most in favor of vaccinations. The individuals least apt to be vaccinated and most opposed to vaccinations are white evangelicals,<sup>7</sup> those who also claim to know what “God” wants.

We also commend you for becoming the first female governor of New York, a triumph that, as you noted, will allow “other women . . . to follow behind [you] and step into the roles of power.” But it is a misuse of your public office to promote your personal religious views, and certainly to anoint yourself as “God’s” emissary telling New York citizens what “God” wants.

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<sup>4</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>5</sup> *Id.*

<sup>6</sup> 10 Facts about Americans and Coronavirus Vaccines, Pew Research Center. <https://www.pewresearch.org/fact-tank/2021/09/20/10-facts-about-americans-and-coronavirus-vaccine/>

<sup>7</sup> *Id.*

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 these religious remarks from your office in your official capacity as governor, 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.

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 a governor issues official religious statements, reasonable citizens will interpret this as government endorsement of religion.

In conclusion, we ask that you refrain from using your office to make proselytizing and exclusionary religious remarks in future, instead continuing to focus on the real, meaningful actions you have been taking to ensure that the state’s response to the pandemic is based on the science that will protect us. As governor, please remain cognizant that you have taken an oath to uphold and defend the U.S. Constitution, an entirely godless and secular document, and are charged with great responsibility over citizens, including those many citizens who may not share your personal religious viewpoints. In short, we encourage you not only to stand up for the science of inoculation, but to stand up for the constitutional principle of the separation between state and church, which unites and protects all citizens.

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