

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 › MADISON, WI 53701 › (608) 256-8900 › WWW.FFRF.ORG

September 22, 2023

SENT VIA FAX ONLY: (334) 242-3282

The Honorable Kay Ivey
Office of the Governor
State Capitol
600 Dexter Avenue
Montgomery AL 36130

Re: Alabama government officials abusing positions by promoting religion

Dear Governor Ivey:

We have received your letter of September 22, 2023.

We are writing in response to your letter regarding our recent letters to Auburn University and Snead State Community College concerning Establishment Clause infractions. We have written to you in the past regarding your denigration of the constitutional principle of separation between church and state and the use of your position to advance your personal religious beliefs.^{1 2}

We appreciate that you state: “As Governor of Alabama, I take seriously my responsibility to faithfully execute the laws and that includes safeguarding the religious freedom of *all* Alabamians, religious and nonreligious alike.” Overall, 3-in-10 adult Americans today identify as “atheist, agnostic or nothing in particular.”³ In Alabama, at least 20 percent are unaffiliated.⁴ You are indeed the governor of nonreligious Alabamans and religious minorities, as well as the majority who identify as Christian in some way.

¹ Letter to the Honorable Kay Ivey, April 6, 2020: ffrf.org/images/IveyALletter.pdf.

² Letter to the Honorable Kay Ivey, December 27, 2017: ffrf.org/images/GovernorALsocialmediareligiousposts.pdf.

³ About three in ten U.S. adults are now religiously unaffiliated (Dec. 14, 2021): www.pewresearch.org/religion/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/#:~:text=C%20about%20three%20in%20the%20U.S.,asked%20about%20their%20religious%20identity.

⁴ American Values Atlas, PRRI: ava.prri.org/#religious/2022/States/religion/m/US-AL.

However, we are sorry to see you use your gubernatorial podium to advocate that public universities and state officials should infuse personal religious beliefs with their civil and secular positions.

You write that you are concerned about the religious freedom of coaches or presidents at public universities to “seek to be true to themselves—and to God—as they live out their lives and seek to do their jobs to the best of their abilities.” FFRF too is a firm believer in true religious liberty and the Free Exercise Clause. We did not say that college officials should be required “to entirely remove faith from their lives” — only that they must not promote faith in their official capacities.

There is no nation where believers have more freedom. University administrators and coaches are free to express their religious beliefs in their private capacity outside of their role as public officials. They are free to attend and support churches, proselytize their own children and otherwise engage in religious rituals in their private lives. But it is coercive, inappropriate and unconstitutional for them to push their personal religious beliefs on others, particularly students or subordinates, while serving in their official capacity as government officials. Requiring university officials to respect the religious diversity of students and taxpayers is a far cry from “purging” religion from those universities. Coach Freeze’s decision to baptize one of his players is only the latest in a long string of proselytizing activities in which Freeze has engaged in using his position as a coach dating back to his time at Ole Miss. We document this history, as well as Auburn’s long history of permitting its coaches and their chaplains to proselytize students in a report titled “Pray to Play.”⁵ Students at a public university should not be requested by coaches or other university employees to attend religious events, to be baptized by them, or otherwise participate in worship.

Not just university presidents or coaches but all citizens have rights of conscience, including the right to be free from religious dictation by government officials, who are paid by tax dollars and whose job description is entirely secular. For example, our complainant at Snead State Community College is, like College President Joe Whitmore, a state employee. They and other employees should not be subjected to religious coercion from their boss, a public college administrator. Employees should not be forced to choose between their own convictions or being required to show obeisance to or participate in a superior’s religion. That is insupportable. The complainant was not able to express honest viewpoints or share concerns with the

⁵ ffrf.org/images/PraytoPlayReport.pdf.

college's president without jeopardy, without outing themselves as a nonbeliever or non-Christian and risking reprisal, embarrassment and stigmatization.

Those who are truly concerned about the religious freedom of *all* Alabamians would stand up for any government employee being pressured to conform to the majority religion. A cowardly defense of the majority does nothing to protect religious freedom for the minority or those who dissent from religion, whose rights are protected under the Bill of Rights. The separation of church and state, a foundational American principle, protects everyone's rights of conscience, whether orthodox believer or proud atheist. Assuring that the government stays secular is the only way to protect *everyone's* right to religious liberty.

Contrary to your assertion, this is not about purging religion from our public institutions, nor does our nation legally have a "religious heritage." Quite the contrary, the United States of America was founded on the basis of Enlightenment principles. The Framers of our Constitution adopted a godless Constitution whose only references to religion are exclusionary — such as barring any religious test for public office. They deliberately and purposefully invested sovereignty not in a deity, but in "We the People." The Framers had learned from the mistakes of European nations and many of the individual colonies that had stampeded over religious freedom by uniting church and state. This secular heritage is enshrined in Art. I § 3 of the Alabama Constitution, which states:

That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination, or mode of worship; that no one shall be compelled by law to attend any place of worship; nor to pay any tithes, taxes, or other rate for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this state; and that the civil rights, privileges, and capacities of any citizen shall not be in any manner affected by his religious principles.

These are the principles that define American religious liberty.

Finally, we are dismayed that you belittle one of the primary purposes of the Freedom From Religion Foundation — and the First Amendment's Establishment Clause. You denigrate the fact that FFRF's "self-avowed purpose is to promote a strict view of so-called 'separation of church and state.'" Any student of history

knows that Thomas Jefferson as president coined this metaphor in an official response on January 1, 1802,⁶ to a question from the Baptists of Danbury as to the meaning of the Establishment Clause. The useful metaphor of a “wall of separation between church and state” historically was adopted by the federal courts and the Supreme Court. The First Amendment and its Establishment Clause are couched in absolutes, and the only way to honor the Establishment Clause is by a “strict view.”

Your remarks denigrating the separation between church and state send an unfortunate official message in support of religion over non-religion by the highest executive office in the state—a message that inevitably excludes many of your constituents and has a proselytizing effect. Choosing yet again to use your office to promote your personal religious beliefs is counter-productive to defending true religious freedom.

You took an oath of office to “support, obey, and defend the Constitution of the United States, and the Constitution of the State of Alabama,” not to promote “worship,” to disseminate your personal religious beliefs through your office or to otherwise evangelize. Please uphold that oath.

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

⁶ Thomas Jefferson to Danbury Baptists, Jan. 1, 1802: www.loc.gov/loc/lcib/9806/danpre.html.