

FREEDOM FROM RELIGION *foundation*

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September 17, 2021

SENT VIA FAX & U.S. MAIL: (605) 773-4711

The Honorable Kristi Noem
Governor of South Dakota
Office of the Governor
500 East Capitol Avenue
Pierre, S.D. 57501

Re: Your unconstitutional school prayer plan

Dear Governor Noem:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) and our South Dakota membership to object to your recent troubling religious remarks suggesting our society has degraded as we have become more secular and your plan to force prayer into South Dakota's public schools. FFRF is a nationwide nonprofit organization with more than 35,000 members across the country, including members in South Dakota. FFRF's purposes are to protect the constitutional separation between state and church and to educate the public on matters related to nontheism.

On September 16, 2021, during an interview with David Brody discussing "the spiritual state of our county," you suggested that our society and culture has degraded as we have become more secular and explained you will be proposing legislation that would put prayer into schools:¹

We've seen our society, our culture, degrade as we've removed God out of our lives. . . . When I was growing up, we spent every Sunday morning, every night, every Wednesday night in church. Our church family was a part of our life. We read the Bible every day, as a family, together. . . . I don't know if families do that as much anymore, and those Biblical values are learned in the family, and they're learned in church when the doors are open so people can be there and be taught. We in South Dakota have decided to take action to really stand for biblical principles. We had a bill that was passed . . . two years ago that put the motto 'In God We Trust' in every single school building. It is displayed now in every K-12 school building in the state of South Dakota. And I have legislation I'll be proposing this year that will allow us to pray in schools again. I really believe that focusing on those

¹ <https://americasvoice.news/video/L2qvOIS9sR9VvkGm/>

foundational biblical principles . . . will help us heal this division we see taking over our country.

This isn't the first time that you have suggested you will use your position as Governor to push religion in schools. At a Des Moines, Iowa, summit hosted July 16 by Christian lobbyist group The FAMiLY Leader, religious leaders and politicians spoke on embedding Christianity into government. You proclaimed, "In South Dakota, I'm putting prayer back in our schools."²

Perhaps ironically, you tweeted this morning, "Happy Constitution Day! Now let's go defend it." But your continuous promotion of religion through your position as Governor and your desire to force prayer onto public school students clearly violates the very Constitution that you are encouraging others to "defend." The Supreme Court has reiterated 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).

As this is Constitution Day, it is important to remember that the United States was first among nations to separate religion from government. Our founders did not claim a pipeline to a divinity, investing sovereignty not in a deity but in "We, the People." This wisdom has largely protected the United States from the religious slaughter and persecution rife around the world and historically whenever the government and religion are aligned:

"There is no such source and cause of strife, quarrel, fights, malignant opposition, persecution, and war, and all evil in the state, as religion. Let it once enter our civil affairs, our government would soon be destroyed. Let it once enter our common schools, they would be destroyed." *State ex rel. Weiss v. Dist. Bd. of Sch. Dist. No. 8 of City of Edgerton*, 76 Wis. 177, 44 N.W. 967, 981 (1890).

The Supreme Court has continually struck down school-sponsored prayer in public schools because it constitutes a government endorsement of religion, which violates the Establishment Clause of the First Amendment and interferes with the personal conscience of students. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962) (declaring school-sponsored prayers in public schools unconstitutional); *Abington Twp. Sch. Dist. v. Schempp*, 374 U.S. 203 (1963) (declaring unconstitutional devotional Bible reading and recitation of the Lord's Prayer in public schools); *Lee v. Weisman*, 505 U.S. 577 (1992) (ruling prayers at public school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law requiring daily one minute "period of silence . . . for meditation or daily prayer").

² <https://www.kotatv.com/2021/07/20/governor-kristi-noem-hints-putting-prayer-back-public-schools/>

Your continued promotion of religion and desire to put religion in school is insulting to citizens who do not believe in a deity and yet live happy, moral lives. Nonreligious Americans make up the fastest-growing segment of the U.S. population by religious identification — 35 percent of Americans are non-Christians, and this includes the more than one in four Americans who now identify as religiously unaffiliated.³ The nonaffiliated, in fact, are now the largest demographic by “denomination.”⁴

Your suggestion that society has somehow degraded as more and more people have moved away from religion “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*).

As governor, you have many tools to actually help improve society and the lives of those living in South Dakota, yet you have eschewed using your position for good and instead, because of your religious blinkers, have misused your office to promote your personal religious views and to push them onto South Dakota’s students. Your assertion that society and culture has degraded as we’ve removed God from our lives couldn’t be further from the truth. Scientific studies show that societies with less religion are better off.⁵ When any given factor of societal health or well being is measured, invariably the *less* religious countries score better. The *least religious countries* of this world:

- Have the lowest rates of violent crime and homicide
- Are the best place to raise children and be a mother
- Have the lowest rates of corruption
- Have the lowest levels of intolerance against racial and ethnic minorities
- Score highest when it comes to women’s rights and gender equality
- Have the greatest protection and enjoyment of political and civil liberties
- Are better at educating their youth in reading, math, and science
- Are the most peaceful and the most prosperous
- Have the highest quality of life⁶

The pattern of lower religiosity to higher societal well being also exists within the United States. Those states that are the most religious also have a high occurrence

³ *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/>.

⁴ *Id.*

⁵ In a synthesis of the latest social scientific research concerning some of these issues see Zuckerman, Phil. 2009. ‘Atheism, Secularity, and Well-Being: How the Findings of Social Science Counter Negative Stereotypes and Assumptions.’ *Sociology Compass*, Vol. 3 Issue 6, 949-971.

⁶ Zuckerman at 960–61 (internal citations omitted).

of societal ills.⁷ States that tend to be among the *most religious* in the nation have the highest rates of violent crime and murder.⁸

These studies do not prove that religion causes all of society's ills, but it seems that your suggestion that our society and culture have somehow degraded as we have "removed God out of our lives" is not only wrong, but antithetical to reality.

On this Constitution Day, we ask that you, as governor of South Dakota, remain cognizant that you have taken an oath to uphold and defend the U.S. Constitution, an entirely godless and secular document. You have been charged with great responsibility over citizens, including those citizens who may not share your personal religious viewpoints. To avoid the constitutional concerns and the divisiveness your remarks have generated, ***the solution is simple: discontinue using your official office to promote your personal religion.*** Do something practical to improve society and the lives of South Dakotans rather than pushing religion in our public schools.

Very truly,



Annie Laurie Gaylor & Dan Barker
Co-Presidents

⁷ States that tend to be among the *most religious* in the nation have the highest rates of poverty, obesity, infant mortality, STDs, teen pregnancy, as well as, the lowest percentage of college educated adults. Zuckerman at 955, 961 (internal citations omitted).

⁸ Zuckerman at 955, 961 (internal citations omitted)