

FREEDOM FROM RELIGION *foundation*

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March 2, 2018

SENT VIA FAX & U.S. MAIL:
(573) 751-0774

The Honorable Josh Hawley
Attorney General of Missouri
P.O. Box 899
Jefferson City, MO 65102

Re: Unconstitutional Participation in “Pastors and Pews”

Dear Attorney General Hawley:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding your affiliation with “Pastors and Pews.” FFRF is a national nonprofit organization with more than 32,000 members across the country including about 400 members in Missouri. FFRF’s purposes are to protect the constitutional separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that you spoke at the “Pastors and Pews” event held in Kansas City on December 7, 2017. Invitations for the event (which was styled “Rediscovering God in America”) gave you top-billing as “special guest Josh Hawley, Missouri Attorney General.”¹ During your remarks, you referred to your service as Attorney General as “a form of ministry,” telling the crowd of your belief that:

“There is only one god. That god is Jesus Christ, who is seated on the throne and is lord over all and [...] as believers we are charged to take that message—that the lord reigns, that Jesus Christ reigns, that he is risen and is seated on the throne—we are called to take that message into every sphere of life that we touch, including the political realm.”

You later elaborate on this belief, saying:

“...our charge [is to] take the lordship of Christ, that message, into the public realm and to seek the obedience of the nations—of our nation... to influence our society, and even more than that, to transform our society our society to reflect the gospel truth and lordship of Jesus Christ.”²

¹ <http://theamericanrenewalproject.org/wp-content/uploads/2017/10/KCMO-2017-Renewal-Invitation-David-Lane-Final.pdf>

² “Josh Hawley at the American Renewal Project.” <https://www.youtube.com/watch?v=rw4BxVdrUnc>

We understand that “Pastors and Pews” events are a joint venture between the American Renewal Project and Issachar Training. Both of these organizations show a clear contempt for the separation of state and church enshrined in the First Amendment of our secular Constitution, actively seeking to use the levers of government to promote Christianity and encouraging churches and pastors to engage in politics. We further understand that you intend to speak at another “Pastors and Pews” event (with Missouri Secretary of State Jay Ashcroft) at the end of March.³

Given your highlighted attendance at the event—with specific reference to your government title and position—a reasonable observer would conclude that you participated in the event in your official governmental capacity. The Establishment Clause in the First Amendment to the U.S. Constitution 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. Board of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). Your participation in this event in your official capacity sends the message that you, as Attorney General, and thus the state of Missouri, prefer and endorse the Christian faith.

Government officials can of course worship, pray, and participate in religious events in their personal capacities. But they should not provide credibility or prestige to their religion by lending their government office and imprimatur to religious events. The office and the title belong to “We, the people,” not the office’s temporary occupant. There is, perhaps, no other elected office in which the need to observe state-church separation is more pressing than that of an attorney general, the highest law enforcement official in a jurisdiction whose sole and solemn duty is to enforce the law in a fair and impartial manner.

The content of your remarks only further solidifies the appearance of unconstitutional religious partiality. Your reference to your public service as “a form of ministry” and your assertion that, as a Christian, you are charged to “seek the obedience...of our nation” and “transform our society to reflect the gospel truth and lordship of Jesus Christ” stands in glaring defiance of the very Constitution that you swore an oath to uphold. Our First Amendment categorically bars our government from prescribing any religious tenet. As the Supreme Court eloquently put it: “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. If there are any circumstances which permit an exception, they do not now occur to us.” *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

The separation of church and state is among the most fundamental principles of our system of government, and as Missouri’s highest law enforcement official, you are charged to enforce the law as it is, not as you wish it to be. By virtue of your office, you have been imbued with great responsibility and significant trust by people of Missouri, including those

³ <http://theamericanrenewalproject.org/wp-content/uploads/2018/01/SLMO-2018-Renewal-Invitation-Draft-1-29-18.pdf>

who may not share your religious viewpoint. At this moment, 1 in 5 Missourians do not belong to any religion.⁴ It is your duty to serve these people—not to convert them.

If you won't hear it from us, hear it from yourself: toward the end of your remarks, you said that "there is no better or more important way to serve our neighbors, our non-believing neighbors... than to stand for their right to follow their conscience." On this, at least, it appears we agree.

Once the government enters into the religion business, conferring endorsement and preference for one religion over others, it strikes a blow at religious liberty, forcing taxpayers of all faiths and of no religion to support a particular expression of worship. The only way to ensure that our governments respect religious liberty is to forbid them from taking a position on matters of religion. Or, as we say here, there can be no freedom *of* religion without freedom *from* religion in government.

We ask that you immediately disassociate your office from "Pastors and Pews" and cancel your official appearance at the upcoming event. We appreciate your attention to this matter, and we encourage you to stand up for the constitutional separation between church and state, which unites and protects all citizens, believers and non-believers alike.

Very truly,



Annie Laurie Gaylor
Co-President

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⁴ Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.