

# FREEDOM FROM RELIGION *foundation*

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January 15, 2020.

**SENT VIA U.S. MAIL, FAX (405-521-3353), and EMAIL:**  
[RESTORE@sps.ok.gov](mailto:RESTORE@sps.ok.gov)

The Honorable Kevin Stitt  
Governor  
Capitol Building  
2300 Lincoln Blvd., Rm. 212  
Oklahoma City, OK 73105

Chip Keating  
RESTORE Task Force, Chair  
Secretary of Public Safety  
3600 North Martin Luther King Ave.  
Oklahoma City, OK 73111

Re: RESTORE Task Force recommendation to create Seminary/Bible college

Dear Gov. Stitt and Secretary Keating:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to object, on constitutional grounds, to the recommendation by the criminal justice reform task force to install a seminary or Bible college in the state correctional system. FFRF is a national nonprofit organization with more than 30,000 members across the country, including Oklahoma citizens who object to this recommendation to entangle religion and government. FFRF's purposes are to protect the constitutional separation between state and church and to educate about nontheism.

We understand that the Criminal Justice Reentry, Supervision, Treatment and Opportunity Reform (RESTORE) Task Force issued its initial recommendations on January 10.<sup>1</sup> One recommendation was to create “an accredited seminary or Bible college program in our corrections system.” The recommendation continues, “Funding for this program will be raised by leveraging private donors” and that “[s]imilar programs in other states have successfully trained inmates to be counselors to their fellow inmates, which has in turn decreased violent crime and given inmates something positive to work towards within the prisons.”

This plan is both unconstitutional and unwise.

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<sup>1</sup> The initial report is available here: <https://www.governor.ok.gov/static-assets/documents/RestoreTaskForceInitialReport.pdf>  
Barbara Hoberock, “Gov. Stitt’s criminal justice reform task force recommends Bible college for inmates,” *Tulsa World* (Jan 11, 2020) at <http://bit.ly/35QT5zc>.

### **The recommendation is unconstitutional.**

The Supreme Court has said time and again that the First Amendment “mandates governmental 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) (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985)) (emphasis added). Additionally, the Supreme Court has mandated that “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee v. Weisman*, 505 U.S. 577, 589 (1992) (O'Connor, J., concurring)).

It is inappropriate to utilize the machinery of the state to promote one religion over another, or religion over nonreligion. The government may accommodate prisoners who wish to worship in a certain way, but the government cannot plan and implement religious schooling, much less a seminary, or a Bible college for prisoners. Courts have regularly found such programs to be unconstitutional. *See, e.g., Doe v. Porter*, 188 F.Supp.2d 904, 914 (E.D. Tenn. 2002), *aff'd*, 370 F.3d 558 (6th Cir. 2004); *Doe v. Human*, 725 F.Supp. 1503 (W.D.Ark.1989) (holding that a public school's elective Bible classes taught in the school's building during school hours violated the Establishment Clause), *aff'd*, 923 F.2d 857 (8th Cir.1990), *cert. denied*, 499 U.S. 922 (1991). In line with this precedent, after FFRF filed a federal lawsuit in 2006, *Freedom From Religion Foundation v. Gonzales*, 06-C-0244-S, the Federal Bureau of Prisons cancelled unconstitutional plans to set up “single-faith” programs in several prisons.

The fact that this Bible college might be funded with private donations or run as a voluntary program does not cure the constitutional violation. The state does not have the authority to build and administer a program for biblical education to serve a literally captive audience. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See, generally, Lee v. Weisman*, 505 U.S. at 596 (“It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Abington Sch. Dist. v. Schempp*, 374 U.S. 203, 288 (1963) (Brennan, J., concurring) (“Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question...”); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (“...VMI cannot avoid Establishment Clause problems by simply

asserting that a cadet's attendance at supper or his or her participation in the supper prayer are 'voluntary.' ”).

Both of you took an oath of office to uphold our entirely secular U.S. Constitution and the Oklahoma Constitution, which explicitly bars any public money or property to be used “directly or indirectly” for the benefit or support of “any sect, church, denomination or system of religion, or for the use, benefit or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.” (Article II, Bill of Rights) We ask that your offices work diligently to uphold this precious principle of a secular government, which has safeguarded true religious liberty in the United States.

**The recommendation is unwise and will not accomplish sought-after goals.**

RESTORE's recommendation relies on a common misconception that is factually wrong. Numerous studies have shown that morality does not require religion.<sup>2</sup> As Dr. Benjamin Beit-Hallahmi, a Ph.D. in clinical psychology, has written, “The claim that atheists are somehow more likely to be immoral has long been disproven by systematic studies.”<sup>3</sup>

A variation of RESTORE's recommendation has actually been evaluated and rejected by social psychologists. “If religion, prayer, or God-belief hindered criminal behavior, and secularity or atheism fostered lawlessness, we would expect to find the most religious nations having the lowest murder rates and the least religious nations having the highest.”<sup>4</sup> But “[w]e find just the opposite. Murder rates are actually lower in more secular nations and higher in more religious nations where belief in God is deep and widespread.”<sup>5</sup>

In fact, when any given factor of societal health or well-being is measured, it is invariably the *less* religious countries that score better. The *least religious* countries in the world:

- Have the lowest rates of violent crime, homicide, and corruption;
- Are the best place to raise children and be a mother;
- 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;

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<sup>2</sup> See Phil Zuckerman, *Atheism, Secularity, and Well-Being: How the Findings of Social Science Counter Negative Stereotypes and Assumptions*, 3 SOCIOLOGY COMPASS 949–71 (2009).

<sup>3</sup> Benjamin Beit-Hallahmi, *Atheists: A Psychological Profile* in THE CAMBRIDGE COMPANION TO ATHEISM 300–17 (Michael Martin, ed., Cambridge Univ. Press) (2007).

<sup>4</sup> Zuckerman at 955 (internal citations omitted).

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

- Are better at educating their youth in reading, math, and science; and
- Are the most peaceful, the most prosperous, and have the highest quality of life.<sup>6</sup>

The correlation of lower religiosity with higher societal well-being is not limited to an international analysis. This trend also exists within the United States. Within America, the states with the highest murder rates tend to be highly religious, such as Louisiana and Alabama, but the states with the lowest murder rates tend to be among the least religious in the country, such as Vermont and Oregon.”<sup>7</sup> Those states that are the most religious also have a high occurrence of other societal ills. **The *most* religious states in the nation tend to have the highest rates of poverty, obesity, infant mortality, sexually transmitted diseases, teen pregnancy, murder, and violent crime.**<sup>8</sup>

### **Your prisons are already full of Christians.**

Christians are already vastly overrepresented in the prison population. America's bulging prisons are not full of atheists ... only 0.2 percent of prisoners in the United States of America are atheists — “a major underrepresentation.”<sup>9</sup>

That means this recommendation is both redundant and factually wrong. It's also a slap in the face to secular America. This recommendation diminishes the civil and political standing of nonbelievers and non-Christian and constitutes an impermissible governmental establishment of an official state religion. If the state establishes a Bible college this diminishes the full citizenship of more than one-quarter of Americans (26 percent are religiously unaffiliated and nearly 30 percent are non-Christians) either practicing a minority religion or no religion at all.<sup>10</sup> Younger Americans are not just religiously unaffiliated, they often identify as atheist or agnostic. A recent survey found that 21 percent of Americans born after 1999 are atheist or agnostic.<sup>11</sup>

Finally, it is relevant, given the recommendation to open a Bible college in your prisons, to point out that the Bible is a behavioral grab-bag espousing violence and many primitive and outmoded teachings. One of our American heroes, Thomas Paine, noted in *The Age of Reason*: “Whenever we read the obscene stories, the

<sup>6</sup> *Id.* at 960–61 (internal citations omitted).

<sup>7</sup> *Id.* at 955

<sup>8</sup> *Id.* at 955, 961 (internal citations omitted).

<sup>9</sup> Zuckerman at 955 (internal citations omitted).

<sup>10</sup> Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, Public Religion Research Institute (Sept. 6, 2017), available at [www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf](http://www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf).

<sup>11</sup> *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018), <https://www.barna.com/research/atheism-doubles-among-generation-z/>.

voluptuous debaucheries, the cruel and torturous executions, the unrelenting vindictiveness, with which more than half the Bible is filled, it would be more consistent that we called it the word of a demon, than the word of God. It is a history of wickedness, that has served to corrupt and brutalize mankind; and, for my part, I sincerely detest it, as I detest everything that is cruel.”

Historical reality reveals that religion commingled in the exercise of government authority is highly divisive. The Founders were well aware of the Holy Wars, and the horrors of the Inquisition, the Crusades, the 30 Years War, the 100 Years War, the fierce anti-Catholicism of the Puritans, and the persecution of various faiths in the individual colonies, etc., and they wanted no part of religion in government. That is why they became the first in history to adopt a godless Constitution, whose only references to religion are exclusionary.

Modern-day examples of religious violence provide further lesson as to why God and government present a dangerous mix. The Bible, in short, contains violent, homophobic, sexist and racist models of behavior that many non-Christians and nonbelievers find personally repugnant, and which potentially could encourage persons who rely on them to act in a manner harmful to them and others.

To comply with the U.S. Constitution and wise social policy, the recommendation to establish a Bible college in your prisons should be speedily rescinded or rejected. We look forward to your response.

Very truly,



Annie Laurie Gaylor & Dan Barker  
Co-presidents

ALG/DB:als