

FREEDOM FROM RELIGION *foundation*

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January 3, 2022

SENT VIA FAX AND U.S. MAIL
(202) 225-8259

The Honorable Nancy Pelosi
Speaker of the House of Representatives
1236 Longworth H.O.B.
Washington, DC 20515

Re: Unconstitutional and Inappropriate January 6 Prayer Vigil

Dear Madam Speaker Pelosi:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to object to a congressional prayer vigil that you recently announced to remember the attack of January 6, 2021. FFRF is a national nonprofit organization with more than 35,000 members across the country, including more than 4,700 members in California and a state chapter. FFRF protects the constitutional separation between state and church and educates about nontheism.

Your Dec. 30 letter to congressional colleagues announced events to take place on the anniversary of the January 6 insurrection and assault on the U.S. Capitol. These planned events begin with a prayer and conclude with a prayer vigil. You explained, “These events are intended as an observance of reflection, remembrance and recommitment, in a spirit of unity, patriotism and prayerfulness.”¹

This event, “Live from the Capitol: January 6th, One Year Later,” will be hosted by CNN anchors Anderson Cooper and Jake Tapper and broadcast nationally by CNN.

We commend you for holding a series of events this week as part of a “solemn observance” of the attack and how close our nation came to losing our democracy. But holding a religious service to mark this dark anniversary is doubly wrong.

The First Amendment to the U.S. Constitution prohibits government actors from using their position to endorse a religious message. Use of your office to promote the

¹ Dartunorro Clark, *Pelosi announces Capitol events to mark anniversary of Jan. 6 riot*, NBC News (Dec. 30, 2021).

“prayerfulness” of what should be a uniting and secular event sends a message that your office prefers religion over nonreligion. As Speaker of the House, your letter announcing the official prayer vigil encourages your colleagues to likewise mix their personal religion with their governmental duties. This improper marriage of state and church is precisely what the Establishment Clause prohibits.

The constitutional principle of separation between state and church helps unite diverse people — to unify us as a nation. Ignoring that founding American principle is counterproductive if your purpose is truly to bring Americans together in a spirit of unity. The Supreme Court has stated several times that one of the major reasons the founders chose to keep our government separate from religion is because religion is divisive: “The Framers and the citizens of their time intended to guard ... against the civic divisiveness that follows when the government weighs in on one side of religious debate; nothing does a better job of roiling society,” and “the divisiveness of religion in current public life is inescapable.” *McCreary County, Ky. v. American Civil Liberties Union of Ky.*, 876, 881 (2005). In fact, the “purposes of the First Amendment’s Religion Clauses [are] to assure the fullest possible scope of religious liberty and tolerance for all, to avoid the religious divisiveness that promotes social conflict, and to maintain the separation of church and state.” *Van Orden v. Perry*, 545 U.S. 677, 678 (2005).

Nonreligious Americans should not be made to feel like outsiders because their elected officials have inappropriately aligned their secular offices with religious beliefs. About 30 percent of Americans today are nonreligious.² Younger Americans are not just religiously unaffiliated, many identify explicitly as atheist or agnostic. A recent survey found that 21 percent of Americans born after 1999 are atheist or agnostic.³ It is unfortunate that your event unnecessarily appears to tie patriotism with piety — a truly unAmerican concept in a country that was first among nations to adopt a godless and entirely secular Constitution, barring any religious test for public office and upholding freedom of conscience for all.

Second, holding a prayer vigil in response to the events of January 6 is tone deaf and highly ironic, given the major role that Christian nationalism —and prayer itself — played in the insurrection. One of the goals of the insurrection was to unite church and state, and the insurrectionists clearly also believed “God was on their side.” In one of the most infamous moments from the insurrection, the so-called “QAnon Shaman” led the mob in a Christian prayer from the Senate dais:

² Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), available at www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

³ *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018), <https://www.barna.com/research/atheism-doubles-among-generation-z/>.

Thank you our Heavenly Father for this opportunity to stand up for our God-given unalienable rights. Thank you heavenly Father for being the inspiration needed to these police officers to allow us into the building; to allow us to exercise our rights; to allow us to send a message to all the tyrants, the communists, and the globalists, that this is our nation, not theirs. That we will not allow the America — the American way of the United States of America, to go down. ... Thank you for allowing the United States of America to be reborn. Thank you for allowing us to get rid of the communists, the globalists, and the traitors within our government. We love you and we thank you. In Christ's holy name we pray! Amen.

The insurrectionists prayed in the Rotunda and prayer circles dotted the crowd. The Proud Boys stopped to kneel in prayer as they marched to the Capitol. On the west steps, the founder of Cowboys for Trump prayed through a bullhorn while the crowd chanted, "Pray for Trump! Pray for Trump! Pray for Trump!"

One insurrectionist carried the Christian flag onto the floor of the Senate before rifling through senators' desks. The Christian nationalist insurrectionists stood united in their dangerous belief that only Christians can be "true" Americans, undermining the revolutionary and truly American ideal of an officially secular government. Holding a prayer vigil in remembrance of this explicitly Christian nationalist insurrection undermines your own message.

Government-sponsored religious events are inherently divisive and have no place in our secular democracy. This prayer vigil should be canceled. Instead we ask that you issue a strong statement condemning Christian nationalism and reaffirming your commitment to the U.S. Constitution and its guarantee of a secular government that represents *all* Americans, not just those who share your personal religious beliefs.

Very truly,



Annie Laurie Gaylor & Dan Barker

Co-presidents

ALG/DB:rdj/als