

FREEDOM FROM RELIGION *foundation*

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

September 6, 2024

SENT VIA EMAIL & U.S. MAIL: spencercox@utah.gov

The Honorable Spencer Cox
Governor's Office
350 N. State Street, Suite 200
P.O. Box 142220
Salt Lake City, UT 84114-2220

Re: "Day of Prayer" Proclamation

Dear Governor Cox:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) and our Utah membership to object to your most recent "Day of Prayer" proclamation. FFRF is a national nonprofit organization with more than 40,000 members across the country and more than 200 in Utah. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

Multiple concerned Utah residents have reported that you have continued your practice of issuing official prayer proclamations. It is our understanding that you recently issued an official proclamation declaring September 1, 2024, as a "Day of Prayer, Fasting and Contemplation." Please see a copy of the proclamation attached.

We agree with your assertion on social media that you made in announcing this proclamation that we need a "recommitment" to our longstanding constitutional principles.¹ We ask that you start by respecting the First Amendment and our secular government by not misusing your position as governor to promote prayer and religious belief.

Article 1, Section 4 of the Utah Constitution protects rights of conscience, bars the state from making any law respecting an establishment of religion and proclaims "There shall be no union of Church and State," nor shall any public money or property be appropriated for or applied to any religious worship, exercise or instruction. Your proclamation clearly violates these guarantees.

Likewise, the Establishment Clause in the First Amendment 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); *see also Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968);

¹ <https://x.com/GovCox/status/1829218075339837724>

Everson v. Bd. of Educ. of Ewing, 330 U.S. 1, 15-16 (1947). By issuing a proclamation calling on Utah citizens to pray, you abridge your duty to remain neutral and to respect the freedom of conscience of all Utah citizens. Whether to pray, and whether to believe in a god who answers prayer, is an intensely personal decision protected under our First Amendment as a matter of conscience.

The separation between state and church is one of the most fundamental principles of our system of government. The Supreme Court has specifically stated, “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.” *West Virginia Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). When the government urges its citizens to pray, reasonable citizens will interpret this as official government support of religion.

As an elected official, you represent a diverse population from many religious backgrounds, including agnostics and atheists who do not believe in prayer. Even if this proclamation may not necessarily exclude non-Mormon or non-Christian Utahns who pray, it still excludes every single Utahn of no religious faith. Any prayer proclamation or government-sponsored religious activity alienates many non-Christians and nonbelievers in the state of Utah and sends them the message “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.” *Lynch v. Donnelly*, 465 U.S. at 668, 688 (1984) (O’Connor, J., concurring).

The religiously unaffiliated, better known as the “Nones,” are the fastest-growing segment of the population by religious identification. PRRI’s definitive census on religion, which documents affiliation by county, shows that fully 28 percent of Salt Lake City residents are “Nones.”² Overall, at least 22 percent of Utahns have no religion.³ They, too, are your constituents, and care as much about the future of our nation as religious Utahns. They simply do not believe in the efficacy of appealing to supernatural forces, and should not have to be subjected to the government instructing them to believe otherwise.

Government officials may worship, pray, and participate in religious events in their personal capacities. But they may not provide credibility or prestige to their religion by lending a government office and government title to religious events. Their office and title belong to “We the people,” not the offices’ temporary occupants. As an elected official, you have taken an oath of office to uphold the secular U.S. Constitution and must avoid using your public office to promote or advance your personal religious beliefs.

As a matter of policy, an official day of prayer proclamation is inappropriate and unnecessary. Promotion of prayer by elected officials raises the distasteful appearance of political pandering to appeal to or appease a vocal religious constituency. As Utah’s highest elected official, you are

² PRRI 2021 Census of American Religion:

<https://www.ppri.org/spotlight/ppri-2021-american-values-atlas-religious-affiliation-updates-and-trends-white-christian-decline-slows-unaffiliated-growth-levels-off/>

³ PRRI, *The Atlas of American Values* (2022): <https://ava.ppri.org/#religious/2022/States/religion/m/US-UT>

charged with great responsibility and have been given significant trust by citizens, including those citizens who may not share your personal religious viewpoints. Leaving prayer as a private matter for private citizens is the wisest public policy. The state of Utah is constitutionally prohibited from supporting religion over nonreligion, as it has done here. Please rescind this proclamation and respond in writing with the steps that you will take to avoid constitutional violations of this nature in the future.

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

Enclosure



Spencer J. Cox

Governor

Declaration

Whereas, written in 1787, the U.S. Constitution is the world’s longest-surviving written charter of government, and for more than two centuries, the U.S. Constitution has retained strong governmental powers to safeguard liberty and equality through the divinely inspired separation of and balanced powers of federal and state governments;

Whereas, this creation of the Constitution depended on the wisdom, experience and dedication of delegates, and the continuation of this fundamental framework depends on our knowledge of history and personal commitment to America’s foundational moral principles that all people are created equal and have unalienable rights bestowed upon them by their Creator;

Whereas, America has faced devastating trials and fortuitous triumphs. America has responded with prayer seeking courage, comfort and guidance;

Whereas, our presidents and governors throughout our nation’s history have issued proclamations of prayer, fasting, contemplation, thanksgiving and humility to unite the people of America and to observe with solemnity the many blessings that the United States has experienced;

Whereas, the Preamble to the Utah Constitution begins with “Grateful to Almighty God for life and liberty, we, the people of Utah, in order to secure and perpetuate the principles of free government,” signifying the importance our state’s founders placed in faithful contemplation;

Whereas, we are a nation approaching a precipitous time in our democratic republic, and we must re-dedicate ourselves to the Constitutional framework that our founders fought, supported and died for, and we must learn from and understand the governing principles set forth in the Constitution;

Whereas, our nation is deeply divided on many issues, and the U.S. Constitution is central to depolarizing our nation and reuniting us as a people;

Whereas, the state of Utah joins with our nation’s first president, George Washington, in recommending “to all religious societies and denominations, and to all persons whomsoever, within the United States to set apart and observe... a day of public thanksgiving and prayer, and on that day to meet together and render their sincere and hearty thanks to the Great Ruler of Nations for the manifold and signal mercies which distinguish our lot as a nation, particularly for the possession of constitutions of government which unite and by their union establish liberty with order” and “at the same time humbly and fervently to beseech the kind Author of these blessings graciously to prolong them to us; to imprint on our hearts a deep and solemn sense of our obligations to Him for them; to teach us rightly to estimate their immense value;”

Now, therefore, I, Spencer J. Cox, governor of the state of Utah, do hereby declare Sept. 1, 2024, as

A Day of Prayer, Fasting and Contemplation

A handwritten signature in black ink, appearing to read "Spencer J. Cox". The signature is fluid and cursive, with a large initial "S" and "C".

Spencer J. Cox
Governor