



ORIGINAL

FILED
SUPREME COURT
STATE OF OKLAHOMA

DEC - 5 2024

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

JOHN D. HADDEN
CLERK

REV. DR. LORI WALKE, et al.,)

Petitioners,)

v.)

RYAN WALTERS, in his official capacity as)
STATE SUPERINTENDENT OF PUBLIC)
INSTRUCTION, et al.,)

Respondents.)

No. MA-122592

On Petitioners' application to assume
original jurisdiction and petition for
declaratory and injunctive relief and/or
a writ of mandamus against
respondents Ryan Walters, et al.

**PETITIONERS' SUPPLEMENTAL BRIEF
(FILED PER COURT ORDER OF NOVEMBER 21, 2024)**

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INTRODUCTION

No aspect of this case is moot. That is clear from the actions Superintendent Walters and the Oklahoma State Department of Education (collectively, “OSDE”) took after they canceled their initial request for proposals for Bibles: They spent \$24,540 to purchase 532 King James Version Bibles and delivered those Bibles to school districts. They repeatedly made clear that a new request for proposals for a much larger purchase of Bibles is forthcoming. Walters made numerous public statements reiterating his commitment to place a Bible in every public-school classroom in Oklahoma. And he again threatened educators who do not implement his Bible Education Mandate with serious negative consequences.

SUMMARY OF THE SUPPLEMENTAL RECORD

On November 7, 2024, OSDE canceled the request for proposals that it had issued on September 30 for Bibles for public-school classrooms. (RFP Webpage, PSA8.*) But on November 12, Superintendent Walters publicly stated that OSDE plans to “renew” the procurement process, that a new request for proposals would be “announc[ed] . . . soon,” and that “right now we’re in the process of purchasing a Bible for every classroom.” (KOCO 5 Interview Tr., PSA16; Tony Perkins Interview Tr., PSA19.)

Then, on November 14, OSDE purchased 532 “God Bless the USA” King James Version Bibles for \$24,540 (\$46.13 per Bible) for use in public-school classrooms. (Purchase Order, PSA33; *see also* Real America’s Voice Interview Tr., PSA56; *Home*, God Bless the USA Bible, <https://perma.cc/XQ58-9ZES> (last visited Dec. 3, 2024).) The \$24,540 amount was just below a \$25,000 statutory threshold that subjects state-agency purchases to

* “PSA” citations are to Petitioners’ Supplemental Appendix, filed on December 2, 2024. “PA” citations are to Petitioners’ original appendix, filed on October 17, 2024. An internet citation is given for a video interview released after the filing of the Supplemental Appendix.

competitive-bidding requirements. *See* 74 O.S. § 85.5(C)(10)(a). OSDE commenced distribution of the Bibles to school districts on November 20. (TheBlaze Interview Tr., PSA46; Glenn Beck Interview Tr., PSA50.)

In a press release issued the day of his Bible purchase, Walters stated that the purchase “is the first step toward providing Bibles for every classroom in the state,” that “[w]e are focused on ensuring we get Bibles available in every classroom in our state as quickly as we can,” and that “[t]his purchase is separate from a larger purchase detailed in a forthcoming Request for Proposal (RFP) from OSDE that will provide Bibles as well as the Pledge of Allegiance, the Declaration of Independence, the Bill of Rights and the U.S. Constitution for every classroom in Oklahoma.” (PSA26.) Walters also posted a video on X about the purchase that day, in which he stated, “We will not stop until we’ve brought the Bible back to every classroom in the state.” (PSA30.)

During the ten days that followed, Walters made numerous public statements touting his initial Bible purchase and his commitment and plans to buy Bibles for every Oklahoma public-school classroom. For example, he stated in a media interview, “[W]e’re bringing the Bible back . . . to the classroom. . . . [W]e are not going to back down on this issue.” (TheBlaze Interview Tr., PSA46.) He stated in another interview, “In Oklahoma, it’s going to get done. Prayer will be back in school. The Bible will be back in school.” (Glenn Beck Interview Tr., PSA51.) He posted on X, “We are going to have Bibles in every classroom in Oklahoma.” (PSA41.) He reposted an X post that stated, “AMERICANS WANT . . . THE BIBLE BACK IN SCHOOLS. @RyanWaltersSupt is working to bring Christianity back into the classroom.” (PSA55.) And he reposted an X post that stated—above the headline “Oklahoma State Superintendent Ryan Walters Announces the Return of Bibles to

Classrooms”—“In the end we win. Christ is Lord!” (PSA37.) (*See also* X Posts, PSA14, 22, 24, 28, 35, 39, 61; CNN Interview Tr., PSA42; NBC News Interview Tr., PSA63.)

In addition, after announcing his Bible purchase, Walters renewed his threats against educators who fail to implement his Bible Education Mandate. Responding to an interview question about whether he would “penalize” educators who do not comply with his directives, Walters stated, “Yeah. Absolutely. . . . And so listen, rogue superintendents that . . . don’t want to include the Bible . . . we’re not going to tolerate it here in the State of Oklahoma.” (Real America’s Voice Interview Tr., PSA58.) Walters also posted on X, “We have a few rogue superintendents who . . . do not want to allow the Bible, which is a historical document or prayer, in our schools. The problem with our education system is woke school leaders, and in Oklahoma we are going to protect our kids.” (PSA66.) Further, in a December 3 interview, Walters stated that teachers who do not implement the Mandate “will be held accountable and they won’t be teaching in the State of Oklahoma.” *Oklahoma Merges Bible and School Teachings*, TND, 1:38–2:30 (Dec. 3, 2024), <https://bit.ly/3BcFMid>.

ARGUMENT AND AUTHORITIES: NO ASPECT OF THIS CASE IS MOOT

“A case is moot when the issue sought to be resolved is no longer part of a live[] ‘case or controversy’ between antagonistic demands.” *State ex rel. Okla. Firefighters Pension & Ret. Sys. v. City of Spencer*, 2009 OK 73, n.13, 237 P.3d 125 (quoting *Am. Ins. Ass’n v. State Indus. Comm’n*, 1987 OK 107, ¶ 6, 745 P.2d 737). “Mootness is a state or condition which prevents the appellate court . . . from affording any effective relief.” *Id.* ¶ 4. “Voluntary cessation of allegedly illegal conduct does not moot a claim” unless “subsequent events make it absolutely clear that the allegedly wrongful behavior could not reasonably be expected to recur.” *Id.* n.16. Relatedly, a case is not moot “when the challenged event is ‘capable of

repetition yet evading review.” *Id.* ¶ 4. And the Court may decide a case that would be moot otherwise if the case “presents a question of broad public interest.” *Id.*

No facet of this case is moot under these standards. The Bible Education Mandate remains in effect, and Superintendent Walters has reiterated his threats to punish educators who do not implement it. He remains committed to the plan he announced at a September 26, 2024 State Board of Education meeting (Meeting Tr., PA26, PSA4) to spend millions of state dollars in the current fiscal year to buy King James Version Bibles for public schools through a request-for-proposals process. Though OSDE voluntarily withdrew its initial request for proposals for Bibles, Walters has announced that a new RFP is “forthcoming” “soon” to “ensur[e] we get Bibles available in every classroom in our state as quickly as we can.” (11/14/2024 Press Release, PSA26; KOCO 5 Interview Tr., PSA16.) What’s more, Walters’s spending on an initial purchase of Bibles of a sum just below the competitive-bidding threshold of \$25,000 is the kind of conduct that is “capable of repetition yet evading review.” *See Okla. Firefighters*, 2009 OK 73, n.18. And this case “presents a question of broad public interest” (*id.* ¶ 4) for the reasons Petitioners have given in explaining why the Court should grant original jurisdiction. *See* Pet’rs’ Br. 4–6; Pet’rs’ Reply Br. 6.

All that said, to decide this case, it is not necessary for this Court to address Petitioners’ argument that the withdrawn RFP was gerrymandered to favor one or two particular suppliers. The content of the RFP (or, for that matter, whether OSDE even uses an RFP process to purchase the Bibles that Superintendent Walters wants) does not affect any of Petitioners’ other claims: (1) that the Bible Education Mandate is a rule issued without following the OAPA’s procedures for issuing rules; (2) that the Mandate violates the local-control statute, 70 O.S. § 11-103.6a(F); (3) that Respondents otherwise lack the authority to

issue the Mandate; (4) that OSDE's spending of state funds on Bibles is illegal because it furthers an unlawful rule; (5) that Respondents lack legislative authority to spend state funds on Bibles; (6) that even if Respondents had statutory authority to buy Bibles, they have not followed the procedures for reallocating state funds; and (7) that Respondents' spending on Bibles violates Section 5 of Article II and Section 2 of Article I of the State Constitution.

Similarly, it is not necessary for the Court to issue relief that specifically addresses the withdrawn RFP. Rather, the Court can provide sufficient relief to Petitioners through (1) a declaratory judgment stating that the Bible Education Mandate is invalid and unenforceable and that spending any state funds to further the Mandate—including on the purchase of Bibles—is unlawful; (2) an injunction barring Respondents from taking any action to implement or enforce the Bible Education Mandate, including spending any state funds to purchase Bibles or to further the Mandate in any other manner; and (3) a writ of mandamus requiring Respondents to rescind the Bible Education Mandate.

Finally, given Superintendent Walters's announcements that a new RFP for Bibles will be issued soon, the request by the OMES Respondents for a stay relating to OMES's work (OMES Br. 3) is not moot. Indeed, in light of Superintendent Walters's continued threats to enforce the Bible Education Mandate and his surprise \$24,540 purchase of Bibles without OMES involvement, Petitioners respectfully ask that the Court issue broader interim relief if the Court is not in a position to issue a final decision in this case soon—specifically, a stay or other appropriate order prohibiting Respondents from taking any action to implement or enforce the Bible Education Mandate, including spending any state funds to purchase Bibles or to further the Mandate in any other manner, until the Court enters a final decision. *See State ex rel. Trapp v. Chambers*, 1923 OK 943, 220 P. 890, 893.

Respectfully submitted,



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I certify that I caused a true and correct copy of the foregoing brief to be served on December 5, 2024, on counsel for all the Respondents in this action via the mail and email addresses set forth below:

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