

ORIGINAL

FILED
SUPREME COURT
STATE OF OKLAHOMA

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

MAR 12 2025

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

JOHN D. HADDEN
CLERK

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 APPLICATION FOR STAY AND FINAL RELIEF,
CONCERNING BIBLES BACK IN SCHOOL CAMPAIGN**

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INDEX

SUMMARY OF THE SUPPLEMENTAL RECORD 1

**ARGUMENT AND AUTHORITIES:
THE COURT SHOULD STAY THE CAMPAIGN..... 2**

Cases

Fent v. Contingency Rev. Bd.,
2007 OK 27, 163 P.3d 512 5

Kellogg v. Sch. Dist. No. 10,
1903 OK 81, 74 P. 110 4

Okla. Pub. Emps. Ass'n v. Okla. Mil. Dep't,
2014 OK 48, 330 P.3d 497 5

Prescott v. Okla. Capitol Pres. Comm'n,
2015 OK 54, 373 P.3d 1032 4

State ex rel. Trapp v. Chambers,
1923 OK 943, 220 P. 890 2

Thomas v. Henry,
2011 OK 53, 260 P.3d 1251 4

Constitutional Provisions

Okla. Const. art. I, § 2 4

Okla. Const. art. II, § 5 4

Statutes

70 O.S. § 3-104 3, 4

70 O.S. § 3-107 3

70 O.S. § 3-107.1 3

70 O.S. § 11-103.6a 3

70 O.S. § 16-111 3

70 O.S. § 16-111.1 3

70 O.S. § 16-113 3

Other Authorities

2024 and 2025 Bd. Meeting Docs., State Bd. of Educ.,
<https://bit.ly/4hTraED> (last visited Mar. 11, 2025) 4

Okla. Sup. Ct. R. 1.15(c)..... 2, 5

The same day that it withdrew its Second Bible RFP, OSDE announced a Bibles Back in School Campaign, under which it will distribute privately donated King James Version Bibles to public schools. This Campaign is unlawful for reasons similar to those that rendered that RFP unlawful. Petitioners therefore ask the Court to issue interim and final relief blocking OSDE from proceeding with the Campaign.

SUMMARY OF THE SUPPLEMENTAL RECORD

On March 6, 2025, OSDE filed a notice in this case announcing the withdrawal of the Second Bible RFP. That same day, OSDE issued a press release headlined, “Despite Controversy, Oklahoma Becomes the First State to Initiate Bibles Back in School Campaign.” (PTSA14.¹) The release explains that Superintendent Walters has partnered with singer Lee Greenwood to “facilitat[e] the donation of Bibles” for Oklahoma classrooms. (PTSA14–15.) The release asserts, “The inclusion of the Bible in classrooms is viewed not only as a religious text but as a pivotal document that has shaped societal values, legal systems, and cultural norms.” (PTSA14.) The release invites “[a]nyone interested in supporting this campaign” to “purchas[e] a Bible at www.BiblesforOklahoma.com.” (PTSA15.) Superintendent Walters also put several posts on X on March 6 and 7 touting the Bibles Back in School Campaign and directing people to that webpage. (PTSA16–28, 59.)

That webpage’s text begins with: **“GOD, CHRISTIANITY AND MORAL VALUES ARE OF THE UTMOST IMPORTANCE. IT’S CRUCIAL TO EDUCATE AMERICA’S NEXT GENERATION OF LEADERSHIP: YOUR CHILDREN!”**

¹ “PTSA” citations are to Petitioners’ Third Supplemental Appendix, tendered herewith together with a motion for leave to file it. “PA” citations are to Petitioners’ original appendix, filed on October 17, 2024.

(PTSA31.) The webpage then invites people to purchase a King James Version “God Bless The USA” Bible and “hav[e] it donated to the State of Oklahoma Department of Education” for distribution to Oklahoma public schools. (PTSA31, 35.) The webpage adds, “This special Bible will help our next generation of leadership to carry on the future of America as we’ve known it.” (PTSA32.) In a March 7 interview about the Campaign, Superintendent Walters promised, “we will be providing a Bible to every classroom.” (PTSA39.)

On March 5, the day before announcing the Campaign, OSDE issued a press release stating that it “is distributing Bibles to every AP U.S. Government classroom across the state” and that “[t]he Bibles will be integrated into classroom instruction.” (PTSA8.) Superintendent Walters stated on X that day, “Today, Bibles are being mailed out.” (PTSA12.) Petitioners believe that the Bibles sent that day were the 532 Bibles that OSDE bought for \$24,540 in November 2024. (*See* PTSA4, 6; Pet’rs’ Dec. 5, 2024 Supp. Br. 1.)

On March 7, 2025, Petitioners sent OSDE a letter asking it to halt the Bibles Back in School Campaign and all distribution of Bibles to public schools until the Court enters a final decision in this case. (PTSA48.) OSDE emailed back the same day, asserting that it cannot substantively respond to this request because its position on it is privileged. (PTSA50.)

ARGUMENT AND AUTHORITIES: THE COURT SHOULD STAY THE CAMPAIGN

This Court has authority to issue stays and other temporary injunctive relief, including in original-jurisdiction actions. *See* Okla. Sup. Ct. R. 1.15(c); *State ex rel. Trapp v. Chambers*, 1923 OK 943, ¶ 17, 220 P. 890. In deciding whether to issue temporary relief, the Court considers: “(a) [t]he likelihood of success on [the merits]; (b) [t]he threat of irreparable harm to [the] moving party if relief is not granted; (c) [t]he potential harm to the opposing party; and (d) [a]ny risk of harm to the public interest.” Okla. Sup. Ct. R. 1.15(c).

Likelihood of success on the merits. The Bibles Back in Schools Campaign is squarely within the scope of this action. The relief requested in the Petition includes an injunction “barring Respondents from taking any action to implement or enforce the Bible Education Mandate, including spending any state funds . . . to further the Mandate.” (Pet. ¶ 122(b).) The Campaign plainly implements the Mandate, which requires that physical copies of the Bible be placed in every public-school classroom. (July 24, 2024 Mem., PA8.) The Campaign also involves the spending of state funds to further the Mandate, including on the shipping expenses and OSDE employee time associated with the distribution of Bibles.

Further, the Campaign is unlawful for largely the same reasons that are set forth in Petitioners’ prior briefing.

Spending in support of unlawful rule. The Campaign is illegal because it involves spending state funds in support of an unlawful rule—the Mandate. *See* Pet’rs’ Br. 7.

Lack of substantive authority. Nothing in the statutes that set forth the Department of Education Respondents’ powers gives them authority to distribute Bibles to school districts, regardless of whether the Bibles are purchased by OSDE or donated. *See* 70 O.S. §§ 3-104, 3-107, 3-107.1. Indeed, the Department of Education Respondents are prohibited from paying “freight or transportation costs” of textbooks, and school districts are required to bear those costs. *See* 70 O.S. § 16-113(C). As only school districts have authority to select what curricular items to use (*see* 70 O.S. §§ 11-103.6a(F), 16-111, 16-111.1), allowing OSDE to select any curricular item for school districts and distribute it to them—whether Bibles or other items, and whether purchased or donated—would be inconsistent with the statutory scheme and wasteful of tax dollars. *See also* Pet’rs’ Br. 8–11.

Lack of procedural authority. Even if OSDE did have statutory authority to select and distribute donated instructional materials, all donations to OSDE for schools must be approved by the State Board of Education. *See* 70 O.S. § 3-104(A)(12); Donation Solicitation & Acceptance Policy for OSDE (removed from OSDE website on Mar. 10, 2025), PTSA55. The Board has not approved any donations of Bibles. *See* 2024 and 2025 Bd. Meeting Docs., State Bd. of Educ., <https://bit.ly/4hTraED> (last visited Mar. 11, 2025).

Violation of the Oklahoma Constitution's religion clauses. The Bibles Back in School Campaign violates Section 5 of Article II and Section 2 of Article I of the State Constitution. Section 5 of Article II has a “broad and expansive reach” (*Prescott v. Okla. Capitol Pres. Comm'n*, 2015 OK 54, ¶ 4, 373 P.3d 1032), prohibiting “public money or property” from being “applied . . . or used,” “directly or indirectly,” for the “benefit” or “support,” of “any . . . system of religion.” Using state resources and employees to distribute to schools a single holy text—the King James Version Bible—thus violates Section 5 of Article II no less than paying for that text with state funds would. *See also* Pet’rs’ Br. 13–14; Pet’rs’ Reply 8–9. And the religious preference inherent in a governmental campaign that seeks to force that text into public schools further violates Section 2 of Article I. *See* Pet’rs’ Br. 14–15. To be sure, private parties are free to offer donations of items—including Bibles—to school districts, but state officials cross the constitutional line when they organize, promote, and participate in a campaign to distribute donated copies of a particular religious text to schools.

Balancing of harms. The unlawful expenditure of state resources funded by Petitioners’ tax payments that would occur under the Campaign would constitute irreparable harm. *See Thomas v. Henry*, 2011 OK 53, ¶¶ 3–7, 260 P.3d 1251; *Kellogg v. Sch. Dist. No. 10*, 1903 OK 81, 74 P. 110, 113–16. In contrast, Respondents will suffer no harm from being

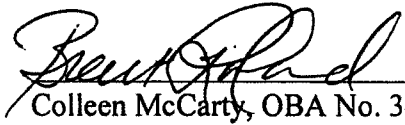
temporarily blocked from engaging in unlawful conduct. *See Okla. Pub. Emps. Ass'n v. Okla. Mil. Dep't*, 2014 OK 48, ¶ 34, 330 P.3d 497. And stopping unlawful state spending is in the public interest. *See Fent v. Contingency Rev. Bd.*, 2007 OK 27, ¶¶ 8, 11, 163 P.3d 512.²

Relief requested. Accordingly, in addition to the interim relief that the Court granted on March 10 (*see* Order of Stay 3), Petitioners ask the Court to order that, until the Court enters a final decision in this case, Respondents refrain from taking any action to implement the Bibles Back in School Campaign and from otherwise engaging in, participating in, or facilitating the distribution of Bibles to public school districts or schools. Petitioners respectfully submit that the Court's March 10 denial of their broad request for interim relief "to enjoin all Respondents from taking any other action [in addition to the actions the Court stayed] to implement or enforce the Bible Education Mandate" (*id.*) does not preclude this application's narrower request for interim relief, as it relates to a specific effort by OSDE to distribute Bibles that OSDE announced after the broader request was made.

Further, in addition to the final relief Petitioners previously requested (*see* Pet. ¶ 122, as modified and supplemented by Pet'rs' Reply Br. 10 n.2; Pet'rs' Dec. 5, 2024 Supp. Br. 5; and Pet'rs' Mar. 4, 2025 Supp. Br. 5), Petitioners ask the Court to issue (1) a declaration that the Bibles Back in School Campaign is unlawful; (2) an injunction prohibiting Respondents from taking any action to implement the Campaign and from otherwise engaging in, participating in, or facilitating the distribution of Bibles to public school districts or schools; and (3) a writ of mandamus requiring Respondents to cancel the Campaign.

² Rule 1.15(c) also states that "[a]ll applications for stay shall state that relief was first sought in the district court or other lower tribunal." To the extent that this requirement is applicable in an action such as this one, Petitioners satisfied it by seeking OSDE's agreement to the requested stay in their March 7 letter (PTSA48), as OSDE qualifies as the "lower tribunal."

Respectfully submitted,



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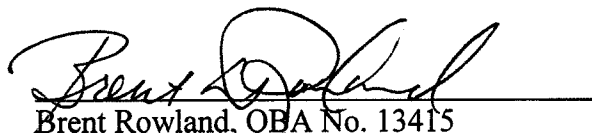
CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of the foregoing document to be served on the day that it was filed, on counsel for all the Respondents in this action via the mail and email addresses set forth below:

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