

FREEDOM FROM RELIGION *foundation*

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August 18, 2025

The Honorable Dan Patrick
Office of the Lieutenant Governor
P.O. Box 12068
Austin, TX 78711

Re: Unconstitutional threat to remove citizens who decline to participate in prayer

Dear Lt. Gov. Patrick:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to your recent statement during the Texas Senate's opening invocation, in which you threatened to remove members of the public who did not stand. FFRF is a national nonprofit organization with more than 42,000 members across the country, including more than 1,800 Texas members, as well as a local chapter in Dallas. FFRF protects the constitutional separation between state and church and educates about nontheism.

It is our understanding that on August 15, 2025, the Senate opened its session with a Christian prayer delivered by Senator Angela Paxton, "in the name of Jesus, who has saved us, who keeps us safe, and who is coming again."¹ Immediately following the prayer, you admonished attendees who chose not to participate in the prayer:²

"For those of you who didn't stand, next time you come to the gallery, you stand for the invocation. It's respecting the Senate. If you don't stand for the invocation, I will have you removed. We asked you to stand. I've never seen a gallery ever have any members in my 17 years...who refuse to stand for the invocation. It will not be tolerated."

Your threat is unconstitutional and discriminatory. Citizens have the right to attend legislative proceedings without being coerced into religious observance. Ordering attendees to stand during a religious exercise is unconstitutionally compelling their participation in religious activity. Conditioning access to government on religious conformity violates the Establishment Clause and the First Amendment rights to free speech and free exercise of religion.

Your assertion that standing is merely a sign of "respect" for the Senate does not change the constitutional analysis. For many citizens, including atheists, agnostics, humanists, and those of minority faiths, being required to stand and show "respect" for prayer is itself a religious act that violates their conscience. The Supreme Court has made clear that no official may compel symbolic acts of faith or deference: "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." *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943) (holding it unconstitutional for the government to require students to salute the flag).

¹ <https://senate.texas.gov/videoplayer.php?vid=22474&lang=en>.

² *Id.*

You, of all people, should appreciate this principle. In 2007, you boycotted the first Muslim prayer ever delivered in the Texas Senate by leaving the Senate chamber.³ At the time, you explained that even standing respectfully would amount to “endorsing” the prayer:⁴

“I think that it’s important that we are tolerant as a people of all faiths, but that doesn’t mean we have to endorse all faiths, and that was my decision. I surely believe that everyone should have the right to speak, but I didn’t want my attendance on the floor to appear that I was endorsing that.”

Opening Senate sessions with prayer is unnecessary, inappropriate, and divisive, and this demonstrates why the practice should be stopped altogether. Senators remain free to pray privately or worship in their own time, but they may not impose prayer on citizens or demand their physical participation. Moreover, Christian prayers offered by legislators exclude and marginalize Texans who belong to the 37 percent of Americans who are non-Christians, including the nearly one in three Americans who are now religiously unaffiliated.⁵ It is coercive, embarrassing and intimidating for nonreligious individuals and members of minority religions to be required to make a public showing of their nonbelief (by not rising or praying) or else to display deference or obeisance toward a religious sentiment in which they do not believe, but which their senators clearly do.

We urge you to immediately retract your statement and make clear to the public that the government will not require people to stand or otherwise participate in prayer at the Texas Senate. Respecting the diversity of belief in Texas and honoring your constitutional oath requires no less. Please inform us of the steps you intend to take to correct the record and ensure that members of the public are not threatened or coerced into religious participation at future Senate sessions.

Sincerely,

A handwritten signature in blue ink, reading "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher Line
Legal Counsel
Freedom From Religion Foundation

³ <https://www.chron.com/news/article/patrick-boycotts-senate-s-first-muslim-prayer-1809254.php>.

⁴ *Id.*

⁵ Gregory A. Smith, et. al, *Religious ‘Nones’ in America: Who They Are and What They Believe* (Jan. 24, 2024): <https://www.pewresearch.org/religion/2024/01/24/religious-nones-in-america-who-they-are-and-what-they-believe/>.