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October 4, 2018

Dr. Richard B. Williams
President
Dixie State University
225 South University Ave.
St. George, UT 84770

Re: Religious Texts in College Inn Guest Rooms

Dear President Williams:

I have the honor of serving as the Executive Director of the Congressional Prayer Caucus Foundation. The Foundation serves nearly 100 members of Congress who are part of the Congressional Prayer Caucus (the names of those members of Congress who serve on the Congressional Prayer Advisory Team are listed on the left).

In addition, the Foundation serves Legislative Prayer Caucuses in over 32 states, which have over 1,000 state senators and state representatives as members. These leaders are working together to preserve the integrity of our Founding Principles and to protect First Amendment rights for all.

We understand that you recently received a letter from the Freedom from Religion Foundation ("FFRF"). This letter stated that one of the guests in the College Inn had reported finding copies of the Book of Mormon and the Bible on two separate occasions when she was a guest in the Inn. Claiming that this simple accommodation to your guests' free exercise of religion was actually a prohibited endorsement of religion, FFRF demanded that the University remove the Book of Mormon and the Bible from the College Inn rooms. In a letter dated August 29, 2018, it appears that the University's Assistant General Counsel, Alison Vicroy, capitulated on this issue, claiming a commitment "to maintaining a clear separation of church and state." We ask that your General Counsel's office revisit this issue and reverse its position.

FFRF's claim that "it is a fundamental principle of Establishment Clause jurisprudence that a government entity cannot promote, advance or otherwise endorse religion" is simply untrue. As the U.S. Supreme Court stated in *Lynch v. Donnelly*, 465 U.S. 668, 673-75 (1984),

the Constitution [does not] require complete separation of church and state; it affirmatively *mandates accommodation*, not merely tolerance, of all religions, and *forbids hostility toward any*. See, e.g., *Zorach v. Clauson*; *McCullum v. Board of Education*. Anything less would require the “callous indifference” we have said was never intended by the Establishment Clause. *Zorach*. Indeed, we have observed, such hostility would bring us into “war with our national tradition as embodied in the First Amendment’s guaranty of the free exercise of religion.” *McCullum*.

The Court’s interpretation of the Establishment Clause has comported with what history reveals was the contemporaneous understanding of its guarantees. A significant example of the contemporaneous understanding of that Clause is found in the events of the first week of the First Session of the First Congress in 1789. In the very week that Congress approved the Establishment Clause as part of the Bill of Rights for submission to the states, it enacted legislation providing for paid chaplains for the House and Senate. In *Marsh v. Chambers*, we noted that seventeen Members of that First Congress had been Delegates to the Constitutional Convention where freedom of speech, press and religion and antagonism toward an established church were subjects of frequent discussion. We saw no conflict with the Establishment Clause when Nebraska employed members of the clergy as official Legislative Chaplains to give opening prayers at sessions of the state legislature. *Id.*

The interpretation of the Establishment Clause by Congress in 1789 takes on special significance in light of the Court’s emphasis that the First Congress “was a Congress whose constitutional decisions have always been regarded, as they should be regarded, as of the greatest weight in the interpretation of that *** fundamental instrument.” *Myers v. United States*.

It is clear that neither the seventeen draftsmen of the Constitution who were Members of the First Congress, nor the Congress of 1789, saw any establishment problem in the employment of congressional Chaplains to offer daily prayers in the Congress, a practice that has continued for nearly two centuries. It would be difficult to identify a more striking example of the accommodation of religious belief intended by the Framers (citations omitted and emphasis added).

Ms. Vicroy’s commitment to maintaining a clear separation between church and state is based on a misguided interpretation of the First Amendment. The Constitution does not require separation of church and state, but it expressly guarantees that each citizen has the right to freely *exercise* (and not exclusively on their personal computers) his/her religious beliefs. FFRF’s attempt to force the Bible and other religious material out of the public arena is, of course,

offensive to those who believe in the Bible and is, frankly, divisive. Removing books commonly found in motels throughout the nation and declaring these books “out of bounds” is intolerant of religion and actually is hostile to religious people. As noted in *Lynch*, quoted above, this hostility to religion is directly contrary to our national tradition and our First Amendment’s free exercise rights.

I have never stayed at the College Inn, but have stayed in many hotels and motels. I tend to favor the Marriott chain, and always find a Book of Mormon and Bible in every room I stay. I am not Mormon, but have never been offended by its presence. In fact, on occasion out of curiosity I have read it. I more commonly appreciate the presence of a Bible, even though the Gideons prefer the King James Version and I prefer another version. Again, I am not offended, but have enjoyed reading the supplied King James Version on occasion.

I have stayed in hotels and motels that do not furnish a Bible or other book sacred to a religion. I have always considered that the prerogative of the owner. The owner can choose to accept or reject an offer of Bibles by the Gideons or the Book of Mormon by another donor. The point of this letter is that the University can too – the Constitution does not force you to put a Bible in every room, nor does it mandate that you remove it.

FFRF, you and I share many things in common, including living in a country that protects our rights to free speech and the free *exercise* of religion (or, for that matter, the free exercise of non-religion). FFRF has every right to speak on its members’ non-belief, just like we have a right to speak on behalf of our belief. The guests who stay at the College Inn are not compelled against their will to read the Book of Mormon or the Bible, but rest assured that there have been guests of the Inn who have been comforted by reading them because they were available. We urge you to reconsider the General Counsel’s position and return the Bibles and Book of Mormon to the College Inn’s rooms so that guests can freely exercise their religion. We have First Amendment lawyers on staff who will work with you, without charge, if you need their services. To protect our freedom, we must exercise that freedom.

Sincerely,



Lea Carawan

Executive Director

Congressional Prayer Caucus Foundation