



MIKE HUNTER  
ATTORNEY GENERAL

August 30, 2017

Richard B. Katskee, Legal Director  
Alex J. Luchenitser, Associate Legal Director  
Ian Smith, Staff Attorney  
Americans United for Separation of Church and State  
1310 L Street NW, Suite 200  
Washington, DC 20005

**Re: East Central University Kathryn P. Boswell Memorial Chapel**

Dear Director Katskee, Director Luchenitser, and Mr. Smith,

I write in response to your letter to Solicitor General Mithun Mansinghani dated August 16, 2017, demanding that East Central University remove the cross atop its historic Kathryn P. Boswell Memorial Chapel. This demand is based on your view that the Constitution requires religious messages be “suppressed.” We discount the legal reasoning contained in your letter and absolutely reject your demand to remove the cross from the chapel.

Your allegation that ECU is “operat[ing] a Christian chapel” is a falsehood. The very website you reference says the chapel is open for use by “religious groups,” not simply Christian ones, and that it is also “used for small weddings, sorority/fraternity ceremonies and special occasions.” Those involved on the ground in Oklahoma—unlike those writing letters of intimidation from Washington, D.C.—know that the chapel is welcoming to all people.

Your legal argument that history is irrelevant to the context of the chapel is similarly misleading. In your discussion of Justice Breyer’s opinion in the *Van Orden* case, you omit the one contextual factor that Justice Breyer considered “determinative”: “that 40 years passed in which the monument’s presence, legally speaking, went unchallenged.” “Those 40 years,” Justice Breyer wrote, “suggest more strongly than can any set of formulaic tests that few individuals, whatever their belief systems, are likely to have understood the monument as amounting, in any significantly detrimental way, to a government effort to establish religion.” Rather, “[t]hose 40 years suggest that the public” appreciated a “message reflective of a cultural heritage.” Of course, the Boswell Memorial Chapel has stood for significantly longer than the monument at issue in *Van Orden*—and our Constitution does not mandate that all recognition of our religious heritage on public spaces be torn down and destroyed.

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Letter to Katskee, Luchenitser, and Smith

Your organization, Americans United for Separation of Church and State, is known for urging the most radical steps aimed at purging religion from the public square. Just this year, the Supreme Court overwhelmingly rejected American United's arguments in two cases. In *Trinity Lutheran*, the Supreme Court in a 7-2 decision rejected your attempt to deny playground safety measures to children just because they happened to play at a church. And the Supreme Court unanimously disagreed with you in *Advocates Healthcare Network*, a case related to religious hospitals. The Supreme Court also disavowed your views in the *Little Sisters of the Poor* and *Hobby Lobby* cases. When citizens stand up to your attempts at intimidation, courts tend to back the people instead of you.

The reality is, "Americans United's reputation for taking wacky positions is well known in the courts." See Adèle Keim, *Americans United v. Pope Francis*, THE HILL (Sep. 24, 2015). For example, not long ago you sent threatening letters to New York City because it hosted visits from the Dalai Lama and Pope Francis, and more recently, you supported the suspension of a high school football coach solely for the act of praying on the middle of the field after the game was over.

It is clear that the State of Oklahoma will not be able to find common ground with your Washington, D.C.-based group. Further communication on this matter is a waste of time and money for the State of Oklahoma. It is also a frivolity for whatever groups fund your organization. We hope to see no future letters from your organization on this matter.

Sincerely,

A handwritten signature in black ink that reads "Mike Hunter". The signature is written in a cursive, slightly stylized font.

Mike Hunter  
Attorney General

MJH/mlw