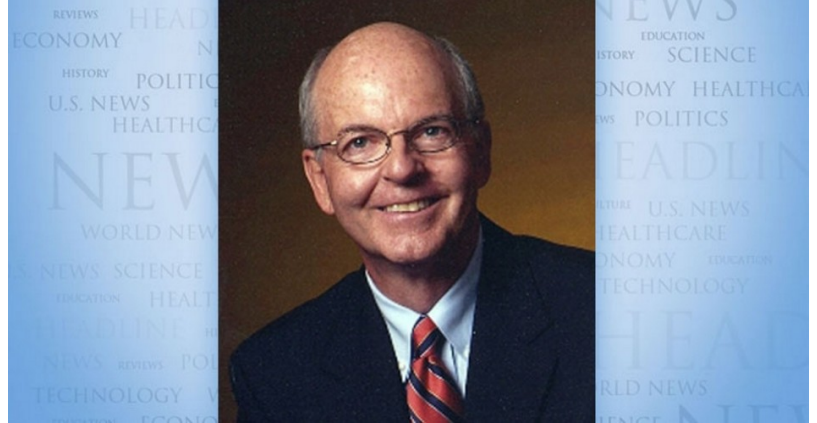




Written by [Bob Adelman](#) on May 6, 2014

Supreme Court: Explicitly Christian Public Prayers Are Constitutional

Most of the 94,000 populating the township of Greece, New York, are explicitly Christian. So much so that the current listing of churches in the area show no Jewish synagogues or Buddhist temples. Since 1999, the monthly town board meetings have opened with a roll call, the Pledge of Allegiance, and a prayer, usually offered by a preacher from a local church. Recent examples of those prayers include this one:



Lord, we ask you to send your spirit of servanthood upon all of us gathered here this evening to do your work for the benefit of all in our community. We ask you to bless our elected and appointed officials so they may deliberate with wisdom and act with courage. Bless the members of our community who come here to speak before the board so they may state their cause with honesty and humility....

Lord, we ask you to bless us all, that everything we do here tonight will move you to welcome us one day into your kingdom as good and faithful servants. We ask this in the name of our brother Jesus. Amen.

This one was more explicit in invoking the name of Jesus:

Lord, God of all creation, we give you thanks and praise for your presence and action in the world. We look with anticipation to the celebration of Holy Week and Easter. It is in the solemn events of next week that we find the very heart and center of our Christian faith.

We acknowledge the saving sacrifice of Jesus Christ on the cross. We draw strength, vitality, and confidence from his resurrection at Easter....

We pray for peace in the world, an end to terrorism, violence, conflict, and war. We pray for stability, democracy, and good government in those countries in which our armed forces are now serving, especially in Iraq and Afghanistan....

Praise and glory be yours, O Lord, now and forever more. Amen.

It is likely that prayers similar to the latter galvanized two regular board meeting attendees, a Jewess and an atheist, to complain to the board that they found such prayers to be “offensive,” “intolerable,” and an affront to the town’s “diverse community.” They felt, as Pew Research put it, “coerced to participate and isolated during the ceremon[ies].” When the practice continued, they filed suit in 2008 with the help of Americans United for Separation of Church and State (AUSCS), claiming that the town violated the First Amendment’s Establishment Clause by preferring Christians to give the prayer, who then invoked “in Jesus’ name” in those prayers. They didn’t want to end the practice of offering prayers, they just didn’t want anyone to use the name of Jesus, demanding a court injunction that would limit the prayers to “inclusive and ecumenical” ones that referred only to a “generic God.” Said the complaint:



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Only nonsectarian, broadly inclusive legislative prayers are constitutional. Those that use the terminology of, or are otherwise associated with, any particular faith or denomination [read: Christianity], are not.

Although the Supreme Court's ruling on Monday [was the proper one](#), the opinion written by swing-vote Justice Anthony Kennedy was a mealy-mouthed defense without directly confronting the attack on Christ and His followers by the plaintiffs. Wrote the diffident and timorous Kennedy: "The inclusion of a brief, ceremonial prayer as part of a larger exercise in civic recognition suggests that its purpose and effect are to acknowledge religious leaders and the institutions they represent."

No, they do not. Those prayers were deliberately designed to give formal public recognition to the maker of the universe, Jesus Christ, and His intimate continuing work in the lives of believers as they seek His will through the local board. For Kennedy to walk away from that simple declaration and claim instead that the prayers were to "acknowledge religious leaders" and their "institutions" misses the point entirely.

Kennedy should have paid more attention to the decision first rendered by the District Court when it threw out the original complaint back in 2010. It found "no impermissible preference for Christianity, concluding that the Christian identity of most of the prayer givers reflected the predominately Christian character of the town's congregations ... [that giving such prayers were] not an official policy or practice of discriminating against minority faiths." Further, that court found "that the First Amendment did not require Greece to invite clergy from congregations beyond its borders to achieve religious diversity ... rejecting the theory that legislative prayer must be nonsectarian."

Kennedy even got his history wrong, concluding that "legislative prayer, while religious in nature, has long been understood as compatible with the Establishment Clause" under the 14th Amendment. Here's the relevant language from the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The operative words are "*Congress* shall make no law," which put limits on the federal or national government, saying nothing about the states. The states would handle such complaints from dissidents on their own. Under the First Amendment, states were not the target, but Congress. The 14th Amendment, however, has over time been twisted and stretched out of all recognition so that the First Amendment now is applied to the states as well. For the record, here is the language from the 14th Amendment that courts have used to rule on such things as prayers before the town council in Greece, New York: "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Kennedy moved on from there, holding that the Supreme Court's previous decision in *Marsh v. Chambers* in 1983 was correct: The state of Nebraska was not in violation of the Constitution when it hired chaplains to give invocations at the start of legislative sessions. Besides, said Kennedy: "The First Congress voted to appoint and pay official chaplains shortly after approving language for the First Amendment, and both Houses have maintained the office virtually uninterrupted since then."

Kennedy then spoke directly to the complainants:

The Congress that drafted the First Amendment would have been accustomed to invocations containing explicitly religious [i.e., Christian] themes of the sort respondents find objectionable.

Adults often encounter speech they find disagreeable.



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In simple terms, get over it!

The ruling was supported by Justice Clarence Thomas, who made passing reference to the extension of the 14th Amendment into essentially state business:

The town's prayer practice does not violate the Establishment Clause ... even if the Establishment Clause were properly incorporated against the States through the Fourteenth Amendment, the Clause is not violated by the kind of subtle pressure respondents allegedly suffered.

The response to the ruling by the four minority liberals on the court was predictable and unpersuasive. Wrote Justice Elena Kagan, who is Jewish:

No one can fairly read the prayers from Greece's town meetings as anything other than explicitly Christian — constantly and exclusively so. The prayers betray no understanding that the American community is today, as it long has been, a rich mosaic of religious faiths.

The Reverend Barry Lynn, executive director of Americans United for Separation of Church and State, claimed discrimination in the court's ruling:

The Supreme Court just relegated millions of Americans — both believers and nonbelievers — to second-class citizenship.

Government should not be in the business of forcing faith on anyone, and now all who attend meetings of their local boards could be subjected to the religion of the majority.

The impact of this ruling remains unclear. Some town councils have already changed their policies to include prayers in their opening ceremonies. Others have suggested the ruling will impact school board meetings but not athletic events. What is clear, however, is that the attack isn't on religious freedom per se — after all, even the complainants in the present case don't mind prayers — but on Jesus Christ, the Maker of the Universe. He is the burr under their saddle.

The present favorable ruling in this case is just one more skirmish in the long war against God.

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