Written by **Wallis W. Wood** on November 15, 2013

You Can't Pray That Here!

Another Federal court has taken a whack at another 200-year-old tradition in this country. This time, it's opening public meetings with a prayer. An appeals court has ruled that the practice somehow violates the U.S. Constitution.

Now the issue is in front of the Supreme Court. Let's pray that a majority of the justices get it right. Here is what is going on.

Like many communities in America, the town of Greece, N.Y., opens its monthly board meetings with a prayer. Although a variety of local religious leaders have delivered the prayers, most of them were given by Christians. This shouldn't be surprising, since most of the religious institutions in this Rochester suburb — as in most of the country — are Christian.

But this was too much for two women in the town. Susan Galloway and Linda Stephens protested that the prayers constituted a government endorsement of religion. They sued the town to have them stopped.

The Supreme Court has repeatedly ruled that such "legislative prayer" is perfectly OK, as long as the prayer does not promote (or disparage) a particular religion. But the plaintiffs found a court to support them. The 2nd U.S. Circuit Court of Appeals ruled in *Town of Greece v. Galloway* that the practice was "too sectarian" and had to be stopped. The town appealed that decision to the Supreme Court, which held a hearing on the case last week.

Hopefully, a majority of justices there will agree with earlier Supreme Court decisions, such as *Marsh v. Chambers* in 1983, which ruled that such legislative prayers weren't an "establishment of religion," but rather a "tolerable acknowledgement of beliefs widely held among the people of this country."

By the way, in that 1983 decision, the Court wrote that the very same group of lawmakers who drafted the 1st Amendment and the rest of the Bill of Rights also "adopted the policy of selecting a chaplain to open each session with prayer."

That is a tradition that every Congress has followed since then. To this day, every session of Congress begins with a prayer. The Supreme Court begins its sessions with the appeal, "God save the United States of America and this honorable Court." Our coins carry the motto "In God We Trust." And even the Pledge of Allegiance contains the phrase "under God."

As I said, acknowledging our dependence on God and asking His blessings upon us is a tradition that goes back to the very formation of this country.

While our Founding Fathers declared their "firm reliance on the protection of divine Providence," they had a healthy mistrust of government. They recognized the wisdom of Lord Acton's famous dictum: "All

power tends to corrupt, and absolute power corrupts absolutely." The best way to prevent this from happening, as Thomas Jefferson wrote, was to bind men down "by the chains of a constitution."

But even the original Constitution didn't go far enough to protect the rights of the States and the people. So before the Constitution could be ratified, 10 amendments were added, to specify even further what the central government could and could not do.

The First Amendment in what became known as the Bill of Rights covered the rights that the Founding Fathers considered most essential: freedom of speech, of the press, to assemble and to petition the government "for a redress of grievances."

But of all these basic freedoms, the most important was the one they listed first: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Note the first five words: "Congress shall make no law." It says nothing about what a State or a community might or might not do. In fact, the Founding Fathers were so intent on protecting the rights of the people to do pretty much do whatever they wanted that they wrote not one, but *two* amendments on the subject.

The Ninth Amendment states: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

And in case that wasn't clear enough, the framers of the Constitution repeated the same idea in the 10th Amendment. Could anything be more straightforward than this? "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The Founders never wanted or expected every state or community to draft the same laws, follow the same rules or practice the same traditions as every other community. They would have been appalled at the idea of some proscribed uniformity.

Unfortunately, if you're looking for people to understand and support the Constitution, the Federal courts in this country are one of the last places you should look. And if President Barack Obama and Senate Majority Leader Harry Reid (D-Nev.) get their way, that situation is about to get a lot worse.

At a recent fundraiser, Obama boasted: "We're remaking the courts." And certainly the ultra-liberal appointments he's made to various Federal courts confirm what he said.

Now, a key battle is brewing over three vacancies on the U.S. Court of Appeals for the District of Columbia Circuit. Senator Chuck Grassley (R-Iowa) has said there is no need for more additional judges there. "In terms of raw numbers," he said, "the D.C. Circuit has the lowest number of total appeals filed annually among all the circuit courts of appeal." He claims that members of the court agree with him. One even told him, "If any more judges were added now, there wouldn't be enough work to go around."

Grassley has introduced the Court Efficiency Act of 2013, which would eliminate three seats on the court, which he says are totally unnecessary. That's one way to keep more liberals from being appointed.

However, there is no way Reid will allow Grassley's proposal to come to a vote. Reid has said the Democrats need to get at least one more member on the D.C. Circuit Court to "switch the majority."

Why is this court so important? Here's how Janice Crouse and Mario Diaz, both of whom are associated with Concerned Women for America, explained it in the *Washington Times*: "His credibility shattered,

the only hope the president has of advancing his agenda is through executive action. Because administrative actions are reviewed by the judges on the D.C. Circuit, the president seeks to pack the court with left-wing ideologues who will uphold his agenda."

So that's what's at stake in this battle. On the issue of legislative prayer, there are some reasons to be optimistic that this Supreme Court will overturn the decision of the Appeals Court.

During the hearing, Justice Elena Kagan said, "Part of what we are trying to do here is to maintain a multi-religious society in a peaceful and harmonious way." Then she added, "And every time the Court gets involved in things like this, it seems to make the problem worse rather than better."

Of course, the same thing could be said about almost every time the Federal government tries to "make things better."

We'll let you know how this battle plays out, as well as how the Supreme Court handles this latest assault our right to pray in public whenever our leaders gather. God knows we need His blessings — and protection.

Until next time, keep some powder dry.

Chip Wood *was the first news editor of* The Review of the News *and also wrote for* American Opinion*, our two predecessor publications. He is now the geopolitical editor of* Personal Liberty Digest*, where his Straight Talk column appears weekly. This article first appeared in PersonalLiberty.com and has been reprinted with permission.*