



Written by [Dave Bohon](#) on December 15, 2011

## Court Dismisses Suit Against Arizona Governor's Prayer Proclamation

A federal judge has dismissed a lawsuit by the Freedom From Religion Foundation (FFRF) challenging Arizona Governor Jan Brewer's proclamation of a Day of Prayer in her state. The Wisconsin-based atheist group had argued that the Governor's proclamation violated the First Amendment's supposed separation of church and state mandate. But Judge Roslyn Silver determined that there was no evidence that Brewer's proclamations over the past two years were meant as anything other than an invitation for residents to voluntarily join her in prayer for the state and nation.



"Gov. Brewer's proclamations proclaim a day of prayer, and one proclamation encourages all citizens to pray for God's blessings on our state and nation," wrote Silver in her ruling. "Though 'encouraged,' no one, including plaintiffs, is obligated to pray. Nor are plaintiffs forced to alter their physical routine or bear a monetary expense to avoid a religious symbol."

At most, Silver pointed out, those challenging Brewer's actions have incurred a "stigmatic injury" of "feeling like an outsider." However, she added, those feelings do give the plaintiffs the right to file a lawsuit.

In a [statement](#), Brewer commended the court for dismissing what she called a "baseless lawsuit" and a "futile attempt to stifle an American right and tradition." She noted the it was not the FFRF's first attempt to shut down voluntary prayer by American citizens, "and it may not be its last." She added, however, that "citizens of every race, background, and creed have been coming together in voluntary prayer since our nation's founding, and will continue to do so against this organization's best efforts. I thank the Court for allowing Arizona to continue commemorating this important right and custom."

FFRF attorney Marc Victor said the atheist group is considering an appeal of the ruling to the 9th U.S. Circuit Court of Appeals, or possibly a new lawsuit filed in state court. "This is not an attack on any particular faith," Victor said of FFRF's efforts. "It would be nice if the governor stepped up and acknowledged the separation of church and state in the Constitution, rather than us forcing her to do so with a lawsuit."

As reported by [The New American](#), in April the 7th U.S. Circuit Court of Appeals dismissed a similar challenge by FFRF to the National Day of Prayer. In that ruling the court's chief judge, Frank Easterbrook, wrote that "a feeling of alienation cannot suffice as injury" by those who oppose the voluntary national prayer day, adding that no one is being forced to pray "any more than a person would be obliged to hand over his money if the President asked all citizens to support the Red Cross or other charities." Easterbrook noted that while those who disagree with the proclamation "may speak in opposition to it, they are not entitled to silence the speech of which they disapprove."



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