

Judge Prepares for Second Round of Battle With 'Free-Thinking' Atheists

Nearly two years ago, Judge Wayne Mack, a magistrate judge in Texas, was attacked by the Freedom From Religion Foundation because of his practice to allow volunteer chaplains to open his court sessions with prayer.

Following an inquiry and investigation by the Texas State Commission on Judicial Conduct, it was determined Mack hadn't done anything wrong. However, he slightly amended the practice to make the prayers even less official in nature.

Last summer, Texas Attorney General Ken Paxton revisited the issue by publishing an opinion on the legality and constitutionality of such prayers. In that opinion, which is legally binding on other Texas government officials, he found that the prayers were well within the bounds of Texas law and the Constitution.

Apparently, that wasn't good enough.

Now, the "free-thinking" atheists at FFRF have filed a lawsuit against Mack, alleging that the prayers are a violation of the U.S. Constitution's Establishment Clause. Not only do they want the judge to stop the practice, they want to see him punished monetarily for doing so.

[Click here to see the related court documents.](#)

"Judge Mack's program is an excellent idea and a great way to serve the community," Kelly Shackelford, President and CEO of First Liberty Institute, which is taking up his case once again, said. "It has already been upheld by both The Texas State Commission on Judicial Conduct and the Texas attorney

general. It's a settled issue.

"The law and Constitution are on Judge Mack's side. This senseless attack by an atheist group is truly sad." {eoa}