

Public Prayer Battles Heating Up

It happens every week at meetings in towns, counties and cities nationwide. A lawmaker or religious leader leads a prayer before officials begin the business of zoning changes, contract approvals and trash pickup.

But citizens are increasingly taking issue with these prayers, some of which have been in place for decades. At least five lawsuits around the country—in California, Florida, Missouri, New York and Tennessee—are actively challenging pre-meeting prayers.

Lawyers on both sides say there is a new complaint almost weekly, though they don't always end up in court. When they do, it seems even courts are struggling to draw the line over the acceptable ways to pray. Some lawyers and lawmakers believe it's only a matter of time before the Supreme Court will weigh in to resolve the differences. The court has previously declined to take on the issue, but lawyers in a New York case plan to ask the justices in December to revisit it. And even if the court doesn't take that particular case, it could accept a similar one in the future.

Lawmakers who defend the prayers cite the nation's founders and say they're following a long tradition of prayer before public meetings. They say residents don't have to participate and having a prayer adds solemnity to meetings and serves as a reminder to do good work.

"It's a reassuring feeling," said Lakeland, Fla., Mayor Gow Fields of his city's prayers, which have led to an ongoing legal clash with an atheist group. The City Commission's meeting agenda now begins with a disclaimer that any prayer offered before the meeting is the "voluntary offering of a

private citizen” and not being endorsed by the commission.

Citizens and groups made uncomfortable by the prayers say they’re fighting an inappropriate mix of religion and politics.

“It makes me feel unwelcome,” said Tommy Coleman, the son of a church pianist and a self-described secular humanist who is challenging pre-meeting prayers in Tennessee’s Hamilton County.

Coleman, 28, and Brandon Jones, 25, are urging the county to adopt a moment of silence at its weekly meeting rather than beginning with a prayer.

A number of groups are willing to help with complaints like those filed by Coleman and Jones. Annie Laurie Gaylor, the co-founder of the Wisconsin-based Freedom From Religion Foundation, says complaints about the prayers are among the most frequent her organization gets.

Gaylor’s organization sends out letters when it is contacted by citizens, urging lawmakers to discontinue the prayers. Other groups including the American Civil Liberties Union and the Washington-based Americans United for Separation of Church and State send out similar letters.

Ian Smith, a lawyer with Americans United for Separation of Church and State, says his organization has gotten more complaints in recent years. That could be because people are more comfortable standing up for themselves or more aware of their options, but Smith also said groups on the right have also promoted the adoption of prayers.

Brett Harvey, a lawyer at the Arizona-based Alliance Defending Freedom, a Christian group that often helps towns defend their practices, sees it the other way. He says liberal groups have made a coordinated attempt to bully local governments into abandoning prayers, resulting in more cases.

"It's really kind of a campaign of fear and disinformation," Harvey said.

Harvey has talked with hundreds of towns about their policies and been involved in about 10 court cases in the past three years. Right now, his advice differs for different parts of the country because the law is in flux.

Courts around the country don't agree on what's acceptable or haven't considered the issue. In 1983 the U.S. Supreme Court approved prayer before legislative meetings, saying prayers don't violate the First Amendment's so-called Establishment Clause, which prohibits the government from favoring one religion over another. But the case didn't set any boundaries on those prayers, and today courts disagree on what is permissible.

For example, one court ruling from 2011 says that prayers before legislative meetings in Maryland, North Carolina, South Carolina, Virginia and West Virginia should be nondenominational or non-sectarian. That means the prayer leader can use general words like "God" and "our creator" but isn't supposed to use words like "Jesus" "Christ" and "Allah" that are specific to a single religion.

The law is different in courts in Florida, Georgia and Alabama: In 2008 a federal court of appeals overseeing those states upheld the prayer practice of Georgia's Cobb County, which had invited a rotating group of clergy members to give prayers before its meetings. The prayers were predominantly Christian and often included references to Jesus.

Towns that get complaints, meanwhile, have responded differently. Some have made changes, some willingly and others with misgivings. Other towns have dug in to defend their traditions.

Citizens in Lancaster, Calif., for example, voted overwhelmingly in 2010 to continue their prayers despite the

threat of a lawsuit. Mayor R. Rex Parris says the city of 158,000 has already likely spent about \$500,000 defending the practice, and he expects to spend more before the case is over. He said the issue is worth it because it has brought the town together.

“Once the people realize you are standing up for more than fixing potholes, that sense of community really starts to coalesce,” he said.

Other towns have gone the opposite route, stopping prayer altogether when challenged. Henrico County, Va., stopped prayers recently after lawmakers reviewed recent court decisions and determined it would be too difficult to police the content of prayers.

Still other towns have modified their practices rather than give them up entirely. Earlier this year Kannapolis, N.C., population 45,000, stopped allowing council members to deliver prayers before meetings after getting a Freedom From Religion Foundation letter. Now members pray silently. Council members didn’t want to change the way they prayed, but they also didn’t want to spend thousands of dollars fighting a losing lawsuit.

In Sussex County, Del., lawmakers also agreed to alter their practice this year. For decades the County Council president opened meetings by leading the Lord’s Prayer, which appears in the New Testament. Michael H. Vincent, the current president, said it makes him feel better to begin by “asking a higher power for some guidance in our decision making process.”

Now, however, after a lawsuit, the council has settled on beginning with the 23rd Psalm, a prayer that appears in the Old Testament and is therefore significant to both Christians and Jews.

One of the Delaware residents who challenged the prayer, retired Lutheran minister John Steinbruck, says he’s satisfied

with the resolution, though he would have preferred a moment of silence. Though the fight in Sussex County is over for now, others are just starting.

“I think that step by step by step, maybe every community is going to have to deal with this,” Steinbruck said.

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