



CONGRESSIONAL PRAYER CAUCUS FOUNDATION

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June 26, 2017

Ms. Dorie Sandoval
Director
Cibola Senior Citizen Center
600 W. Santa Fe Ave.
Grants, NM 87020

Re: Praying before Meals

Dear Ms. Sandoval:

I have the honor of serving as the Executive Director of the Congressional Prayer Caucus Foundation. The Foundation serves the nearly 100 members of Congress who are part of the Congressional Prayer Caucus (the names of those members of Congress who serve on the Congressional Prayer Advisory Team are listed on the left).

In addition, the Foundation serves Legislative Prayer Caucuses in 31 states, which has over 750 state senators and state representatives in these Legislative Prayer Caucuses. The members of the New Mexico Legislative Prayer Caucus are concerned that various groups around the country, like the Freedom From Religion Foundation ("FFRF"), are trying to stop public prayers.

It has come to our attention in this regard that FFRF recently sent you a letter complaining of the practice of saying grace before meals at your Senior Citizen Center. We want you to know that we support you in this practice, which we consider something deeply embedded in our nation's history and tradition.

The principal reason asserted by FFRF for its allegation that the Center is violating the Constitution is that the Center is, at least in part, supported with public funds. FFRF's letter ignores, however, the fact that prayer is said by publicly funded officials in publicly funded places multiple times every day. The Congressional Prayer Caucus meets in Room 219 of the U.S. Capitol and prays weekly when Congress is in session. Before the U.S. House and Senate start their sessions, a publicly paid chaplain prays in the publicly supported Capitol asking for God's blessing.

The same practice occurs in most state capitols, as well as many cities, villages and counties throughout our country.



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The constitutionality of whether a paid government employee could pray in a government owned building to start a governmental legislative session was first considered nearly 45 years ago. In *Marsh v. Chambers*, 463 U.S. 783 (1983), a state legislator challenged his legislature's practice of hiring a chaplain (always a Christian of the same denomination) who always opened the legislative sessions with a Judeo-Christian prayer. The legislator contended that this practice violated the First Amendment's Establishment Clause, a contention soundly rejected by the Supreme Court. Perhaps just as important as the ruling were Chief Justice Burger's following words on behalf of the Court:

The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom. In the very courtrooms in which the United States District Judge and later three Circuit Judges heard and decided this case, the proceedings opened with an announcement that concluded, "God save the United States and this Honorable Court." The same invocation occurs at all sessions of this Court. 463 U.S. at 786.

After reviewing the colonial practice of opening legislative sessions with prayer, the Chief Justice reviewed the practice of the First Congress, and noted:

On Sept. 25, 1789, three days after Congress authorized the appointment of paid chaplains, final agreement was reached on the language of the Bill of Rights . . . Clearly the men who wrote the First Amendment Religion Clause did not view paid legislative chaplains and opening prayers as a violation of that Amendment, for the practice of opening sessions with prayer has continued without interruption ever since that early session of Congress. It has also been followed consistently in most of the states . . . 463 U.S. at 788-89.

These principles in *Marsh* were reaffirmed a couple years ago in *Town of Greece v. Galloway*, 134 S. Ct. 1811 (2014), where the Supreme Court once again held that opening government meetings in prayer is constitutionally permissible. In his opinion for the Court, Justice Kennedy highlighted our nation's historic use of legislative prayer, further stating that "the First Congress provided for the appointment of chaplains only days after approving language for the First Amendment [which] demonstrates that the Framers considered legislative prayer a benign acknowledgment of religion's role in society. . . . As a practice that has long endured, legislative prayer has become part of our heritage and tradition, part of our expressive idiom, similar to the Pledge of Allegiance, inaugural prayer, or the recitation of 'God Save the United States and this honorable Court' at the opening of this Court's sessions." *Id.* at 1819, 1825.

Justice Kennedy in *Town of Greece* rejected FFRF's claim that prayer before a meal is divisive. Justice Kennedy wrote: "These ceremonial prayers strive for the idea that people of many faiths may be united in a community of tolerance and devotion. Even those who disagree



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as to religious doctrine may find common ground in the desire to show respect for the divine in all aspects of their lives and being. Our tradition assumes that adult citizens, firm in their own beliefs, can tolerate and perhaps appreciate a ceremonial prayer delivered by a person of a different faith.” Id. at 1823. As noted by Chief Justice Burger in *Marsh*, public prayer “is simply a tolerable acknowledgment of beliefs widely held among the people of this country. As Justice Douglas observed, “[w]e are a religious people whose institutions presuppose a Supreme Being.” *Zorach v. Clauson*, 343 U.S. 306, 313 (1952).” 463 U.S. at 792.

A “toleration” of prayer in public does not, of course, mean that everyone must pray. Our First Amendment right to freely exercise religion means that people have the freedom to NOT exercise religion. We believe that all people are made in the image of God and therefore deserve respect, and accordingly those who choose not to pray before meals must be treated with the same respect and honor as those who do pray.

In conclusion, we encourage you to continue defending the First Amendment right of your employees and residents to pray before meals. If you or your attorneys would like to discuss this matter further, feel free to contact us

Sincerely,

Lea Carawan
Executive Director
Congressional Prayer Caucus Foundation