



CONGRESSIONAL PRAYER CAUCUS FOUNDATION

CONGRESSIONAL ADVISORY MEMBERS

Congressman Randy Forbes
Senator James Lankford
Congressman Mark Walker
Senator John Boozman
Congressman Robert Aderholt
Congressman Brian Babin
Congresswoman Marsha
Blackburn
Congressman John Carter
Congressman Mike Conaway
Congressman Kevin Cramer
Congressman Rick Crawford
Congressman Jeff Fortenberry
Congressman Trent Franks
Congressman Gregg Harper
Congressman Vicky Hartzler
Congressman Jody Hice
Congressman Richard Hudson
Congressman Bill Huizenga
Congressman Randy Hultgren
Congressman Doug Lamborn
Congressman Steve Pearce
Congressman Robert Pittenger
Congressman Paul Ryan
Congressman Chris Smith
Congressman Glenn Thompson
Congressman Tim Walberg
Congressman Joe Wilson
Congressman Robert Wittman

February 22, 2018

SENT VIA EMAIL & U.S. Mail
delkcox@house.virginia.gov

The Honorable Kirk Cox
Speaker, House of Delegates
Pocahontas Building, Room E605
900 E. Main Street
Richmond, Virginia 23219

Re: Bible Study Invitations

Dear Speaker Cox:

I have the honor of serving as Chief Legal Counsel of the Congressional Prayer Caucus Foundation, which is ably led by its President, former Congressman Randy Forbes, its Executive Director, Lea Carawan, and its National Director of Prayer and Mobilization, Summer Ingram. The Foundation serves nearly 100 members of Congress who are part of the Congressional Prayer Caucus (the names of the Congressional Advisory Member Team are listed on the left). In addition, the Foundation serves Legislative Prayer Caucuses in over 30 states, including Virginia, which have over 1000 state senators and state representatives as members. These leaders are working together to preserve the integrity of our Founding Principles and to protect First Amendment rights for all.

We have learned that about a week ago, the Freedom From Religion Foundation (“FFRF”) sent you a letter expressing concern about your conducting a weekly Bible Study in the Speaker’s Conference Room, and your Chief of Staff inviting “all members, staff, lobbyists and friends of the General Assembly” to the Bible Study. FFRF argues in its letter that since all invitees are not likely to be members of your faith, they will feel like outsiders, i.e., unfavored members of the political community. FFRF further states: “Any elected official is, of course, free to practice their faith on their own time, in their own way. But while acting in their official capacity, elected representatives act not as individuals, but on behalf of all citizens of the Commonwealth.”

Mr. Speaker, since FFRF is located in Madison, Wisconsin, the attorney who wrote you the letter is quite likely a citizen of Wisconsin. I am a citizen of Virginia, as are my colleagues Mr. Forbes, Ms. Carawan, and Ms. Ingram. Speaking for us Virginia citizens, thank you for practicing your faith openly, and demonstrating your leadership and desire for inclusiveness and bipartisanship by inviting all members of the House to participate.



CONGRESSIONAL PRAYER CAUCUS FOUNDATION

Between 2001 and 2003, I served in the U.S. Department of Justice helping provide advice and direction to the Department and other federal agencies on the constitutionality of the Faith-Based Initiative. During my time in the Department, I served under Attorney General Ashcroft, who each day he was in his office on the 5th floor of Main Justice, would conduct a Bible study that started promptly at 8 and finished before 9. As you may remember, General Ashcroft was also criticized for conducting a Bible study for DOJ employees in a federal building, but this criticism died when General Ashcroft noted that the DOJ employees attending the Bible Study were on personal time, and not DOJ time (the study participants were back at their desks before 9 am). I could not help but note that your Bible study starts an hour before General Ashcroft's. I very much doubt that your Bible study runs past 9 am, which means, of course, that those attending your Bible study similarly are using personal time for this study.

General Ashcroft and you are not, of course, the first and only government leaders to use a public building for prayer, Bible study, and/or worship. As you well know, the Congressional Prayer Caucus uses for its prayer sessions Room 219 of the Capitol, which is directly across from the House Chamber. Chaplains for the U.S. House and Senate have offices in their respective sides of the Capitol, and many states follow the same pattern. My favorite public official using a public building for Christian worship, however, is our fellow Virginian, Thomas Jefferson. Two days after sending a letter to the Danbury Baptists assuring them that a "wall of separation" protected the Baptists from governmental interference, Mr. Jefferson attended church services in the House of Representatives to hear a sermon preached by his friend, Baptist minister John Leland. Prior to that time, Congress had approved the use of the Capitol as a church building for Christian worship services, and President Jefferson allowed the Marine Band to perform the music for the services. President Jefferson also approved Christian services on Sunday in the Treasury Building and the War Office, perhaps for convenience or to have a choice of attending sermons by other denominations, and he attended regularly. By 1867, *after* Congress had passed the 14th Amendment, the First Congregational Church that met in the Capitol had become the largest church in Washington, D.C., as well as one of the largest Protestant churches in the nation. Even today, church services are held in public buildings (including schools) throughout our nation each Sunday.

Mr. Speaker, let me finish this letter by underscoring the obvious. FFRF has presented NO evidence that you or any of your staff have showed favoritism to anyone solely because s/he has attended your Bible study. Although you could have restricted your Bible study to the House leadership and staff, you purposely opened the study to include members of the opposing party, as well as staff, lobbyists and friends. In addition, you did not restrict study invitations to Christians; anyone interested in learning about the Bible can attend, whether they believe in God or not. This action demonstrates well your desire for inclusiveness, bipartisanship and, quite frankly, Christian kindness. We commend you for your leadership and hope to join you someday at 7 am for your study.

Sincerely,

James A. Davids, J.D., Ph.D.
Chief Legal Counsel