



# CONGRESSIONAL PRAYER CAUCUS FOUNDATION

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September 17, 2018

The Hon. Shirley Groover Bryant  
Mayor, City of Palmetto  
516 8th Ave. W.  
Palmetto, FL 34221

Re: National Day of Prayer Event

Dear Mayor Bryant:

I have the honor of serving as the Executive Director of the Congressional Prayer Caucus Foundation. The Foundation serves 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 a network of Legislative Prayer Caucuses in over 32 states (including Florida), which has over 1,000 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 are writing this letter to state publicly that we support your decision to continue participating in the National Day of Prayer next year, and we urge the City to continue using public property (like Sutton Park) for this event.

We learned recently that you received a letter from the Freedom From Religion Foundation ("FFRF") complaining that the City of Palmetto has been using its website to advertise the National Day of Prayer event, that certain elected officials have appeared at the event in an official capacity, and that the City has been holding the event in a public park (Sutton Park). The author of the letter, if following the text in similar letters, probably claimed that your action sent "an official message of endorsement of religion over non-religion and of exclusion to the 24% of Americans, including 38% of young Americans, who are not religious." Assuming that this statistic is correct (which we very much doubt), we and the vast majority (76%) of Americans who are religious thank you for emphasizing the importance of prayer on behalf of our nation, state, and cities.

FFRF's claim that "the Establishment Clause of the First Amendment prohibits government sponsorship of religious messages" is simply untrue. As the U.S. Supreme Court stated in *Lynch v. Donnelly*, 465 U.S. 668, 673-75 (1984), the Constitution [does not] require complete separation of church and state; it affirmatively *mandates accommodation*, not merely tolerance, of all religions, and *forbids hostility toward any*. See, e.g., *Zorach v. Clauson*; *McCollum v. Board of Education*. Anything less would require the "callous indifference" we have said was never intended by the Establishment Clause. *Zorach*. Indeed, we have observed, such hostility would bring us into "war with our national tradition as embodied in the First Amendment's guaranty of the free exercise of religion." *McCollum*.

The Court's interpretation of the Establishment Clause has comported with what history reveals was the contemporaneous understanding of its guarantees. A significant example of the contemporaneous understanding of that Clause is found in the events of the first week of the First Session of the First Congress in 1789. In the very week that Congress approved the Establishment Clause as part of the Bill of Rights for submission to the states, it enacted legislation providing for paid chaplains for the House and Senate. In *Marsh v. Chambers*, we noted that seventeen Members of that First Congress had been Delegates to the Constitutional Convention where freedom of speech, press and religion and antagonism toward an established church were subjects of frequent discussion. We saw no conflict with the Establishment Clause when Nebraska employed members of the clergy as official Legislative Chaplains to give opening prayers at sessions of the state legislature. *Id.*

The interpretation of the Establishment Clause by Congress in 1789 takes on special significance in light of the Court's emphasis that the First Congress "was a Congress whose constitutional decisions have always been regarded, as they should be regarded, as of the greatest weight in the interpretation of that \*\*\* fundamental instrument." *Myers v. United States*.

It is clear that neither the seventeen draftsmen of the Constitution who were Members of the First Congress, nor the Congress of 1789, saw any establishment problem in the employment of congressional Chaplains to offer daily prayers in the Congress, a practice that has continued for nearly two centuries. It would be difficult to identify a more striking example of the accommodation of religious belief intended by the Framers (citations omitted and emphasis added).

FFRF claims that the "separation between state and church is among one of the most fundamental principles of our system of government." This, of course, is also untrue. The Constitution does not require separation of church and state, but it expressly guarantees that each citizen (including Mayors!) has the right to freely *exercise* (NOT simply behind closed doors) his/her religious beliefs. FFRF's attempt to force prayer out of the public arena is, of course, offensive to those who believe in the power of prayer and is, frankly, divisive. Declaring

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prayer “out of bounds” for civil discourse is intolerant of religion and actually is hostile to religious people. As noted in *Lynch*, quoted above, this hostility to religion is directly contrary to our national tradition and our First Amendment’s free exercise rights.

FFRF, you and I [we] share many things in common, including living in a country that protects our rights to free speech and the free *exercise* of religion (or, for that matter, the free exercise of non-religion). FFRF has every right to speak on its members’ non-belief, just like we have a right to speak on behalf of our belief. The people the City reminded about the National Day of Prayer were not compelled against their will to go to the National Day of Prayer event, nor were FFRF members compelled to go against their will. Although we strongly disagree with the theological positions of FFRF, we will defend its members’ right to believe and exercise their belief. We hope they extend to Christians, and particularly Christians in office, the same courtesy.

If we can be of any further service to you on this issue, feel free to contact us. We have First Amendment lawyers on staff who will work with you, without charge, if you need their services. We are encouraged that you know your rights under the U.S. Constitution and that you will not allow threats of this nature to rob your community of your rights and heritage. To protect our freedom, we must exercise that freedom.

Sincerely,



Lea Carawan  
Executive Director  
Congressional Prayer Caucus Foundation