



# CONGRESSIONAL PRAYER CAUCUS FOUNDATION

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Sent via Email and U.S. Mail

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The Hon. Kimberly Gardner  
St. Louis Circuit Attorney  
Carnahan Courthouse  
1114 Market Street, Room 401  
St. Louis, MO 63101

Re: Freedom From Religion Foundation Complaint

Dear Circuit Attorney Gardner:

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 Legislative Prayer Caucuses in over 32 states, including Missouri, which have 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 learned that the Freedom From Religious Foundation ("FFRF") recently sent you a letter demanding that you remove from the wall directly outside your office a sign that reads: "Justice, and Only Justice, You Shall Pursue . . ." –Deut. 16:20. FFRF claims that this sign, which we regard as most fitting for your office, is a violation of the Establishment Clause which, according to FFRF, "prohibits government sponsorship of religious messages." FFRF further maintains that this verse "espouses a form of 'justice' that is incompatible with our Constitution. FFRF is wrong on both claims.

Regarding FFRF's claim that the sign is an endorsement of the Christian religion, FFRF fails to understand that such references, as well as other religious symbols that grace government buildings and monuments, are simply an acknowledgement of religion's rich influence on the development of this nation and its institutions. This Judeo-Christian historical influence is well-documented in American history, as

evidenced by the fact that *Laus Deo*, meaning Praise be to God, is engraved upon the aluminum capstone of The Washington Monument, and that inside the monument, there are a number of memorial stones with scriptural engravings from the Old and New Testaments. Similarly, the walls of the Library of Congress have inscribed upon them Psalm 19:1 ("The heavens declare the glory of God, and the firmament showest His handiwork"); John 1:5 ("The light shinest in the darkness, and the darkness comprehendeth it not"); and Micah 6:8 ("What does the Lord require of thee, but to do justly and love mercy and walk humbly with thy God?").

America's religious heritage is literally etched into our collective memory as a nation, from the federal level to our counties, cities, and towns. Though atheists may desire to remove every cross from every military cemetery and every religious reference upon our monuments and buildings, such hostility to religion is contrary to our nation's Founders, our Constitution, and the will of our people. As the U.S. Supreme Court stated well in *Zorach v. Clauson*, 343 U.S. 306, 314 (1952): "[W]e find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence."

We realize that it can be somewhat intimidating to receive a letter quoting many Supreme Court cases, quotes which appear to take aim against the sign outside your office. A case omitted by FFRF was the 2005 case of *Van Orden v. Perry*, 545 U.S. 677, in which Chief Justice Rehnquist for the Court wrote that the proper analysis to apply to the use of Scripture on monuments/buildings is the nature of the monument/building and our Nation's history (545 U.S. at 686). The Chief Justice wrote the following regarding the portion of Scriptures called the Ten Commandments:

Such acknowledgments of the role played by the Ten Commandments in our Nation's heritage are common throughout America. We need only look within our own Courtroom. Since 1935, Moses has stood, holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the Courtroom as well as the doors leading into the Courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets.

Similar acknowledgments can be seen throughout a visitor's tour of our Nation's Capital. For example, a large statue of Moses holding the Ten Commandments, alongside a statue of the Apostle Paul, has overlooked the rotunda of the Library of Congress' Jefferson Building since 1897. And the Jefferson Building's Great Reading Room contains a sculpture of a woman beside the Ten Commandments with a quote above her from the Old Testament (Micah 6:8). A medallion with two tablets depicting the Ten Commandments decorates the floor of the National Archives. Inside the Department of Justice, a statue entitled "The Spirit of Law" has two tablets representing the Ten Commandments lying at its feet. In front of the Ronald Reagan Building is another

sculpture that includes a depiction of the Ten Commandments. So too a 24-foot-tall sculpture, depicting, among other things, the Ten Commandments and a cross, stands outside the federal courthouse that houses both the Court of Appeals and the District Court for the District of Columbia. Moses is also prominently featured in the Chamber of the United States House of Representatives. . . .

These displays and recognitions of the Ten Commandments bespeak the rich American tradition of religious acknowledgments. Of course, the Ten Commandments are religious - they were so viewed at their inception and so remain. The monument, therefore, has religious significance. According to Judeo-Christian belief, the Ten Commandments were given to Moses by God on Mt. Sinai. But Moses was a lawgiver as well as a religious leader. And the Ten Commandments have an undeniable historical meaning, as the foregoing examples demonstrate. Simply having religious content or promoting a message consistent with a religious doctrine does not run afoul of the Establishment Clause. 545 U.S. at 688-89.

We urge you to continue standing in the good company of many other governmental institutions that prominently feature visual reminders of our nation's invaluable religious history. As noted above, we can think of no finer assurance for people coming into your office than your office's sole focus on justice, on acting fairly and impartially to all. This justice is not, of course, the distorted sense of justice that FFRF claims is found elsewhere in Deuteronomy, but rather the justice found in Lev. 19:15, which states, "Do not pervert justice; do not show partiality to the poor or favoritism to the great, but judge your neighbor fairly." This is the essence of justice, and the sign objected to by FFRF should be a constant reminder to the employees of your office of the paramount importance of justice.

If you find that you could benefit from additional First Amendment legal advice, our attorneys are available to counsel you at no charge.

Sincerely,



Lea Carawan  
Executive Director  
Congressional Prayer Caucus Foundation