

Castle Rock Invocation Challenge  
Talking and writing points

BASIC PRINCIPLES OF CHURCH/STATE SEPARATION

Jesus: “My Kingdom is not of this world.” and “Render unto Caesar what is Caesar’s and to God what is God’s.”

Our Nation’s Forefathers were well aware of the religious strife infecting the civil and religious life of the European nations they had departed to come to these shores. Even in several of our founding colonies repression of religious minorities by the majority and close entanglement of the prevailing faith with government produced many abuses: from taxes to support the “official” clergy, to whipping, jailing, banishment and execution.

In 1689 the British Parliament passed the Toleration Acts, granting some rights to non-Anglicans, but James Madison and Thomas Jefferson went a huge step further in writing the state documents of Virginia to guarantee absolute freedom of conscience and of religion. Madison’s Memorial and Remonstrance Against Religious Assessments, in opposition to a bill for tax support of clergy, and Jefferson’s Virginia Statute for Religious Freedom, which established religious liberty in that State, laid the foundation principles for our Constitutional guarantees of religious freedom.

Jefferson’s phrase, “A wall of separation between church and state.” as well as Roger Williams’ earlier dicta to keep separate “the garden of the church” from “the wilderness of the world,” expressed the necessary condition to preserve both civil and religious freedoms

The Constitution says: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof,” The Fourteenth Amendment extended these prohibitions to state and local jurisdictions. In other words, GOVERNMENT HAS NO POWER OVER RELIGION. Its only role is to preserve the absolute freedom of belief and religion for our citizens.

Government and religion cannot mix their functions. However, religion can participate in political life. Churches have freedom of speech and expression. Examples are the campaigns of churches to abolish slavery and to outlaw abortion. This distinction is often confused by religious activists, who claim that separationists are trying to muzzle the free expression of religious groups.

The success of separation over more than 200 years is shown in the great profusion of religious sects and belief systems operating in complete freedom across our land. And our diverse citizenry has seen their civil rights grow steadily, without the restrictions demanded by an established religion.

LEGISLATIVE PRAYERS

These prayers can be said to hark back to early ages when church and government were closely allied and government leaders called on God’s guidance to do what they believed to be God’s work. In our Colonial times, such prayers were widespread. Even in our First Congress in 1789, a bill was passed to pay ministers to present prayers to open sessions of the Congress.

This practice has been followed in many of our state legislatures and other local governing bodies. After the 14<sup>th</sup> Amendment, such prayers at the state and local levels were challenged, but allowed on the basis of tradition, and of legislators calling for guidance of effective governance.

The Supreme Court case, *Marsh v Chambers* (1983), legitimized prayers offered by paid clergy to open sessions of the Nebraska Legislature. The Court noted that the First Congress authorized its own prayers shortly after passing the First Amendment's Establishment Clause, so it's members understood there was no conflict. The Supreme Court extended this permission to the State Legislatures and local government bodies.

Thus it seems highly unlikely that a suit challenging the Castle Rock Council's prayers could win.

## ETHICAL CONCERNS

While some exceptions to separation have been approved in law (military and prison chaplains are considered important to accommodate religious rights) we believe that legalizing legislative prayers is a mistake, and does not recognize the ethical responsibilities of a civil legislative body.

A legislature, and the Castle Rock Town Council, exists to conduct purely secular business on behalf of all of the residents in its jurisdiction. So what is the secular purpose of an opening prayer? Not all residents are of the same religious persuasion and may consider a prayer by a clergyperson of a different denomination to be offensive. As our population becomes ever more diverse, with some new residents belonging to Mid-East, Asian or Far Eastern sects, chances become greater that some will find offence at traditional Christian prayers. More important, they may feel that, as members of minority sects, the Council will tend to exclude their opinions and concerns about Town business.

The Council meetings are not a church service! Prayers may be said by anyone at any time, at any place, including at town council meetings, as long as they don't offend anyone or disrupt other activities. But the Council should recognize its ethical responsibilities to serve all residents without giving the impression of favoritism to members of the majority religion.

In initiating prayers, council members may have intended merely to be asking a higher power for inspiration to serve the town to the best of their ability. But the prayers are said in the presence of all observers and persons having business before the council. Persons must not come to believe that they are second class citizens because of their minority faith. Again, this is not church!

## PROBLEMS WITH INVOCATION RULES

The Town Council's website lists protocol for the invocations (prayers) including "Qualifications" and "Guidelines for Content" as well as administrative procedures for inviting religious leaders to give the prayer. These raise considerable problems of church/state interaction. (These rules may be found at the town web site: [www.CRGov.com](http://www.CRGov.com). Select Town Council Agenda Packet, then select Council Meeting Invocation.)

The protocol specifies that (invocations will be given by) "Spiritual leaders from all faiths, beliefs and religious perspectives". But it also says, "Group represented by the speaker has a place of public assembly", and "Organization has a recognized tax-exempt status".

These requirements might prevent small sects from having access to the council invocation program. Humanists, Freethinkers, Wiccans and others who meet informally in homes, or who have lay preachers, might well be excluded. And are there Jewish or Hindu or Muslim citizens who attend places of worship outside Castle Rock whose faith leaders would be excluded?

The Guidelines for content of invocations include the following:

1. Invocation should be positive and uplifting and be respectful of the diverse religious and spiritual makeup of the community and council audience.
2. Invocation should refrain from addressing particular items on the Council agenda that evening.
3. Invocation should not include verbal attacks and negative comments about anyone or any belief.

On the surface, these seem reasonable guards against offending others at the council meetings, but these are government instructions on prayer.

A pastor who is considered too argumentative and outspoken on some town issues may be denied this forum. It is not government's role to tell religious leaders how and what to pray! Religion cannot be free if government functionaries can pass on the propriety of prayer! Again, government has no power over religion!

A weakness of the guidelines is the lack of a strong, positive statement of the purpose of the invocation: just what is it supposed to contribute to the Council meeting? A weak purpose given in the protocol states the invocation will "Highlight the significance of the Council's deliberations and decisions." And other than the statement that invocation "should be positive and uplifting", this tells us nothing. Unfortunately, this sounds as though the real purpose is to bring an aura of approval by the Almighty to deliberations of the council members and to the members themselves. This clearly is inappropriate.

## POSSIBLE SOLUTIONS

Best to dispense with the public oral prayer altogether.

Instead, a moment of silence could be declared, during which all present could use the time as they wish: to pray quietly, or to focus their thinking on the business at hand, etc.

Or, if the purpose of the prayer is to inspire the councilors to do their best for the Town, they might pray in a separate room prior to the council meeting.

## IN CONCLUSION

Invocations or prayers at official government functions tend to give the impression that the government approves of the religious sentiments expressed, to the exclusion of other views. Government should show no favoritism for or against any faith expression.

Government's work is entirely secular. It must serve all residents without any preference, prejudice or discrimination.

The Council's protocols concerning the invocations represent improper control of religious expression by government.

If Council members feel that prayer preceding their meetings is called for, they may do so silently, in a moment of silence, or pray in a space separate from the Council chambers.

And nothing prevents the Town's religious congregations and pastors from offering prayers in their worship services appealing to a higher power to inspire the Council's work on behalf of the town.