

FREEDOM FROM RELIGION *foundation*

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OPEN MEMORANDUM

TO: Governor Paul LePage
Senate President Kevin Raye
House Speaker Robert Nutting
Other Members of the Maine Legislative Prayer Caucus

FROM: Annie Laurie Gaylor and Dan Barker, Co-Presidents
Freedom From Religion Foundation

DATE: January 23, 2012

RE: Maine Legislative Prayer Proclamation signed January 17, 2012



The Freedom From Religion Foundation (FFRF) is a nonprofit educational organization representing over 17,000 members across the country including members in Maine. We represent the viewpoint of one-quarter of your state: 25% of Maine citizens self-identify as nonreligious,¹ and are offended or excluded by the Maine Legislative Prayer Proclamation. FFRF protects the constitutional principle of separation between state and church. This memo highlights a few of the historical fallacies, contradictions, and inaccuracies in the “Call to Prayer for Maine” signed on January 17, 2012.

Misusing Civil Power to Exhort Citizens to Pray

Under our secular Constitution, elected officials have neither the constitutional nor the moral authority to exhort constituents to pray. Nor do they have the power to issue, in their official capacity, even as the “Maine Legislative Prayer Caucus,” a sectarian “‘Call to Prayer’ for the State of Maine” or to “invite Mainers everywhere to pray that God will continue to bless this country, our noble state and the freedom for which they stand.”

The Governor and Maine legislators have no business telling Mainers when or whether to pray, much less what to pray about. Jefferson wrote “that the legitimate powers of government reach actions only, & not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should ‘make no law respecting an establishment of religion, or prohibiting the free exercise thereof,’ thus building a wall of separation between Church & State.”² Our founders even rejected a proposal to pray while adopting our godless Constitution. Whether to pray, or believe in a god who answers prayer, is an intensely precious and personal decision protected under our First Amendment as a paramount matter of conscience. You have abridged freedom of conscience in issuing “A Call to Prayer for Maine.”

Nor does the Maine Constitution empower the legislature to act as a *muezzin* for the people of Maine — it requires that “all persons . . . shall be equally under the protection of the laws, and no subordination nor preference of any sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this State. . .”³

Historical Perversion and Omission

The Proclamation begins with an incorrect assertion, “Throughout the history of the United States, its citizens have drawn strength, hope, and guidance by prayer and humble petition before a loving creator...” This is true for some, but by no means all, citizens. Nonbelievers both past and present — currently 45 million Americans — are unwillingly swept into this statement. We do not draw hope, strength, or comfort by supplicating to invisible means of support. The Proclamation also excludes Maine citizens of faiths other than Christianity by appealing exclusively to the god of that religious tradition.

The second clause of the Proclamation, “The faith-based principles that established America, including the First Amendment to the Constitution, guarantee the freedom of religion and its expression,” contains one blatant fabrication and an even worse omission. First, this nation and our Constitution are not founded on “faith-based principles,” quite the opposite. Second, the Free Exercise Clause so readily cited in the Proclamation is limited by the preceding constitutional clause, “Congress shall make no law respecting an establishment of religion...”

It is a perversion of history and our Constitution to claim that it was founded on “faith-based principles.” The Constitution is a godless document. It does not mention god or the bible. In fact, most of its references to religion are exclusionary: “shall make no law” and “no religious test shall ever be required as a qualification to any office.” The drafters of the Constitution *intentionally* kept god out of the document and religion out of their government —precisely the opposite of a government founded on faith.

This fabrication is even more insidious because it directly contradicts the most important principle of our nation: power comes from “We the people.” Our government is not based on faith or on god; our government is based on the idea, an anti-biblical idea, that “Governments are instituted among Men, deriving their just Powers *from the consent of the governed.*”⁴ Both the Declaration of Independence and the Constitution repudiate the idea of a god-given government. This Proclamation renounces the democratic ideal in favor of the divine right to rule that our country rebelled against in 1776.

The Free Exercise clause protects an *individual*'s religious freedom but religious freedom only exists because *government* is prohibited by the Establishment Clause of that same First Amendment from engaging in religion. This principle is not based on faith but on the bloody history of government mixed with religion: “During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy, ignorance and servility in the laity, in both, superstition, bigotry and persecution.”⁵

The shameful history of religion in bed with government does lend credence to the Proclamation's third clause “The moral and solemn responsibility of those elected to [sic] public office, draws many servants who believe in the power of prayer...” The propensity for these habitual bedfellows to breed violence is one of the reasons the founders thought the Establishment Clause of the First Amendment, disregarded in your Proclamation, necessary.

The Origin of Our Rights

The Proclamation goes on to reference a day of “Fasting, Humiliation, and Prayer.” Once again, the whole story is not told. An examination of the text of that 1774 prayer belies the origin of rights and the usefulness of prayer. The prayer was declared

“... to implore the divine interposition, for averting the heavy Calamity which threatens destruction to our Civil Rights, and the Evils of civil War; to give us one heart and one Mind firmly to appose, by all just and proper means, every injury to American Rights; and that the Minds of his Majesty and his Parliament, may be inspired ... to remove from the loyal People of America all cause of danger...”

The writers thought our rights “Civil” and “American,” deriving from our societal association, not from a supernatural being. In addition, the prayer asked for “divine interposition” to avert war and to change the bellicose minds of King George III and Parliament. Had the prayers not failed, this letter would take a very different form.

The Proclamation may also attempt to draw support for this proposition from the Declaration of Independence. Readers of that document will not find a single mention of “God,” “Jesus,” or “Judeo-Christian principles.” There are references to “Nature’s God,” “their Creator,” “the Supreme Judge of the world,” and “Divine Providence,” but not a single one of these is explicitly Judeo-Christian. Thomas Jefferson, a Deist and the author, along with his editors Benjamin Franklin and John Adams, could have chosen to explicitly reference Jesus or Yahweh but they did not. In fact, Jefferson’s rough draft only mentioned “the Law’s of Nature and of Nature’s God,” the other references were added later. A brief and honest historical investigation will show that Jefferson was referring to natural law and not a personal deity when he wrote of the “Laws of Nature and of Nature’s God.”

The Declaration of Independence, significant as it is, does not govern this nation. The purpose of the Declaration was to “dissolve the political bands” tying us to Great Britain. It did not set up a religious nation. It was a bold statement of rebellion against the divine right of kings and stood for a new ideal: “governments are instituted among men, deriving their just power from the consent of the governed.”

Not only is it untrue that our “rights come from almighty God,” as the Proclamation declares, it is a shameful negation of the true cost of freedom. This idea ignores the sacrifice of those who gave their lives to secure our freedom and by attributing to god what our forebears worked so hard to achieve denigrates what is arguably the greatest human triumph in all of history — our country.

The Bible Repudiates the Purpose of the Prayer Caucus

The Proclamation also selectively invokes the bible. Chronicles may exhort followers to pray, but Matthew 6:6 expounds on how and where to pray: “But whenever you pray, go into your room and shut the door and pray to your Father who is in secret; and your Father who sees in secret will reward you.” (NRSV). Matthew 6:7-8 warns of verbiage in prayers, a “sin” of which the Proclamation is most definitely guilty: “When you are

praying, do not heap up empty phrases as the Gentiles do; for they think that they will be heard because of their many words. Do not be like them..." (NRSV).

In Whom Should We Trust?

The current fashion among historical revisionists in favor of the "Judeo-Christian principles" fallacy is to use "In God We Trust" to support their position. The Proclamation is no different. However, this phrase is not evidence that our nation was founded as a Christian one. It is not an authoritative document governing our country; it is not even from the founding generation. "In God We Trust" was added to some coinage in 1863 and adopted as a co-motto in 1956. Its addition to the national vernacular shows that the religious majority uses periods of weakened civil rights—the Civil War and the McCarthy Era — to divide expressions of national unity.

The original national motto, written by the same trio that drafted our Declaration of Independence — Jefferson, Adams, and Franklin — is "Of Many, One" (*E pluribus unum*). This expresses the belief that people from different colonies can unite under the flag of one nation, a unifying ideal. The usurping motto replaces that unifying ideal with a divisive one.

The founders recognized that religion is divisive. James Madison thought, "to employ Religion as an engine of Civil policy" was "an unhallowed perversion of the means of salvation."⁶ He also thought "Religion and government will both exist in greater purity, the less they are mixed together."⁷

The Supreme Court has also recognized the divisiveness of religion. In *McCreary County*, the Supreme Court wrote, "...the divisiveness of religion in current public life is inescapable."⁸ In *Van Orden v. Perry*, Justice Breyer wrote in his dissent that the purpose of the First Amendment is to "avoid that divisiveness based upon religion that promotes social conflict, sapping the strength of government and religion alike."⁹ But a Wisconsin Supreme Court judge put it most eloquently:

"There is no such source and cause of strife, quarrel, fights, malignant opposition, persecution, and war, and all evil in the state, as religion. Let it once enter our civil affairs, our government would soon be destroyed."¹⁰

In addition, fear was used to adopt division as a national motto. Senator McCarthy warned people, "this is the era of the Armageddon — that final all-out battle between light and darkness foretold in the Bible,"¹¹ while Billy Graham argued that the threat of the "godless atheistic communism" and the Cold War mandated the addition of religion to things like the pledge of allegiance.¹² During the Civil War James Pollock, the director of the U.S. Mint sought to use an "hour of National peril and danger — an hour when man's strength is weakness — when our strength and our nation's salvation must be in the God of Battles and Nations" to introduce their motto onto coinage.¹³ Failure to introduce god onto currency would lose the Union the war, he thought. Fear of losing both the Cold and Civil wars and fear of communism were used to drive these constitutional encroachments into the governmental sphere. Reference to these phrases

should be made with shame, not pride, for they force contentious religious ideas upon all citizens using the politics of fear.

Morality and the False Dichotomy

Finally, the Proclamation offensively asserts:

“We stand at the threshold of another significant crossroad: either to acknowledge and embrace the vibrant character of our spiritual heritage or to plunge headlong into the postmodern void—a value-neutral and amoral [sic] vacuum that endeavors to deconstruct much of what we hold sacred.”

Implicit in this statement is the craven idea that without religion our society would collapse. Thousands of Maine citizens believe that religion takes its morals from us, not the other way around. The morality of the bible clearly comes from the Bronze Age; as society progresses so does our morality. Genocide, slavery, and the persecution of nonbelievers are all espoused in the bible and shunned by civilized society because our morality stands outside a narrow, archaic belief structure.

The idea that people are only good because of god says far more about the people who ascribe to that idea than those who do not. If the statement is true, the corollary must also be true: if god did not exist, you would run around thieving, raping, and murdering. An admission that “God is all that prevents me from murdering other people” is inherent in the false dichotomy the Proclamation presents. No morally serious or intellectually honest person genuinely espouses that belief; and any suggestion otherwise insults citizens, including thousands in Maine, that behave morally without the fear of eternal punishment or reward.

Nothing Fails Like Prayer

The old saying that “two hands working does more than a thousand clasped in prayer” is true. As elected representatives you were chosen to work, not pray. There are over 320,000 nonbelievers in Maine, 25% of the population, on their behalf we would like to invite you to get off your knees and get back to work.

¹ Barry Kosmin and Ariela Keysar, *American Religious Identification Survey*, 2008.

² Thomas Jefferson, Letter to the Danbury Baptist Association of Connecticut. January 1, 1802.

³ Maine Constitution, Article 1, Section 3.

⁴ Declaration of Independence, 3rd clause, emphasis added. Compare to Romans 13:1-5

⁵ James Madison, *Memorial and Remonstrance against Religious Assessments* ¶7.

⁶ *A Memorial and Remonstrance Against Religious Assessments*, Article 5.

⁷ Letter to Edward Livingston, July 10, 1822.

⁸ 545 U.S. 844, 881 (2005).

⁹ 545 U.S. 677, 698 (2005).

¹⁰ *Weiss v. District Board*, 44 N.W. 967, 981 (1890)(Orton, J. concurring).

¹¹ Haynes Johnson, *The Age of Anxiety: McCarthyism to Terrorism* 285 (2005); 83rd Congress, 1st Session (1953)(Statement of Joseph McCarthy) S. Prt. 107-84.

¹² Isaac Kramnick & Laurence Moore, *The Godless Constitution*, 196 (2005).

¹³ 1862 Annual Report of the Director of the U.S. Mint 6-7.

MAINE LEGISLATIVE PRAYER CAUCUS

A CALL TO PRAYER FOR MAINE

*Th*ROUGHOUT THE HISTORY OF THE UNITED STATES, ITS CITIZENS HAVE DRAWN STRENGTH, HOPE, AND GUIDANCE BY PRAYER AND HUMBLE PETITION BEFORE A LOVING AND MERCIFUL CREATOR—IMPLOING HIM TO WATCH OVER THIS NATION, ITS LEADERS, AND HER PEOPLE.

THE FAITH-BASED PRINCIPLES THAT ESTABLISHED AMERICA, INCLUDING THE FIRST AMENDMENT TO THE CONSTITUTION, GUARANTEE THE FREEDOM OF RELIGION AND ITS EXPRESSION. THE MORAL AND SOLEMN RESPONSIBILITY OF THOSE ELECTED TO PUBLIC OFFICE, DRAWS MANY SERVANTS WHO BELIEVE IN THE POWER OF PRAYER—TO SEEK HUMILITY IN GOVERNANCE, WISDOM IN DECISION-MAKING, COURAGE IN TIMES OF TESTING, AND PROVIDENCE FOR GOD'S FAVOR AND BLESSING.

ON MAY 24, 1774, WHEN FACING ENORMOUS CHALLENGES, CAUCUS MEMBERS FROM THE VIRGINIA HOUSE OF BURGESSES PASSED A RESOLUTION SETTING APART A DAY OF "FASTING, HUMILIATION, AND PRAYER." IN EARLY 2005, A SMALL GROUP FROM THE U.S. HOUSE OF REPRESENTATIVES BEGAN MEETING IN ROOM 219 OF THE UNITED STATES CAPITOL TO PRAY FOR OUR NATION. THE GRAVITY OF THIS MEETING WAS DERIVED FROM THE HUMBLE AND SINCERE BELIEF THAT GOD COULD HEAL AND RESTORE AMERICA. SOON THEREAFTER, THESE MEMBERS FORMED THE CONGRESSIONAL PRAYER CAUCUS TO VIGILANTLY WATCH OVER AND PROTECT THE RIGHT OF INDIVIDUALS TO PRAY.

WE STAND AT THE THRESHOLD OF ANOTHER SIGNIFICANT CROSSROAD: EITHER TO ACKNOWLEDGE AND EMBRACE THE VIBRANT CHARACTER OF OUR SPIRITUAL HERITAGE OR TO PLUNGE HEADLONG INTO THE POSTMODERN VOID—A VALUE-NEUTRAL AND AMORAL VACUUM THAT ENDEAVORS TO DECONSTRUCT MUCH OF WHAT WE HOLD SACRED.

CENTURIES AGO, THE BIBLE RECORDS IN 2 CHRONICLES 7:14 THAT GOD TOLD KING SOLOMON:

"If my people who are called by my name will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, will forgive their sin and will heal their land."

WITH CLEAR VISION AND THE RECENT RE-AFFIRMATION OF "IN GOD WE TRUST" AS OUR NATIONAL MOTTO, IT BECOMES MORE EVIDENT HOW IMPORTANT PRAYER IS TO THIS COUNTRY AND TO MAINERS. AS SUCH, WE ACKNOWLEDGE THE PREAMBLE OF THE STATE CONSTITUTION WHICH HUMBLY ASSERTS, "WE THE PEOPLE OF MAINE, IN ORDER TO...SECURE TO OURSELVES AND OUR POSTERITY THE BLESSINGS OF LIBERTY, ACKNOWLEDGING WITH GRATEFUL HEARTS THE GOODNESS OF THE SOVEREIGN RULER OF THE UNIVERSE IN AFFORDING US AN OPPORTUNITY, SO FAVORABLE TO THE DESIGN; AND, IMPLOING GOD'S AID AND DIRECTION IN ITS ACCOMPLISHMENT..."

AS A STATE THAT REMAINS STRONGLY COMMITTED TO THE PRINCIPLES OF INDEPENDENCE AND RELIGIOUS FREEDOM, WE REMEMBER THE SERVICE OF GOV. HANNIBAL HAMLIN AS ABRAHAM LINCOLN'S FIRST VICE PRESIDENT AND THE WORDS OF MAINE'S 32ND GOVERNOR AND MEDAL OF HONOR RECIPIENT, BYT. MAJ. GEN. JOSHUA CHAMBERLAIN, WHO COMMENTED AT A MEMORIAL IN GETTYSBURG, "THIS IS THE GREAT REWARD OF SERVICE. TO LIVE, FAR OUT AND ON, IN THE LIFE OF OTHERS; THIS IS THE MYSTERY OF THE CHRIST, TO GIVE LIFE'S BEST FOR SUCH HIGH SAKE THAT IT SHALL BE FOUND AGAIN UNTO LIFE ETERNAL."

WE, THE UNDERSIGNED, WHO BELIEVE IN PRAYER AND THE JUDEO-CHRISTIAN PRINCIPLES THAT REMIND US THAT OUR RIGHTS COME FROM ALMIGHTY GOD, UNITE IN THIS PROCLAMATION. ACCORDINGLY, THIS DAY WE RESPECTFULLY AND HUMBLY ISSUE A "CALL TO PRAYER" FOR THE STATE OF MAINE AND INVITE MAINERS EVERYWHERE TO PRAY THAT GOD WILL CONTINUE TO BLESS THIS COUNTRY, OUR NOBLE STATE AND THE FREEDOM FOR WHICH THEY STAND.

*W*TNESS THE FOLLOWING SIGNATURES AS OF THE 17TH DAY OF JANUARY IN THE YEAR OF OUR LORD, 2012.