

# FREEDOM FROM RELIGION *foundation*

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March 30, 2017

**SENT VIA EMAIL AND U.S. MAIL:  
Dixie.risser@careyohio.org**

Village Council  
127 N. Vance St.  
Carey, OH 43316

Re: Prayer and Pledge at Village Council meetings

Dear Village Council Members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to urge you not to insert unnecessary rituals at the start of Village Council meetings. FFRF is a national nonprofit organization with more than 27,000 members across the country, including more than 700 members in Ohio and a chapter, Northern Ohio Freethought Society. FFRF's purposes are to protect the constitutional principle of separation between state and church and to represent the views of freethinkers (atheists, agnostics and nonbelievers).

It is our understanding that the Village Council, until recently, began its meetings with recitations of the Lord's Prayer and the Pledge of Allegiance. Local media reported that Mayor Armond Getz and Law Director Emily Beckley have announced their resignation after receiving threats following their wise recommendations to stop both rituals.<sup>1</sup> We are writing to express our gratitude to Getz and Beckley for standing up for constitutional principles, and to publicly urge them not to resign. Our country needs more leadership like theirs—not less. We urge the Village Council to condemn the harassment they have received and to invite them to stay on.

We also understand that the Village Council passed a resolution on March 20 to again include the Pledge, as well as a moment of silence, before Village Council meetings. The mayor and law director were right to recommend that the Village Council skip these unnecessary and divisive practices and get down to Village business without delay. Reciting the Lord's Prayer before Village Council meetings violates the constitutional principle of separating church from state. The Pledge of Allegiance and a moment of silence are unnecessary and send an exclusionary message to nonreligious members of the community.

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<sup>1</sup> [thecourier.com/local-news/2017/03/21/citing-threats-getz-beckley-step-down/](http://thecourier.com/local-news/2017/03/21/citing-threats-getz-beckley-step-down/).

Reciting the Lord's Prayer at each Village Council meeting is unconstitutional. The Lord's Prayer is an exclusively Christian prayer, both versions of which stem from the New Testament and can be found in the Gospel of Matthew 6:9–13 and the Gospel of Luke 11:2–4. Scheduling a ritualistic recitation of a specific sectarian prayer at each Village Council meeting shows an unambiguous official government endorsement of the prayer's religious message, in violation of the Establishment Clause of the First Amendment to the U.S. Constitution. It is coercive, embarrassing and intimidating for nonreligious citizens to be required to make a public showing of their nonbelief (by not rising or praying) or else to display deference or obeisance toward a religious sentiment in which they do not believe, but which their Village Council members clearly do.

As you may be aware, the U.S. Supreme Court recently decided *Town of Greece, N.Y. v. Galloway*, 134 S. Ct. 1811 (2014). This case did not address situations in which government officials schedule a particular religion's prayer to be recited at each meeting. The Court in *Galloway* only approved opening a neutral forum for others, including non-Christians and atheists, to give invocations. "Our Government is prohibited from prescribing prayers to be recited in our public institutions." *Galloway*, 134 S. Ct. at 1822 (citing *Engel v. Vitale*, 370 U.S. 421, 430 (1962)).

Outside the Supreme Court's very narrow constitutional exception in *Galloway*, federal courts have consistently struck down government-sponsored prayers that are sectarian, denominational, or invoke a particular faith or deity. *See, e.g., Joyner v. Forsyth Cnty.*, 653 F.3d 341 (4th Cir. 2011) (holding that county government's prayers to Jesus were unconstitutional), *cert. denied*, 132 S.Ct. 1097 (2012); *Wynne v. Town of Great Falls*, 376 F.3d 292 (4th Cir. 2004) (holding that the Establishment Clause was violated when the town Board opened sessions with prayer containing references to Jesus Christ), *cert. denied* 545 U.S. 1152 (2005).

It is thus unconstitutional and coercive for the Village Council to recite the Lord's Prayer at the beginning of each meeting. The Supreme Court specified in *Galloway* that its "analysis would be different if town board members directed the public to participate in the prayers . . . . Although board members themselves stood, bowed their heads, or made the sign of the cross during the prayer, they at no point solicited similar gestures by the public." *Galloway*, 134 S. Ct. at 1826.

Observing a strict separation between church and state honors not only the First Amendment, but also the very tenets being professed during Christian prayers. Christians who know their bible are familiar with the biblical injunction of Jesus in the Sermon on the Mount, condemning public prayer as hypocrisy. "And when thou prayest, thou shalt not be as the hypocrites are: for they love to pray standing in the synagogues and in the corners of the streets, that they may be seen of men. Verily I say unto you, They have their reward. But thou, when thou prayest, enter into thy closet, and when thou hast shut the door, pray to thy

Father which is in secret; and thy Father which seeth in secret shall reward thee openly.” Matt. 6:5–6.

Village Council members are free to pray privately or to worship on their own time in their own way. They do not need to worship on taxpayers’ time. The Village Council ought not to lend its power and prestige to religion by scheduling, hosting or conducting governmental prayers. This “sponsorship of a religious message is impermissible because it sends the ancillary message to . . . nonadherents ‘that they are outsiders, not full members of the political community, and accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309–10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

There is no reason to replace the formal prayer with a moment of silence. While a moment of silence is preferable to the Village Council’s former unconstitutional practice, Mayor Getz is right: the best solution is to discontinue this unnecessary practice altogether.

The Pledge of Allegiance, too, is unnecessary and divisive. Many Americans object to the Pledge, including many of the 23% of American adults who are not religious<sup>2</sup> and do not believe that we are a nation “under God,” and many others who do not believe that our government is living up to a standard of “peace and justice for all.” Mayor Getz, a military veteran, clearly understood that reciting the Pledge excludes many citizens, ironically making our nation less “indivisible,” and sensibly recommended that this practice be stopped.

In order to demonstrate the Village Council’s respect for the diverse range of religious and nonreligious citizens living in Carey, we urge you to concentrate on civil matters and leave divisive, time-wasting rituals out of Village Council meetings. Thank you for your attention to our concerns.

Sincerely,



Ryan D. Jayne, Esq.  
*Elaine & Eric Stone Legal Fellow*  
*Freedom From Religion Foundation*

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<sup>2</sup> *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).