

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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**FREEDOM FROM RELIGION  
FOUNDATION, INC.; ANNE NICOL  
GAYLOR; ANNIE LAURIE GAYLOR;  
PAUL GAYLOR; DAN BARKER;  
PHYLLIS ROSE, and JILL DEAN,**

**Plaintiffs,**

v.

**Case No: 08-CV-588**

**PRESIDENT BARACK OBAMA; WHITE HOUSE  
PRESS SECRETARY ROBERT GIBBS; WISCONSIN  
GOVERNOR JIM DOYLE; and SHIRLEY DOBSON,  
CHAIRMAN OF THE NATIONAL  
DAY OF PRAYER TASK FORCE,**

**Defendants.**

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**PLAINTIFFS' PROPOSED FINDINGS OF FACT-WITH TOPICAL HEADINGS**

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The plaintiffs submit the following Proposed Findings of Fact.

**A. History Of 1952 National Day Of Prayer Legislation.**

1. The National Day of Prayer is a day set aside by Congress for prayer. (Ex. 123 at 63.)<sup>1</sup>

2. The impetus for an annual National Day of Prayer, by legislation, came from the Reverend Billy Graham, who suggested it in the midst of a crusade in the nation's Capitol in 1952. (Ex. 55 at 1 and Ex. 56 at 2.)

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<sup>1</sup> Record cites are to the exhibits submitted with the Affidavits of Richard L. Bolton.

3. The resolution mandating an annual National Day of Prayer was described as a measure against "the corrosive forces of communism which seeks simultaneously to destroy our democratic way of life and the faith in an Almighty God on which it is placed." (Ex. 55 at 1 and Ex. 56 at 2.)

4. On April 2, 1952, the Committee on the Judiciary issued a Report to Accompany H.J. Res. 382 to create a National Day of Prayer, noting the Purpose "is to direct the President to proclaim a National Day of Prayer each year." (Ex. 53.)

5. The Report to Accompany H.J. Res. 382 to create a National Day of Prayer Statement claimed: "When the delegates to the Constitutional Convention encountered difficulties in the writing and formation of a Constitution for this Nation, prayer was suggested and became an established practice at succeeding sessions." (Ex. 53.)

6. The Statement encouraged the people of this country "to unite in a day of prayer each year, each in accordance with his own religious faith, thus reaffirming in a dramatic manner that deep religious conviction which has prevailed throughout the history of the United States." (Ex. 53 at 1.)

7. In fact, the members of the Constitutional Convention did not pray at any session before adopting the entirely godless and secular U.S. Constitution, as noted by Constitutional Convention Secretary Benjamin Franklin. Franklin had suggested prayer on one occasion, but instead the Constitutional Convention adjourned for the day and never prayed at any time during the Constitutional Convention. (Pfeffer, Church, State & Freedom, at 121-122 (1967).)

8. Public Law 324, a Joint Resolution, was approved on April 17, 1952: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall set aside and proclaim a suitable day each year, other than a

Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation in churches, in groups, and as individuals. (Ex. 53.)

9. Contemporaneous reporting of President Truman's signing of the Prayer Day Bill, in the New York Times on April 18, 1952, recognized that "the purpose of the resolution is to have the public assemble in churches, synagogues, and other places of worship to offer prayers for world peace." (Ex. 54 at 1.)

10. Public Law 324 was signed by President Harry Truman on April 17, 1952. (Ex. 54.)

#### **B. Presidential Proclamations Exhort Prayer.**

11. Presidential NDP proclamations are released by the Office of the Press Secretary, including in 2008 and 2009 by the press secretary for Presidents Bush and Obama. (Ex. 12 at 1-3.)

12. The National Day of Prayer legislation passed by Congress is an encouragement for the American people of all faiths to pray. (Ex. 123 at 14.)

13. This year, President Obama announced in advance that he too would release a Presidential Proclamation declaring May 7, 2009, to be the National Day of Prayer. (Ex. 96 at 11.)

14. Wikipedia describes the National Day of Prayer as being "designated by the United States Congress as a day when people are asked to come together and pray, especially for their country." (Ex. 56 at 1.)

15. In fact, Presidential NDP Proclamations routinely include exhortations to American citizens to pray. (Ex. 10 at 4-27.) (Ex. 116.)

16. Most Presidents have explicitly directed "all" Americans, "every" American or "each" American, without exception, to pray in their NDP Proclamations. These explicit instructions by Presidents occurred in at least 44 official Presidential NDP Proclamations during the years: 1952, 1953, 1954, 1955, 1956, 1957, 1961, 1962, 1964, 1965, 1966, 1967, 1970, 1972, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1983, 1986, 1987, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2001, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008. (Ex. 116.)

17. Presidential NDP Proclamations not only have directed Americans to pray, but have dictated subjects, issues or specific items about which Americans ought to pray. For example, in 1959, President Dwight D. Eisenhower called "upon my fellow Americans and all who may be visitors in our country . . . to join in prayer for our Nation . . ." and specified five items over which to pray, including "that we may have Divine guidance in our efforts to lead our children." (Ex.116.)

18. Some Presidential NDP Proclamations have included pious laundry lists, including the 1960 proclamation by President Eisenhower, who directed "my countrymen" to "ever place our trust in the keeping of God's commandments." (Ex. 116.)

19. In 1961, President John F. Kennedy listed five matters about which he directed Americans to explicitly pray, including "divine guidance in our efforts to lead our children in the ways of the truth." (Ex. 116.)

20. In 1962, President Kennedy listed four items in his annual NDP Proclamation about which Americans were to pray, after expressing the idea that "Almighty God was a dominant power in the lives of our Founding Fathers; and . . . they expressed this faith in prayer." (Ex. 116.)

21. On Sept. 25, 1970, several months after ordering the invasion and bombing of Cambodia, President Richard Nixon, in his NDP Proclamation, specifically invited "all Americans to pray that the scourge of war be lifted from the earth." (Ex. 116.)

22. In 1979, President Jimmy Carter, in proclaiming Oct. 3, 1979 to be the National Day of Prayer, asked "all Americans to join with me on that day to recommit ourselves to God." (Ex. 116.)

23. In 1980, President Carter, in designating Oct. 6, 1980 as the National Day of Prayer, said: "I further ask that all who so desire make this a Day of Fast as well." (Ex. 116.)

24. In 1980, President Jimmy Carter's Presidential NDP Proclamation additionally made comments critical of unbelievers or Americans who do not pray or have a "close relationship" with a deity: "As a nation we cannot but hope that more of our citizens would, through prayer, come into a closer relationship with their maker." (Ex. 116.)

25. In January 1983, President Ronald Reagan declared May 5 a National Day of Prayer, in an effort to "bring renewed respect for God." (Ex. 58 at 1.)

26. The 1983 NDP Proclamation by President Reagan belies the assertion that there has been an "unbroken" line of prayer proclamations dating to the nation's inception. President Reagan acknowledge that a national day of prayer was "forgotten" for "almost half a century, and then again for nearly a century until it was "revived as an annual observance by Congress in 1952." (Ex. 116.)

27. Many Presidential NDP Proclamations have included scriptural references, as for example in 1984 when President Reagan quoted II Chronicles 7:14 from the New Testament in his NDP Proclamation: "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 and will forgive their sin, and will heal their land." (Ex. 116.)

28. Presidential NDP Proclamations not infrequently have included Christian references, as for example in 1986 when President Reagan's NDP Proclamation said: "Christ enjoins us to 'pray without ceasing.'" (Ex. 116.)

29. The 1987 NDP Proclamation by President Ronald Reagan chided Americans for "being too proud to make, or too prone to forget" an acknowledgment to deity. (Ex. 116.)

30. In 1988, President Reagan in his NDP Proclamation said that the first step of the American government was "humble, heartfelt prayer." (Ex. 116.)

### **C. Legislation In 1988 Intended To Facilitate Religious Organizing.**

31. Prior to 1988, the President would call the nation to a day of prayer whenever he chose each year, with the exception of Sundays. (Ex. 60 at 1.)

32. Nonetheless, according to the National Prayer Committee, the National Day of Prayer was established by an Act of Congress in 1952 to encourage Americans to pray for our nation, its people and its leaders. (Ex. 57 at 2.)

33. The National Prayer Committee exists to provide collective leadership to the National Prayer Movement. (Ex. 51 at 1.)

34. The NDP Task Force is a project of the National Prayer Committee, the purpose of which is to mobilize prayer. (Exhibit 2 at 34.)

35. The National Prayer Committee and the first NDP Task Force Chairman, Vonette Bright, directed the efforts leading in 1988 to President Reagan signing into law the requirement that the first Thursday in May of each year be designated the National Day of Prayer. (Ex. 60 at 1.)

36. Mrs. Vonette Bright promoted legislation for a Day of Prayer on a specific day each year because she believed in the power of prayer; she believed that there should be a day in this Country in which the Nation is covered in prayer; and she wanted to facilitate that, if possible. (Ex. 123 at 31-32.)

37. Mrs. Bright, cofounder with Dr. Bill Bright of Campus Crusade for Christ, told Shirley Dobson how the first Thursday in May amendment in 1988 came about: Mrs. Bright got up at 5 a.m. one day to phone some Congressmen about setting aside a [specific] day for the National Day of Prayer. A committee was formed and the first Thursday of May change came from that. (Ex. 123 at 43-44.)

38. The Campus Crusade for Christ website biography of Vonette Bright credits her with the achievement of introducing legislation that was approved by both houses of Congress to make the first Thursday of May a permanent date for The National Day of Prayer. (Ex. 117 at 3.)

39. Congressman Tony P. Hall, while introducing the 1988 National Day of Prayer bill on March 16, 1988, remarked that designating each first Thursday in May as the annual date on which the National Day of Prayer is celebrated, would “help bring more certainty to the scheduling of events related to the National Day of Prayer, and permit more effective long-range planning.” (Ex. 118 at 2.)

40. “The annual observance would be so much easier to celebrate if its occurrence was not subject to the issuance of an annual proclamation. The event has a tradition of some consequence for increasing our nation’s awareness of the need for divine assistance,” said Rev. Msgr. Joseph F. Rebman, Chancellor, Diocese of Wilmington, Delaware, in urging passage of the bill. (Ex. 118 at 3.)

41. Pat Boone, Co-Chairman of the National Prayer Committee, complained that having a different day proclaimed each year “had offered little advance notice to adequately inform the grass roots constituencies. I believe a definite date will allow millions of citizens within our nation who have explicit faith in a Prayer-hearing God to be informed about this significant day in our country.” (Ex. 119 at 3.)

42. S.1378, “An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated,” was approved by the Senate on May 5, 1988, and signed into law by President Ronald Reagan on May 9, 1988. (Ex. 120.)

43. After signing the 1988 law, President Reagan encouraged people of all faiths to participate in the National Day of Prayer. (Ex. 123, at 28-29.)

44. Groups like the NDP Task Force would have trouble mobilizing a National Day of Prayer if it didn't know well in advance when it was going to take place. (Ex. 123 at 29-30.)

45. The change in the law in 1988, to make predictable the Day of Prayer, on the first Thursday in May, facilitated efforts by the NDP Task Force to organize prayer observances. (Ex. 123 at 29.)

46. The law in 1988 mandating that the first Thursday in May of each year be designated as a National Day of Prayer was more meaningful than the 1952 legislation because people of faith wanted to have a day that they could know was going to be a day of prayer, instead of just letting it be at the whim of the President. (Ex. 123 at 163-64.)

47. Since the 1988 legislation mandating the designation of a specific day, the National Day of Prayer is now even included on commercial calendars. (Ex. 123 at 140 & 164.)



48. Groups like the NDP Task Force have been successful in mobilizing Christians to engage in prayer in part because it unifies people of faith and it is beneficial to have a central event that people can gather around. (Ex. 123 at 85-86.)

49. Having a designated day of prayer, as adopted in 1988, was important to people of faith who wanted to have a day that they could predictably know was going to be a day of prayer, instead of just leaving it up to the President to choose. (Ex. 123 at 164.)

**D. Mrs. Dobson Is The Voice And Face Of The NDP Task Force.**

50. Campus Crusade for Christ of which Vonette Bright is a founder and still affiliated, boasts 25,000 employees and is a major international evangelical force. Its purpose: "Helping to fulfill the Great Commission in the power of the Holy Spirit by winning people to faith in Jesus Christ, building them in their faith and sending them to win and build others; and helping the Body of Christ do evangelism and discipleship." (Ex 121.)

51. Campus Crusade for Christ uses a lot of their staff as part of the Task Force to promote the National Day of Prayer, according to Mrs. Dobson. (Ex. 123 at 25.)

52. When Mrs. Bright asked Mrs. Dobson to become co-chair of the NDP Task Force, Mrs. Dobson told her she would pray about it and talk to her husband and get back to her. (Ex. 123, at 8-9.)

53. Shirley Dobson's husband, James Dobson, is the founder of Focus on the Family. (Ex. 66 at 4.)

54. Once Shirley Dobson became chair of the NDP Task Force, Focus on the Family provided startup money for the NDP Task Force: \$100,000 the first year; \$50,000 the second, \$25,000 the third. (Ex. 123 at 7-8.)

55. Shirley Dobson accepted Mrs. Bright's overture and became cochairman of the NDP Task Force in 1989, and she has been the chairman since 1991. (Ex. 123 at 4.)

56. Mrs. Dobson is now the recognized voice and the face of the National Day of Prayer. (Ex. 123 at 42.)

**E. The NDP Task Force Uses The National Day Of Prayer To Mobilize Prayer Activities.**

57. One of the goals of the NDP Task Force is to encourage prayer. (Exhibit 2 at 4.)

58. The NDP Task Force promotes and encourages the role of prayer by mobilizing around the National Day of Prayer. (Ex. 123 at 10.)

59. The National Day of Prayer is a rallying point, as a day for focusing on prayer, because it is declared as such by the President each year. (Ex. 123 at 62.)

60. The National Day of Prayer is a rallying point for the NDP Task Force in focusing on prayer for the country. (Ex. 123 at 62.)

61. The National Day of Prayer is set aside by Congress, so it's a day when Americans pray for their country and for its leaders, and a day that symbolizes the country, which is why the NDP Task Force chose to make the American flag a prominent part of its logo. (Ex. 123 at 47.)

62. Mrs. Dobson's initial understanding of the National Day of Prayer was that it is a special day set aside specifically for prayer. (Ex. 123 at 63.)

**F. The NDP Task Force Is Exclusively Christian In Perspective.**

63. The NDP Task Force was created by the National Prayer Committee for the express purpose of organizing and promoting prayer observances conforming to a Judeo-Christian system of values. (Ex. 44 at 1.)

64. The Judeo-Christian expression of the National Day of Prayer involves praying to the God of the Bible. (Ex. 123 at 67.)

65. The NDP Task Force expression of the National Day of Prayer is based on the Bible, which says that God is the one and only, and his son, Jesus Christ, is the way to salvation, which is the belief of the Christian church. (Ex. 123 at 69.)

66. Mrs. Dobson understands the National Day of Prayer to involve proclaiming reliance on an Almighty God in calling Americans to come before Him on behalf of the Nation. (Ex. 123 at 106.)

67. The NDP Task Force's annual theme, including in 2009, represents an effort to point Americans to the eternal source of encouragement and help, i.e., the God of the Bible. (Ex. 123 at 121-22.)

#### **G. Presidential Proclamations Are Integral To Prayer Rallies.**

68. The official proclamation issued by the President is an integral part of the yearly national observance. (Ex. 13 at 1.)

69. The President's support for the National Day of Prayer serves a crucial role in calling Americans to prayer. (Ex. 14 at 1.)

70. Because the President is the leader of the Country, and people look to the President as the moral leader, and sometimes even the spiritual leader of the Nation, Mrs. Dobson would like to see the President encourage people of all faiths to pray. (Ex. 123 at 92.)

71. The NDP Task Force actually offers draft proclamations for the President to consider. (Ex. 14 at 1-2.)

72. Mrs. Dobson would like for the President to encourage prayer and she believes that Congress encourages prayer by designating a National Day of Prayer. (Ex. 123 at 82-83.)

73. Most recently, Mrs. Dobson was pleased with the NDP proclamation issued by President Obama, which encouraged people to pray. (Ex. 123 at 91.)

74. It is important to the NDP Task Force that the President sign a proclamation because he is the leader of the nation and many people look to the President as the moral and spiritual leader of the country, and since Congress has set aside the National Day of Prayer, and because the President is the leader of the American people, the NDP Task Force likes to see the President encourage people of all faiths to pray. (Ex. 123 at 92.)

75. Mrs. Dobson acknowledges that the intended audience for proclamations by the President is the people of the Nation, and in the case of proclamations by governors, the people of each state. (Ex. 123 at 134.)

#### **H. Participation By Government Officials Is Key.**

76. Mrs. Dobson understands the National Day of Prayer to be about calling Americans to come before Almighty God. (Ex. 123 at 106.)

77. NDP proclamations by state governors also lend support to the National Day of Prayer. (Ex. 123 at 107.)

78. Support by the nation's leaders is critical to the NDP Task Force's efforts. (Ex. 123 at 108-109.)

79. People look to their leaders in giving them direction, so it is critical that the leaders support the National Day of Prayer because they are role models. (Ex. 123 at 109.)

80. The NDP Task Force, therefore, hopes that leaders of the country will call the nation to prayer, including by issuing proclamations. (Ex. 123 at 110.)

**I. The NDP Task Force Promotes Active Christian Prayer.**

81. The NDP Task Force promotes the National Day of Prayer as a means to encourage prayer, which involves establishing a relationship with God. (Exs. 45-47.)

82. The NDP Task Force represents the Judeo-Christian expression of the national observance, based on the belief that this country was birthed in prayer and in reverence for the God of the Bible. (Ex. 44 at 1.)

83. According to Mrs. Dobson, the United States was founded on the Judeo-Christian system of values, and birthed in prayer, and founded on the God of the Bible. (Ex. 123 at 11.)

84. The NDP Task Force promotes only a Judeo-Christian expression of the National Day of Prayer. (Ex. 123 at 11-12, 14, 67.)

85. The NDP Task Force believes that for true Christians, prayer is communion with God, through which individuals actually experience a relationship with God. (Ex. 47 at 1.)

86. The NDP Task Force chooses an annual theme for each year's National Day of Prayer. (Ex. 123 at 56.)

87. The NDP Task Force chooses an annual theme purportedly as a way to bring "unity to the Nation." (Ex. 123 at 61.)

88. The NDP Task Force desires that its annual theme and supporting scripture be incorporated into official proclamations by government officials. (Exs. 25-39.)

89. Shirley Dobson supposedly goes before the Lord every year in prayer, and asks him what is in his heart for our nation, and through prayer God usually gives Mrs. Dobson a theme for that year. (Ex. 123 at 56-57.)

90. The Bible is the handbook of the NDP Task Force. (Ex. 123 at 64.)

91. Prayer from the perspective from the NDP Task Force is related to the relationship with the God of the Bible. (Ex. 123 at 64.)

92. The supporting scripture for each National Day of Prayer theme is exclusively chosen from the Bible, a source that is readily recognizable. (Ex. 123 at 57.)

**J. Presidential Proclamations Promote Active Prayer.**

93. Presidential proclamations advance the cause of prayer and inspire others to get involved. (Ex. 15 at 2.)

94. The NDP Task Force solicits proclamations from the President, which are then read by some 40,000 Task Force coordinators at events around the country, and the presidential proclamations "underscore the need for corporate and personal intercession [that] will lend tremendous prestige and credibility to these gatherings." (Ex. 15 at 1.)

95. In his 1991 official NDP Proclamation, President George H.W. Bush told all Americans, including all unreligious Americans that "we owe constant praise to God." Bush added: "Giving humble thanks for His mercy, let us vow to fulfill not only our responsibilities but also our potential as one Nation under God. Most important let us make our prayers pleasing to Him. . . ". (Ex. 116.)

96. President George W. Bush in his NDP public comments lauded the Dobson's and the NDP Task Force and promoted the role of prayer at exclusive annual NDP prayer observances in the East Room of the White House. (Ex. 63 at 1-4.)

97. Mrs. Dobson has attended ten White House prayer services for the National Day of Prayer and she has spoken at eight of these events. (Ex. 123 at 72 and 74.)

98. Mrs. Dobson, as Chairman of the NDP Task Force, even received personal "thank-you's" from President George W. Bush as a result of the Task Forces' NDP observances in Washington. (Ex. 40 at 1-2.)

99. The NDP Task Force bound all the state National Day of Prayer proclamations by governors into a presentable package and presented it as a unique gift to President Bush on the National Day of Prayer. (Ex. 123 at 52.)

100. The NDP Proclamation by President Bush in 2001 expressly included the NDP Task Force annual theme and supporting scriptural reference. "The theme of the 2001 National Day of Prayer is 'One Nation under God.' In a prayer written specially for the occasion, Americans are asked to pray for 'a moral and spiritual renewal to help us meet the many problems we face.' Special observances are scheduled for all 50 States, with local volunteers planning a variety of activities including prayer breakfasts, concerts, rallies, and student gatherings." (Ex. 10 at 1-3)

101. In his 2004 NDP Proclamation, President Bush used the NDP Task Force scriptural theme, "the Lord is near to all who call upon Him . . . He also will hear their cry, and save them." (Ex. 116.)

102. In 2008, President Bush also adopted the NDP Task Force theme and scripture verse: "This year's theme, 'Prayer! America's Strength and Shield,' is taken from Psalm 28:7, "The Lord is my strength and my shield; my heart trusts him, and I am helped.' " (Ex. 10 at 1-3.)

103. President Obama's 2009 NDP Proclamation concluded with a "call upon Americans to pray in thanksgiving for our freedoms and blessings and to ask for God's continued guidance, grace, and protection for this land that we love." (Ex. 12 at 2-3.)

104. The Presidential Proclamation is an important symbol and affirmation of the annual National Day of Prayer observance, which the NDP Task Force incorporates into its promotional materials. (Ex. 30 at 1.)

**K. The NDP Task Force Coordinates a Christian Celebration of the National Day of Prayer.**

105. The National Day of Prayer stands as a memorial to our nation's supposed Christian heritage. (Exs. 33-34.)

106. The NDP Task Force considers "foundational to our country the understanding that God is the Source of freedom," including the Christian God of the Bible. (Ex. 35 at 1.)

107. A tremendous outpouring of prayer and repentance encompasses the nation at the time of the National Day of Prayer as hands join together to cry out to God and hearts are allegedly changed and hope restored. (Ex. 36 at 1.)

108. The NDP Task Force hopes that its annual theme and supporting scripture will draw Americans closer to God. (Ex. 37 at 1.)

109. The NDP Task Force promotes, publicizes and provides resources to "constituents" to help them celebrate the National Day of Prayer. (Ex. 123 at 16.)

110. The NDP Task Force limits participation by coordinators and volunteers to persons holding a Judeo-Christian perspective. (Ex. 44 at 1.)

**L. Governors Issue Proclamations In Conjunction With The National Day of Prayer.**

111. The NDP Task Force, led by Mrs. Dobson writes to each state governor on an annual basis requesting a prayer proclamation, while referencing the NDP Task Force annual theme and supporting scriptural reference. (Exs. 21-24.) (Ex. 123 at 21, 23, 50, 585, 115 and 121.)



112. Letters written by the NDP Task Force to governors requesting proclamations are signed by Shirley Dobson, who reviews such letters before signing them. (Ex. 123 at 23 and 148.)

113. The NDP Task Force requests state governors to designate the same day as the day set aside by the President for the National Day of Prayer. (Ex. 123 at 28.)

114. The NDP Task Force considers it desirable if governors incorporate the NDP Task Force's annual theme and scriptural reference in their official proclamations. (Ex. at 86.)

115. All state governors issued NDP Proclamations in 2009, including proclamations from the Governors of Arkansas, Florida, Iowa, Idaho, Indiana, Kentucky, Louisiana, Massachusetts, Mississippi, Nebraska, New Mexico, South Dakota, Texas, Utah, Virginia, Wisconsin and Wyoming, which all included references to the NDP Task Force annual theme and supporting scripture. (Ex. 3 at 1-17.)

116. All state governors also issued NDP Prayer Proclamations in 2008, including proclamations by the governors of Colorado, Florida, Idaho, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Missouri, Nebraska, New Jersey, Utah, Virginia, Wisconsin and Wyoming, which proclamations included the NDP Task Force annual theme and supporting scripture. (Ex. 4 at 1-14.)

117. All state governors likewise issued NDP Prayer Proclamations in 2007, including proclamations by the governors of Colorado, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Nebraska, Utah, Virginia, Wisconsin and Wyoming, which included the NDP Task Force annual theme and supporting scripture. (Ex. 5 at 1-16.)

118. All state governors issued NDP Prayer Proclamations in 2006, including proclamations by the governors of Arkansas, Colorado, Florida, Idaho, Illinois, Indiana,

Louisiana, Nebraska, Utah, Wisconsin and Wyoming which included the NDP Task Force annual theme and supporting scripture. (Ex. 6 at 11.)

119. All state governors issued NDP Prayer Proclamations in 2005, including proclamations by the governors of Arkansas, Colorado, Florida, Idaho, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Missouri, Nebraska, North Carolina, Texas, Utah, Virginia and Wisconsin, which included the NDP Task Force annual theme and supporting scripture. (Ex. 7 at 1-17.)

120. All state governors issued NDP Prayer Proclamations in 2004, including proclamations by the governors of Arkansas, Colorado, Florida, Idaho, Illinois, Louisiana, Massachusetts, Missouri, Nebraska, New York, North Carolina, Texas, Virginia, Wisconsin and Wyoming, which included the NDP Task Force annual theme and supporting scripture. (Ex. 8 at 1-15.)

121. Annual NDP proclamations by Wisconsin Governor James Doyle for 2004-2009 included the NDP Task Force annual theme and/or scriptural reference. (Ex. 11 at 1-6.)

122. The NDP Task Force considers it especially vital to enlist the support and affirmation of national leaders, including proclamations by state governors. (Ex. 16 at 1.)

123. The NDP Task Force considers it "critical" to garner the support of our nation's leaders for the NDP efforts, including by obtaining the written proclamations from governors. (Ex. 17 at 1.)

#### **M. Recalcitrant Governors Pressured.**

124. If governors do not issue proclamations, the NDP Task Force asks coordinators to set up an appointment at the governor's office and follow up, as well as inviting all governors to

actively participate in the National Day of Prayer observance, most appropriately on the steps of the Capitol Buildings to give visibility to the National Day of Prayer. (Exs. 17-20.)

125. In 2007, pressure was put on New York Governor Eliot Spitzer, to issue a NDP Proclamation. (Ex. 64 at 1-6.)

126. James Dobson, head of Focus on the Family, and husband of Shirley Dobson, Chairman of the NDP Task Forces, was instrumental in publicly pressuring Governor Spitzer to issue a NDP proclamation. (Ex. 64 at 1, 3 and 5-6; Ex. 123 at 54-54.)

127. Minnesota Governor Jesse Ventura also was criticized in 1999 for refusing to issue a NDP proclamation. (Ex. 65 at 1.)

**N. The National Day Of Prayer Succeeds With Official Participation By Government Officials.**

128. The NDP Task Force considers it significant that all fifty governors issue NDP Proclamations. (Ex. 61 at 1.)

129. The State NDP proclamations acknowledge the federal designation of the Day of Prayer by Congress and the President in their own proclamations. (Exs. 3-9.)

130. Millions of individuals participate in the NDP call to prayer by the NDP Task Force, supported by 30-40,000 NDP Task Force volunteers across the country. (Ex. 62.)

131. Mrs. Dobson is pleased when governors use the theme of the NDP Task Force because it was given to her by the Lord. (Ex. 123 at 58.)

132. Support for the National Day of Prayer by governors helps further efforts to call the nation to prayer. (Ex. 24 at 1.)

133. The NDP Task Force holds a prayer service in the Caucus Room of the Cannon Office Building each year on the National Day of Prayer as an observance, which is attended by many federal officials and seeks their annual participation. (Exs. 25-28, 31, 33-39, and 41-43.)

134. The Cannon Office Building observance by the NDP Task Force is symbolic of thousands of others that take place throughout the country, and overflow crowds each year fill the Cannon Caucus Room and adjoining hallways. (Ex. 25 at 5.)

135. The use of the Cannon Office Building for an annual NDP service is free to the NDP Task Force and is approved yearly by the Speaker of the House. (Ex. 123 at 81-82.)

136. The Cannon Office Building is chosen in particular because it represents the seat of government and provides easy access to Congressmen. (Ex. 123 at 77.)

137. God TV now webcasts the Cannon Office Building NDP event. (Ex. 123 at 80.)

138. Representatives of all three branches of government are invited to attend the Cannon Office Building event. (Ex. 123 at 77-78.)

139. The federal representatives attend a prayer service, and are invited to speak and often do speak; invited speakers have included members of the judiciary. (Ex. 123 at 78.)

140. The NDP Task Force requests that federal officials speaking at the Task Force observance in Washington include a description of the significant role that prayer has played in their personal and professional lives. (Ex. 26 at 1-2.)

141. More Republicans than Democrats typically attend the Cannon Building prayer service conducted by the NDP Task Force, which says something about their prayer life, jokes Mrs. Dobson. (Ex. 123 at 124-125.)

142. Participation in NDP Task Force observances of the National Day of Prayer by federal officials is viewed by Mrs. Dobson as "partnering in calling the nation to prayer." (Ex. 25 at 4.)

143. The NDP Task Force values the participation of leaders and dignitaries in National Day of Prayer activities. (Exs. 25-39.)

144. Official statements from the President and governors constitute statements of support of the NDP Task Force observance. (Ex. 29 at 1.)

145. The NDP Task Force has students gather around flagpoles on the National Day of Prayer, including little children. (Ex. 123 at 85-86.)

146. The NDP Task Force even has a school prayer event guide put together by a prayer warrior. (Ex. 123 at 167.)

147. Regional coordinators also may ask mayors, city council members or school board members to participate in the National Day of Prayer. (Ex. 123 at 24.)

148. The mission of the NDP Task Force is to encourage personal repentance and prayer, while mobilizing the Christian community. (Ex. 44 at 1.)

149. Mrs. Dobson considers the National Day of Prayer important in part because she believes before the founding fathers came over here, they prayed, and so did people who came over here from every land, and when they landed safely the first thing they did was pray again. (Ex. 123 at 11-12.)

150. Participation in NDP Task Force observances by public officials is noteworthy and the participants in such observances number in the millions. (Exs. 49 and 61-62.)

151. The NDP Task Force organizes between 30,000 to 40,000 prayer gatherings across the Nation in conjunction with the National Day of Prayer. (Ex. 123 at 26.)

152. The Alliance Defense Fund has used the present lawsuit challenging the National Day of Prayer as a vehicle to solicit donations, including via a video presentation. (Ex. 94 at 1.)

153. The NDP Task Force, for its part also seeks "generous contributions to extend its efforts to bring the name of Christ out from behind church walls and into the public front-lines in all fifty states." (Ex. 52 at 1.)

**O. The National Day Of Prayer Is Highly Divisive.**

154. The National Day of Prayer, however, is highly divisive, amid concerns that it has been hijacked by fundamentalist Christians, including the NDP Task Force. (Exs. 66-92.)

155. The participation of public officials in NDP observances, including at public government buildings in Washington D.C., and State Capitol buildings throughout the nation, fuels the perception that the National Day of Prayer is intended to promote and encourage religion. (Exs. 66-92.)

**P. The NDP Task Force Is Particularly Exclusionary.**

156. The NDP Task Force subscribes to the Lausanne Covenant, which was adopted by fundamentalists and other Evangelical Protestants from over 150 nations during the International Congress on World Evangelization at Lausanne, Switzerland in 1974. (Ex. 50 at 3.)

157. The Lausanne Covenant includes such beliefs as the inspiration and inerrancy of the Bible, the Trinity, the Second Coming of Jesus Christ, the Anti-Christ, etc. (Ex. 50 at 3 and 66 at 4-5.)

158. The adherence of the NDP Task Force to the Lausanne Covenant has the effect of excluding even traditional Jewish groups, or any other non-Christian organization or inter-faith groups. (Ex. 50 at 3 and Ex. 66 at 5.)

159. The NDP Task Force, in effect, is an exclusively Evangelical Christian non-profit organization recognizing only those NDP events which are organized by Evangelical groups. (Ex. 50 at 3.)

160. The NDP Task Force prays to the God of the Bible, who is perceived as the only "correct God." (Ex. 123 at 15.)

161. The current budget of the NDP Task Force is about \$1.2 million. (Ex. 123 at 45.)

**Q. Nonreligious Are A Significant Part of the Nation Excluded By The National Day of Prayer.**

162. The nonreligious are the fastest-growing segment of the United States population. (Ex. 97.)

163. Nonbelievers today are reported to represent a significant part of the American population, constituting approximately 15 percent or thirty-four million Americans, in a recent American Religious Identification Survey. (Ex. 97.)

**R. The Plaintiffs Have Had Exposure to Presidential Proclamations, Which Have Caused Particularized Harm That FFRF Has Long Opposed.**

164. The Plaintiff, Anne Gaylor, learned about the National Day of Prayer from publicity in newspapers and/or on television, making it pretty hard to avoid knowing about the National Day of Prayer. (Ex. 1 at 2.)

165. Anne Gaylor also knew about the NDP from complaints by members who phoned FFRF when they picked up on violations of the separation of church and state. (Ex. 1 at 2.).

166. The National Day of Prayer was and is truly shocking to Anne Gaylor, who grew up at time when state/church separation was really respected. One did not expect to find people

praying in government meetings or on government property, much less having government telling people to pray, according to Mrs. Gaylor. (Ex. 1 at 2-3.)

167. Annie Laurie Gaylor has known and been concerned about the National Day of Prayer since at least shortly after 1976, when she, at age 21, with her mother Anne Gaylor, co-founded the Freedom From Religion Foundation as a regional group dedicated to work for state/church separation in Madison, Wisconsin. (Ex. 1 at 3.)

168. Annie Laurie Gaylor has served as a volunteer, an officer, a Board Member, and/or staff member since the group went national in 1978, and she became Co-President in 2004. (Ex. 1 at 3.)

169. Annie Laurie Gaylor joined the staff as editor of FFRF's newspaper, in 1985. Freethought Today not only reports on FFRF actions but chronicles state/church violations around the country, as well as the views and activism of FFRF membership toward prayer, religion and religion in government. (Ex. 1 at 3.)

170. Annie Laurie Gaylor has regularly reported on the National Day of Prayer, federal, state or local incidents, as well as reporting on activism by members over the National Day of Prayer and government-sponsored prayer. She has also highlighted violations in articles she has written or edited. (Ex. 1 at 3.)

171. FFRF exists to correct violations of the separation between church and state, so it hears complaints about NDP violations yearly, says Annie Laurie Gaylor. (Ex. 1 at 3.)

172. FFRF's office has received phone calls about violations each year since at least 1978. Since 1988, after the change in the law making the first Thursday in May the annual National Day of Prayer, complaints by members have increased. (Ex. 1 at 3.)



173. The complaints FFRF receives each year about the NDP have made Annie Laurie Gaylor very aware of how much division and controversy the proclamations create, and how so many FFRF members have wished FFRF to take action against the practice. (Ex. 1 at 3.)

174. FFRF members and members of the public are in continual contact with the FFRF office over countless violations of the Establishment Clause. Prominent violations and federal violations, such as enactment of the 1952 law establishing the NDP, are of special concern to FFRF members. (Ex. 1 at 3-4.)

175. Paul Gaylor, FFRF member for 33 years, volunteer, longtime Board member, and former Officer, read about the NDP in the newspapers so long ago he doesn't recall the first time. (Ex. 1 at 4.)

176. Dan Barker heard of the NDP before the 1980s, when he was a minister, but he distinctly remembers seeing or hearing something on television (probably a news story) in the early 1980s when President Ronald Reagan signed one of the NDP Proclamations. (Ex. 1 at 4.)

177. Jill Dean became aware of the National Day of Prayer over time by hearing news accounts, although she cannot recall the very first time she heard or saw such a report. (Ex. 1 at 4.)

178. Ms. Dean was distinctly aware of the National Day of Prayer in 2008, prompted by news accounts of an NDP prayer breakfast sponsored by the Burnett County Sheriff, in Wisconsin, at which event Wisconsin's newly elected Supreme Court Justice, William Gableman, appeared as the key note speaker. (Ex. 1 at 4.)

179. Ms. Dean has been a volunteer worker for the Freedom From Religion Foundation since her retirement, in part because opposing governmental endorsement of religion is an important, but unpopular cause. (Ex. 1 at 4.)

180. Ms. Dean considers opposition to the establishment of religion to be important because events like the National Day of Prayer send a message that some citizens are better than others; such events like the National Day of Prayer categorize and distinguish between individuals who are supposedly better than others, while making no reference or acknowledgment of non-believers. (Ex. 1 at 5.)

181. According to Ms. Dean, events like the National Day of Prayer essentially make nonreligious persons invisible, which both saddens and angers Ms. Dean. (Ex. 1 at 5.)

182. The government sends a message through events like the National Day of Prayer that if a person doesn't pray, then they are un-American; such persons are devalued and made to feel like they are outside the norm of good citizenship, according to Ms. Dean. (Ex. 1 at 5.)

183. Ms. Dean also is quite concerned that promotions like the National Day of Prayer send a message about religion that is untrue. (Ex. 1 at 5.)

184. The premise of government officials who promote religion is that the United States is a Christian nation, defined by a very conservative variety of Christianity, according to Ms. Dean. (Ex. 1 at 5.)

185. That depiction of the United States as a conservative Christian nation is historically inaccurate, according to Ms. Dean, who notes that many of the immigrants to the United States left their home countries because of religious intolerance, while the United States now ironically tries to define itself as a Christian nation characterized by religious intolerance. (Ex. 1 at 5.)

186. Ms. Dean, in short, is aware of and she is personally opposed to government promotion of religion, such as through the National Day of Prayer, because it has the effect of disenfranchising nonreligious persons, like Ms. Dean, while favoring religious conservatives. (Ex. 1 at 5.)

187. The 2008 NDP Proclamation by President Bush was brought to Anne Gaylor's attention by her daughter, Annie Laurie Gaylor, because FFRF has monitored this activity, while putting up with it for so many years. (Ex. 1 at 6.)

188. Annie Laurie Gaylor reports on Establishment Clause violations to Anne regularly since Anne is the principal founder and president emeritus of the national state/church watchdog FFRF, and Anne is still officially a consultant with the Foundation, and remains on the Board of Directors. (Ex. 1 at 6.)

189. Annie Laurie Gaylor first learned about the 2008 proclamation from the National Day of Prayer Taskforce website before the event itself, which she has routinely monitored in the spring for many years. (Ex. 1 at 6.)

190. Annie Laurie Gaylor also corroborated the 2008 proclamation at the White House website. (Ex. 1 at 6.)

191. Annie Laurie Gaylor routinely has also checked the NDP Taskforce website every year to see how many governors capitulate to the NDP Taskforce, and what the NDP Taskforce dictates for the annual theme and selected Bible verse. (Ex. 1 at 6.)

192. Annie Laurie Gaylor has reported on governors who refused to issue proclamations in the past, such as Connecticut Governor Lowell Weicker (1991-1995), and Minnesota Governor Jesse Ventura. (Ex. 1 at 6.)

193. Annie Laurie Gaylor was also aware of the public pressure put on New York Governor Eliot Spitzer to issue an NDP proclamation in 2007. (Ex. 1 at 6.)

194. Dan Barker, while working at FFRF, also has been watching the NDP for years. (Ex. 1 at 7.)

195. In early 2008, Barker anticipated President Bush's signing and had been to the National Day of Prayer Taskforce website to see what wording they were recommending. (Ex. 1 at 7.)

196. Barker was at Harvard University for a debate on April 22, 2008, and on that day or the next, April 23, he heard by telephone from FFRF staff, including co-president Annie Laurie Gaylor, that President Bush had issued the proclamation. (Ex. 1 at 7.)

197. On April 22 or 23, 2008, Barker learned, and soon after confirmed by looking on the internet, that President Bush had incorporated the "Prayer! America's Strength and Shield". (Ex. 1 at 7.)

198. Annie Laurie Gaylor monitored both the White House website and the National Day of Prayer Taskforce in advance of the 2009 proclamation. (The NDP Taskforce website was stripped of much of its archives and did not do its usual detailed announcements prior to the event.) (Ex. 1 at 7-8.)

199. Annie Laurie Gaylor learned that President Obama would be issuing a proclamation from numerous prominent national news stories in the Washington Post and over the wire, which reported extensively on the expected proclamation. (Ex. 1 at 8.)

200. Annie Laurie Gaylor was also able to verify the wording of Obama's proclamation at the White House official website by the first Thursday in May 2009. (See links to referenced news stories: <http://tinyurl.com/djmw9x>; <http://tinyurl.com/c999z6>; and <http://tinyurl.com/c3547g>.) (Ex. 1 at 8.)

201. Barker learned by watching the news on the internet on May 7 or 8, 2009, that President Obama had issued a NDP Proclamation on May 7. (Ex. 1 at 8.)

**S. The Plaintiffs Have Acted On Their Sincere Objection To The National Day of Prayer.**

202. Anne Gaylor picketed the First Annual Wisconsin Prayer Breakfast, outside the Concourse Hotel in Madison, Wis., Friday, March 20, 1992, where she leafleted 600 participants and passersby. (Ex. 1 at 9.)

203. The first-ever “Wisconsin Prayer Breakfast” event in 1992 was an offshoot of the National Day of Prayer. (Ex. 1 at 9.)

204. Anne Gaylor also formally protested the misuse of the Great Seal of the State of Wisconsin by the Madison Kiwanis-West, who were the private sponsors of the prayer breakfast, but who advertised and promoted the event as the “Wisconsin Prayer Breakfast” using the state seal of Wisconsin. (Ex. 1 at 9.)

205. The main guest speaker at the prayer breakfast in 1992 was U.S. Senate Chaplain Rev. Richard C. Halverson, who had previously denied FFRF and its staff member (now President) Dan Barker, an ordained minister, the ability to present a message to open the U.S. Senate instead of a prayer. (Ex. 1 at 9.)

206. During the picketed prayer breakfast, Halverson made such attacks as: “Atheism has no room for human rights.” In speaking about the dissolution of the Soviet Union, Halverson said, “It was not the failure of politics or economics but it was because of atheism.” (Ex. 1 at 9-10.)

207. Anne Gaylor has talked with innumerable FFRF members from 1978 until her retirement in 2004, which members have called to see if there was something as an organization that FFRF could do about the NDP. (Ex. 1 at 10.)

208. FFRF has responded in various ways, over the years, including by contacting various offending public officials; by promoting secular proclamations for government officials to make; by publicizing violations after FFRF began publishing a newspaper in 1983 ten times a year; by periodically alerting members to ongoing violations; and by encouraging and publicizing efforts to protest the National Day of Prayer and local and regional off-shoots. (Ex. 1 at 10.)

209. Anne Gaylor has studied the NDP proclamations by various public officials, and contacted officials to protest the violation of a basic constitutional principle, sometimes releasing a statement to media. (Ex. 1 at 11.)

210. In the case of the picket of the Wisconsin Prayer Breakfast in 1992, Anne Gaylor carried a sign, helped compose a press release and leaflet, phoned area members to interest other protesters, and contacted media about FFRF's counterpicket and complaint about the misuse of the Great Seal of Wisconsin. (Ex. 1 at 11.)

211. Anne Gaylor has been contacted by various media for comment about the NDP Proclamations and government-fostered prayer over the many years. (Ex. 1 at 11.)

212. Since 1978, when Anne Gaylor was asked to take FFRF national, as an organization, she received countless complaints from FFRF members and members of the public about NDP-related violations, including comments by public officials, use of public facilities, and prayer breakfasts that had the appearance of public sponsorship. (Ex. 1 at 11.)

213. As president of FFRF, in November 1993, Anne Gaylor authorized the filing of a lawsuit in Denver, Colorado, with the FFRF Denver chapter, to enjoin the mayor's office from cosponsoring a National Day of Prayer. As a result, Judge John N. McMullen, District Court, enjoined the mayor from "any further endorsement, promotion, sponsorship or support of the

Day of Prayer.” (*FFRF v. Wellington Webb, Mayor of Denver*, Case No. 93 CV 6056, District Court, City and County of Denver, Colo.) (Ex. 1 at 11.)

214. Anne Gaylor's many activities include writing press releases and letters, as well as being quoted in Freethought Today and by other media, about her objections to the National Day of Prayer and related violations. (Ex. 1 at 12.)

215. Prior to the National Day of Prayer each year, the Freethought Radio show has included commentary about the NDP, promoted a National Day of Reason, played part of the song by Dan Barker “Nothing Fails Like Prayer,” and also provided other timely commentary on government prayer throughout the year. (Ex. 1 at 12.)

216. FFRF also monitors published news under Annie Laurie Gaylor's direction, and looks for updates at the White House website, NDP Task Force website and various governor websites. The National Day of Prayer violations occur every year, and therefore, they are not hard to find referenced, according to Annie Laurie Gaylor. (Ex. 1 at 13.)

217. FFRF also has issued news releases critical of National Day of Prayer activities, sometimes asking for secular alternatives aimed at expressing the point of view of FFRF members and in some instances, asking members to take action. (Ex. 1 at 13-14.)

218. Annie Laurie Gaylor further has been responsible for writing and disseminating press releases from 1985 to present. FFRF press releases include the following:

- **State/Church Watchdog Objects to Largo Mayor’s Prayer Breakfast, April 29, 2009** (<http://ffrf.org/news/2009/largo.php>)
- News Release e-mailed to various Florida media, and emailed to News e-list and posted online.
- **National Day of Prayer Dishonors Our Secular Constitution: Pious Politics Inappropriately Push Prayer, May 1, 2007**
- (<http://ffrf.org/news/2007/prayerday.php>)

- Freedom From Religion Foundation, the largest national association of atheists and agnostics, which reached 10,000 members last month, says public officials should not issue proclamations of prayer or direct citizens to worship. . . .”
- **Acts of Terrorism the Ultimate “Faith-based Initiative?”**, September 13, 2001 (<http://ffrf.org/news/2001/sept11.html>)
- “Bush's proclamation of Friday, September 14 as a "National Day of Prayer and Remembrance" shows the pitfalls of the "God is on our side" mentality, and the dangers of religious patriotism.
- “While it may be natural for religious persons to turn to religion or prayer for solace, it is not the role of the President of the United States, or his spokespersons, to urge citizens to pray, to go to church, to turn to faith, or to observe a National Day of Prayer with worship.”
- **State/Church Watchdog Protests “Days of Prayer” Proclamations, Asks Governors to Balance with “Day of Reason?”, May 4, 2005**
- (<http://ffrf.org/action/2005/noprayerday.php>)

219. "Prayer proclamations by public officials convey to nonreligious Americans that we are expected to believe in a god, and in the suspension of the natural laws of the universe through wishful thinking," according to Foundation co-president Annie Laurie Gaylor.

220. Annie Laurie Gaylor has reported on National Day of Prayer violations in *Freethought Today*, from January 1985 to present, and on the FFRF website. (Ex. 1 at 14.)

221. Annie Laurie Gaylor has written, solicited or edited, typeset (and, for at least 7 years, pasted up) many articles regarding prayer and government including the following:

- **Freethought Today, June 1985, p. 5:**

Prayer Day Proclaimed. New item reports: “President Ronald Reagan proclaimed May 2, 1985 ‘National Prayer Day’ at the behest of the NDP Task Force, an independent nonprofit group set up to publicize the event.”

- **Freethought Today, June/July 1985, p. 2:**



Letter published - "Public Prayer Panders to Vocal Few" by a Wisconsin Member.

- **Freethought Today, December, 1985, p. 2:**

Letter published, "Evangelist in Chief," in which the Louisiana member noted that "Evangelist in Chief, the Right Rev. Reagan," made at least half a dozen references "to God and prayer" in a public speech.

- **Freethought Today, March 1986, p. 7:**

Column by David Cobb (a Nashville radio personality), "Miracles and Answered Prayers," a typical intellectual examination of the lack of proof of "divine intervention in the affairs of humanity."

- **Freethought Today, June/July 1986, p. 4:**

News item, "Meese, Read It & Weep" written by Annie Laurie Gaylor reports on the fact that two dozen protesters picketed U.S. Attorney General Edwin Meese's appearance at a prayer breakfast in Sacramento on May 1, "formerly a pagan and labor rights holiday which the Administration dubbed 'National Day of Prayer.' "

- **Freethought Today, June/July, 1986, p. 5:**

"FFRF Complains to Utah Attorney General." Annie Laurie Gaylor reported in part that "Commissioners in six Utah counties asked citizens to set aside May 4h as a day of prayer and fasting." Quoted was Plaintiff Anne Nicol Gaylor, saying: "We recognize the absolute right of individuals on a personal level to engage in such activities, but we also know that it is a blatant violation to state/church separation for elected or appointed government officials to make such public proclamations in their official capacity. From a practical point of view, it does seem somewhat naive that Utah county commissioners would expect that the laws of nature are somehow going to be modified or set aside because someone prays to a deity. Realistically, nothing fails like prayer," Gaylor added.

- **Freethought Today, June/July, 1986, p. 15:**

In an editorial written and signed by Annie Laurie Gaylor, she wrote:

"It is a sad travesty that what was once a festive pagan holiday celebrated with flowers and May baskets has been turned, by our Administration, into an occasion to violate the spirit of religious freedom and the First Amendment.

It is not the business of our secular government to proclaim any day 'National Day of Prayer' as Reagan proclaimed this past May 1.

Thomas Jefferson, father of religious liberty, refused to issue Thanksgiving proclamations on prayer during the eight years of his presidency.

In a letter to the Rev. Mr. Miller, he explained his position: ‘I consider the Government of the United States as interdicted by the Constitution of the United States from meddling with religious institutions, their doctrines, discipline, or exercises . . . [C]ivil powers alone have been given to the President of the United States, and no authority to direct the religious exercises of his constituents.’

Aside from the legal impropriety of our civil president telling citizens to pray is the intellectual objection. How absurd to suppose that events and natural forces can be supernaturally altered. ‘Nothing fails like prayer.’

Would that we had a person of the genius and caliber of Thomas Jefferson in the Oval Office today."

- **Freethought Today, November 1986, pp 7- 10:**

This is a transcript of the speech delivered at the Freedom From Religion Foundation’s Ninth Annual Convention in Madison, Wis., on Oct. 11, 1986, by Prof. Michael Hakeem, who became Chair of the Foundation’s governing body for many years. The speech, “The Clergy and Other Obstacles to Freethought,” in part lambasted the efficacy of prayer and specifically mentioned the NDP:

“We have national days of prayer . . . We have legislative bodies . . . beginning every session with a prayer . . . Why can’t religionists discern that, despite any number of prayers they utter, the overwhelming proportion—in fact all but an insignificant number—are not fulfilled? Why can’t they recognize that when their prayer is seemingly fulfilled it is coincidence, something they could confirm every easily? Why can’t they realize that the cemeteries are filled with people who prayed for life?” (This phrase is also pulled out on the page, and has been often quoted and repeated by Annie Laurie Gaylor and other Foundation staff and members.) The speech goes on to point out in great detail that prayer does not work, and is intellectually bankrupt.

- **Freethought Today, December 1986, p. 11:**

Critical news item headlined "Nothing Fails like Prayer," quoting deputy agriculture secretary Peter Myers telling 1000 members of the National Grange at a convention in Madison, Wisconsin, to pray about their agricultural woes.

- **Freethought Today, December 1986, p. 14:**

Unsigned editorial (written by Annie Laurie Gaylor), headlined, "Noting Failed Like Prayer," concluding: "True peace on earth will be achieved only when the human species

realizes that peace, justice and equality will never come from above, but from ourselves, in this our only world. Once again, nothing failed like prayer."

- **Freethought Today, 1987, Page 5:**

"One Flaw in Washington Tale: It Never Happened." Annie Laurie Gaylor was sent a clipping of an op-ed by Andrew Prouty, Ph.D., a Seattle resident who wrote the op-ed for a Seattle newspaper, which debunked the myth that George Washington engaged in prayer in the snow at Valley Forge. The article was written in response to a proclamation by President Reagan which referenced the supposed event in which "George Washington [went] on his knees in the snow in Valley Forge." Annie Laurie Gaylor contacted Mr. Prouty, taking some trouble to locate him, to ask for permission to reprint, because this myth has been invoked in NDP proclamations (See NDP Proclamation Richard Nixon, 1972; Reagan 1983, 1984 and 1986, George H. Bush, 1992, Clinton, 1987 and George W. Bush, 2001), and to excuse government prayer in many other instances. The legend, made up by a Quaker many years after the reputed event, has been widely disseminated, including in a painting by Leydendecker, "Washington Kneeling in Prayer" (1935) which was on the cover of the Saturday Evening Post twice, and once used as a Christmas stamp. Prouty cites historian William E. Woodward, who called the story a "myth of exceptional vitality." Prouty concludes: "The picture, a disinformation, if not exactly a deliberate fabrication, certainly perpetuates a falsehood."

- **Freethought Today, March 1988:**

"Proclamation Sought for State/Church Separation Day"

"The Freedom From Religion Foundation has asked Wisconsin Governor Tommy G. Thompson to proclaim April 5, 1988 State/Church Separation Day.

"Foundation President Anne Gaylor asked for the proclamation to coincide with the tenth anniversary of the founding of the Foundation on April 5, 1987. . . and requested a public signing 'as befits this time-honored constitutional principle.' "The wording for the proclamation, promoting separation between church and state, was provided along with other secular rationale.

Court: Prayer Room as "Secular Purpose" reports that a 3-judge federal panel of the U.S. 7th Circuit Court of Appeals in Chicago ruled on Jan. 29, 1988, that a prayer room proposed by Rev. Pat Robertson in the Illinois State Capitol Building in Springfield had a "secular purpose." The case was brought by an Illinois FFRF member and FFRF as plaintiffs. The decision overturned the district court ruling that a prayer room was a violation of separation between church and state. The news story reported Plaintiff and then-President Anne Nicol Gaylor as reacting: "The Appeals Court seems to be saying that government approval of Christianity may not be acceptable, but government approval of religion and aid to religion is. The wall of separation is tumbling down."

The article quoted District Judge Marvin Aspen, that “the actual creation of a Capitol prayer room, aside from the enactment of the enabling legislation, would have the tendency and effect of promoting the practice of religion in the seat of the state government. . . it is unlikely that the presence of such a room in the Capitol would have any effect but to endorse religion.

“Governmental action which extends beyond the mere facilitation of religious practice goes beyond the concept of accommodation and represents hostility to the members of the disfavored group. . . this is not a nation of any particular religion but a nation of free choice and gracious tolerance with respect to the extremely personal matters involving religion. Whether or not to believe is a personal decision. The Establishment Clause was crafted to protect freedom of choice by preventing the government from making that choice for individual citizens. That practice must, by definition, include the freedom to choose not to practice any religion as well as the freedom to practice a particular religion. For the guarantees of freedom in the First Amendment would indeed be empty ones if the government somehow imposed on citizens the requirement that they must choose to practice any religion, so long as they practice one. . . .”

- **Freethought Today, April 1988:**

State/Church Separation Day Nixed

(Asked then-Wisconsin Governor Tommy Thompson to issue a proclamation for State/Church Separation Day, to balance the religious proclamations, including the NDP.)

- **Freethought Today, May/June 1988, p. 2:**

Letters by FFRF members criticizing a public official for not issuing a State/Church Separation Day.

- **Freethought Today, June/July 1989, p. 18:**

News Item written by Annie Laurie Gaylor under State/Church Bulletin: "Bush Proclaimed May 4 'National Day of Prayer.'" The item recited the 1952 law requiring the proclamation, and the change requiring that the proclamation be issued on the first Thursday in every May, and editorialized: “His proclamation is full of platitudes and outright distortions. Bush writes; ‘Calling for daily prayer at the Constitutional Convention, a number of delegates expressed their conviction that only with divine guidance would the new democracy be true and successful.’ He fails to mention that Ben Franklin was only one of 3 or 4 to call for prayers, thus prayer was rejected.”

- **Freethought Today, April 1990, p. 16 (back page):**

Major story headlined, "Protest National Day of Prayer," which also reprinted the National Day of Prayer Taskforce logo with the flag and the words "National Day of Prayer: The First Thursday in May."

The article, written by Annie Laurie Gaylor, recounts the history of the National Day of Prayer and the change in 1988 to make it the first Thursday in May and that, "The National Prayer Taskforce plans a major media blitz - involving President and Barbara Bush as its honorary co-chairs. It reports that the Taskforce has put pressure on all governors to issue NDP proclamations, and that in 1988, more than two-thirds of all governors issued such proclamations. Included in promotions by the Taskforce was this gas-guzzling suggestion, Annie Laurie Gaylor noted, of doing a "Jericho Run." "Take a trip around your city, praying as you drive" for 7 days in a row.

The article includes a headline, "Target For Letter-Writing," followed by a lengthy article dedicated to criticizing the National day of Prayer and quoting Plaintiff Anne Nicol Gaylor calling the NDP "most distressing in a country that was founded on the principle of freedom of conscience."

In the article, A.N. Gaylor is quoted saying, "We ask all Foundation members and concerned freethinkers to monitor state/church abuses in their area related to the National Day of Prayer, and to respond promptly to them." Gaylor also urged members to write letters to the editor, and provides substantial legal and freethought arguments against a NDP.

- **Freethought Today, March 1991, p. 2:**

Letter by California member (originally printed in a daily newspaper), titled, "Nothing Fails like Prayer" which specifically castigates President Bush for calling for a "national day of prayer."

- **Freethought Today, March, 1991, p. 3:**

The War Prayer, by Mark Twain with his photo, is reprinted in full, introduced by an editorial note about "Pious President Bush" declaring a "national day of prayer" and FFRF wondering what Twain would have thought.

- **Freethought Today, April, 1991, p. 4:**

Impassioned article by FFRF officer Catherine Fahringer, titled "Nothing Fails Like a Prayer Breakfast," in which Catherine laments the fact that Lila Cockrell, then mayor of San Antonio, held a press conference in her office in City Hall to announce an upcoming prayer breakfast. Fahringer attended and chronicled the prayer breakfast, which the mayor attended and which was opened by a prominent pastor urging "the deepening of commitment to the unification of God and government." The page also included a graphic, which read: "Nothing Fails like Prayer."

- **Freethought Today, June/July 1991:**

Article by Meyer Rangell entitled, "Religion, War and Prayer" which lambasted prayer by government officials and clergy used to promote war.

- **Freethought Today, October 1991, p. 12:**

Florida Foundation member John Donner, in "A Lay Skeptic's Guide to Probability and Statistics," analyzes and critiques Dr. Randolph Byrd's infamous study on the supposed therapeutic effects of prayer on coronary patients to debunk the claims of prayer.

- **Freethought Today, October 1991, p. 14:**

Letter, "Look What Prayer Wrought," complaining about President Bush's war prayers.

- **Freethought Today, November 1991, p. 16:**

Headline in news item: "Prayer Breakfast Entangles County," about the ACLU complaining about the Sheriff's Department organizing the "Sheriff and Police Chief's Sunrise Prayer Breakfast."

- **Freethought Today, April 1992, p. 3:**

Boxed and featured: "Protest National Day of Prayer. Congress passed a law in 1988 designating the first Thursday in every May as 'National Day of Prayer.' Formerly, it was observed annually, but as a floating holiday.

"The National Prayer Task Force always gears up to entangle church and state. Watch for violations in your area, write educational letters on the subject, and contact the Foundation in a timely fashion if a major violation is scheduled, such as observances in public schools."

- **Freethought Today, April 1992 (front page, cont. p. 11):**

Two photos showing FFRF protesters leafleting and holding picket signs (including plaintiffs Annie Laurie Gaylor, Dan Barker and Annie Laurie Gaylor). Headline: "Senate Chaplain Draws Protest." The photos were taken by plaintiff Paul Gaylor. The story is about the complaint over the U.S. Senate Chaplain being paid to lead prayers in Congress, and appearing at the "First Annual Wisconsin Prayer Breakfast." The article complains about government prayer, including by chaplains and also reports on the Foundation's exposure of the fact that the private sponsors of the event unlawfully used the "Great Seal of the State of Wisconsin" in their news releases and on their program. The Foundation's complaint resulted in a letter from the Secretary of State's office determining this use was illegal and ordering it to desist. The article also noted that at

least one Wisconsin legislator inappropriately solicited attendance using his letterhead. The leaflets called attention to the fact that James Madison opposed government prayer and tax-paid chaplains.

- **Freethought Today, May 1992, p. 1:**

The top of the fold headline, "Freethinkers Ask for Equal 'Prayer' Time," reports that the Foundation asked the U.S. Senate and House to permit staff member Dan Barker, an ordained minister who has become an atheist, to give a "freethought homily" before the Senate and House in place of the 2-minute daily prayer. Anne Gaylor, in the news story, pointed out that for "two centuries there has never been two minutes for freethinkers to address these governmental bodies." The story called on Foundation members to write the Office of the chaplain.

- **Freethought Today, June/July 1992, p. 18:**

A letter, "A State-Church Conflict," by George James of California specifically complains about the designation of May 7, 1992, as National Day of Prayer. George James recounted how he went to the courthouse to protest observances on public property, and how, when he complained at the police station that NDP participants were blocking the entrance to the courthouse, an officer threatened to arrest him if he did not leave.

- **Freethought Today, June/July 1992, p. 4:**

A major new story, "Anti-National Day of Prayer," by Florida Foundation member Scott Owens, recounted his personal protest of NDP observances on May 7 in Tallahassee. The story included a photo of him by posters promoting the separation of church and state. Owens distributed leaflets opposing the president's NDP proclamation. Posters read: "Hands that help are better than lips that pray" and "No government prayer proclamations." He and cohorts were interviewed on the local TV news affiliates ABC and CBS.

- **Freethought Today, June/July 1992, p. 5:**

"October 12 Named 'Freethought Day,' " announced a day to commemorate freethought and state/church separation, since Oct. 12, 1992, marked the 300th anniversary of the date on which it was declared that "spectral evidence" would be no longer admissible during the infamous Salem Witch Trials.

- **Freethought Today, November 1992, p. 3:**

"Historic Proclamations" was the headline of a news story in which the Foundation announced that several mayors and city councils proclaimed "Freethought Week. "There

have been many holidays for saints and superstition, but never one commemorating reason, freethought and state/church separation,” the proclamations noted.

- **Freethought Today, December 1992, p. 16:**

Reprints full-size a Freethought Week proclamation in Baltimore by Mayor Kurt Schmoke, as requested by FFRF member Roy Torcaso, who won the *Torcaso v. Watkins Supreme Court* decision barring religious tests for public office.

- **Freethought Today, March 1993:**

"Culture of Disbelief" Spells Trouble for Unbelievers," a book review of Stephen L. Carter's book, by Annie Laurie Gaylor, noted his support of a White House Prayer Breakfast, and how President Clinton plugged Carter's book in remarks at the National Day of Prayer Breakfast.

- **Freethought Today, May 1993 (front page, banner headline):**

Foundation Pursues Congressional Prayer. "Following a rebuff by Wisconsin Senator Herbert Kohl, the Wisconsin-based Freedom From Religion Foundation has requested that new Wisconsin Senator Russ Feingold sponsor Dan Barker to present a 'freethought homily' before the U.S. Senate." (The article notes that FFRF is opposed to government prayer, chaplaincies, etc.)

- **Freethought Today, December 1993, p. 1:**

The top of the fold news article reported: "Foundation Victory in the Courts! Denver Mayor Must Disclaim 'Day of Prayer.'" The Foundation, its Denver chapter and Foundation members, in a case brought by FFRF member and attorney Robert Tiernan, went to court in November asking that Mayor Wellington Webb be enjoined from using his mayoral office to promote, endorse or support a day of prayer. Denver District Court Judge John McMullen ruled on Nov. 24 that Mayor Webb had to issue a news release by Dec. 2 with a disclaimer that the Day of Prayer on December 5th was not sponsored, endorsed or supported by the city. Webb had called a press conference on Nov. 9 using city stationery, to announce the prayer and the city also had waived rent. After the suit was filed, the city voluntarily agreed to charge a ministerial association \$4,400 for rent. Said Foundation President Anne Gaylor: "The suit was filed to stop the city of Denver from sponsoring and endorsing a day of prayer."

- **Freethought Today, January/February 1994, p. 12:**

Denver Court Ruling Creates Important Precedent: Mayor Enjoined From Proclaiming Day of Prayer. The decision by Judge John M. McMullen is reprinted on 2 full pages. The pullout quotation: "Since prayer is exclusively a religious act, the endorsement of a



Day of Prayer would logically be interpreted by a reasonable person as an endorsement of religion.”

- **Freethought Today, March 1994, p. 3:**

Three news stories are reported, under the banner heading: "Nothing Fails State/Church Separation . . . Like Government Prayer." The three stories: National Prayer Breakfast Entangles Church & State; U.S. Senate Pushes Prayer, and Mississippi House Engages in Prayer Double-Speak.

- **Freethought Today, March 1994, p. 14:**

A news item, written by Annie Laurie Gaylor, reported on "Gubernatorial Prayer Hijinks."

- **Freethought Today, April 1994, p. 1:**

The banner story, "Prayer Conflict Moves to Appeals Court," reports on the Foundation's appeal to the Colorado Court of Appeals of a challenge in which the Foundation, the Denver chapter and individual Colorado plaintiffs sought an injunction to stop Colorado government officials from hosting and speaking at a prayer luncheon. Defendants were Governor Roy Romer, legislator Chuck Berry, of the Colorado legislature and Speaker of the House, Mayor Wellington Webb, and Bill Ritter, Jr., Denver District Attorney. All used their offices to host and participate in a prayer activity. Although District Court Judge Larry J. Naves denied the injunction, he agreed that the defendants were giving the appearance of government endorsement.

The story also reported that the Foundation had asked the Wisconsin State Ethics Board to investigate a complaint that state Rep. Susan Vergeront had used her official stationery, office, and state-paid assistant to promote a prayer breakfast in Madison.

The Foundation also complained that the Cape Girardeau (Mo.) Mayor had used his official stationery to invite everyone to attend his Mayor's Prayer Breakfast, the seventh such prayer breakfast.

- **Freethought Today, April 1994, p. 2:**

Letter, "A Day of Prayer in Maryland Panned," by a Foundation member, remonstrated against a Senate Joint Resolution concerning "A Day of Prayer in Maryland."

- **Freethought Today, April 1994, p. 10:**

Editor's Notebook, by Annie Laurie Gaylor, featured a photo of the cover of Life Magazine, showing a girl in prayer under the words, "The Power of Prayer." The column

criticized the article, and specifically referenced "National Days of Prayer," and other religious actions by public officials.

- **Freethought Today, April 1994, p. 4:**

"Lips, Lunch & Prayer," an article by Lora Attwood, a Colorado member, featured her account of attending the Colorado Prayer Luncheon, the subject of a second lawsuit taken by the Freedom From Religion Foundation over government prayer in Colorado. That account included religious remarks by various public officials, including the mayor, who called himself "a Baptist before he was Mayor." She analyzed the vacuous nature of prayer and said politicians like to pray publicly because it makes them look like the "good guy."

- **Freethought Today, June/July 1994, p. 21:**

A large photo is featured, sent in by Foundation member Mike Crutchfield, showing a group of people holding anti-NDP signs outside a NDP observance. The headline: "Protesting National Day of Prayer, California Style." The caption: "Foundation member Mike Crutchfield (third from right) helped to organize a protest of National Day of Prayer activities at Redding City Hall, where about 250 people had gathered for a noontime observance. The Atheists, Humanists & Freethinkers of the Redding Area counter-demonstrated, holding such signs as 'Praying is Begging,' and 'Freedom From Religion.' The protest received coverage in the Redding Record Searchlight. Prayer speakers included the local sheriff, an ordained minister, and several public officials."

- **Freethought Today, December 1994, p. 8:**

The transcript of oral arguments by Foundation attorney Robert Tiernan before the Colorado Court of Appeals was reprinted (two pages), "Governor's Prayer Luncheon Goes to Court: Officials Must not Host, Promote, Endorse or Further a Prayer Meeting." The pullout quotation: "It is our constitution, Your Honor, that makes us free, not religion or Jesus Christ." Another quotation pullout: "The fact that prayer is being offered to reduce crime rate or for any other desirable public policy does not make it secular."

- **Freethought Today, October 1995:**

"Puzzling Day of Prayer," a letter by a South Dakota member which was also published in a daily newspaper, criticized "the National Day of Prayer, May 4, proclaimed by Mayor Hauschild. If there's a God who knows and controls everything, isn't prayer unnecessary and presumptuous? Jesus says in Matthew 6:8, 'your Father knows what you need before you ask him.' "

- **Freethought Today, January/February 1996:**

Annie Laurie Gaylor, in Editor's Notebook, wrote about, "Family Values - Brought to You by James C. Dobson." The column ran over the entire page and half of it, with a subheading, was about "National Day of Prayer Update." The piece pointed out that Dobson is behind the annual "national day of prayer fuss." It recounted the history of the NDP, and how it became the first Thursday in May under Reagan. It recounted Mrs. Shirley Dobson's role, and how the NDP Taskforce had bragged that in 1995, it had "achieved its goal of bullying every governor in the United States, plus the governors of Puerto Rico and the Virgin Islands, into declaring a 'national day of prayer'." Gaylor recounted how this was possible because Lowell Weicker was no longer governor of Connecticut and how it refused to make such proclamations. She recounted how the NDP Taskforce claimed observances were held on the Capitol steps in more than 40 states in 1995, and how Education Secretary Richard Riley and Air Force Chief of Staff General Ronald Fogleman were among the speakers at a Capitol Hill observance. The NDP Taskforce claimed a "tiny little staff of five." Gaylor also reported that the Sixth Annual Coordinator's Conference met for 3 days in January in Colorado to plan for the 1996 Day of Prayer. Tactics include an "Adopt-a-Leader Kit," including cards for writing politicians, prayer reminders and a journal to track responses, for only \$12. Gaylor termed it "harassment-in-the-guise of prayer."

Gaylor concluded by urging members to contact members of Congress on behalf of secularism, and to ask politicians to make secular proclamations as well.

- **Freethought Today, May 1996, p. 14:**

"The Futility of Prayer," a letter by a Pennsylvania member, philosophically analyzes the inefficacy of prayer.

- **Freethought Today, May 1996, p. 18:**

A news item in State/Church Bulletin, "Prayer Day Pushed," reports that a bill to inaugurate a "Commonwealth Day of Prayer" on the first Thursday in May was introduced in Pennsylvania, influenced by the National Day of Prayer. "Letters sent by the Foundation to all daily newspapers in Pennsylvania pointed out that the bill is unconstitutional."

- **Freethought Today, June/July 1996, front page:**

Front page top of the fold photo showing three men, including Oklahoma FFRF activist Dan Nerren, holding up a three-part large sign over an overpass in Tulsa on May 2, 1996, reading: "Nothing Fails Like Prayer." They were protesting government-sponsored National Day of Prayer. A full story appeared on page 5.

- **Freethought Today, June/July 1996, p. 5:**

Story: "National Day of Prayer: Prayer Just Doesn't Work," by activist Foundation member Dan Nerren, reported on his activism against the NDP specifically. The story was accompanied by a second photo of the men at an overpass. The story centered on Nerren's philosophical objections to prayer and its exhortations by government.

- **Freethought Today, September 1996, p. 13:**

A sample mayoral proclamation, "Give Thanks for State/Church Separation Week," was run. The caption under it read: "Tired of religious proclamations by government officials? Ask your mayor or governor to sponsor a secular Thanksgiving proclamation this year."

- **Freethought Today, October 1996, p. 16:**

"San Antonio Celebrates 'Freethought Month,' " is the caption by a photo of the Mayor of San Antonio with his secular proclamation, requested by Foundation member and Officer Catherine Fahringer to counter religious proclamations.

- **Freethought Today, May 1997, p. 14:**

"God and the Governor," a letter, warns: "There is no greater danger to society than public officials using the powers of government to impose their particular theological views and ideals of personal morality on everyone else." The letter by Ohio Foundation member Joe Sommer also appeared in the Columbus Monthly.

- **Freethought Today, June/July 1997, p. 15:**

An article, "Ohio Activist Exposes 'Day of Prayer,' " recounts the activism of Foundation member Art Hites of Ohio, and runs his photograph. His letter to the Dayton Daily News on March 28, 1997 (Good Friday), resulted in a full investigation and exposé of the "one-faith" prayer breakfast by that newspaper. His letter criticized the annual prayer breakfast coordinated by the mayor's office, which has been beset with religious division, died out in 1981, then was resurrected in 1997.

- **Freethought Today, August 1997, 12:**

"Officials Pray for Help," reports on officials in Hillsboro, Ala., turning to prayer to heal the town's financial woes.

- **Freethought Today, August 1997, p. 16:**

In "Newt's Religious Agenda," Freethought Today editor Annie Laurie Gaylor reported on his speech before the National Religious Broadcasters during a prayer breakfast in Washington, D.C., on May 8.

- **Freethought Today, September 1997, p. 12:**

"Washington Governor Proclaims 'Freethought Week', " a news item, reports on Governor Gay Locke proclaiming Oct. 6-12 to be "Freethought Week." The proclamation was proposed by the Foundation to counter religious proclamations by public officials.

- **Freethought Today, December 1997, p. 15:**

"Prayer Breakfast Name Changes," a news item, reports that the Annual Governor's and Mayor's Prayer Breakfast has been renamed the Hawaii Prayer Breakfast, following a complaint by the Hawaii Citizens for the Separation of State and Church.

- **Freethought Today, January/February 1998, p. 6:**

"Denver Chapter Protests Legislative Prayer," is a news article about a chapter protest against tax-paid chaplains and their prayers.

- **Freethought Today, March 1998, p. 12:**

"Prayer Divisive in Maryland House," recounts a story in the Washington Post about a "House divided by prayer."

- **Freethought Today, March 1998, p. 18:**

"Help Topple House of Cards," a letter by a Michigan member, rebuts efficacy of prayer.

- **Freethought Today, May 1998, p. 6:**

A news item, "Las Vegas Prayers Protested," reports on divisive government prayer.

- **Freethought Today, June-July 1998, p. 18:**

A major story, "National Day of Prayer Is Protested," by Foundation member Larry Judkins, reports how he and a small group of secularists protested the annual National Day of Prayer event at Redding City Hall, Calif., on the first Thursday in May. "Five courageous supporters of the Constitution met near the prayer gathering to express their opposition to Shasta County's and the federal government's mixing of church and state." The article recounted the history of the NDP, that it violated the Constitution, reported on what picket signs protesters carried, and said the NDP "helps to create a climate of prejudice against citizens who do not accept the concept of prayer."

- **Freethought Today, August 1998:**

Three typeset newspaper pages were devoted to reprinting Francis Galton's famed essay of Aug. 1, 1872 from *Fortnightly Reviews* (England), recounting his scientific and rationalistic analysis of the inefficacy of prayer.

- **Freethought Today, January/February 1999:**

State/Church Bulletin reported an item, "Maryland Political Prayer Cabal?" about the 11th annual prayer breakfast, which the *Washington Post* called "an effort by county officials to bring the religious community into the political fold."

- **Freethought Today, June/July 1999, pp. 14-15:**

An article, "Setting the Record Straight: No Prayers at Constitutional Convention," by Gerald L. Pence, Sr., thoroughly debunked the myth that the founders prayed at the Constitutional Convention, a myth repeated in many Presidential prayer proclamations.

- **Freethought Today, June/July 1999, p. 16:**

State/Church Bulletin, in "Ventura: No Prayer Proclamation," reported that the Minnesota governor had refused to proclaim the first Thursday in May a day of prayer: "I believe in the separation of church and state." Annie Laurie Gaylor added the address, fax number and e-mail of Gov. Ventura so Foundation members could thank him.

- **Freethought Today, August 1999, p. 2:**

A large photograph ran of five freethinkers, led by Foundation member Lee Helms, holding signs against the National Day of Prayer during the NDP observance by the government of Troy, Mich. in May 1999. The mayor had urged "citizens to join in prayer." The freethinkers, holding signs such as, "National Day of Prayer Violates Matthew 6:1, 5 & 6," and "Troy NDP Proclamation Violates Church-State Separation," quietly stood as 70 people gathered at the City Council lawn praying. The protest was covered and pictured in two local daily newspapers.

- **Freethought Today, September 1999, p. 6:**

"House Rejects Day of Prayer," a news item in *State/Church Bulletin*, reported that the U.S. House defeated a resolution calling for a "national day of prayer, fasting and humiliation before God." The article also reprinted a quote by *Washington Post* Writers Group columnist E.J. Dionne, criticizing the proposal.

- **Freethought Today, September 1999, p. 15:**

"Illinois Gets Day of Prayer," a news item, reported that Illinois will observe an official day of prayer every year under legislation signed by Gov. George Ryan, to coincide with

the NDP. The law urges Illinoisans "to observe the day in ways appropriate to its importance and significance."

- **Freethought Today, October 1999, p. 4:**

"Public Prayer - A Christian Sin," an article by attorney Charles Cheves, began: "The most recent 'National Day of Prayer' was celebrated in communities across this nation on May 6, 1999." The full-page opinion piece recounted many arguments against the NDP, and also Cheves' efforts to educate his mayor not only about the constitutional objection, but the religious. Cheves wrote the mayor and sent copies to ministers, citing the Sermon on the Mount, where Jesus, in Matthew 6:5-6 tells people to pray secretly in a closet and cautions against public prayer, calling it vanity.

- **Freethought Today, November 1999, p. 2, 13:**

A letter, "Nuts-and-Guts Award," in part recounts the Illinois Foundation member's experience protesting the Wheaton Leadership Prayer Breakfast and its official connection to the Mayor's office.

- **Freethought Today, April 2000, p. 6:**

"Partisan Politics," by Charles Cheves, recounts the rancor that occurs with government-fostered prayer.

- **Freethought Today, June/July 2000, p. 17:**

"Lots of DC Prayer," a news item, recounts how D.C. Mayor Anthony A. Williams, in kicking off the 25th annual prayer breakfast in April, promised churches financial subsidies.

- **Freethought Today, October 2000, p. 14:**

"Olympics Atheistic?", a letter by a Texas member, praises the Olympics for not having a single prayer at either opening or closing.

- **Freethought Today, September 2000, p. 2:**

"We CAN Make a Difference," a letter by a Pennsylvania member, urges against governmental prayer.

- **Freethought Today, August 2000, p. 6:**

"Let Us Prey," an article by Texas member and Officer Catherine Fahringer, argues against governmental prayer and enforced public prayer, citing good manners, the Sermon on the Mount and the separation of church and state.

- **Freethought Today, August 2000, p. 15:**

A news item with a photo reports that Richard Sloan has authored an article, "Should Physicians Prescribe Religious Activities?" in the New England Journal of Medicine, answering "no." Sloan addressed the 1999 convention of the Freedom From Religion Foundation (reprinted in the Jan/Feb 2000 issue).

- **Freethought Today, January/February 2001, p. 1:**

Separation of Church and State to be Bush-Whacked?

Annie Laurie Gaylor reported on various state/church violations by President Bush, and chronicled the prayer services, public prayers, and inaugural "religious ad libs" that offended state/church separation advocates.

- **Freethought Today, November 2001, p. 15:**

A news item, "Prayers Fill City Stadium," recounts how a city-sponsored public memorial at Yankee Stadium on Sept. 23, 12 days after 9-11, was billed as "A Prayer for America." A Muslim leader had the temerity to blame atheism for the terror attacks.

- **Freethought Today, October 2001, p. 2:**

"Cringing over 'Day of Prayer,'" was the lead letter in Freethought Today's Letter Box, written by a New York member.

- **Freethought Today, 2002**

A secular proclamation signed by Marc H. Morial, of New Orleans, was reprinted in full.

- **Freethought Today, April 2003:**

Concluding an article, "Congress sells out Constitution," about Congressional reaction to the Ninth Circuit decision in the Michael Newdow case over the Pledge of Allegiance, was mentioned in the passage of House Resolution 153 on March 27, urging the President to issue a proclamation "designating a day for humility, prayer, and fasting for all people of the United States." Noted the article:

"This is offensive not just to nonbelievers, but to practitioners of many diverse beliefs, including Christians who do not follow 'fasting' traditions of supplication," Annie Laurie Gaylor added. She quipped, "Of course, I think it might be a good idea if Rep. Sensenbrenner fasted."



"It is insufferable ego to imagine that, if there were a god, it would respond to these demeaning supplications. It is primitive to imagine that the natural laws of the universe could be suspended or altered by group wishful thinking. Ironically, as Congress entertains these meaningless motions, the Iraqi people and their supporters are praying to their God for the opposite result!"

- **Freethought Today, June/July 2003, p. 9:**

"National Day of Discord," a news item, reports that an organizer of an annual NDP service in Indianapolis barred Jews, Muslims and other non-Christians are participating in the prayer service outside City Hall. "This is a Christian event that we have done for years," Church of Nazarene Rev. William Keller told the Indianapolis Star on May 2, 2003.

- **Freethought Today, June/July 2003:**

In Annie Laurie Gaylor's workshop speech at the American Humanist Association on May 8, 2003, she chronicled a whole series off disturbing entanglements between church and state, including:

"May 1. Ashcroft participated in a National Day of Prayer rally at Capitol Hill. According to Associated Press: 'Attorney General John Ashcroft says President Bush commands America's armed forces,' but 'understands that it is faith and prayer that are the sources of this nation's strength.' "

AP also reported:

"An organizer of the event on Capitol Hill asked God to make the United States a righteous example as Iraqis struggle to establish their own democracy."

What's wrong with this picture?

If I had a chance, I would remind Ashcroft and National Day of Prayer organizer Shirley Dobson of Focus on the Family what everyone in this room knows:

We are a secular, democratic republic, governed by the rule of law, not the bible. Our constitution is godless and our sovereignty rests in 'We, the People,' not in a divinity. Ours was the first godless constitution ever adopted, and it is no coincidence that it is the longest-lived constitution in history."

- **Freethought Today, August 2003, p. 2:**

"What's Happening in Your Town," a letter by a Wisconsin member, recounted how he learned about his Mayor's Prayer Breakfast, held in conjunction with the National Day of Prayer, "led by Mrs. Dobson," and wrote a letter that it was inappropriate.

- **Freethought Today, September 2003, p. 15:**

Freethought Today reported approvingly that Wisconsin Governor Jim Doyle did not attend a "Governor's Prayer Breakfast" called by religious civic leaders for May 22.

- **Freethought Today, January/February 2004:**

"America - Not a Christian Nation," an article by Prof. Brian Bolton originally published in the Northwest Arkansas Times, debunks government prayer, Mayor's Prayer Breakfasts and so-called Christian Heritage Weeks.

- **Freethought Today, May 2004, State/Church Bulletin:**

"Bush's National Day of Prayer," news item, read: "President Bush proclaimed May 6 National Day of Prayer and appealed to his base constituency by holding an afternoon ceremony that was later broadcast by religious networks during primetime. Bush invited a coterie of evangelicals to a gathering in the East Room of the White House, including the House and Senate chaplains, Oliver L. North, Shirley Dobson, and James C. Dobson, who represent the National Day of Prayer Committee. Their website asserts that the United States is doing God's work in Iraq and Afghanistan, urges prayers to return 'Judeo-Christian' values to schools, and warns that kindergarten classes are teaching 'homosexual propaganda.' "

- **Freethought Today, June/July 2004:**

Catherine Fahringer's "The Fundies Are Coming! The Fundies Are Coming! The Fundies are Here" is in part about how she joined the Foundation and became an activist, and fought the NDP observances in San Antonio starting in 2003, and her frustrations with public officials promoting prayer.

- **Freethought Today, August 2004, p. 9:**

Half of the page is devoted to a "Celebrate Church/State Separation" proclamation from the New Orleans mayor, and reprinting a secular invocation by Foundation member Harry Greenberger, which he delivered to the City Council on Jan. 8, 2004.

- **Freethought Today, January/February 2005:**

"Religion at the Inauguration" reported in detail about the prayers, bible reading, religious services, etc., attending the 2005 presidential inauguration.

- **Freethought Today, October 2005, p. 3:**

"Foundation Blasts Government Prayers, FEMA's Promotion of Operation Blessing: Nothing Fails Like Prayer (and 'Faith-Based' FEMA?)," in an article written by Annie Laurie Gaylor about her letters and press releases.

- **Freethought Today, May 2005, p. 13:**

"Govs Asked to Balance 'Day of Prayer,'" is a new story detailing how the Foundation asked all 50 U.S. governors to reconsider proclaiming a "National Day of Prayer" and balance gubernatorial actions. The article recapped the history of the NDP, and the work of Focus on the Family to pressure governors and local executives to issue NDP proclamations. In addition to sending a letter to all governors, the Foundation sent them sample proclamations, including a "Freethought Week," "Give Thanks for State/Church Separation," and suggesting a simple "Day of Reason" would be very welcome. Freethinkers believe in deeds, not creeds, the governors were told. "Freethinkers may wish to contact their own local executives or governor to promote freethought proclamations." The news article gave links to the online proclamations at FFRF's website.

- **Freethought Today, March 2006, pp. 8-10:**

"Ernie Chambers: Hero of the First Amendment," reprinted the speech by Nebraska Sen. Ernie Chambers before the 27th annual convention of the Freedom From Religion Foundation. Chambers was honored for his lawsuit taken to the Supreme Court to rid the Nebraska Senate of paid chaplains and their prayers. He recounted his objections to government-hosted and sponsored prayer.

- **Freethought Today, March 2006, p. 19:**

"The Failure of Prayer," a letter by a Florida Member, analyzes the inefficacy of prayer and the irrationality of seeking a deity's intervention. Prayer "is an utter waste of time."

- **Freethought Today, April 2006, p. 13:**

Supreme Court Judge Samuel Day Alito is pictured and quoted thanking the Focus on the Family for their "help and support" and prayers. He vowed as "long as I serve on the Supreme Court . . . to keep in mind the trust that has been placed in me (and expressed a wish to have a personal meeting with James Dobson)." Source: The New York Times, March 2, 2006.

- **Freethought Today, April 2006, p. 8:**

"Does God Answer Prayer," is a 2-page newspaper piece by Prof. Brian Bolton, an FFRF lifetime member, in which he examines the so-called evidence for answered prayer and concludes: "The god of religionists does not answer intercessory prayer."

- **Freethought Today, October 2006, p. 16:**

" 'God' Invoked Often in Congress," is a news item recounting that on a recent day in Congress, lawmaker's invoked god on the floor of the House 182 times.

- **Freethought Today, November 2006 p. 6-7:**

The newspaper reprinted the acceptance speech of the first "Atheist in Foxhole" award by the Foundation to Philip Paulson, a state/church litigant and Vietnam vet. In his speech, Paulson noted: "I have seen people pray during a firefight, putting their buddies' lives at risk by wasting precious time with their superstitious gibberish and psychobabble."

- **Freethought Today, December 2006, p. 12-13:**

In "Thank Goodness," bestselling author Prof. Daniel C. Dennett, now an FFRF lifetime member, writes about nearly dying but surviving thanks to modern medicine. He then recounts how often acquaintances told him they were praying for him, and analyzes what's wrong with that, and what's what with wasting time and effort in prayer, and why it is problematic to inflict prayer on others.

- **Freethought Today, May 2007, p. 4:**

"What's Wrong with the National Day of Prayer," a full-page article by Texas activist Catherine Fahringer, recounted the history of the NDP, cited Thomas Jefferson opposing national days of prayer, quoted James Madison against a union of government and religion, cited the Constitution, cited the Sermon on the Mount, and pictured Catherine, then in her mid-80s, picketing the San Antonio NDP held on the steps of City Hall on the National Day of Prayer with other friends. One sign said, "This loathsome combination of church & state," quoting Jefferson. Another quoted President Ulysses S. Grant, 'Keep the Church and state forever separated.' Catherine consulted a Catholic monsignor who agreed with her that prayer should be quiet and private.

- **Freethought Today, November 2007, p. 10:**

"Secularists Chide Gov. Perdue for His Prayer Service to Pray for Rain," is the headline of a news story about Georgia Foundation members protesting a rally held by Gov. Sonny Perdue at the Georgia State Capitol. The article includes three photos, including of a poster reading "Nothing Fails like Prayer, ffrf.org." The Foundation, with the Atlanta Freethought Society, endorsed a protest of the religious service on Tues. Nov. 13. The article recounted how Annie Laurie Gaylor wrote a letter to the governor saying, "Our hearts go out to everyone affected" by the crisis drought, yet this "does not excuse the use of a government office to sponsor a prayer service." "You have a history of making prayer proclamations," Gaylor wrote Perdue. "It is time to quit confusing the office of governor with that of 'state preacher.' "

- **Freethought Today, May 2008, p. 3:**

"FFRF Objects to Sheriff Department-Sponsored Prayer Breakfast" is the major article, recounting the Foundation's complaint to the Sheriff of Burnett Co., Wis., whose office was hosting and arranging its eighth annual prayer breakfast. The Foundation also asked Wisconsin Supreme Court Justice-Elect Michael Gableman to cancel his acceptance to speak, although he did not.

- **Freethought Today, October 2008, p. 1-3:**

"FFRF Sues Bush, Dobson, Doyle over National Day of Prayer," is the page-one banner story. On p. 3, Freethought Today reprinted in full President Bush's NDP 2008 Proclamation. It also put online all 50 gubernatorial proclamations.

- **Freethought Today, November 2008, 1-5:**

"FFRF Sues Gov. Ritter over Prayer Proclamations," reports on the Foundation's second NDP lawsuit, filed in state court in Colorado, and reprints the Legal Complaint. Governor Ritter's 2008 proclamation is reprinted in full on p. 5.

- **Freethought Today, January/February 2009:**

An obituary for Catherine Fahringer, 1922-2008, noted her activism for secular government, including how she organized a 1994 "Rally for Reason" to protest the National Day of Prayer. (Ex. 1 at 8-37.)

222. Annie Laurie Gaylor has tirelessly observed and participated in protesting the NDP by monitoring violations, often reporting on violations or FFRF protests of the violations, writing press releases or letters of complaint and urging members to protest violations at local, regional or national levels. (Ex. 1 at 37.)

223. Paul Gaylor participated in and took photographs and was security for the "first annual Wisconsin prayer breakfast" counterpicket, at the Concourse Hotel, 1 W. Dayton St., Madison, Wis., Friday, March 20, 1992. (Ex. 1 at 37.)

224. As an FFRF volunteer, Paul Gaylor also helped to open the heavy volume of mail for FFRF for at least 10 years, and he encountered letters or clippings related to complaints about the National Day of Prayer and governmental prayer and prayer breakfasts, etc., and he

discussed these violations and strategies to deal with them with his wife, Anne Gaylor, and other members of the FFRF Executive Council and Board of Directors. (Ex. 1 at 37.)

225. Dan Barker too has opposed the National Day of Prayer, in written comments that have been published over the years. (Ex. 1 at 38.)

**T. The National Day of Prayer Is Exclusionary Of The Plaintiffs.**

226. Phyllis Rose, for her part, has become aware that the National Day of Prayer occurs every year, at which time the President issues a proclamation encouraging all citizens to pray. (Ex. 1 at 38.)

227. Ms. Rose is offended and disturbed by the government asking persons to pray. (Ex. 1 at 38.)

228. Ms. Rose is offended by the government taking a position regarding religion, including the position that Americans are a better people because of their religious convictions. (Ex. 1 at 38.)

229. Ms. Rose, in fact, began volunteering with the Freedom From Religion Foundation because she found the government's promotion of religion to be harder and harder to ignore. (Ex. 1 at 38.)

230. Ms. Rose is opposed to the government's promotion of religion and the false insinuation that Americans are better because of prayer. (Ex. 1 at 38.)

231. Ms. Rose believes that her views regarding the separation of church and state are not being represented in government. (Ex. 1 at 38-39.)

232. The assumption that the United States is a better country and that individuals are better persons as a result of prayer is not shared by Ms. Rose. (Ex. 1 at 39.)

233. The superiority of prayerfulness seems to have become mainstream view in the United States government, however, as reflected by the National Day of Prayer, according to Ms. Rose. (Ex. 1 at 39.)

234. Ms. Rose feels that persons who profess religious beliefs are, in fact, accorded greater political influence. (Ex. 1 at 39.)

**U. FFRF Devotes Substantial Resources To Combat National Day of Prayer.**

235. Staff time and staff efforts have been dedicated by FFRF opposing the National Day of Prayer, including by individual plaintiffs, as well as by staff attorney, Rebecca Kratz. (Ex. 1 at 39-40.)

236. In Anne Gaylor's 28 years as president of FFRF, the repetition of National Day of Prayer violations, along with the accelerating local and regional violations and increased publicity about them all, and increased pressure by the religious right to involve public officials at all levels and to dictate the content of prayer proclamations, made Anne's work harder. (Ex. 1 at 40.)

237. One cannot separate church and state when the highest office holder in the country is telling everybody to pray, according to Anne Gaylor. (Ex. 1 at 40.)

238. State and local officials imitating the NDP Proclamation and events have made the work of FFRF all the harder. (Ex. 1 at 40.)

239. FFRF's membership has urged FFRF to continue to protest the National Day of Prayer, and the members expect FFRF to show leadership and represent the views of the nonreligious who are excluded by NDP proclamations and events. (Ex. 1 at 40.)

240. The National Day of Prayer law weakens the Establishment Clause, creates a bad example, and encourages public officials to promote their personal religious convictions on public time and dime and with their imprimatur of support. (Ex. 1 at 41.)

241. The National Day of Prayer law clearly has produced countless similar violations, which the proclamations are intended to do, according to Anne Gaylor. (Ex. 1 at 41-42.)

242. Because the purpose of FFRF is state/church separation, it is destructive to its organization to have an illegal and unconstitutional law promoted year after year all across the country by public employees and politicians, notes Anne Gaylor. (Ex. 1 at 42.)

243. It has been a continual burden on FFRF just replying to complaints about the National Day of Prayer, dealing with members who are impatient and urging FFRF to do something about it. (Ex. 1 at 43.)

244. According to Annie Laurie Gaylor, the 1952 law establishing a National Day of Prayer has long impeded the ability of the Freedom From Religion Foundation to protect the constitutional principle of the separation between church and state. (Ex. 1 at 43.)

245. When FFRF members have phoned the office, irate over the existence of the National Day of Prayer, Annie Laurie Gaylor, as a co-founder, Board Member, longtime staff member and now co-president and officer, has felt her hands were tied in addressing the fallout from the National Day of Prayer law, given the apparent government sanction of the event. (Ex. 1 at 43-44.)

246. It is clear to Annie Laurie Gaylor that the 1952 law has spawned a whole host of other violations, at the national, state and local levels around the country. These violations include the National Prayer Breakfast (put on by a private Christian fundamentalist entity, but attracting almost every member of Congress, the President and international dignitaries every



February and ample media coverage). The violations also include annual gubernatorial proclamations. They include NDP involvement by many mayors and county executives and other public officials, including sheriffs, who make proclamations or host official prayer breakfasts or who allow prayer breakfasts to use their official position in the title. In fact, there are now many state or local prayer breakfasts spawned by the National Day of Prayer. (Ex. 1 at 44.)

247. FFRF members have attended NDP or related prayer breakfast events to monitor them, have written letters to public officials about such events, have sometimes picketed events held on courthouse steps or municipal buildings, but it is impossible to get to the heart of the problem--that it is unconstitutional and unconscionable for a public official to direct “the religious exercise of his constituents” (in Thomas Jefferson’s words). (Ex. 1 at 44.)

#### **V. FFRF Members Suffer Injury As Result Of National Day of Prayer.**

248. FFRF members also are injured when the President and the Governors order them to pray, or tell them to pray, or even simply suggest that they and all other citizens ought to pray. (Ex. 1 at 45.)

249. Annie Laurie Gaylor does not believe in a god. She does not believe that prayer can suspend the natural laws of the universe. She considers the very concept of prayer to be absurd. This intellectual aversion to prayer is shared by the membership of the Freedom From Religion Foundation and by rationalists, who by definition reject the idea of the supernatural. (Ex. 1 at 45.)

250. When the President proclaims a National Day of Prayer, Annie Laurie Gaylor and other FFRF members feel excluded, disenfranchised, affronted, offended and deeply insulted. (Ex. 1 at 45.)

251. When the President tells “all” Americans to pray, as most of them have exhorted in their Proclamations since 1952, this admonishment disenfranchises “all” who do not pray or believe in prayer or believe in a deity who answers prayer. (Ex. 1 at 45.)

252. Annie Laurie Gaylor feels as excluded as most Christians would feel if the President or their Governor were to issue a prayer proclamation to Allah, pointing out that Mohammed is his Prophet, or as they would feel if Vishnu were referenced, or Jehovah. (Ex. 1 at 45.)

253. No so-called civil religion or prayer to a deity can possibly include atheists, agnostics and other self-identified “nonreligious.” (Ex. 1 at 45.)

254. Annie Laurie Gaylor feels deeply embarrassed by governmental displays of faith, religion or worship, but when they are directed at her, the feeling of being coerced and told how to think about religion is magnified. (Ex. 1 at 45.)

255. Annie Laurie Gaylor considers being told to pray, or even being encouraged to pray, by a President or Governor to be a tyrannical act, which robs her of freedom of conscience. (Ex. 1 at 46.)

256. Reading the 2008 Proclamation, by President Bush, Dan Barker was told by his President that “America trusts in the abiding power of prayer and asks for the wisdom to discern God’s will in times of joy and of trial. As we observe this National Day of Prayer, we recognize our dependence on the Almighty, we thank Him for the many blessings He has bestowed upon us, and we put our country’s future in His hands.” (Ex. 1 at 46.)

257. It appeared to Mr. Barker that President Bush was assuming that he, as an American, was also “observing,” “recognizing,” and “thanking God.” (Ex. 1 at 46.)

258. Reading further, Mr. Barker was informed that President Bush asked “the citizens of our nation to give thanks . . . for God’s continued guidance, comfort, and protection.” (Ex. 1 at 46.)

259. Mr. Barker is a citizen of the United States, but he does not believe in “God” or any god, so he felt excluded by that wording and concluded that President Bush considered only believers to be part of “we, the people.” (Ex. 1 at 46-47.)

260. Similar to President Bush the year before, Mr. Barker read that President Obama called upon “Americans to pray in thanksgiving for our freedoms and blessings and to ask for God’s continued guidance, grace, and protection for this land that we love.” (Ex. 1 at 47.)

261. Because Mr. Barker does not believe in God, or pray, he wondered how his president could ask him, an American, to “ask for God’s guidance.” Mr. Barker felt excluded, like a second-class American. (Ex. 1 at 47.)

#### **W. FFRF Responds To Pervasive National Day of Prayer Observances.**

262. The FFRF office has received countless complaints over the years by members, and members of the public, critical of the National Day of Prayer, at the federal, state or local level. (Ex. 1 at 47.)

263. FFRF has had several major campaigns to encourage public officials to balance NDP Proclamations and religious proclamations with secular proclamations. They are identified at FFRF's website: <http://ffrf.org/timely/proclamations>. (Ex. 1 at 48.)

264. To balance or respond to the National Day of Prayer and its related spawns, FFRF and its members have asked governors, mayors and county executives to issue “Celebrate State/Church Separation Month,” “Freethought Week,” and Give Thanks for State/Church Separation Week.” (Ex. 1 at 48.)

265. FFRF has also suggested a “National Day of Reason” for the first Thursday in May (2005 news release). (Ex. 1 at 48.)

266. FFRF, in the late 1980s, also sent letters to all mayors of cities of 30,000 or more, asking them not to issue religious proclamations and suggesting secular alternatives. (Ex. 1 at 48.)

267. In 2005, the Freedom from Religion Foundation wrote to each of the state governors complaining about the public observance of the National Day of Prayer and requesting issuance of secular proclamations. (Ex. 98.)

268. FFRF has been actively involved in opposing the establishment of religion by government, including long opposition to the National Day of Prayer. (Exs. 98-114.)

269. In 2008, FFRF vigorously opposed an NDP Prayer Breakfast hosted by the Sheriff of Burnett County in Wisconsin, to which observance the Sheriff invited participants on his official letterhead. (Ex. 103.)

270. The Burnett County NDP observance featured newly-elected Wisconsin Supreme Court Justice Michael Gableman, who espoused a creationist philosophy and the need for public prayer. (Ex. 103 at 3-4.)

**X. The Dedicated National Day of Prayer Detrimentally Affects FFRF Goal Achievement.**

271. Media coverage of local governmental observances of the National Day of Prayer have become pervasive and they have been opposed by FFRF. (Exs. 103-105.)

272. The exposure to, awareness of, and reactions of FFRF members to the National Day of Prayer are reported in many of their survey comments. (Ex. 126.)

273. The Freedom from Religion Foundation is an educational group working for the separation of church and state; its purposes are to promote the constitutional principle of separation of church and state and to educate the public on matter of nontheism. (Ex. 112 at 3 and Ex. 122.)

274. FFRF tries to fulfill its purpose by acting on violations of separation of church and state on behalf of members and the public, including by filing successful law suits that have ended a variety of First Amendment violations. (Ex. 113 at 1 and Ex. 122.)

275. FFRF also publishes the only freethought newspaper in the United States, Free Thought Today; sponsors annual high school and college Free Thought essay competitions with cash awards; conducts annual national conventions; promotes freedom from religion with educational products, bumper stickers, literature, etc.; publishes useful free thought books; provides speakers for events in debates; and has established a free thought book collection at the University of Wisconsin Memorial Library. (Ex. 113 at 1 and Ex. 122.)

276. FFRF's challenge to the National Day of Prayer in this court action is merely referenced as one of many activities of the Foundation in its 2008 Year In Review. (Ex. 114.)

277. FFRF's opposition to the National Day of Prayer via the pending litigation does not represent the Foundation's first public opposition, which has been a constant in FFRF actions; FFRF has publicly expressed its objection to the National Day of Prayer for many years. (Exs. 103-111.)

**Y. FFRF Members Are Widely Exposed To And Affected By National Day Of Prayer.**

278. FFRF recently surveyed its members regarding their exposure to and reaction to the National Day of Prayer. (Ex. 124.)

279. Nearly 1,500 respondents indicated they were exposed to media coverage of local or National Day of Prayer events and nearly 600 respondents reported exposure via participation by local or state officials in National Day of Prayer events. (Ex. 125.)

280. Over 1,500 respondents also reported that the message conveyed by National Day of Prayer proclamations constitutes religious endorsement and that as non-believers they are outsiders. (Ex. 125.)

281. The exposure to, awareness of, and reactions of FFRF members to the National Day of Prayer are reported in many of their survey comments. (Ex. 126.)

282. FFRF raises national awareness of the need to keep state and church separate, including by generating "significant publicity through its legal and educational challenges, free thought activities and the accomplishments of individual members." (Ex. 112 at 5.)

283. Rep. J. Randy Forbs, R-VA, head of the Congressional Prayer Caucus, describes the National Day of Prayer as a "monumental religious event." (Ex. 127 at 2.)

284. FFRF members, including the individual plaintiffs, and also other members, are exposed to, and have opposed, the National Day of Prayer activities, including Linda Allewalt, in Kentucky. (Allewalt Declaration.) Ms. Allewalt specifically has objected to Kentucky Governor Beshear's proclamations which offend her and make her feel like an outsider as a result of her non-belief. (Allewalt Declaration.)

Dated this 11th day of December 2009.

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CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2009, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification electronically to all attorneys of record.

/s/Rosalie G. Stapleton  
Rosalie G. Stapleton

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