



FREEDOM FROM RELIGION FOUNDATION

P.O. Box 750 • Madison WI 53701 • (608) 256-8900 • www.ffrf.org

February 23, 2010

**SENT VIA U.S. MAIL & FAX
(313) 224-0230**

Mr. Charles Pugh
Council President
Detroit City Council
2 Woodward Avenue, Suite 1340
Detroit, MI 48226

Re: Prayers at City Council Meetings

Dear Council President Pugh and Members of the Council:

I am writing on behalf of a concerned Detroit resident and taxpayer and other Michigan members of the Freedom From Religion Foundation (FFRF) who object to the practice of opening Detroit City Council meetings with prayers. FFRF is a nationwide nonprofit organization that works to protect the constitutional principle of separation of church and state. FFRF represents 14,600 members across the country including more than 400 members in Michigan.

It is our information and understanding that the Detroit City Council frequently opens meetings with an invocation given by a local clergy member. We are unaware of any formal written policy or guidelines concerning the invocation practice. It is also our understanding that members of the public regularly attend City Council meetings and have necessary business before the City Council. It is our further understanding that attendees of meetings stand during the prayers and are sometimes asked to say "Amen" following the prayers.

Upon reviewing recent invocations available online, it is clear that these prayers are rarely, if ever, non-denominational or non-sectarian. The invocations in recent months contained specific references to Jesus Christ and several prayers ended with "in Jesus' name." Listed below are excerpts of two prayers from recent City Council meetings:

November 10, 2009: Pastor Christopher D. Holly, New Rising Star Missionary Baptist Church

“Father God, in the name of Jesus Christ of Nazareth we bow down before thee now with thanksgiving and praise. Lord, we give you all the glory and the honor, for certainly you are a good and a mighty God...”

Your word declares, if my people which are called by my name humble themselves and pray, seek my face and turn from their wicked ways, then I will hear from heaven and forgive their sins and heal the land. We come, first and foremost, seeking forgiveness of all of our sins and deeds of unrighteousness. Please, Lord, have mercy upon our souls. Your word declares your mercy endures forever. Isaiah says, come now and let us reason together, saith the Lord, that though our sins be as scarlet they shall be white as snow. Though they be red like crimson they shall be as wool. This is a statement of intent. Either we the citizens of Detroit come together in righteousness to repentance or be purified through judgment...

Bless this city government from the top to the bottom, bless this entire city and nation as we will give you all the glory, honor and praise, and *we ask it in the name that is above every name, in Jesus’ name we now pray, believe it, receive it, decree it and declare it, it is so. In Jesus’ name, let every heart say Amen.”*

January 20, 2010: Pastor Daryl Gaddy , Victory Fellowship Church

“Let us pray. Father God, we thank you for this day. We thank you and we look to you, God, as we stand and prepare to open this session of this great body of representatives. We already know that our words and our thoughts speak to one who knows them before we utter them. But, Lord, we seek your divine guidance, we seek your miraculous healing, we seek your fortuitous hope and your omnipresent strength and courage to do that which will expedite the good of this great city of Detroit and all those, God, who dwell therein...”

Lord, bless this city council, this staff and administration of this city, elected and non-elected officials, and the residents therein. God, we just thank you. *This prayer is now said in the name of our son Jesus Christ. Amen.”*

Please find enclosed transcriptions of some of the impermissible prayers reviewed from this year and late 2009.

The Supreme Court has only found prayers before legislative bodies permissible in narrow circumstances. In *Marsh v. Chambers*, 463 U.S. 783 (1983), the Supreme Court ruled that a legislative practice confined to a non-sectarian, non-denominational prayer, led by an officiant who had not been selected based upon any impermissible religious motive, and which was addressed to the body of legislators present and no one else, was permissible. See *Marsh*, 463 U.S. 783. Additionally, the Court held that legislators must have the option not to participate. The prayer opportunity must not be “exploited to proselytize or advance any one, or to disparage any other, faith, or belief.” 463 U.S. at

794-95. The Court also noted that the content of the prayers was permissible because the chaplain has “removed all references to Christ.” *Id.* at 793 n.14.

In *County of Allegheny v. ACLU Greater Pittsburgh Chapter*, 492 U.S. 573, 603 (1989), the Supreme Court found that, even if history and custom had saved non-sectarian legislative prayer, “history cannot legitimate practices that demonstrate the government’s allegiance to a particular sect or creed.” Additionally, the Court reiterated, “not even the ‘unique history’ of legislative prayer, can justify contemporary legislative prayers that have the effect of affiliating the government with any one specific faith or belief.” *Id.* The Court continued, “The legislative prayers involved in *Marsh* did not violate this principle because the particular chaplain had ‘removed all references to Christ.’ ” *Id.*

Lower federal courts have continued to emphasize that some government-sponsored prayers are constitutionally permissible only because they are non-sectarian, non-denominational, are not directed at citizens, and do not invoke a particular faith or deity. *See, e.g., Wynne v. Town of Great Falls*, 376 F.3d 292 (4th Cir. 2004)(holding that the Establishment Clause was violated when the town council opened sessions with prayer containing references to Jesus Christ); *Snyder v. Murray City Corp.*, 159 F.3d 1227, 1234 (10th Cir. 1998)(“...the kind of legislative prayer that will run afoul of the Constitution is one that proselytizes particular religious tenet or belief, or that aggressively advocates a specific religious creed, or that derogates another religious faith or doctrine.”).

The prayerful practice at City Council meetings runs afoul of the First Amendment to the United States Constitution because it impermissibly advances Christianity. It leads a reasonable observer to believe that the City Council is endorsing not only religion over nonreligion but also Christianity over other faiths. Even though the City Council may be permitted to engage in invocations prior to its meetings, this opportunity does not provide “license to advance its own religious views in preference to all others...” *Wynne*, 376 F.3d 292.

Additionally, these Christian prayers inappropriately alienate non-Christians and non-believers in Detroit. Their efforts to participate in public meetings are adversely affected by these prayers, which turn non-believers and non-Christians into political outsiders of their own community and government. During City Council prayers, attendees of the meetings stand and are asked to say “Amen,” affirming their belief in the Christian prayers. Attendees also must listen to prayers professing God’s judgment. Some prayers explicitly reference Biblical text. In one of the prayers excerpted above, there are three recitations of Bible verse (2 Chr 7:14; Isa 1:18; Phil 3:13). The rights of citizens to participate in government meetings such as the City Council’s meetings should not be predicated upon being subjected to Christian-based prayers.

By hosting sectarian prayers that show preference for Christianity, the Council is inappropriately entangling itself with religion. To avoid the divisiveness these prayers cause within the community the solution is simple: discontinue official, government prayers before City Council meetings. At a minimum, the City should require that any

invocations given before Council meetings comply with Supreme Court dictates and be non-sectarian and non-denominational.

The City Council's demonstrated preference for Christianity during Council meetings is inappropriate and violates the Establishment Clause of the First Amendment. We ask that you immediately discontinue the prayerful practices. We respectfully request notification in writing of the appropriate actions you are taking to remedy these violations so that we may notify our complainant.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R S Markert', written over the typed name.

Rebecca S. Markert
Staff Attorney

Enclosure

Detroit City Council Prayers

January 20, 2010: Pastor Daryl Gaddy , Victory Fellowship Church

“Let us pray. Father God, we thank you for this day. We thank you and we look to you, God, as we stand and prepare to open this session of this great body of representatives. We already know that our words and our thoughts speak to one who knows them before we utter them. But, Lord, we seek your divine guidance, we seek your miraculous healing, we seek your fortuitous hope and your omnipresent strength and courage to do that which will expedite the good of this great city of Detroit and all those, God, who dwell therein. God, we thank you for the call and the ability to serve. And now, God, we press on to other work. And Lord, when we falter forgive us, when we tire, motivate us, when we seek self, establish our minds and constantly remind us that we are servants that you've allowed to carry out this work. God, may our respect for you help us to perform that which is practical and promising, as we promote positive plans to move this city forward. Lord, bless this city council, this staff and administration of this city, elected and non-elected officials, and the residents therein. God, we just thank you. **This prayer is now said in the name of our son Jesus Christ. Amen.**”

January 12, 2010: Bishop Edgar Vann, Second Ebenezer Church

“O God, how we thank you this morning, because it is because of your mercies we are not consumed. But it is morning by morning that you give us new mercies, new visions, new opportunities, new hope, and new faith. It is your faithfulness, and so we give you thanks for all that you offer to us. We thank you for this august body, for its leadership. Oh God, we thank you for our city. We know that with your power and your strength it continues to rise again. Bless your people. bless these who are elected and selected to give leadership, guidance, fiduciary responsibility to the affairs of this city. Give them wisdom and insight and foresight. Now I pray that you would bring a spirit of cooperation and collaboration to this table...”

(Video ends suddenly)

November 17, 2009: Rev Barry Randolph, Church of the Messiah

“The Lord be with you.”

Response: “And also with you.”

“Heavenly Father, we thank you for this day. And we thank you Heavenly Father for all of those who are gathered here. Lord, you said in your word that this is the day that the Lord has made, we will rejoice and be glad in it. You didn't tell us how it had

to be, but you said rejoice. So we come, Heavenly Father, with thankful hearts and minds. Our minds and hearts open to you, asking you Heavenly Father to guide and lead us. You said that if we acknowledge you, you will direct our path. So you're being acknowledged, before this meeting starts, and so we ask you Heavenly Father to direct our path. You said all things are to be done decently and in order, and we thank you Heavenly Father for order. We thank you, Heavenly Father, for people coming together for the benefit of the city of Detroit. So we ask you Heavenly Father to govern the body that's here today, and we ask that you have mercy upon us, that everything that happens today will be your will. **In the name of the Father, the Son, and the Holy Spirit, let us all say, Amen.**"

November 10, 2009: Pastor Christopher D. Holly, New Rising Star Missionary Baptist Church

"We bless God for certainly this wonderful privilege, as we will give him all the glory and the honor as we will open this session and certainly ask God's blessings upon us.

Father God, in the name of Jesus Christ of Nazareth we bow down before thee now with thanksgiving and praise. Lord, we give you all the glory and the honor, for certainly you are a good and a mighty God. We thank you for the time and the season of new beginnings. We thank you for a fresh vision and new ideals. We thank you right now, God, for restoration, as we beseech you to come and restore and rebuild. Rebuild the integrity and rebuild the council and this City that is needed. We thank you kind master for just being a God of second chances, allowing us, even though we have fallen down so many times, you continue to lift us up and give us another chance. **Your word declares**, if my people which are called by my name humble themselves and pray, seek my face and turn from their wicked ways, then I will hear from heaven and forgive their sins and heal the land. We come, first and foremost, seeking forgiveness of all of our sins and deeds of unrighteousness. Please, Lord, have mercy upon our souls. **Your word declares** your mercy endures forever. Isaiah says, come now and let us reason together, saith the Lord, that though our sins be as scarlet they shall be white as snow. Though they be red like crimson they shall be as wool. This is a statement of intent. **Either we the citizens of Detroit come together in righteousness to repentance or be purified through judgment.** So Lord we beg your pardon right now. As we are both willing and obedient, let the good of the City now come forward, as we stand at this starting line of transition from then to now. **I say as Paul said**, but this one thing I do, forgetting those things which are behind and reaching for those things which are before, I press toward the mark. So right now **in the name of Jesus** I press out division. I press out unemployment. I press out senseless murders. I press out poverty. I press out illiteracy. I press out scandal. I press out foreclosures. I press out homelessness. I press out drug addiction. I press out lies, deceit, and jealousy, forgetting those things which are behind, and I (inaudible) a spirit of righteous authority upon this council to strengthen you and restore the fruitfulness of our labor. Bless us now God as only you can and give us the faith to go forth. Use our will and purpose and do

your will and purpose, that we will not desire to do our own thing, but we will do only what you have directed and ordered as we will give you all the glory and the honor. Bless this city government from the top to the bottom, bless this entire city and nation as we will give you all the glory, honor and praise, and we ask it in the name that is above every name, **in Jesus' name we now pray**, believe it, receive it, decree it and declare it, it is so. **In Jesus' name, let every heart say Amen."**