

FREEDOM FROM RELIGION *foundation*

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SENT BY MAIL AND EMAIL

mayor@ci.keene.nh.us

The Honorable Kendall W. Lane
Mayor of Keene
3 Washington St.
Keene, NH 03431

Re: Prayer at Mayoral Inauguration

Dear Mayor Lane:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the invocation and benediction given by a reverend at your recent inauguration. A local complainant brought this matter to our attention. FFRF is a nationwide nonprofit organization which works to protect the constitutional principle of separation of state and church. FFRF represents nearly 20,000 members across the country, including members in New Hampshire.

Government prayers exclude a significant portion of Americans from the democratic process, are of dubious legality, and are a repudiation of our secular history. The best solution is for the City of Keene to not schedule prayers at inaugurations in the future.

Prayer at swearing-in ceremonies is unnecessary, inappropriate, and divisive. Government officials are free to pray privately or to worship on their own time in their own way. The City ought not to lend its power and prestige to religion, amounting to a governmental endorsement that excludes the 19% of the American population that is nonreligious.¹ Younger voters are the least religious population in the country: 1-in-3 Americans aged 18-29 are not religious.²

Calling upon those in attendance to pray is coercive and beyond the authority of any government. Local government should not perform religious rituals or exhort citizens, regardless of their beliefs, to participate in, or show deference to, a religious ritual. This official endorsement of a religious ritual "sends a message to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community." *Lynch v. Donnelly*, 465 U.S. 668, 688, (1984) (O'Connor, J., concurring).

America was founded in part by refugees seeking freedom from government imposition of religion. The framers who wrote our Constitution understood that religious liberty cannot exist without the freedom to dissent. They founded our nation on a godless Constitution, whose only references to religion in government are exclusionary, such as prohibiting "religious tests" for public office. (Art. VI).

We were the first nation to adopt a secular constitution, investing sovereignty in "We the People," not a divine entity. We invented the separation of state and church. Significantly, there was no prayer

¹ The Pew Forum on Religion & Public Life, *Asian Americans: A Mosaic of Faiths*, 148 (July 2012).

² "Nones on the Rise" Pew Research Center, The Pew Forum on Religion & Public Life (October 9, 2012).

during the Constitutional Convention. Surely if the framers did not need prayer to write the document that founded our nation, the City can successfully conduct its business without prayer as well.

President Thomas Jefferson recognized the intrinsic problems when religion and government mix and actively opposed government sponsorship of prayer:

I consider the government of the U.S. as interdicted by the Constitution from intermeddling with religious institutions, their doctrines, discipline, or exercises . . . I do not believe it is for the interest of religion to invite the civil magistrate to direct its exercises, its discipline, or its doctrines; nor of the religious societies that the general government should be invested with the power of effecting any uniformity of time or matter among them. Fasting & prayer are religious exercises. The enjoining them an act of discipline. Letter to Rev. Samuel Miller, 1808.

Likewise, James Madison, the primary architect of our Constitution and Bill of Rights, and our fourth president, opposed government prayers and congressional chaplaincies. In his *Detached Memoranda*, Madison asked, "Is the appointment of Chaplains to the two Houses of Congress consistent with the Constitution, and with the pure principle of religious freedom?" Madison continued, "In strictness the answer on both points must be in the negative. The Constitution of the U. S. forbids everything like an establishment of a national religion... The establishment of the chaplainship to Congress is a palpable violation of equal rights, as well as of Constitutional principles."

Madison was equally critical of presidential and governmental prayer calling them "shoots from the same root" as the chaplaincy. He also distinguished government officers acting in their official capacity — such as during a government meeting — from their individual capacity as private citizens: prayer recommendations, "although recommendations only, they imply a religious agency, making no part of the trust delegated to political rulers. . . . An *advisory* Government is a contradiction in terms. The members of a Government as such can in no sense, be regarded as possessing an advisory trust from their Constituents in their religious capacities." *Id.*

Inevitably, most government prayers are Christian. But Christians should know that government prayers not only conflict with the beliefs or lack thereof of millions of Americans, but also with the biblical teachings of Jesus. During the Sermon on the Mount, Jesus condemns public prayer as hypocrisy: "And when you pray, do not be like the hypocrites, for they love to pray standing in the synagogues and on the street corners to be seen by others. . . . When you pray, go into your room, close the door and pray to your Father who is unseen." Matthew 6:5-6.

We urge you to concentrate leave religion to the private conscience of each individual at government-sponsored events, including inauguration ceremonies. If these ceremonies must show reverence, it should be for our secular and godless Constitution, which enshrines the separation of church and state.

Sincerely,



Rebecca S. Markert
Staff Attorney

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