

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL
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Mr. JR Carpenter
President
Parkersburg City Council
1 Government Square
PO Box 1627
Parkersburg, WV 26102

Re: Unconstitutional City Council Prayer

Dear Mr. Carpenter and Council Members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding constitutional violations by the Parkersburg City Council. We were contacted by a concerned citizen. FFRF is a national nonprofit organization with 22,500 members across the country, including many members in West Virginia. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that Parkersburg City Council begins its meetings with a recitation of the Lord's Prayer. Our complainant informs us that meetings of Parkersburg City Council begin with a request for all to stand and a recitation the Lord's Prayer. We understand the prayer is led by a council member and that meeting attendees join in. We have listened to a recording of the prayer from a recent meeting.

Prayer at government meetings is unnecessary, inappropriate, and divisive. The best solution is to discontinue official government invocations altogether. City Council members are free to pray privately or to worship on their own time in their own way. They do not need to worship on taxpayers' time. As a local government, citizens, including Parkersburg's nonreligious citizens, are compelled to come before you on important civic matters, to seek licenses, permits, to participate in important decisions affecting their livelihoods, property, children, and quality of life. The prayers exclude the one in five Americans who are not religious. It is coercive and intimidating for these nonreligious citizens to come to a public meeting and be required to either make a public showing of their nonbelief or show deference to a religious sentiment they do not believe in, but which their City Council members clearly do.

As you may be aware, the Supreme Court recently addressed the issue of legislative prayer in *Greece v. Galloway*, 134 S. Ct. 1811 (2014). The Court identified elements to the town's invocation practice that, taken together, ensured that the practice did not impermissibly advance one religion over another or promote religion over nonreligion. The town of Greece "at no point excluded or denied an opportunity to a would-be prayer giver." *Id.* The prayer practice by the Parkersburg council is unlike that in Greece in two significant respects.

First, The fact that Greece “represented that it would welcome a prayer by any minister or layman who wished to give one” was a critical factor in the Court’s conclusion that the practice in *Galloway* did not violate the Constitution. *Id.* at 1824. The Parkersburg Council is only having council members deliver the prayer and is not having other religious viewpoints represented at meetings.

Second, The Parkersburg Council repeats the Lord’s Prayer, a distinctly Christian prayer at every meeting. The Court clearly stated that the purpose of these invocations must be inclusive: “These ceremonial prayers strive for the idea that people of many faiths may be united in a community of tolerance and devotion.” *Id.* at 1823. The Supreme Court’s decision would have been different had the town used the prayer as an opportunity inculcate one religious view and exclude minority religions like the Parkersburg City Council has.

Coercive government prayer practices continue to be challenged within the Fourth Circuit Court of Appeals, which has jurisdiction over West Virginia. In *Hudson v. Pittsylvania County*, the Court found that prayer led by a board member consistently grounded in the tenets of one faith violates the Establishment Clause. *Hudson v. Pittsylvania County*, 2015 U.S. Dist. LEXIS 69427 (W.D. Va. May 28, 2015). Pittsylvania County Supervisors “led the prayers and asked the audience to stand while doing so, rendering the prayer practice far less of “an internal act” directed at the Board than was the case in both *Marsh* and *Town of Greece*.” *Id.* Similarly in *Lund v. Rowan Cnty.*, the Court found that when the commissioners of a county board are the only ones giving prayers, the prayers are unconstitutional because “...the government is delivering prayers that were exclusively prepared and controlled by the government, constituting a much greater and more intimate government involvement in the prayer practice than that at issue in *Town of Greece* or *Marsh*.” *Lund v. Rowan Cnty.*, 2015 U.S. Dist. LEXIS 57840 (M.D.N.C. May 4, 2015).

The prayers by Parkersburg Council are coercive and violate the Establishment Clause. Meeting attendees, at the behest of the council, are being pressured into participating in a group prayer from the Christian Bible.

In order to demonstrate the City Council’s respect for the Constitution and the diverse range of religious and nonreligious persons within the Parkersburg community, we urge you to concentrate on city matters and leave religion to the private conscience of each individual by ending the practice of reciting prayers at your meetings. Please inform us in writing of the steps you are taking to resolve this matter.

Sincerely,



Patrick Elliott
Staff Attorney

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