

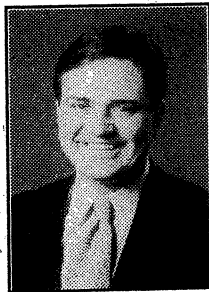
# ICLU on wrong side of prayer issue

This past spring, the Indiana Civil Liberties Union filed a lawsuit against Indiana Speaker of the House Brian Bosma for allowing prayers that invoke the name of Jesus Christ before the legislative session. The ICLU argues that while the U.S. Supreme Court generally permits non-proselytizing prayer in the Legislature, the Statehouse prayers have not reflected Indiana's diverse religious communities during Speaker Bosma's brief tenure.

On Friday, *Hinrichs v. Bosma* was presented to the U.S. District Court in Indianapolis. In a federal courtroom packed with legal scholars, legislators and a large contingent of media, Bosma stood against the ICLU to fight for Hoosiers' rights to free speech. Interpreting the case, federal Judge David Hamilton heard from attorneys of both parties and will make a decision on whether invited clerics can continue praying according to their Christian tradition and use the name of Jesus Christ in their invocation.

Dating back to 1817, it has been commonplace in Indiana to begin legislative activity with a short invocation. However, the ICLU claims that this year, under Republican leadership, too many prayers invoked the name of Jesus Christ and that too many prayers were Christian in influence. The First Amendment and the Establishment Clause, they claim, have been violated.

Has our society become so intolerant of those who choose to incite Jesus' name in prayer? The First Amendment, in part, states that: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In other words, the Constitution forbids the establishment of a state-sponsored religion, but it also prohibits any laws impeding religious access. Simply put, the framers sought to guarantee free-



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dom of religion, not freedom from religion.

For most of our history, that concept has worked very well. Consistent with the framers intent, America has not established a state-sponsored religion. However, our history is

full of regular acknowledgments of God.

The Declaration of Independence makes four very clear references to God. The money we use every day bears the inscription "In God We Trust." Our Pledge of Allegiance refers to "one nation under God" The U.S. Supreme Court convenes each of its daily sessions with a marshal invoking divine assistance by pronouncing the words, "God save the United States and this honorable court." Both the U.S. Senate and the U.S. House of Representatives employ official chaplains and begin each day's legislative session with prayer. And, the U.S. military also employs full-time and reserve chaplains.

The First Amendment demands tolerance, but the ICLU's lawsuit seeks censorship and intolerance of the Christian faith. That is simply the wrong approach.

Instead of censuring religious prayers by removing the word "Jesus" from all prayers at the Statehouse, we should call for a more diverse group of religious leaders to come to the Statehouse to lead the prayer of the day. Open and free speech, not censorship, is what leads to a broader understanding of people of other faiths.

In the General Assembly, any representative can invite any local religious leader to lead the invocation

at the Statehouse. The speaker's office schedules available dates on a first-come, first-served basis. This has allowed all types of religious leaders to speak on the floor of the Indiana House; one day this year, a guest even chose not to pray and instead spoke on the wisdom of different religious cultures.

On Friday, Oct. 21, a group of ministers from a broad spectrum of denominations who have led our Statehouse invocations filed an amicus brief, or a "friend of the court" brief, with the Federal Court regarding the *Hinrichs v. Bosma* case. These religious leaders challenge an assumption of the ICLU's lawsuit. Speaker Bosma, they remind the court, "neither instructs Christian ministers not to pray in Jesus' name, nor reprimands them if they do so."

This friends of court brief reminds litigators that the U.S. Supreme Court has upheld the practice of legislative invocations based on their "unique history," citing all the way back to the Continental Congress. The Supreme Court allows these invocations as long as they do not attempt to convert those of different faiths or demean any other religion.

Within the next few weeks, the federal court will decide on whether Hoosiers will be able to represent their religious beliefs, or if the voice of the people will be muffled to placate those who are so intolerant of other faiths. We all appreciate the importance of religious freedom in our society. But let's hope that the concepts of religious freedom and religious tolerance never become an excuse (or a weapon) used to force the vast majority of Americans to keep God out of their daily lives.

Messer is executive director of the Indiana Republican Party and represents District 57, including most of Shelby County, in the Indiana House.