

Beat: Politics

Maryland Municipality sued for Reciting The Lords Prayer during Council Meeting

Ex-Nun, Buddhist file Federal lawsuit

BRENTWOOD, MD, 05.03.2013, 14:20 Time

USPA NEWS - The Town of Brentwood, a small community bordering the District of Columbia in Prince George's County opens each Town Council meeting by reciting The Lord's Prayer. An Ex-nun and a Buddhist have filed suit in the U.S. District Court in Greenbelt, claiming a violation of their First Amendment rights.

In the lawsuit filed last week in U.S. District Court (Greenbelt), Delores Pomerleau and Anne Warden contend that the practice of reciting The Lord's Prayer has "the purpose and effect of promoting, advancing, favoring, and endorsing the christian religion."

"This practice also conveys the message that the Christian religion is favored or preferred by the Town and the Council over other religions and over non-religion." Pomerleau and Warden said.

Pomerleau is a Roman Catholic who attends weekly Mass and is a former nun who served the Roman Catholic Church from 1963 to 1975. In the lawsuit, Pomerleau contends that the reciting of the Lord's Prayer co-opts her religion, thereby debasing her faith and stripping The Lord's Prayer of its religious significance."

Warden is a practicing Buddhist, and states that the reciting of The Lord's Prayer at meetings makes her feel unwelcome and "causes her to feel as if the Council is not representing her interest or the interest of all Brentwood citizens."

Individual's faith, beliefs, and chosen religions are personal, and have no place in government. Last I knew we still abided by the United States Constitution, Warden said.

Brentwood Mayor Roger Rudder laughed and called the lawsuit "stupid" and "idiotic" when I spoke with him about the allegations contained within the suit. Mayor Rudder went on to say that "No one is forced into prayer. We have a right to pray or not to pray, that is still in the constitution isn't it? That is my right, and no-body is forced to pray in my town."

Jason DeLoach, an attorney with the Ft. Washington law firm of Alexander & Cleaver, P.A. is the Town of Brentwood's attorney and stated he would not comment on matters currently in litigation.

The issue is rare, but not unique to the Town of Brentwood, MD.

As recently as January 2012, in a similar case, less than 100 miles away in Sussex County, DE, four county residents filed a lawsuit in U.S. District Court and asked Judge Leonard P. Stark to rule that the council's recitation of the Lord's Prayer violates the establishment clause of the First Amendment, which prohibits government from favoring one religion over others. They asked the judge to hold the practice unconstitutional and order the council to cease reciting any sectarian prayers.

"It affiliates the county government with one single faith "" Christianity "" and sends a message to the county residents that their county government favors one religion," said Alex Luchenitser, an attorney for Americans United for Separation of Church and State, a Washington, D.C., watchdog group that has taken on the case for the plaintiffs.

The five-member Sussex County Council had been reciting the Lord's Prayer at the start of public meetings for 41 years, under Democratic and Republican majorities, county attorney J. Scott Shannon said.

At the start of each Tuesday morning meeting, Council President Mike Vincent would stand up and nod to his four colleagues, signaling them to bow their heads and begin to recite the Lord's Prayer.

The county's attorney contended the council's recital of the Lord's Prayer is permissible under the U.S. Supreme Court's 1983 ruling in Marsh v. Chambers, which found in a Nebraska case that having a government-funded chaplain say a prayer before a legislative

session was constitutional.

"Legislation invocations are not religious practice," Shannon said.

Shannon argued the prayer is generic and that Vincent, who is named as a defendant in the lawsuit, is not proselytizing or asking the audience to join in.

Ruling in *Mullin v. Sussex County*, U.S. District Judge Leonard P. Stark wrote that the Sussex County Council's longstanding practice of opening each of its meetings with the recitation of a Protestant version of the Lord's Prayer "violates the Establishment Clause because it constitutes government endorsement of the Christian faith."²

The Sussex County Council has subsequently ceased its practice of reciting The Lord's Prayer at the beginning of each Council Meeting.

Ayesha Kahn, an attorney representing Plaintiffs Pomerleau and Warden, is the legal director of Americans United for Separation of Church and State located in Washington, D.C. Khan told GNA that her office has been contacted by a number of residents of the Town of Brentwood.

People are concerned over the use of The Lord's Prayer in a Town Council meeting, Khan said. Her organization has been working to try and resolve this matter with the Town of Brentwood for over a year, hoping not to have to file legal actions.

"We have sent three letters to the Town of Brentwood concerning this matter, and have received no response," Khan said.

According to Khan, as well as other municipal officials and attorneys we contacted for this story, the reciting of The Lord's Prayer during a City, Town, or County Council meeting is extremely uncommon. In most cases, the elected officials offer a moment of silence or a nonsectarian prayer relating to their duties and the decisions before them that evening.

In an opinion by the 4th U.S. Circuit Court of Appeals involving the case of *Joyner v. Forsyth County*, the Court held that in order to withstand constitutional scrutiny, legislative invocations must "consist of the type of nonsectarian prayers that solemnize the legislative task and seek to unite rather than divide."

The appeals court states in its opinion that faith is as "deeply important as it is deeply personal, and the government should not appear to suggest that some faiths have it wrong and other got it right."

The Constitutional Question

In the case of *Pomerleau and Warden v. Town of Brentwood*, the constitutional question before the U.S. District Court in Greenbelt is as simple as it is constitutionally complicated.

CONSTITUTIONAL QUESTION: Whether "The Lord's Prayer" is nonsectarian.

Sound simple? Not really. We will await the Court's decision.

To read the case filing in *Pomerleau and Warden v. Town of Brentwood*, click on the link below:

https://www.au.org/files/pdf_documents/Pomerleau%20v.%20Town%20of%20Brentwood%20-%20Complaint.pdf

To read the memorandum opinion of Judge Stark in the *Sussex County, DE* case, click on the link below:

<https://www.au.org/files/SussexPiOp.pdf>

Article online:

<https://www.uspa24.com/bericht-586/maryland-municipality-sued-for-reciting-the-lords-prayer-during-council-meeting.html>

Editorial office and responsibility:

V.i.S.d.P. & Sect. 6 MDSIV (German Interstate Media Services Agreement): M. SCOTT BOWLING

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Editorial program service of General News Agency:

United Press Association, Inc.
3651 Lindell Road, Suite D168
Las Vegas, NV 89103, USA
(702) 943.0321 Local
(702) 943.0233 Facsimile
info@unitedpressassociation.org
info@gna24.com
www.gna24.com