



Empowering Voters. Defending Democracy.

Imagining a Democracy where every person has the desire, the right, the knowledge, and the confidence to participate

April 13, 2020

Dear Commissioners:

The Board of Commissioners will be asked to consider Commissioner Will Bunek's Opening Prayer Request at its April 13, 2021 Executive Session.

Courts have generally upheld the constitutionality of an opening prayer at the beginning of a session of government; however, each case turns on its own circumstances.

[Marsh v. Chambers, 463 U.S. 783, 103 S.Ct. 3330](#), (1983) and its progeny note that

“Legislative prayer lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society.”

Further, “prayer that is solemn and respectful in tone, that invites lawmakers to reflect upon shared ideals and common ends before they embark on the fractious business of governing, serves that legitimate function.” [Bormuth v. County of Jackson](#), 870 F.3d 494 (6th Circuit) 2017.

However, invocations that “denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion” do not enjoy constitutional protection. These “prayers” fall short of the desire to elevate the purpose of the occasion and to unite lawmakers in their common effort. [Bormuth](#).

Given that all Board of Commissioner meetings already begin with a Moment of Silence, the following questions should be asked:

1. Why is the current “Moment of Silence” not sufficient to lend gravity to the meeting?
2. Who will be providing the prayer at the beginning of the meeting?
3. If an outside guest, how will the guest be chosen?
4. If by a commissioner, will a rotation of commissioners be established?
5. What level of certainty should a person, who chooses not to stand for the prayer, have that his/her non-participation will not be viewed adversely by a commissioner?
6. What will be the impact of a requirement of a beginning prayer on citizen participation at the meetings?

The League asks the commissioners to consider all the issues raised and to be especially thoughtful regarding the impact of a requirement for a beginning prayer on citizen participation at its meetings. We encourage more Leelanau residents to attend BOC meetings and efforts to make them feel comfortable in doing so. Citizen engagement is a crucial component of the democratic principles on which all levels of our nation's government are based.

Respectfully,

Tricia Denton, President, League of Women Voters Leelanau County