

From: Silver, Charles M <CSilver@law.utexas.edu>
Sent: Monday, May 17, 2021 11:57 AM
To: Michelle Crocker <mcrocker@leelanau.gov>
Subject: Prayer Policy

Dear Ms. Crocker:

Please circulate this message to the County Commissioners.

Dear Commissioners:

I have owned a home in Empire for twenty years. I am also a law professor and a member of the Freedom From Religion Foundation (FFRF). I am writing at this time because I recently learned that, going forward, the Board of Commissioners intends to open its meetings with prayers. That no need for this change exists is obvious. The County has done fine without opening prayers and will continue to thrive without them in the future.

If the proposed change is implemented as currently framed, I believe that the County will be in violation of the Establishment Clause of the U.S. Constitution. I hold this view for several reasons. First, it is unlawful to deny non-religious persons the opportunity to deliver secular benedictions. Second, it is unlawful to restrict the opportunity to persons who qualify as "clergy." Third, it is unlawful to exclude religious persons who live in the County but worship elsewhere from leading prayers.

No less fundamentally, religious prayers are unwarranted because all persons should feel welcome to live in the County and to attend Board meetings, regardless of religious affiliation or non-affiliation. A prayer offered in the name of "Our Lord Jesus Christ" can only make non-Christians feel uncomfortable. The Muslim prayer that begins "O God, bless Muhammad and his Household" will likely affect Christians the same way. And a secular benediction that does not mention god at all will surely leave many unsatisfied or offended.

Why promote division unnecessarily? We have far too much of it already.

Sincerely,
Charles Silver
McDonald Chair in Civil Procedure
School of Law
University of Texas at Austin
727 E. Dean Keeton Street
Austin, TX 78705

Adjunct Scholar
Cato Institute

Summer Address:
PO Box 387
8550 W. Cohodas Rd.
Empire, MI 49630