

Dear Board of Commissioners,

I write as a private citizen of Leelanau County, but one with 42 years of legal experience. I truly appreciate that Paragraph 11 of the current Opening Prayer Resolution recognizes “the Board’s respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Leelanau County.” However, as currently written, all faiths practiced by Leelanau citizens will not be invited to participate in the opening prayer opportunity. This could very likely result in a legal challenge.

Let me explain: My husband is Jewish. If he were to attend synagogue on Saturdays, he would travel to Temple Beth Shalom in downtown Traverse City. Our oldest daughter was an active member in the Unitarian Universalist Congregation. When she did attend, she drove to UU at the base of Old Mission Peninsula in Traverse City every Sunday. I have attended three churches in Leelanau County, but prefer to practice my spiritual/religious beliefs in the privacy of my home. Their rabbi and minister are not “Leelanau clergy with an established presence in Leelanau County”; hence, they would not be invited to participate in the prayer before Board meetings. On the other hand, my three Leelanau Christian pastors would be eligible for the invitation.

The “Leelanau clergy with an established presence in Leelanau County” parameter in the current resolution is problematic. These two groups of Leelanau resident faith practitioners are not provided equal protection under the County Board’s proposed policy. When there is religious discrimination by a government entity, courts employ a “strict scrutiny” form of judicial review to determine the policy’s constitutionality. To pass strict scrutiny, a policy must further a “compelling governmental interest.” What is the compelling governmental interest in excluding clergy from outside Leelanau County who have congregants residing in Leelanau County? This limitation also contradicts the policy statement in Paragraph 11.

I join the sentiments shared in the letter to the BOC from Leelanau resident David Edelstein. The resolution is fairly simple: References to “Leelanau Clergy with an established presence in Leelanau County” should be deleted, and the following be added after paragraph 11.

*“This policy recognizes that not all religious faiths of Leelanau residents conduct services in Leelanau County, such as, but not limited to, Jews, Unitarians, and Muslims. Hence, clergy, outside of Leelanau County, with congregants in Leelanau County, shall be included and invited to offer prayer before the beginning of its Board meetings. Congregant is defined as a person who is a member of a congregation.”*

This amendment could save the county costly legal fees and is in line with the “the Board’s respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Leelanau County.” If such an amendment is not made, I urge a “No” vote on the current Open Prayer Resolution.

Sincerely,



Marian Kromkowski  
Suttons Bay