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July 23, 2011: The National Day of Prayer

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Title: The National Day of Prayer

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7/23/2011—During my interview with Barry Lynn, Executive Director of Americans United for Separation of Church and State, last Thursday, the issue arose of litigation over the National Day of Prayer. Back in April, a three judge panel of the 7th Circuit Court of Appeals dismissed such a challenge on standing grounds. Three questions arise around this kind of challenge. First, should such challenges be brought or are they needlessly provocative and hopeless? But if government is supposed to be neutral about religion, and if prayer is a religious activity, what business does government have promoting a religious activity? A challenge of this kind is not frivolous, so how can the plaintiffs be blamed for bringing the suit? The second question is about standing. Should the courts dismiss such cases on standing grounds, as the courts do increasingly? The answer to that is certainly not. If the Constitution forbids the establishment of religion, then surely a voluntary establishment must be challengeable. If we are at the point that a formal proclamation of Christianity as the national religion cannot be challenged by any citizen and the subsidy for Christian preachers cannot be challenged by any taxpayer, then the courts have amended the Constitution to remove the Establishment Clause through procedural rulings. No matter what you think the Establishment Clause means, that is absurd. But the third issue is the merits. Here I think the challengers are wrong in presenting prayer as a uniquely religious activity. They say this because we usually think of praying to God. But Buddhists pray. Prayer is a very broad activity. Let me put it this way. What if Congress could be convinced to amend the National Day of Prayer to The National Day of Prayer and Reflection? To me this would be the perfect solution. It would be completely inclusive and would get to the point that all Americans should seriously reflect on who and what we are as a nation and whether we are measuring up to proper standards of right and wrong and whether we are caring for all the gifts we have received, for they are gifts even if there is no God. I wonder what Barry Lynn would say about such a proposal. I think it would split the separation people. It still sounds religious, I admit, and Congress would be doing it to allow prayer, I also admit. But so what? I don't want to get to the point that the secular means shopping and national security and religion gets everything of depth and value.