

Hodges: Sorry, your honor, National Day of Prayer is constitutional

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With this year's National Day of Prayer looming on Thursday, a federal judge has ruled that the law establishing it is unconstitutional.

The lawsuit, filed by the Wisconsin-based Freedom From Religion Foundation, argued that the statute -- calling on the president to designate one day other than Sunday "on which the people of the United States may turn to God in prayer and meditation at churches, in groups and as individuals" -- is a violation of the Establishment Clause.

Judge Barbara Crabb said the National Day of Prayer -- created by Congress in 1952 and proclaimed by every president since then -- "goes beyond mere 'acknowledgment' of religion because its sole purpose is to encourage all citizens to engage in prayer, an inherently religious exercise that serves no secular function in this context."

Crabb's ruling is flawed.

The Establishment Clause bars the government from passing legislation to create an official religion or preferring one religion over another. The prayer proclamation makes no attempt to do either. In fact, the 2009 National Day of Prayer proclamation signed by President Barack Obama makes reference to "all great religions."

Furthermore, the proclamation does not force but simply encourages Americans to unite and pause in prayer -- as has been customary throughout our history. Many of our nation's presidents believed in prayer. On a recent visit to New York, I visited St. Paul's Chapel and saw the pew where President George Washington prayed after his inauguration.

Nothing in the proclamation precludes those who do not believe in prayer from abstaining. Furthermore, each religious group can ignore or recognize the day in its own way.

For evangelicals, the National Day of Prayer is not only an acknowledgment of our nation's history but a plea for God to guide us through our future as he guided our founders through the past. The issues that confront our nation today are no less challenging than those faced by the Founding Fathers. God promises in the Bible that if his people will "humble themselves and pray," he will "hear from heaven and heal their land."

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