



# Foundation for Moral Law

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April 14, 2010

## VIA FAX AND FIRST-CLASS MAIL

Hon. Roderick V. Royal, President, and Council Members  
Birmingham City Council  
Office of the City Council—Third Floor  
710 N 20th Street  
Birmingham, Alabama 35203  
Fax: (205) 254-2603

Hon. William A. Bell, Sr., Mayor  
Birmingham City Hall  
710 N 20th Street  
Birmingham, Alabama 35203  
Fax: (205) 254-2926

### **Re: Prayer at City Council meetings**

Dear President Royal and Mayor Bell:

The Foundation for Moral Law (FML) is a religious-liberties legal organization based in Montgomery, Alabama and dedicated to defending the inalienable right to acknowledge God, through public displays of the Ten Commandments, public prayer, and other historic American expressions. In light of the April 8, 2010 letter to the Birmingham City Council from the Wisconsin-based atheist group, Freedom From Religion Foundation (FFRF), we at FML would urge the Council to continue scheduling prayers without censorship and with the full freedom *of* religion that the First Amendment guarantees.

It is hardly surprising that a group of litigious atheists would consider prayer at Birmingham City Council meetings (or anywhere) to be “unnecessary, inappropriate, and divisive,” among other adjectives FFRF inserts into its threat letter to you. Ironically, FFRF is practicing freedom *of* religion in making such statements. While we at FML disagree with FFRF’s disdain for prayer, we write to you to challenge the assertion that such prayers at City Council meetings are unconstitutional. They are not; in fact, public prayers at

legislative meetings comport with the finest of American traditions, dating back to at least the First Continental Congress and ever since.

The First Amendment requires that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” You may have noticed that FFRF quoted from neither the Constitution nor from any court cases to support its position. Radical secularist groups like FFRF and the ACLU routinely send bullying letters to city and county legislative bodies that contain distorted legal claims in the hopes of intimidating local officials into stopping prayers or at least censoring the content thereof. In reality, the law is on your side.

The fact is that the U.S. Supreme Court upheld legislative prayer as constitutional in *Marsh v. Chambers*, 463 U.S. 783 (1983), stating:

In light of the unambiguous and unbroken history of more than 200 years, there can be no doubt that the practice of opening legislative sessions with prayer has become part of the fabric of our society. To invoke Divine guidance on a public body entrusted with making the laws is not, in these circumstances, an “establishment” of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country. As Justice Douglas observed, “[w]e are a religious people whose institutions presuppose a Supreme Being.” *Zorach v. Clauson*, 343 U.S. 306, 313 (1952).

It galls the FFRF that in America—past and present—a belief in God is still widely held, and that the First Amendment actually protects the free *exercise* of religion.

Please do not be cowed by the FFRF in its nationwide crusade to remake America into its own secular, atheist image. If local bodies like the Birmingham City Council stand up to their intimidation tactics, the FFRF won’t have a prayer. If we can assist you further in defending the City Counsel against the FFRF and groups like it, please contact the Foundation for Moral Law at (334) 262-1245.

Sincerely,

**FOUNDATION FOR MORAL LAW**

Benjamin D. DuPré, Esq.  
Legal Counsel