



FREEDOM FROM RELIGION FOUNDATION

P.O. Box 750 • Madison WI 53701 • (608) 256-8900 • www.ffrf.org

July 23, 2009

The Honorable Larry D. Hansen, Mayor, and Members of the Lodi City Council
PO Box 3006
Lodi CA 95240

Re: City Council Invocations

Dear Mayor Hansen and Members of the Council:

On behalf of our local complainants, and other California members of the Freedom From Religion Foundation (FFRF), we are pleased to see that City officials, since receiving our May 21st letter, have asked persons giving the invocations to abide by current policy, which demands prayers be “non-sectarian and non-denominational.”

While we sincerely appreciate the City’s efforts to ensure compliance with federal and state law, we have reviewed the prayers offered at Council meetings since our letter and have discovered that the policy is still not strictly enforced. Please find copies of the prayers from the last three meetings enclosed. It is therefore perplexing that City officials would suggest to local news outlets and the Lodi community that “the city has already abided by the foundation’s request to make sure religious leaders leave Jesus Christ out of its prayers.” See Maggie Creamer, *National Group still plans prayer before Aug. 5 council meeting*, Lodi News-Sentinel, July 21, 2009.

Upon reviewing the prayers since May 21st, all three prayers continue to reference Jesus Christ or Christianity. The prayer on June 17th ended, “And we pray all of these things in your name. Amen.” Both the June 17th and July 15th prayers made reference to “Our Father in Heaven” or “Our dear Heavenly Father.”

In the leading California case, *Rubin v. City of Burbank*, 101 Cal. App. 4th 1194, 1205 (Cal. Ct. App. 2002), a California appellate court ruled that an “invocation offered to Jesus Christ violated the Establishment Clause because it conveyed the message that Christianity was being advanced over other religions.” The court explained, “By directing the prayer to ‘Our Father in Heaven ... in the name of Jesus Christ’ the invocation conveyed the message that the Burbank City Council was a Christian body, and from this it could be inferred that the council was advancing a religious belief.” *Id.* The court also rejected the argument that a policy restricting or prohibiting clergy or others who offer the invocations from invoking Jesus Christ or other deities abridges the

right to free speech. *See id.* at 1207. Moreover, to adhere to the non-sectarian and non-denominational requirement, any prayers offered before the Council meetings must not “advance any one ... faith or belief.” *Marsh v. Chambers*, 463 U.S. 783, 794-795 (1983). Prayers offered at government meetings cannot explicitly reference “Jesus Christ” or imply reference to Jesus by alternatively using “in your name,” or use terminology associated with a specific religion, such as “Heavenly Father.”

The prayers offered at the last three meetings continue to advance only Christianity. Ending the prayer “in your name” is still advancing Christianity even if not expressly naming Jesus Christ. Any reasonable Lodi resident understands that a prayer “in your name” means “in the name of Jesus Christ.” Using “Heavenly Father” or “Our Father in Heaven” raises similar concerns, particularly given the use of such language in the Lord’s Prayer, the saying of which at a government meeting would be deemed unconstitutional.

FFRF requests that the City continue to remind invited clergy or anyone offering an invocation at Council meetings to strictly abide by the City’s current policy and keep all prayers non-sectarian and non-denominational. Perhaps, in the alternative, the Council could refrain from including an invocation or instead substitute a moment of silence until the Council addresses the issue. Given the immense attention this issue has received since May, we respectfully request the Council take up the invocation policy in the near future and not push it off indefinitely.

Sincerely,

A handwritten signature in blue ink, appearing to read 'RSK', is written over a light blue horizontal line.

Rebecca S. Kratz
Staff Attorney

Enclosure

cc: D. Stephen Schwabauer, City Attorney

**Invocations at
City Council Meetings
Lodi, CA**

June 3, 2009: Reverend Alan Kimber of First United Methodist Church

“I invite you just to pause for a moment of silence. (Pause). We pause to give thanks for all that is good which we enjoy as citizens of this city. We are most grateful for relationships that affirm our worth, for relationships that call forth the best in us and give us joy. As we seek to support those who serve us through elected office, we are mindful of those times when we have been unduly critical and unresponsive to the call in our own lives to service. As we strive to play our part in the development and care of our community may we treat all people with respect, irrespective of their background or station in life. Amen.”

June 17, 2009: Pastor Bill Cummins of Bear Creek Community Church

“Good evening Mr. Mayor, Council Members, Sath, shall we pray? Our Father in heaven, we thank you for this beautiful day, and we pause to thank you for your blessing and favor on our city these past months and years. Lord we ask for your continued favor and protection on our city. We pray for our firefighters, that you’ll protect them as they make our city safe. We pray for our police officers, that you’ll watch over them and keep them safe as well, and we pray for wisdom in managing this great city that you have given to us. That we can take the resources we have and use them for the very best of benefit for the citizens of our city. And we pray all of these things in your name. Amen.”

July 15, 2009: Barbara Taylor, Lodi Police Chaplain

“Our dear Heavenly Father, how good it is to acknowledge and attest to your very presence permeating this council chamber here this evening. Bless our council members, and City of Lodi staff, granting them wisdom, foresight, and discernment in their decisions governing the agenda items. Bless all in attendance here this evening with forethought of communication. Open minds, and hearts, as they look both the immediate and long-term picture that best fits both the individual citizen and the community as a whole, allowing for all to live together in unity, peace, and prosperity. With the integrity of purpose, your presence and blessings of this meeting are called forth. I'm able to pronounce it good, good, and very good, and so it is. Amen.”