

Appeal planned after National Day of Prayer is ruled unconstitutional: Justice Department says it will challenge decision

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As Representative Randy Forbes (R., Va.) sees it, the decision by a Wisconsin federal judge that the law creating a National Day of Prayer is unconstitutional is little more than one person's opinion. Millions of Americans think otherwise, said Forbes.

"That's not what the Constitution says," Forbes declared April 21 in Washington, surrounded by other members of the Congressional Prayer Caucus. "That's what one unelected judge says the Constitution says."

On April 22, the Justice Department said it would appeal the decision, capping a week of political uproar from conservatives after Judge Barbara Crabb of Madison, Wisconsin, issued her ruling.

Hours after Crabb's April 15 decision, the White House announced via Twitter that President Obama "intends to recognize a National Day of Prayer," as he did last year. In 2009, he issued a proclamation but did not host an observance at the White House, as his predecessor George W. Bush did throughout his presidency.

The judge noted that her ruling cannot be enforced until the appeals process is exhausted, which allowed the observances, which fall on May 6 this year, to continue.

The Freedom from Religion Foundation, the small Wisconsin-based organization that Crabb vindicated with the decision, had plans to contact all 50 governors and mayors of major cities to dissuade them from participating in this year's observances.

“It’s a David and Goliath fight, but we’re readying our slingshot!” said foundation copresident Annie Laurie Gaylor, pulling out a biblical metaphor.

The National Day of Prayer Task Force, a Colorado Springs-based group that plans tens of thousands of events each year, launched a “Save the National Day of Prayer” petition campaign. Shirley Dobson, leader of the task force and wife of Focus on the Family founder James Dobson, issued a statement decrying the “unrelenting assault” on the nation’s “heritage of prayer.”

Interfaith organizations have often complained that evangelicals have “hi jacked” the prayer day and that only token attention is paid to other forms of Christianity and non-Christian religions.

The Baptist Joint Committee for Religious Liberty declared last year that the National Day of Prayer is “misguided” and presents legal problems. Americans United for Separation of Church and State praised the recent ruling, saying, “Congress has no business telling Americans when or how to pray.”

First Amendment Center scholar Charles Haynes, who agrees with the ruling but doubts it will be upheld, predicts that politicians will embrace the debate. “Who wants to say we don’t support prayer?” –*Adelle Banks, Religion News Service*