

Court dismisses challenge to National Day of Prayer

by [Adelle M. Banks](#)

April 14, 2011

WASHINGTON (RNS) The law calling for an annual National Day of Prayer imposes solely on the duties of the U.S. president, leaving private citizens no legal standing to challenge it, a federal appeals court ruled Thursday (April 14).

The unanimous decision overturns a 2010 lower court ruling that found the law unconstitutional. The ruling comes just weeks before many Christian groups plan to hold annual observances to mark the contested day on May 5.

"If anyone suffers injury ... that person is the president, who is not complaining," ruled a three-judge panel of the Chicago-based 7th U.S. Circuit Court of Appeals.

The panel described the presidential proclamations that follow the law as requests, not commands of the public.

"Those who do not agree with a president's statement may speak in opposition to it; they are not entitled to silence the speech of which they disapprove," the court said.

The Freedom from Religion Foundation, which had argued that the proclamation violates the Constitution's prohibition of an official "establishment" of religion, said it would seek a rehearing by the circuit court's full panel of judges.

Annie Laurie Gaylor, the foundation's co-founder, said she believed the appeals court would have ruled in her group's favor if it had addressed the merits of the case rather than dismissing it over standing.

"Our challenge is so strong, our claim is so correct," she said.

"The First Amendment says, `Congress shall make no law respecting an establishment of religion.' `No law' should mean no law!"

Family Research Council President Tony Perkins hailed the ruling.

"The court is to be commended for rejecting even the idea of a federal lawsuit that demands this kind of religious expression be scrubbed from the public square," he said.