

PRAYER INVOCATION ATTACKED; PUSHBACK YIELDS VICTORY

On the morning of April 6, we contacted lawmakers in Suffolk County, Long Island about a proposed resolution that would abridge the right of a member of the clergy to determine the contents of his prayer invocation. After we published an email contact for the legislator who heads the Ways and Means Committee, and our subscribers let loose, the resolution was tabled before noon. It is not likely ever to be introduced again.

This story began on December 21, 2021 when Msgr. Robert Batule, who is the pastor at St. Margaret Parish in Selden, Long Island, gave a prayer invocation before Suffolk County lawmakers. He included a prayer for the unborn. That led one of them, Bridget Fleming, to propose a resolution that would only allow “neutral prayers.”

The lawmaker did not know that Msgr. Batule is on the board of directors of the Catholic League and a long-time friend of Bill Donohue.

In his letter to the members of the Ways and Means Committee, Donohue said Batule “had every constitutional and moral right” to offer such a prayer. He also said that the reasoning of the resolution, which was introduced January 3, 2022, was “constitutionally flawed.”

Donohue noted that the establishment clause of the First Amendment was not written to guarantee “pluralism among religions in governmental speech and practice,” as contended by Fleming. After explaining why Madison wrote it, he said that Fleming’s interpretation of a 1983 Supreme Court decision actually undercut her position.

A more pointed decision by the Supreme Court, Donohue said,

was not mentioned by Fleming. In the 2014 *Town of Greece, NY v. Galloway*, the high court took up objections by two persons who were offended by the Christian themes of prayer invocations. The words “Lord,” “Jesus,” and “God” were frequently used by Christian ministers before town meetings.

The Supreme Court said such prayers did not violate the First Amendment. At the very outset, the high court rejected the contention that a prayer’s content determined its constitutionality. If it were otherwise, it ruled, courts would be converted into “supervisors and censors” of religious speech, something which itself would violate the First Amendment.

“The idea of a ‘neutral’ prayer,” Donohue said, “is an oxymoron.” He explained that “Prayers are never neutral—they are always normative, and they frequently reflect the personal beliefs of the prayer giver. Most significant, if government personnel were to sit in judgment determining whether a prayer were neutral, they would become the ‘supervisors and censors’ that the Supreme Court clearly rejected.”

Once again, our email subscribers played a key role in securing justice.