

## Senate Resolution 1506

By: Senators Hill of the 32nd, Shafer of the 48th, Butterworth of the 50th, Seabaugh of the 28th and Smith of the 52nd

## A RESOLUTION

1 Affirming support for the National Day of Prayer and urging the appellate courts to uphold  
2 its constitutionality; and for other purposes.

3 WHEREAS, on April 15, 2010, United States District Judge Barbara Crabb in Wisconsin  
4 ruled the National Day of Prayer unconstitutional, saying the day amounts to a call for  
5 religious action and that the government can no more enact laws supporting a day of prayer  
6 than it can encourage citizens to fast during Ramadan, attend a synagogue, or practice magic;  
7 and

8 WHEREAS, President Barack Obama's administration has countered that the statute simply  
9 acknowledges the role of religion in the United States and Obama spokesman Matt Lehrich  
10 said in an e-mail to The Associated Press that the president still plans to issue a proclamation  
11 for the next prayer day; and

12 WHEREAS, the National Day of Prayer has great significance for us as a nation in that it  
13 enables us to recall and to teach the way in which our founding fathers sought the wisdom  
14 of God when faced with critical decisions and stands as a call to us to humbly come before  
15 God, seeking His guidance for our leaders and His grace upon us as a people; and

16 WHEREAS, at the Constitutional Convention in 1775, Benjamin Franklin urged that  
17 "prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held  
18 in this Assembly every morning before we proceed to business"; and

19 WHEREAS, beginning with George Washington, three of the four Founding Fathers who  
20 became president, George Washington, John Adams, and James Madison, proclaimed at least  
21 one National Day of Prayer; and

22 WHEREAS, on January 1, 1795, George Washington issued a proclamation calling for a  
23 "day of public thanksgiving and prayer" on February 19 of the same year, declaring that "it

24 is in an especial manner our duty as a people, with devout reverence and affectionate  
25 gratitude, to acknowledge our many and great obligations to Almighty God and to implore  
26 Him to continue and confirm the blessings we experience"; and

27 WHEREAS, John Adams issued two proclamations, in 1798 and 1799, calling the nation to  
28 days of "solemn humiliation, fasting, [and] prayer", acknowledging that "dependence on  
29 God" was essential for the "promotion of that morality and piety without which social  
30 happiness cannot exist nor the blessings of a free government be enjoyed"; and

31 WHEREAS, James Madison, the drafter of the First Amendment which contains the  
32 provisions of the Constitution protecting our religious freedoms, issued four proclamations  
33 calling the nation to a day of prayer; and

34 WHEREAS, because the nation was at war, President Madison asked the nation to set aside  
35 a day of "day of public humiliation and prayer" in the years 1812, 1813, 1814, and 1815; and

36 WHEREAS, in the 1812 proclamation, Madison exhorted the nation to "render to the  
37 Sovereign of the Universe and the Benefactor of Mankind the public homage due to His holy  
38 attributes; of acknowledging the transgressions which might justly provoke the  
39 manifestations of His divine displeasure; of seeking His merciful forgiveness and His  
40 assistance in the great duties of repentance and amendment, and especially of offering fervent  
41 supplications that in the present season of calamity and war, He would take the American  
42 people under His peculiar care and protection; that He would guide their public councils,  
43 animate their patriotism, and bestow His blessing on their arms; that He would inspire all  
44 nations with a love of justice and of concord and with a reverence for the unerring precept  
45 of our holy religion to do to others as they would require that others should do to them; and,  
46 finally, that, turning the hearts of our enemies from the violence and injustice which sway  
47 their councils against us, He would hasten a restoration of the blessings of peace"; and

48 WHEREAS, on the same day that the House of Representatives endorsed the First  
49 Amendment and its Establishment Clause, it adopted a resolution commissioning several of  
50 its members to join several Senators to ask the President "to recommend to the people of the  
51 United States a day of public Thanksgiving and prayer, to be observed by acknowledging,  
52 with grateful hearts, the many signal favors of Almighty God"; and

53 WHEREAS, throughout our nation's history, American presidents have issued 164  
54 proclamations calling the nation to prayer; and

55 WHEREAS, on November 12, 1935, Franklin D. Roosevelt proclaimed a day to "offer our  
56 devotions and our humble thanks to Almighty God and pray that the people of America will  
57 be guided by Him in helping their fellow men"; and

58 WHEREAS, on November 9, 1940, Franklin D. Roosevelt proclaimed a day to "give thanks  
59 for our preservation" and for "us [to] pray: Almighty God, who hast given us this good land  
60 for our heritage; We humbly beseech Thee that we may always prove ourselves a people  
61 mindful of Thy favor and glad to do Thy will. Bless our land with honourable industry,  
62 sound learning, and pure manners. Save us from violence, discord, and confusion; from  
63 pride and arrogancy, and from every evil way. Defend our liberties, and fashion into one  
64 united people the multitudes brought hither out of many kindreds and tongues. Endue with  
65 the spirit of wisdom those to whom in Thy Name we entrust the authority of government,  
66 that there may be justice and peace at home, and that, through obedience to Thy law, we may  
67 show forth Thy praise among the nations of the earth. In the time of prosperity, fill our  
68 hearts with thankfulness, and in the day of trouble, suffer not our trust in Thee to fail; Amen"  
69 to be set apart on November 21, 1940; and

70 WHEREAS, there have been 57 Presidential Proclamations for a "National Day of Prayer,"  
71 since 1952; and

72 WHEREAS, in 1952, President Harry S. Truman declared a National Day of Prayer and  
73 signed into law an annual observance to be proclaimed by the President; and

74 WHEREAS, on October 8, 1963, President John F. Kennedy signed Proclamation 3559 -  
75 National Day of Prayer, 1963 and said "I ... do set aside and proclaim Wednesday, the  
76 sixteenth day of October 1963, as the National Day of Prayer. On this day, let us  
77 acknowledge anew our reliance upon the divine Providence which guided our founding  
78 fathers. Let each of us, according to his own custom and his own faith, give thanks to his  
79 Creator for the divine assistance which has nurtured the noble ideals in which this Nation  
80 was conceived"; and

81 WHEREAS, on January 25, 1988, Ronald Reagan signed into law Public Law 100-307, the  
82 designation of the first Thursday in May as the annual observance for the National Day of  
83 Prayer; and

84 WHEREAS, on February 3, 1988, President Ronald Reagan signed Proclamation 5767 -  
85 National Day of Prayer, 1988 and said "Let us, young and old, join together, as did the First

86 Continental Congress, in the first step—humble, heartfelt prayer. Let us do so for the love of  
87 God and His great goodness ..."; and

88 WHEREAS, in addition to the proclamation that the president signed last year, encouraging  
89 all Americans to pray on this day, all 50 state governors plus the governors of several U.S.  
90 territories signed similar proclamations; and

91 WHEREAS, last year, local, state, and federal observances were held from sunrise in Maine  
92 to sunset in Hawaii, uniting Americans from all socioeconomic, political, and ethnic  
93 backgrounds in prayer for our nation in which it is estimated that more than two million  
94 people attended more than 30,000 observances organized by approximately 40,000  
95 volunteers and at which, at state capitols, county court houses, city halls, schools, businesses,  
96 churches, and homes, people stopped their activities and gathered for prayer; and

97 WHEREAS, because of the faith of many of our founding fathers, public prayer and national  
98 days of prayer have a long-standing and significant history in American tradition and the  
99 Supreme Court of the United States affirmed the right of state legislatures to open their  
100 sessions with prayer in the case of *Marsh v. Chambers* in 1983; and

101 WHEREAS, in the case of *Marsh v. Chambers*, when deciding the constitutionality of  
102 allowing legislatures to open in prayer, the majority of opinion of the Supreme Court stated  
103 "To invoke Divine guidance on a public body entrusted with making the laws is not, in these  
104 circumstances, an 'establishment' of religion or a step toward establishment; it is simply a  
105 tolerable acknowledgment of beliefs widely held among the people of this country"; and

106 WHEREAS, in the majority opinion of the 1984 United States Supreme Court case of *Lynch*  
107 *v. Donnelly*, the majority stated that "[o]ur history is replete with official references to the  
108 value and invocation of Divine guidance in deliberations and pronouncements of the  
109 Founding Fathers and contemporary leaders"; and

110 WHEREAS, we should continue to invoke divine guidance today for the leadership of our  
111 government in these trying times and should be encouraging more prayer and not inhibiting  
112 prayers.

113 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the members of this body  
114 affirm their support for the National Day of Prayer and urge the appellate courts to reverse

115 the decision of Judge Crabb in finding the proclamation of such day of prayer  
116 unconstitutional.

117 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed  
118 to transmit appropriate copies of this resolution to the public and the press.