



Written by [Dave Bohon](#) on July 18, 2011

Federal Judge Upholds Prayer in California City Meetings

A federal judge ruled July 11 that a community in Los Angeles County may include prayer in its city government meetings. U.S. District Judge Dale Fischer issued a decision in favor of the City of Lancaster, which in 2009 had approved a policy allowing prayers of all faiths to be included in the openings of the city meetings. The policy was later approved by voters in a community referendum.



Fischer's ruling came in response to a lawsuit filed by the widow Irv Rubin, the late controversial chairman of the [Jewish Defense League](#), and a Lancaster resident who protested that the policy violated the Constitution's supposed separation of church and state.

The duo was assisted in the case by the American Civil Liberties Union (ACLU), which in 2009 "sent a letter to city officials stating that the group had received 'a number of complaints' about Lancaster's practice of opening meetings with invocations given in 'the name of Jesus' or containing other explicitly sectarian religious references," reported the [Los Angeles Times](#). "The civil liberties group deemed the policy divisive and unconstitutional, and threatened legal action if Lancaster didn't quit the practice."

According to the *Times*, the community, "which is home to Muslims, Jews, Hindus, Sikhs, Buddhists and Christians of various denominations, responded by putting the policy to a vote of residents during the April 2010 municipal election. The measure passed more than 3 to 1, according to statistics provided by the city."

But Peter Eliasberg, managing attorney for the ACLU's Southern California franchise, argued that in "a constitutional democracy [sic] such as the United States of America, some basic rights are protected by the Constitution and cannot be determined by a vote. For example, a majority of voters could not outlaw Republican political rallies, or ban the construction of mosques, temples or churches within city limits."

Lancaster's prayer policy allows for city officials to randomly select clergy or officials from various faiths to pray at council meetings without being restricted as to the content of their invocations.

In her ruling, Fischer wrote that the plaintiffs had "failed to establish that the policy has been used for an improper purpose or is otherwise unconstitutional." She noted that the city's policy neither promotes nor discriminates against specific faiths.

Lancaster Mayor Rex Parris (photo above) applauded the ruling, saying that his community took "immense pride in winning this case and defending the fundamental right to pray, not only for our citizens, but indeed for all people across this nation."

According to the [Los Angeles Daily News](#), "Parris said that a metaphysicist, a Sikh and a Muslim have been among faith leaders who have given the invocation before council meetings in the High Desert



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city. ‘There never was any exclusion,’ Parris said, ‘and we never intended there to be any.’”

Roger Jon Diamond, the attorney assisting the plaintiffs in the case, said he would appeal the ruling, beginning with the 9th District Court of Appeal and reaching to the U.S. Supreme Court if necessary. “These kind of challenges are not anti-religion or anti-prayer,” said Diamond. “The issue is, where do you pray? It’s unhealthy to put religion in government.”

Mayor Parris, who is also an attorney, argued that banning prayer from public forums such as the Lancaster city meetings would violate the Constitution’s First Amendment’s free speech guarantee. He agreed that it may take a higher court to bring resolution to the conflict. “This is an issue of national significance that vexes the religious community and has been for years,” the mayor said. “Maybe this requires the Supreme Court to make a decision.”



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