

## ACLU Pushes To Stop All Prayer By Local Louisiana School Board; Thomas More Law Center Submits Brief In Opposition

From [Stop the ACLU](#):

ANN ARBOR, MI ([christiansunite.com](http://christiansunite.com)) -

A local Louisiana school board continued to battle the ACLU's efforts to ban its 30 year practice of opening its meetings with an invocation followed by the Pledge of Allegiance. In 2005, a federal district court judge sided with the ACLU and banned all school board prayers. The judge's decision was later affirmed by a 3-judge panel of the Fifth Circuit Court of Appeals. Now, the entire panel of sixteen active judges of the Fifth Circuit will rehear the case.

[The Thomas More Law Center](#), a national public interest law firm based in Ann Arbor, Michigan, has submitted a friend of the court brief supporting the Tangipahoa Parish School Board in Louisiana. The school board has been engaged in this 4 year legal battle with the ACLU over the right to open its meetings with prayers.

The ACLU sued the Board in 2003 on behalf of the parent of two high school students. The federal trial judge, [Helen Ginger Berrigan](#), determined that the school board was violating the Establishment Clause and permanently enjoined the school board from opening its meetings with any prayer. (Judge Berrigan was President of the ACLU of Louisiana before President Clinton had appointed her a federal judge.)

[This article](#) will give you some indication of judge Berrigan's character and professionalism, which is then followed up by a [Complaint of Judicial Misconduct](#), resulting in censure and discipline.

### V. Conclusions

"A reasonable person would question the impartiality of any judge who was an adjunct faculty member at a defendant university and had a continuing association with that university during even part of the time the case was before him or her. Under Canon 3 of the Code of Judicial Conduct, Judge Berrigan had a duty to disclose her association with Tulane before sitting in any case in which Tulane was a defendant. Judge Berrigan's failure to make any disclosure of her direct, substantive, and continuing association with the defendant over the course of four years as Presiding Judge must be seen as a breach of judicial conduct that goes beyond mere negligence or harmless error; it suggests that she had an interest in the outcome of the proceedings that derived from her relationship with the defendant.

Judge Berrigan's censure and/or discipline appears warranted and appropriate."

She had no business sitting as a judge in the Tangipahoa Parish School Board case.

What is really upsetting the ACLU is that the school board asks for Divine guidance and uses such phrases as "God," "Heavenly Father," and "Jesus."

According to Richard Thompson, Chief Counsel and President of the [Thomas More Law Center](#), "If the ACLU believes that public prayer is un-American and must be stopped, I wonder how they would have stopped the prayers of our Founding Fathers as they deliberated on the establishment of our nation."

Continued Thompson, "The ACLU's claim that they are merely attempting to stop Christian indoctrination of students is nonsense. What they are attempting to do is promote their own brand of religion~atheism or secular humanism."

The brief, authored by Law Center trial counsel Edward L. White III, argued that under Louisiana law, the Tangipahoa Parish School Board is a deliberative body designed to act in the public interest. As a deliberative body, the [United States Supreme Court's Marsh decision](#) permits the school board to open its meetings with a prayer just as any other deliberative body may do.

This invocation that was delivered at a February 2003 Tangipahoa Parish School Board meeting: "Heavenly Father, we thank you for the many

blessings we received. We thank you for our health. We thank you for our strength. We thank you for our peace of mind. We thank you for allowing us to assemble here tonight, and we ask that you give this board and our superintendent all the wisdom and knowledge, and the understanding they need to make the correct decision for our students and for our parents.”

While the prayer asked for protection for the president and the troops, it concluded by thanking God “for the greatest gift of all - your son, Jesus Christ.”

According to White, “We have brought to the Fifth Circuit’s attention numerous prayers said to open sessions of the United States House of Representatives, also a deliberative body, that are no different in substance to the prayers said to open Tangipahoa Parish School Board meetings. If the law permits the House of Representatives to open its sessions with prayer, then the law should also permit the school board to open its meetings with similar prayers.”

“I ran a search of the Congressional Record and found almost identical language in the prayers given before the opening of the House of Representatives,” stated White. White also argues that Judge Berrigan erred in rendering her opinion because Louisiana state law defines school boards as a deliberative body.

“A deliberative body is just like a legislature,” stated White, “and the Supreme Court has ruled that deliberative bodies can open their sessions with a prayer.”

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[Jay filed a post on this in Dec. of last year](#) in which Joe Cook, the executive director of the ACLU of Louisiana, dubbed the board’s allowance of prayer “un-American and immoral” and in [this article](#) Cook was quoted “They believe that they answer to a higher power, in my opinion. Which is the kind of thinking that you had with the people who flew the airplanes into the buildings in this country, and the people who did the kind of things in London.”

#### About the Author

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