

## **Supreme Court's VMI Prayer Decision Allows VMI to Reinstat**

### **Prayer at Mealtime**

On April 26, 2004, the supreme Court issued its decision not to review the Virginia Military Institute prayer case. Justice Stephens, writing for the majority, declared that the Court has NO jurisdiction in this case since ALL the parties are no longer associated with VMI: Cadets Mellen and Knick have graduated and General Bunting has retired. There is no potential for any of the parties to suffer injury as a result of a court decision so it will not be heard by the supreme Court.

Justice Stephens declared current VMI Superintendent General Binford Peay's addition to the case is an error, and stated that VMI itself is not a party; and:

In this case, none of the parties has a present stake in the outcome. [Moreover] there is no injunction presently barring VMI from reinstating the supper prayer. (Emphasis added)

The second reason the Court gave for not hearing the case was the alleged conflict in the circuits was "more apparent than real." The sixth and seventh circuits, Justice Stephens points out, have rejected constitutional challenges to nondenominational prayer at the college level reasoning that "college-age students are not particularly 'susceptible to pressure from their peers towards conformity.'" Because the Fourth Circuit "endorsed that principle in theory," it is "not accurate to suggest" a conflict of authority. The VMI decision does not affect any prayer at US Service Academies or other military colleges.

Justice Scalia conceded in his dissent that the absence of the conflict in the circuits is "perhaps a reason why certiorari need not be granted...." After all, "group prayer before military mess is more traditional than group prayer at ordinary state colleges," so it might be said that VMI's practice is "more, rather than *less*, likely to be constitutional." (emphasis added)

First Principles, Inc. filed an Amicus Brief with the appeals Court, and with the supreme Court supporting Virginia Military Institute's daily group prayer. Leader-led military unit prayer remains unquestioned as an unbroken historic military necessity in American history and our training of military leaders for the 21<sup>st</sup> century. The denial of certiorari from the supreme Court declares the actions of graduated cadets and a retired superintendent as irrelevant to current VMI practices. The Court's decision not to grant cert is an affirmation of the military authority and continued need for group prayers at VMI and all other military functions in peace time and especially now in war time.

From VMI's first superintendent, General Francis Smith to its more recent famous graduate, General George Marshall, to the supper prayer invocations, prayer has been offered on behalf of the nation, the family and the corps for the blessing of Divine Providence. Neither the supreme Court nor common sense can challenge the historical precedent that has sustained soldiers on the battlefield through every war in American history. Prayer for the common good and acknowledgment of Divine Providence is a central, official and historical tenet of the preparation of the American Military, and with the supreme Court's decision today, it remains the right of military leadership to train its officers for the perils of war through group prayer at VMI and in all military settings.