No. 17-7220

IN THE

SUPREME COURT OF THE UNITED STATES

PETER CARL BORMUTH,

Petitioner,

v.

COUNTY OF JACKSON, MICHIGAN

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

CORRECTED PETITION FOR REHEARING

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CORRECTED PETITION FOR REHEARING UNDER RULE 44.2

Supreme Court Rule 44.2 in pertinent part states that grounds for a petition for rehearing "shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented." The Petitioner presents three intervening grounds of substantial or controlling effect and two substantial grounds not previously presented.

I. *SAUCE V. BAUER,* 585 U. S. ____ (2018).

On June 28, 2018 this Court held in *Sauce v. Bauer,* 585 U. S. ____ (2018) that: "In considering the defendants' motion to dismiss, the District Court was required to interpret the pro se complaint liberally,..." *Sauce v. Bauer,* 585 U. S. ____ (2018). Meanwhile in the instant case, the Petitioner was denied the same liberal standard. As Judge Mooore noted in her dissent:

> Despite the majority's argument to the contrary, these videos are part of the record. Bormuth called the district court's attention to the videos. (n.2, "In fact, at oral argument during the panel stage of this case, counsel for the county stated that the official record includes all of the videos of the Board of Commissioner meetings"). Bormuth's pleadings notified the district court about the County's practice of recording the board of commissioner's meetings and posting the videos online, and repeatedly referenced the existence of the videos and events from the meetings. See R. 10 (Am. Compl. ¶16) (Page ID #64) (informing the district court that the County records the Board of Commissioners' meetings and posts the videos on the county's website); R. 29 (Pl. Resp. to Def. Mot. For Summ. J. at 11-16) (page ID #328-33) (reciting what happened at several Board of Commissioners' meetings, videos of which the County posts online); R. 37-1 (Pl. Mot. For Summ. J., Ex. J) (Page ID #611-614) (including transcripts of three Board of Commissioners' meetings and stating that the County posts videos of Board of Commissioners' meetings online). Including these repeated references to the videos and pointing the district court to the website where the

> County posted the videos was enough to make them part of the record. (n.3, "As discussed below, Bormuth is pro se, so we must construe his pleadings liberally."). *Bormuth v. County of Jackson*, 870 F.3d 494 (6th Cir. 2017) (Moore, K., dissenting at p.51).

Since Courts must interpret a pro se litigant's complaint and arguments liberally, why is this Court not granting certiorari in the instant case and remanding this case back to the 6th Circuit for consideration of the petitioner's full argument and evidence? My friend, Allyson Ho, must have been a little embarrassed to learn that this Court maintains a completely different standard for pro se litigants depending on whether they are Christian or Pagan.

II. *MASTERPIECE CAKESHOP, LTD., V. COLORADO CIVIL RIGHTS COMMISSION*, 584 U. S. ____ (2018).

On June 4, 2018 this Court released its opinion and order in *Masterpiece Cakeshop, Ltd., v. Colorado Civil Rights Commission*, 584 U. S. ____ (2018). The ruling hinged on a statement made by one of the commissioners that the Court, found in violation of the religious neutrality required of our government officials.

The petitioner first notes that the unnamed commissioner spoke the historical truth. In 1452 AD Pope Nicholas V issued the bull 'Dum Diversas' (June 18, 1452). King Alfonso V of Portugal is given the right to "attack, conquer, and subjugate the Moors, Pagans and other enemies of Christ wherever they may be found." This Christian legal instrument gave the Portuguese title over all lands and possessions that are seized and permitted them to take the inhabitants and consign them to

perpetual slavery. Thus began the Atlantic slave trade, a Christian enterprise.[1] Slavery was justified by Christian theologians for 400 years. The famous Presbyterian preacher, Benjamin Morgan Palmer, preaching in New Orleans in November 29, 1860 shortly after Lincoln was elected, told the South: "In this great struggle we defend the cause of God and religion. The abolitionist spirit is undeniably atheistic...Among people so generally religious as the Americans, a disguise must be worn, but it is the same old threadbare disguise of the advocacy of human rights."[2]

The commissioner was also historically accurate when referencing the Holocaust. No less an authority than Elie Wiesel noted in 1985 that: "All the killers were Christians...The Nazi system was a consequence of a movement of ideas and followed a strict logic; it did not arise in a void but had roots deep in a tradition that prophesized it, prepared for it, and brought it to maturity."[3] (See also Martin Luther's 1543 treatise 'On the Jews and Their Lies').[4]

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[1] "Dum Diversas (English Translation: "We grant you [Kings of Spain and Portugal] by these present documents, with our Apostolic Authority, full and free permission to invade, search out, capture, and subjugate the Moors and Pagans and any other unbelievers and enemies of Christ wherever they may be found, as well as their kingdoms, duchies, counties, principalities, and other property [...] and to reduce their persons into perpetual servitude"), *Unam Sanctam Catholicam*, June 18, 1452. Retrieved on July 4, 2018.

[2] Thomas Cary Johnson, *The Life and Letters of Benjamin Morgan Palmer (*Carlisle, PA: The Banner of Truth Trust, 1906.)

[3] Irving Abrahamson, ed., *Against Silence: The Voice & Vision of Elie Wiesel* (New York: Holocaust Library, 1985) Vol. 1, p.33

[4] Luther offers 'sincere advice": "set fire to their synagogues or schools and bury or cover with dirt whatever will not burn...I also advise that their houses be razed and destroyed...I advise that all prayer books and Talmudic writings, in which such idolatry, lies, cursing, and blasphemy are taught, be taken from them...that their rabbi's be forbidden to teach henceforth on pain of loss of life and limb...that safe conduct on highways be abolished completely for the Jews...that all cash and treasure of silver and gold be taken from them and put aside for safekeeping...But if the authorities are reluctant to use force and restrain the Jew's devilish wantonness, the later should be expelled from

The historical accuracy of the unnamed commissioner's comments reverberate in the contemporary dispute over gay rights. Modern Christian theologians have endorsed death as a penalty for homosexuality. Rev. Martin E. Marty, prolific writer, Lutheran minister, and Professor at the University of Chicago's Divinity School, wrote that: **"to engage in sex with a member of one's own gender is not just immoral, or a lamentable but understandable weakness, but a perversion of nature, an abomination in the sight of God, and act deserving of imprisonment and perhaps even death."**[5] Rousas John Rushdooney, the theologian widely credited as the father of Christian Reconstructionism and Dominion Theology, advocated the death penalty for homosexuals with the preferred form of execution being stoning, since it turns the death(s) into a "community project".[6]

This Court's ruling in *Masterpiece Cakeshop, Ltd., v. Colorado Civil Rights Commission* silences any government official from criticizing such Christian beliefs. Government officials must suspend their critical intellect and stand mute and dumb before Christian professions of biblical morality. They must "kill their reason" before

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the country...leave our Lord the Messiah, our faith and our Church undefiled and uncontaminated with their devilish tyranny and malice." Martin Luther, *On the Jews and Their Lies, Luthers Werke*; Trans. Martin H. Bertram, in *Luther's Works*. (Philadelphia: Fortress Press, 1971). (See also Carolyn K. Sanzenbacher, M.A. thesis, *Early Christian Teachings on Jews: A Necessary Cause of the Antisemitism that Informed the Holocaust* (2010) (Last visited on July 27, 2018 at https://libres.uncg.edu/ir/uncg/f/Sanzenbacher_uncg_0154M_10547.pdf).

[5] Peter L. Allen, *The Wages of Sin: Sex & Disease, Past & Present* (Chicago, IL; University of Chicago Press, 2000) p. 123

[6] Greg Loren Durand, *Judicial Warfare: Christian Reconstruction and Its Blueprints for Dominion* (3rd ed.). (Toccoa, Georgia: Crown Rights Book Co., 2014) pp. 99–112.

a person professing the Christian faith. The petitioner always thought that our government was based on reason and law, and not subjected to faith. Given this strict new standard of government neutrality with regard to religious beliefs, one would suppose that any statement or action by a government official endorsing religion or critical of religion would be suspect. But in the instant case Commissioner Phil Duckham called the petitioner "a nitwit" because of his religious belief that the Earth is a living conscious being. Commissioner Carl Rice claimed that "Bormuth is attacking us, and from my perspective, my Lord and savior Jesus Christ." Since when does our government have a Lord and Savior? The only difference in the record is that in *Masterpiece Cakeshop* the government official was secular and the petitioner was Christian. In the instant case, when the government officials are Christian and the petitioner is Pagan, this Court failed to apply the same rules.

III. *TRUMP V. HAWAII*, 585 U.S. ____ (2018).

On June 26, 2018 this Court ruled in *Trump v. Hawaii*, 585 U.S. ____ (2018) that despite the acknowledged statements hostile to and critical of Islam by Donald Trump, Presidential Proclamation No. 9645 was not motivated by anti-Muslim animus. This Court focused on the national security implications of the case and not the Establishment Clause:

> The case before us differs in numerous respects from the conventional Establishment Clause claim. Unlike the typical suit involving religious displays or school prayer, plaintiffs seek to invalidate a national security directive regulating the entry of aliens abroad. *Trump v. Hawaii*, 585 U.S. ____ (2018)

Ultimately the majority found that national security concerns justified the President's Proclamation in spite of the President's expressions of hostility to Islam. But that concern does not exist in the instant case. This case does not differ from the conventional Establishment Clause claim. It is about government prayer. Since there are no national security concerns in this case, why doesn't the Establishment Clause apply? As Justice Sotomayer noted in dissent, joined by Justice Ginsburg:

> The Establishment Clause forbids government policies "respecting an establishment of religion." U. S. Const., Amdt. 1. The "clearest command" of the Establishment Clause is that the Government cannot favor or disfavor one religion over another. *Larson v. Valente*, 456 U. S. 228, 244 (1982); *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U. S. 520, 532 (1993) ("[T]he First Amendment forbids an official purpose to disapprove of a particular religion"); *Edwards v. Aguillard*, 482 U. S. 578, 593 (1987) ("The Establishment Clause . . . forbids alike the preference of a religious doctrine or the prohibition of theory which is deemed antagonistic to a particular dogma" (internal quotation marks omitted)); *Lynch v. Donnelly*, 465 U. S. 668, 673 (1984) (noting that the Establishment Clause "forbids hostility toward any [religion]," because "such hostility would bring us into 'war with our national tradition as embodied in the First Amendmen[t]'"); *Epperson v. Arkansas*, 393 U. S. 97, 106 (1968) ("[T]he State may not adopt programs or practices . . . which aid or oppose any religion. This prohibition is absolute" (citation and internal quotation marks omitted)). Consistent with that clear command, this Court has long acknowledged that governmental actions that favor one religion "inevitabl[y]" foster "the hatred, disrespect and even contempt of those who [hold] contrary beliefs." *Engel v. Vitale*, 370 U. S. 421, 431 (1962). That is so, this Court has held, because such acts send messages to members of minority faiths "'that they are outsiders, not full members of the political community.'" *Santa Fe Independent School Dist. v. Doe*, 530 U. S. 290, 309 (2000). To guard against this serious harm, the Framers mandated a strict "principle of denominational neutrality." *Larson*, 456 U. S., at 246; *Board of Ed. of Kiryas Joel Village School Dist. v. Grumet*, 512 U. S. 687, 703 (1994) (recognizing the role of courts in "safeguarding a principle at the heart of the Establishment Clause, that government should not prefer one religion to another, or religion to irreligion"). *Trump v. Hawaii*, 585 U. S. ____ (2018) (SOTOMAYOR, J., dissenting)

Isn't this dissent still our controlling law in Establishment Clause cases where there are no national security concerns? So why can Commissioner Phil Duckham lead a prayer blessing Christians but not members of other faiths or those of no faith?[7] Why can Commissioner Carl Rice lead a prayer celebrating the birth of jesus?[8] For twenty years in Jackson County every single prayer (but one) was Christian. Is that not proof that one religion is being preferred over others? Why then isn't certiorari being granted? Obviously the only possible answer to these questions is that this Court itself prefers Christianity over all other religions or non-religion. What happened to this Court's oath to administer justice without respect to a person's religion?

IV. THE AGENDA OF THE CNP, THE RESPONSE OF THE ROBERTS' COURT, AND FUTURE RELIGIOUS DEMOGRAPHICS.

The Council on National Policy was founded in 1981 by Tim LaHaye (then head of the Moral Majority).[9] Gary North, Christian economist, outlined the CNP's general

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[7] "Please bow your heads, please. Heavenly father, we gather here tonight under your watchful eye to do the business of Jackson County. Please grant us the wisdom and guidance to make intelligent and proper decisions that benefit the citizens of Jackson County. Bless our troops. Bless the Christians worldwide who seem to be the targets of killers and extremists. Lord we ask this in your holy name. Amen." (Dkt. 42, Exhibit L, Affidavit 3 of Peter Bormuth, ¶ 3)

[8] "Lord, I just truly thank you for what's coming up here soon and that's Christmas, Lord, and I just thank you for the fact that we will be celebrating the birth of your son Jesus Christ. Lord I just ask tonight that we will move forward and that we will follow your will. In Jesus's name I pray, Amen." (Dkt. 25-2. Ex. A. to Def.'s Mot. For Summ. J., Page ID# 269).

[9] Acknowledged members of the CNP have included: Nelson Bunker Hunt, Paul Weyrich (co-founder of the Heritage Foundation), General John Singlaub, Edwin J. Feulner Jr. (Heritage Foundation), Rev. Pat Robertson, Rev. Jerry Falwell, former U.S. Senator Trent Lott, Judge Paul Pressler, Rev. Paige Patterson, former U.S. Senator Don Nickles, former United States Attorney General Edwin Meese, former United States Attorney General John Ashcroft, gun-rights activist Larry Pratt, Col. Oliver North, Steve Bannon, Kellyanne Conway, Elsa Prince (mother of Blackwater founder Erik Prince), Richard DeVos, former U.S. Senator Jesse Helms, Richard A. Viguerie, Phyllis Schlafly, and

ideas with regard to education and religious liberty: "So let us be blunt: we must use the doctrine of religious liberty to gain independence for Christian schools until we train up a generation of people who know that there is no religious neutrality, no neutral law, no neutral education, and no neutral civil government. Then they will get busy constructing a Bible based social, political, and religious order which finally denies the religious liberty of the enemies of God."[10] In his 1989 book, Political Polytheism: the Myth of Pluralism, North concluded that: "The long term goal of Christians in politics should be to gain exclusive control over the franchise. Those who refuse to submit publicly to the eternal sanctions of God...must be denied citizenship."[11]

Chief Justice Roberts famously promised during his confirmation hearings: "I have no agenda..." The Chief Justice joined the Court on September 29, 2005. An impartial case review shows consistent pro-Christian bias. In *Hein v. Freedom From Religion Foundation*, 551 U.S. 587 (2007) this Court ruled that the creation of the White House Office of Faith-based and Community Initiatives, as well as eight Cabinet-level offices of faith-based initiatives was legal because federal taxpayers do not have the right to challenge executive branch violations not explicitly authorized by the legislative

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many other influential and/or wealthy Christian conservatives. See https://www.splcenter.org/hatewatch/2016/05/17/council-national-policy-behind-curtain. (Last visited on July 17, 2018). See also https://www.splcenter.org/sites/default/files/cnp_redacted_final.pdf for the CNP 2014 Membership list. (Last visited on July 17, 2018)

[10] Gary North, *"The Intellectual Schizophrenia of the New Christian Right"*. In James B Jorden. *The Failure of the American Baptist Culture. Christianity and Civilization.* Geneva Divinity School (1982). p. 25

[11] Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, TX, Institute for Christian Economics, 1989) p. 87

branch. In *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009) this Court ruled that placing a monument with the ten commandments in a public park is government speech, so it is not controlled by the First Amendment. In *Arizona Christian School Tuition Organization v. Winn*, 563 U.S. 125 (2011), this Court denied Arizona taxpayers the right to challenge, under the Establishment Clause, tax credits for tuition payments to a parochial school. The ruling devastated taxpayer standing in Establishment Clause cases because future legislators wishing to provide subsidies for sectarian religious activity need only draft tax provisions as credits rather than direct subsidies in order to eliminate taxpayer standing. In *Snyder v. Phelps,* 131 S. Ct. 1207 (2011), christians from the homosexual hating Westboro Baptist Church were allowed to display placards such as "You're going to hell", "God hates you", "Fag troops", "Semper fi fags" and "Thank God for dead soldiers" during the funeral service of deceased U.S. Marine, Matthew Snyder. This Court's ruling in *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 132 S. Ct. 694 (2012) gave sweeping deference to churches and abandoned the longtime practice of balancing the interest in the free exercise of religion against important government interests like protection against workplace bias or retaliation. In *Sebelius v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 678 (2013) this Court allowed Christian-led for-profit corporations to restrict female employees' access to contraceptives or abortion. In *Town of Greece, N.Y. v. Galloway*, 134 S. Ct. 1811 (2014) this Court allowed sectarian legislative prayers by chaplains or lay persons. In *Trinity Lutheran Church of Colombia v. Comer*, 137 S. Ct. 2012 (2017) this Court allowed state taxpayer funds to

be used to resurface a private religious school's playground, thus opening the door to government funding of private religious institutions.

The decisions of this Court in each of the aforementioned cases conveniently coincides with the Christian agenda of the CNP and the Republican Party. This Court has followed the outline provided by Gary North, and the doctrines of religious liberty and free speech have been used by Christians to gain exemptions from civil rights and employment discrimination laws. Federal funding to Christian organizations has been provided under the faith-based initiative and federal and state financing are now being provided to private Christian schools. With the decision to deny certiorari in the instant case, this Court has allowed Christians to take exclusive control of a prayer opportunity, to merge their faith with the government of Jackson County, and to deny a Pagan constitutional rights of citizenship because he refused publicly to "submit to the eternal sanctions of God." With the probable confirmation of Judge Kavanaugh to replace retiring Justice Kennedy, it is clear that this Court is poised to go from the first stage of the CNP plan granting Christians legal exceptions to our laws to the second stage of issuing opinions that force Christian morality and belief onto the rest of our citizens on such issues as education, prayer, abortion and gay rights.

The Chief Justice cannot be unaware of how secularism is under attack in the United States. Education Secretary DeVos has budgeted $1.5 billion tax dollars for charter schools teaching the jesus myth. A CNP report recently made recommendations to restore the Ten Commandments to all K-12 public schools, and

implement select Bible classes.[12] Right on cue, the Oklahoma House of Representatives passed House Bill 2177 in April 2018 authorizing every government building and public school to display the Ten Commandments.[13]

The petitioner asks Chief Justice Roberts to reconsider this Court's direction in light of the changing religious demographics in the United States. According to a recent PEW study, there are now approximately 56 million religiously unaffiliated adults in the U.S., and this group is more numerous than either Catholics or mainline Protestants. Indeed, the unaffiliated are now second in size only to evangelical Protestants among major religious groups in the U.S. This trend is particularly pronounced among Millennials with nearly 4 out of 10 describing themselves as religiously unaffiliated, while almost 50% of incoming Generation Z college freshmen reported not identifying with any particular religion.[14] If the current scripted Christian takeover of our government fails, in 40 years when these generations dominate Congress and the Courts, some secular Senator will call for a resolution ordering the Office of the Curator to remove Chief Justice Robert's portrait from the Supreme Court building for his Court's assault on the Establishment Clause. Like Chief Justice Taney, whom history only remembers for the Dred Scott decision, Chief

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[12] Council on National Policy, *Education Reform Report*, Dan Smithwick, Committee Chairman (February 2017), http://www.eclectablog.com/wp-content/uploads/2017/02/ERR-CNP-Site.pdf (last visited on July 16, 2018).

[13] See http://www.oklegislature.gov/BillInfo.aspx?Bill=hb2177. The Bill was signed into law by Gov. Mary Fallin on May 11, 2018. (last visited on July 18, 2018).

[14] See http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/ (last visited on July 17, 2018). The petitioner notes that Generation Z seems to be an idealistic and politically expressive generation.

Justice Roberts' name and legacy will always be attached to this movement to establish the Christian religion in our government in direct violation of the historical understanding of our Founders. As Senator Charles Sumner of Massachusetts said:

> ...the name of Taney is to be hooted down the page of history. Judgment is beginning now; and an emancipated country will fasten upon him the stigma which he deserves. The Senator says that he for twenty five years administered justice. He administered justice at last wickedly, and degraded the judiciary of the country, and degraded the age...I speak what cannot be denied when I declare that the opinion of the Chief Justice in the case of *Dred Scott* was more thoroughly abominable than anything of the kind in the history of courts. Judicial baseness reached its lowest point on that occasion. You have not forgotten that terrible decision where a most unrighteous judgment was sustained by a falsification of history. Of course, the Constitution of the United States and every principle of Liberty was falsified, but historical truth was falsified also.[15]

Just as the Constitution and historical truth were falsified then, so they are being falsified now. In 1776 the Virginia Legislature passed Jefferson's Statute on Religious Freedom with the wise and unrelenting assistance of James Madison (Jefferson was in France). An amendment was proposed to insert the words 'Jesus Christ' in the preamble so that it would read "coercion is a departure from the plan of Jesus Christ, the holy author of our religion." Jefferson noted, "the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and the Mohometan, the Hindoo, and infidel of every description."[16] Jefferson also noted his disbelief in "artificial systems

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[15] *Congressional Globe*, February 23, 1865; also quoted in .James F. Simon, *Lincoln and Chief Justice Taney*, (Simon and Schuster, 2006) p. 268

[16] *The Works of Thomas Jefferson.* Collected and edited by Paul Leicester Ford. Federal Edition. 12 vols. New York and London: G. P. Putnam's Sons, 1904--5.

invented by ultra-Christian sects" such as the doctrines of "the immaculate conception of Jesus, his deification, the creation of the world by him, his miraculous powers, his resurrection & visible ascension, his corporeal presence in the Eucharist, the Trinity, original sin, atonement, regeneration, election orders of Hierarchy etc."[17] The petitioner does not wish to pretend that all our Founders shared these beliefs. Certainly old Sam Adams envisioned a Christian Commonwealth. But he lost the argument. Jefferson and Madison prevailed and their victory is enshrined in our Constitution, which this Court is sworn to uphold. As Jefferson wisely noted:

> Difference of opinion is advantageous in religion. Is uniformity attainable? Millions of innocent men, women and children, since the introduction of Christianity, have been burnt, tortured, fined, imprisoned: yet we have not advanced one inch towards uniformity. What has been the effect of coercion? To make one half the world fools, and the other half hypocrites. To support roguery and error all over the earth.[18]

This Court has allowed the Jackson County Commissioners to establish the Christian religion in local government and to deny a Pagan his constitutional rights. Elected government officials may coerce audience participation and compose and lead prayers in the name of Jesus Christ in Tennessee, Kentucky, Ohio, and Michigan, but not in South Carolina, North Carolina, Virginia, Maryland, or West

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[17] Thomas Jefferson – Letter to William Short, October 31, 1819, *The Writings of Thomas Jefferson* (ed. A. A. Lipscome and A. E. Bergh) Volume XV (Washington DC: The Thomas Jefferson Memorial Association 1905 pp. 219-224).

[18] Thomas Jefferson, *Notes On the State of Virginia*, Query XVII, 1782; found in *The Works of Thomas Jefferson*. Collected and edited by Paul Leicester Ford. Federal Edition. 12 vols. New York and London: G. P. Putnam's Sons, 1904--5.

Virginia. The petitioner must leave his hometown and physically move to the Fourth Circuit in order to enjoy his constitutional rights. Why does Nancy Lund have constitutional rights that are denied to this petitioner?

V. PRAYER BY THE JACKSON COUNTY COMMISSIONERS VIOLATES THE HISTORICAL STANDARD OF *TOWN OF GREECE* USED BY THE SIXTH CIRCUIT

The Sixth Circuit held that "history shows that legislator-led prayer is a long-standing tradition" citing legislator-led prayer in revolutionary era South Carolina in 1775, at the Illinois Constitutional Convention in 1870, and the Michigan Legislature in 1879 and 1898. The Sixth Circuit's first inquiry was "to determine whether the prayer practice in [Jackson County] fits within the tradition long followed in Congress and the state legislatures." *Town of Greece* at 1819. "[T]he line we must draw between the permissible and the impermissible is one which accords with history and faithfully reflects the understanding of the Founding Fathers." *School Dist. of Abington Township v. Schempp*, 374 U. S. 203, 294 (1963) (Brennan, J., concurring)." *Town of Greece,* 134 S. Ct. at 1819.

The petitioner argued that legislator-led prayer was not a tradition, but a rare aberration in the historical record accounting for less than 00.01% of all legislative prayers. This Court chose not to review that argument and the petitioner cannot repeat it here. However, the petitioner provided the Court with documentation showing that every example of legislator-led prayer cited in the historical record involved a minister who was also an elected official. For the first hundred years of

our nation's history, there are zero examples in the historical record of prayer by a legislator who was not also a minister. The petitioner argues on rehearing that none of the Jackson County Commissioners are ordained or licensed ministers, thus none of them are eligible to give prayers under the historical test utilized by the Sixth Circuit. The historical record is clear. Ordinary legislators did not give opening prayers. The Sixth Circuit unconstitutionally expanded the historical practice to include all legislators, and this Court should not let that error stand. The practice of the Jackson County Commissioners fails to fit within the historical tradition long followed in Congress and the State Legislatures.

CONCLUSION

For the foregoing reasons, petitioner Peter Carl Bormuth respectfully requests that his Petition for Rehearing be granted.

Respectfully submitted,

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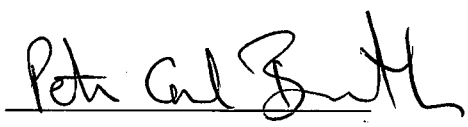
Dated: July 27, 2018

CERTIFICATE OF COMPLAINCE

I hereby certify that my Corrected Petition for Rehearing filed under Supreme Court Rules 44.2 and 33.2(b) contains 15 pages, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under perjury that the foregoing is true and correct.

Executed in Jackson Michigan on July 27, 2018.

By: 

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