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**Lawsuit Filed Against VA for Banning Invocation That Mentions Jesus
at Memorial Day Event at Houston National Cemetery;
Lawsuit Filed to Combat Government's Censorship of Pastor's Prayer**

HOUSTON, Texas, May 26, 2011 – Today, Liberty Institute filed a federal lawsuit requesting a temporary restraining order against the U.S. Department of Veterans Affairs and its Director of the Houston National Cemetery from prohibiting Pastor Scott Rainey from referencing Jesus during his invocation at a Memorial Day ceremony sponsored by the National Cemetery Council for Greater Houston where he was invited to speak.

"By censoring Pastor Rainey's prayer, the VA and its Director of the Houston National Cemetery are unconstitutionally discriminating against him based upon his religious viewpoint," said Jeff Mateer, General Counsel of Liberty Institute. "Our veterans fought and many died for our religious freedom, and to have it stripped away under the façade of inclusiveness is the height of offense to those who have served our country. We are confident that a judge will agree and permit Pastor Rainey to pray as he sees fit without government censorship."

The lawsuit states that the Department of Veterans Affairs and its Director of the Houston National Cemetery are engaging in religious viewpoint discrimination in violation of the First Amendment, and the Religious Freedom Restoration Act, which prohibit the government from controlling and directing citizens' prayers. The lawsuit was filed after Ms. Arleen Ocasio, director of the Houston National Cemetery, refused to permit Pastor Rainey to pray at the upcoming Memorial Day ceremony unless he removed a reference to Jesus, even after Liberty Institute sent a demand letter outlining the law.

Ms. Ocasio required that Pastor Rainey's prayer be pre-approved by her prior to Monday's Memorial Day Ceremony. Although Pastor Rainey has given the invocation for the past two years, this is the first time he had to submit his words for prior approval by the government. Pastor Rainey's prayer recognizes those who have given their lives in service to our nation and commended the military for its efforts. While his thankfulness for our country's freedom was allowed, his own freedom to reference Jesus was not, in violation of the First Amendment.

"I am very disappointed that the Houston National Cemetery would take such an anti-freedom stance," said Pastor Rainey of Houston's Living Word Church of the Nazarene. "This is my third year to be invited to deliver the invocation, and I have never been asked to edit the content of my prayer. While I consider it an honor to lead such a somber gathering in prayer, I will not forsake my religious beliefs."

An immediate hearing on the temporary restraining order has been requested.

[View Pastor Rainey's prayer](#) and [read the lawsuit](#) and the [temporary restraining order request](#).

Liberty Institute was formed to uphold Constitutional and First Amendment religious and speech freedoms in the courts and legislature. Liberty Institute successfully represented more than four million veterans through the Veterans of Foreign Wars, The American Legion, and the Military Order of the Purple Heart before the U.S. Supreme Court in the Mojave Desert War Memorial case, *Salazar v. Buono*, decided last year in favor of allowing the Memorial to stand.

For more information, visit www.libertyinstitute.org.