

# THE LATEST WORD ON PRAYER AT MEETINGS

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## Legal Question

Does religious invocation at local government meetings violate the Establishment Clause of the United States Constitution?

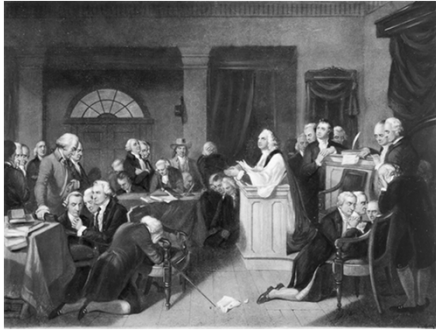


Two key cases uphold prayer practices:

***Marsh v. Chambers*** (1983) (State Legislature)

***Town of Greece v. Galloway*** (2014) (Local Government)

## Key Legal Concept



- First Congress opened sessions with prayer at the time of drafting the Establishment Clause.
- Court assumes they would not have considered this practice to be an establishment of religion.
- Court upholds legislative prayer practices that are consistent with this historical tradition.

## What is Ok To Do [Based on Supreme Court Cases]

- State and local deliberative bodies may provide religious invocations (prayers) at meetings.
- This can be done by a paid chaplain, volunteers, invited clergy or others invited to deliver the prayers.
- Prayers can be sectarian (religious).
- It's ok for the prayers to represent primarily or exclusively a single religion as long as the process is open to all religions, as well as atheists and secular humanists.
- It's ok for the prayer giver to ask attendees to stand and join in the prayer. Even if some meeting attendees feel uncomfortable or offended, this is not unconstitutional coercion.

## Rowan County v. Lund (2017)

- New Issue: Prayers delivered exclusively by board members.
- Fourth Circuit Court of Appeals held that this arrangement was not consistent with the practices approved by the Supreme Court in *Greece* and *Marsh*.



- North Carolina is within the Fourth Circuit so this ruling would apply to any case arising in our state.
- A similar case from a state in a different circuit was decided differently.

## What is probably not ok in NC [Based on *Rowan County* case]

Board members should not be the exclusive prayer givers if the result is that the prayers will all be of the same religion

May be ok if a diversity of religions can be represented, or if the prayers are nonsectarian

If Board members deliver the prayers:

They should not invite participation by attendees

Board should ensure that there will be no negative consequence for citizens who choose not to participate in the prayer

## Previewing Prayers

May or must a local government require people to submit their prayers in advance?

Probably not. Courts have said government should not be involved in censoring or editing prayers.



Policies should emphasize that prayers shall not proselytize or disparage.

## What's it all about?

The purposes of an invocation at the opening of a meeting have been described:

- to solemnize the occasion and the work of the body
- to invite lawmakers to reflect upon shared ideals and common ends before they embark on the business of governing
- The tradition reflected in Marsh permits chaplains to ask their own God for blessings of peace, justice, and freedom that find appreciation among people of all faiths... these religious themes provide particular means to universal ends, suggesting that religiously themed invocations are but one method of achieving the overarching goal of solemnizing governmental proceedings.

## Glossary of Terms

- **Clergy:** people (such as priests) who are the leaders of a religion and who perform religious services
- **Coerce:** to make (someone) do something by using force or threats; to get (something) by using force or threats
- **Disparage:** to speak of as unimportant or bad : belittle.
- **Invocation:** the act of mentioning or referring to someone or something in support of your ideas : the act of invoking something. : the act of asking for help or support especially from a god. : a prayer for blessing or guidance at the beginning of a service, ceremony, etc.
- **Pray:** to speak to God especially in order to give thanks or to ask for something; to hope or wish very much for something to happen; to seriously ask (someone) to do something
- **Proselytize:** to try to persuade people to join a religion, cause, or group
- **Sectarian:** Relating to religious or political sects and the differences between them
- **Secular:** not spiritual: of or relating to the physical world and not the spiritual world; not religious; of, relating to, or controlled by the government rather than by the church