

U.S. Supreme Court Upholds Invocations at Town Council Meetings

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A town council's tradition of opening public meetings with an invocation does not violate the Establishment Clause of the U.S. Constitution.

CASE SNAPSHOT

The United States Supreme Court has upheld a New York town's practice of inviting local clergy members to begin town council meetings with prayers against a challenge brought by some members of the public who argued that being subjected to prayers at the start of meetings conflicted with their own religious or philosophical views.

In holding that ceremonial prayers at the start of meetings is not an unconstitutional governmental "establishment" of religion "even where most of those offering prayers had invoked a Christian theme" the Court articulated helpful guidelines for local government entities:

- ▶ Invocations may not denigrate or discriminate against other religions, or proselytize or advance one religion over others.
- ▶ Invocations need not be non-sectarian in nature.
- ▶ An invocation should be limited to the opening or ceremonial portion of a meeting.
- ▶ While local governments may not exclude or discriminate against any particular sect or faith, government officials are not required to search outside the community to achieve "religious balance" in invocations.
- ▶ Local officials may not force members of the audience or others to participate in an invocation and may not criticize or single out those individuals who choose not to participate.
- ▶ Local governments should not review or censor the content of invocations in advance.
- ▶ The Court emphasized the ceremonial or symbolic nature of invocations at the start of public meetings, as an acknowledgement of the central place that religion and religious institutions historically have held in some communities.

PRACTICE AREAS

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Still, the Court held, local governments must remain respectful of the rights of individuals to hold other views.

The case is *Town of Greece, N.Y. v. Galloway, et al.* 2014 U.S. Lexis 3110, May 5, 2014.

If you have questions, or would like more information on how this ruling may affect your agency and projects, please contact Terence Boga or any member of our Public Agency and Municipal Law Department.