

Supreme Court Upholds Prayer at Council Meeting

A divided Supreme Court ruled in May that legislative bodies, such as city councils, can begin their meetings with prayer, even if that prayer plainly favors a specific religion.



The court ruled 5 to 4 that Christian prayers said before meetings of an upstate New York town council did not violate the constitutional prohibition against government establishment of religion. The justices cited history and tradition.

The ruling reflected a Supreme Court that has become more lenient regarding how government may accommodate religion in civic life without crossing the line into an endorsement of a particular faith.

The court's five conservatives said legislative prayers need not be stripped of references to a specific religion—the prayers at issue often invoked Jesus Christ and the resurrection—and said those given the opportunity to pray before legislative meetings should be “unfettered” by what government officials find appropriate.

“Absent a pattern of prayers that over time denigrate, proselytize, or betray an impermissible government purpose, a challenge based solely on the content of a particular prayer will not likely establish a constitutional violation,” Justice Anthony M. Kennedy wrote for the court's conservative majority.

The case involved the New York town of Greece, just outside Rochester, where the council regularly opened its meetings with a prayer delivered by someone from the community. The speakers were recruited from local houses of worship, which were overwhelmingly Christian.

The Supreme Court decided 30 years ago that state legislatures may begin sessions with an invocation. But the new case asked whether there might need to be different rules for local council meetings, where citizens often come to ask for favorable official action.

Kennedy also wrote: "Legislative prayer has become part of our heritage and tradition, part of our expressive idiom, similar to the Pledge of Allegiance, inaugural prayer, or the recitation of 'God save the United States and this honorable Court' at the opening of this Court's sessions." He also said there was no evidence that Greece town council members "allocated benefits and burdens based on participation in the prayer."

Taken from *The Informer*, Intercessors for America.

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