

Town of Greece v. Galloway

On Monday, May 5, 2014, the U.S. Supreme Court ruled in a very narrow decision (5-4) that Greece's town council may continue the practice of allowing "a clergyman of the month" to offer a prayer before the start of the meeting.

Two citizens (one an atheist and the other a non-Christian) charged the council's practice of holding prayers after the Call-to-Order violated their First Amendment rights. These citizens argued that they were held hostage by these prayers in order to participate in the meetings. The federal court agreed with the citizens that the town relied so much on a Christian leader guide, that it endorsed only one religion, namely, Christianity.

The high Court reversed and based its ruling on an older (1983) decision in *Marsh v. Chambers*, in which it ruled that the Nebraska legislature did not violate First Amendment rights because prayers were a civic tradition in the U.S.

Justice Kennedy said that the prayers did not coerce non-believers because they could leave the room and they were not ordered to pray, or criticized for dissention when the prayers were offered. Justice Elena Kagan disagreed and argued that the prayers were sectarian in nature since the guide that the town council used to select clergymen did not include non-Christian leaders.

Since the Justices were so divided they did issue a "constitutional prescription:"

- That prayers could be used not just in Congress, but local governments;
- The prayer must be conducted in the ceremonial part of the meeting and not during actions on official policy;
- The municipality can invite anyone to lead the prayers including a member of the governing body;
- The municipality cannot dictate the prayer or the contents of the prayer;
- The municipality cannot proselytize;
- The body can only allow prayers when most of the audience are adults;
- And, the Courts must rule on the pattern of prayers and not interpret the content.