

Federal Appeals Court Overrules the Supreme Court

According to the 4th Circuit Court of Appeals, opening a county board of commissioners meeting with an invocation or prayer is an unconstitutional violation of the First Amendment's "Establishment Clause."

In a 10-5 decision Friday, the panel determined the Rowan County, North Carolina commissioners—clients of the First Liberty Institute—are prohibited from opening their meetings with prayers they say on their own. Of course, that would be news to the Supreme Court, which determined three years ago that legislative meetings may open with a prayer given by local religious leaders, even if all the prayer givers are of the same faith.

"While we are disappointed in the Fourth Circuit's decision to ban invocations before legislative meetings contrary to Supreme Court precedent, we are encouraged that the split in the vote on the Fourth Circuit demonstrates the need for Supreme Court review on this issue," First Liberty's Deputy General Counsel Mike Berry said after the decision was released.

First Liberty also represents Jackson County, Michigan, in a similar matter that will be heard before the 6th Circuit Court of Appeals. If that court upholds the constitutionality of prayers led by elected representatives prior to meetings, it would make it more likely to have the subject brought before the Supreme Court for review. {eo}