

New Support Uplifts NY Town's Prayer Policy

The U.S. Supreme Court received five friend-of the-court briefs Jan. 7 asking it to once again affirm America's long-standing practice of opening public meetings with prayer.

The briefs, including one signed by 49 members of Congress and one signed by 18 state attorneys general, demonstrate the diversity of support for the practice in a case involving a New York town's prayer policy. Alliance Defending Freedom attorneys asked the U.S. Supreme Court to review the case last month after an appeals court struck down the policy.

"Since this nation's founding, public meetings have been opened with prayers offered according to the conscience of the speaker," said David Cortman, ADF senior counsel. "There is no legal reason why a town can't do this today with people from within its own community, as the highly credible briefs submitted in this case reinforce.

"Anti-religious groups cannot be allowed to force local governments to implement unusual hurdles that effectively eliminate prayers by making them too cumbersome to take place," he continued. "The district court rightly upheld the constitutionality of prayer before public meetings, and we appreciate these briefs that ask the Supreme Court to again affirm such prayers, just as it did in 1983."

As the briefs explain, the U.S. Supreme Court settled the matter 30 years ago by affirming that the historical practice of legislative prayers is constitutional. Nonetheless, new legal attacks by people and activist groups claiming to be "offended" by the way private citizens voluntarily pray have created significant confusion in the lower courts.

In the New York town's case, the U.S. Court of Appeals for the

2nd Circuit suggested that the current legal complexity may cause local and state governments to abandon the practice, which predates the founding of America.

The briefs focus on the historical and legal precedent supporting legislative prayer and support the Alliance Defending Freedom petition to have the U.S. Supreme Court provide legal clarity:

- State attorneys general from 18 states in nearly every federal judicial circuit have united to ask the court to provide clear direction about the legality of allowing citizens to voluntarily deliver prayers consistent with the dictates of their own conscience.
- Forty-nine members of Congress and legislative leaders from two states filed their own briefs pointing out that the reasoning of the 2nd Circuit jeopardizes the way deliberative bodies at every level of government have chosen to open their meetings for more than 225 years.
- Prominent theologians—including Rev. Robert E. Palmer, the Nebraska Legislature's chaplain vindicated in the Supreme Court's 1983 opinion on legislative prayer—warn in their own briefs that judicial decisions favoring the content of some prayers while disfavoring others wrongly places judges in the role of deciding ecclesiastical matters and encourages discrimination based on the faith of the prayer giver.