

Prayer at School Board Meetings Doesn't Violate Constitution, Court Rules

A federal appeals court said on Monday a Texas school board may open its meetings with student-led prayers without violating the U.S. Constitution.

In a 3-0 decision, the 5th U.S. Circuit Court of Appeals rejected an appeal by the American Humanist Association, which said the practice by the Birdville Independent School District violated the First Amendment's prohibition of a government establishment of religion.

The appeals court also reversed a lower court judge's denial of "qualified immunity" to school board members and dismissed the case against them. Birdville serves Haltom City, Texas, a suburb of Dallas and Fort Worth.

Monica Miller, a lawyer for AHA and Isaiah Smith, a 2014 Birdville High School graduate who challenged the prayers, said they were reviewing their options, including asking the entire New Orleans-based appeals court to review the case.

The Birdville school district, in a statement, called the decision a "complete vindication."

Birdville's school board has since 1997 let students, typically in elementary or middle school, open meetings with statements that AHA said were usually prayers, often referring to Jesus Christ and asking audience members to pray. Board members often stand and bow their heads during the invocations.

Writing for the appeals court, Circuit Judge Jerry Smith said the matter involved legislative prayer, because a school board

was “more like a legislature” than a classroom.

He also said the U.S. Supreme Court’s 2014 decision letting the town of Greece in upstate New York start board meetings with prayer supported the Birdville school board’s practice.

“Most attendees at school-board meetings, including Smith, are mature adults,” and even board members’ “polite” requests that the audience stand during invocations “do not coerce prayer,” Smith wrote.

The judge added that while two other federal appeals courts reached the opposite conclusion in similar cases, their decisions predated the Greece case and students, unlike in Birdville, had formal roles in board proceedings.

Smith was appointed to the bench by Republican President Ronald Reagan, while panel members Edith Brown Clement and Leslie Southwick were appointed by Republican President George W. Bush.

“The decision is reassuring because these trustees are elected and serve without compensation, and the possibility that they might be personally liable for damages would be somewhat daunting,” D. Craig Wood, a lawyer for the defendants, said in an interview.

The case is American Humanist Association et al v Birdville Independent School District et al, 5th U.S. Circuit Court of Appeals, Nos. 15-11067, 16-11220. {eo}

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