

**POLICY REGARDING OPENING INVOCATIONS
BEFORE MEETINGS OF THE TANGIPAHOA PARISH SCHOOL BOARD**

WHEREAS, the Tangipahoa Parish School Board (“the Board”) is a deliberative public body, legislative in nature, elected to serve the citizens of Tangipahoa Parish, Louisiana; and

WHEREAS, the Board has long maintained a tradition of solemnizing its proceedings by allowing for an opening prayer before each meeting, for the benefit and blessing of the Board; and

WHEREAS, the Board wishes to maintain a tradition of solemnizing its proceedings by allowing for an opening prayer before each meeting, for the benefit and blessing of the Board; and

WHEREAS, the Board now desires to adopt this formal, written policy to clarify and codify its invocation practices; and

WHEREAS, our country’s Founders recognized that we possess certain rights that cannot be awarded, surrendered, nor corrupted by human power, and the Founders explicitly attributed the origin of these, our inalienable rights, to a Creator. These rights ultimately ensure the self-government manifest in our Board, upon which we desire to invoke divine guidance and blessing; and

WHEREAS, such prayer before deliberative public bodies has been consistently upheld as constitutional by American courts, including the United States Supreme Court; and

WHEREAS, in *Marsh v. Chambers*, 463 U.S. 783 (1983), the United States Supreme Court rejected a challenge to the Nebraska Legislature’s practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, “The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom.” *Id.*, at 786; and

WHEREAS, the Board desires to avail itself of the Supreme Court’s recognition that it is constitutionally permissible for a public body to “invoke divine guidance” on its work. *Id.*, at 792. Such invocation “is not, in these circumstances, an ‘establishment’ of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country.” *Id.*; and

WHEREAS, the Supreme Court affirmed in *Lynch v. Donnelly*, 465 U.S. 668 (1984), “Our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders.” *Id.*, at 675; and

WHEREAS, the Supreme Court further stated, that “government acknowledgments of religion serve, in the only ways reasonably possible in our culture, the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society. For that reason, and because of their history and ubiquity, those practices are not understood as conveying government approval of particular religious beliefs.” *Id.*, at 693 (O’Connor, J , concurring); and

WHEREAS, the Supreme Court also famously observed in *Zorach v. Clauson*, 343 U.S. 306, (1952), “We are a religious people whose institutions presuppose a Supreme Being” *Id.*, at 313-14; and

WHEREAS, the Supreme Court acknowledged in *Holy Trinity Church v. United States*, 143 U.S. 457 (1892), that the American people have long followed a “custom of opening sessions of all deliberative bodies and most conventions with prayer...,” *Id.*, at 471; and

WHEREAS, the Supreme Court has determined, “The content of [such] prayer is not of concern to judges where . . . there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief.” *Marsh*, 463 U.S. at 794-795; and

WHEREAS, the Supreme Court also proclaimed that it should not be the job of the courts or deliberative public bodies “to embark on a sensitive evaluation or to parse the content of a particular prayer” offered before a deliberative public body. *Id.*; and

WHEREAS, the Supreme Court has counseled against the efforts of government officials to affirmatively screen, censor, prescribe and/or proscribe the specific content of public prayers offered by private speakers, as such government efforts would violate the First Amendment rights of those speakers. *See, e.g., Lee v. Weisman*, 505 U.S. 577, 588-589 (1992); and

WHEREAS, in *Simpson v. Chesterfield County Bd. of Supervisors*, 404 F.3d 276 (4th Cir. 2004), *cert. denied*, the United States Court of Appeals for the Fourth Circuit recently reviewed and specifically approved as constitutional the prayer policy of a county board, and made a number of key findings about said policy; and

WHEREAS, the Board is not bound by decisions of the Fourth Circuit, but hereby acknowledges the general guidance provided by the most important of that court’s findings in *Simpson*, including the facts that the policy there:

(1) Allowed for invocations for the benefit of the public body itself “rather than for the individual leading the invocation or for those who might also be present,” *Id.*, at 284; and

(2) Established a practice of compiling a list of local monotheistic congregations, “with addresses taken primarily from the phone book,” whereto the county clerk would send an

invitation each December addressed to the “religious leader” of each congregation, *Id.*, at 279; and

(3) Required the county clerk to schedule respondents to the invitation “to give the invocation on a first-come, first-serve basis,” *Id.*; and

(4) Thus, “made plain that [the county board] was not affiliated with any one specific faith by opening its doors to a wide pool of clergy.” *Id.*, at 286; and

WHEREAS, the Fourth Circuit showed little concern that the prayers before board meetings in *Simpson* were “traditionally made to a divinity that is consistent with the Judeo-Christian tradition,” *Id.*, at 280, because *Marsh* also considered, and found constitutionally acceptable, the fact that the prayers in question fit broadly within “the Judeo-Christian tradition.” *Id.*, at 283 (quoting *Marsh*, 463 U.S. at 793); and

WHEREAS, the Board intends, and has intended in past practice, to adopt a policy that does not proselytize or advance any faith, or show any purposeful preference of one religious view to the exclusion of others; and

WHEREAS, the Board recognizes its constitutional duty to interpret, construe, and amend its policies to comply with constitutional requirements as they are announced; and

WHEREAS, the Board accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and Louisiana Constitutions and statutes.

NOW, THEREFORE, BE IT RESOLVED by the Tangipahoa Parish School Board that the Board hereby adopts the following written policy regarding opening invocations before meetings of the Board, to wit:

1. In order to solemnize proceedings of the Tangipahoa Parish School Board, it is the policy of the Board to allow for an invocation or prayer to be offered before its meetings for the benefit of the Board.

2. The prayer shall not be listed or recognized as an agenda item for the meeting or as part of the public business.

3. No member or employee of the Board or any other person in attendance at the meeting shall be required to participate in any prayer that is offered.

4. The prayer shall be voluntarily delivered by an eligible member of the clergy in the Parish of Tangipahoa, Louisiana. To ensure that such person (the “invocation speaker”) is selected from among a wide pool of the parish’s clergy, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

a. The Secretary to the Tangipahoa Parish School Board (the “Secretary”) shall compile and maintain a database (the “Congregations List”) of the religious

congregations with an established presence in the local community of Tangipahoa Parish.

b. The Congregations List shall be compiled by referencing the listing for “churches,” “congregations,” or other religious assemblies in the annual Yellow Pages phone book(s) published for Tangipahoa Parish, research from the Internet, and consultation with local chambers of commerce. All religious congregations with an established presence in the local community of Tangipahoa Parish are eligible to be included in the Congregations List, and any such congregation can confirm its inclusion by specific written request to the Clerk.

c. The Congregations List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of Tangipahoa Parish.

d. The Congregations List shall be updated, by reasonable efforts of the Secretary, in November of each calendar year.

e. Within thirty (30) days of the effective date of this policy, and on or about December 1 of each calendar year thereafter, the Secretary shall mail an invitation addressed to the “religious leader” of each congregation listed on the Congregations List, as well as to the individual chaplains included on the Congregations List.

f. The invitation shall be dated at the top of the page, signed by the Secretary at the bottom of the page, and read as follows:

Dear religious leader,

The Tangipahoa Parish School Board makes it a policy to invite members of the clergy in Tangipahoa Parish to voluntarily offer a prayer before the beginning of its meetings, for the benefit and blessing of the Board. As the leader of one of the religious congregations with an established presence in the local community, or in your capacity as a chaplain for one of the local fire departments or law enforcement agencies, you are eligible to offer this important service at an upcoming meeting of the Board.

If you are willing to assist the Board in this regard, please send a written reply at your earliest convenience to Board secretary at the address included on this letterhead. Clergy are scheduled on a first-come, first-serve basis. The dates of the Board’s scheduled meetings for the upcoming year are listed on the following, attached page. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and ecumenism, the Board requests only that the prayer opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker, nor to disparage any faith or belief different than that of the invocation speaker.

On behalf of the Tangipahoa Parish School Board, I thank you in advance for considering this invitation.

*Sincerely,
Secretary to the Board*

- g. As the invitation letter indicates, the respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the invocations.
5. No invocation speaker shall receive compensation for his or her service.
6. The Secretary shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the Board meetings. In any event, no invocation speaker shall be scheduled to offer a prayer at consecutive meetings of the Board, or at more than three (3) Board meetings in any calendar year.
7. Neither the Board nor the Secretary shall engage in any prior inquiry, review of, or involvement in, the content of any prayer to be offered by an invocation speaker.
8. Shortly before the opening gavel that officially begins the meeting and the agenda/business of the public, the President of the Board shall introduce the invocation speaker and the person selected to recite the Pledge of Allegiance following the invocation, and invite only those who wish to do so to stand for those observances of and for the Board.
9. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Board with, nor express the Board's preference for or against, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Board's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Tangipahoa Parish.
10. To clarify the Board's intentions, as stated herein above, the following disclaimer shall be included in at least 10 point font at the bottom of any printed Board meeting agenda: "Any invocation that may be offered before the official start of the Board meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Board. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Board, and the Board does not endorse the religious beliefs or views of this, or any other speaker."

NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately upon adoption by the Board.

THUS INTRODUCED at the regular meeting of the Tangipahoa Parish School Board, on August 7, 2007.

For: _____
Against: _____

THUS ADOPTED at the regular meeting of the City Board of Tangipahoa Parish School Board, on _____, 2007.

Cynthia Jenkins
SECRETARY

Leonard "Tank" Genco
SCHOOL BOARD PRESIDENT