

POLICY STATEMENT

WHEREAS, the Supreme Court has said, “not even the ‘unique history’ of legislative prayer, can justify contemporary legislative prayers that have the effect of affiliating the government with any one specific faith or belief.” *County of Allegheny v. ACLU Greater Pittsburgh Chapter*, 492 U.S. 573, 603 (1989); and

WHEREAS, the Fourth Circuit Court of Appeals has consistently held that prayers at government meetings are government speech that must comply with the Establishment Clause; and

WHEREAS, every court in the Fourth Circuit analyzing prayer practices at government meetings has reviewed the content of the government prayers to determine constitutionality; and

WHEREAS, the Fourth Circuit Court of Appeals struck down sectarian government prayer holding: “The invocations at issue here, which specifically call upon Jesus Christ, are simply not constitutionally acceptable legislative prayer like that approved in Marsh. Rather, they embody the precise kind of ‘advancement’ of one particular religion that Marsh cautioned against.” *Wynne v. Town of Great Falls*, 376 F.3d 292, 301-302; and

WHEREAS, removing official prayers from government meetings is the only way to ensure that the Council is in compliance with the Constitution; and

WHEREAS, the County seeks to avoid the risk of protracted litigation in which it may have to pay costs and attorneys fees for any party challenging its prayer practice; and

WHEREAS, as a matter of policy, the Council seeks to respect its duty to citizens and taxpayers of the county by focusing on county matters and not divine matters; and

WHEREAS, prayers at Council meetings have proved divisive and the Council seeks to represent all citizens of Spartanburg, regardless of belief or non-belief; and

WHEREAS, council members remain free to pray and worship in ways they find appropriate outside of conducting their official government business; and

WHEREAS, government prayers not only conflict with the Constitution but also with the condemnation of public prayer in Matthew 6:5 (‘You, however, when you pray, go into your private room and, after shutting your door, pray to your Father who is in secret.’); and

WHEREAS, personal conscience –including religious belief or ritual– should not be subject to majority rule; and

WHEREAS, the founders of this country wisely sought to protect government from religion but also protect religion from government; and

WHEREAS, the founders did not find it necessary to pray when they adopted our entirely secular Constitution; and

WHEREAS, James Madison came to oppose congressional chaplaincies, criticizing the idea that “religious truth is to be tested by numbers or that the major sects have a right to govern the minor.” (Detached Memoranda, 1817).

NOW THEREFORE, it will be the policy of the Spartanburg County Council to open its meetings with a call to order. The Council will take no official position on matters of religion and will refrain from hosting official prayers during or before times of government business.