



Date of Council Work Session: May 11, 2015

**TOWN OF LEESBURG  
TOWN COUNCIL WORK SESSION**

**Subject:** Invocation Policy

**Staff Contact:** Barbara Notar, Town Attorney

**Council Action Requested:** Council should determine whether it desires an invocation policy, and if so, the content of the policy for its regular, business meetings.

**Staff Recommendation:** I recommend that if the Council decides upon a written, formal invocation policy, and further decides to continue with its current practice of council members delivering the invocation, the policy should include a modification of its current practice to comport with guidance set forth in the recent United States Supreme Court decision of Town of Greece v. Galloway et al, 134 S. Ct. 1811 (May 5, 2014).

**Commission Recommendation:** Not Applicable

**Fiscal Impact:** None

**Executive Summary:** Council has expressed interest in the having an invocation policy for their regular business meetings. If Council desires to establish a formal invocation policy, the contents of the policy should take into consideration the guidance set forth in the Town of Greece decision which was issued in May of 2014. The policy could include the following options which are legal under the law today: 1) Continue with its current practice; 2) Slightly modify its current practice to better conform with the Town of Greece decision; or 3) Eliminate the invocation entirely and begin council meetings with the Pledge of Allegiance alone.

**Background:**

In May of 2014, the United States Supreme Court reviewed whether the Town of Greece, New York imposed an impermissible establishment of religion by opening its monthly board meetings with a prayer. Two predominant issues were discussed: (1) whether the prayer practice showed a preference for Christianity over any other religion; and (2) whether coercion was present. The Court, relying heavily on its decision in Marsh v. Chambers, 463 U.S. 783 (1983), held that no violation of the Constitution was shown.

Beginning in 1999, the Town of Greece Board of Supervisors instituted a prayer practice following roll call and the Pledge of Allegiance. The Chair would invite a local clergyman to the front of the room to deliver an invocation. Afterwards, he would thank

the minister for serving as the board's "chaplain of the month" and present him with a commemorative plaque. Each month a different clergyman from a congregation would be invited to deliver an invocation. In the Town of Greece, however, nearly all of the congregations were Christian.

In its analysis, the Court reviewed its holding in Marsh v. Chambers. In Marsh, prayer in the Nebraska State Legislature was permitted by a chaplain paid from state funds. The Court held that legislative prayer, while religious in nature, has long been understood as compatible with the Establishment Clause. Legislative prayer lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society. Additionally, the Marsh case did not suggest that the constitutionality of legislative prayer turns on the neutrality of its content. The Court instructed that the "content of the prayer is not of concern to judges," and provided that under the facts of the case, "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." 463 U.S. at 794-795.

In Town of Greece, the prayers delivered by various clergymen from the community invoked the name of Jesus, the Heavenly Father, or the Holy Spirit, but they also invoked universal themes, such as celebrating the changing of the seasons or calling for a "spirit of cooperation" among town leaders. Following precedent established in Marsh, the Court held that absent a pattern of prayers that over time denigrate, proselytize, or betray an impermissible government purpose, a challenge based solely on the content of a prayer will not likely establish a constitutional violation.

The Court acknowledged that this was a fact-sensitive inquiry that considered both the setting in which the prayer arises and the audience to whom it was directed. In addressing the latter, the Court noted that the principal audience for invocations was not the public, but the lawmakers themselves, who may find that a moment of prayer or quiet reflection sets the mind to a higher purpose and thereby eases the task of governing.

The Court pointed out that the governing body: (1) Did not direct the public to participate in the prayers; (2) Did not single out dissidents; and (3) Did not indicate that their decisions might be influenced by a person's acquiescence in the prayer opportunity. The Court noted that its analysis might be different if these facts were present.

The Council's current practice is that the Mayor welcomes everyone and makes a brief announcement about who is giving the invocation and the Pledge. She then asks everyone to stand. Some councilmembers ask that everyone bow their heads. Under Town of Greece, the request that the public stand during the invocation and/or bow their heads, may violate the spirit of the Court's ruling. Instructions such as directing the public to stand and/or bow their heads could be interpreted as Council directing the public to participate in the prayer. The Town of Greece decision made the distinction between requests by guest ministers to audience members to stand, join in prayer or bow heads, and the fact that board members made no such requests.

Finally, a review of other Virginia jurisdictions' practices revealed that there is a wide variety of formal and informal invocation policies and that some jurisdictions follow the Town's practice (Loudoun County), while others only recite the Pledge of Allegiance and no invocation is given (Town of Herndon). Included as an attachment to this memo are 2 sample policies—a brief policy from Washington County, Virginia and a much longer, detailed invocation policy from the Town of Dumfries.

**Options:**

The Town Council has 3 options for its invocation policy all of which can be set forth in a written, formal policy:

- 1) Continue with its current practice;
- 2) Modify its current practice to better comport with the Town of Greece decision; or
- 3) Eliminate the invocation entirely and begin its meetings with the Pledge of Allegiance only.

If No. 2 is selected, I recommend the following:

- Town Council refrain from requesting that everyone rise, stand, bow heads or perform any action for the invocation. Town Council may remain silent and choose to stand or lower its collective head, or Council may welcome anyone to join in who wishes to do so (make it clear that this is an option; not a requirement or necessity).
- Council members should keep in mind that the invocation is truly an internal matter to help them remember the solemn and serious nature of the meeting, so they have guidance in their work and deliberations.
- Council members refrain from using slideshows or other exhibits that speak to a specific religion and refrain from suggesting or encouraging in any manner that members of the public read, participate in, or adopt any religious belief, writing, etc.

Additionally, in its policy and if Council wishes to continue to allow members of the religious community to deliver the invocation at meetings, the following guidelines, to be delivered to the speaker, are suggested:

- A list shall be generated to include any eligible members of the clergy in the area, with reasonable efforts made to identify all churches, synagogues, congregations, temples, mosques, etc.
- Prayer shall be voluntarily delivered, and Council shall not provide any guidelines or limitations regarding the content of the prayer given by the volunteer, but there is a warning to refrain from proselytizing or denigrating any specific religion(s).
- Person giving prayer shall deliver the prayer/invocation in his/her own capacity as a private citizen.

## Invocation Policy

May 11, 2015

Page 4

- Prayer shall be brief.
- Prayer shall keep in mind the intent to lend gravity to the meeting and provide reflection
- No invocation speaker shall be schedule to offer a prayer at consecutive meetings or at more than (#?) meetings per year.

### **Attachments:**

- (1) Jurisdiction spreadsheet
- (2) Invocation Policy white paper by Mark Flynn, Esq.
- (3) Sample Invocation Policies from Washington County, Virginia and the Town of Dumfries

|    | A                      | B                                                                                                   | C                                     | D | E                     |
|----|------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------|---|-----------------------|
| 1  | <b>Jurisdiction</b>    |                                                                                                     | <b>Policy / Suggestion / Practice</b> |   | <b>Form</b>           |
| 2  | City of Fredericksburg | Keep in mind purpose (lend gravity to meeting; reflection)                                          |                                       |   | Memo to Council       |
| 3  |                        | Keep brief                                                                                          |                                       |   |                       |
| 4  |                        | Direct to council members, not public                                                               |                                       |   |                       |
| 5  |                        | Be mindful of diversity of religious viewpoints                                                     |                                       |   |                       |
| 6  |                        | Do not proselytize or advance any one or disparage any specific faith or belief, etc.               |                                       |   |                       |
| 7  |                        | Do not discriminate against any person on basis of religious beliefs                                |                                       |   |                       |
| 8  | Washington County      | Invocation to be stated by Board member or visitor                                                  |                                       |   | Code Section 7.7      |
| 9  |                        | Purpose is to solemnize the Board's meeting; seek unity, etc.                                       |                                       |   |                       |
| 10 |                        | Invocations shall not seek to promote any particular sectarian belief                               |                                       |   |                       |
| 11 |                        | Invocations shall not affiliate the Board with any preferred specific faith/belief                  |                                       |   |                       |
| 12 |                        | Public participate is welcome but not mandatory                                                     |                                       |   |                       |
| 13 |                        | All County citizens regardless of creed are encouraged to attend and participate                    |                                       |   |                       |
| 14 | Warren County          | No invocation; Pledge of Allegiance only                                                            |                                       |   |                       |
| 15 | Town of Dumfries       | No participation required by anyone; decision shall have no impact                                  |                                       |   | Resolution R-2014-079 |
| 16 |                        | No direction to stand, bow or participate                                                           |                                       |   |                       |
| 17 |                        | No notation of person's presence or absence, attention or inattention                               |                                       |   |                       |
| 18 |                        | Invocation voluntarily delivered by an appointed rep of an Assembly List                            |                                       |   |                       |
| 19 |                        | Representative is selected from a wide pool on a rotating basis                                     |                                       |   |                       |
| 20 |                        | Reasonable efforts to identify all churches, synagogues, congregations, temples, mosques, etc.      |                                       |   |                       |
| 21 |                        | Policy to be applied in an all-inclusive manner of every diverse religious assembly                 |                                       |   |                       |
| 22 |                        | Clerk shall update the Assembly List and mail out invitations on or about December 1 each year      |                                       |   |                       |
| 23 |                        | (Content of letter included in resolution)                                                          |                                       |   |                       |
| 24 |                        | Volunteer prayer-giver shall deliver prayer/invocation in his/her own capacity as a private citizen |                                       |   |                       |
| 25 |                        | No guidelines or limitations shall be issued regarding content; but warning of proselytizing        |                                       |   |                       |
| 26 |                        | Prayer shall not exceed 5 minutes in length                                                         |                                       |   |                       |
| 27 |                        | No invocation speaker shall receive compensation of any kind                                        |                                       |   |                       |
| 28 |                        | No invocation speaker shall be scheduled to offer a prayer at consecutive meetings                  |                                       |   |                       |
| 29 |                        | No invocation speaker shall be scheduled to offer a prayer at more than 6 meetings/year             |                                       |   |                       |
| 30 |                        | Neither Council nor clerk shall engage in any prior inquiry, review of or involvement in content    |                                       |   |                       |
| 31 |                        | Mayor shall introduce invocation speaker and invite only those who wish to do so to stand           |                                       |   |                       |
| 32 | Town of Purcellville   | May institute a moment of silence                                                                   |                                       |   | Email b/t Mayor & TA  |
| 33 | Town of Haymarket      | Letter sent out to participants who give invocations; must sign/respond to acknowledge receipt      |                                       |   | Letter                |
| 34 | Henrico County         | Invocations directed to Board of Supervisors                                                        |                                       |   | Resolution 111312-3   |
| 35 |                        | Brief, solemn and respectful                                                                        |                                       |   |                       |
| 36 |                        | Invite Board to reflect upon gravity of the occasion and unite them in common effort                |                                       |   |                       |
| 37 |                        | Based on universal values in order to send a message of welcome & unity                             |                                       |   |                       |
| 38 |                        | Should not proselytize or advance, or denigrate or disparage any particular faith or belief         |                                       |   |                       |

|    | A               | B | C                                                                                                                                                                         | D | E               |
|----|-----------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------|
| 39 |                 |   | Should not denigrate nonbelievers or religious minorities, threaten damnation or preach conversion                                                                        |   |                 |
| 40 | Roanoke         |   | Invocation shall not be considered an agenda item for the meeting or part of public business                                                                              |   |                 |
| 41 |                 |   | No Board member/employee or any other person shall be required to participate in any prayer                                                                               |   |                 |
| 42 |                 |   | Prayer shall be voluntarily delivered by an eligible member of the clergy in the area                                                                                     |   |                 |
| 43 |                 |   | Rules for invocations list                                                                                                                                                |   |                 |
| 44 |                 |   | All-inclusive policy                                                                                                                                                      |   |                 |
| 45 |                 |   | (content of letter to religious leader included in resolution)                                                                                                            |   |                 |
| 46 |                 |   | No invocation speaker shall receive compensation                                                                                                                          |   |                 |
| 47 |                 |   | No guidelines or limitations shall be issued; but should avoid having frequent sectarian references                                                                       |   |                 |
| 48 |                 |   | No speaker shall be scheduled to offer an invocation at consecutive meetings or more than 3 mtg/year                                                                      |   |                 |
| 49 |                 |   | Board/Clerk shall not engage in any prior inquiry, review or involvement in content                                                                                       |   |                 |
| 50 |                 |   | Disclaimer for any printed program                                                                                                                                        |   |                 |
| 51 |                 |   | Introduction of speaker and invitation to show respect for traditional observances/stand                                                                                  |   |                 |
| 52 |                 |   | Policy's intent                                                                                                                                                           |   |                 |
| 53 | York County     |   | Consistent with what Town of Greece does, except the Chair no longer asks anyone to rise                                                                                  |   | (lga list-serv) |
| 54 | Fairfax County  |   | Practices a moment of silence; allows Supervisors to recognize someone/keep someone in thoughts & prayers; then takes about 30 seconds for moment of silence; then Pledge |   | webcasts        |
| 55 |                 |   |                                                                                                                                                                           |   |                 |
| 56 | Loudoun County  |   | Chairman asks everyone to rise; a different Supervisor delivers the invocation                                                                                            |   | webcasts        |
| 57 | Town of Herndon |   | Mayor asks everyone to rise and proceeds directly with the Pledge of Allegiance                                                                                           |   | webcasts        |



# Legislative Prayer

THE PRACTICE OF LEGISLATIVE PRAYER has been present throughout our nation's history. The Supreme Court has repeatedly upheld the right of government bodies to have prayers during their legislative meetings.<sup>1</sup> While the practice is clearly religious, it also "lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society."<sup>2</sup> The United States Supreme Court recently provided additional direction on how a governing body may open its meeting with an invocation without proselytizing or disparaging any faith or belief in violation of the Establishment Clause of the First Amendment.<sup>3</sup> While this recent decision has clarified particular parts of the legislative prayer debate, there are still ambiguities that local governments should be aware of.

## Town of Greece

In *Town of Greece v. Galloway*, the Court upheld a local government legislative prayer practice that allowed sectarian prayers.<sup>4</sup> The Court reasoned that it is not the job of courts or local governments to censor religious speech. Those who deliver legislative prayers are allowed to make references to a particular religion or religious figures.<sup>5</sup> However, the prayer practice is still limited by the *Marsh* prohibition on proselytizing or disparaging any faith or belief.<sup>6</sup> Local governments should not censor or review legislative prayers nor should they allow the overall prayer practice to either denigrate or proselytize.

Local governments do not need to look past their borders in order to gather a varied group of prayer-givers. That being said, the locality must welcome prayers from all members of the community that wish to deliver a prayer regardless of their religious affiliation. Local governments need not be concerned if the majority of their invocations represent a particular religion as long as the locality follows a policy of non-discrimination.<sup>7</sup> Localities

should create a written policy governing their legislative prayer policy. This policy should mention that the prayer opportunity is open to speakers of all religious backgrounds and that prayers are not permitted to proselytize or disparage any faiths or beliefs.

Governments may not coerce anyone to engage in the prayer practice. The lawmakers are meant to be principal audience for these prayers and members of the public must be allowed to choose to participate in them or not, without pressure or embarrassment. However, what qualifies as coercion is not clearly set out. The court noted that "[t]he analysis would be different if town board members directed the public to participate in the prayers, singled out dissidents for opprobrium, or indicated that their decisions might be influenced by a person's acquiescence in the prayer opportunity."<sup>8</sup>

Here are a few examples of best practices that would ensure the localities is not engaged in coercion. Not all of these suggestions must be followed but they may help in developing a legislative prayer policy. Have the speaker face the city or town council and speak at the opening, more ceremonial portion of the meeting before any business is taken up. This will help to make it clear that the purpose of the prayer is to create a solemn atmosphere. The public must not be required to participate in any way. If possible, the governing body should allow a moment for the public and members of the council to leave and then return if they don't feel comfortable engaging in the invocation.

## Council members delivering prayers

The Supreme Court, in *Town of Greece v. Galloway*, did not directly address the constitutionality of invocations delivered by members of the city or town council as opposed to members of the public because the public, not the council members delivered the prayers. Prior to the *Galloway* decision, the Western District of Virginia ruled on the facts in one case that this practice can be a violation of the Establishment Clause. That case, *Hudson v. Pittsylvania County*, is pending before the Fourth Circuit Court of Appeals. As of the date of this publication, there has been no decision in *Hudson*.

<sup>8</sup> *Id* at 1825-26.

<sup>1</sup> See *Marsh v. Chambers*, 463 U.S. 783 (1983); *Town of Greece v. Galloway*, 134 S.Ct. 1811 (2014), *Lynch v. Donnelly*, 465 U.S. 668 (1984).

<sup>2</sup> *Town of Greece v. Galloway*, 134 S.Ct. 1811, 1811 (2014).

<sup>3</sup> *Id.*

<sup>4</sup> *Id* at 1813-14.

<sup>5</sup> *Id.*

<sup>6</sup> *Id* at 1814.

<sup>7</sup> *Id* at 1824.

While the Fourth Circuit considers *Hudson*, public bodies who open their meetings with invocations delivered by council members must review their practice carefully in light of the *Galloway* decision. In *Galloway*, the public body took no role in determining the content of the prayers. The *Galloway* opinion held that a requirement that prayers be nonsectarian would impermissibly involve the government in religious matters. When council members deliver the prayers, that goes beyond regulating the prayers and directly involves the members in determining the content of the prayers; this could easily be seen by a Court as impermissibly “involv[ing] government in religious matters.”

The Town of Greece allowed persons of all faiths to volunteer to give a prayer and the prayers were directed at the members of the council by a person facing the council. These were important facts in determining that the practice in the Town of Greece did not advance one faith or belief. Council members usually face the public, rather than their fellow members. When the Council members themselves are delivering the invocations, especially while facing the public, it gives the impression that the council is not acting with the permissible purpose of lending gravity to the proceedings and reminding the lawmakers to act in the community’s best interests. Additionally, with council member-led prayers, persons of faiths not represented on the council have no opportunity to offer an invocation. This preference for particular faiths may be deemed a violation of the Establishment Clause.

The upcoming Fourth Circuit decision should clarify this issue. In the meantime, localities should be very cautious about relying on *Galloway* to support the practice of council members delivering prayer invocations.

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON WEDNESDAY, OCTOBER 8, 2014, IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION DULY MADE BY MR. FOREMAN, AND SECONDED BY MS. REYNOLDS, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:**

Charles C. Brewer, yes;  
Gerald M. Foreman, II, yes;  
Kristin W. Forrester, absent;  
Helen D. Reynolds, yes;  
Willie J. Toney, absent;  
Gwen P. Washington, yes;  
Derrick R. Wood, yes;

**POLICY REGARDING OPENING INVOCATION AT THE BEGINNING OF MEETINGS OF THE TOWN COUNCIL FOR THE TOWN OF DUMFRIES**

**WHEREAS**, the Town Council of the Town of Dumfries desires to be open and respectful and create an environment that is open and welcoming of all visitors, residents and business owners; and

**WHEREAS**, the Town Council of the Town of Dumfries does not desire to have any effect of affiliating the government of the Town of Dumfries with any particular faith, belief or creed nor express the Town Council's preference for or against any faith or religious organization; and

**WHEREAS**, the Town Council wishes to solemnize the proceedings of the Dumfries Town Council meetings; and

**WHEREAS**, the Town Council of the Town of Dumfries acknowledges and expresses its respect for the diversity of religious denominations, faiths and creeds represented and practiced among the citizens of the Town of Dumfries; and

**WHEREAS**, such invocations before deliberative public bodies has been consistently upheld as constitutional by American courts, including the United States Supreme Court; 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 deliberative bodies, upon which we desire to invoke divine guidance and blessing; and

**WHEREAS**, in *Marsh v. Chambers*, 463 U.S. 783 (1983), the United States Supreme Court validated 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 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 co-existed with the principles of disestablishment and religious freedom. *Id.* at 786; and

**WHEREAS**, in the *Town of Greece v. Galloway*, 234 S.Ct. 1811, 2014 WL 1757828 (May 5, 2014), the United States Supreme Court validated opening prayers at meetings finding that legislative prayer lends

gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society.” *Id.* at \*7; and

**WHEREAS**, the Town Council 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; and

**WHEREAS**, the Supreme Court has clarified that opening invocations are “meant to lend gravity to the occasion and reflect values long part of the Nation’s heritage and should not show over time “that the invocations denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion.” *Town of Greece*, 2014 WL 175828, at \*11; and

**WHEREAS**, in *Town of Greece* the Supreme Court rejected a challenge based on the religious content of the prayers and cautioned against government officials acting as “supervisors and censors of religious speech” by requiring that prayers be “generic” or “non-sectarian,” noting that “[t]he law and the Court could not...require ministers to set aside their nuanced and deeply personal beliefs for vague and artificial ones.” *Id.* at \*10, \*11. Further, the Court stated: “Once it invites prayer into the public sphere, government must permit a prayer giver to address his or her own God or gods as conscience dictates.” *Id.* at \*11; and

**WHEREAS**, this Town Council is not establishing a policy that defines the constitutional limits for permissible public invocations; rather this Town Council intends to adopt guidelines that are consistent with the guidance provided by several courts that have considered the validity of public invocations; and

**WHEREAS**, numerous courts have approved an invocation practice that incorporates a neutral system to invite religious leaders from the local community and/or volunteers to provide and invocation at the beginning of the public meetings; and

**WHEREAS**, the Town Council intends to adopt a policy that will not show a purposeful preference of one religious view over another by not permitting the faith or the person offering the invocation to be considered when extending an invitation or scheduling participation; and

**WHEREAS**, the Town Council believes that clergy that serve the local community are suited through training, tradition and public service to petition for divine guidance upon the deliberations of the Town Council, and to accomplish the Town Council’s objective to solemnize public occasions, express confidence in the future, and to encourage the recognition of what is worthy of appreciation in society; and

**WHEREAS**, the Town Council accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and the Commonwealth of Virginia Constitution and statutes.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Dumfries, Virginia, that the Town Council hereby adopts the following written policy regarding opening invocations at the beginning of its meetings of the Town Council, to wit:

1. It is the intent of the Town Council to allow private citizens to solemnize proceedings of Town Council. It is the policy of the Town Council to allow for an invocation, which may include a prayer, a reflective moment of silence, or short solemnizing message, to be offered at the beginning of its meetings for the benefit of Town Council to accommodate the spiritual needs of the public officials.

2. No member of Town Council or Town employee or any other person in attendance at the meeting shall be required to participate in any prayer that is offered and such decision shall have no impact on the ability of the person to actively participate in the business of the Town Council.

3. No member of Town Council or Town employee shall direct the public to stand, bow, or in any way participate in the prayers; make public note of a person's presence or absence, attention or inattention during the invocation; or indicate that decision of the Town Council will in any way be influenced by a person's acquiescence in the prayer opportunity.

4. The invocation shall be voluntarily delivered by an appointed representative of an Assembly List for the Town of Dumfries. To ensure that such person (the "invocation speaker") is selected from among a wide pool of representatives, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

- a. The Clerk of the Town of Dumfries shall compile and maintain a database (the "Assembly List") of the assemblies with an established presence in the Town of Dumfries that regularly meet for the primary purpose of sharing a religious perspective (hereinafter referred to as a religious assembly).
- b. The Assembly List shall be compiled by using reasonable efforts including research from the internet to identify all "churches," "synagogues," "congregations," "temples," "mosques" or other religious assemblies in the Town of Dumfries. All religious assemblies with an established presence in the Town of Dumfries are eligible to be included in the Assembly List, and any such religious assembly can confirm its inclusion by specific written request to the Clerk.
- c. The policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious assembly serving its citizens of the Town of Dumfries. The Assembly List is compiled and used for the purpose of logistics, efficiency, and equal opportunity for all of the community's religious leaders, who may themselves choose whether to respond to the Town Council's invitation and participate. Should a question arise to the authenticity of a religious assembly, the Clerk shall refer to criteria used by the Internal Revenue Service in its determination of those organization that would legitimately qualify for I.R.C. Section 501(c)(3) tax exempt status.
- d. The List shall be updated, by reasonable effort of the Clerk, in November of each calendar year. The clerk shall make every effort to ensure that a variety of eligible invocation speakers are scheduled for the Town Council's meetings.
- e. On or about December 1 of each calendar year thereafter, the Clerk shall mail an invitation addressed to the "religious leader" of each entry on the Assembly List.
- f. The invitation shall be dated at the top of the page, signed by the Clerk at the bottom of the page, and state:

*Dear Religious Leader,*

*The Town Council of the Town of Dumfries makes it a policy to invite members of the clergy or religious representatives in the Town of Dumfries*

*to voluntarily offer an invocation at the beginning of its meetings, for the benefit and blessing of Town Council. As a representative of one of the religious congregations with an established presence in the local community you are eligible to offer this important service at an upcoming meeting of the Council.*

*If you are willing to assist Town Council in this regard, please send a written reply at your earliest convenience to the Clerk of the Town of Dumfries at the address included on this letterhead. Representatives are scheduled on a first-come, first-served basis. The dates of Town Council'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. However, please try not to exceed more than five (5) minutes for your presentation. To maintain a spirit of respect and ecumenism, the Town Council requests that the invocation opportunity not be exploited as an effort to convert others, nor to disparage any faith or belief different than that of the invocation speaker.*

*On behalf of the Town Council for the Town of Dumfries, I thank you in advance for considering this invitation.*

*Sincerely,*

*Clerk, Town of Dumfries*

- g. The respondents to the invitation shall be scheduled on a first-come, first-served basis to deliver the invocation.
  - h. In the event an eligible representative of an Assembly serving the local community believes that the clerk has not complied with the terms of this policy, the representative has the right to have the matter reviewed by the Town Council.
5. The volunteer prayer-giver shall deliver the prayer or invocation in his or her capacity as a private citizen, and according to the dictates of his or her own conscience.
  6. No guidelines or limitations shall be issued regarding an invocation's content, except that the Council shall request by the language of this policy that no prayer should proselytize or advance any faith, or disparage the religious faith or non-religious views of other, or exceed five (5) minutes in length.
  7. No invocation speaker shall receive compensation of any kind for providing the invocation.
  8. No invocation speaker shall be scheduled to offer a prayer at consecutive meetings of the Council, or at more than six (6) Council meetings in any calendar year.

9. Neither Town Council nor the Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any prayer to be offered by the scheduled volunteer prayer-giver.

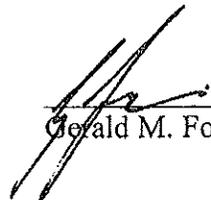
10. Shortly after the opening gavel that officially begins the meeting and the agenda/business of the public, the Mayor of the Town Council shall introduce the invocation speaker, and invite only those who wish to do so to stand for those observances.

11. This policy is not intended, and shall not be implemented or construed in any way, to affiliate Town Council with, nor express Town Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express Town Council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of the Town of Dumfries.

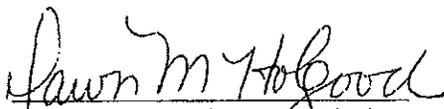
12. All resolutions and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this policy shall become effective January 1, 2015.

By Order of Council:

  
\_\_\_\_\_  
Gerald M. Foreman, Mayor

ATTEST:

  
\_\_\_\_\_  
Dawn Hobgood, Town Clerk

Resolution Number R-2014-079  
Council Policy CP-02-14

## Barbara Notar

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**From:** Phillips, Lucy <lphillips@washcova.com>  
**Sent:** Tuesday, April 14, 2015 3:06 PM  
**To:** Barbara Notar  
**Subject:** Invocation Policy

Barbara:

Here is the policy that Washington County BoS has in place.

*7.7 Invocations. As part of the standard agenda for the Annual and Regular Meetings, the board includes an Invocation, which will be stated by a member of the Board or visitor in accordance with the Board's Operating Procedures. The purpose of the Invocation is to solemnize the meeting of the Board, to seek a unity of purpose to benefit the common good, to encourage all participants in the meeting to act in accord with this common interest, and to acknowledge the limitation of individual participants' control and authority over the activities of local government. Invocations shall neither seek to promote any particular sectarian belief nor to affiliate the Board with any specific faith or belief in preference to others. Public participation in the Invocation is welcomed but not mandatory. All citizens of the County, regardless of creed, are encouraged to attend meetings of the Board and to participate in local government activities.*

Maybe it will help. Hope you're doing well.

Best regards,

*Lucy*

Lucy E. Phillips  
Washington County Attorney  
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