

*Local legislative bodies are not required to open their meetings with prayers or any other kind of solemnizing message. The federal Constitution does not prohibit them from doing so, however, provided they respect the guidelines set forth in *Town of Greece v. Galloway*, a recent decision of the U.S. Supreme Court. Americans United for Separation of Church and State has created a model policy that is consistent with those guidelines. For further information, or to request assistance with preparing a policy, please contact Americans United's legal department at legaldept@au.org or (202) 466-3234.*

[Model] Policy Governing Solemnizing Messages before Meetings of [name of body]

The [name of body] adopts the following Policy Governing Solemnizing Messages before Meetings. In so doing, the [name of body] observes the following:

1. In order to recognize the achievements of our citizens, celebrate our community, and recognize that people with diverse views about religion should be united in a community of tolerance, the [name of body] wishes to open its meetings with a solemnizing message, within the limits of the First Amendment to the U.S. Constitution.
2. In *Town of Greece v. Galloway* (2014), the U.S. Supreme Court held that the First Amendment permits local legislative bodies to open their meetings with messages that “strive for the idea that people of many faiths may be united in a community of tolerance and devotion.” *Id.* at 1823.
3. When inviting citizens to deliver an opening message, legislative bodies must “maintain[] a policy of nondiscrimination.” *Id.* at 1824. The policy adopted by the town at issue in *Town of Greece* provided that “a minister or layperson of any persuasion, including an atheist, could give the invocation.” *Id.* at 1816.
4. Legislative bodies must avoid messages that “denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion.” *Id.* at 1823. And the opportunity should not be “exploited to proselytize or advance any one, or to disparage any other, faith or belief.” *Id.* (quoting *Marsh v. Chambers*, 463 U.S. 783, 794–95 (1983)).
5. According to the Supreme Court, the “principal audience” for these messages is “lawmakers themselves.” *Id.* at 1825.
6. Citizens must be free to join or refrain from joining in the messages according to their own consciences, so the messages must be delivered at a time when citizens can easily absent themselves, and legislators may not “direct[] the public to participate.” *Id.* at 1826, 1827.

7. The solemnizing messages upheld in *Town of Greece* were “delivered during the ceremonial portion of the town’s meeting,” and town leaders were “not engaged in policymaking at this time.” *Id.* at 1827.

In light of the preceding, the [name of body] adopts the following policy:

A. A solemnizing message will be offered before the beginning of the meetings of the [name of body]. The message may be a prayer, a reflective moment of silence, or other solemnizing message of the speaker’s choice.

B. The message may be delivered by any adult citizen of [name of city/county]. The [name of body] will not exclude any citizen on the basis of religion, and the opportunity to deliver a message is open to citizens of any faith or belief, including agnostics and atheists. A citizen need not be a member of the clergy in order to deliver a solemnizing message.

C. The [name of body] will create a Speakers List according to the following procedure:

- i. Within 30 days of the policy’s effective date, and on an ongoing basis thereafter, the [designated official or employee] will publicize the opportunity to deliver a solemnizing message, along with the procedure for volunteering to deliver such a message, to citizens of the [name of city/county].
- ii. The opportunity to deliver a solemnizing message will be publicized using reasonable means, including but not limited to the following: posting the Notice set forth in paragraph C below on the [name of city/county]’s website; reading aloud or disseminating the Notice at [name of body]’s meetings; and sending the Notice to individuals who have delivered or been invited to deliver an opening message at past meetings, or who appear on any previous list of speakers maintained by the [name of body].
- iii. Any citizen who is at least 18 years old and who volunteers to deliver the solemnizing message will be added to the Speakers List.
- iv. Speakers will be randomly selected by the [designated official] from the Speakers List. No speaker will be scheduled more than once unless and until the entire Speakers List has been exhausted.
- v. If the speaker does not appear at the meeting for which he or she is scheduled to deliver the opening message, the [name of body] may ask for an audience volunteer to deliver the opening message, or may elect instead to have a moment of silence.

D. The [name of body] will use the following Notice to inform the community about the opportunity to deliver a solemnizing message as set forth in paragraph B above, and will provide this Notice to all invited speakers in advance of their delivery of an opening message:

The [name of body] hereby invites members of the community in [name of city/county] to offer a solemnizing message before a meeting of the [name of body]. The message may be a prayer, a reflective moment of silence, or other solemnizing message of the speaker's choice. This opportunity is open to any citizen of [name of city/county] who is at least 18 years old, including clergy and non-clergy, as well as agnostics and atheists.

We request that Speakers observe the following guidelines:

- *The principal audience for these messages is not the public but lawmakers themselves, so messages should be respectful in tone, invite lawmakers to reflect upon shared ideals and common ends before they embark on the business of governing, and unite lawmakers in their common effort.*
- *Citizens and members of the [name of body] come from a variety of faith traditions. So the [name of body] encourages speakers to be inclusive, and to use language that unites the citizenry. Speakers must refrain from denigrating nonbelievers or religious minorities, disparaging any religious belief, threatening damnation, proselytizing, or preaching conversion.*
- *In light of the religious diversity of the citizenry, speakers are encouraged to refrain from asking citizens to stand for or participate in any opening message and to respect the decision of any citizen who refrains from standing, bowing, or otherwise participating in the solemnizing message.*
- *Messages should be no longer than 2 minutes.*

If you are interested in delivering an opening message, please send a written request, including your contact information, to the following [address or email address]. One speaker will be randomly selected to deliver a solemnizing message at each meeting.

E. The [name of body] will not review the content of any solemnizing message in advance.

F. In the event that a speaker denigrates nonbelievers or religious minorities, disparages any religious belief, threatens damnation, or proselytizes or preaches conversion, the [name of body] will take reasonable steps to prevent the recurrence of such conduct, up to and including removal of the speaker from the Speakers List.

G. Solemnizing messages will be delivered before meetings officially are called to order. Neither citizens nor members of the [name of body] will be required to stand for or participate in any opening message. No member of [name of body] will instruct or ask citizens to stand for or join in any such message.

H. In introducing a speaker, a member of [name of body] will announce the following disclaimer:

The speaker you are about to hear is a volunteer who is expressing his or her own views and beliefs, which do not necessarily reflect the views or beliefs of the [name of body] or its members. We encourage everyone to be respectful of the diverse views of those in attendance, including those who choose not to participate in today's message.

I. After the message has concluded, the [name of body] will call the meeting to order.

J. No speaker will receive compensation for delivering an opening message.

K. This policy will become effective immediately upon approval by the [name of body] of [name of city/county].

The model policy is provided to educate the public and public officials about general legal requirements. It is not legal advice. For further information, or to request assistance with preparing a policy, please contact the legal department of Americans United for Separation of Church and State at legaldept@au.org or (202) 466-3234.