

**COUNTY COUNCIL
OF FREDERICK COUNTY, MARYLAND**

INVOCATION POLICY

Background

The United States Supreme Court has determined that legislative prayer is permissible and may be conducted consistent with the First Amendment to the United States Constitution and its prohibition against laws “respecting an establishment of religion.” *Marsh v. Chambers*, 463 U.S. 783 (1983).

The United States Supreme Court noted the “unique history” of legislative prayer and that “the opening of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country.” 463 U.S. at 786, 791.

This prayer opportunity may not be used, however, “to proselytize or advance any one, or to disparage any other, faith or belief.” 463 U.S. at 794-95.

On July 14, 2011, the Board of County Commissioners (BOCC) adopted an Invocation Policy. This Invocation Policy reflected the then existing applicable court decisions on legislative prayers. *Eg. Simpson v. Chesterfield County Board of Supervisors*, 404 F. 3d 276, *cert. denied* 546 U.S. 937 (2005); *Turner v. City Council of the City of Fredericksburg*, 534 F.3d 352 (2008), *cert. denied* 555 U.S. 1099 (2009).

The United States Supreme Court recently ruled in *Town of Greece v. Galloway*, ___ U.S. ___, 134 S.Ct 1811 (May 5, 2014), that a local government’s legislative prayer policy that allows people of every religious or non-religious persuasion to offer such prayers according to the dictates of their own beliefs is a policy that is in harmony with

the First Amendment of the Constitution, even if many of those who offer such prayers pray in the name of Jesus Christ.

This ruling effectively overrules cases decided by the Fourth Circuit Court of Appeals, which required that legislative prayers had to be “non-denominational” and “nonsectarian” and could not invoke the name of any specific god, including the name of Jesus Christ. *Turner v. City Council of the City of Fredericksburg*, 534 F.3d 353 (2008), *cert. denied* 555 U.S. 1099 (2009); and *Simpson v. Chesterfield County Board of Supervisors*, 404 F.3d 276, *cert. denied* 546 U.S. 937 (2005).

To be in compliance with this recent ruling of the United States Supreme Court, revisions of the Invocation Policy of Frederick County, Maryland were necessary and the BOCC adopted an Invocation Policy incorporating these revisions on October 23, 2014.

On December 1, 2014, the Frederick County Charter became fully effective and created a seven-member County Council.

The County Council desires to retain an Invocation Policy to allow legislative prayer at certain of its meetings, consistent with prevailing court decisions.

NOW, THEREFORE, the County Council hereby adopts this Invocation Policy.

1. Invocation Opportunity. An opportunity for an invocation will be provided before the Pledge of Allegiance at County Council public meetings.

2. Scheduling Policy.

- a. Once a year, the Council staff will send a communication to all religious leaders on a database list inviting them to give an invocation at a County Council public meeting. The communication will include a schedule of meetings dates for the following year on which the religious leaders can request an available date. The

database list shall include known ordained religious leaders with an established congregation in Frederick County.

- b. The Council staff will review and prepare a schedule of religious leaders who will provide the invocation at each County Council public meeting. Religious leaders will be selected on a “first-come first-served basis.” The Council staff will send a confirmation letter to each religious leader scheduled.
- c. If there are religious leaders who cannot be worked into the schedule, the Council staff will thank them for their willingness to provide the invocation.
- d. The Council staff will contact the religious leaders before the meetings to remind them that they are scheduled to give the invocation.
- e. If a religious leader should cancel, the Council staff will try to schedule another religious leader who had accepted the invitation but who could not be worked into the schedule. If another religious leader cannot be located, a moment of silence will be provided at the meeting.
- f. In addition to religious leaders, any Frederick County registered voter may make a written request to the Council staff for an opportunity to give an invocation at a County Council public meeting. A registered voter making such a request will be scheduled on a “first-come first-served basis” along with the religious leaders.

3. No proselytizing or disparaging. The invocation must not be used to proselytize or advance any one faith or belief or to disparage any other faith or belief.

4. Voluntary Participation. No one will be required to participate in any invocation.

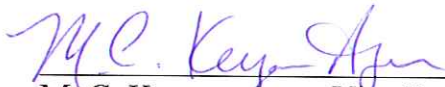
5. Time Limitation. An invocation should be limited to no more than 3 minutes.

6. Respect for Religious Diversity. This policy is intended to acknowledge and express the respect of the County Council for the diversity of religious denominations and faiths represented and practiced in Frederick County. No faith or religious denomination is intended to be favored or preferred.

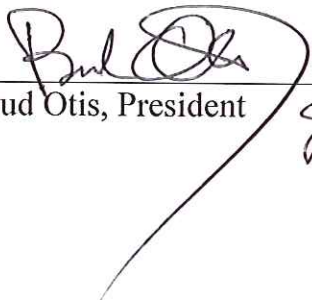
Adopted this 16th day of December, 2014.

ATTEST:

COUNTY COUNCIL OF FREDERICK
COUNTY, MARYLAND



M. C. Keegan-Ayer, Vice President

By: 

Bud Otis, President 