

Does Prayer Have a Role in Government?

By Donald Scarinci

The New Jersey legislature begins its sessions with an invocation delivered by a visiting chaplain. Like many other government bodies, the prayer is part of the pomp and circumstance that has accompanied the political process for hundreds of years.

According to the [National Conference of State Legislatures](#), almost all state legislatures begin their sessions with some form of opening prayer. The custom can be traced back to the British Parliament, which began each day with a "reading of the prayers." In the United States, our founder fathers continued the practice with the first Congress under the Constitution.

Despite the rich tradition, the relationship between government and prayer is about to be tested. During its 2014 term, the U.S. Supreme Court will revisit whether the Establishment Clause of the First Amendment prohibits [public prayer](#).

In *Town of Greece v. Galloway*, the Second Circuit Court of Appeals concluded that "a legislative prayer practice that, however well-intentioned, conveys to a reasonable objective observer under the totality of the circumstances an official affiliation with a particular religion, violates the clear command of the [First Amendment's] Establishment Clause." The case involves a New York town's ritual of starting board meetings with a prayer by a member of the local clergy (often a Christian)

When it last considered the issue, the Supreme Court ruled that the Nebraska state legislature's practice of starting its sessions with a prayer by a chaplain paid by the state did not violate the Establishment Clause of the [First Amendment](#). Without deeply delving into the legal issues involved, the majority simply concluded that it would be unfair to hold such prayers unconstitutional when "the practice of opening sessions of Congress with prayer has continued without interruption for almost 200 years ever since the First Congress drafted the First Amendment."

Fearful that the current justices may reverse course, several members of Congress have recently entered into the fray. Eighty-five House members and 34 senators have joined two amicus briefs advocating in favor of government prayer. "The work of the Senate is often divisive. But for a few moments each morning, politics and party are set aside," the Senate brief stated. "Instead of debate, senators reflect on their duty to represent every constituent, mindful of the Nation's core values and their need for divine assistance in carrying out their responsibilities."

The Obama Administration has also submitted a brief, voicing support for easing restrictions on local governments. The town's practice "does not amount to an unconstitutional establishment of religion merely because most prayer-givers are Christian and many or most of their prayers contain sectarian references," wrote U.S. Solicitor Gen. Donald Verrilli Jr.

Conversely, the Americans United for Separation of Church and State, which filed the lawsuit against the New York town, argues that "government can't serve everyone in the community

when it endorses one faith over others. That sends the clear message that some are second-class citizens based on what they believe about religion."

Both sides will now have to "pray" that the Supreme Court sees the issue their way.

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