

Jefferson County Commission

Prayer Policy

Whereas, the United States of America and the State of West Virginia have a long history of opening formal government meetings with an invocation that may include prayer; and,

Whereas, the United States Supreme Court has recognized this tradition, commenting that Legislative prayer, while religious in nature, has long been understood as compatible with the Establishment Clause. *See Marsh v. Chambers*, 463 U.S. 783, 792, 103 S.Ct. 3330, 77 L.Ed.2d 1019. *Town of Greece, N.Y v. Galloway*, 572 U.S. 565,565, 134 S. Ct. 1811, 1813, 188 L. Ed. 2d 835 (2014); and,

Whereas, these and other cases have recognized the historical precedent for the practice of opening local legislative meetings with prayer. For example, the *Town of Greece, N. Y v. Galloway* case states in part:

It is thus possible to discern in the prayers offered to Congress a commonality of theme and tone. While these prayers vary in their degree of religiosity, they often seek peace for the Nation, wisdom for its lawmakers, and justice for its people, values that count as universal and that are embodied not only in religious traditions, but in our founding documents and laws.

.....

From the earliest days of the Nation, these invocations have been addressed to assemblies comprising many different creeds. These ceremonial prayers strive for the idea that people of many faiths may be united in a community of tolerance and devotion. Even those who disagree as to religious doctrine may find common ground in the desire to show respect for the divine in all aspects of their lives and being. Our tradition assumes that adult citizens, firm in their own beliefs, can tolerate and perhaps appreciate a ceremonial prayer delivered by a person of a different faith. *See Letter from John Adams to Abigail Adams* (Sept. 16, 1774), *Adams, Familiar Letters of John Adams and His Wife Abigail Adams, During the Revolution* 37-38 (1876).

Town of Greece, N.Y v. Galloway, 572 U.S. 565, 584, 134 S. Ct. 1811, 1823-24, 188 L. Ed. 2d 835 (2014); and,

Whereas, these and other cases have recognized that the First Congress voted to appoint and pay official chaplains shortly after approving language for the First Amendment, and both Houses have maintained the office virtually uninterrupted since then; and,

Whereas, these and other cases have recognized that a majority of the States have also had a consistent practice of legislative prayer; and,

Whereas, these and other cases have also cautioned that the prayer opportunity should be exercised freely, but with respect to all faiths. The United States Supreme Court recognized generally that:

... the relevant constraint derives from its place at the opening of legislative sessions, where it is meant to lend gravity to the occasion and reflect values long part of the Nation's heritage. Prayer that is solemn and respectful in tone, that invites lawmakers to reflect upon shared ideals and common ends before they embark on the fractious business of governing, serves that legitimate function..... The tradition reflected in *Marsh* permits chaplains to ask their own God for blessings of peace, justice, and freedom that find appreciation among people of all faiths. That a prayer is given in the name of Jesus, Allah, or Jehovah, or that it makes passing reference to religious doctrines, does not remove it from that tradition. These religious themes provide particular means to universal ends. Prayer that reflects beliefs specific to only some creeds can still serve to solemnize the occasion, so long as the practice over time is not "exploited to proselytize or advance any one, or to disparage any other, faith or belief. *Marsh v. Chambers*, 463 U.S. 783, 794-95, 103 S. Ct. 3330, 3338, 77 L. Ed. 2d 1019 (1983).

Town of Greece, N.Y. v. Galloway, 572 U.S. 565, 582-83, 134 S. Ct. 1811, 1823, 188 L. Ed. 2d 835 (2014) (portions omitted)

Based on the above, and the heritage, laws, and Constitution of the United States of America, the County Commission of Jefferson County hereby adopts and ratifies the following policy concerning prayer at the official regular meetings of the County Commission:

1. An opening prayer shall be held at the start of all official regular Commission meetings, immediately before the Pledge of Allegiance.
2. The opening prayer shall be given by a clergy member who resides within, or has a congregation within the Jefferson County borders ("local clergy"). The Commission will make reasonable efforts (through such methods as print publication, social media posts, written letters, phone calls, and/or e-mails) to regularly inform local clergy of all faiths, denominations, or sects of this policy, and invite them to offer the opening prayer.
3. The Commission will create a revolving list of local clergy willing to offer the opening prayer. From that list, the Commission will schedule an appearance of one local clergy member per Commission meeting to deliver the opening prayer. Local clergy who wish to participate may contact the Commission office to have their name added to the list.
4. The Commission will not participate in prior review, approval, or guidance regarding the content of any prayer.
5. No one in attendance at the Commission meeting will be required to participate, through either their words or actions, in the opening prayer.

6. The opening prayer shall not be utilized to proselytize, disparage any other faith or belief, or to attack or disparage any person or group.
7. In the event that a local clergy member cannot appear at any given Commission meeting, a moment of silence will be observed.

Be it Therefore Resolved that the Jefferson County Commission hereby adopts this Prayer policy, which shall be effective immediately.

Adopted by majority vote at a duly called meeting of the County Commission of Jefferson County, West Virginia, where a quorum was present, on the 19 day of February , 2023.

County Commission of Jefferson County,
West Virginia

By: 

Its: Resident