

RESOLUTION NO. 24-_____

**A RESOLUTION TO PROVIDE FOR INVOCATIONS BEFORE COUNCIL MEETINGS
BY THE CITY OF HUNTSVILLE PUBLIC SAFETY CHAPLAINS**

WHEREAS, the City Council of the City of Huntsville, Alabama (“Council”) is an elected legislative and deliberative public body, serving the citizens of Huntsville, Alabama (“City”); and

WHEREAS, the Council solemnizes its proceedings by allowing for an opening invocation before each meeting, for the benefit and blessing of the Council, and has done so for many years; and

WHEREAS, the Council now desires to adopt this written policy in order to formally implement its invocation practices; 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 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 public 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 coexisted with the principles of disestablishment and religious freedom.” *Id.*, at 786; and

WHEREAS, the Council has in the past and desires to continue in the future 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. Such invocation “is not, in these circumstances, an ‘establishment’ of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country.” *Id.*; and

WHEREAS, in *Town of Greece v. Galloway*, 572 U.S. 565 (2014), the United States Supreme Court validated opening prayers at town council meetings finding that “legislative prayer lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and express a common aspiration to a just and peaceful society.”; and

WHEREAS, the Supreme Court clarified in *Town of Greece* 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.”; and

WHEREAS, the Eleventh Circuit Court of Appeals has recognized as recently as *Gundy v. City of Jacksonville, Fla.*, 50 F. 4th 60, 71 (11th Cir. 2022) that invocations constitute government speech, and in providing for an invocation, local governments are not regulated by the Free Speech or Exercise Clauses of the First Amendment; and

WHEREAS, the Eleventh Circuit has further explained in *Williamson v. Brevard Cnty.*, 928 F.3d 1296, 1298, 1310 (11th Cir. 2019) that “local governments have significant freedom to conduct legislative prayers at the start of their sessions”; and

WHEREAS, the City Council of the City of Huntsville, Alabama believes that volunteer Chaplains serving the City's Police and Fire Departments are practiced in providing comfort and solace and not proselytizing a specific viewpoint or religious denomination, and as such are peculiarly suited through training, tradition, and public service to petition for divine guidance upon the deliberations of the Council, and to accomplish the 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" *See Lynch v. Donnelly*, 465 U.S. 668, 693 (O'Connor, J., concurring); and

WHEREAS, the volunteer Chaplains serving the City's Police and Fire Departments have previously delivered acceptable invocations to commence City Council meetings for the City of Huntsville, Alabama, which neither advanced nor disparaged any particular religious belief and have evinced a sincere commitment to municipal service by consistently volunteering for and appearing at City Council meetings to provide requested invocations, *see Marsh v. Chambers*, 463 U.S. 783, 793 (1983) ("[T]he evidence indicates that Palmer was reappointed because his performance and personal qualities were acceptable to the body appointing him"); and

WHEREAS, consistent with binding legal precedent of the United States Supreme Court and the Eleventh Circuit Court of Appeals, the Council intends to adopt a formal policy that does not allow the prayer opportunity to be used to proselytize or advance any particular faith or belief, or disparage any faith or belief; and

WHEREAS, this resolution does not establish a policy that defines the constitutional limits for permissible public invocations but instead is intended to adopt guidelines that are consistent with the guidance provided by several courts that have considered the validity of public invocations; and

WHEREAS, the Council accepts as binding the applicability of general principles of law and all the rights and obligations afforded under federal and state law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Council hereby adopts the following written policy regarding opening invocations before meetings of the Council:

1. It is the intent of the Council to exclusively utilize the services of volunteer Chaplains serving the City of Huntsville's first responders as Public Safety Chaplains to solemnize the proceedings of the City Council of the City of Huntsville, Alabama. It is the policy of the Council to allow for an invocation, which may include a prayer, a reflective moment of silence, or a short solemnizing message, (hereinafter referred to collectively as "invocation") to be offered before its meetings for the benefit of the Council.

2. Although the invocation may be listed in the agenda, it shall not be considered an agenda item for the meeting or part of the public business.

3. No member or employee of the Council or any other person in attendance at the meeting shall be required to participate in any invocation that is offered.

4. Members of the Council are not eligible to be an invocation speaker. In the event an invocation speaker is not available for a Council meeting, the President may invite those who wish to do so to engage in a moment of silent reflection and, if they choose, pray in silence.

5. To clarify the Council's intentions, as stated herein above, the following disclaimer shall be included in at least ten (10) point font at the bottom of any printed program or schedule of events published by the Council:

"Any invocation that may be offered is intended to solemnize the Council meeting for the benefit of the Council. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council."

6. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Council with, nor express the Council's preference for, any faith or religious denomination, and speakers who offer the invocation shall not deliver their prayers in a way that intentionally discriminates against or attempts to disparage those holding different religious beliefs or none at all.

7. Invocations to be delivered pursuant to this Resolution shall be brief (ideally 60 seconds or less), and shall aim not to proselytize, but to solemnize and celebrate the work of the elected officials, while being respectful of the diversity of beliefs represented by both those present and those who live in our community.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately upon adoption by the Council.

ADOPTED this the _____ day of _____, 2024.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2024.

Mayor of the City of
Huntsville, Alabama