

Cobb County, GA

Board of Commissioners

In August of 2005, the ACLU filed a federal lawsuit against the Cobb County (GA) Board of Commissioners, demanding that the county bar overtly Christian prayers.

In January of 2006 however, Georgia Federal District Judge Richard Story handed down a ruling that upheld the practices of the Cobb County (GA) Commission in opening its sessions with prayer. In *Pelphrey v. Cobb County, Georgia*, the court held that legislative prayer violates the Establishment Clause only if there is an impermissible motive in the selection of clergy; use of invocations to promote the beliefs of one religious sect or to disparage the beliefs of another; or maintenance of a practice that conveys governmental preference of one religious view over others. The court found that neither the identity of those offering invocations, nor the sometimes sectarian references in their prayers, were sufficient to violate the Establishment Clause. The court similarly upheld the selection procedures used by Cobb County in locating individuals to deliver invocations, even though it resulted in 96% of those delivering invocations being Christian.

The full text of the *Pelphrey v. Cobb County* decision is found in the following pages.
