

# **The City of Raleigh, NC**

## **City Council**

In April of 2006, the City of Raleigh, NC was challenged by the ACLU to end their longtime practice of inviting clergy of all faiths to offer an invocation at the beginning of their City Council meetings.

As the following extracts from the official minutes of Raleigh City Council meetings will show, the Council made a unanimous decision to continue unchanged their practice of inviting prayers to open their meetings.

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### **From:**

**Minutes of the City Council of Raleigh, NC**

**April 18, 2006**

**Report and Recommendation of the City Attorney:**

**Prayer at Council's Meetings**

**([www.raleighnc.gov/publications/Boards,\\_Commissions\\_and\\_Council/City\\_Council/2006\\_Minutes/ CC-minutes-20060418.doc](http://www.raleighnc.gov/publications/Boards,_Commissions_and_Council/City_Council/2006_Minutes/CC-minutes-20060418.doc))**

The City Council of the City of Raleigh met in regular session at 1:00 p.m. on Tuesday, April 18, 2006 with the following present: Mayor Meeker presiding, Mr. West, Mr. Craven, Mr. Crowder, Mr. Isley, Ms. Kekas, Mr. Stephenson, and Ms. Taliaferro.

Mayor Meeker called the meeting to order and invocation was rendered by Reverend Doctor Dumas A. Harshaw, Jr., First Baptist Church. The Pledge of Allegiance was led by Council Member Taliaferro. The following item was discussed with action taken as shown.

City Attorney McCormick indicated the City Clerk's office has received a letter from the ACLU relative to questions about prayers at Council meetings. Without discussion the item was referred to Law and Public Safety Committee.

**From:**

**The Law and Public Safety Committee of the City of Raleigh, NC**

**Session Minutes**

**April 25, 2006**

**Item # 05-12: Prayer at Council Meetings**

**([www.raleighnc.gov/publications/Boards,\\_Commissions\\_and\\_Council/Law\\_and\\_Public\\_Safety/2006\\_Minutes/LPS-minutes-20060425.doc](http://www.raleighnc.gov/publications/Boards,_Commissions_and_Council/Law_and_Public_Safety/2006_Minutes/LPS-minutes-20060425.doc))**

The Law and Public Safety Committee of the City of Raleigh met on Tuesday, April 25, 2006 with the following present: Mr. Isley, Chair, Mr. West, and Ms. Taliaferro (Committee)—joined by staff: City Attorney Thomas McCormick, Assistant City Manager Julian Prosser and Assistant Deputy Clerk Puccini.

Chairman Isley called the meeting to order and the following item was discussed with action taken as shown.

City Attorney Tom McCormick stated everyone has the letter the City of Raleigh received from the North Carolina Chapter of American Civil Liberties Union regarding prayer at City Council meetings. He stated Staff looked at this about a year ago and Council chose not to do anything and he believes the statement of the law that is in the letter is correct. He pointed out they have requested a letter to be sent out to the ministers and stated the Committee has a copy of the current letter that goes out currently. He stated he sent a draft of how the Committee could change this letter to resolve this issue quickly.

Mr. Isley stated he doesn't perceive a problem as we invite any member of any religious entity to come to Council and invoke a blessing. He stated he frankly likes it and explained how Assistant Deputy Clerk Puccini handles this procedure. Mr. West questioned why it is violating anyone's civil liberties when we invite a diverse selection of ministers. Mr. McCormick responded that the problem is not with who is invited but what they say when they get here. He stated rarely does any of the clergy invited give a nonsectarian prayer. He explained that 90% close with the name of Jesus Christ. He stated the ACLU has no problem with prayer as long as its nonsectarian prayer.

Assistant Deputy Clerk Puccini stated when he is trying to find people to do the invocations he tries to find as many different faiths as possible. He pointed out he has 22 spots to fill and sends out an average of 180 to 200 letters at the beginning of the year. He stated there is a broad spectrum including, Jewish, Buddhist, Buddha, Islamic etc. He pointed out anyone can come and give invocation at any time and it doesn't have to be an ordained pastor or religious leader, it doesn't matter who it is. He stated we don't favor anyone, the practice is done on a first come first serve basis and they are not restricted from saying what they want to say within the three minute time limit they are given.

Mr. Steve Noble presented information to the Committee from the Alliance Defense Fund to address the ACLU's letter and pointed out the ACLU letter is being sent to

municipalities all over the country. He stated the ACLU particularly likes this part of the country because of the Fourth Circuit Court. He referred to the Wynne case and stated they are trying to use this case to intimidate municipalities into the idea that you can't have people come from outside and pray. He referred to the following letter and explained the circumstance of the Wynne case and gave example of what happened. He stated what the Council does is perfectly legal and very honorable because they send out invitations to all kinds of religions. He pointed out they can pray in any name they choose to follow and it is in their constitutional right. He pointed out if they were to impose a program that said you can come in but you can no longer pray in the name of Jesus or in the name of whoever that would be against the Constitution. He stated the Council is safe with this issue and the ACLU is hoping you don't do your homework and you look at the Wynne case and take it out of context like they have. He stated the City of Raleigh is not in violation and under no constitutional pressure to tell anyone that they can't pray in the name they wish to pray in. He stated the ACLU likes to bully and sometimes you have to punch a bully in the nose. He stated any national group will defend the City of Raleigh at no charge including the Alliance Defense Fund and presented a letter from them.

Ms. Taliaferro questioned how long the current process has been in practice. Mr. McCormick stated for over thirty years. She questioned whether the City has ever been sued. Mr. McCormick answered in the negative and stated this is a law suit waiting to happen. She questioned if this issue has been brought to Council before and Mr. McCormick answered yes about a year ago. The group discussed the issue briefly with Mr. Isley stating this is a good practice and if the issue has to be litigated we will fight as hard as we can and he does not believe we are violating any laws. He stated this is a very difficult job and each Council meeting is started with prayer and he is not willing to accept the ACLU's suggestion(s).

The Committee recommends the item be reported out and that the City continue with its present procedure.

**From:**

**Minutes of the City Council of Raleigh, NC**

**May 2, 2006**

**Report and Recommendation of the Law and Public Safety Committee:**

**Prayer at Council Meetings—City to Continue the Present Procedure**

**([www.raleighnc.gov/publications/Boards,\\_Commissions\\_and\\_Council/City\\_Council/2006\\_Minutes/ CC-minutes-20060502.doc](http://www.raleighnc.gov/publications/Boards,_Commissions_and_Council/City_Council/2006_Minutes/CC-minutes-20060502.doc))**

The City Council of the City of Raleigh met in regular session on Tuesday, May 2, 2006, at 1:00 p.m. with the following present: Mayor Meeker, Mr. West, Mr. Craven, Mr. Crowder, Mr. Isley, Mr. Kekas, Mr. Stephenson, and Ms. Taliaferro.

The Mayor called the meeting to order and invocation was rendered by Rabbi Lucy Dinner, Temple Beth Or. The Pledge of Allegiance was led by Council Member West. The following items were discussed with action taken as shown.

Chairperson Isley reported the Law and Public Safety Committee recommends that the item relative to prayer at Council meetings be reported out and that the City continue with its present procedure. On behalf of the Committee, Mr. Isley moved the recommendation be upheld. His motion was seconded by Ms. Taliaferro.

Mayor Meeker pointed out the City Council uses a variety of ministers from a variety of faiths. The selection is not done by the City Council and the invitation is issued to members of all faiths and they are assigned dates based on first come basis. He stated the City has never heard any objections concerning its present procedure until the City received a letter from the ACLU. He stated the person who is scheduled to render invocation is listed on the Council agenda and if anyone objects to that particular faith, they have the right and the knowledge so that they could leave the room prior to invocation if they so desire. He stated in the past we had a city council member step out during the invocation when that Council person saw the invocation being rendered by someone of the Muslim faith. Mayor Meeker stated our City Council meetings have been started with a prayer and it is a long standing custom in the City of Raleigh and is not meant to offend anyone. The Mayor requested that a copy of these minutes be sent to the ACLU.

The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted on an 8-0 vote.

The ACLU has made no further response.