

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

DISTRICT BUILDING

WASHINGTON, D. C. 20004



IN REPLY REFER TO:

LCD:L&O:LNG:gbt
(86-343) (LCD-1925)

October 27, 1986

David Parker, Chairman
Advisory Neighborhood Commission IB
519 Florida Avenue, N.W.
Washington, D.C. 20001

Re: Propriety of Opening an ANC
Meeting with a Prayer or a
Moment of Silence.

Dear Chairman Parker:

On behalf of Acting Corporation Counsel James R. Murphy, I am responding to your October 3, 1986 letter to former Acting Corporation Counsel John H. Suda, in which you seek advice concerning whether an Advisory Neighborhood Commission (ANC) may begin a meeting with a prayer or a moment of silence.

The leading case is Marsh v. Chambers, 483 U.S. 783 (1983), in which the Supreme Court ruled that the Nebraska Legislature's practice of opening its legislative sessions with a prayer led by a state paid chaplain does not violate the Establishment Clause of the First Amendment.^{1/} Thus, ANCs may open their meetings with a

^{1/} The Establishment Clause of the First Amendment provides that "Congress shall make no law respecting an establishment of religion ••••" The First Amendment applies to the states through the Fourteenth Amendment. Cantwell v. Connecticut, 310 U.S. 296 (1940). For the purpose of this response, we assume that the Establishment Clause is applicable to the District Government as a creature of Congress.

prayer or a moment of silence. If a prayer is used, however, the prayer should not "proselytize or advance anyone, or... disparage any other, faith or belief." Marsh v. Chambers, supra, 463 U.S. at 794-795.

Sincerely,



Leo N. Gorman

~~Assistant Corporation Counsel, D.C.~~
Legislation and Opinions Section

cc: William L. Spaulding, Chairman
Government Operations Committee

Sybil Hammond, Director
Office of Community Services