

112TH CONGRESS
2^D SESSION

H. RES. 662

Expressing support for prayer at school board meetings.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2012

Mr. WALBERG (for himself, Mr. WEBSTER, Mr. FORBES, Mr. HULTGREN, Mr. WILSON of South Carolina, Mr. LANKFORD, Mr. BROUN of Georgia, Mr. GINGREY of Georgia, Mr. HARRIS, Mrs. BLACKBURN, Mr. BUCHANAN, Mr. HENSARLING, Mr. ROE of Tennessee, Mr. BISHOP of Utah, Mr. HUIZENGA of Michigan, Mr. JONES, Mr. FRANKS of Arizona, Mr. PITTS, Mr. NEUGEBAUER, Mr. THOMPSON of Pennsylvania, Mr. STUTZMAN, Mr. GOHMERT, Mr. WEST, Mr. SOUTHERLAND, Mrs. NOEM, Mr. CARTER, Mr. OLSON, Mr. BILIRAKIS, Mr. AKIN, Mr. LAMBORN, Mr. MILLER of Florida, Mrs. HARTZLER, Mr. FLEMING, and Mr. SCALISE) submitted the following resolution; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Expressing support for prayer at school board meetings.

Whereas the freedom to practice religion and to express religious thought is a fundamental and unalienable right guaranteed under the United States Constitution;

Whereas the United States was founded on the principle of freedom of religion and not freedom from religion;

Whereas the framers intended that the First Amendment to the Constitution would prohibit the Federal Government

from enacting any law that favors one religious denomination over another, and protect not prohibit the mention of religion or reference to God in civic dialogue;

Whereas in 1983 the Supreme Court of the United States held in *Marsh v. Chambers*, 463 U.S. 783, that the practice of opening sessions of legislative bodies and other deliberative public bodies with prayer is so deeply embedded in the history and tradition of the United States that it has become part of the fabric of society, and invoking divine guidance on a public body entrusted with making the laws is not a violation of the Establishment Clause of the First Amendment, but rather is simply a tolerable acknowledgement of beliefs widely held among the people of the Nation;

Whereas voluntary prayer in legislative and other deliberative bodies should not be limited to prayer in the United States Senate and House of Representatives and State legislatures;

Whereas school boards are deliberative public bodies of adults, akin to a legislature, in that they are predominantly elected by the people, act in the public interest, and hold sessions that are open to the public for voluntary attendance;

Whereas the nature of school boards as deliberative public bodies, akin to a legislature, is further established by the fact that they enact policies and regulations that are given the force of law in managing and supervising the schools within their realm of governance, similar to statutes and ordinances enacted by Federal, State, and other local deliberative public bodies to regulate the areas within their purview;

Whereas the nature of school boards as deliberative public bodies, akin to a legislature, is not altered by the presence of students or any other group of observers, just as the nature of the United States Senate and House of Representatives and State legislatures as deliberative public bodies is not altered although individuals regularly attend such legislative sessions for a variety of purposes;

Whereas the nature of school boards as deliberative public bodies, akin to a legislature, is not altered by the location at which they hold their sessions, just as the nature of the United States Senate and House of Representatives and State legislatures as deliberative public bodies is not derived from the location at which those bodies host their sessions;

Whereas the nature of school boards as deliberative public bodies, akin to a legislature, is not altered by the subject matter of the deliberation, just as the nature of the United States Senate and House of Representatives and State legislatures as deliberative public bodies is not altered when such bodies spend a substantial amount of time legislating on a specific subject matter; and

Whereas voluntary prayer by a deliberative public body should be protected under law and encouraged in society because voluntary prayer has become a part of the fabric of this society, voluntary prayer acknowledges beliefs widely held among the people of the Nation, and the Supreme Court of the United States has held that it is not a violation of the Establishment Clause for a public body to invoke divine guidance: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

1 (1) recognizes that school boards are delibera-
2 tive public bodies, and should be free to engage in
3 prayer at the beginning of meetings;

4 (2) recognizes that school boards are delibera-
5 tive public bodies, and should be free to engage in
6 prayer at the beginning of meetings consistent with
7 the prayer practice upheld in *Marsh v. Chambers*;

8 (3) recognizes that prayer before school board
9 meetings is a protected act in accordance with the
10 fundamental principles upon which the Nation was
11 founded; and

12 (4) expresses support for the voluntary practice
13 of prayer at the beginning of meetings of legislative
14 bodies and other deliberative public bodies, including
15 school board meetings.

○