

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS,
ESTABLISHING A POLICY REGARDING INVOCATIONS AT MEETINGS OF
CITY COUNCIL; AND DECLARING AN EFFECTIVE DATE**

WHEREAS, the City Council of Seguin, Texas recognizes the State and Federal Constitutional Rights of all individuals; and

WHEREAS, the 1st Amendment to the Constitution of the United States declares, in pertinent part, that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;” and

WHEREAS, the 14th Amendment of the Constitution of the United States declares that “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws;” and

WHEREAS, the Supreme Court of the United States has held that the provisions of the 1st Amendment cited above shall be incorporated against the states; and

WHEREAS, the Supreme Court also famously observed in *Zorach v. Clauson*, 343 U.S. 306, 313-314 (1952) that “[w]e are a religious people whose institutions presuppose a Supreme Being;” and

WHEREAS, the Supreme Court held, in *Marsh v. Chambers*, 463 U.S. 783, 786 (1983), that “[t]he 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;” and

WHEREAS, the Supreme Court also held that it is not the job of the courts or deliberative public bodies to “embark on a sensitive evaluation or to parse the content of a particular prayer” offered before a deliberative body. *Id.* at 795; and

WHEREAS, the Supreme Court, in *Lee v. Weisman*, 505 U.S. 577, 588-589 (1992), counseled against the efforts of government officials to affirmatively screen, censor, prescribe and/or proscribe the specific content of public prayers, as such government efforts would constitute an impermissible establishment of religion; and

WHEREAS, the City Council for Seguin, Texas, an elected legislative and deliberative public body, wishes to maintain a tradition of solemnizing its proceedings by allowing an opening invocation before each of its meetings, for the benefit of the Council and those in attendance, both in-person and online; and

WHEREAS, the City Council for Seguin, Texas recommends the adoption of a policy that will not show a purposeful preference of one religious view over another by disregarding and/or restricting the faith of the person offering the invocation; and

WHEREAS, the City Council for Seguin, Texas recognizes the rights of any citizen to express himself or herself freely, and also accommodates that right by way of the Public Comment portion of the Council agenda.

NOW, THEREFORE, BE IT RESOLVED that:

- 1) The City Council for Seguin, Texas assigns the duty of coordinating the invocation, to be ceremoniously spoken at each meeting of the Council, to the City Secretary; and
- 2) The City Council hereby adopts the attached Policy and Procedure Regarding Invocations to be Held in the City of Seguin Council Chamber; and
- 3) This Resolution shall be effective from the date of its passing, reflected below.

RESOLVED, ORDERED, AND DECLARED this the ____ day of July, 2024.

Donna Dodgen, Mayor

ATTEST:

Kristin Mueller, City Secretary