



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

OFFICE OF THE CITY ATTORNEY

300 Sixth Street

Joel P. Landeen, City Attorney
City web: www.rcgov.org

Phone: 605-394-4140
Fax: 605-394-6633
e-mail: joel.landeen@rcgov.org

MEMORANDUM

TO: Mayor and City Council

FROM: Joel P. Landeen, City Attorney

DATE: 1/23/12

RE: Update on Letter from Freedom From Religion Foundation

Last week you were informed that the City received a letter from the Freedom From Religion Foundation objecting to the City's long standing practice of starting the City Council meetings with an invocation. The group has requested that the City Council discontinue this practice. The City currently has no policy dealing with invocations at public meetings. Since receiving the letter I have been doing research on the issue and looking at policies from other governmental entities and legislative bodies. At the direction of the Mayor, I will be drafting a policy for invocations at public meetings. This policy will be brought forward at the next Legal and Finance meeting.

The Courts have consistently upheld the ability of legislative bodies to open their meetings with an invocation. However, the Courts have also struck down many such invocations based on the specific facts presented in those cases. While a formal policy regarding invocations at public meetings is no guarantee that if the City is sued we would prevail, it would certainly help our legal position. If the City continues with its tradition of opening its meeting with an invocation I would strongly recommend that a formal policy be adopted.