

Boston City Council's Prayer Custom Is Constitutional, Wiley Argues in *Amicus* Brief

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Washington, DC – Wiley Rein LLP, a DC law firm, representing a religious liberties organization as *amicus curiae*, urged the First Circuit to uphold the constitutionality of the Boston City Council's custom of inviting guest chaplains to give an opening prayer at its meetings.

The Council is "well within its rights," under the Establishment Clause of the Constitution, to reject an invocation proposed by The Satanic Temple, Inc. (TST), Wiley argued in a March 25 *amicus* brief, filed in support of the City of Boston on behalf of the nonprofit First Liberty Institute.

"Going back to the 1800s, the Boston City Council regularly has opened its meetings with an invocation," Wiley noted in the brief. "This case is about allowing the Boston City Council to carry on that historical and ecumenical practice – one the Supreme Court has referenced approvingly – without having to turn the invocation opportunity into a free-for-all."

The case stems from a lawsuit filed by TST, alleging that the Boston City Council engaged in religious discrimination by declining to invite the group to deliver an invocation. A U.S. district judge rejected those claims in a July 31, 2023 ruling, which TST has appealed to the First Circuit.

"Under the history-and-tradition test that has always governed legislative-prayer cases like this one, the Boston City Council's legislative-prayer custom is constitutional," Wiley said in the brief. "The Court should reject the Satanic Temple's invitation to flout binding precedent and create a circuit split by concluding otherwise."

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The First Liberty Institute's *amicus* brief was filed by Joel S. Nolette, associate in Wiley's Litigation Practice. The Wiley team also included partner Stephen J. Obermeier, of counsel Krystal B. Swendsboe, and associate Kahlil H. Epps.

The case is *The Satanic Temple, Inc. v. City of Boston*, No. 23-1642, U.S. Court of Appeals for the First Circuit.