



Court Rules that Town Meeting Cannot Include Prayer

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MONTPELIER – A Vermont superior court has ruled in favor of a Franklin woman who challenged her town’s inclusion of prayer in town meeting proceedings.

Marilyn Hackett brought suit against the Town of Franklin last year, contending that the town’s longstanding practice of including a Christian prayer during its annual town meeting violated Article 3 of the Vermont Constitution, which guarantees “that no person ought to, or of right can be compelled to attend any religious worship.”

For the last ten years, after the town meeting has started, the moderator has called a local minister to lead the voters in a prayer to “the Father, the Son, and the Holy Spirit.” Ms. Hackett objected each year to the prayer, but the town did not stop the practice.

In a [ruling dated Wednesday](#), the superior court in St. Albans sided with Ms. Hackett, concluding that the annual prayer is religious worship, and that the town has impermissibly compelled voters to attend the worship by having it during town meeting. The court issued a permanent injunction forbidding the town from having the prayer in the future, and will hold a hearing on the amount of damages to award Ms. Hackett.

“This is a great victory for religious liberty,” said Bernie Lambek, who represents Hackett as an ACLU of Vermont cooperating attorney. “We are pleased that the superior court recognized that making voters attend prayer violates our state’s protections for matters of conscience.”

“In Vermont, people are free to hold their religious viewpoints – or no religious viewpoint – without the government deciding which beliefs are preferred,” said Dan Barrett, the ACLU of Vermont staff attorney.

Attorney Julie Kalish, who also represents Hackett as an ACLU cooperating attorney, agreed. “The promotion of religion is the responsibility of religious leaders and individuals – not town officials,” she said.

A copy of the court documents in the lawsuit, including [the ruling in favor of Ms. Hackett](#), may be found at the ACLU of Vermont’s website: acluvt.org/docket.

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