



## PRESS RELEASE

**Tyler & Bursch, LLP**

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### **Ninth Circuit Forbids School Board Invocations and Censors Private Citizens**

Chino, CA — Today, the Ninth Circuit Federal Court of Appeals ruled that the Chino Valley Unified School District board policy that allows invocations before the start of school board meetings is a violation of the Establishment Clause. The Fifth Circuit Federal Court of Appeals came to a different conclusion in 2017 in *American Humanist Association v. McCarty*.

The Ninth Circuit further affirms the District Court’s injunction that enjoins the CVUSD school board members “from conducting, **permitting** or otherwise endorsing school sponsored prayer in Board meetings.”

“This requires the Board to censor or otherwise remove individuals who attempt to say a prayer, or anything that might resemble a prayer, during the public comment period,” said Robert Tyler of Tyler & Bursch, LLP and legal counsel for CVUSD. “Such an overbroad injunction is a clear violation of the right of private citizens to address their local representatives in public meetings and is dangerous to the First Amendment.” Footnote 20 of the Ninth Circuit’s opinion makes this point more clear.

In 2014, the U.S. Supreme Court upheld ceremonial prayer at city council meetings in *Town of Greece v Galloway*. In that decision, Justice Anthony M. Kennedy noted the historical significance of such invocations. “Ceremonial prayer is but a recognition that, since this Nation was founded and until the present day, many Americans deem that their own existence must be understood by precepts far beyond the authority of government...,” Kennedy wrote.

The CVUSD school board will be meeting in the coming weeks to determine its next course of action.

A copy of the Ninth Circuit's Opinion can be found [here](#).

The Riverside County law firm of Tyler & Bursch, LLP, represents CVUSD, with the support of Advocates for Faith & Freedom, a nonprofit legal organization.

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