ernment has drawn"[213] in order that it be held to violate the Establishment Clause. The classification here was not religiously based "on its face," and served "a number of valid purposes having nothing to do with a design to foster or favor any sect, religion, or cluster of religions."[214] These purposes, related to the difficulty in separating sincere conscientious objectors to particular wars from others with fraudulent claims, included the maintenance of a fair and efficient selective service system and protection of the integrity of democratic decision-making.[215]

Regulation of Religious Solicitation.—Although the solicitation cases have generally been decided under the free exercise or free speech clauses,[216] in one instance the Court, intertwining establishment and free exercise principles, voided a provision in a state charitable solicitations law that required only those religious organizations that received less than half their total contributions from members or affiliated organizations to comply with the registration and reporting sections of the law.[217] Applying strict scrutiny equal protection principles, the Court held that, by distinguishing between older, well-established churches that had strong membership financial support and newer bodies lacking a contributing constituency or that may favor public solicitation over general reliance on financial support from the members, the statute granted denominational preference forbidden by the Establishment Clause.[218]

Religion in Governmental Observances.—The practice of opening legislative sessions with prayers by paid chaplains was upheld in *Marsh v. Chambers*,[219] a case involving the Nebraska legislature. In *Marsh*, the Court's analysis relied almost entirely on the historical practice of Congress, which had paid a chaplain and opened sessions with prayers for almost 200 years. The Court noted that Congress had continued the practice after considering and rejecting Members' constitutional objections, which was held to strengthen rather than weaken the historical argument. The Court also found

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[213] 401 U.S. at 452.

[214] 401 U.S. at 452.

[215] 401 U.S. at 452–60.

[216] *See* discussion under "Door-to-Door Solicitation and Charitable Solicitation," *infra*.

[217] Larson v. Valente, 456 U.S. 228 (1982). Two Justices dissented on the merits, id. at 258 (Justices White and Rehnquist), while two other Justices dissented on a standing issue. Id. at 264 (Chief Justice Burger and Justice O'Connor).

[218] 456 U.S. at 246–51. *Compare* Heffron v. ISKCON, 452 U.S. 640, 652–53 (1981), *and* id. at 659 n.3 (Justice Brennan, concurring in part and dissenting in part) (dealing with a facially neutral solicitation rule distinguishing between religious groups that have a religious tenet requiring peripatetic solicitation and those who do not).

[219] 463 U.S. 783 (1983). *Marsh* was a 6–3 decision, with Chief Justice Burger's opinion for the Court being joined by Justices White, Blackmun, Powell, Rehnquist, and O'Connor, and with Justices Brennan, Marshall, and Stevens dissenting.