

# FREEDOM FROM RELIGION *foundation*

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March 26, 2018

**SENT VIA U.S. MAIL AND FAX TO: 931-722-7579**

Marlon Davis  
Director of Schools  
Wayne County School System  
P.O. Box 658  
Waynesboro, TN 38485

Re: Unconstitutional prayer during morning announcements

Dear Director Davis:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Wayne County School System. FFRF is a national nonprofit organization with 32,000 members across the country, including members in Tennessee and a chapter, FFRF East Tennessee. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

Multiple concerned area residents have reported that Wayne County High School broadcasts prayer over its public announcement system to students during the morning announcements. A video posted on the Tennessee River Valley News Facebook page on March 23 shows a student leading a prayer over the P.A. system with the caption, "How Friday's begins [sic] at Wayne County High School in Tennessee."<sup>1</sup> She prayed,

"Good morning and let's pray. Dear Heavenly Father, I just want to thank you for this day that you've given us, Lord. And Lord, I want to thank you for the protection that you continue to put over our school, God. And Lord, I just thank you for our teachers and our principals and every student that you have here, God. And let us just remember that you're always with us and by our side throughout the school day, God. Dear Lord, I just ask you to let us be safe over spring break and come back safely back to school, God. I thank you for our country and I ask you to continue to keep us safe here, God, and let us just remember to make decisions that go towards you, Lord. And Lord, I thank you for your son who died on a cross for our sins, in Jesus name I pray, Amen."

We write to ensure that Wayne County High School immediately ceases broadcasting prayers during its morning announcements.

The practice of opening each school day with a broadcast religious ritual is illegal. *See Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 223 (1963) (holding that recitation of Bible verses and the Lord's Prayer during school hours was a "religious ceremony" that violated the Establishment Clause). Fifty-five years ago, the Supreme Court held that it was unconstitutional for schools to allow students to

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<sup>1</sup> [https://www.facebook.com/story.php?story\\_fbid=991572987669501&id=339678252858981](https://www.facebook.com/story.php?story_fbid=991572987669501&id=339678252858981)

use the schools' intercommunications systems to conduct daily opening exercises "consisting primarily of the 'reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer.'" *Id.* at 211. The practice of opening the school day with prayer creates the appearance of school endorsement of religion. This practice must end.

Even when student-initiated, the Supreme Court has found school sponsorship of prayers unconstitutional. *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000) (striking down a school policy that authorized students to vote on whether to hold a prayer at high school football games). The Court reasoned that because the football game was a school-sponsored event, hosting prayer was a constitutional violation. *Id.* at 307. Even if student-led, the Court said prayers at a "regularly scheduled school-sponsored function conducted on school property" would lead an objective observer to perceive it as state endorsement of religion. *Id.* at 308. This case is more egregious because Wayne County High School is hosting prayer during the school day itself.

Beyond these legal considerations, avoiding the perception of religious endorsement by the school district protects the district's religiously diverse young students. "[S]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents 'that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.'" *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O'Connor, J., concurring)). When a district promotes religion over non-religion, and is this case Christianity over all other faiths, to impressionable students, it alienates those non-Christian students whose religious beliefs are inconsistent with the message being promoted. It alienates the 47% of young Americans who are non-Christian.<sup>2</sup> Recent studies show that the nonreligious are growing, especially among younger Americans. You may not realize that 21% of those born after 1999, i.e. your current students, identify as either atheist or agnostic.<sup>3</sup>

Nothing in the law prevents students, teachers, or school administrators from freely exercising their religion on their own time and in their own way. But a public school itself must not broadcast a decidedly religious message to a captive student audience, thereby isolating and excluding those students who are non-Christian or nonreligious. We ask that prayers be removed from the Wayne County High School morning announcement routine. Please inform us in writing of the steps taken to remedy this violation so that we may inform our complainants.

Sincerely,



Christopher Line  
Patrick O'Reiley Legal Fellow  
Freedom From Religion Foundation

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<sup>2</sup> Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at [www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf](http://www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf).

<sup>3</sup> *Atheism Doubles Among Generation Z*, THE BARNA GROUP (Jan. 24, 2018), [www.barna.com/research/atheism-doubles-among-generation-z/](http://www.barna.com/research/atheism-doubles-among-generation-z/).