

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 › MADISON, WI 53701 › (608) 256-8900 › WWW.FFRF.ORG

January 8, 2024

SENT VIA EMAIL & U.S. MAIL: Stacy.Joseph@currituckcountync.gov

Stacy Joseph
Aging/Senior Services Director
153 Courthouse Road, Suite 305
Currituck, NC 27929

Re: Unconstitutional prayer practice at Currituck County Senior Center

Dear Director Joseph:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring at the Currituck County Senior Center. FFRF is a national nonprofit organization with more than 40,000 members across the country, including over 800 members and a chapter in North Carolina. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned community member reported that a Currituck County Senior Center employee leads an explicitly Christian prayer before every lunch served at the Center. We are told that the seniors are not allowed to eat lunch until an employee finishes blessing the food. Our complainant states that the Center's lunch-time prayer practice makes them feel pressured to participate in prayer.

We write to request that you investigate this matter and ensure that the Center ceases this practice of requiring seniors to observe and participate in prayers as part of the Center's lunch.

Federal regulations prohibit senior centers receiving federal funding to engage in religious activities at government-sponsored functions. We understand that centers like Currituck County Senior Center typically receive some funding from the federal government in the form of Social Services Block Grants (SSBGs) via the Social Security Act, administered by the Department of Health and Human Services. The Code of Federal Regulations is explicit and unequivocal in its prohibition on religious activities as part of any program funded through the Department of Health and Human Services. 45 C.F.R. § 87.3(b) states:

Organizations that apply for or receive direct financial assistance from an HHS awarding agency may not support or engage in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), as part of the programs or services funded with direct financial assistance from the HSS awarding agency, or in any other manner prohibited by law.

Additionally, the regulations clearly proscribe any discrimination on the basis of religious belief. 45 C.F.R. § 87.3(d) provides:

An organization that participates in any programs funded by financial assistance from an HHS awarding agency shall not, in providing services or in outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

Requiring seniors to observe and participate in a coercive prayer practice at government-subsidized activities places your agency in direct violation of the federal mandate.

Coercing seniors to participate in public prayer doesn't just violate federal law, it also violates our citizens' rights to be free from religious proselytizing. "At a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise." *Lee v. Weisman*, 505 U.S. 577, 587 (1992). Requiring public prayer before Center lunches needlessly alienates and excludes seniors who are among the nearly 30 percent of adult Americans who are religiously unaffiliated, as well as the additional six percent of Americans adhering to non-Christian faiths.¹

For all of the foregoing reasons, we request that you ensure the lunch-time prayers at Currituck County Senior Center cease. Please inform us in writing of the steps you are taking to address this constitutional violation so that we may inform our complainant. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Samantha F. Lawrence". The signature is written in a cursive, flowing style.

Samantha F. Lawrence
Anne Nicol Gaylor Legal Fellow
Freedom From Religion Foundation

¹ Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.