

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: drew.temple@alleghanycounty-nc.gov

Bill Osborne
Chair, Alleghany County Board Of Commissioners
County Administration Building
348 South Main Street,
Room LL20
P.O. Box 366
Sparta, NC 28675

Re: Unconstitutional invocation practices

Dear Chair Osborne and members of the Alleghany County Board of Commissioners:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Alleghany County Board of Commissioners' meetings. FFRF is a national nonprofit organization with more than 35,000 members across the country, including more than 800 members and a local 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 Alleghany County resident has reported that the Alleghany County Board of Commissioners begins its meetings with prayer. We understand that these prayers are invariably Christian (including statements like "in Jesus' name we pray," etc.) and invariably led by members of the Board. The April 19, 2021 prayer was led by Commissioner Mark Evans:

Let us pray. Our Father God, we thank You for another day. We thank You for allowing us to be here, Lord. We thank You for those who serve this community in many ways. Lord, we just ask that You would be with us as we conduct the business for the people of Alleghany County, and Lord, we pray that You will give wisdom, knowledge that would be for the betterment of all. For it's in Your name we pray, amen.

The May 3, 2021 prayer was led by Chair Osborne and was given "In Jesus' name."

Precedent from the Fourth Circuit Court of Appeals, which has jurisdiction over North Carolina, prohibits government-led prayer of the sort practiced at the Board's meetings. In *Lund v. Rowan Cty., N. Carolina*, the Rowan County Board of Commissioners opened each session with a prayer led by a Board member that was invariably Christian, often featuring sectarian references that "implied that Christianity was superior to other faiths." 863 F.3d 268, 273 (4th Cir. 2017). No other faiths were allowed or asked to take part in the prayers and, when faced with public challenges to the practice (like this one), the Board ignored them and stayed its course. *Id.* The Fourth Circuit declared that the Board's prayer practices violated the Establishment Clause because the Board "elevated one religion above all others and aligned itself with that faith." *Id.* at 272. In Alleghany County, the Board's prayer practices closely match those at issue in *Lund*. The Board members lead prayers that are always Christian and often include sectarian

references. Like the Board in *Lund*, the Alleghany County Board of Commissioners violates the Establishment Clause of the First Amendment because it “elevate[s] one religion above all others and align[s] itself with that faith.” *Id.*

The Board’s government-sponsored prayers are a far cry from the prayer addressed in *Town of Greece, N.Y. v. Galloway*, 572 U.S. 565 (2014). *Town of Greece* did not address situations in which government officials themselves lead the prayers. The Supreme Court only approved opening a neutral forum for others—including non-Christians and atheists—to give invocations. As the Court noted, “[o]ur Government is prohibited from prescribing prayers to be recited in our public institutions.” *Id.* at 581 (citing *Engel v. Vitale*, 370 U.S. 421, 430 (1962)).

The Framers who adopted our Constitution knew that religious liberty does not exist without the freedom to dissent. For this reason, the United States was the first nation to adopt a secular constitution, investing sovereignty in “We the People,” not a divine entity.

Prayer at government meetings is unnecessary, inappropriate, and divisive, and the best solution is to discontinue it altogether. Board members are of course free to pray privately or to worship on their own time in their own way, but they should not worship on taxpayers’ time. Citizens, including Alleghany County’s nonreligious citizens, are compelled to come before you on important civic matters and to participate in important decisions affecting their livelihoods, property, children, and quality of life. The prayers exclude the 35 percent of Americans who are not Christians, which includes the 26 percent of Americans who are not religious.¹ It is coercive and intimidating for nonreligious citizens to make a public showing of their nonbelief (by not rising or praying) or else to display deference towards religious sentiment with which they do not believe, but their elected officials clearly do. This “sponsorship of a religious message is impermissible because it sends the ancillary message to . . . nonadherents that they 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) (internal quotations omitted).

In order to demonstrate the Board’s respect for the diverse range of religious and nonreligious citizens living in Alleghany County, we urge you to concentrate on civil matters and leave religion to the private conscience of each individual by ending the practice of hosting prayers at the Board’s meetings. Please respond in writing detailing the steps you are taking to resolve this constitutional issue so that we may inform our complainant. Thank you for your time and attention to this matter, and I hope this letter finds you in good health.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

¹ *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.