

# FREEDOM FROM RELIGION *foundation*

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Shirley Brooks  
Board Chair  
Ben Hill County Board of Education  
509 West Palm Street  
Fitzgerald, GA 31750

Re: Unconstitutional prayer at school board meetings

Dear Chair Brooks and Board members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Ben Hill County Schools. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 600 members and a local chapter in Georgia. 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 District community contacted us regarding the Ben Hill County Board of Education delivering prayers at its meetings. Our complainant reports that the Board opens every meeting with Christian prayer. The Board's agendas confirm that every meeting begins with an "invocation."

The most recent prayer at the February 7, 2023 meeting was delivered by Mr. Palmer, a member of the board, and was delivered "in Jesus' name:"

...gracious Heavenly Father, we thank You once again for this appointed time and appointed hour, God, that we come before You, asking Your leadership guidance as we govern the Ben Hill County School Board. We pray, Father, for the leaders and the members of the board. We pray for our school officials, our teachers, our administrators, our faculty, and our staff. And more importantly, Father, we pray for our students. Ask you to keep your hand of protection around them, Father, as they grow and develop into fine young men and women, Father. We pray for those in the community that continue to show their support and ask that You bless them with kindness and favor. We thank You now, Father, for what we are about to do, and give You all the praise and honor. It's in Jesus' name we pray, amen.

We ask that the Board immediately cease imposing prayer upon students, staff, and community members, and instead consider a moment of silence or no board-sponsored religious activity at all, which would comply with the Establishment Clause and protect the constitutional rights of students and parents.

The Supreme Court has consistently struck down prayers offered at school-sponsored events. *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (striking down school-sponsored prayers at football games); *Lee v. Weisman*, 505 U.S. 577 (1992) (finding prayers at public high school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law requiring daily “period of silence not to exceed one minute . . . for meditation or daily prayer”); *Abington Twp. Sch. Dist. v. Schempp*, 374 U.S. 203 (1963) (declaring school-sponsored devotional Bible reading and recitation of the Lord’s Prayer unconstitutional); *Engel v. Vitale*, 370 U.S. 421 (1962) (holding formal recitation of prayers in public schools unconstitutional). In each of these cases, the Supreme Court struck down school-sponsored prayer because it constitutes government favoritism towards religion, which violates the Establishment Clause of the First Amendment. The Court’s recent decision in *Kennedy v. Bremerton School District* did not alter the law regarding these kinds of coercive prayer practices, nor did it overrule these previous decisions.

In the most recent case striking down a school board’s prayer practice, the Ninth Circuit Court of Appeals reaffirmed that Establishment Clause concerns are heightened in the context of public schools “because children and adolescents are just beginning to develop their own belief systems, and because they absorb the lessons of adults as to what beliefs are appropriate or right.” *FFRF v. Chino Valley Unified Sch. Dist. Bd. of Educ.*, 896 F.3d 1132, 1137 (9th Cir. 2018). The court reasoned that prayer at school board meetings “implicates the concerns with mimicry and coercive pressure that have led us to ‘be [ ] particularly vigilant in monitoring compliance with the Establishment Clause.’” *Id.* at 1146 (quoting *Edwards v. Aguillard*, 482 U.S. 578, 583–84 (1987)). The Court reaffirmed in *Kennedy* that the schools cannot “make a religious observance compulsory.” *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2429 (2022) (quoting *Zorach v. Clauson*, 343 U. S. 306, 314 (1952)).

Students and parents have the right—and often reason—to participate in school board meetings. It is coercive, insensitive, and intimidating to force nonreligious citizens to choose between making a public showing of their nonbelief by refusing to participate in the prayer or else display deference toward a religious sentiment in which they do not believe, but which their school board members clearly do. Board members are free to pray privately or to worship on their own time in their own way. However, the Board ought not to lend its power and prestige to religion or coerce attendees into participating in religious exercise, which alienates the thirty-seven percent of Americans who are non-Christian.<sup>1</sup>

It is unconstitutional for the Board to host prayers at its meetings. We request that the Board cease including prayer at its meetings in order to protect the rights of students, their parents, and the local community. Please inform us in writing of the steps the Board will take to resolve this matter.

Sincerely,



Christopher Line  
Staff Attorney  
Freedom From Religion Foundation

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