

FREEDOM FROM RELIGION *foundation*

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Patricia Simmons
School Board Chair
Colleton County School District
500 Forest Circle
Walterboro, SC 29488

Re: Unconstitutional prayer at school board meetings

Dear Chairperson Simmons and Board members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Colleton County School District. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 300 members in South 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 Colleton County School District community member has reported that the Board regularly opens its meetings with Christian prayer. At some meetings, the Board has even invited “a pastor out of the audience” (March 21, 2023) or a “reverend” (June 1, 2023) to lead the invocation. Our complainant, who belongs to a minority religious faith, reports being made uncomfortable by these Christian prayers, but they are also worried about publicly speaking out against this practice because the community is “so rooted in their Christianity.”

The invocation delivered at the June 13th Board meeting was explicitly Christian and delivered, “in the name of Jesus Christ”:

Dear Heavenly Father, we thank You for this day. Lord, we thank You for your mercy and we thank You for your love. Father, if it had not been for You, where would we be? And Lord, I’m asking you right now to please come into this as the business of the Colleton County School District is taken care of. Father, let there be peace, let there be harmony, let there be love. And Father, God, Lord, please cover our students and our staff, throughout this summertime leading them wherever they may go. And Father, Lord, we pray that all policies and decisions that are made are for the benefit of all. These and all blessings we pray and ask in the name of Jesus Christ, 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. Including Christian prayer at Board meetings needlessly excludes those who are among the 37 percent of Americans who are non-Christians, including the nearly one in three adult Americans (29 percent) who are religiously unaffiliated.¹

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/.

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,

A handwritten signature in blue ink, appearing to read "Chris Line", with a long horizontal flourish extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

CAL:pbw