

FREEDOM FROM RELIGION *foundation*

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November 10, 2023

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Ronnie Strickland
Chair
Columbus County Board of Education
2586 James B. White Hwy North
Whiteville, NC 28472

Re: Unconstitutional prayer at school board meetings

Dear Chair Strickland:

I am again writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring at Columbus County Board of Education meetings. FFRF is a national nonprofit organization with more than 40,000 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 District community member has reported that the Board begins each meeting with a Christian prayer led by a member of the Board. It is our understanding that the Board believes that because it holds this official prayer just prior to calling the meeting to order that this practice is constitutional.

We ask that the Board cease opening its meetings with prayer out of respect for the First Amendment rights of and the diversity of the community.

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 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)).

In *Lund v. Rowan Cty., N. Carolina*, the Fourth Circuit Court of Appeals, which controls in North Carolina, found that even legislative prayer is unconstitutional when the members of the legislative body are the only ones giving prayers because the government is delivering prayers that were exclusively prepared and controlled by the government, constituting a “much greater and more intimate government involvement” in the prayer practice than those that have been found constitutional. 863 F.3d 268, 278 (4th Cir. 2017). Here, these government-delivered prayers are taking place in the public school context with its heightened Establishment Clause concerns, a violation of the Constitution.

Schemes to skirt the Constitution by moving prayers before other similar meetings have failed. In Forsyth County, N.C., county board prayers were ruled unconstitutional even though the county conducted the prayers before the official opening of the meeting and removed the invocation from the agenda. The Fourth Circuit Court of Appeals made specific reference to the fact that the prayers were offered before the official beginning of meetings. *See Joyner v. Forsyth County*, 653 F.3d 341, 343 (4th Cir. 2011) (“Prior to the opening gavel that officially began the meeting, the Board Chair would introduce the speaker and invite those who wished to stand to do so.”), *cert. denied*, 132 S. Ct. 1097 (U.S. 2012). The county adopted a policy that made clear that the invocation was not “listed or recognized as an agenda item for the meeting so that it may be clear the prayer is not considered a part of the public business.” *Id.* at 344. The prayer practices were still ruled to be unconstitutional.

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, such as our complainant, 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. Needlessly including prayer at Board

meetings excludes those who are among the 37 percent of Americans who are non-Christians,¹ including the 49 percent of Generation Z who are religiously unaffiliated.²

Out of respect for the First Amendment rights and diversity of its community, we ask that the Board cease unconstitutionally including prayers at meetings. Please inform us in writing of the steps the Board is taking to remedy 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 blue ink that reads "Chris Line". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

Christopher Line
Staff Attorney
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/.

² 2022 Cooperative Election Study of 60,000 respondents, analyzed by Ryan P. Burge www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.