

FREEDOM FROM RELIGION *foundation*

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October 16, 2023

SENT VIA EMAIL & U.S. MAIL: wade.whitney@gcsd.us

Wade Whitney, Jr.
Superintendent
George County School District
5152 Main Street
Lucedale, MS 39452

Re: Multiple constitutional violations

Dear Superintendent Whitney:

I am writing again on behalf of the Freedom From Religion Foundation (FFRF) regarding numerous reports of constitutional violations in the George County School District (“the District”). We have yet to receive a response to our June 2023 letter regarding bible distributions in the District. We hope to receive a response soon so that we can work together to address these issues.

We received a report that the May 25, 2023 George County High School graduation ceremony included both a pre-planned invocation and benediction.¹ It is our understanding that both prayers were student-led, overtly Christian, and that the prayer-givers asked the audience to bow their heads to participate in each prayer. We are informed that the 2022 George County HS graduation ceremony also included a student-led invocation and benediction where the audience was asked to bow their heads in prayer.²

Further, we are told that on August 6, 2023, the official George County HS football team Facebook page posted a photo thanking a pastor from Refuge Church for delivering a devotional sermon to the football team. Please see the enclosed screenshot of the post.

Additionally, the Ten Commandments are reportedly displayed in classrooms and other locations throughout numerous District schools, including George County HS, George County Middle School, Benndale Elementary School, L.C. Hatcher Elementary School, and Rocky Creek Elementary School. Please see the enclosed photographs of Ten Commandment displays located throughout the District’s buildings.

Our complainant also reports that the bible verse, “Whatever you do, work at it with all your heart, as working for the Lord, not for men. Colossians 3:23,” is displayed above the gymnasium doors at George County HS. Please see the enclosed photograph.

We ask that the District investigate these matters and ensure that all District schools comply with the Constitution going forward.

¹ George County High School 2023 Graduation, <https://www.youtube.com/watch?v=wr1fqYA8Oe8>.

² George County High School 2022 Graduation, https://www.youtube.com/watch?v=d_9u66H9uuQ.

Students have the First Amendment right to be free from religious indoctrination in their public schools. It is well settled that public schools may not show favoritism towards or coerce belief or participation in religion. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); *McCollum v Bd. of Ed.*, 333 U.S. 203 (1948). The District's actions show a clear custom and practice of official District favoritism towards religion over nonreligion, and Christianity over all other faiths. Additionally, the inclusion of prayers and proselytizing at official school-sponsored events and activities, such as graduation ceremonies and athletic team events, unconstitutionally coerces students to participate in and observe religious exercises.

The Supreme Court has continually struck down prayers at school-sponsored events, including graduations. *See Lee*, 505 U.S. 577 (declaring clergy-delivered prayers unconstitutional at a public school graduation). School officials may not invite a student, teacher, faculty member, or clergy member to give any type of prayer, invocation, benediction, or sermon at a public high school-sponsored event. *See Santa Fe*, 530 U.S. 290 (holding that student-delivered prayers pursuant to school policy at high school football games violate the Establishment Clause). "It is beyond dispute that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise[.]" *Lee* at 587. Furthermore, government-led prayer "has the improper effect of coercing those present to participate in an act of religious worship." *Santa Fe*, at 312. Here, the Christian invocations and benedictions delivered at both the 2023 and 2022 George County HS graduation ceremonies directly contravened Supreme Court precedent and violated students' First Amendment rights.

Moreover, a public school's athletics coach may not constitutionally direct or encourage student athletes to pray, including by inviting a clergy member to lead students in a sermon. *See, e.g., Borden v. Sch. Dist. of the Twp. of East Brunswick*, 523 F.3d 153 (3d Cir. 2008), *cert. denied*, 129 S.Ct. 1524 (2009) (declaring the coach's organization, participation and leading of prayers before football games unconstitutional); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402 (5th Cir. 1995) (holding a basketball coach's participation in student prayer circles unconstitutional).

You may be aware that the Supreme Court recently held in *Kennedy v. Bremerton School District* that a high school football coach's silent, private post-game prayer was constitutional. 142 S.Ct. 2407, 2415–16 (2022). Throughout its opinion, the Court repeatedly stressed that the coach silently prayed alone. *Id.* (the coach "offered his prayers quietly while his students were otherwise occupied."). The prayers "were not publicly broadcast or recited to a captive audience. Students were not required or expected to participate." *Id.* at 2432. Here, rather than praying privately after games, it appears that George County HS's football faculty invited a local clergy member to lead students in a sermon and likely encouraged, if not required, student athletes to attend and participate in this religious exercise.

The District also violates the Constitution when it allows its schools to display religious messages or symbols, including biblical scripture and the Ten Commandments. Such displays violate the First Amendment by signaling that the District prefers religion over nonreligion, and Christianity over all other faiths. Courts have continually held that public school districts may not display religious messages or iconography in public schools. *See, e.g., Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York County*, 484 F.3d 689 (4th Cir. 2007) (ruling that a teacher may be barred from displaying religious messages on classroom bulletin

boards); *Washegesic v. Bloomington Pub. Schs.*, 33 F.3d 679 (6th Cir. 1994) (ruling that a picture of Jesus may not be displayed in a public school).

The District should strive to ensure that all of its events, activities, and buildings are welcoming and inclusive of all students and community members. By including overtly Christian prayers at graduations, proselytizing student athletes, and displaying biblical scripture and the Ten Commandments, the District needlessly alienates the students and families who are non-Christians, including those students who are a part of the 49 percent of Generation Z who are religiously unaffiliated.³

In order to respect the First Amendment rights of students, the District must investigate these matters and ensure that all of its schools comply with the Constitution moving forward. Please respond in writing with the steps the District is taking to address these constitutional violations. Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink that reads "Samantha F. Lawrence". The signature is written in a cursive style with a large initial "S" and "L".

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

Enclosures

³ 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/.



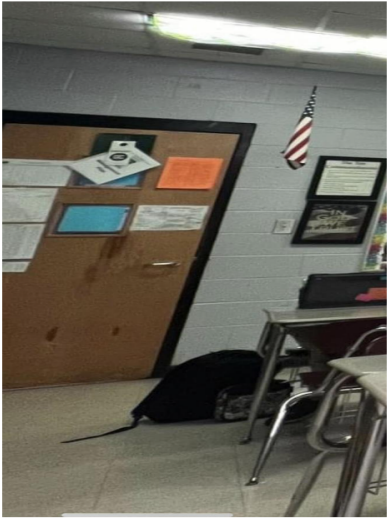
GCHS Football

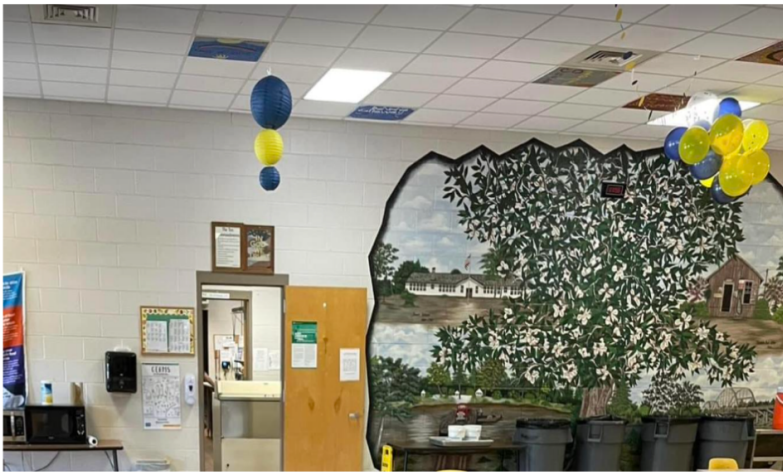
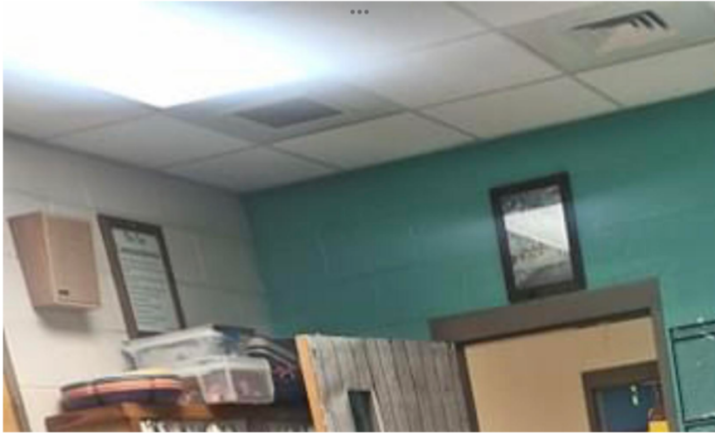


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Football team would like to thank Jourdan Green for to giving a devotional to the team yesterday. We had to postpone practice until 6 due to the heat and... See more









Whatever you do, work at it
with all your heart,
as working for the Lord,
not for men. Colossians 3:23



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