

# FREEDOM FROM RELIGION *foundation*

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July 15, 2020

**SENT VIA EMAIL AND U.S. MAIL:**

Debbie.Noble@co.gregg.tx.us

Michelle Gilley  
County Clerk  
Gregg County Courthouse  
101 East Methvin, Suite 200  
Longview, TX 75601

Re: Sponsorship of Prayer Rally Event

Dear Ms. Gilley:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) about a constitutional violation that occurred at the Gregg County Courthouse. FFRF is a national nonprofit organization with more than 32,000 members across the country, including more than 1,300 members in Texas. FFRF's 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 Gregg County resident contacted us to report that Judge Gregg Stoudt organized a prayer rally on Gregg County Courthouse grounds that took place on Saturday, June 27, 2020. We understand that Judge Stoudt stated that his intention was for "everyone to get together and let's just do some praying," noting that "[t]here's one thing we've all got in common and that's prayer."<sup>1</sup> Additionally, we are informed that the lectern used for the event featured the official Gregg County seal.<sup>2</sup>

I write to request that the Gregg County Courthouse and its employees refrain from hosting religious events on government grounds. When a government official, like Judge Stoudt, organizes a prayer rally on government property and the speakers pray over the official county seal, the government sends a message of religious endorsement, in violation of the First Amendment of the U.S. Constitution.

It is unconstitutional for government officials to use their positions to advance, promote, or endorse one religion over another, or religion over nonreligion. The First Amendment "requires the state to be neutral in its relations with groups of religious believers and non-believers." *Everson v. Bd. of Educ.*, 303 U.S. 1, 18 (1947). The Supreme Court has explained that "the prohibition against governmental endorsement of religion preclude[s]

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<sup>1</sup> <https://www.kltv.com/2020/06/24/webxtra-prayer-rally-be-held-gregg-county-courthouse-this-weekend/>.

<sup>2</sup> See Enclosure.

government from conveying or attempting to convey a message that religion or a particular religious belief is favored or preferred.” *Cty. of Allegheny v. Am. Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 593 (1989) (internal quotations omitted). The goal of the endorsement test is to ensure that the government does not “appear[] to take a position on questions of religious belief.” *Id.* at 594. Here, reasonable citizens would interpret a prayer rally organized by a county official, taking place on county property, and displaying the county seal as government espousal of religion.

Additionally, holding a prayer rally sends the message that the County prefers religion over non-religion. It alienates the 26 percent of Americans who are nonreligious by turning them into political outsiders in their own community.<sup>3</sup> This violates the Establishment Clause of the First Amendment to the United States Constitution, which the Supreme Court has said time and again “mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cnty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947).

The Gregg County Courthouse should respect the constitutional principle of separation of church and state by refraining from hosting overtly religious events on its grounds. Please respond in writing with the steps the county will take to prevent similar violations in the future. Thank you for your time and attention to this matter, and I hope this letter finds you in good health.

Sincerely,

A handwritten signature in black ink, appearing to read 'BJ', with a long horizontal flourish extending to the right.

Brendan Johnson, Esq.  
*Robert G. Ingersoll Legal Fellow*  
*Freedom From Religion Foundation*

Enclosure

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<sup>3</sup> *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/>.

