

# PRAYER WALKS & PUBLIC SCHOOLS

## FREEDOM FROM RELIGION *foundation*

### INTRODUCTION

Every year FFRF gets thousands of complaints from individuals around the country who encounter their government promoting religion. By far the largest percentage of these violations —between 30 and 50 percent in a typical year — occur in public schools. In the last few years, there has been an alarming rise in reports of “prayer walks” taking place in public schools. FFRF has received complaints of school involvement with prayer walks, from directly organizing these events to giving outsiders special access on campus to host them.

### WHAT IS A PRAYER WALK?

A prayer walk is a religious event that typically involves participants walking around or inside a school campus and praying over it. FFRF has received reports of prayer walks involving prayer, religious speeches, and even sprinkling “holy water” over school grounds. These events commonly occur before the start of a school year, but sometimes occur when there is an illness or death in the school community or a significant event in the school district.

### HOW DO PRAYER WALKS VIOLATE THE LAW?

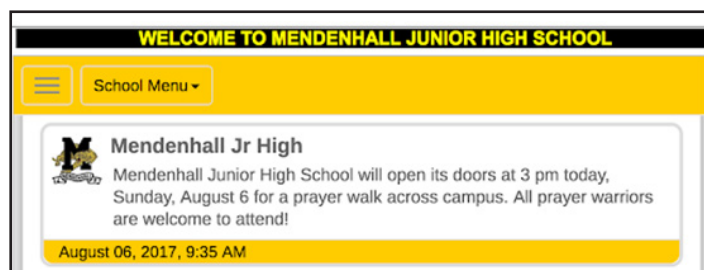
Many of the prayer walks reported to FFRF are hosted and organized by schools or school officials themselves. This is clearly prohibited by the Establishment Clause of the First Amendment. It is well settled that public schools may not advance, prefer or promote religion.<sup>1</sup> It is a constitutional violation for a public school to organize, or join forces with a church to host an inherently religious event such as a prayer walk.

Time and again, the Supreme Court has struck down teacher or school-led prayer in public schools. Public school teachers and administrators may not lead, direct, or ask students to engage in prayer.<sup>2</sup> The federal courts have struck down prayer in public schools because it constitutes a government-endorsement of religion, which violates the Establishment Clause of the First Amendment.



<sup>1</sup> See *Lee v. Weisman*, 505 U.S. 577 (1992); *Epperson v. Arkansas*, 393 U.S. 97 (1967);

<sup>2</sup> See, e.g., *Engel v. Vitale*, 370 U.S. 421 (1962); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Wallace v. Jaffree*, 472 U.S. 38 (1985)



For instance, school staff in Enterprise City Schools and Boaz City Schools, both in Alabama, hosted, organized and participated in a prayer walk through school halls in 2019. Both districts also promoted the event on official social media pages. Summer Creek High School in Texas hosted a prayer walk to celebrate a merger of two area high schools. The school promoted the event on its official web pages using the slogan “Two Schools. One God.”

Another report involved a principal at Mendenhall Junior High School in Mississippi who used the school-recorded phone message system to encourage all students to attend a prayer walk a few days before the start of the school year in 2017. The event was also advertised on the school’s official webpage.

Public schools have an obligation under the law to make certain that “subsidized teachers do not inculcate religion.”<sup>3</sup> Public school districts must make sure its representatives are not unlawfully and inappropriately indoctrinating students in

religious matters by encouraging them to engage in prayer during an event designed to blur the lines between religion and the public schools.

Although many of the prayer walk complaints FFRF receives involve school-hosted events, some involve prayer walks hosted and organized by a private religious group or individual. Often these private events are promoted by the school, on school webpages, social media pages, or through other official district channels. This also violates the Establishment Clause because it gives the impression to students that the school endorses a religious practice. The Supreme Court has held that school endorsement of a religious event like a prayer walk is impermissible “because it sends the ancillary message to . . . nonadherents ‘that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.’”<sup>4</sup> Public schools should be particularly mindful of ostracizing non-Christians, given that more than 43 percent of millennials and younger Americans are non-Christian, either practicing a minority religion or no religion at all.<sup>5</sup>

Yet another way in which public schools violate the law is by giving churches or private groups special and preferential access to the school campus in order to host prayer walks. For example, giving churches free access to campus, rather than charging the facility rental rates prescribed by district policy, amounts to preferential access. One violation reported to FFRF involved a public school in LaRue County, Ky., that rented the campus to a ministerial association, and allowed them to leave behind religious notes and materials for students to find when they returned to school.

3 *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971)

4 *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. at 668 (O’Connor, J., concurring)).

5 *America’s Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).

## PRAYER WALKS OUTSIDE OF SCHOOLS

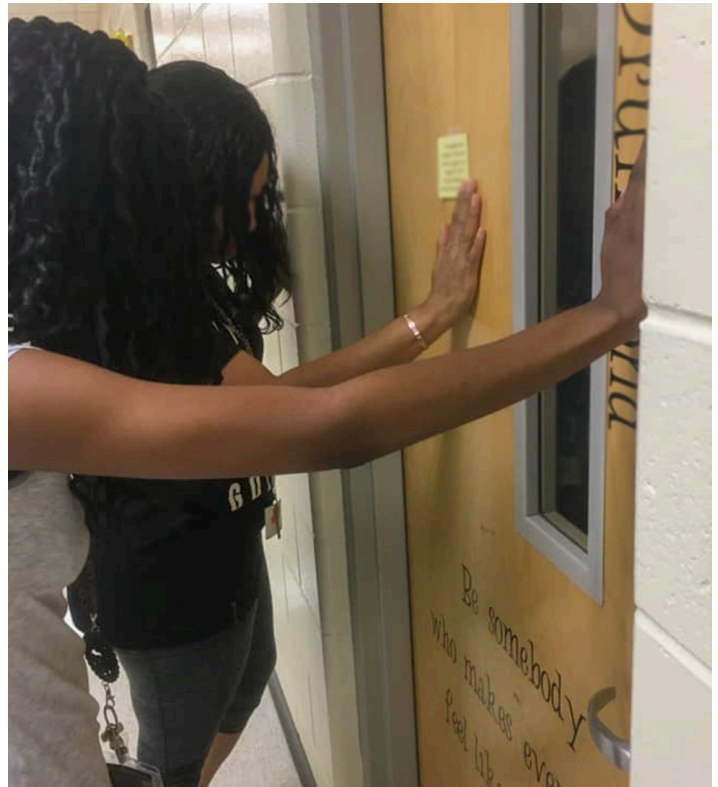
Although most reports involve events in the public schools, FFRF has received reports of prayer walks being organized by government officials in other contexts.

For example, in 2017, Kentucky Governor Matt Bevin announced his plan to combat rising violent crime in Louisville with prayer walks. His announcement stated,

*The lieutenant governor and myself laid forth a very simple request to people, and I'll share with you what that is: It is harnessing people of faith to pray for the community, engage with the community by physically walking blocks in that community, praying for the community, for the people in those communities, and engaging with them. . . . We ask people to spend no more than 30 minutes moving around the block. Go around the block, pause on each corner, pray for the people there, move to the next corner.*

FFRF also has received reports of prayer walks inappropriately hosted and promoted by police departments. For instance, FFRF complained to both Montgomery Police Department in Alabama and Cincinnati police department in Ohio in 2013 about department efforts to lower crime rates by hosting prayer walks. In 2020, FFRF objected to the Cary Police Department in North Carolina, when on-duty uniformed officers participating in a prayer walk were seen at a religious clergy foot-washing ceremony. Calling upon citizens to pray is coercive and beyond the authority of any government, let alone a law enforcement arm of the government. Citizens should not be made to feel offended, excluded, or like political outsiders because the police department they support with their taxes hosts or imposes religious rituals.

Police department, gubernatorial, and other government involvement in prayer walks likewise runs afoul of the First Amendment. As the Supreme Court has said, “The touchstone for our analysis is the principle that the ‘First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.’”<sup>6</sup> Government officials can worship, pray, and participate in religious events in their *personal* capacities. But they are not permitted to provide credibility or prestige to their religion by lending a government office and government title to religious events.



## CONCLUSION

It is a fundamental principle of Establishment Clause law that the government cannot in any way promote, advance, or otherwise endorse religion. Calling upon citizens to pray is coercive and beyond the authority of any government. By participating in or organizing a prayer walk, government officials create the appearance that the government endorses the event and its religious message. Government and public school officials should get off their knees and do the civil and secular work they are hired or elected to accomplish.

Prayer walks are religious events. Therefore public schools cannot organize them, use district resources to advertise them, or allow religious groups special access to school campuses to host them. School districts must heed the Supreme Court’s declaration that “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.”<sup>7</sup> Parents, not district administrators, have the right to dictate the religious or nonreligious upbringing of their children. Schools exist to educate, not to indoctrinate. As government entities charged with educating children of all citizens, regardless of religion or irreligion, public schools must not endorse religion by hosting, promoting or participating in prayer walks.

6 *McCreary County v. ACLU*, 545 U.S. 844, 860 (2005), (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968))

7 *Santa Fe* at 310 (quoting *Lee*, 505 U.S. at 589)