

# FREEDOM FROM RELIGION *foundation*

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September 8, 2023

**SENT VIA EMAIL & U.S. MAIL: [joe.whitmore@snead.edu](mailto:joe.whitmore@snead.edu)**

Joe Whitmore  
President  
Snead State Community College  
P.O. Box 734  
Boaz, AL 35957

Re: Unconstitutional prayer at public college

Dear President Whitmore:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring at Snead State Community College. FFRF is a national nonprofit organization with more than 40,000 members, including members in Alabama. 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 Snead State Community College employee has reported that you have been imposing your personal religious beliefs onto Snead State employees and treating Snead State as a Christian college rather than the secular public college it is. Our complainant reports that they have been required to partake in Christian prayer before meals and at staff events, and that each year, you present a “guiding bible verse” for the staff. Our complainant indicated that being forced to participate in Christian prayers has left them feeling uncomfortable and offended. They feel that they are being forced to bow their head and participate because not doing so would require them to expose their personal beliefs and potentially be subject to retribution.

We write to ask that Snead College immediately cease holding prayer for staff members, or in any way pushing religion onto staff members in order to respect the rights of staff members to be free from coercive religious practices in their government workplace.

Prayer at staff meetings is unnecessary, divisive, and unconstitutional. Staff members are free to pray privately or to worship on their own time in their own way. Holding prayer at staff events needlessly alienates those who are among the nearly 30 percent of adult Americans who are religiously unaffiliated, as well as the additional six percent of Americans adhering to non-Christian faiths.<sup>1</sup>

As a state-run institution, Snead State Community College is bound by the Establishment Clause of the First Amendment, which “mandates governmental neutrality between religion and religion, and between religion and nonreligion.” *McCreary County, Ky. v. American Civil Liberties Union of Ky.*, 545 U.S. 844,

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<sup>1</sup> 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/](http://www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/).

860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Board of Ed. of Ewing*, 330 U.S. 1, 15–16 (1947).

Federal courts have routinely enforced the strictures of the Establishment Clause in the context of public colleges and universities. See, e.g., *Piggee v. Carl Sandberg College*, 464 F.3d 667 (7th Cir. 2006) (holding that a community college had the right to insist that an instructor refrain from engaging in speech related to her religious beliefs); *Mellen v. Bunting*, 327 F.3d 355, 371 (4th Cir. 2003) (holding supper prayer at a state-run military college unconstitutional); *Bishop v. Aronov*, 926 F.2d 1066 (11th Cir. 1991) (upholding a university’s restriction prohibiting a professor from referring to his religious beliefs during instructional time). Instituting a “guiding bible verse,” leading prayers, or otherwise pushing your personal religious beliefs onto subordinates in your official capacity as President is coercive and clearly demonstrates a preference for religion over non religion, and Christianity over all other faiths.

The “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents ‘that they are outsiders, not full members of the political community and accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe*, 530 U.S. at 309-10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). A state school and its representatives, while acting in their official capacities, must remain neutral on religious matters. However, the College ought not to lend its power and prestige to religion or coerce staff members into engaging in religious observance.

It is important to note that this case is readily distinguishable from the Supreme Court’s recent ruling in *Kennedy v. Bremerton School District*. In *Bremerton*, the Court held 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. Additionally, the Court concluded the coach’s quiet private prayer was private speech. *Id.* at 2423–24. (the coach’s prayer was not given while he was performing official duties such as instructing players, discussing strategy, or encouraging better performance).

To avoid further Establishment Clause concerns and to respect the rights of conscience of its employees, we ask that the college immediately cease holding prayer at staff events or meals, and that you cease including religious messages in official communications to staff members. Please inform us in writing of the steps taken to remedy this constitutional issue. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Line", with a stylized flourish at the end.

Christopher Line  
Staff Attorney  
Freedom From Religion Foundation