

# FREEDOM FROM RELIGION *foundation*

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October 1, 2021

**SENT VIA EMAIL & U.S. MAIL: [michele.morris@ucps.k12.nc.us](mailto:michele.morris@ucps.k12.nc.us)**

Michele Morris  
General Counsel  
Union County Public Schools  
400 N. Church Street  
Monroe, NC 28112

Re: Unconstitutional Prayer at School Board Meetings

Dear Ms. Morris:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Union County Public Schools. You may recall that FFRF is a national nonprofit organization with more than 36,000 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.

We first wrote to you on December 20, 2016 regarding the Union County Board of Education opening its meetings with Christian prayer. A concerned District community member has reported that the Board has continued to have Christian prayers at its meetings. It is our understanding that the Board allows various Christian clergy members to deliver prayer before board meetings. The Board's agendas confirm that each meeting opens with an invocation and that these invocations are delivered by Chaplain Vic Weaver.

These prayers appear to be invariably Christian in nature. For example the September 7, 2021 prayer was delivered in the name of Jesus:

Father God, we thank You so much for this chance just to be here, the day you have given us, the beautiful weather. And Father, we ask, now, that You would just be with the ones that are being impacted in our community, in our state, our country, and even in our world. The ones that are impacted with Covid, with the complications that come from that, the deaths that have occurred just recently, even today. And, Father, we ask that You just be with those families, be with the children in our area that are quarantined because of this dreaded virus. Father, we ask now that You would be with us tonight just give us wisdom, give us clear heads, and give us Your grace and let Your spirit reign over this body and we just ask all this now in the name of Jesus, amen.

The August 3, 2021 meeting was delivered “in the name that is above every name”:

Father, we come to You tonight in prayer in the name that is above every name and that’s the name of Jesus. And we thank You that we can openly pray to You and that we can bring our petitions to You and that You hear us. And Father, as this board of education gets ready to talk about issues that will impact our students, and our faculties, and our drivers of our busses, and everyone that will be impacted by everything that goes on this year, in our school year, we ask that You just give us wisdom as we figure out what needs to be done so that the students of this county will get the education that they deserve, that the faculty and the bus drivers and everybody will have safety, and that You will continue to bless us as a nation as we continue to look to you for answers as You lead, guide, and direct us. And we thank You for this, and we pray it, in the name of Jesus, amen.

The same Christian language was used at the July 13, 2021 meeting, “Father God, we come to You in the name that is above every name, the name of Jesus...,” and in the June 1, 2021 meeting, “Father God, we come to You tonight in the name that is above every name, and that is the name of Jesus Christ...”

We write to remind the Board that opening school board meetings with prayer is unconstitutional and to request that it end this practice immediately.

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 a government advancement and endorsement of religion, which violates the Establishment Clause of the First Amendment.

It is beyond the scope of a public school board to schedule or conduct prayer as part of its meetings. This practice violates the Establishment Clause of the First Amendment. *See FFRF v. Chino Valley Unified Sch. Dist. Bd. of Educ.*, 896 F.3d 1132 (9th Cir.), en banc denied, 910 F.3d 1297 (9th Cir. 2018); *Doe v. Indian River School District*, 653 F.3d 256 (3d Cir. 2011), cert. denied, 132 S. Ct. 1097; *Bacus v. Palo Verde Unified Sch. Dist.*, 52 Fed. Appx. 355 (9th Cir. 2002); *Coles v. Cleveland Bd. of Educ.*, 171 F.3d 369 (6th Cir. 1999).

In *Indian River School District*, the Third Circuit Court of Appeals emphasized that school board prayer is analogous to other school prayer cases when it comes to protecting children from the coercion of school-sponsored prayer, which is heightened in the context of public schools. 653

F.3d at 275. In that case, the court held that the school board meetings are “an atmosphere that contains many of the same indicia of coercion and involuntariness that the Supreme Court has recognized elsewhere in its school prayer jurisprudence.” *Id.* The court’s “decision [was] premised on careful consideration of the role of students at school boards, the purpose of the school board, and the principles underlying the Supreme Court’s school prayer case law.” *Id.* at 281. The final conclusion was that the school board prayer policy “[rose] above the level of interaction between church and state that the Establishment Clause permits.” *Id.* at 290.

A public school board is an essential part of the public school system. *See Coles*, 171 F.3d at 381 (“[T]he school board, unlike other public bodies, is an integral part of the public school system.”). Public school boards exist to set policies, procedures, and standards for education within a community. The issues discussed and decisions made at Board meetings are wholly school-related, affecting the daily lives of district students and parents. The Sixth Circuit noted in *Coles*, “although meetings of the school board might be of a ‘different variety’ than other school-related activities, the fact remains that they are part of the same ‘class’ as those other activities in that they take place on school property and are inextricably intertwined with the public school system.” *Id.* at 377.

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.” *Chino Valley*, 896 F.3d at 1137. 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)).

It is important to note that the U.S. Supreme Court’s decision in *Town of Greece v. Galloway*, permitting sectarian prayers at legislative meetings, has no applicability to the constitutionality of prayers at public school board meetings. In *Chino Valley*, decided after *Town of Greece v. Galloway*, the court distinguished the Chino Valley School Board from the deliberative legislative bodies considered in *Marsh* and *Galloway* and held that the board’s prayer practice must be analyzed as a school prayer case. The court found that “the nature of the audience at the Chino Valley Board meetings, and the nature of its relationship with the governmental entity making policy, are very different from those within the Marsh-Greece legislative-prayer tradition.” 896 F.3d at 1147. The court reasoned that prayers at school board meetings are “not the sort of solemnizing and unifying prayer, directed at lawmakers themselves and conducted before an audience of mature adults free from coercive pressures to participate that the legislative-prayer tradition contemplates. Instead, these prayers typically take place before groups of schoolchildren whose attendance is not truly voluntary and whose relationship to school district officials, including the Board, is not one of full parity.” *Id.* at 1142 (internal citations omitted).

Students and parents have the right—and often have reason—to participate in school board meetings. It is coercive, embarrassing, and intimidating for nonreligious citizens to be required to

make a public showing of their nonbelief (by not participating) or else to 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. The school board, however, ought not to lend its power and prestige to religion, amounting to a governmental endorsement of religion which alienates non-religious Americans. Non-religious Americans make up the fastest growing segment of the U.S. population by religious identification—35 percent of Americans are non-Christians, and this includes the more than one in four Americans who now identify as religiously unaffiliated.<sup>1</sup>

It is unconstitutional for the Board to institute prayers at its meetings. We request that the Board immediately refrain from scheduling prayers as part of future school board meetings to uphold the rights of conscience embodied in our First Amendment. Please inform us in writing at your earliest convenience of the steps the Board is taking to remedy this constitutional violation.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher Line  
Staff Attorney  
Freedom From Religion Foundation

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<sup>1</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/>.