

FREEDOM FROM RELIGION *foundation*

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SENT VIA U.S. MAIL AND EMAIL

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The Honorable Roger Hanshaw
Speaker of the House of Delegates
West Virginia Legislature
Room 224E, Bldg. 1
1900 Kanawha Blvd. E.
Charleston, WV 25305

Re: Unconstitutional State House religious rituals with captive audience of students

Dear Speaker Hanshaw:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to a biblical reading and sectarian prayer at the State House while students from the state-sponsored School for the Deaf and Blind visited. FFRF is a national nonprofit organization with more than 30,000 members across the country, including members in West Virginia. FFRF protects the constitutional separation between state and church and educates about nontheism.

A concerned local resident contacted us to report that on February 12, 2020, the House of Delegates hosted a group of students from the West Virginia Schools for the Deaf and Blind, who performed three songs.¹ While the students were in front of the dais, awaiting the start of their performance, the presiding speaker announced that a prayer would be delivered. The prayer-giver then said:

I'll be reading this morning from the Good News Bible, Psalms 31 verses 8 and 9.
² . . . Let us pray. Oh God, our Father, I ask your blessings today on this House, the House of the people. I also ask a special blessing today on some pretty

¹ Video available at www.facebook.com/13news/videos/2455862468077619/.

² The biblical passage read was actually Proverbs 31:8–9, not Psalms 31. The speaker likely would have been embarrassed to read the incorrectly cited chapter: “You hate those who worship false gods, but I trust in you. . . . I am exhausted by sorrow, and weeping has shortened my life. . . . Those who know me are afraid of me; when they see me in the street, they run away. Everyone has forgotten me, as though I were dead; I am like something thrown away. I hear many enemies whispering; terror is all around me. They are making plans against me, plotting to kill me. . . .”

awesome young people gathered here with us. May all those gathered here in your presence today perform in a manner that will give You honor and glory. These things I ask in Your precious and holy name. Amen.

This was followed by the Pledge of Allegiance, after which the students performed their songs.

It is inappropriate and divisive to include a bible reading and a sectarian, specifically Christian prayer at the West Virginia State House. Imposing these religious rituals on a captive audience of public school students, who were obviously not in a position to opt out of either religious ritual, is even more troubling. As the prayer-giver noted, the State House is the House of the people—all the people of West Virginia, not just Christians.

Today, more than one-quarter of Americans, 26%, are religiously unaffiliated and nearly 30% are non-Christians, either practicing a minority religion or no religion at all.³ Younger Americans are not just religiously unaffiliated, they are largely atheist or agnostic. A recent survey found that 21% of Americans born after 1999 are atheist or agnostic.⁴ Biblical readings and sectarian prayers send a message to those who do not share the prayer-giver's religion that the State House does not represent them.

A captive audience of young, impressionable, and obviously nervous public school students will of course interpret these rituals as demonstrating the State House's preference for Christianity. This prayer placed non-Christian students in a position where they were not only being told that they are not the State's favored citizens, but also were coerced to participate in religious exercises that they do not believe in. This was an extreme violation of those students' religious liberty.

We have a separation of state and church in this country because we are a diverse nation. Our nation's original motto, *e pluribus unum*, spoke of strength through diversity—of many, one. Of many people, one nation. Governments that derive their power from the people cannot take sides in a religious debate or discussion without alienating many of those people, without favoring one religion's claimed truths, however inadvertently. Government neutrality on religion is not just constitutionally mandated, but a way to ensure that our democratic government functions.

³ Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, Public Religion Research Institute (Sept. 6, 2017), available at www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

⁴ *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018), <https://www.barna.com/research/atheism-doubles-among-generation-z/>.

The Supreme Court has been particularly vigilant in protecting public school students' right to a secular government. *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (striking down school-sponsored prayers at football games, even when delivered by students); *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"); *Sch. Dist. of Abington Twp. 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).

A public school taking sides on religion is unconstitutional. A state-level legislative body hosting public school students and coercing them into joining in a sectarian Christian religious ritual is much worse. While students may think the former is limited to their particular school or teacher, the latter sends a message that the *entire state government* is Christian. This flagrant violation of West Virginia's young students' religious freedom is unacceptable. The State House should discontinue the practice of including prayers at its sessions altogether. At a minimum, such prayers must be done without coercion. When young students are waiting at attention in front of the State House dais, they should never have religious messages or rituals foisted onto them.

Sincerely,



Ryan D. Jayne
Staff Attorney

cc: Jamie Vittorio
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