

FREEDOM FROM RELIGION *foundation*

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August 29, 2024

SENT VIA EMAIL & U.S. MAIL: cary.holman@fcstn.net

Dr. Cary Holman
Franklin County School District
215 South College Street
Winchester, TN 37398

Re: Unconstitutional principal prayer at meeting

Dear Dr. Holman:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation at Broadview Elementary School. FFRF is a national educational nonprofit with more than 40,000 members across the country, including hundreds of members in Tennessee and a chapter, FFRF East Tennessee. FFRF protects the constitutional separation between state and church and educates about nontheism.

A concerned parent informs us that BES principal [REDACTED] concluded a parents, teachers, and students meeting with Christian prayer on August 2, 2024. The concerned parent recorded audio of the prayer, which was addressed to the Christian god and which ended, “we pray to you father in heaven for your wonderful blessings and we ask those things in God’s name. Amen.”

Government officials may not deliver an official, sectarian prayer to a captive audience. We ask the District to investigate and ensure that administrators and teachers are counseled against praying with students during the course of their official school duties.

Students, their families, and school staff all have the First Amendment right to be free from religious indoctrination when participating in school-sponsored events. It is a basic constitutional principle that public schools may not show favoritism towards or coerce belief or participation in religion. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); *McCullum v. Bd. of Educ.*, 333 U.S. 203 (1948). Official prayer at any school event, to a room of students, teachers, and parents, is unconstitutional.

Tennessee’s Establishment Clause has remained substantively unchanged since 1796. Borrowing Tennessee’s exact words, other states’ constitutional provisions “‘declaring that there shall be a separation of church and state are not only more explicit but *more restrictive*’ than the First Amendment.” *Gibson v. Brewer*, 952 S.W.2d 239, 246 (Mo. banc 1997) (quoting *Paster v. Tussey*, 512 S.W.2d 97, 101–02 (Mo. banc 1974) (emphasis added)). The Supreme Court of the United States’s decision in *Trinity Lutheran Church of Columbia, Mo., Inc. v. Comer*, 137 S.Ct. 2012 (2017) did not change that. *See Doe v. Marianist Province of U.S.*, 620 S.W.3d 73, 78 (Mo.

banc 2021) (quoting *Brewer and Paster*). So, Tennessee’s Establishment Clause is *more strict* than the federal First Amendment. *Compare* Tenn. Const. Art. I § 3 with Mo. Const. Art. I §§ 5–7. The prayer conducted at an FCSD event also violates Tennessee’s Constitution.

Furthermore, imposing prayer on students and staff violates their religious rights. The District serves and employs a diverse population with diverse religious beliefs, including Jews, Muslims, atheists, and agnostics. Thirty-seven percent of the American population is non-Christian, including the almost thirty percent who are nonreligious.¹ At least a third of Generation Z (those born after 1996) have no religion,² with a recent survey revealing almost half of Gen Z qualify as “nones” (religiously unaffiliated).³

The District must be neutral with regard to religion in order to respect and protect the First Amendment rights of all students, families, and staff. In the future, district staff must be made aware that including prayer in school events is unconstitutional. Please investigate this situation and respond in writing with the steps the District will take to ensure this violation does not occur again.

Sincerely,



Hirsh M. Joshi
Patrick O’Reiley Legal Fellow
Freedom From Religion Foundation

cc: Debbie Turner via debbie.turner@fcstn.net;
Roger Alsup via roger.alsup@fcstn.net;
Renee Bohannon via renee.bohannon@fcstn.net.

¹ Gregory A. Smith, *Religious ‘Nones’ in America: Who They Are and What They Believe*, Pew Research Center, Jan. 24, 2024, <https://www.pewresearch.org/religion/2024/01/24/religious-nones-in-america-who-they-are-and-what-they-believe/>.

² Samuel J. Abrams, *Perspective: Why even secular people should worry about Gen Z’s lack of faith*, Deseret News, Mar. 4, 2023, www.deseret.com/2023/3/4/23617175/gen-z-faith-religious-nones-civic-life-volunteers-charity.

³ Ryan P. Burge, *2022 Cooperative Election Study of 60,000 respondents*, Apr. 3, 2023, <https://religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/>.