

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 › MADISON, WI 53701 › (608) 256-8900 › WWW.FFRF.ORG

October 25, 2024

SENT VIA EMAIL & U.S. MAIL: kgenerette@horrycountyschools.net

Kenneth S. Generette
Staff Attorney
Horry County Schools
335 4 Mile Road
Conway, SC 29526

Re: Unconstitutional Religious Assembly and Open Records Request

Dear Mr. Generette:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding another constitutional violation reported in Horry County Schools. As you are aware, we just wrote to you on October 17, 2024 regarding an elementary school promoting a religious club for students. We continue to receive a large volume of complaints from employees and parents in the District, and would like the District to take a more proactive approach to ensuring its staff members abide by their legal obligations so that we do not have to take further action.

It is our understanding that Socastee High School is partnering with Bryan Drake, a Christian evangelist and illusionist, to convert its students to Christianity. A concerned District employee has reported that on October 30, 2024, Drake will be allowed to perform for students at an assembly held during the school day.

Drake is “driven by one clear and overriding passion, to share the Gospel with this generation.”¹ Together with his wife, Drake employs a combination of “comedy, mentalism, and illusions,” that “holds [the audience’s] attention and prepares them to see God’s plan from a new perspective.”² “They have witnessed the amazing grace of God first hand as thousands of people at their shows have surrendered their lives to follow Jesus.”³

We write to ask that the District cancel this presentation immediately and cease allowing Christian evangelizers to target its students. If the District allows this event to occur, it must ensure that Drake does not proselytize, discuss religion, or use the event to invite students to a more explicitly religious event held outside of the school. District administrators and staff cannot be allowed to push religion onto students, or allow outside religious speakers to use its schools to evangelize and recruit students for religious events.

¹ <https://www.bryandrakeshow.com/about>

² *Id.*

³ *Id.*

It is unconstitutional to take away instructional time from students to expose them to Christian preachers. It is well settled 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); *McCollum v Bd. of Ed.*, 333 U.S. 203 (1948).

Moreover, “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe*, 530 U.S. at 310 (quoting *Lee*, 505 U.S. at 589). In *Lee*, the Supreme Court extended the prohibition of school sponsored religious activities beyond the classroom to all school functions. By giving a Christian evangelist special permission to use District property and unique access to a captive audience of students in order to evangelize and promote his worship event, the District displays blatant favoritism towards religion over nonreligion, and in this case, evangelical Christianity over all other faiths.

Allowing an evangelical ministry even one-time access to recruit students and encourage their attendance at an evangelistic event is a violation of the Establishment Clause. The courts have protected public school students from overreaching outsiders in similar situations. *See, e.g., Berger v. Rensselaer Sch. Dist.*, 982 F.2d 1160 (7th Cir. 1993) (holding that distribution of bibles by Gideons in school violated Establishment Clause). Courts have granted injunctions against schools for their complacency in such situations. *See, e.g., Roark v. S. Iron R-1 Sch. Dist.* 540 F. Supp.2d 1047, 1059 (E.D. Mo. 2008); *upheld in relevant part by* 573 F.3d 556 (8th Cir. 2009) (holding that school policy allowing evangelical Christian organizations to distribute bibles in school violated Establishment Clause). This partnership with an overtly evangelical ministry is not only unlawful, it sends the message that Horry County Schools favors those students and community members who subscribe to this particular brand of evangelical Christianity. This needlessly alienates the District students and families who belong to the 37% of the American population that are non-Christian, including the almost 30% who are nonreligious.⁴

FFRF takes these kinds of violations very seriously and we are willing to vigorously defend students’ rights. We recently settled a lawsuit against a school district in West Virginia after it similarly allowed a preacher to recruit students at an assembly during the school day. *See Mays v. Cabell Cnty Bd. of Educ.*, No. 3:22-cv-00085 (S.D. W.Va., Filed Feb. 17, 2022). As part of that settlement, the district agreed to pay nearly \$175,000 in attorney fees.⁵

The District must enforce its constitutional obligation to remain neutral toward religion and stick to the task of providing a secular education. The District cannot be a venue for evangelists to recruit students, and it cannot allow its speakers to invite students to religious events. Please inform us in writing of the steps you are taking to protect the rights of conscience of children and families by not providing religious organizations unique access to your students, and please respond to the following public records request.

⁴ Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), available at www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

⁵ ffrf.org/news/news-releases/item/42958-ffrf-victory-w-va-families-secure-policy-changes-in-religious-revival-lawsuit.

Open Records Request

Pursuant to South Carolina's Freedom of Information Act (S.C. Code § 30-4-10), I hereby request the following records from the past 12 months:

Any records related to Bryan Drake and his performances for students within Horry County Schools from the past year, including but not limited to:

- a. Any contracts or agreements between the District and Bryan Drake or representatives of Bryan Drake;
- b. Any communications between District staff and Bryan Drake or representatives of Bryan Drake;
- c. Any communications sent to or from District staff discussing Bryan Drake;
- d. Any financial records related to performances by Bryan Drake, including invoices, checks, and receipts.

If any of these records are available in electronic format, they may be emailed to **records@ffrf.org**. If you have any questions or I can clarify this request in any way, you can contact me at (608) 256-8900 or chris@ffrf.org.

If this request is denied, please respond with a written explanation of the denial including any references to statutory exemptions or other case law upon which you rely. Thank you for your time and attention to this matter.

Sincerely,

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

Christopher Line
Staff Attorney
Freedom From Religion Foundation

CAL:kjs