

FREEDOM FROM RELIGION *foundation*

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

September 11, 2024

SENT VIA EMAIL & U.S. MAIL: cchism@pearlk12.com

Superintendent Chris Chism
Pearl Public School District
3375 Highway 80 East
Pearl, MS 39208

Re: Unconstitutional official prayer

Dear Superintendent Chism:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding constitutional violations occurring in the Pearl Public School District. FFRF is a national nonprofit organization with over 40,000 members across the country, including members in Mississippi. 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 community member and alumni informs us that prayer started Pearl High School's 2024 graduation ceremony.¹ The same was true for the 2019, 2020, 2021, 2022, and 2023 graduation ceremonies.² All of these prayers share the same character: They happen after the graduating classes sit and before the pledge of allegiance; the delivering student only states their prayer and then leaves the stage. Our complainant notes that prayer often commences official District events, such as sporting events, and award ceremonies. The prayers were overtly Christian; they all started with "Dear God" and concluded with "amen." During a December 2023 Madrigal, the PHS choir recited a benediction. Please see the enclosed screenshots. Our complainant expects an unwelcome official prayer at Pearl High School's 2025 graduation ceremony.

School-sponsored prayer has the effect of government coercing all attendees to participate in religious worship. That coercion is at the heart of the Establishment Clause and thus makes official school prayer unconstitutional. We ask the District to investigate and cease holding official prayers going forward.

¹ City of Pearl MS, *2024 Pearl High School Graduation*, May 16, 2024, <https://www.youtube.com/watch?v=-eD9JhdcpjK> (prayer starting at 11:48).

² 2019 - <https://www.facebook.com/PearlMB/videos/pearl-high-school-2019-graduation/485956011945050/> (starting at 7:05); 2020 -

https://www.youtube.com/watch?v=KLAXkn2kGeE&list=PLiqc2Z1AVAWtoUPcOaMI8fQUC2TyH_yuU (starting at 0:35); 2021 - <https://www.youtube.com/watch?v=cvNBVeWZWJk> (starting at 13:30); 2022 -

<https://www.youtube.com/watch?v=4k9IMbLJdco> (starting at 13:10); 2023 -

<https://www.youtube.com/watch?v=ZahcBJWGjEA> (starting at 14:50).

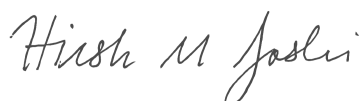
Public school students have a constitutional right to be free from religious indoctrination in their public schools, including when attending school-sponsored events. It is well settled that public schools may not show favoritism toward or coerce belief or participation in religion. *See generally Santa 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 Educ.*, 333 U.S. 203 (1948). The Supreme Court has struck down prayers at school-sponsored events. *See Lee*, 505 U.S. 577 (declaring prayers at a public school graduation unconstitutional).

School officials may not invite a student, teacher, faculty member, or clergy member to give any type of prayer, invocation, benediction, or sermon at public school-sponsored events, nor may they give a prayer themselves. *See Santa Fe*, 530 U.S. 290 (holding that student-delivered prayers at high school football games violate the Establishment Clause). “It is beyond dispute that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise[.]” *Lee*, 505 U.S. at 587. Furthermore, government-led prayer “has the improper effect of coercing those present to participate in an act of religious worship.” *Santa Fe*, 530 U.S. at 312.

Attendee acceptance or indifference to prayer is immaterial; courts continually reaffirm that the protection of minorities’ rights is the Constitution’s touchstone. As the Supreme Court has said, “fundamental rights may not be submitted to vote; they depend on the outcome of no elections.” *Santa Fe*, 530 U.S. at 304–05 (quoting *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 638 (1943)). “The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts.” *Barnette*, 319 U.S. at 638. The District has a constitutional duty to remain neutral toward religion. By having prayer at a graduation and other official school events, the District abridges that duty and needlessly excludes students who are a part of the forty-nine percent of Generation Z who are religiously unaffiliated.³

In order to respect students’ First Amendment rights, the District must ensure that all future events do not include school-sponsored prayers. Please respond in writing with the steps the District is taking to remedy this constitutional violation and ensure that it does not recur. Thank you for your time and attention to this matter.

Sincerely,



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

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/>.