

# FREEDOM FROM RELIGION *foundation*

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January 28, 2011

**SENT VIA FAX & U.S. MAIL  
(910) 640-1010**

Dan Strickland  
Superintendent  
Columbus County Schools  
817 Washington St  
Whiteville NC 28472

COPY

**Re: Illegal Prayer in a 3<sup>rd</sup> Grade Classroom**

Dear Dr. Strickland:

I am writing on behalf of a concerned district parent and taxpayer, and other members of the Freedom From Religion Foundation (FFRF), to alert you to an egregious constitutional violation occurring at Chadbourn Elementary School. FFRF is a national nonprofit organization with over 16,000 members, including over 300 members in North Carolina. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that a 3<sup>rd</sup> grade teacher, Mrs. Becky McCleney at Chadbourn Elementary School leads students in prayer. We understand that her students have been instructed to say the following prayer at lunchtime prior to eating:

“Thank you for the world so sweet,  
Thank you for the food we eat,  
Thank you for the birds that sing,  
Thank you God for everything.”

We further understand that this has been brought to your attention and that the prayers continue to be lead by Mrs. McCleney prior to lunchtime.

We ask that you commence an immediate investigation into this allegation and take prompt action to halt prayers occurring at public schools in your district.

It is well settled that a public school teacher may not lead, direct or ask her students to engage in prayer. The Supreme Court has continually struck down formal and teacher or school-led prayer in public schools. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962)(declared prayers in public schools unconstitutional); *Abington Township Sch. Dist. v. Schempp*, 374 U.S. 203 (1963)(declared unconstitutional devotional Bible reading and recitation of the Lord’s Prayer in public schools); *See also Lee v. Weisman*, 505 U.S.

577 (1992)(ruled prayers at public high school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985)(overturned law requiring daily “period of silence not to exceed one minute ... for meditation or daily prayer.”); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825 (11th Cir. 1989), cert. den., 490 U.S. 1090 (1989)(holding unconstitutional pre-game invocations at high school football games). Even when student-initiated, the Supreme Court have found these prayers unconstitutional. *See generally, Sante Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000)(struck down a school policy that authorized students to vote on whether to hold a prayer at high school football games). In all of the aforementioned cases, the federal courts have struck down prayer in public schools because it constitutes a government-endorsement of religion, which violates the Establishment Clause of the First Amendment. This is particularly true (and more egregious) when the prayer is delivered and taught to a captive group of impressionable school children as young as eight.

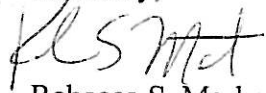
You have an obligation under the law to make certain that “subsidized teachers do not inculcate religion.” *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). Certainly, “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. South Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993)(quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991). Your school district should make certain that its teachers are not unlawfully and inappropriately indoctrinating students in religious matters.

Furthermore, while acting in their official role as public school teachers, and while they are present in the classroom or public school, teachers may not pray with students. Courts have upheld the termination of teachers who do. *See, e.g., Grossman v. South Shore Public Sch. Dist.*, 507 F.3d 1097 (7th Cir. 2007), *Webster v. New Lenox Sch. Dist.*, 917 F.2d 1004 (7th Cir. 1990); *Roberts v. Madigan*, 921 F.2d 1047 (10th Cir. 1990).

Instructing 3<sup>rd</sup> graders to pray violates the U.S. Constitution. Columbus County Schools must take immediate action to stop its teachers from imposing their religious beliefs and practices on their students. Teachers in your district must be directed to adhere to current law.

We ask that you immediately commence an investigation into this matter and halt this abuse of power. Please promptly inform us in writing of the steps you are taking to protect the rights of conscience of your students and of district parents, who have the right to direct the religious, or non-religious, upbringing of their children.

Sincerely,

  
Rebecca S. Markert  
Staff Attorney

cc: Deanna Schuman, Principal Chadbourn Elementary