

February 26<sup>th</sup> 2020  
Via US Mail & Email

RE Unconstitutional Prayers (Invocation) at Clark County School Board Meetings

To: Clark County School District  
CC: CCSD Attorney Lavelle  
Clark County School District Trustees  
lavelec@nv.ccsd.net

To: Freedom From Religion Foundation  
CC: FFRF Staff Attorney Madeline Ziegler  
FFRF a non-profit, educational organization.  
FFRF is a member of the Secular Coalition for America

“The Right to Pray”

I, Victorya am writing today on behalf of Freedom of Religion and Religious Expression/Speech, in the form of Prayer. The Freedom of Religion is protected in the Constitution defined through the US Constitution in the 1<sup>st</sup> Amendment. The First Amendment of the United States Constitution protects the right to freedom of religion and freedom of expression from government interference.

Christianity alone, and its members who nationwide are reported to have an estimated 71% of people in the US. The US Constitution protects, and does not prohibit the free exercise of religion.

I will not speak directly to the CCSD Board policies, other than to state; the name of Jesus was not part of the prayer, that not one specific holiday was specified or mentioned in the prayer, even as December is a month for a variety of religious holidays that are celebrated. In the complaint I was referred to as a “Preacher” from Messages of Faith. A complaint was filed, that ultimately released a video clip of me during the December 12<sup>th</sup> prayer to the media, without any courtesy or respect of notifying me as one of CCSD Invocation clergypersons, thereby eluding blame of the Invocation removal, and complaint squarely on my shoulders. You complain the Prayer was unconstitutional? There was nothing unconstitutional about the Prayer. Your complaint states that I “asked” the “children be trained up righteously”, an untrue presumption as I never “asked” as this was a prayer not a question, a line used in my prayer, and then you draw an opinion stating “which means trained as Christians.” Are Christians the only people who might assume children should be taught accordingly?

The FFRF biased belief cannot make the assumption, nor can it presume or prove that their opinion is what my prayer intended or was meant by me. The line in the prayer did not “quote” as they implied, there is a difference between a paraphrase and a quote. If I had given a quote I would have distinctly stated word for word the following as “quote”; *Proverbs 22:6 Train up a child in the way he should go; even when he is old he will not depart from it.*

Words-Interpretation- Meaning- If I speak to a secular setting I define meaning/expression appropriately, if I speak to a faith setting I define meaning /expression appropriately. I don’t apologize for either expression, just as I never apologize to anyone for my being a born again Christian. Did I announce this during the Invocation? No I did not.

Someone took offense to the prayer and I take offense to their complaining, offense to the CCSD reaction to the complaint, and offence that the FFRF that would have a problem with schools training children in skills and practice of such; Listening, Speaking, Sports, Practice of Good Behavior, etc., and using proper Curriculum; which is a readiness that children in school are trained up for.

Righteously- is also defined as- upstanding, ethical, principled, honest, reasonable, and sensible. Do we have a problem with training children up in this manner? Does this allude to the idea that it only means trained as Christians?

The FFRF states, “tellingly the board only prays at regular meetings”. What is striking or revealing about this? Most board meetings open to the public, government or otherwise start with an opening Invocation and Pledge. I

have been an Invocator for both religious events and government/secular events and regular monthly meetings for approximately 5 years or longer, and there's nothing striking about this practice or process. A proper invocation should address to whom the prayer is for, its event, affiliation, purpose, etc. Schools are in the business of education and training up and teaching children the right way of responsibility and purpose. Therefore the prayer was scripted and defined as such.

It is not beyond the scope of any school board to practice Invocations in its meetings as far as its practices go. CCSD and the Trustees were established in 1956. The CCSD online lists agendas back from 2006 14 yrs which could be an estimated 336 Prayers, and even more from 1956, 64 yrs; an estimated 1536 Prayers. There is a large amount of faith-based individuals from the public in Nevada that do not support the removal of the Invocation prayer decision and express their concerns that this decision has negatively impacted a long standing Invocation practice by CCSD by prohibiting the right to start meetings with pray.

Establishment clause; is the clause in the First Amendment of the US Constitution that prohibits the establishment of religion by Congress. The establishment clause does not protect establishing a "national church," since the whole point of the clause is to ensure that all religions are welcome in the United States. The Free Exercise Clause reserves the right of American citizens to accept any religious belief and engage in religious rituals. The Establishment Clause was not intended, or originate, nor was it established to abuse or bully people of faith, or prayer by any secular or atheist groups local or nationally. It was established to protect the 1<sup>st</sup> Amendment not prohibit it.

There is no "separation of church or state" documented in the US Constitution. The phrase "separation between church & state" is generally traced to a January 1, 1802, letter by Thomas Jefferson, addressed to the Danbury Baptist Association in Connecticut, and published in a Massachusetts newspaper. "Separation of church and state" is paraphrased from Thomas Jefferson and used by others in expressing an understanding of the intent and function of the Establishment Clause and Free Exercise Clause of the First Amendment.

Freedom From Religion Foundation v. Chino Valley Unified School District Board of Education (U.S.C.A. 9th Circuit, 2017.

The findings cited in this case states, that "Some, such as a student representative who sits on the board and students subject to disciplinary hearings, are required to be at meetings." Does CCSD have a student that sits on the board or required to be at meetings? "Others attend meetings", are they required to be at the meetings or are the meetings open where others may choose to attend? How was coercion of religion defined? Children receiving awards are not required to attend; it is the choice of the parent to grant permission to attend. Adults have free will to choose to attend, stay, or leave meetings. They are not coerced in any manner to do any of these. Individuals may be embarrassed, however it isn't because they have been coerced to participate in any prayer, but rather because they went against their own free will of not to participate, and now want to blame someone else for their own actions of their own choosing. No one is mandated to stand or participate in any prayer.

*The US Supreme Court usually Applies the three- pronged test first articulated in Lemon v. Kurtzman, 403 U.S. 602, 612–13 (1971) The test for determining whether a law meets the requirements of the Establishment Clause is whether it has a legitimate secular purpose, does not have the primary effect of either advancing or inhibiting religion, and does not result in an excessive entanglement of government and religion.)*

FFRF cited cases in its complaint- and as law is open to interpretation in the courtroom, just as countering them with,

Town of Greece v. Galloway, 572 U.S.,

*Since 1999, Greece, New York has opened monthly town board meetings with a roll call, recitation of the Pledge of Allegiance, and a prayer by a local clergy member. While the prayer program is open to all creeds, nearly all local congregations are Christian. Citizens alleged violation of the First Amendment's Establishment Clause by preferring Christians over other prayer givers and by sponsoring sectarian prayers and sought to limit the town to "inclusive and ecumenical" prayers that referred only to a "generic God." The district court entered summary judgment upholding the prayer practice. The Second Circuit reversed, holding that some aspects of the prayer program, viewed in their totality by a reasonable observer, conveyed the message that the town endorsed Christianity. A divided Supreme Court reversed, upholding the town's practice.*

District 5th U.S. Circuit Court of Appeals, Nos. 15-11067, 16-11220 Birdville Independent School Dist.

*In a 3-0 decision, the 5th U.S. Circuit Court of Appeals rejected an appeal by the American Humanist Association, which said the practice by the Birdville Independent School District violated the First Amendment's prohibition of a government establishment of religion. The court agreed with the district court that a school board was more like a legislature than a school classroom or event where the board is a deliberative body, charged with overseeing the district's public schools and other tasks. The district court granted summary judgment for the school district. In Town of Greece v. Galloway, the Supreme Court stated unequivocally that the legislative-prayer exception in Marsh v. Chambers extends to prayers delivered at town-board meetings. In this case, the court concluded that the school board was no less a deliberative legislative body than was the town board in Galloway. He also said the U.S. Supreme Court's 2014 decision letting the town of Greece in upstate New York start board meetings with prayer supported the Birdville school board's practice "Most attendees at school-board meetings, including Smith, are mature adults," and even board members' "polite" requests that the audience stand during invocations "do not coerce prayer," Smith wrote. The judge added that while two other federal appeals courts reached the opposite conclusion in similar cases, their decisions predated the Greece case and students, unlike in Birdville, had formal roles in board proceedings. A federal appeals court said on Monday a Texas school board may open its meetings with student-led prayers without violating the U.S. Constitution.*

It is not unconstitutional to open School board meeting with Invocations. A remedy to the constitutional protected 1<sup>st</sup> Amendment is to continue to schedule its Invocation prayers and for the FFRF to uphold the rights of conscience embodiment of the First Amendment.

*"President Trump issued a rule 2020, largely reiterating the preexisting Bush rule 2003; ensuring prayer in schools is protected. President Trump issued the updated rules to ensure that public school students are allowed to engage in constitutionally protected prayer, calling this action "the Right to Pray." "Government must never stand between the people and God," the president said during an Oval Office meeting with students of faith from across the country. He said blocking prayer in schools "is totally unacceptable." "President Trump is committed to making sure that people of faith, particularly children, are not subjected to illegal punishment or pressure for exercising their constitutionally protected rights," said White House Domestic Policy Council Director Joe Grogan"*

An Invocation Prayer is an act of legal or moral implementation; it is a request for the spiritual presence and blessing of God in a ceremony, event, and meeting. *Prayers must have content, and they must have direction.* I refuse to allow CCSD or the FFRF to use me to remove Prayer from anywhere. I refuse to allow either entity to use my prayer, ministry, myself as a means to remove Invocation opportunities from other Clergy in the community. By your selfishly using me for this removal you have set the weight of a past estimated 300-1500 prayers plus all future prayers on my shoulders as a cross to carry.

The audience to whom the Invocation is directed is to the CCSD Board, and not to any one man, woman, or child, inside the venue as none were required or mandated to join in prayer. In fact the prayer stated in the beginning "for those who wish to bow their head and join in prayer" with no part of the Constitution violated.

I respectfully pray that the CCSD Board return to its Invocation Prayer a long standing practice for opening meetings and inspiration for board members, as soon as possible. Please inform me in writing at your earliest convenience as to the steps you will be taking to remedy the re-instatement of the Invocation.

Attached:

The following attachment was posted February 11<sup>th</sup> 2020 by FFRF seemingly prior to the CCSD 13<sup>th</sup> meeting, stating not only a presumably bias but discrimination towards the 1<sup>st</sup> Amendment and Religious Freedom. They go on to state what could be viewed by some as a bullying tactic using what could be distinctly viewed as the threat of *risk of spending hundreds of thousands of taxpayer dollars in a costly legal battle.* They further state that *Religious prayer at school board meetings is unnecessary.*

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<https://ffrf.org/news/action/item/36978-thank-the-clark-county-board-for-removing-prayer-from-meetings>

Freedom From Religion Foundation

Action Alert

Thank the Clark County Board for removing prayer from meetings

February 11, 2020

*Please show your appreciation of the Clark County School District for its adherence to the Constitution.*

*The district recently discontinued the practice of beginning school board meetings with prayer after receiving a complaint from FFRF. According to local reports, 30 pastors are planning to speak at the school board meeting this Thursday, Feb. 13, in protest of FFRF's victory. It's important that secular Clark County residents attend this meeting and speak up in support of this decision.*

*The school board, FFRF wrote in a letter to the district, cannot lend its power and prestige to religion, amounting to a governmental endorsement of religion that excludes the 24 percent of Americans who are nonreligious, including 38 percent of Americans born after 1987. FFRF successfully litigated the most recent case striking down a school board prayer practice, in which Chino Valley (Calif.) School District's board paid out more than \$280,000 in fees and costs.*

*The Clark County School District informed FFRF last month that the board will no longer begin meetings with an invocation. This is a victory for all families in the district. Keeping school board meetings free of religious proselytizing makes the community inclusive, regardless of religious beliefs. It also avoids opening the district up to a costly legal battle with hundreds of thousands of taxpayer dollars on the line.*

#### **WAYS TO TAKE ACTION:**

*Contact the Clark County School District Board of Trustees and thank it for keeping school board meetings free of religious proselytizing. Click on the red "TAKE ACTION!" link below to be directed to the board's comment page. Feel free to use or adapt the talking points provided. Personalized messages are the most effective. Attend the board's meeting on Thursday, Feb. 13, at 5 p.m. and share your support for this decision in person. Details can be found [here](#).*

#### **TALKING POINTS**

*I want to thank the board for choosing to discontinue the practice of beginning each meeting with a prayer. This is a positive step toward making the district inclusive of all students and families, regardless of religious beliefs. It will ensure Clark County is not at risk of spending hundreds of thousands of taxpayer dollars in a costly legal battle over settled law. Religious prayer at school board meetings is unnecessary, exclusionary and illegal. This board made the wise and responsible decision by deciding to forego prayer at meetings.*

# FREEDOM FROM RELIGION *foundation*

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

December 20, 2019

**SENT VIA U.S. MAIL AND EMAIL**

**lavelec@nv.ccsd.net**

Eleissa C. Lavelle  
General Counsel  
Clark County School District  
5100 West Sahara Ave  
Las Vegas, NV 89146

Re: Unconstitutional prayers at Clark County School Board meetings

Dear Attorney Lavelle:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the unconstitutional prayers at Clark County School Board meetings. We were contacted by a concerned local resident. FFRF is a national nonprofit organization with more than 30,000 members across the country, including members in Nevada. FFRF protects the constitutional separation between state and church and educates about nontheism.

It is our understanding that Clark County School District Board of Trustees meetings begin with a prayer. For instance, the Thursday, December 12 meeting began with students saying the Pledge of Allegiance, which was immediately followed by an invocation. The Board asked everyone present, regardless of their religious beliefs or lack thereof, to “remain standing,” and introduced a preacher from the Messages of Faith Ministry to say the invocation. The prayer asked that the “children be trained up righteously,” which means trained as Christians.

Tellingly, the Board only prays at regular meetings. When only boardmembers and staff are present—for instance, at work sessions or committee meetings—there are no prayers.

It is beyond the scope of a public school board to schedule or conduct prayer as part of its meetings. This practice violates the Establishment Clause of the First Amendment. *See FFRF v. Chino Valley Unified Sch. Dist. Bd. of Educ.*, 896 F.3d 1132 (9th Cir.), *en banc denied*, 910 F.3d 1297 (9th Cir. 2018); *Doe v. Indian River School District*, 653 F.3d 256 (3d Cir. 2011), *cert. denied*, 132 S. Ct. 1097; *Coles v. Cleveland Bd. of Educ.*, 171 F.3d 369 (6th Cir. 1999).

In the most recent case striking down a school board’s prayer practice, the Ninth Circuit Court of Appeals reaffirmed that Establishment Clause concerns are heightened in the context of public schools “because children and adolescents are just beginning to develop their own belief systems, and because they absorb the lessons of adults as to what beliefs are appropriate or right.” *Chino Valley*, 896 F.3d at 1137. The court reasoned that prayer at school board meetings “implicates the concerns with mimicry and coercive pressure that have led us to ‘be [ ]

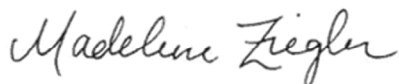
particularly vigilant in monitoring compliance with the Establishment Clause.’ ” *Id.* at 1146 (quoting *Edwards v. Aguillard*, 482 U.S. 578, 583–84 (1987)). FFRF litigated that case. In the end, that board paid out **\$282,602 in fees and costs**. Obviously, this Ninth Circuit opinion is binding on your client.

The U.S. Supreme Court’s decision in *Town of Greece v. Galloway*, permitting sectarian prayers at legislative meetings, does not apply to prayers at public school board meetings. In *Chino Valley*, decided after *Galloway*, the court distinguished school boards from the legislative bodies considered in *Marsh* and *Galloway*, and held that the board’s prayer practice must be analyzed as a school prayer case. The court found that “the nature of the audience at the Chino Valley Board meetings, and the nature of its relationship with the governmental entity making policy, are very different from those within the Marsh-Greece legislative-prayer tradition.” 896 F.3d at 1147. The court reasoned that prayers at school board meetings are “not the sort of solemnizing and unifying prayer, directed at lawmakers themselves and conducted before an audience of mature adults free from coercive pressures to participate that the legislative-prayer tradition contemplates. Instead, these prayers typically take place before groups of schoolchildren whose attendance is not truly voluntary and whose relationship to school district officials, including the Board, is not one of full parity.” *Id.* at 1142 (internal citations omitted).

Students and parents have the right—and often have reason—to participate in school board meetings. It is coercive, embarrassing, and intimidating for nonreligious citizens to be required to make a public showing of their nonbelief (by not rising or praying) or else to display deference toward a religious sentiment in which they do not believe, but which their school board members clearly do. Board members are free to pray privately or to worship on their own time in their own way. The school board, however, cannot lend its power and prestige to religion, amounting to a governmental endorsement of religion which excludes the 24% of Americans who are nonreligious, including 38% of Americans born after 1987.<sup>1</sup>

It is unconstitutional for the Board to schedule invocations at its meetings. We request that you immediately refrain from scheduling prayers as part of future school board meetings to uphold the rights of conscience embodied in our First Amendment. Please inform us in writing at your earliest convenience of the steps the Board is taking to remedy this constitutional violation.

Sincerely,



Madeline Ziegler  
Staff Attorney

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<sup>1</sup> 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](http://www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf).