



CONGRESSIONAL PRAYER CAUCUS FOUNDATION

November 27, 2019

Via email (smithb@smithcoedu.net) and U.S. Mail

CONGRESSIONAL ADVISORY MEMBERS

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Congressman Joe Wilson
Congressman Robert Wittman

Mr. Barry Smith
Director of Schools, Smith County School System
126 S C M S Lane
Carthage, TN 37030

Dear Director Smith:

I have the honor of serving as the Executive Director of the Congressional Prayer Caucus Foundation. The Foundation serves nearly 100 members of Congress who are part of the Congressional Prayer Caucus (the names of those members of Congress who serve on the Congressional Prayer Advisory Team are listed on the left).

In addition, the Foundation serves Legislative Prayer Caucuses in nearly 40 states, including Tennessee, which have over 1,000 state senators and state representatives as members. These leaders are working together to preserve the integrity of our Founding Principles and protect First Amendment rights for all.

We recently learned that you, Principal Bell, and Principal Whitaker are defendants in a lawsuit filed by ACLU Foundation of Tennessee. We understand that the plaintiffs seek to stop you from having moments of silence before school, and from having encouraging Bible verses and sayings posted on school doors and walls. We acknowledge the importance of having a strong school community that educates not only the mind and exercises the body, but also feeds the soul of each student. We commend you and the Principals for your stance and thought it worthwhile to write you this short letter of encouragement.

Members of the Congressional Prayer Caucus and the Tennessee Prayer Caucus (chaired by Rep. Terri Lynn Weaver of Smith County) are obviously people of faith. Since a majority of the American people Christian, we assume that some of your faculty, staff, and students are also people of faith.

These people of faith do not lose their First Amendment right to the free exercise of their religion when they enter school property. Faculty and staff members of faith are not required to say "amen" to their last prayer for the workday as they enter the school building. Students can continue the time-honored tradition of praying before a test. Given the influence that teachers can have over individual students, however, the courts have imposed certain restrictions on the observance of religion in public schools.

Because of confusion in this area, Congress in 2001 amended the Elementary and Secondary Education Act of 1965 and required the Secretary of Education to issue guidance on constitutionally protected prayer in public elementary and secondary schools. The Secretary complied with this requirement in a 2003 document entitled "Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools." This document remains on the Department of Education website, and can be found at

https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html. We encourage you to read it to understand your faculty's and staff's rights and responsibilities regarding religion in your school.

Thank you for the time you have given to reading this letter and the DOE guidance. We ask that you consider the following words of the U.S. Supreme Court in *Zorach v. Clauson*, 343 U.S. 306, 314 (1952), where the Court stated: "[W]e find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence."

If we can be of any further service to you on this issue, feel free to contact us. We have First Amendment lawyers on staff who will work with you without charge if you need their services. Rep. Weaver recently spoke with one of our First Amendment experts who stand ready to help you and your attorneys navigate successfully this litigation.

Sincerely,



Lea Carawan
Executive Director
Congressional Prayer Caucus Foundation
National Strategic Center