

FREEDOM FROM RELIGION *foundation*

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June 24, 2025

SENT VIA EMAIL: bill.phippslaw@gmail.com

Mr. William W. Phipps
Phipps Law Firm PLLC
P.O. Box 35
Tabor City, NC 28463

Re: Ongoing constitutional concerns (Columbus County Schools)

Dear Mr. Phipps:

I am writing again on behalf of the Freedom From Religion Foundation (FFRF) regarding a concerning pattern of constitutional violations occurring in Columbus County Schools. We appreciated your response to our letter dated December 18, 2024, and hope we can work together to resolve these issues as well. If you no longer serve as counsel for the District, please advise.

A concerned District parent and multiple concerned District employees have reported that East Columbus Junior/Senior High School has held multiple assemblies which featured religious speakers. We understand that at the school's awards assembly on February 5, 2025, a staff member delivered a call-and-response poem which explicitly credited God and religion for the students' accomplishments. The audience, consisting of all students and staff, was directed to repeat portions of the poem aloud.

We are further informed that East Columbus' Black History Month assembly on February 12, 2025 featured a guest speaker, Jabrier Lee, who preached to students about his religious beliefs. During the presentation, Lee told students "Whenever you guys feel like you don't have no directions, you don't know where to go, just trust in your creator that he has a plan for you," "your faith is like your greatest weapon," and "I'm letting all y'all young kids know that God is real."¹

It is also our understanding that on April 15, 2025, East Columbus High held an honor roll ceremony to celebrate student achievement, and that students were told they would receive ice cream later in the day as a reward for making the honor roll. We understand that during the lunch period that day, a religious organization appeared on campus and distributed religious pamphlets and small gifts to students as they entered the cafeteria. We are told that a District staff member, Mr. Fred Pedro, was visibly involved in the distribution of these religious materials. We further understand that when students went to get their ice cream

¹ <https://www.youtube.com/watch?v=gckAql-aptA&t=1648s>.

reward, they had to walk past a group distributing bibles. Students reported feeling uncomfortable, harassed, and pressured into taking a bible.

We write to request that the District investigate these situations and immediately cease allowing unconstitutional religious activities in its schools.

Surprising everyone with prayer and preaching at school assemblies is wrong. Doing so also violates the First Amendment's Establishment Clause. It is unconstitutional to take away instructional time from students to expose them to religious proselytizing on school property during the school day. Public schools may not show favoritism toward or coerce belief or participation in religion. *See 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). Here, the District replaced secular celebrations of student achievement and Black History Month with sectarian preaching and the distribution of religious literature.

The District cannot allow non-school persons to use schools as a recruiting ground to evangelize. Public schools are not an appropriate place for outside adults to convince students to convert. East Columbus' assemblies and permission of religious literature distribution constitute "a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith." *McCollum*, 333 U.S. at 210.

Even if students had known about the religious content of these activities, voluntariness is no excuse for violating students' rights. Courts have summarily rejected such arguments. *See generally Lee*, 505 U.S. at 596 ("the State cannot require one of its citizens to forfeit [their] rights and benefits as the price of resisting conformance to state-sponsored religious practice."); *Schempp*, 374 U.S. at 288 (Brennan, J., concurring) ("the availability of excusal or exemption simply has no relevance to the establishment question"); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) ("VMI cannot avoid Establishment Clause problems by simply asserting that a cadet's attendance at supper or his or her participation in the supper prayer are 'voluntary.'"); *Jager v. Douglas Cnty. Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989) ("... whether the complaining individual's presence was voluntary is not relevant to the Establishment Clause analysis . . . [which] focuses on . . . state action, not on the choices made by the complaining individual.").

The District should not maintain a policy whereby any private organization may take advantage of school resources to further its personal goals. FFRF has sought to distribute its own literature in schools with overly broad distribution policies, and may seek to do so in any school district that maintains an open forum. If a public school has a policy that allows religious materials to be distributed, the school cannot discriminate against any religious or nonreligious viewpoint. The best solution is a policy that does not allow third-party literature distribution.

FFRF takes these violations seriously and we are willing to vigorously defend students' rights. We settled a lawsuit against a West Virginia school district after it allowed a preacher to hold an assembly to preach to students 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.² Columbus County Schools can avoid a similar fate.

The “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents ‘that they are outsiders, not full members of the political community and an accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe*, 530 U.S. at 309–10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Hosting religious assemblies and allowing outside groups to distribute religious materials during the school day excludes and marginalizes students who are a part of the 49 percent of Generation Z who are religiously unaffiliated.³

To respect the First Amendment rights of parents and students, the District must investigate and ensure that future assemblies do not devolve into religious preaching, and that the distribution of religious materials by outside groups is prohibited. These celebrations are meant to recognize student accomplishments and acknowledge an important heritage month, not promote religion. Please respond in writing with the steps the District will take to cure these violations so that we may inform our complainants.

Sincerely,



Kyle Steinberg
Anne Nicol Gaylor Legal Fellow
Freedom From Religion Foundation

cc: Eddie Beck, Superintendent
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² ffrf.org/news/news-releases/item/42958-ffrf-victory-w-v-a-families-secure-policy-changes-in-religious-revival-lawsuit.

³ 2022 Cooperative Election Study of 60,000 respondents, analyzed by Ryan P. Burge, www.religioninpublic.blog/2023/0403/gen-z-and-religion-in-2022/.