

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

KELLY BUTLER, on his own behalf and as the natural parent and next friend of his minor children, H.B. and P.B.; JASON CARR and SHARONA CARR, on their own behalf and as the natural parents and next friends of their minor children, L.C. and D.C.,

Plaintiffs,

v.

SMITH COUNTY BOARD OF EDUCATION; BARRY H. SMITH, in his official capacity as Director of Schools of the Smith County School System; KELLY BELL, in her official capacity as Principal of Smith County Middle School; and DUSTY WHITAKER, in his official capacity as Principal of Smith County High School,

Defendants.

Civil No.: 2:19-cv-00091

Judge: Waverly D. Crenshaw, Jr.

Magistrate Judge:

**DECLARATION OF D.C. IN SUPPORT
OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, D.C.,¹ pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am one of the Plaintiffs in the above-captioned case. I am currently a student at Smith County Middle School.
2. I am an atheist and do not believe in the religious messages that school officials incorporate into class and school events.

¹ Per the Middle District of Tennessee User Manual, Version 6.2.3, Chapter 3, Section V(B) and the Amended Practices and Procedures for Electronic Case Filing, dated Aug. 21, 2015, Section 5,10(b), this declaration refers to the minor Plaintiffs by their initials.

3. On Monday mornings, my school holds mandatory assemblies in the gym called “family meetings.” At these assemblies, Principal Bell asks students and staff for prayer requests. After students and staff identify people to pray for, Principal Bell sometimes adds her own prayer request. For example, last month, she stated during the family meeting that we should pray for a student who became sick because he had been vaping. After demanding that students and staff provide prayer requests or announcing her own prayer requests, Principal Bell then tells us to “bow your heads and think of these people” or to “keep these people in your prayers.” Nearly every student and staff member present then bow their heads to pray silently.

4. On days when there is no family meeting, my first-period teacher similarly asks for prayer requests. After students identify people to pray for, my teacher then announces that it is time for a moment of silence and bows her head to pray. All of my classmates do the same.

5. Last week, on Veterans Day, we had a mandatory assembly to honor veterans. After introductory remarks made by Principal Bell, the podium and microphone were turned over to a student to lead everyone in prayer. The student said we should bow our heads and pray for the men and women who died for our country. He then recited a prayer while nearly all students and staff bowed their heads. Later, about midway through the same assembly, the same thing happened. The podium and microphone were turned over to a second student to give a second prayer. Nearly all students and staff bowed their heads to pray while the student recited the prayer.

6. In October of this school year, I was very surprised when Principal Bell came into my first-period classroom with two individuals to pass out Bibles. She told us that the two visitors were from a group called The Gideons. The visitors then introduced themselves by name and said we should raise our hands if we wanted a Bible. I did not want a Bible but I felt very pressured to raise my hand because all of my other classmates did so. In the end, I decided not to raise my hand.

The individuals went from desk to desk, personally handing out Bibles to all the other students in the classroom who had raised their hands. I felt very uncomfortable during this situation.

7. I have felt (and continue to feel) coerced to participate in the family meeting prayers and in the prayers that my first-period teacher encourages.

8. I also felt very uncomfortable with the prayers included in the Veterans Day assembly and felt coerced and pressured to participate in them as nearly all other students and staff were praying.

9. I also felt a coerced and pressured to accept a Bible in class. Although I did not do so, I felt really bad afterward and was worried that people wouldn't like me because I didn't take a Bible.

10. Because of the prayers and the Bible distribution, and other promotion of religion, I feel unwelcome in school. I feel like school officials are trying to pressure me into becoming a Christian. I do not want to continue to feel this way at school.

I hereby declare under penalty of perjury that the foregoing is true and correct.

DC _____
D.C.

Executed this 15th day of November, 2019