

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

I, L.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 High School. Before attending the high school, I was a student at Smith County Middle School.

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.

2. Although I am an atheist, I have had to endure numerous instances of school officials promoting religion at both the high school and middle school.

3. School events have often included prayer. For example, I attend Smith County High School's football games to support our team and socialize with my friends. Every home game begins with a Christian prayer over the loudspeaker. Almost all people in the audience and on the field, including coaches, bow their heads during these prayers. Sometimes coaches and team members kneel together on the field during the prayers.

4. On occasion, I also have attended football games at Gordonsville High School, the other high school in the Smith County School System. I have friends at the school and enjoy socializing with them at games. At one Gordonsville home game I attended this season, an announcer delivered the following Christian prayer over the loudspeaker:

Lord we just want to thank you so much for all the blessings that you've given us. We know that every good and perfect gift comes from above. Lord we just pray that you be with all the players here tonight, help them, keep them free from injury, help them play with good sportsmanship, and help us all here to do everything to your glory Lord, as we're doing it for you. Lord be with our friends from Pickett County as they make their way home after the game. Lord keep them safe, get them there safely. And Lord we want to thank you most of all for your son Jesus Christ, Lord and he died for our sins Lord and I pray that every one of us here knows that and realizes that—that we have eternal life through him since in his name we pray. Amen.

5. I am friends with P.B. and sometimes attend Smith County High School girls' soccer games to support her. At these games, I have witnessed her coach gather the team members into a circle to hold hands, bow their heads, and pray together.

6. Last school year, on Monday mornings, Smith County Middle School held mandatory assemblies in the gym called "family meetings." At these assemblies, school officials asked students and staff to identify people we should pray for. After students and staff identified particular prayer requests, Principal Bell would sometimes add her own prayer requests. She would

then tell us to “bow your heads and think of these people” or to “keep these people in your prayers.” Students who laughed or talked during this time were admonished by staff and told to be quiet. When students continued to talk during this time, they were kicked out of the gym and told to go to the principal’s office.

7. Prayer was also included in other required assemblies at the middle school last school year. At the 2018 Veterans Day assembly, Principal Bell announced that there would be a prayer and then passed the microphone to a student who prayed in Jesus’s name. Principal Bell, teachers, and nearly all students bowed their heads for the prayer.

8. Some middle-school pep rallies, which were mandatory and took place during the school day, also included prayer. For example, during a February 2019 pep rally in support of the boys’ basketball team, Principal Bell turned the microphone over to a student who delivered a prayer mentioning Jesus.

9. In addition, my eighth-grade graduation ceremony (held in May 2019) included a Christian prayer.

10. At the graduation ceremony, my middle-school library teacher, Martha Holladay, gave me and other eighth-grade students a goodbye note. The note stated, “Regardless of how we part, whether you were a blessing to my heart or a challenge to my prayer life, I thank God for the opportunity to know you.” It also stated that Micah 6:8 was one of her “favorite scriptures that helps [her] get through this life” and quoted the Bible verse: “He has shown you, O mortal, what is good. And what does the Lord require of you? To act justly and to love mercy and to walk humbly with your God.” A true and correct copy of a photograph of the note is attached as Exhibit A.

11. Ms. Holladay frequently promoted her religious beliefs to students. For example, I heard her tell students they would not get in trouble “if you had Jesus in your life.” On several occasions, I also heard her scold students for saying things like, “oh my God,” in her presence. She said it was offensive to people who believe in God.

12. I also saw a cross and other religious messages that Ms. Holladay put up as decoration in the library, and I saw that she had specially displayed Bibles on the library’s information desk and on bookstands at the entrance to the library.

13. In addition, I saw Bibles displayed on tables near the middle school’s entrance, in a hallway nearby, and in the main administrative office last school year.

14. This school year, I’ve seen at least one display of Bibles at Smith County High. Janet Bailey, the economics teacher, has the Bibles lined up on a bookshelf in her classroom. A true and correct copy of a photo of these Bibles is attached as Exhibit B.

15. Last school year, on Wednesday mornings, adult visitors hosted religious assemblies in the gym during instructional time. School staff would announce over the intercom that the “FCA” meeting was about to begin, and teachers and administrators, including Ms. Holladay, sometimes stood at the gym entrance to encourage students to attend. The meetings ran ten to twenty minutes after the beginning of the school day, when classes had already begun. Some teachers attended the meetings. Although my first-period teacher did not attend FCA meetings, and thus started class on time, I saw that students whose teachers did attend were locked out of their first-period classrooms and had to wait in the hall until their teachers returned.

16. As an atheist, I do not share the religious beliefs promoted by my teachers and school staff. I have felt (and continue to feel) coerced to participate in prayers. Sometimes, I pretend I am participating just to avoid standing out. Other times—during football games, for

example—I try to make a joke or laugh it off. In every instance, however, I feel deeply uncomfortable. Due to the official prayers, religious messages, and other religious activities, I feel that school staff are trying to pressure me into becoming a Christian. I feel like I'm an outsider or unwelcome because I am not a Christian. I think it's unfair that I have to be exposed to official prayers and religious messages just to attend school and school events.

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

L.C.

L.C.

Executed this 15th day of November, 2019