

**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 P.B. IN SUPPORT
OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, P.B.,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. Previously, I was a student at Smith County Middle School.
2. Although I am an atheist, I have had to endure numerous instance of school officials promoting religion at both the middle school and the high 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.

3. School events have often included prayer. For example, I attend football games to support our team, see my friends, and support my sister, H.B., who is in the marching band. Every home game begins with a Christian prayer. 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 a member of the Smith County High School girls' soccer team. Just before the beginning of every game, the coach announces to us that "it's time to pray." He then gathers us into a prayer circle to hold hands and bow our heads. Once we are in the prayer circle, the coach asks the senior players on the team to begin reciting the prayer; then, after the first few words, the coaches and other team members join the senior players in reciting the remainder of the prayer. The prayer is explicitly Christian.

6. I have also witnessed the coaches of the high school boys' soccer team lead or participate in official prayers with students. As a student manager for the boys' soccer team, I will be exposed to these official prayers when the boys' soccer season begins in January.

7. Last school year, on Monday mornings, Smith County Middle School held mandatory assemblies in the gym called "family meetings." At these assemblies, teachers and staff gathered everyone into a prayer circle and asked students and staff to identify people to pray for. Sometimes, Principal Bell would add her own prayer requests. Then, she would 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 to be quiet. Students who continued to talk during this time were kicked out of the gym and sent to the principal's office.

8. Prayer was also included in other required assemblies at the middle school last school year. At a 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.

9. During a winter pep rally in support of the middle-school boys' basketball team last school year, Principal Bell again turned the microphone over to a student who delivered a prayer mentioning Jesus. Principal Bell, teachers, and nearly all students bowed their heads for the prayer.

10. In addition, my middle-school graduation ceremony in May 2019 included a Christian prayer.

11. At the graduation ceremony, the 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 shared that Micah 6:8 is one of her “favorite scriptures that helps [her] get through this life,” and quoted the Bible verse.

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

13. As a middle-school student, I also saw a cross and other religious messages displayed by Ms. Holladay in the library. In addition, I saw her displays of Bibles on the library’s information desk and bookstands at the entrance to the library.

14. I also saw Bibles displayed on tables near the middle school’s entrance, in a hallway nearby, and in the main administrative office last school year. They remained there for the entire school year.

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 the library teacher, sometimes stood at the gym entrance encouraging students to attend. The meetings ran ten to twenty minutes after the beginning of the school day, when classes had already begun. Some teachers, including my first-period teacher, attended the meetings. I (and my classmates who did not attend these religious meetings) had to wait in the hallway outside of our locked classrooms for up to twenty-five minutes until the teacher returned from the FCA meetings and began class late.

16. At Smith County High School this year, I’ve seen signs featuring biblical citations posted on the classroom doors of the science and economics teachers.

17. In addition, a large cross next to the words, "In God We Trust," is painted on the wall of the high school's weight-training room. The room has an indoor field with artificial grass where I practice with the girls' soccer team when the weather is bad. In January, I will begin using the facility several times a week for off-season weight training for girls' soccer. I will also be spending time in the weight-training room as the manager for the boys' soccer team. Boys' soccer starts in January, and the team practices there when the weather is bad.

18. I intend to attend the 2020 Smith County High graduation ceremony to watch my friends graduate and to take pictures for the yearbook. I understand that the graduation ceremony always includes school-sponsored prayer.

19. I am deeply uncomfortable with school officials' promotion of religion. As an atheist, I do not share the promoted religious beliefs. I have felt (and continue to feel) coerced to participate in school-sponsored prayers. Due to the official prayers, religious messages, and other religious activities, I feel that school officials 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.



P.B.

Executed this 15th day of November, 2019