

# FREEDOM FROM RELIGION *foundation*

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## FAX COVER LETTER

**To:** Attorney Thomas Dyar  
(972) 949 - 6399

**From:** Stephanie Schmitt

**Re:** Constitutional Concerns at Grand Prairie Ninth Grade  
Center

**Date:** May 25, 2011

**NUMBER OF PAGES TO FOLLOW: 3**

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May 25, 2011

**SENT VIA FAX & U.S. MAIL**  
**(972) 949-6399**

Attorney Thomas Dyar  
Grand Prairie Independent School District  
2602 S. Beltline Rd  
Grand Prairie, TX 75052

Re: Separation of State and Church Concerns at Grand Prairie Ninth Grade Center

Dear Mr. Dyar:

I am writing on behalf of a concerned district resident and taxpayer as well as other Texas members of the Freedom From Religion Foundation (FFRF) to alert you to some serious state/church concerns occurring in your district. FFRF is a national nonprofit organization whose purpose is to protect the constitutional principle of separation between state and church. FFRF represents more than 16,500 members across the country, including over 700 members in Texas.

Our complainant has informed us of two church/state concerns at Grand Prairie Ninth Grade Center. First, our complainant informs us that a prayer was issued at a school awards ceremony by school board member John David Stewart. Second, our complainant informs us that the choir followed the invocation with the song, "We are Marching in the Light of God." I will address these concerns in turn.

### ***Prayer at Grand Prairie Ninth Grade Center Awards Ceremony***

It is our information and understanding that the Grand Prairie Ninth Grade Center presents an awards ceremony each year. Our complainant informs us that a prayer was delivered by a school board member during this school-sponsored event. The prayer given at the awards banquet was a blatantly Christian prayer, ending with "In Jesus' name we pray, amen."

It is unlawful for any school-sponsored event, such as a banquet recognizing academic achievement, to present a prayer. FFRF asks that you immediately take action to ensure that future awards ceremonies do not involve such invocations.

First and foremost, the Supreme Court has continually struck down formal and teacher or school-led prayer in public high schools. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962)(declared prayers in public schools unconstitutional); *Abington Township Sch. Dist. v. Schempp*, 374 U.S. 203 (1963)(declared unconstitutional devotional Bible reading and recitation of the Lord's Prayer in public schools); *See also Lee v. Weisman*, 505 U.S. 577 (1992)(ruled prayers at public high school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S.

38 (1985)(overturned law requiring daily “period of silence not to exceed one minute ... for meditation or daily prayer.”); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825 (11th Cir. 1989), cert. den., 490 U.S. 1090 (1989)(holding unconstitutional pre-game invocations at high school football games). Even when student-initiated, the Supreme Court have found these prayers unconstitutional. See generally, *Sante Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000)(struck down a school policy that authorized students to vote on whether to hold a prayer at high school football games). In all of the aforementioned cases, the federal courts have struck down prayer in public schools because it constitutes a government-endorsement of religion, which violates the Establishment Clause of the First Amendment.

Likewise, the prayers at these awards ceremonies are unconstitutional. The ceremonies are school-sponsored events. It does not matter that this event occurs after-school hours because prayers at other traditional after-school events such as football games and graduations have been found unconstitutional by the U.S. Supreme Court. It is also inconsequential that these events are “optional.” Any voluntariness on the part of students attending the event does not excuse any inducement or coercion at the event. See, gen., *Lee*, 505 U.S. at 595 (rejecting the voluntariness argument and noting that “graduation is a time for family and those closest to the student to celebrate success and express mutual wishes of gratitude and respect”). The awards ceremony is a time for students — of all faiths or no faith — to celebrate their achievement during the previous academic year. A student’s choice in attending this event should not be predicated upon being subjected to Christian-based prayers. As the Supreme Court in *Lee* explained, “It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.” *Id* at 596.

Finally, prayer occurring as part of a regularly scheduled annual event sponsored by the school certainly leads “an objective observer, acquainted with the [prayer to] perceive it as a state endorsement...” *Sante Fe Indep. Sch. Dist. v. Doe*, 530 U.S. at 308. This “[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 accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2001)(quoting *Lynch v. Donnelly*, 465 U.S. at 668)(O’Connor, J., concurring). Prayer at these banquets turns any non-Christian and nonreligious Grand Prairie student into an outsider.

### ***Choir Performance at Grand Prairie Ninth Grade Center Awards Ceremony***

Our complainant informs us that the illegal prayer during the awards ceremony was followed by a choir performance of the religious song, "We are Marching in the Light of God." The song is based on the South African song, *Siyahamba* ("We are Marching"). To adapt the song to non-religious settings, a popular secular version, "We are Standing in the Light of Peace," has become widely adopted by non-religious choirs and in public schools. For the awards ceremony, however, the school chose to perform the religious version of the song.

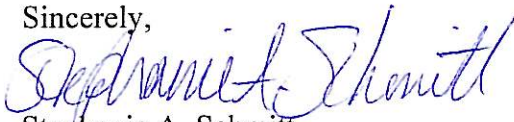
“It is beyond dispute that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise.” *Lee*, 505 U.S. at 587.

Therefore, it is grossly inappropriate for a public high school choir to perform religious songs as part of a school awards ceremony. This practice forces students and their parents, who may be of varying faiths or none at all, to endure a performance of a Christian song in order to participate in the awards ceremony. Grand Prairie Schools should not ask public school students to perform religious songs. This is a blatant violation of the First Amendment, not to mention a misuse of class time preparing the students for this devotional performance. Again, it makes no difference that this event was apparently “voluntary” for the same reasons that argument fails for the awards ceremony.

The school district must take the appropriate steps to ensure that Grand Prairie School students are not being forced — directly or indirectly — to sing songs of religious worship. It should be directed that future choir performances are secular and free from religious proselytizing.

We respectfully request that you commence an immediate investigation into these allegations. The District must take the necessary and appropriate steps to eliminate prayer from school-sponsored events and end choir performances that amount to religious worship. We request that you respond in writing about the steps you are taking to correct these violations so that we may notify our complainant.

Sincerely,

A handwritten signature in blue ink that reads "Stephanie A. Schmitt". The signature is written in a cursive style.

Stephanie A. Schmitt  
Staff Attorney

SAS/kdf

cc: Dr. Susan Simpson, Superintendent, Grand Prairie Independent School District  
P.O. Box 531170  
Grand Prairie, TX 75053-1170