

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

July 20, 2011

Dr. Xavier De La Torre  
Superintendent  
Socorro Independent School District  
12440 Rojas Dr  
El Paso TX 79928

Re: Unconstitutional Creationism Instruction/Prayer at Soccer Games

Dear Dr. Torre:

I am writing on behalf of a concerned District parent and other members of the Freedom From Religion Foundation ("FFRF") who have alerted us to illegal creationism instruction appears to be occurring at Montwood Middle School and coach-led prayer at soccer games. FFRF is a national nonprofit organization with over 16,600 members across the country, including more than 700 in Texas. FFRF works to protect the constitutional principle of separation between state and church.

It is our information and understanding that Montwood Middle School science teacher Laura Varela promotes creationism in her classroom. We have been told that Ms. Varela taught the subject of the "Big Bang Theory." It is our further understand that during this lesson, she also told her students "but really God created the world."

It is also our information and understanding that Ms. Varela is the girl's soccer coach at Montwood Middle School. We further understand that on several occasions Ms. Varela has led her team in prayer prior to the start of a game.

It is well settled that public schools may not advance or promote religion. *See generally, 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 Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962).

First, public schools are prohibited from teaching creationism or "intelligent design." Courts have routinely found that such teachings are religious and unconstitutional. The Supreme Court struck down a requirement that teachers educate students on "scientific creationism." *Edwards v. Aguillard*, 482 U.S. 578, (1987). The Supreme Court and federal courts have consistently rejected the promotion of creationism in the public schools:

- *Epperson v. Arkansas*, 393 U.S. 97 (1968) (School officials may not prohibit the teaching of evolution.)

- *Freiler v. Tangipahoa Parish Bd. of Educ.*, 201 F.3d 602 (5th Cir. 2000)(disclaimer read before teaching evolution violated Establishment Clause);
- *Peloza v. Capistrano Unified School District*, 37 F.3d 517 (9th Cir. 1994)(School could prohibit teacher from teaching creationism, finding that “to permit him to discuss his religious beliefs with students during school time on school grounds would violate the Establishment Clause.”)
- *Webster v. New Lenox Sch. Dist. No. 122*, 917 F.2d 1004 (7th Cir. 1990)(School board could limit teacher’s comments on creationism because board had the responsibility to ensure that the teacher was not “injecting religious advocacy into the classroom.”)
- *Kitzmiller v. Dover Area Sch. Dist.*, 400 F.Supp. 2d 707 (M.D. Pa 2005)(policy requiring students to hear statement that intelligent design is alternative to Darwin’s theory of evolution violates Establishment Clause).
- *McLean v. Arkansas Bd. of Ed.*, 529 F.Supp. 1255 (D.C.Ark., 1982)(Arkansas Board of Education was permanently enjoined from taking actions that would allow instruction on creationism pursuant to a state statute because to do so violated Establishment Clause)

Ms. Varela’s creationist commentary is unconstitutional, unscientific and inappropriate. The District has the authority and responsibility to ensure that teachers are not “injecting religious advocacy into the classroom.” *Webster v. New Lenox Sch. Dist. No. 122*, 917 F.2d at 1007. Ms. Varela’s remarks show a lack of sound judgment at a minimum and potentially demonstrate incompetence and an inability to instruct a biology course.

Second, it is illegal for a public school athletic coach to be leading his/her team in prayer. The Supreme Court has continually struck down formal and teacher or school-led prayer in public schools. *See, e.g., 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); *Engel v. Vitale*, 370 U.S. 421 (1962)(declared prayers in public schools unconstitutional); *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). 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.


Ms. Varela’s conduct with the girl’s soccer team crosses the line because she endorses and promotes her religion when acting in her official capacity as a school district employee. Certainly, she represents the school and the team, when she acts in her official role as head coach of the Montwood Middle School soccer team. Therefore, she cannot lead her team in prayer and she cannot organize or advocate

for team prayer either. When a public school employee organizes and advocates for team prayer, while acting in her governmental role, she effectively endorses religion on SISD's behalf.

We hope you will understand why the parent has contacted us rather than you on this matter. The parent would like their identity to be held in confidence so that there is no negative interaction between the teacher and child or the school and the child's family.

We urge you to conduct an immediate investigation and to take appropriate disciplinary and corrective action regarding Ms. Varela's conduct both as a teacher and coach. Please inform us in writing of the actions that you are taking to remedy these constitutional concerns. We look forward to a reply at your earliest convenience.

Sincerely,



Stephanie A. Schmitt  
Staff Attorney

Cc: Principal Libby Tidwell