

# FREEDOM FROM RELIGION *foundation*

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September 16, 2011

**SENT VIA FAX AND U.S. MAIL  
(931) 454-1940**

Sam DiNicola  
Superintendent  
Tennessee Correction Academy  
PO Box 1510  
Tullahoma TN 37388

Re: In-Service September 19-25, 2011

Dear Mr. DiNicola:

I am writing on behalf of a concerned employee and other Tennessee members of the Freedom From Religion Foundation (FFRF) to alert you to serious state/church concerns occurring during trainings at the Tennessee Correction Academy. FFRF is a nationwide nonprofit organization with over 17,000 members across the country including members in Tennessee. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that an in-service for employees will be held next week, September 19<sup>th</sup> through the 25<sup>th</sup>. Our complainant informs us at previous in-services a religious atmosphere dominated the trainings. We are told that last year there were bibles in employees' rooms and prayer while employees were in formation. We also understand there were religious postings in the gym.

If these allegations are true, these annual in-services for employees raise serious constitutional concerns. As you are most certainly aware, it is a fundamental principle of Establishment Clause jurisprudence that the government cannot in any way promote, advance, or otherwise endorse religion. The Supreme Court has said, "The touchstone for our analysis is the principle that the 'First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.'" *McCreary County v. ACLU*, 545 U.S. 844, 860 (2005), (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Board of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985)). Therefore, it is very inappropriate for those responsible for these annual in-service trainings to be imposing personal religious beliefs on Department of Correction employees in attendance.

### ***Bibles in Employees' Rooms***

Placing the Bible, a Christian holy book, in employees' rooms constitutes blatant state endorsement of these Christian bibles. Providing bibles to Department of Correction employees sends the message that they are expected to want to read the bible. If they are non-Christian or non-religious, it sends the message that they are in need of salvation by the Christian bible. Certainly, we can agree that if an employee wants to read this religious text during their stay, they can bring their own copy. Tennessee Correction Academy has no business promoting or advancing these religious beliefs by ensuring bibles are present in employees' rooms.

### ***Prayer at Formations***

We are concerned about allegations of prayer during formations. First, superiors at this in-service should refrain from any religious expression, such as prayer, when acting in their official governmental roles. Everyone conducting the training or in attendance at the in-service are participating in their official capacities as Department of Correction employees. Therefore, the atmosphere during the in-service should be neutral towards religion. Second, as the employer of those in attendance, superiors should not be imposing their personal religious beliefs on Department employees. Certainly, requiring prayer at formations is coercive, proselytizing and adversely affects employees who may be of varying faiths or of no faith at all.

We are concerned that religion will be pervasive again at next week's in-service. Therefore, we request you commence an investigation into the aforementioned allegations, and take the appropriate action to ensure that the rights of conscience of all employees are being respected. We ask for a reply in writing to these concerns.

Sincerely,

Handwritten signature of Stephanie L. Schmitt in cursive script.

Rebecca S. Markert  
Staff Attorney