

FREEDOM FROM RELIGION *foundation*

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

October 27, 2011

SENT VIA U.S. MAIL & FAX
(225) 658-5261

Mr. Warren Drake
Superintendent
Zachary Community School District
4656 Main St.
Zachary, LA 70791

Re: Prayer at School Pep Rally

Dear Mr. Drake:

I am writing on behalf of a concerned district parent, and other Louisiana members of the Freedom From Religion Foundation (FFRF), to inform you of a serious constitutional violation occurring at Zachary Community School District. FFRF is a national nonprofit organization with over 17,000 members across the country, including many in Louisiana. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that a district-wide pep rally was held at Zachary High School on Monday, October 17, 2011, during which participants were asked to bow their heads in prayer. According to our complainant, the prayer was broadcast over the public address system.

It is illegal for a public school to organize, sponsor, and lead prayers at public school events. The Supreme Court has continually struck down formal 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."). 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.

The Supreme Court has struck down pre-game invocations at school football games. *See generally, Santa 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). A prayer taking place at a “regularly scheduled school-sponsored function conducted on school property” would lead an objective observer to perceive it as a state endorsement of religion. *Id.* at 308. The Court stated that in this context, “[r]egardless of the listener’s support for, or objection to, the message, an objective Santa Fe High School student will unquestionably perceive the inevitable pregame prayer as stamped with her school’s seal of approval.” *Id.*

In addition, this practice seems to directly violate the Zachary Community School Board Policy Manual. According to section IKDC of the Policy Manual, “no student attending the school shall be required to participate in any religious activity at school.” By asking participants at a district-sponsored pep rally to bow their heads in prayer, a reasonable student could infer he or she is participating in a religious activity.

Zachary Community School District must take immediate action to ensure that prayers are not scheduled at any school-sponsored events. The announced prayer at the pep rally constitutes an unconstitutional government endorsement of religion. A reasonable Zachary District student would certainly perceive the prayer “as stamped with [his or] her school’s approval.” *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308. Moreover, prayer offered at the school-sponsored events would lead anyone participating or in attendance to believe that Zachary Community School District is endorsing religion.

We ask that the school district commence an immediate investigation into the complaints alleged and take immediate action to stop all school-sponsored prayers occurring before any district events. We ask that you inform us promptly in writing of the steps the district takes to remedy this serious violation of the First Amendment.

Sincerely,

A handwritten signature in cursive script that reads "Patrick Elliott".

Patrick Elliott
Staff Attorney