

FREEDOM FROM RELIGION *foundation*

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MAILED, FAXED 215/686-1932 & E-MAILED

March 15, 2011

Anna C. Verna, City Council President
Members of the City Council
City Hall, Room 405
Philadelphia PA 19107-3290

Dear Ms. Verna and Members of the City Council:

On behalf of Philadelphia members of our national organization, which works to protect the constitutional principle of the separation between church and state, I am writing to most strenuously object to the inappropriate meddling by the City Council over matters of conscience involving a captive audience of public school students. The Freedom From Religion Foundation is an educational group with 16,000 members nationwide, including more than 550 in Pennsylvania as well as with an active local chapter, the Freethought Society of Greater Philadelphia.

RESOLUTION VIOLATES GOVERNMENT NEUTRALITY

The resolution penned by City Council member Jannie Blackwell, and passed by the City Council, is a shamelessly overt attempt by a city government to promote prayer and religion to public school students. Nonbelievers take umbrage at Blackwell's unfactual assertion that religious students are "more virtuous" ("prayer can promote more virtuous living and may have a positive impact on student behavior in schools"). The City's preferential singling out for support of "students who have an interest in their faith" and of "religious leaders" in your community by default expresses the City's lack of support for students who reject prayer as a useless superstition and for nonreligious leaders in your community who promote reason rather than faith. A city government may not play favorites based on citizen faith or lack thereof, or take sides on matters which must be left to individual conscience. "When the government associates one set of religious beliefs with the state and identifies nonadherents as outsiders, it encroaches upon the individual's decision about whether and how to worship." *McCreary County*, 545 U.S. at 883 (O'Connor, J., concurring).

It is absolutely beyond the purview of any government body or official to encourage "students to not only pray for themselves but to pray for others" and to say such students "think more of their fellow classmates" and "lead lives of thankfulness," much less to "encourage *all students* to use their faith in their daily living" [emphasis added]. "*All students*" are not religious. The Philadelphia City Council is offending large numbers of young people and their parents with such inappropriate pronouncements. The American Religious Identification Survey shows that 15% of adults in Pennsylvania identify as "nonreligious," and the The Pew Forum on Religion

& Public Life Religion Among the Millennials, 2010, shows that “fully one-in-four adults under age 30” are atheist, agnostic or “nothing in particular.”

RELIGION IN PHILADELPHIA SCHOOLS CAUSED RIOTS, EVEN DEATHS

Philadelphia history so graphically shows the danger of mingling government and religion. In fact, Philadelphia appears to hold the unenviable record of being the only U.S. city where people have even *died* because of inappropriate religion in its public schools! The unwise use of the bible —an explicitly Protestant version — in Philadelphia schools, led Roman Catholic Bishop Frances Kenrick in 1843 to petition the school board to let Catholic children use the Catholic bible when bible reading was required in the schools. The controversy turned into riots, with Catholic churches attacked, and two churches destroyed by arson. When the Irish section was attacked, some residents were shot when they fled, and some non-Catholic bystanders also lost their lives. What other lesson is needed to show that religion has no place in Philadelphia public schools?

SCHEMPPE DECISION: GOVERNMENT MUST BE NEUTRAL

One of the landmark Supreme Court decisions against prayer and religion in public schools originated in the Philadelphia area. And it too gives a lesson in what happens when students have prayed “in groups.”

In *Abington Township School District v. Schempp*, 374 U.S. 203 (1963), the U.S. Supreme Court overturned a Pennsylvania law that mandated bible reading and the recitation of the Lord’s prayer. That case was bravely fought by the Schempp family. Ellery Schempp, now a Lifetime Member of the Freedom From Religion Foundation, was disciplined as a high school student when he attempted to protest the unconstitutional actions of his school district. Every morning as pupils attended their home rooms, religious exercises were broadcast into each room in the school via the PA system, with select students reading ten verses of the bible, followed by recitation of the Lord’s Prayer, not only over the PA system but by students in the various classrooms, who were asked to stand and join in repeating the prayer in unison. The Supreme Court, in declaring such actions unconstitutional, sagely noted:

The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality. (*Schempp*, 374 U.S. at 226)

The Philadelphia City Council must likewise be “firmly committed to a position of neutrality.”

SETTLED LAW AGAINST GOVERNMENT-FOSTERED SCHOOL PRAYER

The unconstitutionality of school prayer was settled by the U.S. Supreme Court more than 60 years ago. The Court continues in a series of strong decisions to shoot down every attempt by government or outside influences to influence students to pray. See *McCullum v. Board of Education*, 333 U.S. 203, 212 (1948) (striking down religious instruction in public schools); *Engel v. Vitale*, 370 U.S. 421 (1962) (declaring unconstitutional school prayers); *Abington v. Schempp*, 374 U.S. 203 (declaring unconstitutional devotional bible reading and recitation of the Lord's Prayer in public schools); *Stone v. Graham*, 449 U.S. 39 (1980) (declaring unconstitutional the posting of the Ten Commandments in classrooms); *Wallace v. Jaffree*, 472 U.S. 38, 72 (1985) (overturning a state law requiring daily period of silence for "meditation or daily prayer"); *Lee v. Weisman*, 120 L.E. 2d 467/112 S.C.T. 2649 (1992) (ruling prayers at public school graduations an impermissible establishment of religion); *Santa Fe Independent School District v. Doe*, 503 U.S. 290 (2000) (barring student-led prayers at public school functions).

The Council's unanimous resolution that "students are free to pray alone or in groups as long as the activity is not disruptive and does not infringe on the rights of others" raises additional concerns. It goes without saying that students "may pray alone." And the federal Equal Access Act already permits bible clubs and devotional student clubs to meet in public schools that allow nonacademic student clubs. But the rest of this resolution written by Jannie L. Blackwell clearly seeks to influence and reward public school students who pray vocally and in groups and otherwise parade piety in front of other students, in a manner that the Jesus of the New Testament so expressly condemned as false and hypocritical (Matt. 6:5-6).

Already the Philadelphia school day includes "one minute of silent meditation." Already the Philadelphia school day opens with the religious Pledge of Allegiance, a pledge which Congress tampered with in 1954, divisively inserting the words "under God" in a formerly secular oath. The national Freedom From Religion Foundation in its 33 years of existence has received countless complaints from students who have been reprimanded, shunned or disciplined for opting out of participation in a pledge which distastefully links piety to patriotism.

CITY RESOLUTION IMPERMISSIBLY ADVANCES RELIGION, INFLAMES

We question why a city council facing an unprecedented economic crisis — high unemployment and joblessness, foreclosures and citizens in desperate need of practical benefits — would misdirect precious time and resources in a diversionary and divisive attack upon respect for secular principles in Philadelphia public schools? What can be the intent and meaning of the City Council calling for "hearings on prayer in Philadelphia public schools" if not to impermissibly advance religion, inflame passions and interfere with students' First Amendment right to believe, or disbelieve, as they desire?

On behalf of our Philadelphia membership — including parents, teachers and students, our organization urges the City Council to drop its unwarranted intrusion into the freedom of conscience of Philadelphia public school students, to rescind Ms. Blackwell's resolution unlawfully using the power of city government to encourage public school students to pray and to be religious, and to cancel its misguided decision to "hold hearings on prayer in Philadelphia Public Schools."

Very truly

Annie Laurie Gaylor

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Cc: Mayor Michael Nutter
Chief Clerk Michael Decker, Room 402