

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL AND U.S. MAIL: john.rogers@maine.gov

Mr. John Rogers
Director
Maine Criminal Justice Academy
15 Oak Grove Road
Vassalboro, ME 04989

Re: Unconstitutional mealtime prayers

Dear Mr. Rogers:

I am writing on behalf of the Freedom From Religion Foundation regarding constitutional concerns over prayers taking place at the Maine Criminal Justice Academy. FFRF is a national nonprofit with more than 29,000 members nationwide, including more than 500 members in Maine and a state chapter. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that instructors at MCJA have been conducting group prayers with trainees before meals. The prayers take place during group meals, so trainees who do not want to participate in prayers must either sit quietly during the prayers or leave the room, singling them out from their peers.

It is a fundamental principle of Establishment Clause jurisprudence that the government cannot in any way promote, advance, or otherwise endorse religion. The United States Constitution "guarantees that government may not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which 'establishes a [state] religion or religious faith, or tends to do so.'" *Lee v. Weisman*, 505 U.S. 577, 587 (1992).

The Supreme Court has said time and again, "[t]he 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, Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005) (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968)); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985).

Moreover, "the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere." *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee*, 505 U.S. at 589). By imposing prayer on its

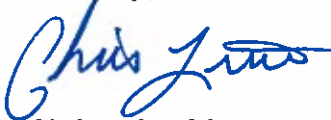
trainees during meals, the Academy is violating these constitutional limits on government religious endorsement.

Federal courts have found that prayers at government meetings involving employees constitute an illegal government endorsement of religion. *See Milwaukee Deputy Sheriff's Ass'n v. Clarke*, 588 F.3d 523, 525-26 (7th Cir. 2009) (holding religious speech by a sheriff, bible readings, and distribution of Christian literature during mandatory employee meetings unconstitutional under the Establishment Clause); *see also Warnock v. Archer*, 380 F.3d 1076, 1080 (8th Cir. 2004) (“The Constitution, however, forbids [the government] from conveying the message that it decisively endorses a particular religious position.”). The prayers at MCJE meals similarly appear to a reasonable observer to be an endorsement of religion. This is exactly the type of government endorsement that is prohibited by our Constitution’s Establishment Clause.

Besides the legal issues, there are many good policy reasons to end this prayer practice. Prayer at government-sponsored events is unnecessary, inappropriate, and divisive. While individuals are certainly free to pray privately or to worship on their own time in their own way, calling upon trainees to pray is coercive, embarrassing, and beyond the scope of secular government. Such prayer creates acrimony, makes minorities feel like political outsiders in their own community, and shows unconstitutional governmental preference for religion over nonreligion. Overall, 23% of Americans identify as nonreligious.¹ The MCJA ought not to lend its power and prestige to belief over nonbelief. It’s also simply rude and insensitive for a government institution to inflict prayer on trainees regardless of their personal beliefs.

To avoid the constitutional concerns and the divisiveness these prayers can cause the solution is simple: discontinue mealtime prayers by MCJA instructors during training sessions. We request a response in writing about steps you are taking to respect the right of conscience of all MCJA trainees, regardless of their religious or nonreligious beliefs.

Sincerely,



Christopher Line
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

¹ *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.