

FREEDOM FROM RELIGION *foundation*

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

July 22, 2013

SENT VIA MAIL & EMAIL TO BColeman@ccboe.org

Billy Coleman
Superintendent
Cullman County Schools
P.O. Box 1590
Cullman, AL 35056

Re: Unconstitutional "Prayer Caravan" event

Dear Superintendent Coleman:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to a constitutional concern occurring in your district. We were contacted by several concerned local residents. FFRF is a nationwide nonprofit organization with more 19,000 members across the country, including more than 150 in Alabama, and a local chapter, Alabama Freethought Association. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that Cullman County Schools will hold a "Prayer Caravan" event on August 10, 2013. Cullman County Schools' website describes the event as "[Cullman County Schools'] 3rd annual day of prayer for our school system." The website lists multiple campuses, each with its own designated prayer time, and the exact place on campus where the prayers will occur. We understand there will be 15-20 minutes of prayer at each campus. The event description ends by saying, "It will be a time to lift our schools up to God and ask His blessings for the upcoming school year." The invitation was signed "In Christ, Billy Coleman." Enclosed are screenshots of the event description from Cullman County Schools' website and Facebook page.

We were also informed that schools in the Cullman County system recite the Lord's Prayer over the loudspeaker each morning. We understand that an attempt to mask this illegal practice is made by giving students "the option" to participate. Both the "Prayer Caravan" and recitation of the Lord's Prayer are illegal.

"Prayer Caravan" event and recitation of the Lord's Prayer are unconstitutional

It is unlawful for school-sponsored events to include prayer. The Supreme Court has continually struck down formal and school-led prayer in public schools. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962) (declared prayers in public schools unconstitutional); *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); *Lee v. Weisman*, 505 U.S. 577 (1992) (ruled prayers at public school graduations an impermissible establishment of religion); *Wallace v.*

Jaffree, 472 U.S. 38 (1985) (overturned law requiring daily one minute “period of silence . . . 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 “Prayer Caravan” event is an especially egregious violation. The event is school-sponsored and school-promoted. Indeed you, as superintendent, are promoting the religious ritual. It does not matter that this event occurs outside normal school hours because prayers at other after-school events such as football games and graduations have been found unconstitutional by the U.S. Supreme Court. Prayer occurring as part of a regularly scheduled event sponsored by the school certainly leads “an objective observer, acquainted with the [prayer to] perceive it as a state endorsement . . .” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000).

Likewise, the recitation of the Lord’s Prayer at the beginning of the school day is illegal. The Supreme Court found that recitation of the Lord’s Prayer during school hours was a “religious ceremony” that violated the Establishment Clause. *Schempp*, 304 U.S. at 223. By allowing the recitation of the Lord’s Prayer as part of the school day, Cullman County Schools flouts established law.

The ability of students to opt out of the prayer is irrelevant. The Supreme Court has pointed out that voluntariness, and even alternatives, do “not eliminate the operation of influence by the school in matters sacred to conscience and outside the school’s domain.” *Schempp*, 374 U.S. at 227. In fact, the Court has always summarily rejected arguments that voluntariness excuses a constitutional violation. *See, generally, Lee*, 505 U.S. at 596 (“It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Schempp*, 374 U.S. at 228 (Brennan, J., concurring) (“Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question . . .”)

The courts have continually reaffirmed that the rights of minorities are protected by the Constitution (the non-religious are the fastest-growing segment of the U.S. population by religious identification – nearly 20% by national average, according to the *Pew Forum on Religion and Public Life* (October 2012)). It makes no difference how many students, parents, or faculty members want prayer or would not be offended by prayer at a school event. As the Supreme Court has said, “fundamental rights may not be submitted to vote; they depend on the outcome of no elections.” *Santa Fe*, 530 U.S. at 304-05 (quoting *West Virginia Bd. of Ed. v. Barnette*, 319 U.S. 624, 638 (1943)). “The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts.” *Barnette*, 319 U.S. at 638. Cullman County Schools has a duty to remain neutral toward religion. By scheduling a prayer event, the school district has breached that duty.

Superintendent’s inappropriate reference to Christ

It is inappropriate for a public school superintendent, a government employee, to inject their personal religion into an official school district website. By signing “In Christ,” you appear to endorse religion over non-religion, and Christianity over all other religions. Government “sponsorship of a religious message is impermissible because it sends the ancillary message to

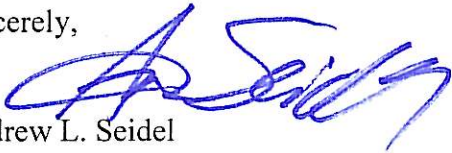
members of the audience who are nonadherents 'that they are outsiders, not full members of the political community and accompanying message to adherents that they are insiders, favored members of the political community.'" *Santa Fe*, 530 U.S. at 309-10 (2001) (quoting *Lynch v. Donnelly*, 465 U.S. 668 (1984) (O'Connor, J., concurring)). Promotion of religious belief over non-religion by a Cullman County Schools official impermissibly turns any non-religious and non-believing community member into an outsider.

Cullman County Schools must:

1. Immediately cancel the "Prayer Caravan" event and refrain from scheduling similar events in the future; and
2. Halt all school-organized recitation of the Lord's Prayer

Please inform us in writing prior to August 2 of the steps Cullman County Schools is taking to remedy these constitutional concerns. Thank you for your attention to this matter.

Sincerely,



Andrew L. Seidel
Staff Attorney

Enclosures

ALS:rgd



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Prayer Caravan - August 10th

posted Jul 18, 2013, 11:22 AM by Kim Arnold [updated Jul 18, 2013, 11:24 AM]

We would like to take this opportunity to share with you a vision of setting aside Saturday, August 10th as our 3rd annual day of prayer for our school system. Some of us will be traveling to all our campuses on that day at the above times and places. When we arrive, we will have a 15-20 minute prayer for the schools on that particular campus. We would love to invite you to join us. After we leave to go to the next campus, those from the communities are welcomed to stay or of course anyone can go with us to all the campuses. It will be a time to lift our schools up to God and ask His blessings for the upcoming school year. We hope to see you on August 10th. In Christ, Billy Coleman

- 8:00 a.m. Garden City – front of school
- 8:40 a.m. Hanceville High, Middle and Elementary – front of high school
- 9:20 a.m. Welts – front of school
- 10:00 a.m. Holly Pond High, Middle and Elementary – front of high school
- 10:45 a.m. Parkside – front of school
- 11:20 a.m. Fairview High, Middle and Elementary – front of high school
- 12:30 p.m. Career Center, Child Development – front of Career Center
- 1:00 p.m. Vinemont High, Middle and Elementary – front of middle school
- 1:40 p.m. West Point High and Elementary – front of high school
- 2:05 p.m. West Point Middle and Intermediate – front of middle school
- 2:40 p.m. Harmony and CARE – front of Harmony
- 3:20 p.m. Good Hope Primary – front of school
- 3:50 p.m. Good Hope High, Middle and Elementary – front of high school
- 4:45 p.m. Cold Springs High and Elementary – front of high school

Comments

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Cullman County Schools

Yesterday at 1:30 PM 

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