

FREEDOM FROM RELIGION *foundation*

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September 17, 2015

SENT VIA U.S. MAIL & FAX: (214) 574-8801

Mr. Deron T. Robinson
Attorney at Law
Walsh Gallegos Treviño Russo & Kyle P.C.
P. O. Box 168046
Irving, Texas

Re: Prayer and proselytization at mandatory staff convocation

Dear Mr. Robinson:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation within Hurst-Eules-Bedford Independent School District (HEBISD). We were contacted by a concerned HEBISD staff member. We wrote HEBISD earlier this year regarding a different concern, the distribution of religious materials to students by a teacher, and you responded on behalf of the district. Thank you for addressing that concern. If you no longer represent the school district, please let us know as soon as possible.

We have been informed that HEBISD held a mandatory district-wide convocation at First Baptist Church of Eules on August 14. We are told that during the event, Scott Sheppard, executive director of 6 Stones Ministries, led the assembled employees in a prayer. Sheppard reportedly admitted that he wasn't supposed to pray in his speech, but said that because "y'all are in my house," he was going to pray anyway. We further understand that while Sheppard spoke during the event he quoted from the bible and "proclaimed Jesus as King of Kings."

We are writing to ensure that HEBISD does not permit Scott Sheppard to speak at any future district-sponsored events and that you takes steps to ensure that in the future the district is not entangled with a religious message.

As a general matter, the Supreme Court has made clear 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)). School districts may host certain events on church property provided they take steps to ensure that neither the manner in which the event is conducted nor the religious surroundings improperly endorse religion. In this case, by letting Mr. Sheppard proselytize to its employees, the district failed to meet its obligation under the Constitution.


One federal court of appeals has already found that prayers at mandatory teacher meetings and in-service training constitute illegal government endorsement of religion. *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.”). *See also 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). The prayer at HEBISD’s convocation similarly appears to a reasonable observer to be an endorsement of religion, particularly Christianity. This is exactly the type of government endorsement that is prohibited by our Constitution’s Establishment Clause, and could also be perceived as workplace harassment.

If HEBISD permits a religious leader to promote his personal religion to a captive audience of employees during its mandatory events, it creates the impression that the district endorses that religious message. A court looking at these practices will “as[k] whether, irrespective of government’s actual purpose, the practice under review in fact conveys a message of endorsement or disapproval. An affirmative answer . . . should render the challenged practice invalid.” *Lynch v. Donnelly*, 465 U.S. 668, 690 (1984) (O’Connor, J., concurring). Allowing employees to be proselytized during mandatory events is divisive and unprofessional, as well as unconstitutional. Such practices alienate the nearly 30% of Americans who are either non-Christian, follow a minority religion, or practice no religion at all.¹

We ask that HEBISD recognize its constitutional obligation to remain neutral toward religion and take steps to create a workplace environment free from hostility and harassment based on employees’ minority religious or nonreligious beliefs. Given that Scott Sheppard apparently understood that his proselytization was inappropriate and chose to do it anyway, he cannot be permitted to speak at future district-sponsored events. Please reply in writing to indicate the steps the district is taking to remedy this situation so that we may notify our complainant.

Sincerely,



Sam Grover
Staff Attorney

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