

FREEDOM FROM RELIGION *foundation*

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SENT VIA U.S. MAIL & FAX:
(662) 842-3324

Mr. Gary L. Carnathan
Carnathan & McAuley Law Office
Government Counsel
PO Box 70
Tupelo, MS 38802-0070

Re: Religious convocation at Lee County Schools staff training

Dear Mr. Carnathan:

Thank you for your past actions in response to our letters regarding concerns over religious promotion by Lee County Schools. I am writing now regarding a new issue, brought to our attention by a district community member.

It is our understanding that Lee County Schools hosted a professional development event at The Orchard church on July 31. We understand that this “convocation” was a required event for all district employees and that district administrators invited Pastor Bryan Collier, a Methodist minister, to deliver the keynote address during the event. We are told that Pastor Collier also delivered an address at last year’s convocation and that in both instances he used the opportunity to promote his personal religious beliefs to those assembled.

No teacher should have to listen to a preacher’s sermon delivered from a church pulpit in order to teach in Lee County Schools. We ask that Lee County Schools avoid First Amendment violations by no longer hosting events at churches and ensuring speakers at district-sponsored events do not promote their personal religious beliefs, out of respect for the district’s minority religious and nonreligious staff.

Lee County Schools should not require any of its employees to enter a church in order to attend professional development events and certainly should not incorporate religious remarks into those events. Teachers that choose not to attend not only risk losing their teaching license, but also risk damaging their reputation among faculty members and administrators. Forcing minority religious and nonreligious employees to make such a choice is inappropriate and undermines the very purpose of hosting district-wide community-building events.

Federal courts have held that mandatory meetings for government employees cannot promote religion. See *Warnock v. Archer*, 380 F.3d 1076, 1080–81 (8th Cir. 2004) (prohibiting public school district from orchestrating or supervising prayers at mandatory teacher meetings and in-service training); *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). By hosting staff training events in a church and permitting a minister to preach at those events, the school district violates its obligation to remain neutral on matters of religion.

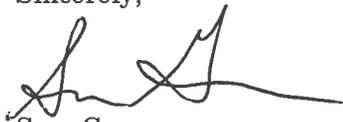
Attendees may reasonably assume that the messages delivered by speakers at district-sponsored events carry the district's seal of approval.

Even if this professional development event was voluntary, it would not alleviate any constitutional concerns. The Supreme Court has summarily rejected arguments that voluntariness excuses a constitutional violation. See *Lee v. Weisman*, 505 U.S. 577, 596 (1992) (“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.”); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 288 (1963) (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”); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (“VMI cannot avoid Establishment Clause problems by simply asserting that a cadet’s attendance at supper or his or her participation in the supper prayer are ‘voluntary.’”).

Besides the legal issues, there are many good policy reasons to modify the district’s convocation practices. Allowing a church to host a district-sponsored event and provide its own minister as a speaker ostracizes a significant portion of the community. In this instance, by featuring an exclusively Christian message, the district excluded the 30% of Americans—and over 46% of millennials and younger Americans—who are non-Christian, either practicing a minority religion or no religion at all.¹ These employees were made to feel that they are outsiders within their own school community, while Methodist employees were made to feel favored.

We ask that Lee County Schools refrain from organizing future employee events at churches and cease inviting speakers that seek to promote their personal religious beliefs to a captive audience. Please inform us in writing of the steps taken to respect the right of conscience and religious freedom of *all* district employees, including those who choose to practice a minority religion or no religion at all.

Sincerely,



Sam Grover
Associate Counsel

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¹ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.