

FREEDOM FROM RELIGION *foundation*

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

August 6, 2018

SENT VIA U.S. MAIL AND EMAIL TO: frank.taylor@atchisonlaw.com

Frank G. Taylor
The Atchison Firm, P.C.
3030 Knollwood Drive
Mobile, AL 36693

Re: Prayer at Employee Meeting

Dear Mr. Taylor:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to another constitutional violation that recently occurred in Mobile County Public Schools (MCPS). We are still awaiting a response to our May 10, 2018 letter regarding unconstitutional religious promotion in MCPS' football program. Given that the school year, and football season, is upon us, we ask that you respond immediately.

A concerned District employee has reported that on August 2, 2018, a mandatory MCPS staff meeting held at the Mitchell Center opened with an invocation by Pastor Vint Norris from the Alabama District of the Assembly of God. Please see the enclosed photo, which shows the invocation listed on the program for the event. Our complainant reports that this invocation was "not merely a prayer, it was a sermon," and that several employees commented that "despite being devout, this made them uncomfortable." Multiple MCPS employees described the religious nature of this mandatory staff event on Facebook:

Let me just tell you, it was not only about school spirit, it was about the Holy Spirit! He was welcome in that place today. Pastor Vint gave the invocation and it was POWERFUL! If you didn't feel something, then you don't have a pulse. Every employee in MCPSS was prayed over today. Every student in MCPSS was prayed over today. Our keynote speaker was a fine, young man of God. It was evident. We had church today, people, and I have never been more excited about a school year.

Today for the first time since I can remember MCPSS went to church and the church said AMEN!! I don't care who you are or where you came from the teacher institute lit a fire in everyone today!! Invocation, guest speaker, the unity of the entire school system...God alive and working his way through MCPSS staff, not just teachers, but staff...Everyone [sic] person has a purpose and God had a plan.

Please see the enclosed screenshots.

We write to ensure that MCPS will no longer schedule prayer at District meetings and events.

As a government entity, MCPS has a constitutional obligation not to promote religion. 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 Cnty., 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)) (emphasis added). The district must respect that “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 v. Weisman*, 505 U.S. 577, 589 (1992) (O’Connor, J., concurring)). By imposing prayer on its employees at district-sponsored events, the district is violating these constitutional limits on government religious endorsement.

Federal courts have held that mandatory meetings for government employees cannot promote 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); *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).

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 MCPS employees to participate in prayer is coercive and beyond the scope of a secular employer. Such prayer creates acrimony, makes minorities feel like political outsiders in their own place of work, and shows unconstitutional governmental preference for religion over nonreligion. Not only is it rude and insensitive for a government institution to inflict Christian prayer on all employees despite their personal beliefs, but it may also constitute workplace harassment.

These prayers inappropriately alienate non-religious employees and employees who practice a minority religion. Their participation in these mandatory meetings is adversely affected by these prayers, which turn them into outsiders in their workplace. Please end the practice of prayer at all district meetings and events. Please inform us in writing of the actions the District is taking to remedy this situation so we may notify our complainant. We look forward to a reply at your earliest convenience.

Sincerely,



Christopher Line

Patrick O’Reiley Legal Fellow

Freedom From Religion Foundation

INVOCATION

Pastor Vint Norris
Christian Education Director,
Alabama District of the
Assembly of God



Deana Orso Nunn is 😊 feeling excited. ...

Aug 2 at 2:02pm · 🌐

Today has been amazing! All 7,500 MCPSS employees gathered in one arena today. The thought of this initially made zero sense to me. Now, I get it! Our new superintendent has a vision that together, as one system, we can make changes in our communities. He brought us all together to show our school spirit and to encourage us to Stand Up for MCPSS. Let me just tell you, it was not only about school spirit, it was about the Holy Spirit! He was welcome in that place today. Pastor Vint gave the invocation and it was POWERFUL! If you didn't feel something, then you don't have a pulse. Every employee in MCPSS was prayed over today. Every student in MCPSS was prayed over today. Our keynote speaker was a fine, young man of God. It was evident. We had church today, people, and I have never been more excited about a school year. #itstartswithus #dogoodwork #workhardbehumble

👍 Like

💬 Comment

➦ Share



Angie M Buntin

August 2 at 7:53 PM 🌐

So, I will join all of my MCPSS peeps and say this about today! Today for the first time since I can remember MCPSS went to church and the church said AMEN!! I don't care who you are or where you came from the teacher institute lit a fire in everyone today!! Invocation, guest speaker, the unity of the entire school system!! IT was there, you couldn't miss it, because you could feel it every moment. God alive and working his way through MCPSS staff, not just teachers, but staff.. remember we are all teachers whether you have the title or not!! Everyone person has a purpose and God had a plan. I am so glad Dodge is my purpose/plan!!!

👍 Like 💬 Comment