

FREEDOM FROM RELIGION *foundation*

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December 14, 2016

SENT VIA EMAIL AND U.S. MAIL:
JPruitt@oprfs.org

Dr. Joylynn Pruitt
Interim Superintendent
Oak Park and River Forest High School
201 N Scoville Ave.
Oak Park, IL 60302

Re: OPRF gospel choir

Dear Dr. Pruitt:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding constitutional concerns in Oak Park and River Forest High School (OPRF). FFRF is a national nonprofit organization with nearly 25,000 members across the country, including more than 800 members in Illinois and a local chapter, FFRF Metropolitan Chicago Chapter. FFRF's purpose is to protect the constitutional principle of separation between state and church.

A concerned local District community member contacted us to report that OPRF recently sponsored and hosted a reunion concert of the OPRF gospel choir. The enclosed event advertisement states that "Oak Park and River Forest High School Presents" the concert.

Footage from the reunion concert is available online on the "OPRF GOSPEL CHOIR REUNION 1979-PRESENT" Facebook page.¹ The concert included the following songs, which have lyrics that unambiguously promote religion in general and Christianity in particular:

- Call Him Up ("If you confess the Lord, call Him up . . . If you believe in the Father, the Son, and the Holy Ghost; call Him up and tell Him what you want.")
- Marvelous Things ("He has done marvelous things, Praise the Lord.")
- How Excellent ("In all the earth, every knee shall bow, and every tongue confess that He is Lord. Jesus, excellent is Thy name!")
- It Is Well ("Though Satan should buffet, though trials should come, Let this blest assurance control, That Christ has regarded my helpless estate, and hath shed His own blood for my soul.")
- Total Praise ("Lord, I will lift mine eyes to the hills, Knowing my help is coming from You . . . I lift my hands in total praise to you. Amen.")

¹ <https://www.facebook.com/groups/629106863873915/> (posted Nov. 22, 2016).

² *Id.* at 10:00.

³ <http://www.oprfs.org/student-services/documents/RevisedFreshmanStudentPlanner.pdf>.

Anyone attending this performance would have understood that it was devotional and evangelical in nature. The choir director confirms this religious component in the video of the event, in which he thanks everyone involved for their “ministry.”² The gospel choir aims not only to share music, but also to promote Christianity.

We understand that the OPRF gospel choir is still active at the school, as it is listed as an extra-curricular activity in the Revised Freshman Student Planner.³ We also understand that the current director of the gospel choir is OPRF Outreach Coordinator Latonia Jackson. A recent Facebook post stated that “Our current gospel choir members had the privilege of performing during 8th grade transitional day at OP,” with a video of students led by an adult, presumably Ms. Jackson, singing the devotional song “Marvelous Things.”⁴

It is wholly inappropriate for a public school to teach its students songs of Christian worship. Though there may be some instances where singing religious songs in a public school setting might be permissible, the OPRF gospel choir crosses far over this line because its activities persistently, if not ubiquitously, promote religion. Rather than a school-sponsored music activity that incidentally and occasionally includes songs with religious references, the OPRF gospel choir has an undeniable purpose of using music to spread Christianity.

We request that you commence an immediate investigation into these concerns. First, school-sponsored extra-curricular activities or groups must be entirely secular in nature. Second, OPRF may not sponsor or promote religious events, such as the OPRF gospel reunion concert. Finally, OPRF staff may not participate or lead students in religious exercises, such as singing devotional religious music, during school events.

It is well settled that public schools may not advance or endorse religion. *See generally Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Ark.*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). Courts have reviewed religious music in public schools and held that its use must comport with the Establishment Clause. *See Nurre v. Whitehead*, 580 F.3d 1087, 1097 (9th Cir. 2009) (school district was permitted to disallow the playing of “Ave Maria” at graduation because an observer could have viewed it as the district’s preference for one religion over another).

Federal courts have used public school gospel choirs as an example of an obviously religious activity that the school may not endorse. *See Sease v. Sch. Dist. of Philadelphia*, 811 F. Supp. 183, 192 (E.D. Pa. 1993) (“Clearly, a school employee’s participation in, or sponsorship of, a public school gospel choir during school hours would be a violation of the Establishment Clause.”). The OPRF gospel choir can only continue as a school-sponsored extra-curricular activity if it stops promoting

² *Id.* at 10:00.

³ <http://www.oprfhs.org/student-services/documents/RevisedFreshmanStudentPlanner.pdf>.

⁴ <https://www.facebook.com/groups/629106863873915/> (posted Oct. 21, 2016).

religion, which would require a total repertoire overhaul to remove all devotional music. This may well prove impossible within the genre, which confirms that the choir is religious in nature and may not be school-sponsored.

The problem is not solved by making participation in the religious group voluntary. As the Supreme Court in *Lee* explained, “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.” 505 U.S. at 596. It is not enough to ensure that students are not coerced into participating in religious activities. OPRF must also ensure that it does not appear to endorse a religious message by devoting resources to, or putting its stamp of approval on, religious groups or events.

Any student who heard the staff-led gospel choir at the 8th grade transitional day, or attended the school-advertised reunion event, would understand that their school both endorses religion in general and prefers Christianity over minority faiths. A public school should be eager to set an example of tolerance and inclusion, particularly considering that about 44% of young Americans are not Christian.⁵ Spending school resources on exclusively religious music is fraught with legal and moral peril, and every religious song carries with it the very serious risk of ostracizing students, which may lead to bullying, a risk not shared by most secular alternatives.

Parents—not the school district or a public school music teacher—have the authority and the right to decide whether and when to expose their child to religious concepts and devotional music. We request that you instruct OPRF staff to stop teaching religious songs to young, impressionable students. If the OPRF gospel choir cannot eliminate all religious music, it cannot continue to operate as a school-sponsored extra-curricular activity. We also request assurances that all future OPRF-sponsored events will not include religious components, such as devotional religious music. Please inform us in writing of the steps you take to resolve this matter.

Sincerely,



Ryan D. Jayne, Esq.
Elaine & Eric Stone Legal Fellow
Freedom From Religion Foundation

Enclosure

⁵ *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.

COME TO THE GOSPEL CHOIR ALUMNI REUNION CHOIR CONCERT

November 19
begins at 7:30 PM

Admission \$10
Buy tickets [HERE](#).

Visit their Facebook
group page [HERE](#).

Join past & present
choir members to
celebrate our history &
legacy of those who
founded the Gospel
Choir 30 years ago!



Oak Park and River Forest High School
Presents
Gospel Choir Reunion Concert
November 17th 2016
Concert at 7:30pm
Admission: \$10