

FREEDOM FROM RELIGION *foundation*

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July 29, 2016

SENT VIA U.S. MAIL AND FAX TO:
228-875-7708

Dr. Bonita Coleman-Potter
Superintendent
Ocean Springs School District
2300 Government Street
Ocean Springs, MS 39564

Re: Unconstitutional Prayer Service

Dear Dr. Coleman-Potter:

I am writing on behalf of the Freedom From Religion Foundation (“FFRF”) to alert you to unconstitutional prayers that are set to occur within Ocean Springs School District (“OSSD”). FFRF is a national nonprofit organization with nearly 24,000 members across the country, including members in Mississippi. FFRF’s purpose is to protect the constitutional principle of separation between state and church.

We understand that OSSD is set to host a “back-to-school prayer service” on August 2 at 6:30 p.m. at Oak Park Elementary School. OSSD has seemingly partnered with local churches to put on this event. A similar event was held on August 6, 2015. FFRF requests that the event be cancelled as it is a blatant violation of the Establishment Clause and an impermissible event for OSSD to host.

It is well settled that public schools may not advance, prefer or promote religion. *See Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). It is inappropriate for a public school to promote or partner with a church and it is a constitutional violation for that school to join forces with a church to put on an inherently religious event such as a back-to-school prayer service.

It is well settled that a public school employee may not lead, direct, or encourage students to engage in prayer. The Supreme Court has continually struck down formal and teacher or school-led prayer in public schools. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962) (holding teacher-led prayer in public schools unconstitutional); *Abington Twp. Sch. Dist. v. Schempp*, 374 U.S. 203 (1963) (holding devotional bible reading and recitation of the Lord’s Prayer in public schools unconstitutional); *Lee v. Weisman*, 505 U.S. 577 (1992) (ruling prayers at public school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law requiring daily “period of silence not to exceed one minute . . . 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 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).

Partnering with local churches to put on this prayer service also constitutes excessive entanglement between government and religion. The Supreme Court has previously held that close cooperation between school authorities and religious figures constitutes excessive entanglement. *Illinois ex rel. McCollum v. Bd. of Educ.*, 333 U.S. 203, 209-10 (1948). This prayer service is similarly impermissible given the access the churches are given to proselytize to students. It suggests a preference by OSSD for religion over nonreligion.

Even if local churches put on the event, because it takes place at and OSSD school and you yourself have participated as superintendent in the past, it appears OSSD endorses the message being given. It is clear that federal law dictates government employees must refrain from actively participating in religious activities while acting within their governmental role to avoid any perception of government endorsement of religion and/or excessive entanglement with religion.

FFRF asks the event be cancelled due to the constitutional violations involved with such an event. It does not matter that individuals within the community prefer this type of event, it is still illegal for the school to host and cannot be allowed to take place. We seek immediate response in writing that the event will not take place and similar events will not occur in the future.

Sincerely,



Rebecca S. Markert
Staff Attorney

RSM:lws