

FREEDOM FROM RELIGION *foundation*

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November 14, 2018

SENT VIA EMAIL & U.S. MAIL: smithb@smithcoedu.net

Mr. Barry H. Smith
Director of Schools
Smith County School System
126 SCMS Lane
Carthage, TN 37030

Re: Unconstitutional Prayer at Veterans Day Assembly

Dear Director Smith:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that recently occurred in the Smith County School System. FFRF is a national nonprofit organization with more than 32,000 members across the country, including members in Tennessee and a local chapter, FFRF East Tennessee. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned district parent, who is also a veteran, reported that the recent Veterans Day program at Smith County Middle School included a Christian prayer. Our complainant reports that their child asked them to attend the Veterans Day program at the school because of their service to our country. It is our understanding that the program ended with the principal leading a moment of silence then handing the microphone to a student who recited the Lord's Prayer. We understand that our complainant brought this constitutional violation to the attention of the principal, who then berated our complainant and made them feel unwelcome in their child's school.

While it is laudable for the Smith County Middle School to organize, sponsor and host a Veterans Day assembly, it is unconstitutional to allow religious messages to be part of school-sponsored activities. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962)(declaring prayers in public schools unconstitutional); *Abington Twp. Sch. Dist. v. Schempp*, 374 U.S. 203 (1963)(declaring unconstitutional devotional Bible reading and recitation of the Lord's Prayer in public schools); *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, federal courts struck down prayer in public schools because it constitutes a government endorsement of religion, which violates the Establishment Clause of the First Amendment.

Prayer as part of a school-sponsored event leads "an objective observer, acquainted with the [prayer to] perceive it as a state endorsement..." *Sante Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290,

308 (2000). This “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents ‘that they are outsiders, not full members of the political community and an accompanying message to adherents that they are insiders, favored members of the political community.’” *Id.* at 668(O’Connor, J., concurring). Prayer at these programs turns non-Christian and nonreligious students and veterans into outsiders.

Finally, not only did this ceremony inflict unlawful prayer on schoolchildren, parents, and veterans in attendance, but it also defeated the purpose of schools by misleading instead of educating children. Many “atheists in foxholes” have served our country with distinction. Veterans of any religion or no religion should be equally honored. Prayers at these ceremonies amount to a governmental endorsement of religion that excludes the 23% of service members who are atheists, agnostics, or have no religious preference.¹ Prayers at these events further perpetuate the myth that there are no “atheist in foxholes” and that the only veterans worth memorializing are Christians.

It is unlawful for any school-sponsored event, such as a school-sponsored Veterans Day assembly, to open or close with prayer. FFRF asks that you immediately take action to ensure that future district programs and assemblies do not include prayer. Please inform us in writing of the steps the district is taking so that we may notify our complainant.

Sincerely,



Christopher Line
Patrick O’Reiley Legal Fellow
Freedom From Religion Foundation

¹ *MAAF Department of Defense Religious Preference and Chaplain Support Study* (July 2012), available at <http://militaryatheists.org/demographics/>.