

# FREEDOM FROM RELIGION *foundation*

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April 29, 2016

**SENT VIA EMAIL AND U.S. MAIL:  
cschmidt1@sbcsc.k12.in.us**

Dr. Carole Schmidt  
Superintendent  
South Bend Community Schools  
215 South St. Joseph Street  
South Bend, IN 46601

Re: Prayer at school assembly

Dear Superintendent Schmidt:

I am writing on behalf of the Freedom From Religion Foundation to alert you to a constitutional violation that occurred at Rise Up Academy. FFRF is a national nonprofit organization with 23,000 members across the country, including more than 300 members in Indiana. Our purpose is to protect the constitutional principle of separation between state and church.

A concerned student informed us that a Rise Up Academy security guard, Mr. Brown, delivered a prayer at a school-wide assembly on April 14. The prayer included, “. . . trouble gettin’ in our way and we gotta cry sometimes! We ask you to look at us right now, look on every family . . . we thank you for being the alpha and omega, the beginning and end, I want you all to say ‘Thank God! Thank God! Amen!’” Brown’s reference to “alpha and omega” refers to the phrase used to describe Jesus in several verses from the New Testament, showing that Brown’s prayer was not only religious, but specifically Christian.

It is unlawful for any school-sponsored event to include prayer or to otherwise promote religion. We ask that you take action to ensure that future assemblies do not include prayer and otherwise remain neutral toward religion.

The Supreme Court has continually struck down formal school-led prayer in public schools. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962) (declaring prayers in public schools unconstitutional); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963) (declaring unconstitutional devotional bible reading and recitation of the Lord’s Prayer in public schools); *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”); *Lee v. Weisman*, 505 U.S. 577 (1992) (holding that prayers at public high school graduations were an impermissible establishment of religion). Even when student-initiated, the Supreme Court has

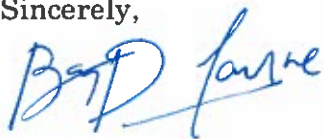
declared school-sponsored prayers unconstitutional. *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000) (striking down a school policy that authorized students to vote on whether to hold a prayer at high school football games). In all of the aforementioned cases, federal courts have struck down prayer in public schools because it constitutes a government endorsement of religion, which violates the Establishment Clause of the First Amendment.

Prayer as part of an assembly at the school, hosted by the school, and during the school day certainly leads “an objective observer, acquainted with the [prayer to] perceive it as a state endorsement.” *Id.* at 308. The “[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 309–10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Brown’s prayer included calls for students to say “thank God” and “amen” along with him. Any student in this environment would feel that their school expected students to participate in Brown’s prayer.

Religion is a divisive force in public schools. Including prayer in a school-sponsored event is particularly inappropriate given that overall, 23% of U.S. adults identify as non-religious. Younger Americans are the least religious population in the country: about 35% of millennials are not religious.<sup>1</sup> A school assembly should be an inclusive, unifying event designed to strengthen bonds within the school community. Including prayer in the program does exactly the opposite, isolating non-Christian and nonreligious students, cheapening their participation by sending the message that they are outsiders in their own community.

We respectfully request that you take the appropriate steps necessary to ensure that prayer is not scheduled at future school assemblies or other school-sponsored events. Brown should also be instructed that he may not promote his personal religion while acting within the scope of his employment. Please notify us in writing of the steps the District has taken to remedy this matter.

Sincerely,



Ryan D. Jayne, Esq.  
Diane Uhl Legal Fellow  
Freedom From Religion Foundation

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<sup>1</sup> *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).