

# FREEDOM FROM RELIGION *foundation*

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August 23, 2017

Mr. Frank Molinar  
Superintendent  
White Settlement ISD  
401 S. Cherry Lane  
Fort Worth, TX 76108

Re: Including prayer in employee meetings

Dear Superintendent Molinar:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to unconstitutional prayers that have occurred at recent White Settlement ISD meetings. FFRF is a national nonprofit organization with more than 29,000 members across the country, including over 1,200 in Texas. Our purpose is to protect the constitutional principle of separation between state and church.

A concerned district employee contacted FFRF to report that on August 10, during an in-school training day at Brewer High School, a school official led the assembled teachers in prayer in the school cafeteria. A few days later, on August 14, we are informed that an auditorium full of district employees was led in prayer as part of the district's mandatory staff convocation event. In both instances the prayers were exclusively Christian in nature, ending with "in Jesus' name we pray."

We write to ensure that no prayer is scheduled or endorsed at future district-sponsored events.

As a government entity, White Settlement ISD has a constitutional obligation to remain neutral toward religion. The Supreme Court has said time and again that the First Amendment "mandates governmental neutrality between religion and religion, and between religion and nonreligion." *McCreary Cty., 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)). 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)). When the district invites an outside religious leader to give a Christian prayer at an official district-sponsored event, or when district administrators themselves lead such a prayer, employees will understandably conclude that the district is endorsing religion over nonreligion and Christianity over all other faiths.

Federal courts have held that mandatory meetings for government employees cannot promote religion. *See 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); *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). By including prayer at staff training events, the district violates its obligation to remain neutral on matters of religion. Regardless of who delivers the prayer, the district has granted its seal of approval to the speaker's exclusively religious message, which it cannot do.

Please note that the prayer would remain illegal even if employees were told that they could "opt out" of participation. The Supreme Court has summarily rejected arguments that voluntariness excuses a constitutional violation. See *Lee v. Weisman*, 505 U.S. 577, 596 (1992) ("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."); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 288 (1963) (Brennan, J., concurring) ("Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question"); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) ("VMI cannot avoid Establishment Clause problems by simply asserting that a cadet's attendance at supper or his or her participation in the supper prayer are 'voluntary.'").

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 district employees to participate in prayer is coercive and beyond the scope of a secular employer. Such prayer creates acrimony, makes minority religious and nonreligious employees feel like 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.

To avoid the constitutional concerns and the divisiveness these prayers cause within White Settlement ISD the solution is simple: discontinue official, government prayers at employee convocation and other district-sponsored events. We request a response in writing outlining the steps that the district will take to respect the right of conscience of its employees.

Sincerely,



Sam Grover  
Staff Attorney