

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

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SENT BY MAIL AND EMAIL

jperry@wythek12.org

Dr. Jeff Perry
Superintendent
Wythe County Public Schools
1570 West Reservoir Street
Wytheville, VA 24382

Re: Unconstitutional Display of Religious Prayer

Dear Dr. Perry:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Spiller Elementary School. FFRF is a national nonprofit organization with more than 29,000 members across the country, including more than 600 members in Virginia. FFRF's purpose is to protect the constitutional principle of separation between state and church.

A concerned District community member contacted us to report that Spiller Elementary currently displays a religious prayer on a large plaque in its cafeteria. A photo of the display is enclosed with this letter. It reads "OUR FATHER: WE THANK THEE FOR THIS FOOD. BLESS IT TO THE NOURISHMENT OF OUR BODIES AND OUR LIVES TO THY SERVICE. AMEN."

Courts have continually held that school districts may not display religious messages or iconography in public schools. *See generally Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Washegesic v. Bloomingdale Pub. Sch.*, 813 F. Supp. 559 (W.D. Mi. 1993), *aff'd* 33 F. 3d 679 (6th Cir. 1994) (ruling that a painting of Jesus may not be displayed in a public school); *Ahlquist v. City of Cranston ex rel. Strom*, 840 F. Supp. 2d 507 (D.R.I. 2012) (striking down a Prayer Mural in a high school auditorium); *Lee v. York Cty. Sch. Div.*, 484 F.3d 687 (4th. Cir. 2007) (holding that a state employer can prevent an employee from displaying religious messages on class bulletins).

Federal courts have further held that vaguely worded language is not a sufficient defense, insofar as it can be inferred to promote a particular religion or even religion generally. *See generally Ahlquist*, 840 F. Supp. 2d at 521 (holding that the term "Heavenly Father," is an exclusively Christian formulation of a monotheistic deity, leaving out, *inter alia*, Jews, Muslims, Hindus, Buddhists, and atheists alike); *Engel v. Vitale*, 370 U.S. 421, 436 (1962) (ruling that an "Almighty God" Prayer, though "brief and general" violated the

Establishment Clause); *DeSpain v. DeKalb Cnty. Cmty. Sch. Dist.* 428, 384 F.2d 836 (7th Cir. 1967) (holding that a thankfulness verse was a prayer despite the fact that it did not mention “god” or contain religious imagery). The plaque at Spiller Elementary begins with “Our Father,” which is a clear indication that the prayer is specifically Christian. See *Ahlquist*, 840 F. Supp. 2d at 521.

With regard to prayers specifically, the Supreme Court has continually worked to prevent school-sponsored prayer in public schools. See, e.g., *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.”); *Engel*, 370 U.S. 421 (finding prayers in public schools unconstitutional). The Supreme Court recognizes that “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).

Elementary students should not have to view materials promoting a Christian message. There is no educational or academic component or motive for such postings; their presence is proselytizing to a captive audience. Students may infer from the plaque that Wythe County Public Schools has a preference for religion over nonreligion, and in this case Christianity over other faiths. Wythe County has an obligation to ensure that its schools are welcoming to *all* students, not just those in the Christian majority.

We request that Spiller Elementary take immediate action and remove this unconstitutional prayer display from the cafeteria wall. Please notify us in writing of the steps you are taking to remedy this violation.

Sincerely,



Patrick C. Elliott
Staff Attorney

PCE:cmp

Enclosure