

FREEDOM FROM RELIGION *foundation*

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

April 12, 2023

SENT VIA EMAIL & U.S. MAIL: sfarnsworth@alpinedistrict.org

Shane J. Farnsworth
Superintendent
Alpine School District
575 N 100 E
American Fork, Utah 84003

Re: Constitutional Concerns over Hope of America Event

Dear Dr. Farnsworth:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) over serious constitutional concerns regarding public school involvement in the annual Hope of America event. FFRF is a national nonprofit organization with over 40,000 members across the country, including members in Utah. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism. We have previously written to Alpine School District about why it is unconstitutional for public schools to take part in Hope of America; however, it is clear that the District has continued to participate.

It is our understanding that on May 3–5, 2022, fifth grade students from over 70 public schools throughout Utah County participated in the annual Hope of America event, sponsored by America's Freedom Foundation in conjunction with America's Freedom Festival at Provo. We are writing in advance of Hope of America 2023, taking place May 9–11. America's Freedom Festival at Provo is a private nonprofit foundation "whose mission is to celebrate, teach, honor, and strengthen the traditional American values of God, family, freedom, and country."¹ The Hope of America event takes place at the Marriott Center at Brigham Young University, a private university owned and operated by The Church of Jesus Christ of Latter-Day Saints.

A concerned District employee contacted us to report that the Hope of America event opened with an overtly Christian prayer. Additionally, many of the songs performed at Hope of America have religious overtones. For instance, the song titled the Hope of America contains lyrics stating that America is "Blessed from heaven above."² Another song, I Love America, features the lyrics "I love to see a church house / Where people go to pray / They are seeking guidance / To live from day to day."³ Our complainant also states that during the event large television screens

¹ *About America's Freedom Festival*, AMERICA'S FREEDOM FESTIVAL (2022), <https://www.freedomfestival.org/about/>.

² AmericasFreedomFest, *Hope of America 2022!*, YOUTUBE (last visited Apr. 12, 2023; 17:07), <https://www.youtube.com/watch?v=eVKOQei6mMY>; *Hope of America 2022*, AMERICA'S FREEDOM FESTIVAL (2022), <https://www.freedomfestival.org/event/hopeofamerica/>.

³ AmericasFreedomFest, *Hope of America 2022!*, YOUTUBE (last visited Apr. 12, 2023; 1:06:00), <https://www.youtube.com/watch?v=eVKOQei6mMY>.

displayed religious images such as Christian congregations kneeling in prayer in chapels and individuals praying.

We are informed that as always, the 2022 Hope of America event opened with an overtly Christian prayer:

Our dear father in Heaven, as we gather here in this amazing facility, we are so grateful and our hearts are full of joy to celebrate the many years of this great program. We are so thankful for the many hands and thousands of hours that have been given to create this wonderful experience for these youths and the blessed lives they have led [. . .] We're so grateful for our nation, for this great United States of America, the only nation founded on the principles of religious freedom, and the rights of each of us as given by thee. We are so thankful for the Founders who looked to thee for guidance in framing our beloved constitution. We pray that these children may feel thy love, may feel thy hand in their lives, and look to thee for comfort and healing, and for guidance in their lives. And most of all, we are grateful for our salvation found in our lord and savior, Jesus Christ [. . .] We say these things in the name of Jesus Christ. Amen.⁴

Additionally, many of the songs performed at Hope of America have religious overtones and contain explicitly Christian messages. Please see enclosed copies of official Hope of America lyrics. For instance, the song "Hope of America" contains the lyrics:

Where there's hope, there's America.
She's a land that we love,
Blessed from heaven above.
Please protect our rights and liberty.⁵

Another song, "I Love America," features the lyrics:

I love to see a church house
Where people go to pray.
They are seeking guidance,
To live from day to day.⁶

Reportedly, during "I Love America," images of people praying and Christian congregations kneeling in prayer in a chapel are shown on the large television screens. In the official recording of the 2022 performance, the video suddenly cuts away from the television screens and focuses on close ups of the children singing when the above verse begins.

The song, "We Can be the Light," contains:

⁴ <https://www.youtube.com/watch?v=eVKOQei6mMY>, at 9:18.

⁵ *Id.* at 17:07.

⁶ *Id.* at 1:06:00.

Wherever there is darkness,
Together we'll bring light.
Let's shine on all God's children,
Shine with all your might.
For those who feel forgotten,
Who are lost along their way,
This light's a new beginning.⁷

In addition to religious lyrics and imagery, Hope of America promotes offensive and racist stereotyping of minority cultures and ethnicities. During the song "All Kinds of People," different groups of students come onto the stage dressed in costumes and performing choreography that parodies people from a variety of cultures and ethnic groups. Pacific Islanders, Hispanic Americans, and Asian Americans are among the groups mimicked in the performance by students who by and large are not actual members of these groups. Please see enclosed photographs of the 2022 performance.

Stereotyping minority racial and ethnic groups contributes to the harmful notion that members of those groups are "foreigners and outsiders."⁸ The use of costumes, dance, and other cultural elements from minority groups results in cultural appropriation, which is "the act of taking significant elements (symbols, dress, words, practices, etc.) from a culture that is not your own and removing all original context or meaning."⁹ While it is likely not Hope of America's intent to be racist or insensitive, "regardless of inventions, appropriative costumes still perpetuate harmful stereotypes and contribute to the continuation of the violence and aggression towards marginalized folks."¹⁰ By boiling diverse and complex cultures down into simplified costumes and choreography rooted in stereotypes, Hope of America belittles and disrespects the cultures and people that it is attempting to honor.

Furthermore, we are told that a vast amount of public school resources are spent annually in preparation for the Hope of America event. Music teachers used class time to teach all of their fifth grade students the songs and choreography for this event. District faculty and staff were expected to help prepare for, attend, and participate in Hope of America. We understand that school resources were used to transport and chaperone students at a dress rehearsal for the event and to the event itself. Reportedly, teachers who raised objections to participating in Hope of America were told that they did not have a choice in the matter, regardless of their discomfort with being involved in this blatantly religious event.

While participation in the Hope of America event is ostensibly optional for students, we are informed that in practice teachers throughout the District routinely coerce students into participating. For instance, our complainant states that a music teacher within the Alpine School District took it upon herself to call the parents of non-participating students to convince those parents to have their children participate in the event. This same music teacher reportedly

⁷ <https://www.youtube.com/watch?v=eVKOQei6mMY>, at 1:14:12.

⁸ Zara Abrams, *The Mental Health Impact of Anti-Asian Racism*, APA (Jul. 1, 2021), <https://www.apa.org/monitor/2021/07/impact-anti-asian-racism>.

⁹ <http://www.lspirg.org/costumes>.

¹⁰ *Id.*

responded negatively to students who asked if participating in the Hope of America was mandatory. All fifth grade students were required to learn the songs and choreography in their music class regardless of whether they planned to participate in the event. Our complainant states that school administrators have also pressured teachers to support the event and convince their fifth grade students to participate. On the day of the event, any fifth grade students who had chosen not to participate were left behind at school while all participating teachers and students spent the school day at Hope of America.

We write to ask that the Alpine School District take action to ensure that its faculty and staff do not take an active role in organizing and instructing students in preparation for this private religious event in the future.

Public Schools Cannot Participate in Religious Events

It is illegal for a public school to sponsor or participate in an event that includes prayer. The Supreme Court has continually struck down school-sponsored prayer in public schools. *See, e.g., 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); *Engel v. Vitale*, 370 U.S. 421 (1962) (finding prayers 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"); *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (holding that a school's policy allowing student-delivered prayers at high school football games violates the Establishment Clause). Federal courts continually strike down school-sponsored prayer because it constitutes government advancement of religion and creates a coercive environment, which violates the Establishment Clause of the First Amendment. Elementary students are especially vulnerable to coercion by teachers and school administrators due to their age as well as their desire to fit in with their peers and please their teachers. When schools are organizing and encouraging students to participate in a privately-sponsored religious event, it is inevitable that young students will feel coerced into conforming by accepting the religious points of view urged upon them and participating in this religious event.

Even though Alpine School District is not an official sponsor of this event, fifth grade students will still perceive that the event, and the prayers that take place during it, are school-sponsored. Fifth graders cannot be expected to appreciate the distinction between a government-sponsored and a privately-sponsored event when they are preparing for that event during class time. Government-sponsored prayer "has the improper effect of coercing those present to participate in an act of religious worship." *Santa Fe*, at 312. Furthermore, "the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere." *Id.*, at 310. Parents have the right to determine their children's religious or nonreligious upbringing. By coercing elementary school students to participate in religious exercises, the District abuses the trust that parents place in their public school.

Please note that it is not a reasonable solution to make students who opt out of this event, for any reason, sit in the hallway while their classmates learn songs for their performance or miss a day of school during the dress rehearsal. Even if appropriate educational alternatives were offered to nonparticipating students, it would still be illegal for schools to participate in this religious event. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See, generally, Lee*, 505 U.S. at 596 (“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.”); *Abington Sch. Dist.*, 374 U.S. at 288 (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.’”). As long as Hope of America continues to contain religious content, public schools cannot participate, regardless of whether individual students can opt out of participating.

Moreover, it is unconstitutional for a public school to require employees to participate in or attend events that include Christian prayer or the promotion of religion. By requiring employees to participate in and attend the Hope of America event, which included Christian prayer, music, and imagery, the District violates the constitutional limits on government religious endorsement.

Patriotism Does Not Require Piety

One of the most damaging aspects of the Hope of America event is that through the use of prayer and religious overtones it teaches students that it takes belief in God to have respect for one’s country. This is a toxic notion and could not be further from the truth. We are not a Christian nation. As President John Adams noted, “. . . the government of the United States is not, in any sense, founded on the Christian religion”¹¹ In fact, the United States is the birthplace of one of liberty’s most fundamental principles: the separation between state and church.

Our Founders were particularly wary of forming a country that commingled religion with government. That is why they drafted a Constitution that effectively formed “a wall of separation between church and state.” This is perfectly exemplified in George Washington’s response to a letter from Presbyterian Ministers in Massachusetts and New Hampshire expressing their disappointment in the absence of “some Explicit acknowledgement of the only true God and Jesus Christ” in the Constitution. Washington replied “that the path of true piety is so plain as to require but little political direction. To this consideration we ought to ascribe the absence of any regulation, respecting religion, from the [Constitution] of our country.”¹²

Thomas Jefferson, another of our nation’s Founding Fathers, had a low opinion of orthodoxy. As the U.S. Supreme Court noted, “President Jefferson . . . steadfastly refused to issue Thanksgiving proclamations of any kind, in part because he thought they violated the Religion Clauses.”¹³ Far

¹¹ Treaty of Tripoli (1797).

¹² Letter from George Washington to Presbyterian Ministers of Massachusetts and New Hampshire (Nov. 2, 1789).

¹³ *Lee v. Weisman*, 505 U.S. 577, 623 (1992) (Souter, J., concurring).

from proscribing a particular religious preference, our Founders saw the importance of keeping religion out of the affairs of government. This principle extends to keeping religion out of our public schools. It is ahistorical and pure propaganda to suggest that it takes a religious heart to love the United States.

The District has a constitutional obligation to remain neutral toward religion and not place its students in situations where they will be coerced into participating in religious practices. Because Hope of America includes opening and closing prayers and uses religious overtones to falsely equate religiosity with patriotism, public schools cannot participate in this event. We ask that the District remind all of its faculty of their constitutional obligation to remain neutral toward religion and make it clear that class time cannot be used to prepare students for private performances at religious events.

Please notify us in writing of the steps you are taking to address this matter and ensure that this constitutional violation does not recur.

Sincerely,

A handwritten signature in cursive script that reads "Samantha F. Lawrence". The signature is written in black ink and is positioned above the typed name.

Samantha F. Lawrence
Anne Nicol Gaylor Legal Fellow
Freedom From Religion Foundation

Enclosures



