

# FREEDOM FROM RELIGION *foundation*

P. O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG  
Faxed (423)476-0485 and sent by U.S. Postal Service

September 9, 2010

Johnny McDaniel  
Director of Schools  
Bradley County Schools  
800 South Lee Hwy  
Cleveland TN 37311

Dear Mr. McDaniel:

Our national organization which works to protect the constitutional separation between church and state is writing on behalf of District complainants to ask that you intervene to cancel the inappropriate participation of the Bradley Central High School ROTC Color Guard in a local prayer service on Saturday at noon. It has been publicly announced that the Color Guard will present the colors at the local "Cry Out America" prayer service, whose stated mission is to "invite Christian believers in every county in the United States to unite in publicly crying out to God for a new Christ Awakening on 9-11."

The further purpose of the gathering is "to voice for God's intervention." The stated focus of the 2010 program is "to involve future generations and those who work with youths crying out in praise, thanksgiving, repentance, restoration and for an awakening to the personal knowledge of Christ." Therefore the school district must be aware that it is stated intention of the sponsors of this event to proselytize youths. The school district must be aware that it is the announced agenda of this prayer service to include a Christian church choir and biblical readings by public representatives.

It is patently clear that the Bradley County schools would not loan out the color guard to participate in a prayer service whose purpose was to show that Allah is the one true god and Muhammad is his prophet, or, for instance, to entertain at a "Come out the Closet, Atheists" rally. For the same reasons, under the dictates of our secular constitution, a public school/ ROTC-sponsored color guard may not formally participate in the purely religious, overtly sectarian "Cry out America" prayer service.

Students, of course, are free to attend on their own. But a public high school and school district are not free to send high school students to such an event under the banner of the official Bradley Central High School ROTC Color Guard to actively entertain and participate in a devotional, Christian event. Such formal participation would send an inappropriate message by your District of endorsement of religion in general and Christianity in particular. It is incumbent that Bradley County Schools honor and protect the conscience of students who are part of the Bradley Central High School ROTC Color Guard, just as the District must respect the Establishment Clause itself.

It is well settled that a public school may not direct, lead or sponsor prayer or bible readings. The Supreme Court has continually struck down formal and teacher or school-

led prayer and bible readings in public schools. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962)(declared prayers in public schools unconstitutional); *Abington Township Sch. Dist. v. Schempp*, 374 U.S. 203 (1963)(declared unconstitutional devotional Bible reading and recitation of the Lord's Prayer in public schools); *See also Lee v. Weisman*, 505 U.S. 577 (1992)(ruled prayers at public high school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985)(overturned law requiring daily "period of silence not to exceed one minute ... for meditation or daily prayer."); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825 (11th Cir. 1989), cert. den., 490 U.S. 1090 (1989)(holding unconstitutional pre-game invocations at high school football games). Even when student-initiated, the Supreme Court have found these prayers unconstitutional. *See generally, Sante Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000)(struck 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, the 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. That this event takes place outside the school venue does not negate decades of Supreme Court decisions to prevent government proselytizing of public school students.

We ask that you immediately cancel the color guard participation and notify us by Friday of the actions you have taken to prevent this First Amendment violation.

Very truly



Annie Laurie Gaylor  
for FFRF