

# FREEDOM FROM RELIGION *foundation*

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SENT BY MAIL & EMAIL TO: dfrost@cisd.org

Dr. Diane Frost  
Superintendent of Schools  
Corsicana ISD  
2200 W. 4th Ave.  
Corsicana, TX 75110

Re: Religious endorsement at district events

Dear Dr. Frost:

I am writing on behalf of the Freedom From Religion Foundation (“FFRF”) to alert you to constitutional concerns over multiple practices within Corsicana ISD (“District”). FFRF is a national nonprofit organization with more than 21,500 members across the country, including over 900 in Texas. Our purpose is to protect the constitutional principle of separation between state and church.

A concerned District community member contacted FFRF to report that all high school football games within the district open with a “Father” leading a prayer. We understand that a similar practice, minister-led prayer, takes place before each faculty “back-to-school” meeting as well as at the faculty’s end of the year awards ceremony. Finally, we understand that a similar prayer is included at District graduation ceremonies.

We write to ask that the District end its endorsement of prayer at athletic events, graduation ceremonies, staff meetings, and any other district-sponsored event.

## **Public schools must not endorse religious messages at athletic events and graduation**

It is illegal for a public school to sponsor religious messages at school athletic events, graduation, or any other school-sponsored event. The Supreme Court has continually struck down 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); *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); and *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.”). 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 our Constitution’s Establishment Clause. *Lee v. Weisman* specifically addresses prayer at graduation ceremonies. It is illegal.

The Supreme Court has also specifically struck down invocations at public school athletic events. *See generally, 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 student-led prayer at high school football games). In *Santa Fe*, the Supreme Court found the school district policy of allowing student prayer to be announced at football games to be unconstitutional. *Id.* at 320. The Court reasoned that the football game was a

school-sponsored event and that a prayer taking place at a “regularly scheduled school-sponsored function conducted on school property” would lead an objective observer to perceive it as state endorsement of religion. *Id.* at 308. The Court stated that in this context, “[r]egardless of the listener’s support for, or objection to, the message, an objective Santa Fe High School student will unquestionably perceive the inevitable pregame prayer as stamped with her school’s seal of approval.” *Id.*

### **Public schools must not include prayer during staff training sessions**

Though students aren’t involved in the District’s staff training, the same constitutional principles prohibit the District from endorsing religion at these events. The Supreme Court has said time and again, “[t]he touchstone for our analysis is the principle that the ‘First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.’” *McCreary County, 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 should respect the idea that “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe*, 530 U.S. at 310 (quoting *Lee*, 505 U.S. at 589). By imposing prayer on its employees at district-sponsored events, the District fails to respect the private right of conscience of its staff.

One federal court of appeals has already found that prayers at mandatory teacher meetings and in-service training constitute illegal government endorsement of religion. *Warnock v. Archer*, 380 F.3d 1076, 1080 (8th Cir. 2004) (“The Constitution, however, forbids [the government] from conveying the message that it decisively endorses a particular religious position.”). *See also 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). Prayer at District events similarly appears to a reasonable observer to be an endorsement of religion, particularly Christianity. This is exactly the type of government endorsement that is prohibited by the Establishment Clause, and could also be perceived as workplace harassment.

Besides the legal issues, there are many good reasons to end the prayer practice. The prayers are unnecessary and divisive. Asking employees to pray is coercive and beyond the scope of a government entity like Corsicana ISD. Employees are free to pray privately or to worship on their own time, in their own way. They do not need to worship on taxpayers’ time or at their boss’s request. The District must refrain from lending its power and prestige to Christianity, amounting to a governmental endorsement that excludes the 19% of the American population that is nonreligious.<sup>1</sup> It is also simply insensitive for a state-run employer to inflict Christian prayer on all employees regardless of their personal beliefs.

Please take steps to correct any District practices that endorse religion in violation of the Constitution. The District must ensure that schools are not scheduling or promoting prayer during school-sponsored events. Please notify us in writing of the steps you are taking to protect the right of conscience of your students and staff.

Sincerely,



Sam Grover  
Staff Attorney

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<sup>1</sup> The Pew Forum on Religion & Public Life, *Asian Americans: A Mosaic of Faiths*, 148 (July 2012).