

FREEDOM FROM RELIGION *foundation*

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November 29, 2023

SENT VIA EMAIL & U.S. MAIL: justinhenry@goddardusd.com

Superintendent Justin Henry
Goddard USD 265
P.O. Box 249
Goddard, KS 67052

Re: Unconstitutional worship music in school choir program

Dear Superintendent Henry:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Goddard USD 265 (the District). FFRF is a national nonprofit organization with more than 40,000 members across the country, including members in Kansas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned parent reported that [REDACTED], a teacher at Challenger Intermediate School, is teaching her sixth grade students Christian worship music, including “Praise His Holy Name” and “Didn’t My Lord Deliver Daniel.” We are told that [REDACTED] began teaching students these religious songs on October 25, 2023. Our complainant reports that [REDACTED] also taught her music students lessons on the biblical story of Daniel, a parable that teaches that one should have faith in and believe in the Abrahamic god.¹ The lyrics of both “Praise His Holy Name” and “Didn’t My Lord Deliver Daniel” are overtly religious:

Praise His Holy Name

Refrain

Sing till the power of the Lord come down.
Shout Hallelujah! Praise His Holy name!

Amazing grace, how sweet the sound that saved a wretch like me;
I once was lost, but now I'm found, was blind, but now I see.
Jesus, Jesus, how I love Thee! Shout Hallelujah!
Praise his Holy name!

Refrain

Must Jesus bear the cross alone and all the world go free?
No, there's a cross for ev'ryone and there's a cross for me.
Jesus, Jesus, how I love Thee! Shout Hallelujah!

¹ *The Bible Story of Daniel in the Lion's Den*,
<https://www.biblestudytools.com/bible-stories/daniel-in-the-lion-s-den.html>.

Praise His Holy Name!

Refrain

Hallelujah! Praise His Name! Let us Praise His Name, Hallelujah, Lord!
Praise His Holy Name! Hallelujah Oh, oh-
Praise High Holy Name!
Praise Him!²

Didn't My Lord Deliver Daniel

Didn't my Lord deliver Daniel,
Then why not every man?

Didn't my Lord deliver Daniel,
Deliver Daniel, deliver Daniel,
Didn't my Lord deliver Daniel,
And why not a every man?
Didn't my Lord deliver Daniel,
Deliver Daniel, deliver Daniel,
Didn't my Lord deliver Daniel,
And why not a every man?

He deliver'd Daniel from the lion's den,
Jonah from the belly of the whale,
And the Hebrew children from the fiery furnace,
And why not every man?
Didn't my Lord deliver Daniel,
Deliver Daniel, deliver Daniel,
Didn't my Lord deliver Daniel,
And why not a every man?

The wind blows east and the wind blows west,
It blows like the judgment day,
And ev'ry poor soul that never did pray
Will be glad to pray that day.
Didn't my Lord deliver Daniel,
Deliver Daniel, deliver Daniel,
Didn't my Lord deliver Daniel,
And why not a every man?

I set my foot on the Gospel ship,
And the ship, it begin to sail,
It landed me over on Canaan's shore,
And I'll never come anymore.
Didn't my Lord deliver Daniel,

² *Praise His Holy Name*, <https://www.musicanet.org/textes/04/072.htm>.

Deliver Daniel, deliver Daniel,
Didn't my Lord deliver Daniel,
And why not a every man?

Didn't my Lord deliver Daniel,
Deliver Daniel, deliver Daniel,
Didn't my Lord deliver Daniel,
From the lion's den,
And Jonah from the belly of the whale,
And the Hebrew children from the fiery furnace,

Oh yes, He did.
Tell me why not every man?³

We write to request that the District immediately investigate this situation and ensure that [REDACTED] ceases teaching students religious worship songs and biblical stories. The District's choir programs must focus on teaching secular music and lessons, not religious devotional music and bible stories. There is a wide array of high quality and pedagogically valuable choral music available for public schools to teach students. There is no need for a public intermediate school choral program to select religious worship music for students, and it is plainly unconstitutional for a public school choir teacher to teach students bible lessons.

Teaching public school students Christian worship music and biblical stories in a devotional, religious manner violates the First Amendment. It is well settled that public schools may not show favoritism towards religion or coerce students to participate in religious activity. *See generally Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Ark.*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). By coercing sixth grade students to sing overtly Christian worship music in its choral program, the District demonstrates favoritism towards religion over nonreligion, and Christianity over all other faiths. This favoritism towards Christianity needlessly alienates all students and families, such as our complainant and their child, who do not subscribe to Christianity, including those students who are a part of the 49 percent of Generation Z who are religiously unaffiliated.⁴

In the context of music classes, public schools may teach religious music alongside secular music in order to achieve legitimate secular educational goals, such as giving students a better understanding of historical choral music. While there may be such instances where teaching religious songs in the public school context is permissible, schools should exercise caution when teaching impressionable students songs that are clearly devotional in nature. In this case, it is hard to see how the songs "Praise His Holy Name" and "Didn't My Lord Deliver Daniel" serve any sort of legitimate secular purpose. There is no dearth of secular, age-appropriate choral music for intermediate school students to learn. Parents—not the school district or a public school music teacher—have the authority and the right to decide whether and when to expose their child to religious concepts and devotional music.

³ *Didn't My Lord Deliver Daniel*, https://sing-and-pray.de/texte/didnt_my_lord_deliver_daniel_ii.html.

⁴ 2022 Cooperative Election Study of 60,000 respondents, analyzed by Ryan P. Burge, <https://religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/>.

Moreover, public schools may not provide religious instruction. In the seminal Supreme Court case on this issue, *McCullum v. Bd. of Educ.*, 333 U.S. 203 (1948), the Court held that bible classes in public schools are unconstitutional. The school district in *McCullum* allowed religious teachers, employed by private religious groups, to teach students a regular bible class. The Court held, “Here not only are the state’s tax-supported public school buildings used for the dissemination of religious doctrines. The State also affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through use of the state’s compulsory public school machinery. This is not separation of Church and State.” *Id.* at 212. Teaching a biblical story to sixth graders in a religious manner clearly crosses the constitutional line.

We request that the District investigate this matter and ensure that all District schools comply with the Constitution and respect the First Amendment rights of District students and their families. The District must see that [REDACTED] ceases teaching religious worship music in her classes and all District teachers should be reminded of their constitutional obligations. Please respond in writing with the steps the District is taking to address this matter so that we may inform our complainant. Thank you for your time and attention.

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