

FREEDOM FROM RELIGION *foundation*

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June 29, 2020

SENT VIA EMAIL ONLY:

betty.m.roach@usps.gov

Betty Roach
Postmaster
16605 E Main St,
Louisville, MS 39339

Re: Unconstitutional government prayer practices

Dear Postmaster Roach:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring at the Louisville, Mississippi Post Office. FFRF is a nationwide nonprofit organization with more than 33,000 members throughout the country, including many members in Mississippi. FFRF's purposes are to protect the constitutional separation between state and church, and to educate the public on matters relating to nontheism.

We are informed that the Louisville, Mississippi Post Office conducts a mandatory safety meeting each morning, and that Postal Supervisor Latonya Outlaw, as part of that mandatory meeting, leads all employees in prayer each morning.

I write to request that the Louisville Post Office discontinue this practice immediately. The First Amendment of the U.S. Constitution, as well as the Postal Operation Manual, prohibits prayer at mandatory government employee functions.

As a government entity, the Louisville Post Office has a constitutional obligation to remain neutral toward religion. 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 Cty., 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)) (emphasis added). The Louisville Post Office must respect that “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee v. Weisman*, 505 U.S. 577, 589 (1992) (O’Connor, J., concurring)). When

mandatory Post Office events include prayer, the department is endorsing religion over nonreligion and Christianity over all other faiths.

Federal courts have held that mandatory meetings for government employees cannot promote religion. See *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); *Warnock v. Archer*, 380 F.3d 1076, 1080-81 (8th Cir. 2004) (prohibiting public school district from orchestrating or supervising prayers at mandatory teacher meetings and in-service training). This type of religious endorsement unfairly isolates non-Christian and nonreligious employees and could also be perceived as workplace harassment.

The Post Office has a legal duty to remain neutral toward religion. POM § 124.57(b) states that “[t]he Postal Service must avoid the appearance of favoring any particular religion or religion itself.” Institutionalized prayer at a government office alienates the 26 percent of Americans who are not religious,¹ and it sends the message to nonadherents “that they are outsiders, not full members of the political community and accompanying message to adherents that they are insiders, favored members of the political community.” *Santa Fe*, 530 U.S. at 309–10 (internal quotations omitted).

We request that the Louisville Post Office take steps to ensure that future employee meetings and events do not include prayers. Please respond in writing outlining the steps that the USPS will take to respect the constitutional principle of separation between church and state so that we may notify our complainant. Thank you for your time and attention to this matter, and I hope this letter finds you in good health.

Sincerely,

A handwritten signature in black ink, appearing to read 'BJ', with a long horizontal line extending to the right.

Brendan Johnson, Esq.
Robert G. Ingersoll Legal Fellow
Freedom From Religion Foundation

¹ *In U.S., Decline of Christianity Continues at Rapid Pace*, Pew Research Center (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.