

# FREEDOM FROM RELIGION *foundation*

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July 14, 2022

**SENT VIA EMAIL & U.S. MAIL: [walter.harvey@dadeschools.net](mailto:walter.harvey@dadeschools.net)**

Walter J. Harvey  
School Board Attorney  
School Board Attorney's Office  
1450 N.E. 2nd Avenue, Suite 430  
Miami, Florida 33132

Re: Unconstitutional Promotion of National Day of Prayer (Miami-Dade County Public Schools)

Dear Attorney Harvey:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding another constitutional violation that recently occurred in Miami-Dade County Public Schools. As you will recall, we have worked with you to resolve issues in the District in the past. I hope we can quickly resolve this new issue as well.

A concerned District parent has reported that the Miami-Dade School Board voted to support and promote the National Day of Prayer, which occurred on May 5, 2022.<sup>1</sup> Our complainant reports that their child learned about the District's support of this Christian event from their teacher.

Moreover, a local news source reports that the Board's purpose in instituting the National Day of Prayer is to see that "students are encouraged to organize and have a day to pray together[.]"<sup>2</sup> The board member who made the proposal, Christi Fraga, explained:

I requested a list of all the Bible clubs that exist in the district and I reached out to several organizations, as well as religious leaders in the communities and asked them to get their youth groups involved to do something on this day within their schools.<sup>3</sup>

She also said, "Prayer and religion has been taken out of our education system a long time ago..." and that her belief "is that this is one step in the right direction to restoring certain values in our education system that has[sic] been ripped away from our students..."<sup>4</sup>

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<sup>1</sup> *Miami-Dade School Board Unanimously Approved National Day of Prayer*, Doral Family J.(Apr. 14, 2022), <https://doralfamilyjournal.com/miami-dade-school-board-unanimously-approved-national-day-of-prayer/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

Another board member, Lubby Navarro, did not use the same coded language while describing the Board's desire to instill Christian values in students through its support and promotion of the National Day of Prayer. She said that she hopes the school board vote will "send a message to our community that we have one creator, one creator, and that is God and Jesus Christ."<sup>5</sup>

We write to request that the Board refrain from supporting and promoting the National Day of Prayer in the future in order to respect the right of conscience of all District students and their families.

The National Day of Prayer is a sectarian event. It originated with Rev. Billy Graham during his evangelical crusade in Washington, D.C. in 1952. He expressed an openly Christian purpose, seeking such an annual proclamation by the President because he wanted "the Lord Jesus Christ" to be recognized across the land. Subsequently, the National Day of Prayer Task Force was created to "communicate with every individual the need for personal repentance and prayer, mobilizing the Christian community to intercede for America and its leadership." Chair Shirley Dobson or her designate issues annual National Day of Prayer proclamations and submits them to elected leaders, choosing a theme with supporting scripture from the bible. The task force's stated goal is to pressure as many mayors and other elected officials as possible to also issue National Day of Prayer proclamations.

As you are aware, it is well settled that public schools may not advance or endorse religion. *See generally Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). Public school employees may not lead students in prayer, encourage students to pray, or push religion on students. The Supreme Court has continually struck down teacher or school-led prayer in public schools. *See, e.g., Engel*, 370 U.S. at 421 (declaring school-sponsored prayers in public schools unconstitutional); *Schempp*, 374 U.S. at 203 (declaring unconstitutional devotional Bible reading and recitation of the Lord's Prayer in public schools); *Jaffree*, 472 U.S. at 38 (overturning law requiring daily "period of silence not to exceed one minute . . . for meditation or daily prayer"). Public school districts may not urge religious points of view on students nor coerce students into participating in prayer or other religious activities.

Please note that even if student participation in the National Day of Prayer is voluntary that is not a valid safeguard. 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."); *Schempp*, 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");

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<sup>5</sup> *Miami Schools recognize National Day of Prayer; but apologize after one board member says Jesus is the true God*, The Blaze. (April 15, 2022), <https://www.theblaze.com/news/miami-schools-recognize-national-day-of-prayer-but-apologize-after-one-board-member-says-jesus-is-the-true-god>

*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.’”); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989) (“ . . . whether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis. . . . The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual.”).

Moreover, “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*, 505 U.S. at 589). By instituting a day of prayer and seeking to involve Christian churches and organizations in arranging district-wide activities, the Board needlessly alienates the students and families belonging to the thirty-seven percent of Americans who are non-Christians, including the nearly one in three Americans who now identify as religiously unaffiliated, turning them into outsiders in their own community.<sup>6</sup> Promoting religion and coercing students to take part in prayer usurps the authority of parents who have the right to decide whether to raise their children in any given faith or no faith at all. The Board and District have not only violated the Establishment Clause, but they have abused the trust that our complainant and all other students’ parents placed in their public school district.

It is worth noting that the Supreme Court’s recent decision in *Kennedy v. Bremerton Sch. Dist.*, simply affirms that school officials may pray privately during times when they are not acting in their official capacity as District representatives. No. 21-418, 2022 WL 2295034, (U.S. June 27, 2022). For instance, school board members may pray privately or worship on their own time in their own way. They cannot, however, use their positions to affiliate the District with Christianity and to coerce students into engaging in prayer or participating in religious events.

We ask that the District end its official support for this divisive event and that the Board cease using its power to attempt to coerce students into engaging in prayer in order to respect the constitutional rights of all District students. Please respond promptly in writing with the steps the District is taking to ensure this violation does not recur.

Sincerely,



Christopher Line  
Staff Attorney  
Freedom From Religion Foundation

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<sup>6</sup> Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), available at [www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/](http://www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/).