

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: enoah@hamsil.com

Mr. Elmer G. Noah, II
Hammonds, Sills, Adkins, & Guice, LLP
1881 Hudson Circle
Monroe, LA 71201

Re: Unconstitutional Daily Prayers in Elementary School (Ouachita Parish Schools)

Dear Mr. Noah:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation currently occurring in Ouachita Parish Schools. We appreciated your October 28, 2021 response to our October 12, 2021 letter regarding religious promotion by a District coach. I hope we can quickly resolve this very serious matter as well.

A concerned parent has reported that Riverbend Elementary School requires its students to recite a prayer each day following the Pledge of Allegiance. Our complainant reports that a different child is selected to deliver the Pledge and then the prayer over the intercom each morning. The prayer is described as “Student Expression,” but is clearly a prayer and is delivered to “Father God”:

Father God,
Come be with us today.
Fill our Hearts with joy.
Fill our minds with learning.
Fill our classrooms with peace.
Fill our lessons with fun.
Fill our friendships with kindness.
Fill Riverbend Elementary with love.
Amen.

The District must ensure that Riverbend Elementary School ceases its daily prayer immediately.

The First Amendment prohibits a public school from sponsoring prayer, even if officially titled as “Student Expression.” The Supreme Court has continually struck down formal and school-led prayer in public schools. *See, e.g., Lee v. Weisman*, 505 U.S. 577 (1992) (ruling prayers at public school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law requiring daily one minute “period of silence . . . for meditation or daily prayer”); *Engel v. Vitale*, 370 U.S. 421 (1962) (declaring prayers in public schools unconstitutional). More than fifty-five years ago, the Supreme Court held it was unconstitutional for schools to allow students to use a school’s intercommunications systems to conduct daily opening exercises “consisting primarily of the ‘reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord’s Prayer.’” *Abington Twp. Sch. Dist. v. Schempp*, 374 U.S. 203, 211 (1963).

Even when student-initiated, which this daily repetition of the same prayer is most certainly not, the Supreme Court has found school sponsorship of prayers unconstitutional. *See 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 prayer at high school football games). The Court reasoned that because the football game was a school-sponsored event, hosting prayer was a constitutional violation. *Id.* at 307. Even if student-led, the Court found that prayers 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. This case is more egregious because Riverbend Elementary School is hosting prayer in an elementary school during the school day when all students and employees are required to be present.

“School sponsorship of a religious message is impermissible because it sends the ancillary message to . . . nonadherents ‘that they are outsiders, not full members of the political community and an accompanying message to adherents that they are insiders, favored members of the political community.’” *Id.* at 309-10 (quoting *Lynch v. Donnelly*, 465 U.S. at 668 (O’Connor, J., concurring)). Sponsoring a religious message alienates non-Christian students, employees, and families whose religious beliefs are inconsistent with the message being promoted, including the almost 30 percent of Americans who are nonreligious.¹ The Supreme Court has recognized that “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).

A public school must not broadcast a religious message to a captive student audience, or require students to read religious messages. Ouachita Parish Schools cannot broadcast daily prayer, or require students to participate in daily prayer. The Constitution obligates public schools to maintain religious neutrality to respect the right of conscience of its students. Please inform us in writing of the actions the school system is taking to remedy this violation so that we may inform our complainant.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

¹ 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/.