

December 6, 2010

**SENT VIA FAX & U.S. MAIL
(931) 363-8975**

Tee Jackson
Director of Schools
Giles County Board of Education
270 Richland Drive
Pulaski, TN 38478

Re: Illegal Prayer in a Kindergarten Classroom

Dear Mr. Jackson:

I am writing on behalf of a concerned district parent and taxpayer, and other members of the Freedom From Religion Foundation (FFRF), to alert you to an egregious constitutional violation occurring at Pulaski Elementary School. FFRF is a national nonprofit organization with over 16,000 members, including nearly 200 members in Tennessee. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that a kindergarten teacher at Pulaski Elementary School leads students in prayer. Our complainant informs us that his five-year-old kindergarten student came home before Thanksgiving break singing a verse from the following song:

“Oh, the Lord's been good to me.
And so I thank the Lord
For giving me the things I need:
The sun, the rain and the appleseed;
Oh, the Lord's been good to me.

Oh, and every seed I sow
Will grow into a tree.
And someday there'll be apples there
For everyone in the world to share.
Oh, the Lord is good to me.

Oh, here I am 'neath the blue, blue sky
Doing as I please.
Singing with my feathered friends
Humming with the bees.

I wake up every day,
As happy as can be,
Because I know that with His care
My apple trees, they will still be there.
The Lord's been good to me.

I wake up every day
As happy as can be,
Beacuse I know the Lord is there
Watchin' over all my friends and me
The Lord is good to me.”

We understand that the song is typically sung as grace (it may be titled Johnny Appleseed Grace.”) It is known to be in the “genre” of Christian prayer songs.

We ask that you commence an immediate investigation into this allegation and take prompt action to halt prayers occurring at public schools in your district.

It is well settled that a public school teacher may not lead, direct or ask her students to engage in prayer, even if it’s delivered in the form of a song. The Supreme Court has continually struck down formal and teacher or school-led prayer in public schools. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962)(declared prayers in public schools unconstitutional); *Abington Township Sch. Dist. v. Schempp*, 374 U.S. 203 (1963)(declared unconstitutional devotional Bible reading and recitation of the Lord’s Prayer in public schools); *See also Lee v. Weisman*, 505 U.S. 577 (1992)(ruled prayers at public high school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985)(overturned law requiring daily “period of silence not to exceed one minute ... for meditation or daily prayer.”); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825 (11th Cir. 1989), cert. den., 490 U.S. 1090 (1989)(holding unconstitutional pre-game invocations at high school football games). Even when student-initiated, the Supreme Court have found these prayers unconstitutional. *See generally, Sante Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000)(struck down a school policy that authorized students to vote on whether to hold a prayer at high school football games). 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 the Establishment Clause of the First Amendment. This is particularly true (and more egregious) when the prayer is delivered and taught to a captive group of impressionable school children as young as five.

You have an obligation under the law to make certain that “subsidized teachers do not inculcate religion.” *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). Certainly, “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. South Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993)(quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991). Your school

district should make certain that its teachers are not unlawfully and inappropriately indoctrinating students in religious matters.

Furthermore, while acting in their official role as public school teachers, and while they are present in the classroom or public school, teachers may not pray with students. Courts have upheld the termination of teachers who do. *See, e.g., Grossman v. South Shore Public Sch. Dist.*, 507 F.3d 1097 (7th Cir. 2007); *Webster v. New Lenox Sch. Dist.*, 917 F.2d 1004 (7th Cir. 1990); *Roberts v. Madigan*, 921 F.2d 1047 (10th Cir. 1990).

Instructing kindergarteners to pray violates the U.S. Constitution and District policy. Edgecombe County Public Schools must take immediate action to stop its teachers from imposing their religious beliefs and practices on their students. Teachers in your district must be directed to adhere to current law.

We ask that you immediately commence an investigation into this matter and halt this abuse of power. Please promptly inform us in writing of the steps you are taking to protect the rights of conscience of your students and of district parents, who have the right to direct the religious, or non-religious, upbringing of their children.

Sincerely,

Rebecca S. Markert
Staff Attorney

CC: Bill Holt, Principal Pulaski Elementary