

FREEDOM FROM RELIGION *foundation*

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August 1, 2024

SENT VIA EMAIL & U.S. MAIL: mdking@jmcss.org

Dr. Marlon King
Superintendent
Jackson-Madison County School System
310 North Parkway
Jackson, TN 38305

Re: Unconstitutional worship service at teacher meeting

Dear Dr. King:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) about an unconstitutional religious worship service held by the Jackson-Madison County School System. FFRF is a national educational nonprofit with more than 40,000 members across the country, including hundreds of members in Tennessee and a chapter, FFRF East Tennessee. FFRF protects the constitutional separation between state and church and educates about nontheism.

Multiple members of the JMCSS community inform us that JMCSS turned its mandatory teacher in-service into a religious worship event on July 30, 2024. JMCSS's official social media account confirms this, posting a video of a singer leading the crowd in singing the contemporary Christian song, "Goodness of God," instructing everyone in the crowd to join in the singing.¹ We are informed that multiple songs were sung, and that the group was also led in prayer. One teacher shared the District's video with the caption "We had Church today." Please see the enclosed screenshots.

Faculty and staff have the First Amendment right to be free from religious indoctrination, including when participating in school-sponsored events. It is a basic constitutional principle that public schools may not show favoritism towards or coerce belief or participation in religion. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 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); *McCullum v. Bd. of Educ.*, 333 U.S. 203 (1948). Coercing staff members to sing religious songs and participate in prayer at a teacher in-service, or any school-sponsored event, is unconstitutional.

Tennessee's Establishment Clause has remained unchanged in substance since 1796. Borrowing Tennessee's exact words, other states' constitutional provisions "'declaring that there shall be a separation of church and state are not only more explicit but *more restrictive*' than the First Amendment." *Gibson v. Brewer*, 952 S.W.2d 239, 246 (Mo. banc 1997) (quoting *Paster v.*

¹ <https://www.facebook.com/JacksonMadisonCountySchools/videos/477048575055040/?mibextid=rS40aB7S9Ucbxw6v>.

Tussey, 512 S.W.2d 97, 101–02 (Mo. banc 1974) (emphasis added)). The Supreme Court of the United States’s decision in *Trinity Lutheran Church of Columbia, Mo., Inc. v. Comer*, 137 S.Ct. 2012 (2017) did not change that. See *Doe v. Marianist Province of U.S.*, 620 S.W.3d 73, 78 (Mo. banc 2021) (quoting *Brewer and Paster*). So, Tennessee’s Establishment Clause is *stricter* than the federal First Amendment. Compare Tenn. Const. Art. I § 3 with Mo. Const. Art. I §§ 5–7. JMCSS’s religious service also violates Tennessee’s Constitution.

Furthermore, imposing religious worship on staff violates their religious rights. The District serves and employs a diverse population with diverse religious beliefs, including Jews, Muslims, atheists, and agnostics. Thirty-seven percent of the American population is non-Christian, including the almost thirty percent who are nonreligious.² At least a third of Generation Z (those born after 1996) have no religion,³ with a recent survey revealing almost half of Gen Z qualify as “nones” (religiously unaffiliated).⁴

The District must be neutral with regard to religion in order to respect and protect the First Amendment rights of all staff. Unfortunately, JMCSS fell short. In the future, JMCSS must be aware that including religious worship in its events is unconstitutional. Please respond in writing with the steps the District will take to ensure this violation does not occur again.

Sincerely,



Hirsh M. Joshi
Patrick O’Reiley Legal Fellow
Freedom From Religion Foundation

CC: Deputy Superintendent Vivian C. Williams, vwilliams@jmcss.org;
Deputy Superintendent Dr. Ricky Catlett, rdcatlett@jmcss.org.

² Gregory A. Smith, *Religious ‘Nones’ in America: Who They Are and What They Believe*, Pew Research Center, Jan. 24, 2024, <https://www.pewresearch.org/religion/2024/01/24/religious-nones-in-america-who-they-are-and-what-they-believe/>.

³ Samuel J. Abrams, *Perspective: Why even secular people should worry about Gen Z’s lack of faith*, Deseret News, Mar. 4, 2023, www.deseret.com/2023/3/4/23617175/gen-z-faith-religious-nones-civic-life-volunteers-charity.

⁴ Ryan P. Burge, *2022 Cooperative Election Study of 60,000 respondents*, Apr. 3, 2023, <https://religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/>.