

# FREEDOM FROM RELIGION *foundation*

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September 13, 2024

**SENT VIA EMAIL & U.S. MAIL: [brenda.sanford@redoakisd.org](mailto:brenda.sanford@redoakisd.org)**

Superintendent Brenda Sanford  
Red Oak Independent School District  
109 West Red Oak Road P.O. Box 9000  
Red Oak, TX 75154

Re: Unconstitutional convocation prayer

Dear Superintendent Sanford:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding an unconstitutional official prayer that has occurred at Red Oak ISD. FFRF is a national nonprofit organization with more than 40,000 members across the country, including over 1,700 members and a chapter in Texas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned community member informs us that ROISD's August 6 convocation commenced with prayer over a loudspeaker. Employee attendance was mandatory, including for the prayer. We are informed that a local pastor delivered the prayer. Reportedly, this occurs every year at this high school and other District schools. For ROISD's 2023 convocation, one picture on its social media shows a slide saying "prayers & pledge" referring to an official prayer recited before the Pledge of Allegiance. Please see the enclosed picture from the District's official social media account.

School-sponsored prayer over a captive audience coerces employees into worship and is unnecessarily divisive. We ask the District to cease scheduling pre-planned government prayer at District events.

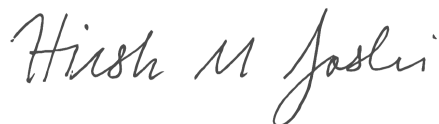
Government employees have a constitutional right to be free from religious indoctrination at work. The Supreme Court has continually struck down prayers at school-sponsored events. *See Lee v. Weisman*, 505 U.S. 577 (1992) (declaring unconstitutional clergy-delivered prayers at a public school graduation); *see Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (holding that a school's policy allowing student-delivered prayers at high school football games violates the Establishment Clause). "It is beyond dispute that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise[.]" *Lee* at 587. Furthermore, government-led prayer "has the improper effect of coercing those present to participate in an act of religious worship." *Santa Fe*, 530 U.S. at 312. Here, by hosting prayer at a mandatory employee event, the District coerces employees into worship. That runs head-first into *Lee* and *Santa Fe*.

Further, federal courts have held that trainings and meetings for government employees, such as public school staff and administrators, cannot promote religion or coerce employee participation in religious exercise, including prayer. *See 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); *Milwaukee Deputy Sheriff's Ass'n v. Clarke*, 588 F.3d 523, 525–26 (7th Cir. 2009).

It makes no difference how many employees want prayer or would not be offended by prayer at official events; courts have continually reaffirmed that the rights of minorities are nonetheless protected by the Constitution. As the Supreme Court has said, “fundamental rights may not be submitted to vote; they depend on the outcome of no elections.” *Santa Fe*, 530 U.S. at 304–05 (quoting *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 638 (1943)). “The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts.” *Barnette*, 319 U.S. at 638. The District has a constitutional duty to remain neutral toward religion. By scheduling prayers at its convocations, the District abridges that duty and needlessly excludes employees who are a part of the thirty-seven percent of the American population is non-Christian, including the almost thirty percent who are nonreligious.<sup>1</sup>

In order to respect employees’ First Amendment rights, the District must ensure that all future school-sponsored events do not include pre-planned prayers. Please respond in writing with the steps the District is taking to remedy this constitutional violation and ensure that it does not recur. Thank you for your time and attention to this matter.

Sincerely,



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

Enclosure

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<sup>1</sup> 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/>.