

FREEDOM FROM RELIGION *foundation*

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September 23, 2013

SENT BY U.S. MAIL AND ELECTRONIC MAIL



D. Scott Bennett
Leitner, Williams, Dooley & Napolitan, PLLC
801 Broad Street, Third Floor
Chattanooga, TN 37402-2621

Re: Unconstitutional Prayers at 9/11 Memorial Assembly

Dear Mr. Bennett:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to a serious state/church concern. You may remember from our correspondence last summer that FFRF is a nationwide nonprofit organization with more than 19,000 members across the country and more than 250 members in Tennessee. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that the Sale Creek Middle/High School recently held a 9/11 remembrance ceremony during the school day that all faculty, staff, and students were told to attend. We have learned that the speaker for the ceremony was a local pastor who led a prayer during the ceremony and whose speech contained numerous quotations from the Bible and other endorsements of the Christian god.

While it is laudable for Sale Creek Middle/High School to organize a memorial assembly honoring the victims of 9/11, it is unconstitutional to allow religious messages and prayer to be part of a school-sponsored event. *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); *Lee v. Weisman*, 505 U.S. 577 (1992) (ruled prayers at public school graduations an impermissible establishment of religion). 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.

Moreover, including prayer and references to a Christian god at a school assembly is divisive and isolating. The Supreme Court said it best when it wrote that "[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents 'that they are outsiders, not full members of the political community and accompanying message to adherents that

they are insiders, favored members of the political community.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2001) (quoting *Lynch v. Donnelly*, 465 U.S. at 668) (O’Connor, J., concurring).

Not only are 1-in-5 Americans nonreligious, younger Americans are the least religious population in the country: 1-in-3 community members aged 18-29 are not religious.¹ Any 9/11 remembrance ceremony should be an inclusive, unifying event designed to strengthen bonds within a community. Including prayer in the program does exactly the opposite, isolating nonChristian and nonreligious students and faculty, cheapening their participation by sending the message that they are outsiders in their own school.

It is particularly disturbing that this pastor was allowed to emcee the assembly given the past problems FFRF and your firm have corresponded with about a religious assembly at Signal Mountain middle/High School.

The prayer, bible readings, and endorsements of the Christian god, were all unconstitutional. FFRF asks that you take immediate action to ensure that future District assemblies do not include prayer. We also ask that Sale Creek Middle/High School students and faculty receive an apology and an explanation as to why it was inappropriate for this assembly to include religious messages. Please inform us in writing of the steps your District is taking so that we may notify our complainant.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew L. Seidel". The signature is fluid and cursive, with the first name "Andrew" being more prominent than the last name "Seidel".

Andrew L. Seidel
Staff Attorney

ALS:stg

¹ “Nones on the Rise: One-in-Five Adults Have No Religious Affiliation,” Pew Research Center, The Pew Forum on Religion & Public Life (October 9, 2012) *available at* <http://www.pewforum.org/Unaffiliated/nones-on-the-rise.aspx>.