

FREEDOM FROM RELIGION *foundation*

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January 14, 2011

SENT VIA FAX & U.S. MAIL
(806) 354-4378

Rob Schroder
Superintendent
Amarillo Independent School District
7200 Interstate 40 West
Amarillo, TX 79106

Re: Illegal Prayer by Choir Director

Dear Mr. Schroder:

I am writing on behalf of a concerned former student, and other members of the Freedom From Religion Foundation (FFRF), to alert you to an egregious constitutional violation occurring at Tascosa High School. FFRF is a national nonprofit organization with over 16,000 members, including over 700 members in Texas. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that a head choir director, Bill Talley, leads students in prayer. Our complainant informs us that Mr. Talley is known to have in-class prayers. It is our information and understanding that each Friday, Mr. Talley's students sing "The Lord Bless You and Keep You." We are told that it is often sung with students holding hands and heads bowed. We also understand that prior to competitions, Mr. Talley asks the students to bow their heads and then leads them in prayer. Our complainant also informs us that Mr. Talley held a Sunday worship service for students who attended the choir competition in March 2010. The service was held at the Holiday Inn in Dallas, Texas.

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."). Even when student-initiated, the Supreme Court has found school-sponsored 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.

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).

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,



Patrick C. Elliott
Staff Attorney

cc: Mr. Lynn Pulliam, Principal Tascosa High School