



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 17, 2017

Jeremy Lyon, PH.D.
Superintendent of Schools
5515 Ohio Drive
Frisco, Texas 75035
lyonjm1@friscoisd.org

Re: Ensuring that Students of all Religious Denominations at Liberty High School Receive the First Amendment's Protection of Religious Liberty

Dear Superintendent Lyon:

The Texas Office of Attorney General (OAG) is charged with safeguarding the constitutional rights of all the residents of this State. In the exercise of that solemn duty, OAG recently became aware of Liberty High School's prayer room. Our initial inquiry left several questions unresolved. We write you today to clarify these matters in the interest of protecting religious liberty in public schools across Texas.

Our Founding Fathers championed the "twin guarantees" of freedom *for* the exercise of religion and *from* the establishment of religion by the government. Religious freedom is central to our nation's exceptional birth as a place of refuge and hope for those who pursue their inherent right to worship their Creator according to the dictates of their conscience. It is our "first freedom," essential to our constitutional system of limited government based on the intrinsic dignity of each and every human person.

In some respects, Liberty High School appears to be emblematic of our nation's storied tradition of religious freedom. For example, your willingness to guarantee the freedom of student-led religious groups is laudable. As the United States Supreme Court has held on numerous occasions, student-sponsored religious groups are entitled to the same benefits as other student organizations. *See, e.g., Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 114 (2001) (explaining that the "guarantee of neutrality is respected, not offended, when the government, following neutral criteria and evenhanded policies, extends benefits to recipients whose ideologies and viewpoints, including religious ones, are broad and diverse") (quoting *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 839 (1995)). Indeed, student-led religious groups, like those active at Liberty High

School, do not amount to the establishment of religion. *Id.* at 114–18. Your efforts to create an environment where students can freely—without actual or perceived pressure from school personnel—practice their religion merits admiration, not antagonism.

Other practices at Liberty High School, however, raise concerns. Reports from Liberty’s news site indicate that the prayer room is not available to students of all faiths. Instead, it appears that the prayer room is “dedicated to the religious needs of *some* students”—namely, those who practice Islam. Marisa Uddin, *Classroom becomes prayer room*, Wingspan, Mar. 3, 2017, *available online* at <http://libertywingspan.com/13934/news/classroom-becomes-prayer-room/> (emphasis added). It is unclear whether students of other faiths may use the room at the same time or at other times during the week.

Liberty High School’s policy should be neutral toward religion. However, it appears that students are being treated differently based on their religious beliefs. Such a practice, of course, is irreconcilable with our nation’s enduring commitment to religious liberty. *See Larson v. Valente*, 456 U.S. 228, 244–45 (1982) (“The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another.... This constitutional prohibition of denominational preferences is inextricably connected with the continuing vitality of the Free Exercise Clause.”). As James Madison wrote nearly two centuries ago: “Among the features peculiar to the political system of the United States, is the *perfect equality* of rights which is secures to *every* religious sect.” Letter to Jacob de la Motta (Aug., 1820) (emphasis added), *available online* at https://www.loc.gov/resource/mjm.19_0574_0575/?sp=1.

In light of these concerns, I ask that you ensure that Liberty High School’s prayer room is accessible to students of all religious denominations, consistent with the First Amendment’s protection of religious liberty.

Very truly yours,



ANDREW LEONIE
Deputy Attorney General