



June 5, 2008

Ralph Hobratschk  
President, Board of Trustees  
Friendswood ISD  
302 Laurel Dr.  
Friendswood, TX 77546  
Fax: (281) 996-2513

*Re: Unconstitutional Muslim Indoctrination at Friendswood Junior High School*

Dear Board President Hobratschk:

The American Center for Law and Justice (“ACLJ”) has learned of a recent 30 to 40 minute mandatory assembly at Friendswood Junior High School in which representatives from the Council on American-Islamic Relations taught students the five pillars of islam, Islamic religious garb, that Adam, Noah and Jesus are prophets, that there is one god (Allah), and how to pray five times a day. Many parents—who were not given advance notice of this controversial assembly and the right to opt their children out of it—were rightfully upset by the school’s actions.

By way of introduction, the ACLJ is an organization dedicated to the defense of constitutional liberties secured by law. ACLJ attorneys have argued before the Supreme Court of the United States in a number of significant cases involving the freedoms of speech and religion. *See, e.g., Bd. of Airport Comm’rs v. Jews for Jesus*, 482 U.S. 569 (1987) (unanimously striking down a public airport’s ban on First Amendment activities); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8-1 vote that allowing a student Bible club to meet on a public school’s campus did not violate the Establishment Clause); *Lamb’s Chapel v. Center Moriches Sch. Dist.*, 508 U.S. 384 (1993) (unanimously holding that denying a church access to public school premises to show a film series on parenting violated the First Amendment); *McConnell v. FEC*, 540 U.S. 93 (2003) (unanimously holding that minors enjoy the protection of the First Amendment).

We are writing this letter on behalf of many ACLJ members across the country, including parents within the Friendswood community, that have expressed to us their outrage over the assembly. After discussing the relevant facts as we understand them, this letter explains that the school district crossed the constitutional line by indoctrinating students in the tenets of Islam. The religious indoctrination was *not* part of a comparative religions course, or an elective course focusing on Islam in an objective manner, but rather occurred unannounced during class time that was supposed to be dedicated to physical education. Parents should be given prior notification and the ability to opt their children out of this type of controversial instruction.

### STATEMENT OF RELEVANT FACTS

As you are aware, “[a] presentation to Friendswood junior high students about Islam has ignited a furor among some parents.”<sup>1</sup> According to news reports, “[o]n May 22, two Muslim women gave a 30-minute presentation about Islamic culture.”<sup>2</sup> One report discusses the “Islamic training [provided] by representatives from the Council on American-Islamic Relations during class time . . . that was supposed to be used for a physical education class.”<sup>3</sup> “According to students who were forced to attend these sessions, these Islamic evangelists taught them:

Adam, Noah and Jesus are prophets  
There is one god, his name is Allah  
The 5 Pillars of Islam  
How to pray five times a day [and]  
Islamic religious garb.”<sup>4</sup>

According to published reports,

the presentation was 30 to 40 minutes long and handled by two Muslim women from CAIR’s Houston office. CAIR . . . is [a] spinoff of the defunct Islamic Association for Palestine, launched by Hamas leader Mousa Abu Marzook and former university professor Sami al-Arian, who pleaded guilty to conspiracy to provide services to Palestinian Islamic Jihad.

Among the convicted CAIR staffers are former communications specialist Randall Todd “Ismail” Royer, who was sentenced to 20 years in prison on charges he trained in Virginia for holy war against the U.S. and sent several members to Pakistan to join a Kashmiri terrorist group with reported ties to al-Qaida; and Bassem Khafagi, who was arrested in January 2003 while serving as CAIR’s director of community relations and convicted on fraud and terrorism charges in connection with a probe of the Islamic Assembly of North America, an

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<sup>1</sup> Rhiannon Meyers, *Muslim speakers outrage parents*, Galveston Daily News, May 31, 2008, <http://galvestondailynews.com/story.lasso?ewcd=047272aa1387a820>.

<sup>2</sup> *Id.*

<sup>3</sup> Bob Unruh, *Texas children roped into Islamic training; Class by CAIR teaches: ‘There is one god, Allah’*, WorldNetDaily, May 30, 2008, <http://www.worldnetdaily.com/index.php?fa=PAGE.view&pageId=65659>.

<sup>4</sup> *Id.*

organization suspected of aiding Saudi sheiks tied to Osama bin Laden. In October 2006, Ghassan Elashi, a member of the founding board of directors of the Texas branch of CAIR, was sentenced to nearly seven years in prison for financial ties to a high-ranking terrorist.<sup>5</sup>

Although the school claims that “[t]here was no proselytizing”<sup>6</sup> at the assembly, one parent, Paula Henry, said, “It wasn’t just a cultural presentation, because they were telling my child who they believe God is and that Jesus was just a prophet.”<sup>7</sup> “Kim Leago has a son who is an eighth-grader at the school. She says she’s still upset he was exposed to a presentation she called inappropriate.”<sup>8</sup> Another parent said, “The kids did not even know they were having an assembly or what topic it pertained to until they entered the gym. . . . I send my kids to school for academics. . . . I teach them religion at home.”<sup>9</sup>

“There also was no parental notification, and students were required to attend.”<sup>10</sup> “By district policy, parents are supposed to be informed about the purpose and content of presentations so that they can keep their children out of the presentation if they think the material might be offensive or inappropriate.”<sup>11</sup> School district spokeswoman Karolyn Gephart said that “[n]ot informing parents beforehand was a mistake that would not happen again.”<sup>12</sup>

The Houston Area Pastor Council stated:

The failure of the principal of Friendswood Junior High to respect simple procedures requiring parental notification for such a potentially controversial subject, to not only approve but participate personally in a religious indoctrination session led by representatives of a group with well-known links to terrorist organizations and her cavalier response when confronted, raises serious questions about her fitness to serve in that role.<sup>13</sup>

In addition, “[i]n a letter to school board members, Marcus Rives, a city council member, said the next time speakers are invited to share their culture, the school district should make sure all faiths, or no faiths, are represented. ‘Why not let Hasidic Jews come in or let Catholics speak or Christians?’ he said. ‘If you’re going to do one, let all of them have the opportunity to talk.’”<sup>14</sup>

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<sup>5</sup> *Id.*

<sup>6</sup> Meyers, *supra* note 1.

<sup>7</sup> Miya Shay, *Inappropriate Presentation at Junior High?*, May 30, 2008, <http://abclocal.go.com/ktrk/story?section=news/local&id=6176022>.

<sup>8</sup> Associated Press, *Parents upset over school’s Islamic culture presentation*, <http://www.msnbc.msn.com/id/24910845/>.

<sup>9</sup> Unruh, *supra* note 3.

<sup>10</sup> *Id.*

<sup>11</sup> Meyers, *supra* note 1.

<sup>12</sup> *Id.*

<sup>13</sup> Unruh, *supra* note 3.

<sup>14</sup> Meyers, *supra* note 1.

The Superintendent for Friendswood Independent School District stated, “My concern for our community and for our students *is not as much with the content of the presentation* as explained to me, but with the fact that a group had an audience with our students without consent from parents or this administration.”<sup>15</sup> The Superintendent added: “This was an isolated incident and a mistake. I am implementing corrective actions to ensure that a similar situation does not occur again.”<sup>16</sup> Based on the Superintendent’s response, it appears that similar presentations will be allowed in the future so long as parents and/or the school administration approve the presentation beforehand.

### STATEMENT OF RELEVANT LAW

While the ACLJ supports the ability of public schools to teach about the Bible and other religious texts as part of an objective study of religion, literature, etc., the mandatory assembly at Friendswood Junior High School indoctrinated students in the tenets of Islam without prior parental notification or permission. The assembly was not part of a permissible comparative religions course but rather occurred surreptitiously during class time that was designated for physical education. *Any religious instruction held in the future at Friendswood Junior High School must comply with the First Amendment.*

The Supreme Court of the United States has explained that government action violates the Establishment Clause of the First Amendment if its primary purpose or effect is to advance or inhibit religion (or a particular religious viewpoint) or if it creates an excessive government entanglement with religion.<sup>17</sup> The “First Amendment does not forbid all mention of religion in public schools; it is the advancement or inhibition of religion that is prohibited.”<sup>18</sup>

In *Stone v. Graham*, the Supreme Court stated that the case before it was “not a case in which the Ten Commandments are integrated into the school curriculum, where the Bible may constitutionally be used in an appropriate study of history, civilization, ethics, comparative religion, or the like.”<sup>19</sup> In this regard, the U.S. Department of Education’s guidelines for *Religious Expression in Public Schools* address the limitations on religious curriculum. The Guidelines state:

Public schools may not provide religious instruction, but they may teach **about** religion, including the Bible or other scripture: the history of religion, comparative religion, the Bible (or other scripture)-as-literature, and the role of religion in the history of the United States and other countries all are permissible public school subjects. Similarly, it is permissible to consider religious influences on art, music, literature, and social studies. . . .<sup>20</sup>

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<sup>15</sup> Superintendent Trish Hanks, Friendswood Independent School District, *Superintendent Response to Presentation at Junior High*, May 31, 2008, <http://www.fisd12.net/SuperintendentResponds.html> (emphasis added).

<sup>16</sup> *Id.*

<sup>17</sup> *Lemon v. Kurtzman*, 403 U.S. 602, 612-613 (1971).

<sup>18</sup> *Committee of Public Educ. v. Nyquist*, 413 U.S. 756, 788 (1973).

<sup>19</sup> 449 U.S. 39, 42 (1980).

<sup>20</sup> U.S. Department of Education, *Religious Expression in Public Schools*, Aug. 1995, <http://www.ed.gov/Speeches/08-1995/religion.html>.

In other words, the Bible and other religious texts may be studied objectively or otherwise utilized in public schools for their literary, poetic, historical or other similar aspects, but schools cannot promote one religion over others or encourage students to adopt particular beliefs.

The U.S. Department of Education's Guidelines also note that teachers (including other individuals that teachers allow to instruct their students during class time) may not encourage or participate in religious activities as a part of classroom instruction:

Teachers and school administrators, when acting in those capacities, are representatives of the state and are prohibited by the Establishment Clause from soliciting or encouraging religious activity, and from participating in such activity with students. Teachers and administrators also are prohibited from discouraging activity because of its religious content, and from soliciting or encouraging antireligious activity.<sup>21</sup>

In this case, the school allowed representatives from the Council on American-Islamic Relations to teach students—in a mandatory assembly during physical education class time—the five pillars of Islam, Islamic religious garb, that Adam, Noah and Jesus are prophets, that there is one god (Allah), and how to pray five times a day. The assembly stands in stark contrast to having a teacher discuss, in an objective manner, what the tenets of various religions are as part of a social studies or comparative religions course. The assembly constituted unconstitutional religious indoctrination by the school.

The Supreme Court has made it clear that public schools cannot endorse a particular religious viewpoint or coerce students to participate in religious activities.<sup>22</sup>

[G]overnment endorsement or disapproval of religion [is unconstitutional] . . . . Endorsement sends a message to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community. Disapproval sends the opposite message.<sup>23</sup>

By allowing members of one religious advocacy organization to indoctrinate students in the tenets of their particular faith, in an assembly isolated from any objective curriculum, the school certainly made adherence to a particular religion relevant to a student's standing in the community. Given the facts of this case, the school sent a message to the entire community that the tenets of Islam are more deserving of attention during class time than other faiths.

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<sup>21</sup> *Id.*

<sup>22</sup> *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Mergens*, 496 U.S. 226.

<sup>23</sup> *Lynch v. Donnelly*, 465 U.S. 668, 687 (1984) (O'Connor, J., concurring); see also *Capitol Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 778-79 (1995) (O'Connor, J., concurring).

The Establishment Clause violation in this case was compounded by the fact that parents were not given prior notice and the opportunity to opt their children out of the assembly. The Supreme Court has repeatedly affirmed the well established principle that parents possess the right to control the upbringing of their children: “The custody, care and nurture of the child resides first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.”<sup>24</sup> The school must take steps to ensure that, in all future instruction, parents will be given the opportunity to opt their children out of controversial instruction dealing with religion, morality, sexual education, and the like.

## CONCLUSION

While school officials have rightly apologized for failing to allow parents to opt their children out of this particular assembly, the school has indicated that similar presentations will be allowed in the future so long as parents and/or the school administration approve the presentation beforehand. *Any religious instruction held in the future at Friendswood Junior High School must comply with the First Amendment.*

We request that you advise all appropriate school officials and teachers of the above-mentioned constitutional principles to ensure that any future instruction on religion will be consistent with the First Amendment. Simply seeking parental consent will not cure an otherwise unconstitutional endorsement of religion through mandatory assemblies, unconnected to objective curriculum, that favor one religion over others.

Sincerely,

**AMERICAN CENTER FOR  
LAW AND JUSTICE**

Erik M. Zimmerman, Esq.

cc: Trish Hanks, Superintendent of Schools, Friendswood ISD  
Robin Lowe, Principal, Friendswood Junior High

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<sup>24</sup> *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944); *see also Troxel v. Granville*, 530 U.S. 57 (2000) (plurality); *Wisconsin v. Yoder*, 406 U.S. 205 (1971); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Meyer v. Nebraska*, 262 U.S. 390 (1923).