



Written by [Rebecca Terrell](#) on September 17, 2009

Fla. Teachers Found Not Guilty of Criminal Prayer

Two high school administrators from Florida are likely thanking God today since a federal judge found them not guilty of criminal contempt charges on Thursday.

The American Civil Liberties Union (ACLU) brought charges against Pace High School Principal Frank Lay and Athletic Director Robert Freeman for praying at a luncheon honoring private contributors to their school's athletic program. The ACLU maintained the men violated a court order to keep their religious beliefs to themselves at school-sponsored events. If they had been convicted, Lay and Freeman faced fines up to \$5,000, six months in jail and the loss of their retirement benefits.

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The judge in Thursday's case, U.S. District Judge M. Casey Rodgers, ruled that there was insufficient evidence to prove Lay and Freeman willfully violated the injunction. She concluded that Freeman's response was "inadvertent and was based on habit rather than intentional violation." She chided Lay for setting an unfortunate precedent and admitted, "At the end of the day, I do have some doubts about whether you intended to comply (with the court order)." But she said there was too much doubt that Lay intentionally violated the injunction.

The charges were linked to a similar case filed by the ACLU last year on behalf of two students who claimed school administrators violated their religious freedoms. The judge in that case ordered school district officials to stop "promoting, advancing, aiding, facilitating, endorsing or causing religious prayer or devotionals during school-sponsored events." A subsequent case against a clerical assistant in the same school district was thrown out last month. The ACLU charged Michelle Winkler with civil contempt of the court injunction for asking her husband to pray at an event honoring school district employees. In that case, the event was privately funded, and Winkler's husband is not an employee of the school district.

The new case brought against Lay involved students, school employees and a school-sponsored event. Principal Lay allegedly asked Mr. Freeman to say a prayer before a meal attended by school employees and students as well as the school's athletic program patrons. The ACLU held that "By directing,





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promoting, sponsoring or otherwise endorsing prayer or religious activity, public schools infringe on the constitutional right of students, parents, teachers and other staff to determine for themselves their religious beliefs and practices." Lay says that he made the request out of habit. "It's just something we've always done," he explained.

Sixty-one members of the Congressional Prayer Caucus, including Congressman Jeff Miller (R-FL) whose district includes Pace, Florida, sent a letter of support to Lay and Freeman, stating they are "standing with [them] in prayer and support as [they] face [their] trial ... because of offering a prayer." Congressman Randy Forbes (R-VA), Chairman of the bipartisan caucus, issued a press released expressing concern that "this case signifies an effort to criminalize prayer in America."



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