

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

September 15, 2011

**SENT VIA U.S. MAIL & FAX
(256) 586-6013**

Superintendent John Mullins
Arab City Schools
750 Arabian Drive
Arab, AL 35016

Re: Prayer at High School Athletic Events

Dear Mr. Mullins:

I am writing on behalf of a concerned Arab City parent, as well as other Alabama members of the Freedom From Religion Foundation (FFRF), who object to the prayer before Arab High School football games. FFRF is a national nonprofit organization with over 17,000 members across the country, including nearly 150 members in Alabama. Our purpose is to protect the constitutional principle of separation between state and church and to represent the views of nonbelieving Americans.

It is our information and understanding that a prayer is given before each Arab High School football game. We understand that a student leads the prayer, broadcasting the religious message over the stadium's loudspeakers. We are concerned that this practice may also take place at other athletic events

It is illegal for a public school to organize, sponsor, and lead prayers at public high school athletic events. The Supreme Court has continually struck down formal teacher or school-led prayer in public schools. *See, e.g., 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); *Engel v. Vitale*, 370 U.S. 421 (1962)(declared prayers in public schools unconstitutional); *See also Lee v. Weisman*, 505 U.S. 577 (1992)(ruled prayers at public high school graduations an impermissible establishment of religion); and *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."). 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.

More importantly, the Supreme Court has struck down pre-game invocations even when they are student initiated. *See generally, Santa 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

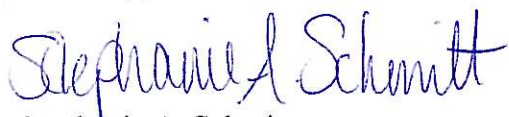
at high school football games). In *Santa Fe Indep. Sch. Dist. v. Doe*, the Supreme Court found the school district policy of allowing student-initiated prayer at football games to be unconstitutional. *See* 530 U.S. at 320. The Court reasoned that because the football game was still a school-sponsored event, the fact that a student was leading the prayer did not cure the constitutional violation. *Id.* at 307. A prayer taking place at a “regularly scheduled school-sponsored function conducted on school property” would lead an objective observer to perceive it as state endorsement of religion. *Id.* at 308. The Court stated that in this context, “[r]egardless of the listener’s support for, or objection to, the message, an objective Santa Fe High School student will unquestionably perceive the inevitable pregame prayer as stamped with her school’s seal of approval.” *Id.*

The law is clear. Public high school events must also be secular to protect the freedom of conscience of all students.

Arab City Schools must take immediate action to ensure that prayers are not scheduled at any school-sponsored events. The prayers at the football games constitute an unconstitutional government endorsement of religion. A reasonable Arab City Schools student would certainly perceive the prayer “as stamped with [his/]her school’s approval.” *See Id.* Moreover, prayer offered at the school sponsored events would lead anyone participating on the team or in attendance to believe that Arab City Schools is endorsing religion.

We ask that the school district commence an immediate investigation into the complaints alleged and take immediate action to stop any and all prayers occurring before any school-sponsored event. We ask that you inform us promptly in writing of the steps Arab City School takes to remedy this serious and flagrant violation of the First Amendment.

Sincerely,



Stephanie A. Schmitt
Staff Attorney