

# FREEDOM FROM RELIGION *foundation*

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September 23, 2011

**SENT VIA FAX & U.S. MAIL  
(256) 331-0069**

Gary Williams  
Superintendent  
Franklin County Schools  
Board of Education  
PO Box 610  
Russellville, AL 35653

Re: Prayer at Football Games

Dear Mr. Williams:

I am writing on behalf of a concerned district parent and taxpayer, and other Alabama members of the Freedom From Religion Foundation (FFRF), to alert you to a serious state/church concern occurring at Phil Campbell High School. FFRF is a national nonprofit organization, with nearly 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 prayers are given over the loudspeakers at Phil Campbell High School football games and that you have personally lead the stadium in prayer. It is our further understanding that students on the junior varsity football team are asked to huddle in the middle of the field to pray before the start of games. We are concerned that this practice may also take place at other athletic events.

It is illegal for a public school to organize, sponsor, or lead prayers at 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); *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 court struck down prayer in public schools because it constitutes a government-endorsement of religion, which violates the Establishment Clause of the First Amendment.

Likewise, the Supreme Court has struck down pre-game invocations at public schools even when they are student led. *See 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). 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 school events must be secular to protect the freedom of conscience of all students.

Franklin County Public Schools must take immediate action to ensure that prayers are not a part of district athletic events. The prayers at athletic events constitute an unconstitutional government endorsement of religion. Prayers are clearly offered as part of regularly scheduled school-sponsored functions. Therefore, a reasonable student would certainly perceive the prayer “as stamped with her school’s approval.” *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, at 308. Moreover, prayer offered at the school-sponsored events would lead anyone participating on the team or in attendance to believe that Franklin County Public Schools endorse religion.

We ask that the school district commence an immediate investigation into the complaints alleged, and take immediate action to stop school prayers occurring before any Franklin County athletic events. We ask that you inform us promptly in writing of the steps you take to remedy this serious violation of the First Amendment.

Sincerely,



Stephanie A. Schmitt  
Staff Attorney

cc: Cindy Davis, Principal Phil Campbell High School