

FREEDOM FROM RELIGION *foundation*

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August 29, 2011

**SENT VIA U.S. MAIL & FAX
(912) 201-9073**

Superintendent Thomas B. Lockamy, Jr.
Savannah-Chatham County Public School System
208 Bull Street
Savannah, GA 31401

Re: Prayer at High School Athletic Events and Awards Banquet

Dear Mr. Lockamy:

I am writing on behalf of a concerned Savannah-Chatham County Public School System (SCCPSS) parent, and other Georgia members of the Freedom From Religion Foundation (FFRF), who object to the prayer before SCCPSS soccer games and awards ceremonies. FFRF is a national nonprofit organization with over 17,000 members across the country including over 300 members in Georgia. 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 soccer game of the Savannah Arts Academy soccer season. We understand that the students all join hands in a circle and that the referees often participate in the prayer. Although soccer will resume in the spring of 2012, we are concerned that this practice takes place at other athletic events. It is also our information and understanding that the annual soccer awards banquet takes place at St. Peters Episcopal Church. It is our further understanding that Pastor Sam Buice, a parent of one of the players, would lead those in attendance in prayer before the meal, with Principal Lockley standing right beside him.

Prayer at 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); *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.”); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825 (11th Cir. 1989), cert. den., 490 U.S. 1090 (1989)(holding unconstitutional pre-game invocations at high school football games). 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.*

Prayer at Awards Banquet

Likewise, the prayers at annual awards banquets are unconstitutional. The banquet is a school-sponsored event. It does not matter that this event occurs after-school hours because prayers at other traditional after-school events such as football games and graduations have been found unconstitutional by the U.S. Supreme Court. Prayer occurring as part of a regularly scheduled annual event sponsored by the school certainly leads “an objective observer, acquainted with the [prayer to] perceive it as a state endorsement...” *Sante Fe Indep. Sch. Dist. v. Doe*, 530 U.S. at 308.

The law is clear. Public high school events must also be secular to protect the freedom of conscience of all students. A public school cannot allow students and officials to join in prayer before athletic events. Nor can a public school invite a minister to deliver a prayer at awards banquets. Scheduling these clearly unconstitutional prayers is a flagrant violation of the law by school officials.

The District must take immediate action to ensure that prayers are not scheduled at any District school-sponsored events. The prayers at the soccer games constitute an unconstitutional government endorsement of religion. The prayers are clearly offered as part of regularly scheduled school-sponsored functions. Therefore, a reasonable Savannah-Chatham County Public School System student would certainly perceive the prayer “as stamped with 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 the Savannah-Chatham County Public School System is endorsing religion.

Awards Banquet held in Church

The selection of any church, including St. Peters Episcopal Church, as a site for Savannah-Chatham County Public Schools awards ceremonies demonstrates the school's preference for religion over nonreligion, and more specifically, Christianity over all other faiths. The church's facility is undoubtedly full of religious messages and iconography. The additional factor of Pastor Buice leading the students and faculty in prayer only strengthens the conclusion that the school endorses the religious, Christian messages espoused by the church. This "... sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents 'that they are outsiders, not full members of the political community and accompanying message to adherents that they are insiders, favored members of the political community.'" *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2001) (quoting *Lynch v. Donnelly*, 465 U.S. at 668) (O'Connor, J., concurring). The school's endorsement of the local churches, like St. Peter's Episcopal Church's, religious message turns any non-Christian and nonbeliever into an outsider in his or her community.

Furthermore, this practice forces students, who may be of varying faiths or none at all, to enter a Christian house of worship in order to receive the awards they have rightfully achieved. Savannah-Chatham County Public Schools should not be asking public school students to receive awards in houses of worship replete with religious iconography and symbols.

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 District school-sponsored events and to refrain from scheduling future school-sponsored events in places of worship. We ask that you inform us promptly in writing of the steps Savannah-Chatham County Public School System takes to remedy these serious and flagrant violations of the First Amendment.

Sincerely,



Stephanie A. Schmitt
Staff Attorney

cc: Gif Lockley, Principal, Savannah Arts Academy