

FREEDOM FROM RELIGION *foundation*

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September 6, 2011

SENT VIA U.S. MAIL & FAX
606-298-4427

Superintendent Mark Blackburn
Martin County Schools
104 East Main St.
Inez, KY 41224

Re: Prayer at High School Athletic Events

Dear Mr. Thompson:

I am writing on behalf of concerned Sheldon Clark High School (SCHS) district residents, as well as other Kentucky members of the Freedom From Religion Foundation (FFRF), who object to the pre-game prayers before SCHS football and basketball games. FFRF is a national nonprofit organization with over 17,000 members across the country including over 130 members in Kentucky. 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 before each football and basketball game of the SCHS football season, a pre-game prayer is recited to the audience in attendance. According to our complainant, the prayers are almost sectarian in nature and reference "Jesus Christ." It is our understanding that SCHS Principal Robbie Fletcher delivered this pre-game prayer at the home game on August 26, 2011.

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 athletic events). 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 athletic events). 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. The prayer before the athletic event is given by a school official, those in attendance are asked to join in prayer, and the school officials seemingly organize and schedule this pregame prayer opportunity. Scheduling this clearly unconstitutional prayer 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 athletic events. The prayers at the athletic events constitute an unconstitutional government endorsement of religion. The prayers are clearly offered as part of regularly-scheduled school-sponsored functions. Therefore, a reasonable Sheldon Clark High School 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 Martin County School District 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 District athletic events. We ask that you inform us promptly in writing of the steps the Martin County School District takes to remedy this serious and flagrant violation of the First Amendment.

Sincerely,



Rebecca S. Markert
Staff Attorney

cc: Robbie Fletcher, Principal, Sheldon Clark High School
1825 Blacklog Road, Inez, KY 41224