

FREEDOM FROM RELIGION *foundation*

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October 23, 2017

SENT VIA EMAIL & U.S. MAIL: mpeek@mcpss.com

Ms. Martha Peek
Superintendent
Mobile County Public Schools
1 Magnum Pass
Mobile, AL 36618

Re: Unconstitutional Prayer at Athletic Events

Dear Superintendent Peek:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Mobile County Public Schools. FFRF is a national nonprofit organization with more than 29,000 members across the country, including members in Alabama. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A local area resident reports that on October 6, 2017, a prayer was broadcast over the loudspeaker before a football game between B.C. Rain High School and Daphne High School. Our complainant reports that this prayer was said just before the National Anthem, and that it was led by an adult representing B.C. Rain High School.

It is illegal for a public school to sponsor religious messages at school athletic events. The Supreme Court has continually struck down school-sponsored prayer in public schools. *See, e.g., Lee v. Weisman*, 505 U.S. 577 (1992) (ruling prayers at public school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law requiring daily “period of silence not to exceed one minute . . . for meditation or daily prayer.”); *Abington Twp. Sch. Dist. v. Schempp*, 374 U.S. 203 (1963) (declaring unconstitutional devotional Bible reading and recitation of the Lord’s Prayer in public schools); *Engel v. Vitale*, 370 U.S. 421 (1962) (finding prayers in public schools unconstitutional).

Moreover, the Supreme Court has specifically struck down invocations given over the loudspeaker at public school athletic events, even when student-led. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 320 (2000) (striking down a school policy that authorized students to vote on whether to have a prayer at high school football games). The Court reasoned that because the football game was a school-sponsored event, hosting prayer was a constitutional violation. *Id.* at 307. Even if student-led, the Court said prayers 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.

Like the prayer practices in *Santa Fe*, the prayers at District football games are also inappropriate and unconstitutional. Not only is the District endorsing these prayers by allotting time for them at the start of games, but it is also providing the prayer-giver with the public address system needed to impose these prayers on all students and community members at games. Public school events must be secular to protect the freedom of conscience of all students. A reasonable District student would certainly perceive the prayers “as stamped with her school’s seal of approval.” *Id.*

The District must take immediate action to end the practice of broadcasting prayer over the loudspeaker at its football games. Please inform us in writing of the steps the District is taking to remedy this serious violation of the First Amendment.

Sincerely,



Christopher Line
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation