

FREEDOM FROM RELIGION *foundation*

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September 29, 2017

**SENT VIA U.S. MAIL & FAX
(989) 777-4720**

Carol W. Selby
Superintendent
Bridgeport Spaulding School District
PO Box 657
Bridgeport, MI 48722

Re: Unconstitutional Coach-Led Prayer

Dear Ms. Selby:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Bridgeport Spaulding School District. We were contacted by a concerned citizen. FFRF is a national nonprofit organization with over 29,000 members across the country, including over 700 members in Michigan. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that football coaches at Bridgeport High School lead their teams in prayer. Our complainant informs us that at the game on September 7th, the JV football team coaches invited the opposing team over for a prayer after the game. This prayer circle, which shows coaches participating in the prayer, was photographed and shared on social media. Please find enclosed a picture of the post-game prayer as shared by Bridgeport High School Football's Facebook page.

It is illegal for public school athletic coaches to lead their teams in prayer. The Supreme Court has continually struck down school-sponsored prayer in public schools. *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (holding student-led prayer over the loudspeaker before football games unconstitutional. "Regardless 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" because it occurred at a "regularly scheduled school-sponsored function conducted on school property."); *Lee v. Weisman*, 505 U.S. 577 (1992) (finding prayers at public high 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) (holding school-sponsored devotional Bible reading and recitation of the Lord’s Prayer unconstitutional); *Engel v. Vitale*, 370 U.S. 421 (1962) (declaring school-sponsored prayers in public schools unconstitutional).

In each of these cases, the Supreme Court struck down school-sponsored prayer because it constitutes a government advancement and endorsement of religion, which violates the Establishment Clause of the First Amendment.

Public school coaches must refrain not only from leading prayers themselves, but also from participating in students’ prayers. It is unconstitutional for public school employees to participate in the religious activities of their students. *See, e.g., Bd. of Educ. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 253 (1990) (holding that public school faculty may only be at student-led religious meetings in a “nonparticipatory capacity.”). Federal courts have held that even a public school coach’s silent participation in student prayer circles is unconstitutional. *See, e.g., Borden v. Sch. Dist. of the Twp. of East Brunswick*, 523 F.3d 153 (3d Cir. 2008), *cert. denied*, 129 S.Ct. 1524 (2009) (declaring the coach’s organization, participation and leading of prayers before football games unconstitutional); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402 (5th Cir. 1995) (holding a basketball coach’s participation in student prayer circles an unconstitutional endorsement of religion).

In *Borden*, the Third Circuit Court of Appeals held the high school football coach’s extensive history of organizing, leading and participating in prayers before games was unconstitutional because it violated the Establishment Clause. *Borden*, 523 F.3d at 174. In that case, the court stated that the coach’s involvement in the prayer by “taking a knee” and “bowing his head” during the prayers, even when student-led, “would lead a reasonable observer to conclude he was endorsing religion.” *Id.* at 176. The court continued, “ ‘if while acting in their official capacities, [school district] employees join hands in a prayer circle or otherwise manifest approval and solidarity with the student religious exercises, they cross the line between respect for religion and the endorsement of religion.’ ” *Id.* at 178 (quoting *Duncanville*, 70 F.3d at 406).

The court in *Borden* also rejected the coach’s argument that the school district’s policy of prohibiting its employees from engaging in prayer with students violated the employees’ right to free speech. *Id.* at 174. In fact, the court found that the school district had a right to adopt guidelines restricting this activity because of its concern about potential Establishment Clause violations. *Id.*

This conduct is unconstitutional because coaches endorse and promote their own religion when acting in their official capacities as school district employees. Certainly, they represent the school and the team when they act in their official roles as a coach of a public school football team. Therefore, coaches cannot lead teams in prayer and cannot organize or advocate for students to lead team prayer either. When a public school employee acting in an official capacity organizes and advocates for team prayer, she effectively endorses religion on the District’s behalf.

We ask that Bridgeport Spaulding School District commence an immediate investigation into the complaint alleged and take immediate action to stop any school-sponsored prayers occurring within any District athletic programs. Please inform us in writing of the steps you are taking to remedy this serious and flagrant violation of the First Amendment.

Sincerely,

A handwritten signature in black ink, appearing to read 'RS Markert', with a long horizontal flourish extending to the left.

Rebecca S. Markert
Legal Director

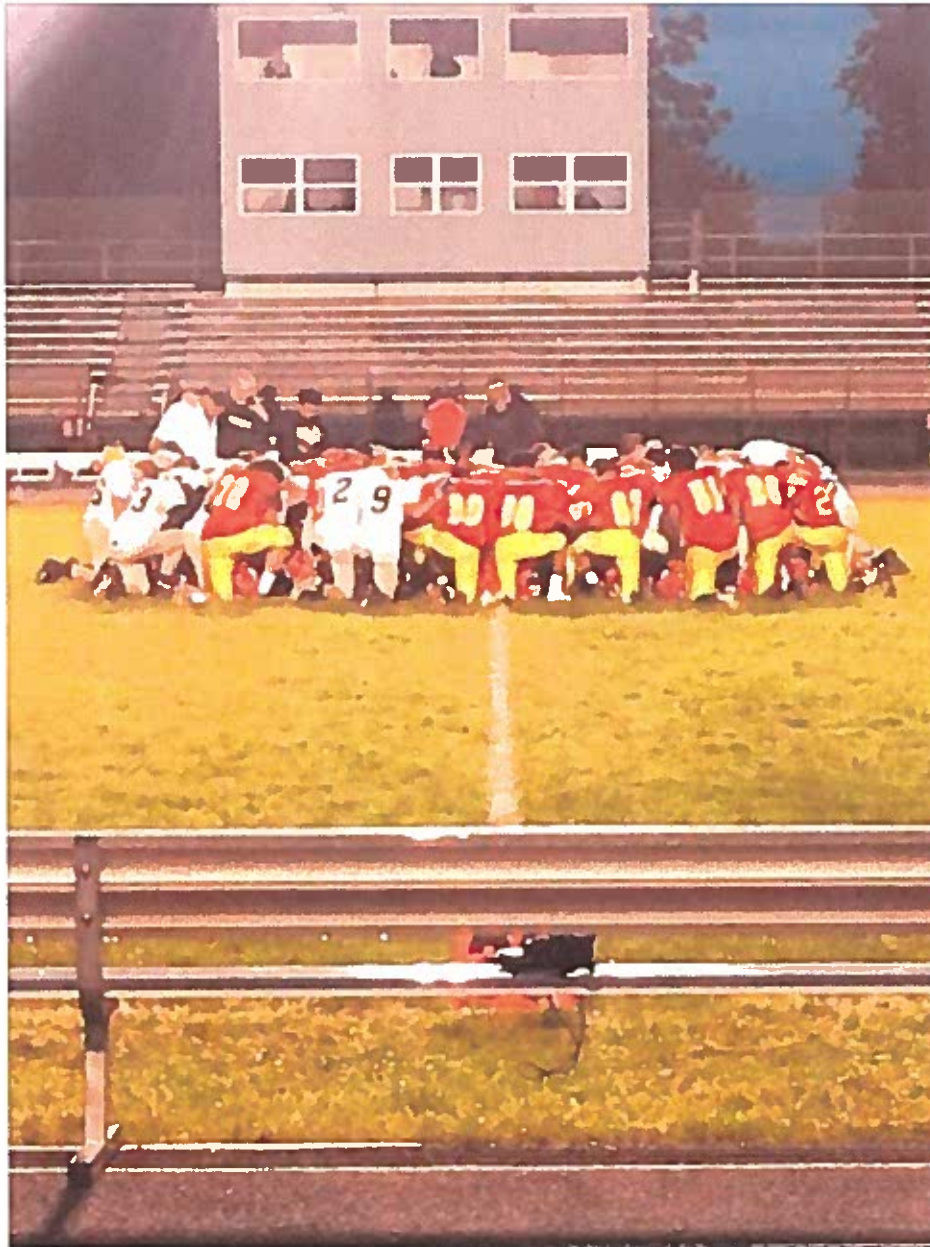
Enclosure



Bridgeport High School Football Page shared Ashley Lynn Miller's post.

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September 9 at 11:26am · 🌐



Ashley Lynn Miller is 🙏 feeling blessed.

September 7 at 9:19pm · Rose City, MI · 🌐

Tonight I saw something pretty miraculous. I thought I snapped a picture but unfortunately my camera didn't save it. Our JV team beat Bridgeport tonight, it was a great game! Yay for our 1st Victory! The best part of the whole night though was after the game was over. The Bridgeport coach brought his team over to ours, both teams got in a huddle and took a knee. At that point the coach talked to the Kids about how it's not just about winning but the sportsmanship.. then EVERY player bowed their heads (including coaches) and they PRAYED! They prayed on the football field.. both teams together. THIS.. THIS was amazing to me! I don't know what was said but that right there made my heart and soul smile!! Kuddos to the coaches and players!!! And to the ones who talked negatively about it... you said your views and I told you mine. That simple gesture brought both of our teams closer and our team home safely! It didn't hurt anyone. ❤️❤️❤️

(Photo Credits to Peggy Gratton! Thank you Sharl for finding it for me!!!!)

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