

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

June 23, 2017

SENT VIA EMAIL & U.S. MAIL
canderson@ihsa.org

Mr. Craig Anderson
Executive Director
Illinois High School Association
2715 McGraw Drive
Bloomington, IL 61704-6011

Re: Unconstitutional Prayer at Athletic Event

Dear Mr. Anderson:

I am writing on behalf of the Freedom From Religion Foundation regarding a constitutional violation that occurred during the 2017 IHSA Bass Fishing State Finals. We wrote you last November about IHSA's prayer policy, which you described as "just a long-standing terms-and-conditions kind of policy."

A concerned Illinois resident informed us that the IHSA, in conjunction with the Fishing League Worldwide, started this year's tournament on Carlyle Lake for member Illinois schools with a Christian prayer that included "Thanks for your son Jesus."

This sectarian prayer before the 2017 IHSA Bass Fishing State Finals is inappropriate and unconstitutional, and demonstrates the points we highlighted in our previous letter. We request assurances that the IHSA will protect students' rights of conscience by prohibiting formal prayers at future IHSA events.

As we explained in our previous letter, the United States Court of Appeals for the Seventh Circuit determined that associations like the IHSA are state entities due to their membership, and must ensure that the constitutional rights of their students are protected. *Crane v. Ind. High Sch. Athletic Ass'n*, 975 F.2d 1315, 1326 (7th Cir. 1992) (Posner, J., dissenting, but agreeing with the majority that IHSAA's [Indiana High School Athletic Association] actions "are state action" because it is "composed primarily of public schools").

A federal court in Florida recently ruled that loudspeaker prayers at Florida High School Athletic Association events would "be perceived as state endorsement of [the] religious message," regardless of who delivered the prayers or where the event takes place. *Cambridge Christian School v. Fla. High School Athletic Association* (M.D. Fl., filed Sept. 27, 2016) (appeal pending). Similarly, IHSA may not start its events with prayers or other religious messages, even if they are delivered by a private party.

As a state actor, IHSA may not endorse religion, even if that endorsement does not occur on public school property. *See Doe ex rel. Doe v. Elmbrook Sch. Dist.*, 687 F.3d 840 (7th Cir. 2012) (finding school district's practice of holding graduation ceremonies and related events at a Christian church violated the Establishment Clause by conveying a message of religious endorsement that carried with it an aspect of coercion).

It is illegal for public schools to sponsor religious messages at school athletic events, and it is illegal for the IHSA to do so as well. The Supreme Court has continually struck down school-sponsored prayer at public school events. *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."); *Sch. Dist. of Abington Twp. 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).

By allotting time for Christian prayers at the start of an IHSA State Finals competition, the IHSA sends a message to the thirty percent of Americans who are non-Christians¹ "that they are outsiders, not full members of the political community, and an 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 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O'Connor, J., concurring)). Public entities such as the IHSA must be secular to protect the freedom of conscience of all students of its member schools.

We request assurances that the IHSA will end the practice of opening its competitions with sectarian and divisive prayers. Opening remarks at IHSA-sponsored events are government speech and must be secular, as we emphasized in our previous letter to you. Please respond in writing detailing the action the IHSA takes so that we may notify our complainant that this matter has been resolved.

Sincerely,



Ryan D. Jayne, Esq.
Elaine and Eric Stone Legal Fellow
Freedom From Religion Foundation

RDJ: rac

¹ *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.