

FREEDOM FROM RELIGION *foundation*

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September 26, 2018

SENT VIA EMAIL & U.S. MAIL:

scott.lewis@ohio.kyschools.us

Scott Lewis
Superintendent
Ohio County Schools
315 East Union Street
Hartford, KY 42347

Re: Unconstitutional Prayer at Athletic Events

Dear Superintendent Lewis:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Ohio County Schools. FFRF is a national nonprofit organization with over 32,000 members across the country, including members and a chapter in Kentucky. FFRF's purpose are to protect the constitutional separation between state and church, and to educate the public on matters relating to nontheism.

A concerned District parent contacted FFRF to report that a recent Ohio County High School football game began with student reciting a sectarian prayer over the loudspeaker. FFRF has obtained video of the prayer, a transcript of which follows:

God, we thank you for the opportunity to come together as a community to cheer on our favorite team. Most importantly, we thank you for your son Jesus Christ. [Unintelligible] in the midst of the good calls, the bad calls, the sweat and the tears, remind our players that we can be all things to Christ [unintelligible]. Remind us that our identity is not founded on a school name, a team, a uniform, or even a great performance, but that our identity is rooted in you. God, despite what the school board says or whatever happens out there on the field, I pray that you will remain the center of it all. Grace us with good sportsmanship and keep everyone safe tonight throughout the game and as we leave afterwards. We praise you and we love you, and it's in your name we pray. Amen.

This practice is patently unconstitutional. We write to request that the District immediately cease scheduling prayers at school-sponsored events.

The Supreme Court has continually struck down public school-sponsored prayer. *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 devotional bible reading and recitation of the Lord's Prayer in public schools unconstitutional); *Engel v. Vitale*, 370 U.S. 421 (1962) (finding formal prayers in public schools unconstitutional).

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 immediately end the practice of scheduling prayer at school-sponsored events and allowing the use of District equipment to project prayers to the public. Please inform us in writing of the steps the District is taking to remedy this violation.

Sincerely,



Colin E. McNamara, Esq.
Robert G. Ingersoll Legal Fellow
Freedom From Religion Foundation