

FREEDOM FROM RELIGION *foundation*

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

February 9, 2016

**SENT VIA EMAIL AND U.S. MAIL:
dlett@panaschools.com**

Dr. David Lett
Superintendent
Pana CUSD #8
814 E Main
Pana, IL 62557

Re: Unconstitutional school-endorsed prayer

Dear Superintendent Lett:

I am writing on behalf of the Freedom From Religion Foundation to alert you to constitutional violations occurring at Pana CUSD athletic events. FFRF is a national nonprofit organization with 23,000 members across the country, including more than 700 in Illinois. FFRF's purpose is to protect the constitutional principle of separation between state and church.

A concerned local resident informed us that Pana CUSD personnel, including basketball coaches at Pana High School, pray with student athletes at Pana CUSD basketball games. An image of several coaches praying with students at a recent game is enclosed for your review. This image was posted on January 2, 2016 on the Pana Panthers Boys' Basketball Facebook page, which includes the school logo and mascot.¹ The apparently school-endorsed Facebook account commented on the photo, "We are thankful for God giving us the opportunity to show others His love. Win or lose, we are all victorious because of His love." Another comment states, "Pana has done this after every game they play from what I've seen."

It is illegal for public school athletic coaches to lead their teams in prayer or to participate in student prayers. We are writing to request assurances that these violations will not recur in the future.

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

¹ <https://www.facebook.com/PanaBoysBasketball/>.

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"); *Sch. Dist. of Abington Twp. 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 E. 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 history of organizing, leading, and participating in prayers before games was unconstitutional. *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.*

The basketball coaches' conduct is unconstitutional because they endorse and promote religion when acting in their official capacities as school district representatives. Certainly, they represent the school and the team when they act as coaches of the Panthers. When public school employees acting in their official capacities organize and advocate for team prayer, they effectively endorse religion on the District's behalf.

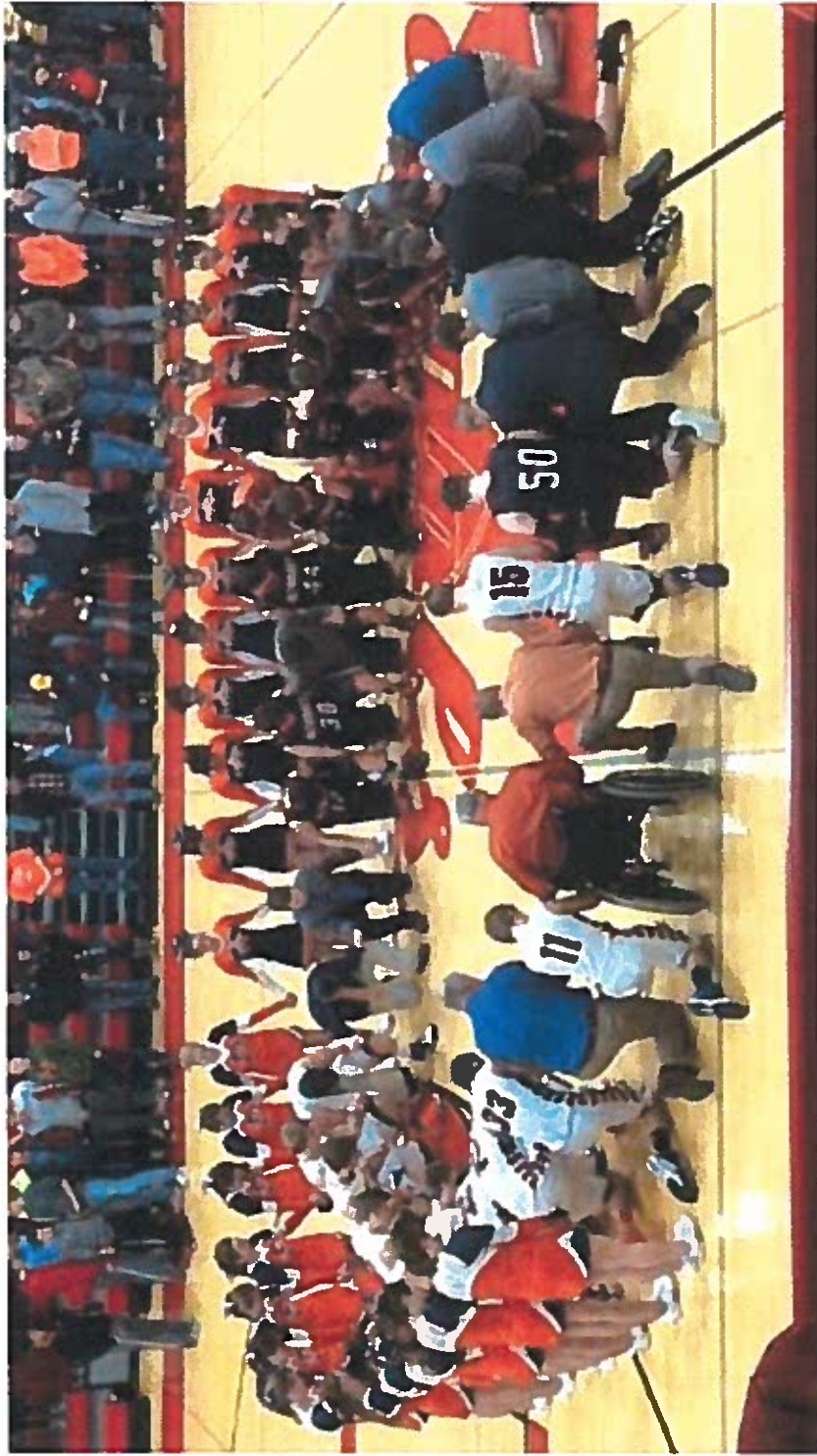
We ask that Pana CUSD #8 commence an immediate investigation into the complaint alleged and take action to ensure that District representatives will not pray with students during District athletic programs in the future. Please inform us in writing of the steps you are taking to remedy this serious and flagrant violation of the First Amendment.

Sincerely,

A handwritten signature in blue ink that reads "Ryan D. Jayne". The signature is written in a cursive, flowing style.

Ryan D. Jayne, Esq.
Diane Uhl Legal Fellow
Freedom From Religion Foundation

Enclosure



Pana Panthers Boys' Basketball We are thankful for God giving us the opportunity to show others His love. Win or lose, we are all victorious because of His love.

Like · Reply · 72 · December 31, 2015 at 11:58am

↳ 2 Replies

Teashina Calame That is truly awesome! Congratulations!

Like · Reply · 8 · December 30, 2015 at 10:36pm

Ross Cornett Outstanding example to be set. Intense competition and taking time to give thanks to God. Well done.

Like · Reply · 35 · December 30, 2015 at 11:25pm

Derrick Gordon Pana has done this after every game they play from what I've seen, pretty cool

Like · Reply · 23 · December 30, 2015 at 10:59pm

↳ 4 Replies

Stacy Rosenkoetter This is truly a wonderful picture as it have been to games in the past from both these teams that have ended not as wonderful. Glad to see Coaches and students are acknowledging what is more important than winning or losing. Prayers this spreads to other teams in our

Write a comment...