

FREEDOM FROM RELIGION *foundation*

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

November 15, 2017

SENT VIA EMAIL & U.S. MAIL: dfairburn@wpsb.org

Mr. Darrell Fairburn
Superintendent
Washington Parish School System
800 Main St.
Franklinton, LA 70438

Re: Unconstitutional prayer at athletic events

Dear Superintendent Fairburn:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring within the Washington Parish School System. FFRF is a national nonprofit organization with 30,000 members across the country, including many members in Louisiana. Our purposes are to protect the constitutional principle of separation between state and church and to educate the public on matters related to nontheism.

It is our understanding that Franklinton High School has developed a policy of scheduling a student speaker to lead a prayer over the school's public address system before the start of each football game and many other athletic events. We are informed that the prayers occur when many students are in attendance, both as fans and also as part of school-sponsored extracurricular programs, such as members of the athletic team, band, and cheerleading squad. We are further informed that the student speaker is an elected member of the school's Student Council who has been designated the "student chaplain."

We write to ensure that the district end this divisive and unconstitutional practice.

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"); *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).

The Supreme Court has specifically struck down invocations given over the loudspeaker at public school athletic events. *See 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 athletic event was school-sponsored, hosting prayer was a constitutional violation. *Id.* at 307. Even if student-led, 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 practice in *Santa Fe*, the prayers at Franklinton High athletic events are inappropriate and unconstitutional. Not only does the district appear to be endorsing these prayer 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 in attendance. Public school events must be secular to protect the freedom of conscience of all students and citizens. A reasonable district student would certainly perceive the prayers “as stamped with her school’s seal of approval.” *Id.* Similarly, a public school cannot designate a student as a recognized “student chaplain”—a policy that similarly lends official government endorsement to the specific religious messages being promoted by an individual student.

The Supreme Court has consistently held that the government cannot create even the appearance of religious endorsement. *See, e.g., Lynch v. Donnelly*, 465 U.S. 668, 687 (1984) (O’Connor, J., concurring) (“The [Establishment] Clause, at the very least, prohibits government from appearing to take a position on questions of religious belief...”); *Capitol Square Review and Advisory Bd. v. Pinette*, 515 U.S. 753, 787 (1995) (Souter, J., concurring) (“Effects matter to the Establishment Clause, and one, principal way that we assess them is by asking whether the practice in question creates the appearance of endorsement to the reasonable observer.”). Because the district is responsible for the messages given over its address system, it must take steps to ensure that those messages do not endorse one religious belief over others or religion generally over nonreligion.

Legal arguments aside, it is also unnecessary and divisive to open school-sponsored events with religious messages that only some members of the community believe in. As you know, Washington Parish School System is home to students and families from diverse backgrounds and belief systems, including minority religious and nonreligious families. Today 30% of adults in the U.S. are non-Christian, and that number is rising.¹ Among younger Americans—those born after 1990, i.e., your students—over 43% are non-Christian, either practicing a minority religion or no religion at all.² There is simply no reason to adopt a practice that marginalizes so many people.

The district must take action to end the practice of scheduling prayer at school-sponsored events and end the use of district equipment to project prayers to the public. Franklinton High must also cease recognizing an official “student chaplain” within the student body. Please inform us in writing of the steps the district takes to remedy these serious violations of the First Amendment and to respect the right of conscience of all its students and event attendees.

Sincerely,



Sam Grover
Associate Counsel

¹ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

² *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.