

# FREEDOM FROM RELIGION *foundation*

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January 18, 2018

**SENT VIA EMAIL & U.S. MAIL**

timothy.saxton@wbwarriors.org

Timothy Saxton  
Superintendent  
West Branch Local School District  
14277 S. Main St.  
Beloit, OH 44609

Re: Unconstitutional Prayer at Athletic Events

Dear Mr. Saxton:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring at West Branch High School. We were contacted by two concerned citizens. FFRF is a national nonprofit organization with more than 30,000 members across the country, including over 780 members in Ohio. 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 prayer occurs at school-sponsored events in West Branch Local School District. One of our complainants reports that at a recent varsity basketball game (on January 5<sup>th</sup>) at West Branch High School a prayer was delivered over the loudspeaker after the national anthem was played. It was reported that all in attendance were asked to remain standing for this prayer and that the prayer was Christian in nature. Another complainant reports that prayers regularly occur at sporting events and holiday events in the district. That complainant reports that the principal delivers the prayer or invites a pastor to do so.

If these allegations are true, serious constitutional violations are occurring. 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."); *Abington Twp. Sch. Dist. 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).

Moreover, 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 events, like basketball 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 take immediate 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. Please inform us in writing of the steps the District is taking to remedy this serious violation of the First Amendment.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. S. Markert', written in a cursive style.

Rebecca S. Markert  
Legal Director