

# FREEDOM FROM RELIGION *foundation*

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

October 26, 2012

**SENT VIA MAIL & FAX  
(334) 361-3828**

Mr. Spence Agee  
Superintendent  
Autauga County Schools  
153 West Fourth Street  
Prattville, AL 36067

Re: Unconstitutional Religious Messages at Athletic Events

Dear Superintendent Agee:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to urge you to end constitutional violations occurring at Autauga County Schools. We were contacted by a concerned District alumnus. FFRF is a national nonprofit organization with over 19,000 members, including over 170 members in Alabama. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that Marbury High School cheerleaders regularly display religious banners that the football team runs through before athletic competitions. We understand that each week a different bible verse is displayed for all to observe. Enclosed please find a photocopy of a recent banner containing a bible verse. You must take immediate action to stop these religious banners from being part of school-sponsored events.

It is illegal for a public school to organize, sponsor, or lead religious messages at school athletic events. The Supreme Court has continually struck down teacher or school-led prayer in public schools. *See, e.g., Abington Township Sch. Dist. v. Schempp*, 374 U.S. 203 (1963)(declared unconstitutional devotional Bible reading and recitation of the Lord's Prayer in public schools); *Engel v. Vitale*, 370 U.S. 421 (1962)(declared prayers in public schools unconstitutional); *See also Lee v. Weisman*, 505 U.S. 577 (1992)(ruled prayers at public school graduations an impermissible establishment of religion); and *Wallace v. Jaffree*, 472 U.S. 38 (1985)(overturned law requiring daily "period of silence not to exceed one minute... for meditation or daily prayer."). In all of the aforementioned cases, the federal courts have struck down prayer in public schools because it constitutes a government-endorsement of religion, which violates the Establishment Clause of the First Amendment.

More importantly, the Supreme Court has struck down pre-game invocations even when they are delivered by a student. *See generally, Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000)(struck down a school policy that authorized students to vote on whether to hold a prayer at high school football games). In *Santa Fe Indep. Sch. Dist. v. Doe*, the Supreme Court found

the school district policy of allowing student prayer to be announced at football games to be unconstitutional. *See* 530 U.S. at 320. The Court reasoned that because the football game was still a school-sponsored event, the fact that a student was leading the prayer did not cure the constitutional violation. *Id.* at 307. A prayer taking place 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. The Court stated that in this context, “[r]egardless of the listener’s support for, or objection to, the message, an objective Santa Fe High School student will unquestionably perceive the inevitable pregame prayer as stamped with her school’s seal of approval.” *Id.*

Like the student-initiated prayers in *Santa Fe*, student-initiated religious banners that the football team must run through are also inappropriate and unconstitutional. Public high school events must be secular to protect the freedom of conscience of all students. Autauga County Schools must take immediate action to ensure that religious messages are not part of any school-sponsored events. These religious messages displayed at football games constitute an unconstitutional government endorsement of religion. A reasonable Marbury student would certainly perceive the banners “as stamped with [his/]her school’s approval.” *See Id.* Moreover, religious messages offered at school-sponsored events would lead anyone participating on the team or in attendance to believe that the District is endorsing religion. The religious banners send an impermissible message to “nonadherents 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.” Justice O’Connor, *Allegheny v. ACLU*, 492 U.S. 573, 627 (1989). Fully one-in-four adults under age 30 (25%) are unaffiliated, describing their religion as ‘atheist,’ ‘agnostic’ or ‘nothing in particular.’ The study notes: “Young adults also attend religious services less often than older Americans today. And compared with their elders today, fewer young people say that religion is very important in their lives.” The Pew Forum on Religion & Public Life, *Asian Americans: A Mosaic of Faiths*, 148 (July 2012), based on aggregated data from Pew Research Center for the People & the Press 2011 surveys. Available at <http://www.pewforum.org/Asian-Americans-A-Mosaic-of-Faiths-overview.aspx>. These numbers are lower under the age of eighteen.

No student should be made to run through a religious banner. For example, a Jewish football player should not have to run through a New Testament message to play. This practice offends non-Christians and non-believers alike.

The District must take immediate action to end the practice of displaying religious messages before school-sponsored events. We ask that you inform us promptly, in writing, of the steps the District is taking to remedy this serious and flagrant violation of the First Amendment.

Sincerely,



Stephanie A. Schmitt  
Staff Attorney

Enclosure

We can do all  
things through  
Christ who  
strengthens us

Phil. 4:13