

FREEDOM FROM RELIGION *foundation*

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

December 20, 2023

SENT VIA EMAIL & U.S. MAIL: alan_cosby@ecboe.org

Alan Cosby
Superintendent
Etowah County Schools
401 Broad Street
Gadsden, AL 35901

Re: Unconstitutional partnership with local churches to promote Christianity

Dear Superintendent Cosby:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation occurring in Etowah County Schools. FFRF is a national nonprofit organization with more than 40,000 members across the country, including members in Alabama. Our purposes are to protect the constitutional principle of separation between state and church and to educate the public on matters relating to nontheism.

A concerned District community member has reported that the District has been soliciting religious organizations to proselytize and attempt to convert its students in exchange for donations. It is our understanding that wrestling coaches at Southside High School and Rainbow Middle School have sent letters to local churches offering them the opportunity to proselytize and convert students in exchange for water and granola bars. We understand this disturbing arrangement trading proselytization for snacks has been occurring for years. This year's letter said:

We are looking for some area churches to connect with our Southside Wrestling team in a very tangible way. During our wrestling season we supply our wrestlers with water and granola bars. We are asking local churches to consider donating 6 cases of water and 4 pks of 24 granola bars to help out our team. Of course we can always use more but this is a good starting point and will help up greatly. Some other vocation ideas are sports drinks, uncrustables and trail mix. Every donation helps! This year we have close to 50 wrestlers on our team from Rainbow Middle School and Southside High School.

We would like to give the churches, who are able to donate, a chance to speak into the lives of the students on our team by sharing a short 15 minute devotional. We are very excited about this opportunity again this year. We really enjoyed it last year.

Please see a copy enclosed.

The District must immediately cease its practice of allowing local churches the opportunity to prey on its students in exchange for food and drinks. Allowing local religious leaders access to students to proselytize them is a serious violation of the constitutional rights of students and parents.

Students have the First Amendment right to be free from religious indoctrination in their public schools. It is well settled that public schools may not show favoritism towards or coerce belief or participation in religion. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); *McCollum v Bd. of Ed.*, 333 U.S. 203 (1948). By explicitly inviting churches to proselytize to students, the District displays clear favoritism for religion over nonreligion, and Christianity above other faiths.

Moreover, “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe*, 530 U.S. at 310 (quoting *Lee*, 505 U.S. at 589). In *Lee*, the Supreme Court extended the prohibition of school sponsored religious activities beyond the classroom to all school functions. Thus, offering up access to students for proselytization as part of a school program is in violation of the Establishment Clause. Parents have the right to determine their children’s religious or nonreligious upbringing.

FFRF takes these kinds of violations very seriously and we are willing to vigorously defend students’ rights. We recently settled a lawsuit against a school district in West Virginia after it similarly allowed a preacher to recruit students during the school day. *See Mays v. Cabell Cnty Bd. of Educ.*, No. 3:22-cv-00085 (S.D. W.Va., Filed Feb. 17, 2022). As part of that settlement, the district agreed to pay nearly \$175,000 in attorney fees.¹

Students are a vulnerable and captive audience when participating in school-sponsored activities. The “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary 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.’” *Santa Fe*, 530 U.S. at 309-10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

The District must immediately cease soliciting donations from local churches in exchange for the opportunity to proselytize students. Please notify us in writing of the steps the District is taking to remedy this matter so we may inform our complainant.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosure

¹ffrf.org/news/news-releases/item/42958-ffrf-victory-w-va-families-secure-policy-changes-in-religious-revival-lawsuit



Dear local church,

We know our churches play a vital role in this community. We are looking for some area churches to connect with our Southside Wrestling team in a very tangible way. During our wrestling season we supply our wrestlers with water and granola bars. We are asking local churches to consider donating 6 cases of water and 4 pks of 24 granola bars to help out our team. Of course we can always use more but this is a good starting point and will help us greatly. Some other donation ideas are sports drinks, uncrustables and trail mix. Every donation helps! This year we have close to 50 wrestlers on our team from Rainbow Middle School and Southside High School. We are looking forward to a great season.

We would like to give the churches, who are able to donate, a chance to speak into the lives of the students on our team by sharing a short 15 minute devotional. We are very excited about this opportunity again this year. We really enjoyed it last year. We look forward to connecting with you in this way.

If this is something you are interested in please contact one of our coaches to arrange a time to drop off your donation and set up a time to share with the team.

Thank you for considering this opportunity,

Your Southside wrestling team