

FREEDOM FROM RELIGION *foundation*

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September 16, 2021

SENT VIA EMAIL & U.S. MAIL: burginkent@bishopcolvin.com

Mr. Burgin Kent
Bishop, Colvin, Johnson & Kent LLC
1910 First Avenue North
Birmingham, AL 35203

Re: Unconstitutional Prayer at Athletic Events

Dear Mr. Kent:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Jefferson County Schools. We appreciated your March 6, 2020 response to our December 19, 2019 letter concerning bible distributions in school and a religious display. I hope that we can similarly resolve this new issue.

A concerned parent has reported that multiple high schools in the District begin their football games with scheduled prayer. Our complainant reports that both Gardendale High School and Pinson Valley High School have been opening their football games with prayer broadcast over the loudspeaker. Our complainant reports that their child has been made to feel uncomfortable because they don't share the same religious beliefs as most of the other students at their school.

We write to ask that the District ensure that its schools are no longer scheduling prayer at school-sponsored events, including football games.

As you are aware, 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 football 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 blue ink, appearing to read "Chris Line", with a long horizontal flourish extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation