

FREEDOM FROM RELIGION *foundation*

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

July 7, 2022

SENT VIA U.S. MAIL AND EMAIL: sksmith@bishopcolvin.com

Samantha K. Smith
Bishop, Colvin, Johnson & Kent LLC
1910 First Avenue North
Birmingham, AL 35203

Re: Online Religious Promotion by School

Dear Ms. Smith:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding another constitutional violation occurring in the Jefferson County School District. We are still awaiting a response to our March 3, 2022 letter sent to Mr. Burgin. We would appreciate a response to that letter, and this new one as well. We would like to work with the District to resolve these issues.

A concerned local resident contacted us regarding Bragg Middle School's promotion of Christianity on its official website. The "Life-Changing Truths for Middle Schoolers" portion of the school's website¹ contains helpful tips for young students, some of which are interwoven with overtly Christian messages:

Yes, you're called to love everyone, but not everyone deserves a place in your innermost circle.

But if you base your identity on what you'll never lose - God's love - your foundation is unshakable. You'll still be standing even if you lose every earthly trapping.

But numbers can be misleading. After all, Jesus Christ had 12 followers. Adolf Hitler had millions.

What makes you feel good about yourself? What pleases God? Live for your audience of ONE, and know that you don't need the applause of public approval to live an exceptional life.

Please see the enclosed screenshots.

It is well-settled law that public schools may not advance, prefer or promote religion. *See Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*,

¹ <https://sites.google.com/jefcoed.com/bragg-news-19-20faculty/home>.

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). By targeting Christian messages at young students on its official website, the District violates its obligation of religious neutrality.

Jefferson County Schools serves a diverse population with diverse religious beliefs. “School 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 Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-310 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Promoting religion, in this case Christianity, alienates the thirty-seven percent of Americans who are non-Christian, including the nearly one in three Americans who identify as religiously unaffiliated.² The school district has a duty to remain religiously neutral to respect the rights of conscience of all students and their families.

To avoid further Establishment Clause concerns, the District must remove any Christian materials from its official website. Please inform us in writing of the actions that Jefferson County Schools is taking to remedy this serious constitutional violation.

Furthermore, it is our understanding that the District is currently reviewing its policies in light of the recent Supreme Court decision, *Kennedy v. Bremerton Sch. Dist.*, No. 21-418, 2022 WL 2295034, (U.S. June 27, 2022). In a statement on June 27, 2022, Superintendent Gonsoulin indicated the Supreme Court decision will be studied as it relates to practices at high school football games, and that the District’s “legal team is currently reviewing the ruling to understand its full scope.”

We would like to point out for the District that the *Bremerton* decision simply affirms that school officials may pray privately during times when they are not acting in their official capacity as District representatives. For instance, school coaches may pray privately to themselves prior to, or following, football games. They cannot, however, lead coercive team prayers, and the District cannot require those in attendance at football to participate in a religious practice by holding public prayers broadcast over the loudspeaker. The decision specifically highlighted this important distinction:

[T]his case looks very different from those in which this Court has found prayer involving public school students to be problematically coercive. . . . In *Santa Fe Independent School Dist. v. Doe*, the Court held that a school district violated the Establishment Clause by broadcasting a prayer “over the public address system” before each football game. 530 U.S. 290, 294, 120 S.Ct. 2266, 147 L.Ed.2d 295 (2000).

Kennedy v. Bremerton Sch. Dist., No. 21-418, 2022 WL 2295034, at *16.

² Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), available at www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

The *Bremerton* decision has not radically changed, and arguably has not changed at all, the law regarding what school districts can or cannot do at high school football games. It certainly has not opened the door for public school officials to coerce students into participating in religious practices like public prayer.

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

CAL:cg

Enclosures

Truth #4: Surrounding yourself with good company is imperative. Remember this saying: “Show me your friends and I’ll show you your future.”

Yes, you’re called to love everyone, but not everyone deserves a place in your innermost circle. Some people you love up close and personal; others you love at arm’s length because inviting them closer invites disaster.

Good friends lift you up. They don’t put you in bad situations. Choose need friends who hold themselves to high standards and want you to reach your full potential, too.

@karikampakis

Truth #6: Your uniform is not your identity. Labels are big in middle school, and there’s a confidence that comes from wearing team attire.

But having a uniform – or designer clothes – doesn’t increase your worth. You’re special because of who you are, not because of what you put on your body.

Overnight you can lose your place on a team. You can lose your talents, relationships, and Instagram account. But if you base your identity on what you’ll never lose – God’s love– your foundation is unshakable. You’ll still be standing even if you lose every earthly trapping.

@karikampakis

**Truth #8: Applause can be misleading.
You can make a huge mistake and still get
cheered on wildly - in person or on social media.**

**But numbers can be misleading. After all,
Jesus Christ had 12 followers. Adolf Hitler had
millions. This difference speaks for itself.**

**The best applause to live for is the quiet
peace inside you. What makes you feel
good about yourself? What pleases God?
Live for your audience of ONE, and know
that you don't need the applause of public
approval to live an exceptional life.**

@karikampakis