



# FREEDOM FROM RELIGION FOUNDATION

P.O. Box 750 • Madison WI 53701 • (608) 256-8900 • [www.ffrf.org](http://www.ffrf.org)

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September 23, 2010

**SENT VIA FAX & U.S. MAIL**  
**(571) 252-1000**

Dr. Edgar Hatrick  
Superintendent  
Loudoun County Public Schools  
21000 Education Court  
Ashburn VA 20148

Re: Prayer at Potomac Falls High School Baseball Games

Dear Dr. Hatrick:

I am writing on behalf of a concerned district parent and taxpayer, and other Virginia members of the Freedom From Religion Foundation (FFRF), to alert you to a serious state/church violation occurring at Potomac Falls High School. FFRF is a national nonprofit organization, with nearly 16,000 members across the country, including over 300 members in Virginia. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that the Potomac Falls High School Baseball team and coaches gather for prayers before each game of the season. This practice apparently has been a tradition for the last thirteen years. As you can see from the enclosed picture from the yearbook, the coaches and the players are all joined in a prayer before a game. The accompanying text also indicates that Coach Joe Terango "says the same thing every time." A student is quoted as well: "Before each game, we go to left field, take a knee, take our hats off, and the team prays." Our complainant informs us this practice was also shown in a picture displayed on the school's website. Please find enclosed a copy of the relevant webpage.

First and foremost, it is illegal for a public school athletic coach to be leading his/her team in prayer. The Supreme Court has continually struck down formal and 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 high school graduations an impermissible establishment of religion); *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."); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825 (11th Cir. 1989), cert. den., 490 U.S. 1090 (1989)(holding unconstitutional pre-game invocations at high school

football games). 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 student initiated. *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-initiated prayer 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.*

The prayers before the Potomac Falls High School’s baseball games constitute an unconstitutional government endorsement of religion. The prayers are clearly offered as part of regularly scheduled school-sponsored functions. Therefore, a reasonable Potomac Falls High School student would certainly perceive the prayer “as stamped with her school’s approval.” *See id.* Moreover, prayer offered at every baseball event would lead anyone participating on the team or in attendance to believe that Loudoun County Public Schools is endorsing religion, and specifically, in this case, Christianity.

Furthermore, even a public school coach’s participation in a team’s prayer circle is illegal and inappropriate. It is unconstitutional for public school employees to participate in the religious activities of their students. *See, e.g., Bd. of Educ. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 253 (1990)(indicating that public school faculty may not participate in any student-led religious meetings); *Culbertson v. Oakridge Sch. Dist.*, 258 F.3d 1061 (10<sup>th</sup> Cir. 2001)(held a school district policy allowing teachers to distribute religious literature violated the Establishment Clause because it creates an impression of school endorsement of religion). In fact, Supreme Court Justice Blackmun has stated, “it is not enough that the government restrain from compelling religious practices, it must not engage in them either...” *Lee v. Weisman*, 505 U.S. 577, 604 (1992)(Blackmun, J., concurring). It is clear that federal law dictates government employees should refrain from actively participating in religious activities while acting within their governmental role to avoid any perception of government endorsement of religion and/or excessive entanglement with religion.

More notably, federal courts have specifically held public school coaches’ participation in their team’s prayer circles unconstitutional. *See, e.g., Borden v. Sch. Dist. of the Township of East Brunswick*, 523 F.3d 153 (3rd Cir. 2008), *cert. denied*, 129 S.Ct. 1524 (U.S. Mar. 2, 2009)(No.08-482)(declaring the coach’s organization, participation and leading of prayers before football games unconstitutional); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402(5th Cir. 1995)(declaring basketball coach’s participation in student prayer circles an unconstitutional

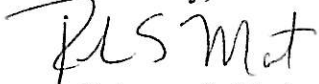
endorsement of religion). In *Borden*, the Third Circuit Court of Appeals held the high school football coach, who had an extensive history of organizing, leading and participating in prayers before games, was unconstitutional because it violated the Establishment Clause. *Borden*, 523 F.3d at 174. In that case, the court stated that the coach's involvement in the prayer by 'taking a knee' and 'bowing his head' during the prayers, even when student-led, "would lead a reasonable observer to conclude he was endorsing religion." *Id.* at 176. The court continued, "if while acting in their official capacities, [school district] employees join hands in a prayer circle or otherwise manifest approval and solidarity with the student religious exercises, they cross the line between respect for religion and the endorsement of religion." *Id.* at 178 (quoting *Duncanville*, 70 F.3d at 406).

The court in *Borden* also rejected the coach's argument that the school district's policy of prohibiting its employees from engaging in prayer with students violated the employees' right to free speech. *See id.* at 174. In fact, the court found that the school district had a right to adopt guidelines restricting this activity because of its concern about potential Establishment Clause violations. *See id.*

Coach Terango's conduct with the high school boys baseball team crosses the line because he endorses and promotes his religion when acting in his official capacity as a school district employee. Certainly, he represents the school and the team, when he acts in his official role as head coach of the Potomac Falls baseball team. Therefore, he cannot lead his team in prayer and he cannot organize or advocate for team prayer either. When a public school employee organizes and advocates for team prayer, while acting in his governmental role, he effectively endorses religion on Loudoun County's behalf.

We are concerned that the prayerful practices are not isolated at Potomac Falls High School, and do not solely occur with the high school boys baseball team, but rather are a frequent practice in your district at public school athletic games. It is also extremely troubling that this has been a "tradition" for the last thirteen years, which the school district apparently condones. We ask that the school district commence an immediate investigation into the complaint alleged, and take immediate action to stop any and all prayers occurring before any Loudoun County Public Schools athletic events. We ask that you inform us in writing of the steps you are taking to remedy this serious and flagrant violation of the First Amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "RSM", is written over the typed name.

Rebecca S. Markert  
Staff Attorney

Enclosures

cc: Janice Koslowski, Principal Potomac Falls High School

1. While the opposing team warms up in the infield, the varsity baseball team kneels in left field to pray. "The prayer has been a tradition for the last thirteen years. I'm Christian so it helps me know the Lord is with me during the games," said senior **Taylor Jernigan**. photo by kristin stubbs 2. Extending his swing through the zone, junior **Ryan Mahoney** pokes a double to right center field. "Hitting is my favorite part of baseball," said Mahoney, "High fast balls are my favorite pitch to hit." photo by kristin stubbs 3. Extending into his motion, freshman **Zach Englemann** gets ready to throw a pitch. "I expected to only sit on the bench as a freshman, but now I am a starter and the season is going pretty well for the most part," said Englemann. photo by lifetouch 4. Warming up for a JV game, sophomore **Derek Smith** gets ready to field a ground ball. "When I take grounders in warm ups, I get really focused on the ball," said Smith. When Smith was little, his dad pushed him to play baseball but now he says he loves it. photo by lifetouch.

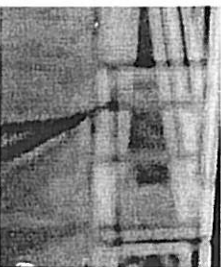


4.

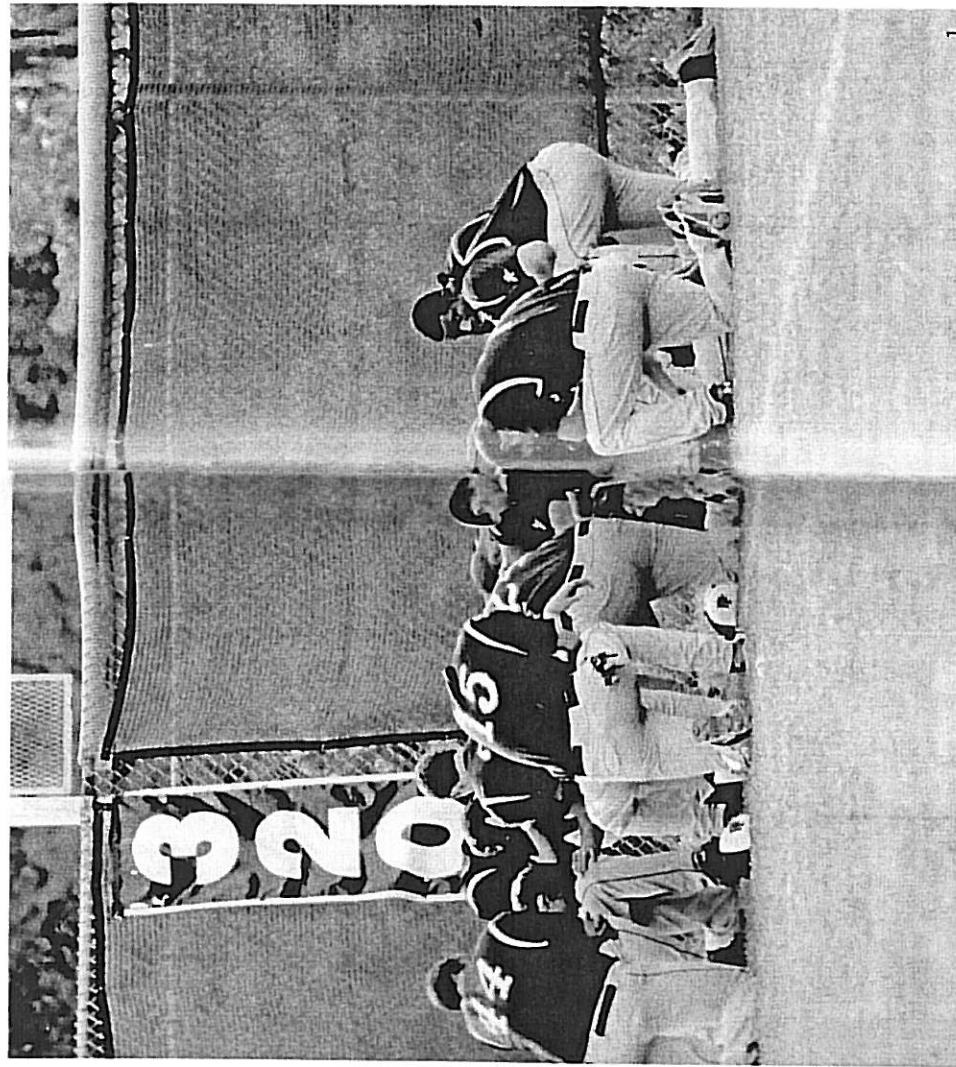


**GET** brothers push each other to become better players

on my...







# PLAYING new player lives up to expectations on a prayer

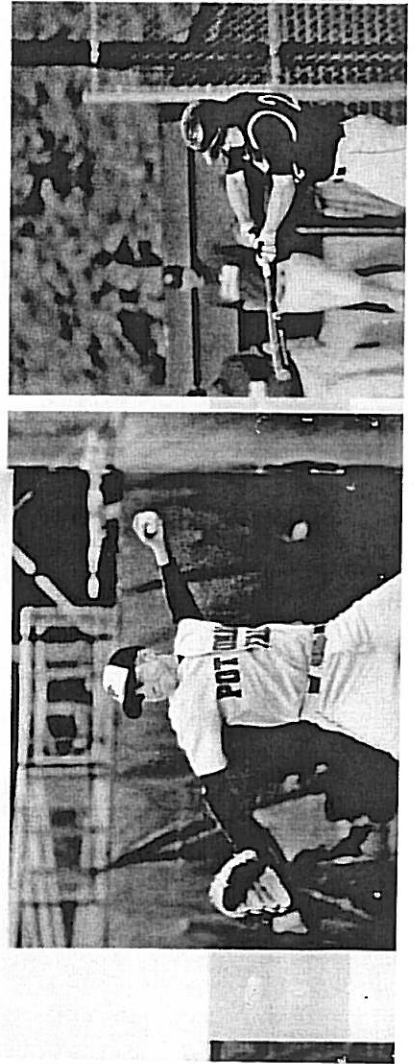
Junior Nick Fernandez is the only new player to Potomac Falls baseball. He came into the program this year when he moved to Virginia. "There is really good chemistry on the team," said Fernandez. "Most of us have been on the same team since freshman year," said junior Stephen Fisher. "We are all really good friends on and off the field," said Fisher.

One thing Fernandez likes about the varsity baseball program is their praying. "Before each game, we go to left field, take a knee, take our hats off, and the team prays," said Fernandez. The team prays while the other team warms up in the infield. "Coach says the same thing every time," said junior Ryan Miller. "It really helps us get ready for the game."

The varsity baseball team made it to the state semi-finals last year and Fernandez was excited to be moving into a district with such an established program. "I really like this type of winning," said Fernandez, "I feel like I have to step up my playing and it makes me a better player."

Other players like Fisher say the praying helps them get ready for the game. "It influences me because I am somewhat religious. It's more of a confidence thing and brings everyone together," said Fisher. story by heather kiefer, lauren tulcher, and emily farmer

On the team, "we have to learn how to pick up out teammates and adjust better to competition in order to do our jobs," said sophomore Jackson Rogers.



## PLAYING together FOREVER

"Ben and I have been playing together forever. We have a handshake that makes everyone jealous," Michael Lascomb, 11



"Michael and I have a special bond from playing together for so long. We have been playing together since we were five years old." Ben Sweger, 11

SPRING PAGES

BASEBALL

BASEBALL--JUNIOR VARSITY

LACROSSE - VARSITY BOYS

LACROSSE - JV BOYS

LACROSSE - VARSITY GIRLS

LACROSSE - JV GIRLS

SOCCER - BOYS

SOCCER - GIRLS

SOFTBALL - VARSITY

SOFTBALL - JV

TENNIS - BOYS

TENNIS - GIRLS

TRACK & FIELD



2010 PANTHER VARSITY BASEBALL RESULTS

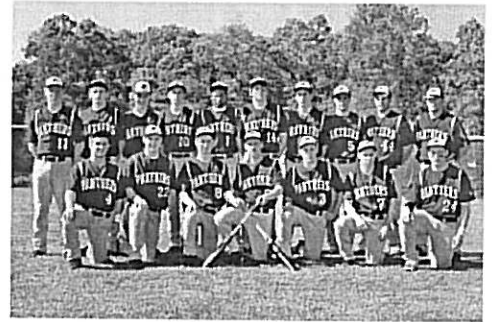
**BACK-to-BACK!**  
**2010 Region II and Dulles District Champs**

**After winning back-to-back Region and District titles, the Mighty Panthers reached the VHSL AA Finals, falling to repeat champion Poquoson. Congratulations on a historic season!!!**

Opponent	Result	Score	District	Overall
Handley	W	13-3 (5)	**	1-0
Hedgesville (WV)	W	8-3	**	2-0
Briar Woods	W	13-1 (5)	1-0	3-0
Loudoun Valley	W	11-1 (5)	**	4-0
Broad Run	W	10-5	2-0	5-0
Dominion	W	12-2 (5)	3-0	6-0
Heritage	L	3-4	**	6-1
Bridgeport (WV)	W	3-0	**	7-1
Bridgeport (WV)	W	10-0 (5)	**	8-1
Park View	W	6-0	4-0	9-1
Loudoun County	W	10-3	5-0	10-1
Loudoun Valley	L	4-6	**	10-2
Freedom	W	6-0	6-0	11-2
Park View	W	13-0	7-0	12-2
Briar Woods	W	10-7	8-0	13-2
Broad Run	W	5-2	9-0	14-2
Dominion	W	13-2 (5)	10-0	15-2
Heritage	W	4-3	**	16-2
Loudoun County	W	3-0	11-0	17-2
Freedom	W	13-2	12-0	18-2
District Semifinals	L	4-1	12-1	18-3
Region II Quarterfinals - Handley	W	15-3	**	19-3
Region II Semifinal - Kettle	W	8-3	**	20-3

2010 PANTHER BASEBALL

**2010 VARSITY COACHES**  
**Head Baseball Coach: Joe Terango**  
**Asst Baseball Coach: TBA**



2010 Varsity Roster

#	NAME	Grade	Position
1	Nick Fernandez	Jr	OF
2	Jackson Rogers	So	P/MIF
3	Stephen Fisher	Jr	P/OF
4	Tyler Caldwell	So	OF/2B
5	Ben Sweger	Jr	MIF
7	Thomas Rea	Sr	OF
8	Matt Byrd	Jr	OF
9	Tyler Rice	So	P/MIF
10	Colin Deely	Jr	C/1B
11	Harrison Kee	Sr	C
14	Michael Lascomb	Jr	1B
15	Matt Hoover	Jr	P/OF
22	Ryan Mahoney	Jr	P/OF
24	Taylor Jernigan	Sr	P/3B
25	Sam Bass	So	P/OF
44	Ryan Miller	Jr	P/3B

**Congratulations to our 2010 All-Region Panthers:**  
**Jr. - Michael Lascomb, 1B**  
**Jr. - Ben Sweger, SS**  
**Jr. - Ryan Mahoney, OF**  
**Coach Joe Terango - \* Coach of the Year \***

**Congratulations to our 2010 All-District Panthers:**  
**Jr. - Michael Lascomb, 1B \* Player of the Year \***  
**Jr. - Ryan Mahoney, OF**

Run				
Region II Final vs Brentsville	W	13-10	**	21-3
Va State Qtrfinal vs Powhatan	W	11 - 6	**	22-3
Va State Semifinal vs Jefferson Forest	W	10 - 3	**	23-3
Va State Final vs Poquoson	L	9-1	**	23-4

### PANTHER BASEBALL - A RICH HISTORY!

#### 2009 Virginia State Final Four!! Region II Champions!!



#### 2009 Dulles District Regular Season and Tournament Champions **UNDEFEATED** in Dulles District (17-0)



#### 2008 DULLES DISTRICT TOURNAMENT CHAMPS 2008 Varsity Baseball Results



#### 2007 DULLES DISTRICT CHAMPIONS

Jr. - Ben Sweger, SS  
Sr. - Thomas Rea, OF (2nd Team)  
Soph. - Jackson Rogers, 2B/P (2nd Team)  
Jr. - Ryan Miller, 3B (2nd Team)  
Coach Joe Terango - \* **Coach of the Year** \*

#### 2009 All-District Baseball Team

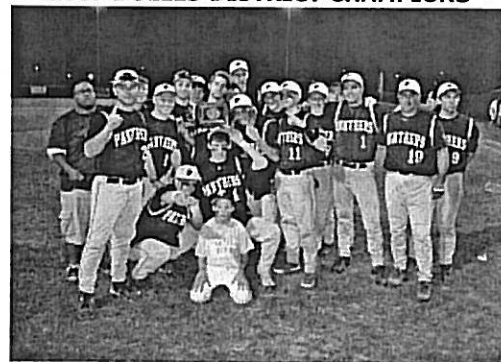
Va. AA STATE RUNNER-UP  
Va. AA REGION II CHAMPIONS  
2010 DULLES DISTRICT CHAMPIONS



#### 2009 DULLES DISTRICT CHAMPIONS



#### 2007 DULLES DISTRICT CHAMPIONS





This school is part of  
**LOUDOUN COUNTY**  
Public Schools

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