

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: frank.taylor@atchisonlaw.com

Frank G. Taylor
The Atchison Firm, P.C.
3030 Knollwood Drive
Mobile, AL 36693

Re: Unconstitutional religious display (Mobile County Public Schools)

Dear Mr. Taylor:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding another constitutional violation occurring in Mobile County Public Schools. We appreciated your response to our November 10, 2023 letter. I hope that we can quickly resolve this violation as well.

A concerned Mobile County Public Schools community member has reported that Theodore High School is currently displaying a bible verse on the dugout of its baseball field: “Whatever you do, do it for the Glory of GOD. - I Corinthians 10:31.” Please see the enclosed photo.

We ask that the District remove this religious display immediately in order to protect students’ First Amendment rights.

As you are aware, the District violates the Constitution when it allows its schools to display religious symbols or messages. 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). This display directly violates the First Amendment by proselytizing school students and creating the appearance that the District prefers religion over nonreligion and Christianity over all other faiths.

Courts have continually held that public school districts may not display religious messages or iconography in public schools. *See, e.g., Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York County*, 484 F.3d 689 (4th Cir. 2007) (ruling that a teacher may be barred from displaying religious messages on classroom bulletin boards); *Washagesic v. Bloomingdale Pub. Schs.*, 33 F.3d 679 (6th Cir. 1994) (ruling that a painting of Jesus may not be displayed in a public school).

Religion is a divisive force in public schools. The Supreme Court has repeatedly noted that “[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 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Additionally, this religious display needlessly alienates those students and families who are non-Christians. Thirty-seven percent of the American population is non-Christian, including the almost 30 percent¹ who are nonreligious. At least a third of Generation Z (those born after 1996) have no religion², with a recent survey revealing almost half of Gen Z qualify as “nones” (religiously unaffiliated).³

To protect students’ First Amendment rights, the District must remove this religious display from its baseball field immediately, as well as any other religious displays it becomes aware of in its schools. Please respond in writing with the steps the District is taking to remedy this constitutional violation so that we may inform our complainant. Thank you for your time and attention to this matter.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosure

¹ Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

² Samuel J. Abrams, *Perspective: Why even secular people should worry about Gen Z’s lack of faith*, Deseret News (Mar. 4, 2023), www.deseret.com/2023/3/4/23617175/gen-z-faith-religious-nones-civic-life-volunteers-charity.

³ 2022 Cooperative Election Study of 60,000 respondents, analyzed by Ryan P. Burge, www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.



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