

FREEDOM FROM RELIGION *foundation*

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September 11, 2012

SENT VIA U.S. MAIL & EMAIL to damonraines@walkerschools.org

Mr. Damon Raines
Superintendent, Walker County Schools
201 South Duke Street,
LaFayette, GA 30728

Re: Response to August 30, 2012 letter

Dear Superintendent Raines:

Thank you for your prompt investigation and response to our August 21 and August 27 letters. We commend your commitment to upholding the Constitution.

Your letter twice mentioned that students are free to pray privately on their own initiative, which we of course understand, except as constrained by *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2001). But our concern has always been the involvement of school staff and a "team chaplain" in prayers. We are pleased Ridgeland has agreed that it "will not have a 'team chaplain' that leads the football team in prayers" and that "any pre-game or post-game prayers will not be led by, organized by or participated in by any System employee or anyone other than students." This change assures compliance with the Constitution.

We are also pleased that Coach Mariakis' attendance at all future Fellowship of Christian Athletes events will be "in a non-participating role," and that there will be "no regular involvement of non-school personnel, either leading or attending meetings." So long as staff is not using the FCA to "bring the message of Jesus Christ to these kids" as Mariakis formerly claimed, we are satisfied and Walker County Schools federal funding should not be in jeopardy.

We are satisfied with your assurances that bible verses are no longer being used on team apparel. We are awaiting word on whether your investigation reveals anything concerning the use of the bible as a motivational tool.

We are concerned over footage aired on September 9 on WDEF¹ and WRCB² showing a "Rally to Pray" called by those who wish to "keep prayer in the practices and before games"³ in violation of the Constitution. Mariakis appeared at the rally and said: "We're not called to change the world but we're called to share the Gospel and that that Gospel will change lives."

¹ <http://www.wdef.com/news/story/Rally-To-Pray-Brings-Out-Hundreds/PHnCn3MW8kqusQM7jeDRvw.csp>

² <http://www.wrcbtv.com/story/19493487/community-takes-a-stand-a>

³ <http://www.wrcbtv.com/story/19493487/community-takes-a-stand-a>

We consider his appearance inappropriate under the circumstances, because it seems to send a message that he is unrepentant and hostile to First Amendment limitations on his proselytizing. Can Walker County Schools investigate this remark to determine the context and ensure that Mariakis understands he cannot use his position as coach to “share the Gospel” with his team and other public school students?

One of the major violations we raised was the football team’s pre-game meals in churches. We are pleased that you have agreed that “during these pre-game meals there will be no religious references” and that students will no longer be preached to. Given the previous practice of granting churches preferential access to students, we ask that the district draft and disseminate a written policy clearly prohibiting proselytizing and prayer by school officials or at school-arranged and sanctioned events. We would appreciate seeing a copy of the memo or guidelines you are issuing to hosts of pre-game meals.

Arranging to take public school teams to church still involves constitutional concerns. The practice gives the unconstitutional appearance of the school district endorsing religion. In July, the 7th Circuit issued a 7-3 decision prohibiting schools from having graduations in a church because, “[r]egardless of the purpose of school administrators in choosing the location, the sheer religiosity of the space created a likelihood that high school students and their younger siblings would perceive a link between church and state. That is, the activity conveyed a message of endorsement.” *Doe ex rel. Doe v. Elmbrook Sch. Dist.*, 687 F.3d 840, 853 (7th Cir. 2012). *See also Musgrove v. Sch. Bd. of Brevard County*, 608 F. Supp. 2d 1303, 1305 (M.D. Fla. 2005)(a “secular facility without these religious icons should have been chosen in order to protect the rights of everyone and make sure that we maintain a separation of church and state, involving graduation ceremony in church”). The court continued, “[t]rue, the District did not itself adorn the Church with proselytizing materials, and a reasonable observer would be aware of this fact. But that same observer could reasonably conclude that the District would only choose such a proselytizing environment aimed at spreading religious faith—despite the presence of children, the importance of the graduation ceremony, and, most importantly, the existence of other suitable graduation sites—if the District approved of the Church’s message.” *Doe ex rel. Doe v. Elmbrook Sch. Dist.*, 687 F.3d 840, 853-54 (7th Cir. 2012).

The same logic and legal reasoning applies to Ridgeland’s pre-game meals in church. It appears as though the district is endorsing the religious message of the church. We understand that the school or coach arranges and approves each pre-game meal host and that public school buses and drivers are used to take players, coaches, and staff from the school to the church for the meal. This creates the unavoidable appearance of a public school endorsing a church’s religious message in violation of the Establishment Clause. This appearance is exacerbated given the recent history of churches preaching to the players. There are many secular alternatives to this practice, including those mentioned in your letter. It would also be appropriate to hold a potluck at the school and allow any organization, restaurant, or business to donate meals. This would save the district money on transporting the team and assure appropriate constitutional protections for the students. We urge you to stick to these secular alternatives.

Please understand that, like you, we take these allegations very seriously. In Coach Mariakis' case, our research revealed a pattern of activities with questionable constitutionality stretching back years. This is why our letters included a record of Mariakis quotes from as early as 1996 and explicit, photographic evidence of his participation in team prayers. We agree that Mariakis has an "excellent football program" and record; but his record of constitutional compliance is another matter. We remain concerned that the religious practices the coach put in place may continue under the claim of "student-initiated," when they are simply carrying on the unconstitutional coach- or chaplain-initiated practices.

We look forward to hearing from you regarding the three outstanding issues: what your investigation reveals as to whether the bible is used as a motivational tool in a public school setting, transporting public school athletes to churches, and ensuring that the rights of conscience of students who want to play, not pray, are protected. We hope the Panthers can put this matter behind them soon and concentrate on winning. Good luck against River Ridge on Friday.

May we hear from you, in writing, at your earliest convenience?

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Seidel", written in a cursive style.

Andrew L. Seidel
Attorney