

FREEDOM FROM RELIGION *foundation*

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December 27, 2023

SENT VIA EMAIL AND U.S. MAIL: greg.reed@alsenate.gov

The Honorable Greg Reed
President Pro Tempore
Alabama State Senate
11 S Union Street, Suite 722
Montgomery, AL 36130

Re: Your support for school-sponsored religious indoctrination

Dear Senator Reed:

I am writing on behalf of the Freedom From Religion Foundation and our Alabama membership to object to your recent attack on the principle of separation between state and church and your support of the religious indoctrination of children in Alabama's public schools. FFRF is a national nonprofit organization with more than 40,000 largely nonreligious members across the country, including members in Alabama. FFRF works to defend the constitutional separation between state and church and to educate about nontheism.

As you are aware, on December 20, 2023, we sent a letter to Etowah County Schools after we were alerted that wrestling coaches in the District have been allowing Christian churches to proselytize and recruit students in exchange for water and granola bars. Under the scheme, churches are permitted to "share a short 15 minute devotional" with students as an official part of a school-sponsored wrestling program.

This scheme is an egregious violation of the constitutional rights of students and their parents. Students have the First Amendment right to be free from religious indoctrination in their public schools. 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); *McCullum v Bd. of Ed.*, 333 U.S. 203 (1948). By explicitly inviting churches to proselytize to students, the District is displaying clear favoritism for religion over nonreligion, and Christianity above other faiths.

In response to our letter and our defense of the constitutional rights of Alabama's students, you issued a statement to Yellowhammer News defending the use of public schools to push Christianity onto students: "Churches are an essential part of the fabric of our communities

across Alabama ... Even more importantly, they are the means by which the Gospel is preached and places where we worship God.”¹ You continued:

This week we are celebrating the birth of our Lord and Savior Jesus Christ. To Him goes all the praise and all the glory. That should be our focus, and it should not be interrupted by out-of-state groups trying to push faith out of our lives and the lives of our children... We need more children, not less, to hear the good news of God’s saving grace.

Senator Reed, your remarks are alarming and a breach of your oath to support the U.S. Constitution, which protects students from religious indoctrination by their public schools. Your duty as an elected official is not to advocate for the proliferation of your personal religious beliefs, but to defend the constitutional rights of citizens, including Alabama students.

Public school students are a vulnerable and captive audience when participating in school-sponsored activities. The “[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 309-10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Parents, not public schools, have the right to determine their children’s religious or nonreligious upbringing.

Moreover, “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe*, 530 U.S. at 310 (quoting *Lee*, 505 U.S. at 589). In *Lee*, the Supreme Court extended the prohibition of school-sponsored religious activities beyond the classroom to all school functions. Thus, offering up access to students for proselytization by outside churches as part of a school program violates the Establishment Clause.

FFRF takes such constitutional violations very seriously and is willing to vigorously defend student rights of conscience. We recently settled a lawsuit against a school district in West Virginia after it similarly allowed a preacher to recruit students during the school day. *See Mays v. Cabell Cnty Bd. of Educ.*, No. 3:22-cv-00085 (S.D. W.Va., Filed Feb. 17, 2022). As part of that settlement, the district agreed to pay nearly \$175,000 in attorney fees.²

The separation between state and church is among one of the most fundamental principles of our system of government. The Supreme Court has specifically stated, “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

¹<https://yellowhammernews.com/alabama-senator-to-atheist-group-we-need-more-children-not-less-to-hear-the-good-news-of-gods-saving-grace/>

²ffrf.org/news/news-releases/item/42958-ffrf-victory-w-va-families-secure-policy-changes-in-religious-revival-lawsuit

Your use of your public office not only to promote your personal religious beliefs but to champion a flagrant constitutional violation is an abuse of public trust. As a state senator, your duty is to support the U.S. Constitution, including its Establishment Clause separating religion from government, and to protect the rights of conscience of *all* Alabamians regardless of their religious or non-religious beliefs. In the face of an active campaign by white Christian nationalists to declare the United States a Christian nation, and undo many First Amendment protections as well as other civil liberties, your statements are profoundly unAmerican. Please refrain in future from using your senatorial position to promote your personal religion, put down non-Christians and denigrate constitutional protections.

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