

FREEDOM FROM RELIGION *foundation*

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

August 9, 2011

**SENT VIA U.S. MAIL & FAX
606-337-1412**

Superintendent George Thompson
Bell County Board of Education
PO Box 340
211 Virginia Avenue
Pineville, KY 40977

Re: Prayer at High School Athletic Events

Dear Mr. Thompson:

I am writing on behalf of concerned Bell County High School (BCHS) students, and other Kentucky members of the Freedom From Religion Foundation (FFRF), who object to the prayer before BCHS football games. FFRF is a national nonprofit organization with over 16,500 members across the country including over 125 members in Kentucky. Our purpose is to protect the constitutional principle of separation between state and church and to represent the views of nonbelieving Americans.

It is our information and understanding that before each football game of the BCHS football season, a clergy member is asked to come and give a prayer. He or she speaks over the Public Address system and asks all in attendance to bow their heads. According to our complainant, the prayers almost always end in Jesus' name and often reference the "Lord".

It is illegal for a public school to organize, sponsor, and lead prayers at public high school athletic events. The Supreme Court has continually struck down formal 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 law is clear. Public high school events must also be secular to protect the freedom of conscience of all students. The prayer before the game is announced via the loudspeaker, all in attendance are asked to join in prayer, and the school officials seemingly organized and scheduled a pregame prayer opportunity. Scheduling this clearly unconstitutional prayer is a flagrant violation of the law by school officials.

The District must take immediate action to ensure that prayers are not scheduled at any District athletic events. The prayers at the football games constitute an unconstitutional government endorsement of religion. The prayers are clearly offered as part of regularly scheduled school-sponsored functions. Therefore, a reasonable Bell County High School student would certainly perceive the prayer “as stamped with her school’s approval.” *See Id.* Moreover, prayer offered at the school sponsored events would lead anyone participating on the team or in attendance to believe that the Bell County Department of Education is endorsing religion.

We ask that the school district commence an immediate investigation into the complaints alleged, and take immediate action to stop any and all prayers occurring before any District athletic events. We ask that you inform us promptly in writing of the steps Bell County Department of Education takes to remedy this serious and flagrant violation of the First Amendment.

Sincerely,

Handwritten signature in blue ink that reads "Stephanie Schmitt for".

Rebecca S. Markert
Staff Attorney

cc: Jeff Saylor, Principal, Bell County High School