

FREEDOM FROM RELIGION *foundation*

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

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SENT VIA EMAIL & U.S. MAIL: john.hall@jdpsbk12.org

Superintendent John Hall
Jefferson Davis Parish Schools
203 East Plaquemine Street
Jennings, LA 70546

Re: Unconstitutional religious uniforms

Dear Superintendent Hall:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring at Jefferson Davis Parish Schools. FFRF is a national nonprofit organization with over 42,000 members across the country. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned community member informs us that Lacassine High School boys' basketball team warmup gear features a Christian cross on the back. These shirts are worn during games. Please see the enclosed picture.

Religious imagery on official school attire sends the message that the District is promoting religion. That's wrong. We ask the District to investigate and ensure that official school athletic gear does not have religious imagery going forward.

It is well settled that public schools may not show favoritism towards or coerce belief or participation in religion. *See generally 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 Educ.*, 333 U.S. 203 (1948). A public school may not use religious imagery to demonstrate favoritism toward Christianity—as the District does here. Further, having minor children wear religious imagery on their assigned uniform may implicate their Free Speech rights, especially if they would be retaliated against for refusing to wear anything featuring a Latin cross. *W. Va. St. Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943).

Student athletes are especially susceptible to coercion. When their school's athletic program assigns uniforms featuring religious imagery, the students undoubtedly feel that wearing those images is essential to pleasing their team's coach. That places athletes in a difficult position: They must either express that religious message—against their conscience—or openly dissent at risk of their standing. That ultimatum is exactly what the Establishment Clause guards against.

Even if wearing that warmup was voluntary, voluntariness is not a safeguard against violating students' First Amendment rights. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See generally Lee*, 505 U.S. at 596 (“the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Schempp*, 374 U.S. at 288 (Brennan, J., concurring) (“Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question”); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (“VMI cannot avoid Establishment Clause problems by simply asserting that a cadet’s attendance at supper or his or her participation in the supper prayer are ‘voluntary.’”); *Jager v. Douglas Cnty. Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989) (“ . . . whether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis . . . The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual.”). A school issuing religious gear to students to be worn as an official athletic uniform is unconstitutional regardless of voluntariness.

“The preservation and transmission of religious beliefs and worship is . . . a choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 at 310 (quoting *Lee*, 505 U.S. 589). Religious coercion occurring within the District is particularly troubling for those parents and students who are not Christian or who are nonreligious. LHS’s “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.’” *Id.* at 309–10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Nearly half of Generation Z (those born after 1996) are nonreligious, which may be quite a few of the District’s athletes.¹

To respect the First Amendment rights of students, please investigate and instruct the athletics department to refrain from using religious imagery on official athletic gear. Please respond in writing with the steps the District will take to ensure its uniforms no longer display a Christian cross or any other religious imagery so that we may inform our complainant.

Sincerely,



Hirsh M. Joshi
Patrick O’Reiley Legal Fellow
Freedom From Religion Foundation

Enclosure

¹ Ryan P. Burge, *2022 Cooperative Election Study of 60,000 respondents*, Apr. 3, www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.

