



AMERICAN ATHEISTS

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SENT VIA U.S. MAIL & EMAIL

Millerb@lake.k12.fl.us

Mr. Bill Miller, Principal
Leesburg High School
1401 Yellow Jacket Way
Leesburg, FL 34748

Dear Principal Miller,

I am writing on behalf of American Atheists, Inc. regarding a direct constitutional violation of students' rights that has occurred during baseball practices at Leesburg High School. American Atheists is a national nonprofit organization with more than 20,000 members, including members and affiliates in Florida. One of American Atheists' purposes is to protect the constitutional principle of the separation between religion and government.

It is our understanding that beginning on January 26, 2015 and continuing on January 28 and January 29, 2015, and every day since at the end of baseball practice, the head coach Rich Billings or assistant coach John Meier has led the students in prayer or told the students that it is time to pray.

The United States Supreme Court has been vigilant in forbidding public schools—and staff of public schools—from interfering with American students' constitutional right to follow their own consciences when it comes to religion. Pursuant to more than 50 years of Supreme Court precedent, the school's sponsoring of and affiliation with, as well as endorsement of, Christianity through prayer during official school activities is unconstitutional. *See. e.g. Santa Fe Indep. Scho. Dist.*, 530 U.S. 290, 309 (2000) (striking down a school policy allowing students to vote on prayer at football games); *Sch. Dist. of Abington Tp. Pa. v. Schempp*, 374 U.S. 203 (1963) (declaring bible readings and recitation of the Lord's Prayer to be unconstitutional); *Engel v. Vitale*, 370 U.S. 421, 425 (1962); *McCullum v. Bd of Education*, 333 U.S. 203 (1948) (declaring public prayers in public schools unconstitutional); *Wallace v. Jaffree*, 105 S. Ct. 2479 (1985) (State's statute for moment of silence at public schools is unconstitutional where legislative record reveals that motivation for statute was the encouragement of prayer).

In all of these cases, the U.S. Supreme Court struck down prayer in school because it constituted an establishment of religion, violating the Establishment Clause of the First Amendment.

The Supreme Court has repeatedly held 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 Indep. Scho. Dist.*, 530 U.S. at 309 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1948) (O’Connor, J., concurring)).

School children already feel significant pressure to conform from their peers. This pressure is heightened in a teamwork situation such as being part of the baseball team. To have coaches lead prayer or to instruct the students that there is to be prayer time is to place undue and unlawful pressure on students who might not otherwise wish to participate. The Court has stated that “there are heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools.” *Lee v. Weisman*, 505 U.S. 577, 592 (ruling that prayers at public school graduations violate the Establishment Clause).

These prayers are taking place during official school activities so students are not given the opportunity choose whether or not to attend. Voluntariness to attend the prayer is not an issue anyway as federal courts have said that a constitutional violation may not be dismissed or excused for the argument of voluntariness. *See, generally, Lee v. Weisman*, 505 U.S. at 596 (“It is a tenet of the First Amendment that 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.”); *Abington Sch. Dist. v. Schempp*, 334 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. Buntin*, 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 County Sch. Dist.*, 862 F.2d 825,832 (11th Cir. 1989), *cert. denied*, 490 U.S. 1090 (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.”).

Courts in this country are “particularly vigilant in monitoring compliance with the Establishment Clause in elementary and secondary schools. Families entrust public schools with the education of their students, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 583-84 (1987).

The Supreme Court has stressed its “heightened concerns with protecting [the young students’] freedom of conscience from subtle coercive pressure in the elementary and secondary schools.” *Lee, supra*. The Court has been particularly concerned with placing objecting children in the untenable position of “participating” or “protesting” the religious activity.

The coaches' actions amount to a religious ceremony during official school activities. They are proselytizing or allowing proselytizing by students. There is no secular or educational purpose to these prayers relating to baseball or school. The school's involvement with these prayers as the employer and sponsor of the baseball team create an excessive entanglement between religion and the public school. *See, Lemon v. Kurtzman*, 403 U.S. 602 (1971). And, the school's promotion and sponsorship of the event, together with actual or tacit compulsion and/or coercion of students to attend constitutes endorsement of religion by the school. *Lynch v. Donnelly*, 465 U.S. 668 (1984).

We request that you investigate the prayers taking place at the end of baseball practice—and end the practice of coach- and/or student-led prayers. We further request that all coaching staff be trained about the restrictions on religious activities at a public school. All staff should be informed that any religious activity sponsored by the school or themselves in their roles as school employees violates the U.S. Constitution as well as the rights of conscience of their students and parents.

Please inform us in writing of the action you are taking to address this matter.

Sincerely,



Amanda Knief
In-House Counsel
American Atheists