

FREEDOM FROM RELIGION *foundation*

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August 21, 2012

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

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

Re: Prayer at Athletic Events

Dear Superintendent Raines:

I am writing on behalf of the Freedom From Religion Foundation (FFRF), to alert you to serious state/church concerns in Walker County Schools ("WCS"). FFRF is a national nonprofit organization with over 18,500 members across the country, including over 350 members in Georgia. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that Ridgeland High School football coach Mark Mariakis is violating the First Amendment in several ways. Our local complainant reports that on game day, Mariakis takes the football team to a local church for dinner. We understand that at these events the church's preacher sermonizes to the players "about the Christian religion." We have been told that Mariakis previously took the team to a Mormon church, and afterward he made fun of that religion within earshot of Mormon players. News reports show that Mariakis leads the team in pre- or post-game prayers. Our complainant reports that Mariakis uses bible verses on team gear, such as shirts, and in speeches to excite the team. We further understand that Mariakis is involved in the Fellowship of Christian Athletes club at the school. Finally, we have been told that Mariakis pressures players to attend a "Christian football camp that the players have to pay for" and that Mariakis "looks down upon" those who do not attend. A quote by Mason Harris, a 2011 graduate, sums up the problem: "Mariakis' coaching went way beyond football. 'He taught us that it's not all about football,' Harris said. 'He is always more concerned about the spiritual lives of his players.'"¹

Taking public school football teams to church, even for a meal, is unconstitutional

A recent news story describes the scope of the dinner at church program:

"Ten different churches have come together to host separate pregame meals over a 10-week period for the warriors. . . . Some 35 varsity Warriors usually chow down. There also are 15 support people (coaches, managers and school officials.) . . . 'Each church is reaching out,' [Mariakis] said. 'It opens the door for some of the kids. It brings the school and community together. It's a way of meeting the need for the church and the community.' . . . 'Somebody from the church, maybe the pastor or youth minister, will bless the food,' Mariakis said."²

Public schools and the programs they administer are not set up to "open the door" to religion for children or to "meet the needs of churches." Taking school children to churches, having preachers "present the

¹ See Friday Night Football Georgia Magazine "Mariakas Feels Blessed" at 11(2011).

² Doug Hawley, "Churches feeding L-FO football team," Fort Oglethorpe Press, September 23, 1998 at 8.

Gospel of Jesus Christ”³ to the children, and having the food blessed, shatters the protections the First Amendment put in place.

This program is an egregious violation of the Establishment Clause and must cease immediately. It is well settled that a public school or public school employee may not advance or promote religion. *See generally, Weisman*, 505 U.S. 577; *Jaffree*, 472 U.S. 38; *Epperson v. Ark.*, 393 U.S. 97 (1967); *Schempp*, 374 U.S. 203; *Engel*, 370 U.S. 421. The fact that Mariakis visits several churches instead of one does not mitigate the violation. If the allegations that Mariakis mocked the Mormon church he attended with his players and which some of the children attended regularly are founded, he is not fit to be a public school employee.

Coach prayers are both unconstitutional

We understand that Mariakis prays with his teams: “Standing amid players, coaches, cheerleaders, parents and fans, Ridgeland coach Mark Mariakis gathered everyone on the Panthers’ midfield logo for the team’s *traditional* postgame prayer.”⁴

It is illegal for a public school athletic coach to lead a team in prayer. The Supreme Court has continually struck down formal and 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); *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. denied*, 490 U.S. 1090 (1989) (holding unconstitutional pre-game invocations at Georgia high school football games).

Federal courts have specifically held even public school coaches’ mere participation in team prayers unconstitutional. *See, e.g., Borden v. Sch. Dist. of the Township of East Brunswick*, 523 F.3d 153 (3rd Cir. 2008), *cert. denied*, 129 S.Ct. 1524 (2009) (declaring the coach’s organization, participation and leading of prayers before football games unconstitutional); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402 (5th Cir. 1995) (declaring basketball coach’s participation in student prayer circles an unconstitutional endorsement of religion).

In *Borden*, the Third Circuit Court of Appeals stated that the coach’s involvement in the prayer by “taking a knee” and “bowing his head” during the prayers, even when student-led, “would lead a reasonable observer to conclude he was endorsing religion.” *Id.* at 176. The court continued, “if while acting in their official capacities, [school district] employees join hands in a prayer circle or otherwise manifest approval and solidarity with the student religious exercises, they cross the line between respect for religion and the endorsement of religion.” *Id.* at 178 (quoting *Duncanville*, 70 F.3d at 406).

As the *Borden* court noted, it is no defense to claim that these prayers are student led. *See also 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).

The court in *Borden* also rejected the coach’s argument that the school district’s policy of prohibiting its employees from engaging in prayer with students violated the employees’ right to free speech. *See id.* at 174. In fact, the court found that the school district had a right to adopt guidelines restricting this activity because of its concern about potential Establishment Clause violations. *See id.*

³ *See* <http://www.solidrockbaptistchurch.net/ridgelandsrbc.html>. (screenshot enclosed).

⁴ Jay Greeson, “Ridgeland seals playoff spot,” *Times Free Press* (Oct. 28, 2006) (emphasis added).

Using bible verses on team apparel and in team speeches is unconstitutional

It is unconstitutional for a public school to promote a Christian message to students through Bible verses displayed by a school equipment or gear. Courts have continually held that public schools may not display religious messages or iconography. *See generally, Stone v. Graham*, 449 U.S. 39 (1980)(ruling that the Ten Commandments may not be displayed on school walls); *Washegesic v. Bloomingdale Public Schools*, 813 F. Supp. 559 (W.D. Mich. 1993), affirmed, 33 F. 3d 679 (6th Cir. 1994)(ruling that a picture of Jesus may not be displayed in a public school).

Mariakis should also refrain from using bible verses as a motivational speaking tool for the reasons and precedent set forth above. It is not a violation of Mariakis' free speech to require him to do so but is a violation of the Establishment Clause if he pushes his religion on players in the name of motivation. *See Borden* at 174. When acting as football coach he is acting in his official, governmental capacity and must abide by the requirements of the Establishment Clause or forfeit his position.

Mariakis' participation in the Fellowship of Christian Athletes

Given the violations reported above, we are also concerned that Mariakis' participation in the Fellowship of Christian Athletes ("FCA") has jeopardized Walker County Schools' federal funding. This concern is validated by news stories of his participation in the FCA. Mariakis "said of the organization's purpose, 'We are going to bring the message of Jesus Christ to these kids. We relate it to athletics.' ... Mariakis pointed out, 'For some of these kids, it's their only way of receiving the message.'"⁵ He believes that the FCA is "a platform and a vehicle that allows us to share Christ with the kids in our program. . . . That's probably where most of the credit needs to go on our turnaround, on the spiritual aspect on our team."⁶

As you are probably aware, under the Equal Access Act, public school employees are not permitted to participate in the activities of non-curricular clubs. Violations of this rule jeopardize the federal funding the school. "Under the [Equal Access] Act, however, faculty monitors may not participate in any religious meetings, and nonschool person[s] may not direct, control or regularly attend activities of student groups." *Bd. of Educ. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 253 (1990). *See also Sease v. School Dist. of Philadelphia*, 811 F.Supp. 183, 192 (E.D. Pa. 1993). The Court continued, "[m]oreover the Act prohibits school 'sponsorship' of any religious meetings... which means that school officials may not promote, lead, or participate in any such meeting." *Id.*

Sponsors of these clubs are not permitted to "share Christ with the kids." These are student clubs and public employee involvement is strictly non-participatory. Given the violations and statements above, it is necessary to remind all WCS employees, particularly those sponsoring religious clubs, of Equal Access Act restrictions.

Pressuring public school students to attend a Christian football camp is unconstitutional

Our complainant reports that Mariakis pressures students to attend a "Christian football camp" over summer break. Just like taking students to church for dinner, this amounts to an unconstitutional endorsement or religion by a public school employee. *See generally, Weisman*, 505 U.S. 577; *Jaffree*, 472 U.S. 38; *Epperson v. Ark.*, 393 U.S. 97 (1967); *Schempp*, 374 U.S. 203; *Engel*, 370 U.S. 421.

⁵ Fort Oglethorpe Press, "Focus on Christian Athletes" (12/4/1996).

⁶ "Five questions with Ridgeland head football coach Mark Mariakis," *Times Free Press*, August 30, 2007, available at <http://www.timesfreepress.com/news/2007/aug/30/Five-questions-with-Ridgeland-head-football/?sportspreps>.

Even if Mariakis is simply suggesting attendance, his position as head coach in charge of playing time, impregnates any suggestion with force. Playing time leads to scholarships and college; it should be a question of merit only, not religion.

It is no defense to any of these claims to say that participation in football is voluntary. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *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*, 374 U.S. 203, 288 (1963) (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.’”).

No student should be deprived of the opportunity of playing football because they, as a matter of personal conscience, feel unable to attend a religious football camp. Mariakis may deem religion necessary to the sport, but it is simply not the place of public school employees to instruct their charges on religion: “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe* at 310 (quoting *Lee* at 589).

Conclusion

We ask that Walker County Schools commence an immediate investigation into the complaints alleged, and take immediate action to stop any and all violations of the First Amendment including:

1. The pre-game dinner at churches. The first scheduled game is August 31, 2012. Mariakis must not be permitted to take players to a church at any time.
2. Any WCS employee organization or participation in prayers at school events or activities.
3. The use of bible verses on school equipment or paraphernalia or as a motivational tool.
4. Violations of the Equal Access Act by WCS employees, including coaches and teachers.
5. Mandating, pressuring, or recommending a religious camp or church attendance to public school.

We ask that you inform us in writing of the prompt steps your school district takes to remedy these constitutional concerns.

Sincerely,



Andrew L. Seidel
Attorney

Cc: Ridgeland HS Principal Glen Brown, glenbrown@walkerschools.org

Enclosures

SRBC screenshot

SRBC Feeds RHS Football Team



This is the 2nd year that SRBC has fed the Ridgeland High School football team before their Friday night game. This is going to be a yearly event at SRBC for several years to come. Bro. Larry Scott spoke to 65 people at this event and presented the Gospel of Jesus Christ. We praise the Lord for this important outreach event to our community. Thank you to Sis. Robbie Hayes for her organizing this event. Also, thank you to all of the workers at the church who made this event possible. We could not have done this without you. Click below to listen to the message Bro. Larry spoke as well as view pictures from the event.

[Click here to listen to audio of Bro. Larry's message](#)



SRBC News!

Pastor Jeff doesn't believe in letting the grass grow under our feet! We need to all be consistent in our outreach for Jesus Christ. We give our LORD all the praise and credit for everything that is transpiring at SRBC! God has already allowed SRBC to move forward for His service in many ways:

- * 49 saved in four months
- * A renovated church sign with lighting
- * CD & DVD ministry for "shut ins" and outreach (currently delivering copies of the services to 5 shut in locations...)
- * Welcome gifts for first time visitors with visitation cards so Bro. Jeff can follow up with letters and visits
- * A prophecy conference with 7 saved and 125+ in attendance on Sunday night
- * A tract ministry
- * Youth Bible study on Tuesday night with average of 17 -22 kids in attendance
- * A new website
- * A visitation program
- * Young people now corresponding with missionaries by responding to their support letters
- * The Joash Box--People drop in spare change into our new box and at the end of each month the young people empty it out and use it for needy families. We plan to utilize the next 3 months of contributions to buy Christmas gifts for needy children in our community
- * Senior events--Each month Bro. Jeff has an event for the seniors of the church. In September we visited the IBJM museum and went out to eat.
- * Wednesday night expository and topical Bible studies. Bro. Jeff has also instituted prayer sheets for each member on Wednesday night so we can list all of the prayer requests as they are brought from the floor and then have the list as a reference for prayer during the week.
- * 2 Youth Sundays per year with the young people taking over the services
- * Halloween outreach--800 bags of candy with Gospel tracts distributed
- * Added a new missionary--Bro. Mark Logan
- * Discipleship class for all our new converts taught by Bro. Larry Scott
- * New radio broadcast every Friday at 11:00 a.m on WFLI 1070
- * Fed Ridgeland High School football team and Larry Scott preached to the football team
- * Original Christmas play written by one of the members and performed by our youth department (194 in attendance...All new record attendance)