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Reply to: Virginia

August 23, 2012

Via US Mail and Facsimile (706) 638-7827

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Phyllis Hunter
Board Member
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Damon Raines
Superintendent
Walker County Schools
201 South Duke Street
LaFayette, GA 30728

RE: Offer to Represent

Dear Board Members and Superintendent Raines:

Liberty Counsel has been informed that the Freedom From Religion Foundation ("FFRF") recently sent a threatening letter to the Walker County Schools discussing the Ridgeland High School Football Team, Coach Mariakis, and a number of issues involving what FFRF asserts is impermissible religious activity.

By way of brief introduction, Liberty Counsel is an international nonprofit litigation, education and policy organization dedicated to advancing religious freedom, the sanctity of life and the family since 1989, by providing pro bono assistance and representation on these and related topics. With offices in Florida, Virginia, Washington, D.C., and Jerusalem, Israel, Liberty Counsel has hundreds of advocates around the world. We specialize in constitutional law, particularly free speech rights, religious freedom, and church-state matters.

In its letter of August 21, 2012, FFRF makes a number of assertions, leading off with its most ridiculous, that "taking public school football teams to church, even for a meal, is unconstitutional." FFRF also makes numerous other allegations regarding Coach Mariakis, including his participation or presence during post-game prayer; his "using bible verses on team apparel and in team speeches;" his "participation in the Fellowship of Christian Athletes;" and allegations about his supposed "pressuring public school students to attend a Christian football camp."

Liberty Counsel disagrees with the overreaching assertions of FFRF. Among other things, it is permissible for churches to voluntarily prepare meals for members of the high school football team, and for team members to eat them. The Constitution does not demand the eradication of faith from public life, or that churches be prohibited from participation in the life of the local community. A church has as much right as any other local civic organization to provide pre-game meals to members and guests, even if they are a part of the local high school football team. FFRF's letter actually urges Districts to adopt harmful and counter-productive policies that would discriminate against religion, and which in turn would expose the district to civil liability.

Regarding prayer at games: the Supreme Court has ruled only that public schools may not devise plans designed to *perpetuate* or *initiate* religious invocations. This is what had occurred in the Santa Fe school district referenced in FFRF's letter, and it is only this sort of activity that is now prohibited. A coach in his private capacity may be present for the post-game student-lead prayer, may bow his head, and otherwise be respectful according to his religious beliefs.

In light of the above, I am available to discuss strategy for defending the District from a suit brought by this organization. Additionally, if your District adopts a strategy and practice consistent with Liberty Counsel's advice and an agreement for representation is reached, Liberty Counsel would defend your District on a pro bono basis, at no cost to the school system in the event that suit was filed. I have also attached some resources on Pre-game Prayer for your review. If you wish clarification on this offer or would like to further discuss Liberty Counsel's experience in these matters, please do not hesitate to contact me by calling toll free at 1-800-671-1776.

Sincerely,

LIBERTY COUNSEL



Richard L. Mast, Jr., Esq.[†]

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Attachments: