



October 17, 2012

VIA FAX AND FIRST CLASS MAIL

Mr. Terry M. Brister, Superintendent
Lincoln County School District
Post Office Box 826
Brookhaven, Mississippi 39601-0826
Fax: (601) 833-3030

Re: School-Sponsored Religious Activity at West Lincoln Attendance Center

Dear Superintendent Brister:

We write to express our deep concern regarding West Lincoln Attendance Center's pervasive policy and practice of incorporating prayer and other religious messages into myriad school events and activities. This official practice violates the Establishment Clause of the First Amendment to the U.S. Constitution, which prohibits the government from promoting religious beliefs or exercise.

The federal courts "have been particularly vigilant in monitoring compliance with the Establishment Clause" in the public-school context,¹ because "there are heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools."² Accordingly, public schools may not include official prayer or other religious exercise and messages in school events and activities.³

Despite these longstanding and well-settled principles of law, the ACLU of Mississippi has received information that West Lincoln students, faculty, and staff are routinely subjected to official prayer at numerous school events, including student awards ceremonies and banquets, school-day assemblies, teacher meetings, holiday celebrations, sporting events, and graduation ceremonies. For example, we understand that as recently as this month, school officials have opened football games

¹ *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987).

² *Lee v. Weisman*, 505 U.S. 577, 592 (1992).

³ See e.g., *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309, 313 (2000) (prohibiting student-led prayers over the loudspeaker at football games); *Lee v. Weisman*, 505 U.S. 577, 586 (1992) (holding that clergy's invocation at graduation ceremony violated Establishment Clause); *Engel v. Vitale*, 370 U.S. 421, 436 (1962) (barring public schools from holding daily morning prayer recitations); *Ingebretson v. Jackson Pub. Sch. Dist.*, 88 F.3d 274, 277, 279-80 (5th Cir. 1996) (striking down state statute authorizing public schools to incorporate student-led prayer into compulsory or noncompulsory school-related student assemblies, student sporting events, graduation or commencement ceremonies and other school-related student events"); *Collins v. Chandler Unified Sch. Dist.*, 644 F.2d 759, 760 (9th Cir. 1981) (prohibiting school district from incorporating student-led prayer into school assemblies).

with prayer. Last month, for instance, Principal Case participated in a prayer at the school's homecoming pep rally. At many of these events, Principal Jason Case leads the prayer himself and, in his capacity as the coach for the cross-country team, he regularly leads students in pre-practice prayer.

Principal Case is well aware that these practices are unlawful but willfully continues to flout the Constitution.⁴ Indeed, we understand that he actively fosters a school atmosphere that is overwhelmingly religious, from his interactions with teachers, staff, and students to the physical environment in which students learn. In addition to leading students in prayer, he sermonizes during faculty meetings and issues memos with Bible citations, which he encourages faculty to look up, study, and follow. He repeatedly urges members of the school community to model themselves after Jesus, who he claims is "the ultimate model of a servant." Religious iconography permeates the school, including crosses placed conspicuously on classroom doors and walls, the Christian flag, a large "prayer poster," and a replica of the Ten Commandments.

Other school officials also promote religion and lead students in prayer, including football coach Willie Brumfield (who often brandishes a Bible while walking around the school) and the archery team coach. Another football coach, Luke Addison, has offered an invocation for several years in a row during the school's annual assembly in honor of Veterans Day. Additionally, the Veterans Day assemblies have featured guest speakers who deliver religious remarks to students. Further, we have learned that teachers and administrators incorporate official prayer into many classes on a daily basis, including before meals and exams. These are just a few examples of West Lincoln's rampant promotion and imposition of prayer, which plainly violates the constitutional rights of students, parents, faculty, staff, and other members of the school community at West Lincoln Attendance Center.

As the Supreme Court has explained, "[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to . . . [the school community] who are 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."⁵

To avoid further legal action regarding these religious practices, we thus request that the District immediately take steps to ensure that school officials no longer incorporate prayer into school events and otherwise cease impermissibly promoting religion to students, staff, and faculty. Please let us know no later than October 26, 2012, how you plan to address these matters.

⁴ See Caleb Bedillion, *Schools react to no-prayer letter*, The Daily Leader, Nov. 4, 2011 ("We're doing the same thing at West Lincoln we've been doing for years," Case said. However, Case declined to answer inquiries as to what West Lincoln's policy has been. To the question of whether prayer is recited over the stadium intercom, Case had no comment.").

⁵ *Santa Fe*, 530 U.S. at 310 (internal quotation marks omitted).

In addition, to further our investigation of these serious constitutional violations, please provide the public records identified in the attached request no later than 7 business days from the receipt of this letter. In the meantime, please do not hesitate to contact me if you would like to discuss this letter or the public records request further.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a large 'A' and a long horizontal stroke extending to the right.

Ms. Bear Atwood, Esq.
Legal Director