Cheer on Separation of School, Religious Messages

Alan E Garfield
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It used to be boys would win one for the Gipper. Now they’re scoring touchdowns for Jesus. Or so it seems in the small town of Kountze in East Texas. That’s where the public high school’s cheerleaders have started bringing homemade banners with biblical verses to football games. So, at the start of a game when the Kountze Lions dramatically enter the field by bursting through a 30-by-10-foot paper banner, the banner doesn’t say “Hear the Lions Roar.” It says “I can do all things through Christ which strengthens me.” And that’s not the only biblical verse on these banners. The players have also plowed through “And let us run with endurance the race God has set before us” (Hebrews 12:1) and “But thanks be to God which gives us victory through our Lord Jesus Christ” (1 Cor. 15:57).

Then, last September, the school district superintendent told the cheerleaders to stop using religious banners, because they violated separation of church and state. But rather than back down, the cheerleaders countered the superintendent was violating their free speech rights and lawyered up.

And so began the latest culture war. The media rolled into town. Public interest lawyers fired up their laptops. Texas Gov. Rick Perry, expressing support for the cheerleaders, proclaimed that we are a culture “built around the concept that the original law is God’s law.”

So who’s right? The answer depends upon how the stadium fans view these banners. Are they likely to think the messages merely reflect the views of the student cheerleaders? If the former is true, the banners are history. Schools are not supposed to endorse messages about “our Lord Jesus Christ.” That might make Christian students feel welcome (at least if they don’t care about how their non-Christian classmates feel). But it makes the other students feel like second-class citizens.

And that is exactly what the Establishment Clause forbids. As former Justice Sandra Day O’Connor explained, the Constitution prohibits “making adherence to a religion relevant in any way to a person’s standing in the political community.”

This rule protects everyone, not just religious minorities. So when the Christian kid from Kountze moves to Utah, he doesn’t have to feel alienated by a football team bursting through verses from the Book of Mormon.

But what if the Kountze football fans view the banners as reflecting only the cheerleaders’ speech? If that’s the case, then the banners are constitutional. The Supreme Court has said students do not shed their free speech rights “at the schoolhouse gate.” So students are free to tell their friends during lunch that Jesus is their savior. And they can say a prayer before diving into the cafeteria’s turkey tetrazzini.

So which interpretation of the facts is better? Are the banners more likely viewed as school speech or student speech?

Personally, I think the banners clearly bear the school’s endorsement. After all, they’re not being held by random students in the stands. They’re being held by the school’s official cheerleaders, the ones authorized to be down on the field leading the crowd. A reasonable observer would surely think the cheerleaders act with the school’s assent. Indeed, if the banners merely reflected the cheerleaders’ views, the cheerleaders could start painting banners that said “Darwin was Right,” “Legalize Marijuana,” and “We Need Honest Sex Education.”

The cheerleaders could certainly wear T-shirts with these messages outside of school. And they could probably wear the same shirts to school as long as they did not cause a disruption.

But I doubt many in Kountze would approve of the cheerleaders expressing these messages on giant banners used to introduce the football team. That’s because during the games the girls are acting as the school’s representatives.

So why don’t these ambassadors of school spirit forget about using religious messages and start coming up with cheers that every Kountze classmate could proudly chant? If they’re stuck, I’ve got a suggestion.

“Go Lions!”

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