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RE: Motivational Speakers, School Assemblies, and Religious Expression

Dear School Administrator:

Liberty Counsel is an international legal, media, and policy organization with an emphasis on First Amendment issues, including the intersection of free speech, religious liberty, and public education. Liberty Counsel frequently provides representation to individuals, organizations, and public school districts regarding these issues. The purpose of this memo is to provide guidance on the constitutionality of school assemblies and motivational speakers. In short, it is permissible for public school districts to invite motivational speakers who may share elements of their life story, even if that person's life story may contain a discussion of that person's religious experiences or beliefs.

There is much disinformation about what the Establishment Clause actually requires regarding religious expression in the public schools. While public school districts may not host an assembly for the purpose of endorsing a religious message, a school district cannot and should not categorically ban outside speakers, simply because an individual speaker holds a religious belief, or may discuss facets of his or her life story, which may include an appropriate discussion of that speaker's personal faith. Were a school district to do so, this would actually violate the First Amendment Free Speech and Establishment Clauses, because the school would be restricting speech based on the viewpoint of the message, and would be showing hostility toward religion.

Liberty Counsel has reviewed the practices of Sports World, Inc., an organization providing motivational speakers for school assemblies, who all hold sincere religious beliefs in their private capacities, but who are also well-versed in what the Establishment Clause is said to require for public school speaking engagements. Sports World sends professional athletes to schools to share personal life experiences with students, helping them to consider healthy life choices, while challenging them with a message of hope. Sports World seeks to help students see the value of making positive choices in their lives, and that is the focus of its message during public school assemblies, which focus around the message that one is "not born a Winner..." or "a Loser..." but "born a CHOOSER." Sports World does not proselytize religious belief or engage in religious worship.

While school officials may not mandate or organize prayer at school sponsored events, or select speakers for such events in a manner that favors religious speech such as prayer, schools may select speakers on the basis of genuinely neutral, evenhanded criteria,

such as excellence in sports, or a positive message designed for youth. Although schools may retain primary control over the content of the expression, that expression is not attributable to the school and therefore may not be restricted because of its religious content. Outside speakers all have a personal life story, and while they may share aspects of their *personal* life stories with young people, they may do so without violating the Establishment Clause.

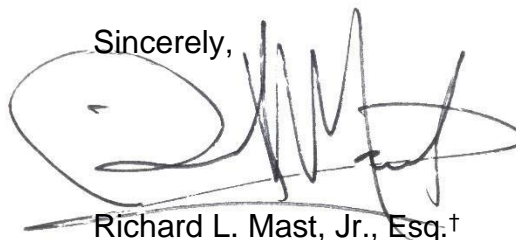
Sports World speakers are not invited by a school district for the purpose of endorsing religion; to the extent personal faith may be mentioned, it would always be within the context of the speaker's *individual* life story, and how that faith *personally* impacted the speaker. This is permissible, as "there is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect." *Bd. of Educ. v. Mergens*, 496 U.S. 226, 250 (1990) (O'Connor, J.). Supreme Court precedent "establishes that private religious speech, far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as secular private expression." *Capitol Square, supra*, at 760; *see also Widmar v. Vincent*, 454 U.S. 263, 269 (1981). The public schools themselves may certainly teach objectively *about* religion and its importance in the lives of historical figures, or even contemporary sports professionals, and what the schools may do directly, they may do indirectly, through outside speakers, assuming faith is mentioned at all.

Liberty Counsel recommends that to the extent school districts invite outside motivational speakers, they should avoid a regular pattern of only inviting those speakers who present a Christian viewpoint. It is not difficult to engage throughout the year a variety of outside speakers sharing diverse perspectives and life stories. In addition, school districts should certainly not disinvite a speaker *because* that speaker holds a Christian viewpoint, or censor or end a presentation the moment a speaker shares an aspect of his life story, simply because that aspect may be religious in nature.

Liberty Counsel is available at no charge to discuss a school district's current practices regarding all religious or Establishment Clause issues – from Christmas and holidays, to student expression and graduation prayer. We are available as well to review current or past motivational speakers and their messages, to ensure the school district is in compliance with the law.

Should you have questions about any of the positions contained in this memo, or wish to discuss Liberty Counsel's experience in these matters, please contact Liberty Counsel at 407-875-1776 or [Liberty@lc.org](mailto:Liberty@lc.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Mast, Jr.", written over a horizontal line.

Richard L. Mast, Jr., Esq.<sup>†</sup>

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RLM/ajr