

## **Fictional Case #1-Alabama v. T.A.G.**

**Question:** If students that participate in extracurricular activities agree to have the activity leader (school employees) join in prayer before, during, or after the activity, does this violate the Establishment Clause and the 14<sup>th</sup> amendment of the U.S. Constitution?

### **BACKGROUND:**

The Girl's Basketball team at Washington High School traditionally pray before and after each game. Coach Wigum and T.A.G. (15 years of age) initially did not participate in the pre and post game prayers. The players approached Coach Wigum, knowing he was a very religious man and a member of the predominant religion in their community, and asked that he participate. **Coach Wigum held a vote** in the locker room after a game and asked the girls by the raise of hand who would agree with his participation in the team prayers. The vote was unanimous (including T.A.G.)

T.A.G. (initials of the name of one of the players), did not confront her parents or the coach at any time. She testified in a lower court that she did not vote against the prayer or tell anyone because she felt it would limit her playing time. She also testified that she was aware that the Coach was of the same religion of most of the players. T.A.G.'s parents found out about the coach involvement from other parents when they (the other player's parents) commented on how pleased they were that the coach was involved in the game prayers.

When the parents of T.A.G. found out about the prayer they complained to the High School Administration about the coach's involvement in the team prayer. T.A.G. and her parents belong to a small religion that believes in praying only within closets (private prayer). The Administration refused to stop the prayers. The principal testified in lower court that he felt the players had initiated the coach's involvement and that he was told that only the players offered the prayers. The Coach testified in a lower court that he did participate in the prayers, but never offered a prayer.

The State of Alabama Court upheld the actions of Washington High School and their coach. The Court ruled that the involvement was student initiated and the coach was not excessively involved.

The Federal Court of Appeals heard the case upon T.A.G.'s appeal. The Court ruled that the coach was a government official and his involvement violated the Establishment Clause and 14<sup>th</sup> Amendment because of the public vote (raising of hands for all to see who voted) and the absence of neutrality by the school's coach when participating in prayer.

The Appeal has been accepted by the Supreme Court of the United States.

**T.A.G.** - argue violation of 1<sup>st</sup> and 14<sup>th</sup> amendment.

**Alabama** - argue that 1<sup>st</sup> and 14<sup>th</sup> amendment rights were not violated by the State.

**Must use LEMON V. KURTZMAN.**