



# Foundation for Moral Law, Inc.

One Dexter Avenue  
Montgomery, AL 36104

Ph: 334.262.1245 • Fax: 334.262.1708

[www.morallaw.org](http://www.morallaw.org)

Hon. Roy S. Moore  
President

Dr. Rich Hobson  
Executive Director

Benjamin D. DuPré  
Attorney

Gregory M. Jones  
Attorney

January 18, 2008

## VIA FACSIMILE AND FIRST-CLASS MAIL

Dr. Joyce Levey, Superintendent  
Tuscaloosa City Schools  
P.O. Box 038991  
Tuscaloosa, AL 35403  
Fax: (205) 759-3711

Amanda H. Cassity, Principal  
Paul W. Bryant High School  
6315 Mary Harmon Bryant Drive  
Cottondale, AL 35453  
Fax: (205) 759-8315

**Re: Christian movies at Paul W. Bryant High School**

Dear Dr. Levey and Principal Cassity:

We at the Foundation for Moral Law are outraged by the letter you received on January 15, 2008, from Americans United for Separation of Church and State (AUSCS) regarding the showing of *Facing the Giants* at Paul W. Bryant High School. The letter's thinly-veiled threats rely on shrill demands and general confusion about this area of the law in an attempt to cow the Tuscaloosa school district into quiet capitulation.

The simple fact is that showing a movie at PWBHS, even one with "an explicitly Christian message," as AUSCS breathlessly puts it, does not violate the First Amendment's proscription that "Congress shall make no law respecting an establishment of religion." No amount of selective case excerpts or citations can change that.

We applaud PWBHS teachers for showing to their students an inspiring, family-friendly movie such as *Facing the Giants*. Most likely this movie is neither the first nor the last movie that teachers will show to their students at PWBHS. But chances are this is the first time PWBHS has received such a threat letter for doing so.

While AUSCS goes to great lengths to recount some of the many references to God and faith in the movie, as if they were constitutional *liabilities*, what it failed to quote was the law it claims PWBHS violated: "Congress shall make no law respecting an establishment of religion." It takes simple common sense to understand that showing a movie—*any* movie—at school is not a "law respecting an establishment of religion."

Although questionable First Amendment jurisprudence has been produced in recent years, the issue of whether a Christian movie may be shown at PWBHS is hardly as cut-and-dried under court precedents as the January 15 letter makes it out to be. Establishment Clause jurisprudence remains one of the most conflicted and confusing areas of constitutional law, and

AUSCS hopes to leverage that confusion to achieve its radical, secularist agenda—at PWBHS and around the country.

Not surprisingly, Americans United for Separation of Church and State’s letter fails to mention that in evaluating religion in the public schools, the courts consider two basic elements: purpose and context. *See, e.g., McCreary County, Ky v. ACLU of Kentucky*, 545 U.S. 844, 859 (2005) (recognizing that “whether government action has ‘a secular legislative purpose’ has been a common . . . element of our cases.”); *County of Allegheny v. American Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U.S. 573, 595 (1989) (observing that “the question is what viewers may fairly understand to be the purpose [which], of necessity, turns upon the context in which the contested object appears.”). As long as the school’s primary purpose in showing *Facing the Giants* was not “religious,” and if the movie is one of several different kinds of movies shown to students at PWBHS, then it is unlikely that a court would find fault with the school’s cinematic selection in this case. Indeed, for the school district to specifically target *Christian* movies for censorship, as AUSCS calls for, would demonstrate a policy of *hostility* toward religion.

In an age where parents are becoming more and more concerned about the *negative* influences their children are exposed to at school, we wish more schools would encourage and educate their students with wholesome and faith-based movies. We strongly encourage you to lift the ban on showing *Facing the Giants*, and hope that this experience will not dissuade the school district from screening other morally uplifting cinematic stories for students in the future. The lessons learned by the football team in *Facing the Giants* should not be lost on the school administrators in the Tuscaloosa school system.

If you have any questions about this matter, or if Americans United for Separation of Church and State or a similar organization threatens the Tuscaloosa public schools again, please feel free to contact the Foundation for Moral Law.

Sincerely,



Roy S. Moore, President  
Rich Hobson, Executive Director  
Ben DuPré, Legal Counsel  
Greg Jones, Legal Counsel