

Foundation for Moral Law

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September 27, 2017

Dan Barker
Annie Laurie Gaylor
Co-Presidents
Freedom from Religion Foundation
P.O. Box 750
Madison, WI 53701

Dear Mr. Barker and Ms. Gaylor:

Thank you for your letter of September 25. I will not respond to your train of insults. “Answer not a fool according to his folly, lest thou also be like unto him.” *Proverbs* 26:4. Instead, I recommend to you a recent tweet by Dan Barker himself: “If you want to be respected, you should act respectably.”

Equally disappointing is your oft-repeated accusation that I am a theocratic zealot who wishes “to establish Christianity as the paramount law of the land.” My objective in endeavoring to correct the misleading guidance (coupled with threats of litigation) that school districts have received from your organization is to protect the free exercise and free speech rights of the student body from inappropriate capitulation to your demands. “If this be treason,” as Patrick Henry said, “make the most of it.”

I do not apologize for raining on FFRF’s parade of false legal advice. Once Alabama school districts understand that they have been deluded by FFRF’s clever misinformation campaign, they can craft sensible policies within the Eleventh Circuit guidelines that permit student speech on the public address system before athletic events on topics of the students’ choosing, religious or otherwise. See *Adler v. Duval County School Bd.*, 250 F.3d 1330 (11th Cir. 2001).

Santa Fe Independent School Dist. v. Doe, 530 U.S. 290 (2000), is not to the contrary. In that case the Supreme Court held that the school should not control or direct the student message. Because *Adler* was decided on remand in light of *Santa Fe*, it fully adopts that principle. In conformity with *Santa Fe*, *Adler* allows student speech, including religious speech, over a microphone before school events as long as the message is the student’s and not the school’s.

I doubt you would have any objection to a student delivering a non-religious message before a football game. Your targeted attack on student *religious* speech is unconstitutional viewpoint discrimination. All speech is permitted, in your view, except that which invokes God. The state, however, may not target religious speech for suppression while at the same time freely permitting secular messages. “[T]o ensure that all student [messages] meet some baseline standard of secular orthodoxy ... is to imperil the very sources of free speech and expression.” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 844-45 (1995).

Finally, I note that Mr. Barker was a zealous minister of the gospel from his teens into his thirties when he rejected God and embraced atheism. How someone can look at the magnificence of the created world and say there is no God is beyond my comprehension. But in your case, the rejection of God has an ominous undertone.

For it is impossible for those who were once enlightened, and have tasted of the heavenly gift, and were made partakers of the Holy Ghost, and have tasted the good word of God, and the powers of the world to come, if they shall fall away, to renew them again unto repentance; seeing they crucify to themselves the Son of God afresh, and put him to an open shame.

Hebrews 6:4-6. “Remember therefore from whence thou art fallen, and repent, and do the first work” *Revelation* 2:5.

Sincerely,

A handwritten signature in black ink that reads "Roy S. Moore". The signature is written in a cursive style with a large, stylized initial "R".

Roy S. Moore