Does The Establishment Clause Mean Nothing To You People? I Know It Doesn't To SCOTUS, But Come On

You need a PA system now?

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Test cases with schools are being used to whittle away at the Establishment Clause. A school in Maine was used to make it okay to use public funding for a private religious school. A football coach from Washington was used to make it okay for state officials to pressure kids in to praying in public. Now, a Florida school, Cambridge Christian School is fighting the Florida High School Athletic Association for the right to highjack a shared space's PA system so that everyone can hear the gospel. From Law360:

> *The dispute stems from a request CCS made in 2015 before the championship football game against University Christian to say a prayer over the loudspeaker before the game. The FHSAA denied*

> *the request because the stadium where the game was to be played was a taxpayer funded public facility and the FHSAA, as the host and a state actor, could not publicly endorse the prayer, according to the briefs.*
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> *"The district court suggested that the PA is a mere preference, but it's not a mere preference. It's a sincerely held religious belief," Panuccio said. "It's used so that everyone can pray together, not just the team on the field, but their parents and families and fans. The only way everyone in the stadium could hear is through the use of the PA system."*

Oh I'm sorry, I thought that when two or three gathered in Jesus' name was sufficient for praying together (Matthew 18:20). Somebody better go update the King James to include requiring a PA system for you and your besties to connect with the Lord.

The only reason that this is even seeing the light of day is because the Supreme Court took liberties in *Bremerton* and turned a coach pressuring his kids to pray at the 50 yard line into a drama about a little guy whose love of sports and Jesus was being hurt by the big bad state. And it really looks that way if you manage to look past the student testimony about them feeling pressured into prayer circles and him being asked repeatedly by the administration to stop pressuring the students. Alas, here we are. And much like independent state legislature theory, if it makes it to Court you have to go through the motions of arguing that the opposing side's position is dumb, even when it is plainly obvious.

> *Daniel Mahfood, who argued on behalf of the FHSAA, said CCS has suffered no injury here and may not suffer injury in the future, as it's*

> *unclear if the school will make it to another championship game.*
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> *"The threatened injury has to be both imminent and impending," he said. "Here it's neither."*

First things first, making the argument that a team might not be good enough to have an actual case or controversy is funny. Because it's true. It also may be old hat. Back in the day, it was a threshold issue that for a thing to be before a court there had to be a threatened injury that was both imminent and impending. But the Supreme Court's decision to even hear 303 Creative — the case where a website designer went to court because they might have to make something for a gay couple at some point in the future because of a statute. Unless part of the decision, whatever the outcome, reads "Oh by the way, we weren't even supposed to take this case. We knew we were going to overturn affirmative action and wanted to have a few fluff cases in between," more fabricated cases with manicured plaintiffs and funding from mysterious groups will continue.

Is this case just another one of those fabricated cases? Jury is out, but Christian has lawyers from the likes of Jones Day and Winston & Strawn LLP so somebody somewhere has money. I'm sure we will hear more about this when it inevitably makes its way up to the Supreme Court.

Fla. School Asks 11th Circ. To Revive Loudspeaker Prayer Suit [Law360]

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