



April 4, 2008

Via UPS overnight delivery and Fax (251-580-1856)

Dr. Faron Hollinger, Superintendent
Baldwin County Public Schools
2600 North Hand Ave.
Bay Minette, AL 36507

Re: Unlawful restriction on TJ McCarty's First Amendment rights

Dear Superintendent Hollinger,

Timothy ("TJ") McCarty, a senior at Spanish Fort High, has requested that the Alliance Defense Fund ("ADF") contact you regarding a violation of his First Amendment rights by employees of Baldwin County Public Schools Board of Education ("Board"). By way of introduction, ADF is a legal alliance defending religious liberty through strategy, training, funding, and litigation. We protect and defend the religious liberties of persons such as TJ by educating the public about the law and, when necessary, litigating to defend our client's rights.

As you know, Spanish Fort High is hosting a talent show on Friday, April 11. The School invited students to perform acts of their choosing at the show. Students are permitted to perform in two separate performances, and TJ submitted two songs (which he wrote the lyrics and music for) he wanted to perform. Both songs contain religious messages. The teacher facilitating the talent show, and Principal Michael Lucci, are permitting TJ to perform one of his religious songs, but are prohibiting him from performing the other song because they believe that it is "too religious." I have enclosed the lyrics of the permitted song ("You Are The Way") as Exhibit A, and the prohibited song ("He'll Be There") as Exhibit B, for your convenience.

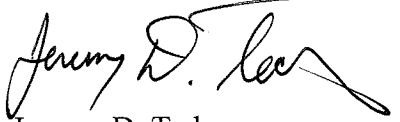
The School's denial of TJ's song violates his First Amendment rights. The First Amendment requires the School to permit TJ's song on the same terms as all other student speech permitted at the talent show. Prohibiting TJ's song based solely on its religious content and viewpoint, especially while permitting a wide array of expression by other students at the talent show, violates his First Amendment rights.

Further, the Establishment Clause does not permit the School to censor TJ's religious song selection. TJ's song is purely private speech, and the School does not promote or endorse TJ's song, or any other performance at the talent show. These performances are the students' speech, not the School's, and therefore any concern the School may have that permitting TJ's song would violate the Establishment Clause is unfounded.

Action by the Board is needed immediately, as the talent show is just a week from today. Please provide written assurances to me by close of business Wednesday, April 9, 2008, that the Board will permit TJ to perform "He'll Be There" (attached as Ex. B) at the talent show Friday,

April 11, 2008. Should the Board affirm the denial of TJ's song, please provide by the same date a written explanation of the decision and the Board Policy(ies) upon which the denial is based.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy D. Tedesco". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Jeremy D. Tedesco
Legal Counsel

cc: Robert Callahan, President, Baldwin County Public Schools Board of Education
Tracy Roberts, Vice President, Baldwin County Public Schools Board of Education
Frank Trione, member, Baldwin County Public Schools Board of Education
Robert Wills, member, Baldwin County Public Schools Board of Education
Elmer McDaniel, member, Baldwin County Public Schools Board of Education
Norman Moore, member, Baldwin County Public Schools Board of Education
Margaret Long, member, Baldwin County Public Schools Board of Education
Michael Lucci, Principal, Spanish Fort High School
David Cortman, Senior Counsel, Alliance Defense Fund
TJ McCarty

EXHIBIT A

You are the Way

By TJ McCarty

I've lost my way
I came to this place believing
But now I'm doubting this faith
That was once so strong within me

But I, I know
Deep inside, I know

You are the way
You are the truth
And no matter how I may feel today
You're still the truth, the life, You are the way

Trying to find meaning inside this soul
Trying to find peace that will make me whole
I've got to open up my eyes
So that I can see

You are the way
You are the truth
And no matter how I may feel today
You're still the truth, the life, You are the way

Looking above
Again I'm trusting this great love
That came down for me
Just to set me free

You are the way
You are the truth
And no matter how I may feel today
You're still the truth, the life, You are the way

EXHIBIT B

He'll Be There

Music by TJ McCarty, Lyrics by Sable & TJ McCarty

When you get tired of living this life
And you feel lonely all the time
Don't give up
Don't give up

He'll be there
He'll be there for you
He'll be there to see you through
He'll be there
He understands you
He'll always be there for you

Forever to be in the truth
Forever to always know you
It's time to declare that all your sin is through
Just repent so He can live in you

He'll be there
He'll be there for you
He'll be there to see you through
He'll be there
He understands you
He'll always be there for you

He understands your problems
He already knows your fears
Feel his presence, it's everywhere
Come to the Father, He truly cares