

No. 24-1261

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IN THE  
**Supreme Court of the United States**

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CAMBRIDGE CHRISTIAN SCHOOL, INC.,

*Petitioner,*

*v.*

FLORIDA HIGH SCHOOL ATHLETIC  
ASSOCIATION, INC.,

*Respondent.*

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ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

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**BRIEF OF *AMICUS CURIAE* JOSH TURNER  
IN SUPPORT OF PETITIONER**

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## INTEREST OF *AMICUS CURIAE*<sup>1</sup>

Josh Turner is a husband, father, American singer-songwriter, and Grammy nominated multi-platinum artist. As one of the youngest members inducted into the Grand Ole Opry, Turner is a traditional country singer who incorporates Christian themes into his music and performs gospel songs. While on tour, Turner has performed at a variety of venues, including public universities and colleges. He has an interest in ensuring private speech is not unlawfully censored at public venues simply because it contains religious elements.

## SUMMARY OF THE ARGUMENT

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech....” U.S. Const. amend. I.

“Respect for religious expressions is indispensable to life in a free and diverse Republic—whether those expressions take place in a sanctuary or on a field, and whether they manifest through the spoken word or a bowed head.” *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 543 (2022). “Under the Constitution, a government may not treat religious persons, religious organizations, or religious speech as second-class.” *Shurtleff v. City of Boston*, 596 U.S. 243, 261 (2022) (Kavanaugh, J., concurring). In sports, music, and many other areas of

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1. Per Rule 37, all parties were timely notified of the filing of this brief. No part of this brief was authored by any party’s counsel, and no person or entity funded its preparation or submission other than *amicus curiae* and his counsel.

civic life, Americans express their faith and religious beliefs in personal and public ways. When the government prohibits citizens from speaking on religious issues simply because the speech is religious, the government violates the constitution. *See Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 112 (2001) (reaffirming that the government may not exclude speech based on its “religious viewpoint” because doing so “constitutes impermissible viewpoint discrimination”).

## ARGUMENT

### I. FAITH HAS ALWAYS BEEN A PART OF AMERICAN SOCIETY.

“Our Constitution was made only for a moral and religious People. It is wholly inadequate to the government of any other[.]”<sup>2</sup> Years before and centuries after John Adams expressed this sentiment, Americans embraced religion, faith, and spiritual elements in public life.

In an undated response to a March 3, 1797 letter from the Philadelphia clergy, President George Washington stated, “*Religion & Morality* are the essential pillars of a civil society.”<sup>3</sup> Before he became the third Chief Justice of the United States, Oliver Ellsworth wrote, “In our country every man has a right to worship God in that way which

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2. Letter from John Adams to Massachusetts Militia (Oct. 11, 1798), in NAT’L ARCHIVES: FOUNDERS ONLINE, <https://founders.archives.gov/documents/Adams/99-02-02-3102> (last visited June 30, 2025).

3. Letter from George Washington to the Philadelphia Clergy (*circa* 1797), in NAT’L ARCHIVES: FOUNDERS ONLINE, <https://founders.archives.gov/documents/Washington/05-21-02-0249-0005> (last visited June 30, 2025).

is most agreeable to his own conscience. If he be a good and peaceable citizen ... he is not subject to persecution.” Ellsworth, *A Landholder VII*, in 14 The Documentary History of the Ratification of the Constitution 448, 449 (J. Kaminski & G. Saladino eds. 1983) (originally published in the *Connecticut Courant*, Dec. 17, 1787). Alexis de Tocqueville remarked after his visit to the United States in the early nineteenth century that Americans “profess their religion without shame and without weakness; but there generally is, even in their zeal, something so indescribably tranquil, methodical, and deliberate, that it would seem as if the head, far more than the heart, brought them to the foot of the altar.” 2 ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA* 152 (Henry Reeve trans., London: Longman, Green, Longman, & Roberts 1862).

On March 4, 1885, President Grover Cleveland concluded his first inauguration address by noting the strength of God: “And let us not trust to human effort alone; but humbly acknowledging the power and goodness of Almighty God, who presides over the destiny of nations, and who has at all times been revealed in our country’s history, let us invoke his aid and his blessing upon our labors.” GEORGE F. PARKER, *THE WRITINGS AND SPEECHES OF GROVER CLEVELAND* 37 (1st ed. 1892). Over fifty years later, President Dwight D. Eisenhower wrote and delivered a prayer at his 1953 inauguration wherein he prayed, “Give us, we pray the power to discern clearly right from wrong and allow all our works and actions to be governed thereby and by the laws of this land. Especially we pray that our concern shall be for all the people, regardless of station, race, or calling.”<sup>4</sup>

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4. Dwight D. Eisenhower, *A Prayer For Unity* (Jan. 20, 1953), <https://www.eisenhowerlibrary.gov/sites/default/files/research/>

Public expressions of faith are not limited to those serving in government. Even well-known musicians and performers incorporate religious songs into their music. From household names like Elvis Presley and B.B. King to Whitney Houston, Reba McEntire, and numerous others, musicians across genres have performed songs about God and faith. Elvis Presley sang traditional gospel songs such as “Take My Hand, Precious Lord,” “Peace in the Valley,” and “How Great Thou Art.”<sup>5</sup> B.B. King also sang well-known religious songs such as “Army of the Lord,” “Ole Time Religion,” and “Swing Low, Sweet Chariot.”<sup>6</sup> Whitney Houston covered hymns like “Jesus Loves Me,” “His Eye is On the Sparrow,” and “Joy to the World.”<sup>7</sup> Reba McEntire recorded “Amazing Grace,” “Oh, How I Love Jesus,” and “Oh Happy Day” among others.<sup>8</sup> Acclaimed Country Music Hall of Fame singer

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online-documents/inauguration-1953/1953-01-20-inaugural-prayer.pdf (last visited June 30, 2025); *Inaugurations*, DWIGHT D. EISENHOWER PRESIDENTIAL LIBRARY, MUSEUM & BOYHOOD HOME, <https://www.eisenhowerlibrary.gov/eisenhowers-presidential-years/inaugurations> (last visited June 30, 2025).

5. Brian Kachejian, *Complete List of Elvis Presley Songs from A to Z*, Classic Rock History.com, <https://www.classicrockhistory.com/complete-list-of-elvis-presley-songs-from-a-to-z/> (last visited June 30, 2025).

6. B.B. King, *B.B. King Sings Spirituals* (1959), <https://music.apple.com/us/album/b-b-king-sings-spirituals/1443156340> (last visited June 30, 2025).

7. Whitney Houston, ‘*I Go to the Rock: The Gospel Music of Whitney Houston*’ Out Now! (Mar. 24, 2023), <https://www.whitneyhouston.com/news/i-go-to-the-rock-the-gospel-music-of-whitney-houston-out-now/> (last visited June 30, 2025).

8. Reba, *Sing it Now: Songs of Faith & Hope*, <https://www.reba.com/sing-it-now> (last visited June 30, 2025).

Randy Travis is also known to incorporate religious lyrics into many of his songs.<sup>9</sup> In one of his chart-topping singles, *Three Wooden Crosses*, he sings about a farmer, a teacher, a hooker, and a preacher and how after a tragic bus crash where only the hooker survives, her son becomes a preacher.<sup>10</sup> In addition to her number one single “Jesus Take the Wheel”<sup>11</sup>—eight-time Grammy Award winner and three-time Academy of Country Music Entertainer of the Year<sup>12</sup>—Carrie Underwood also released Christmas albums and gospel hymns.<sup>13</sup> Underwood said, “I’m not the first person to sing about God, Jesus [or] faith ... and I won’t be the last.”<sup>14</sup>

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9. Randy Travis, *About*, <https://www.randytravis.com/about> (last visited June 30, 2025).

10. *Id.*; Lyrics, *Three Wooden Crosses*, <https://www.lyrics.com/lyric/28080007/Randy+Travis/Three+Wooden+Crosses> (last visited June 30, 2025).

11. Carrie Underwood, *Carrie Underwood, Resorts World Theatre’s First-Ever And Longest-Running Resident Headliner, Takes Her Final Bow In Her Record-Breaking Production, Reflection: The Las Vegas Residency*, APRIL 12, 2025 <https://www.carrieunderwoodofficial.com/carrie-underwood-resorts-world-theatres-first-ever-and-longest-running-resident-headliner-takes-her-final-bow-in-her-record-breaking-production-reflection-the-las-vegas-residency-april-1/> (last visited June 30, 2025).

12. Carrie Underwood, *Bio* <https://www.carrieunderwoodofficial.com/bio/> (last visited June 30, 2025).

13. *Carrie Underwood Reveals How Faith and Family Keep Her Grounded: Inside Her ‘Ordinary’ Life*, LIFE & STYLE, <https://www.yahoo.com/entertainment/carrie-underwood-reveals-faith-family-153819867.html> (last visited June 30, 2025).

14. *Id.*

Regardless of the depth of spiritual or religious content, all of these artists and multitudes more frequently perform songs about God, heaven, hell, faith, and religion.

Many famous athletes, coaches, and actors also embrace their faith and religious heritage in public view. While playing college football at the University of Florida, two-time national champion and Heisman Trophy winner Tim Tebow wore eye black inscribed with Bible verses such as John 3:16, Psalms 23, Philippians 4:13, and Romans 1:16 throughout the season.<sup>15</sup> Three-time Super Bowl champion quarterback Patrick Mahomes was interviewed after winning the AFC championship in January 2025, and he said, “First off, I want to give all glory to God. Without Him, none of this is possible, and I truly mean that.”<sup>16</sup> Two-time Super Bowl champion, Pro Football Hall of Fame member, and University of Colorado football coach Deion Sanders<sup>17</sup> said after a health scare, “I trust God so much. I never doubted. I never wavered.... My faith was sustained. How can you even measure your faith if[f] you’re not challenged?”<sup>18</sup>

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15. *Gators fans urged to wear eye black*, ESPN, <https://www.espn.com/college-football/news/story?id=4686668> (last visited June 30, 2025).

16. *QB Patrick Mahomes gives Chiefs a chance at 3-peat, says ‘I want to give all glory to God’*, SPORTS SPECTRUM, <https://sportsspectrum.com/sport/football/2025/01/27/patrick-mahomes-chiefs-chance-three-peat-glory-god/> (last visited June 30, 2025).

17. *Deion “Coach Prime” Sanders*, COLORADO BUFFALOES, <https://cubuffs.com/sports/football/roster/coaches/deion-coach-prime-sanders/4522> (last visited June 30, 2025).

18. *Deion Sanders talks becoming “Coach Prime” and having faith during health scare: “I never doubted. I never wavered.”*, CBS MORNINGS, <https://www.cbsnews.com/news/deion-sanders-coach-prime-amazon/> (last visited June 30, 2025).

Before her team’s ninth-straight trip to the Women’s College World Series, eight-time national champion college softball coach Patty Gasso said, “Representing this team, I will tell that we give God the glory ... The power He has given this team. The swag, the love, joy. It has been an incredible journey.”<sup>19</sup>

College basketball national champion and the first pick in the 2025 WNBA draft<sup>20</sup> Paige Bueckers said after a 2025 NCAA tournament win, “I give all glory to God, all glory to my coaching staff, and my teammates for instilling that confidence within me just to have fun and play my game.”<sup>21</sup> After winning the PGA Championship in May 2025, sixteen-time PGA tour winner Scottie Scheffler said, “I’m a faithful guy. I believe in a creator. I believe in Jesus.... I feel like I’ve been given a platform to compete and show my talent. It’s not anything that I did.”<sup>22</sup>

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19. *OU Softball: Oklahoma’s ‘Incredible Journey’ Has One Last Chapter at the WCWS*, SI.com, <https://www.si.com/college/oklahoma/softball/ou-softball-oklahoma-s-incredible-journey-has-one-last-chapter-at-the-wcws-01jw28th9jq7> (last visited June 30, 2025) (citation modified).

20. *2025 Draft Prospect Paige Bueckers*, WNBA DRAFT’25, <https://www.wnba.com/draft/2025/prospects/196297/paige-bueckers> (last visited June 30, 2025).

21. *UConn star Paige Bueckers says embracing Christianity is becoming more common in women’s basketball*, Fox News, <https://www.foxnews.com/sports/uconn-star-paige-bueckers-says-embracing-christianity-becoming-more-common-womens-basketball?msockid=133b94939fb664f83e92811f9e82652b> (last visited June 30, 2025).

22. *Scottie Scheffler is the top golfer in the world. He says faith is his defining trait*, Yahoo Sports, <https://sports.yahoo.com/scottie-scheffler-top-golfer-world-014630958.html> (last visited June 30, 2025); *Scottie Scheffler’s career PGA Tour wins: A list*

Actor Denzel Washington—winner of two Academy Awards, three Golden Globes, a Tony Award, and the Presidential Medal of Freedom 2025—told college football players at the University of Colorado, “you all have potential. You all have purpose. Football is the platform for your real purpose. God found me long before I knew I found Him. That’s why they call it grace.”<sup>23</sup>

The list of people who have vocalized their faith or belief in God from the founding of our nation until today are too numerous to name. But the short list above provides a glimpse into the way faith has permeated American life as evidenced by athletes, entertainers, and leaders publicly voicing their religious beliefs.

Regardless of one’s walk of life, the First Amendment guarantees all Americans the right to free speech and the right to speak on religious topics. This freedom is vital to safeguarding a free and civil society and ensuring the government does not unlawfully suppress religious speech. Whether a country singer, athlete, or parent, all Americans have the right to talk about religious issues.

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*of every event Scheffler has won on Tour*, NBC Sports, <https://www.nbcsports.com/golf/news/scottie-schefflers-career-pga-tour-wins-a-list-of-every-event-scheffler-has-won-on-tour> (last visited June 30, 2025).

23. *Denzel Washington Opens Up about His Faith Journey in Powerful Talk with CU Football Team*, CROSSWALK, <https://www.crosswalk.com/headlines/contributors/guest-commentary/denzel-washington-opens-up-about-his-faith-journey-in-powerful-talk-with-cu-football-team.html> (cleaned up) (last visited June 30, 2025); Well Off Media, *Team Meeting WITH DENZEL WASHINGTON - Coach Prime & Colorado Football 2025 Spring Ball*, YouTube (Mar. 13, 2025), <https://www.youtube.com/watch?v=wnmcKNcumsk> (last visited June 30, 2025).



Courts can over-complicate legal tests about religious speech by wringing their hands over whether there is some way certain words could possibly be attributed to the government or whether an individual's private statement could somehow be considered a government endorsement of religion. Yet, when President Eisenhower drafted and recited his own prayer during his inauguration ceremony, no court found the President to be at odds with the constitution for praying at a public event or using a public address system. Our government was never intended to be hostile toward speech or religion. Instead, the government should protect citizens' constitutional right to speak freely on religious matters.

**II. IF THE LOWER COURT'S OPINION STANDS, THE GOVERNMENT CAN PREVENT CITIZENS FROM SPEAKING ON RELIGIOUS ISSUES EVEN WHEN PRIVATE NON-RELIGIOUS SPEECH IS ALLOWED.**

In the underlying case, the Florida High School Athletic Association ("FHSAA" or the "State") previously allowed private schools to pray before football games, but in 2015, the State changed its mind and prevented two private Christian schools from praying before a state championship game even though non-religious private speech was permitted over the loudspeaker. *See Cambridge Christian Sch., Inc., Petitioner, v. Fla. High Sch. Athletic Ass'n, Inc., Respondent*, 2025 WL 1654804, at \*6–8 ("Petition").

A reasonable person would not attribute a pre-game prayer by a private individual to the State under these circumstances. In fact, most observers would likely

expect private Christian schools to pray at school events. Nevertheless, the Eleventh Circuit concluded speaking over the football stadium loudspeaker was government expression, so the State could not be liable for preventing *itself* from praying. *Cambridge Christian Sch., Inc. v. Fla. High Sch. Athletic Ass’n, Inc.*, 115 F.4th 1266, 1296 (11th Cir. 2024).

But this conclusion ignores the fact that the speech of a private person at a football game between private religious schools is *private* speech deserving of constitutional protection. The facts below indicate no public official or public entity would have delivered the prayer, drafted the prayer, or otherwise approved the contents of the prayer. *See generally* Petition at \*5–10; *Cambridge Christian Sch., Inc.*, 115 F.4th at 1296. “Defined in literal terms, ‘government speech’ is ‘speech’ spoken by the government,” not by private citizens. *Shurtleff*, 596 U.S. at 267 (Alito, J., concurring). “[G]overnment speech occurs if—but only if—a government purposefully expresses a message of its own through persons authorized to speak on its behalf...” *Id.* A prayer that does not convey the message of the government by a government agent is not government speech.

Relabeling private religious speech as government speech sets a dangerous precedent for any person performing or speaking at a public venue. This reasoning could be used to prohibit certain songs, speeches, and messages that contain any religious content. “[C]ourts must be very careful when a government claims that speech by one or more private speakers is actually government speech [because] ... it can be difficult to tell whether the government is using the doctrine ‘as a subterfuge [or

maneuver] for favoring certain private speakers over others based on viewpoint,’ and the government-speech doctrine becomes ‘susceptible to dangerous misuse.’” *Shurtleff*, 596 U.S. at 262 (citation omitted) (Alito, J., concurring).

Private religious speech is not government speech. It is speech protected by the First Amendment from government interference.

## CONCLUSION

The “government *violates* the Constitution when ... it *excludes* religious persons, organizations, or speech because of religion from public programs, benefits, facilities, and the like.” *Shurtleff*, 596 U.S. at 261 (Kavanaugh, J., concurring). For centuries, Americans have enjoyed the freedom of speech and freedom to exercise their religious beliefs. The Court should recognize this vital aspect of public life is protected by the First Amendment and confirm the government cannot prohibit private speech merely because it is religious.

For the foregoing reasons, and those stated in the petition, the Court should grant the petition.

Respectfully submitted,

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