

FREEDOM FROM RELIGION *foundation*

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June 3, 2020

SENT VIA EMAIL ONLY: marcy.derryberry@hintonschools.org

Marcy Derryberry
Superintendent
Hinton Public Schools
708 North Broadway
Hinton, OK 73047

Re: Unconstitutional Religious Promotion

Dear Superintendent Derryberry:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Hinton Public Schools. FFRF is a national nonprofit organization with more than 33,000 members across the country, including members in Oklahoma. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that Grant Potter, Hinton High School football coach, recently posted a religious message on the team's Facebook page. In the post, he explains that "in the Hinton Football Program we want to live by a simple Biblical principle 'Love your neighbor as yourself.'" He continues, "We don't all have the same life experiences but the Bible doesn't call us to love only those like us. It calls us to love everyone." Please see the attached screenshot.

While we agree with the sentiments of unity and togetherness that the coach promotes in his post, it is a violation of the Establishment Clause for teachers and coaches to endorse a religious message to students. This "[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents 'that they are outsiders, not full members of the political community and accompanying message to adherents that they are insiders, favored members of the political community.'" *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. at 668) (O'Connor, J., concurring). Coach Potter's promotion of religion over non-religion undeniably turns any non-believing student, staff member, or fan into an outsider. Non-religious Americans make up the fastest growing segment of the U.S. population by religious identification – 35 percent of Americans are non-Christians,¹ and

¹ *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.

this includes the more than one in four Americans who now identify as religiously unaffiliated.²

The District has an obligation under the law to make certain that “subsidized teachers do not inculcate religion.” *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). Certainly, “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. S. Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993) (quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991)). The Supreme Court has recognized that “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).

Federal courts have ruled public school coaches and athletic personnel must not promote religion. See, e.g., *Borden v. Sch. Dist. of the Township of East Brunswick*, 523 F.3d 153 (3rd Cir. 2008) (declaring the coach’s organization, participation and leading of prayers before football games unconstitutional); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402 (5th Cir. 1995) (declaring basketball coach’s participation in student prayer circles an unconstitutional endorsement of religion). Asking students in the Hinton Football Program to live by biblical principles violates this constitutional principle.

We ask that Hinton Public Schools commence an investigation into the complaint alleged and take immediate action to ensure that religion is no longer being promoted in any District athletic program. This Facebook post must also be removed. Please inform us in writing of the steps the District takes to remedy this violation of the First Amendment.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosure

² *Id.*



Hinton Comets Football



May 31 at 10:41 PM · 🌐

Thinking a lot about everything going on right now in our country. So many people hurting, praying for God's love and peace to heal and unite us. There are so many good people in this world, praying that God will guide us to recognize where we can improve and serve one another with love and kindness.

One of the great things about sports is that you spend time and interact with people from all walks of life. We spend time every day with people different from us and that is one the great lessons of sports. As a Coach I've gotten to work with young men of all races, religions and socioeconomic situations. In the Hinton Football Program we want to live by a simple Biblical principle "Love your neighbor as yourself". We will love, serve, honor and empathize with all the members of our Football Family. We don't all have the same life experiences but the Bible doesn't call us to love only those like us. It calls us to love everyone. And in our program that's exactly what we will do.

Once you step in our locker room many of the things that divide our world unite us. When we sweat together through summer weight lifting and August practices nobody is concerned about the race of the guy next to him. When we score a touchdown nobody cares about the socioeconomic situation of the teammates they are celebrating with. When we go through the highs and lows of a season we lock arms with our teammates and battle through it together. The lessons learned from these situations mean so much more than a win or a loss. These are life changing moments that we hope will guide the young men in our program to go out and be the change our world needs. Thank you to all of our players who work together everyday and give us an example of what loving your neighbor looks like.