

FREEDOM FROM RELIGION *foundation*

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September 13, 2012

**SENT VIA MAIL & FAX
(865) 974-4811**

Jimmy G Cheek
Chancellor
University of Tennessee Knoxville
527 Andy Holt Tower
Knoxville TN 37996-0184

Re: Unlawful University Sponsorship of Christian Prayer

Dear Chancellor Cheek:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to urge you to discontinue the practice of opening football games and any other University of Tennessee Knoxville (UTK) events with prayer. FFRF is a national nonprofit organization representing nearly 18,500 members across the country, including over 250 in Tennessee. Our purpose is to protect the constitutional principle of separation between state and church and to educate on nontheism.

We were contacted in August by an alum regarding prayers before UTK football games. Our complainant informed us that an announcer asks all attendees to stand for the invocation, which is delivered by a clergy member. It is also our information and understanding that the pastors giving the prayers routinely invoke Jesus Christ.

As you are undoubtedly aware, FFRF sent a letter of complaint to the University of Tennessee Chattanooga (UTC) regarding prayer at its football games in May of this year. Earlier this week UTC Chancellor Roger Brown announced that UTC would no longer schedule prayers at the start of football games. Instead, in an effort to be more inclusive and allow "all in attendance to reflect and address their individual beliefs in their own ways," UTC will observe a moment of silence. This change has garnered widespread media attention and this week FFRF has received additional complaints from students at UTK regarding prayers at Neyland Stadium.

We urge you to follow UTC's lead and drop prayer from UTK football games and all other UTK-sponsored events.

First and foremost, prayers at public university events that are sectarian in nature violate the Establishment Clause. Sectarian prayers at public universities have been struck down as unconstitutional in the Sixth Circuit, which is binding in Tennessee. *See Chaudhuri v. State of Tenn.*, 130 F.3d 232 (6th Cir. 1997).

While students, athletes, and athletic event attendees may choose to gather privately in prayer, a public university has no place in encouraging or endorsing religious ritual. Whether to pray or not, whether to believe in a deity who answers prayer, is an intensely personal decision protected under our First Amendment as a paramount matter of conscience. The University of Tennessee should not lend its power and prestige to religion, amounting to a governmental endorsement of religion that excludes the 15% of the U.S adult population that is nonreligious (American Religious Identification Survey 2008).

Additionally, the Pew Forum on Religion & Public Life's Religion Among the Millennials, released in 2010, reveals that "Americans ages 18 to 29 are considerably less religious than older Americans. Fully one-in-four adults under age 30 (25%) are unaffiliated, describing their religion as 'atheist,' 'agnostic' or 'nothing in particular.' " The study notes: "Young adults also attend religious services less often than older Americans today. And compared with their elders today, fewer young people say that religion is very important in their lives."

Prayer as part of university athletic events is particularly problematic when the prayers include sectarian or proselytizing devotions, such as praying in the name of Jesus Christ. It is a fundamental constitutional principle that publicly funded institutions cannot support, promote or otherwise endorse religion or engage in religious exercises. *See generally Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (Struck down a school policy that authorized students to vote on whether to hold a prayer at high school football games); *Mellen v. Bunting*, 327 F.3d 355 (4th Cir. 2003)(Finding mealtime prayers at state military college to violate the Establishment Clause).

Sectarian practices demonstrate the university's apparent endorsement not only of religion over nonreligion but also of Christianity and its evangelical forms over other faiths. The pregame prayer sends an impermissible message to "nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community." Justice O'Connor, *Allegheny v. ACLU*, 492 U.S. 573, 627 (1989).

It is no defense to call such prayers "voluntary." Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See, generally, Lee v. Weisman*, 505 U.S. at 596 ("It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice."); *Abington Sch. Dist. v. Schempp*, 374 U.S. 203, 288 (1963)(Brennan, J., concurring)("Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question..."); *Mellen v. Bunting*, 327 F.3d at 372 ("...VMI cannot avoid Establishment Clause problems by simply asserting that a cadet's attendance at supper or his or her participation in the supper prayer are 'voluntary.' "). Athletic events are very important to many college students and community members; they should not have to forgo these public university events to avoid religious ritual.

Those who are not impressed by constitutional dictates might perhaps open their bibles and peruse the Sermon on the Mount, which attributes to Jesus these cautionary words (Matthew 6:5-6):

And when thou prayest, thou shalt not be as the hypocrites are: for they love to pray standing in the synagogues and in the corners of the streets, that they may be seen of men. Verily I say unto you, They have their reward. But thou, when thou prayest, enter into thy closet, and when thou hast shut thy door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly.

University of Tennessee Knoxville must take action to stop any further involvement, endorsement, encouragement or scheduling of prayers at university functions and sporting events. Please respond in writing about this matter at your earliest convenience.

Very truly,

A handwritten signature in blue ink that reads "Annie Laurie Gaylor". The signature is written in a cursive, flowing style.

Annie Laurie Gaylor
Co-President

ALG:rsm