

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: phartley@hhhlawyers.com

Phillip L. Hartley
Harben, Hartley & Hawkins, LLP
340 Jesse Jewell Parkway
Wells Fargo Center, Suite 750
Gainesville, GA 30501

Re: Unconstitutional Religious Promotion in Dawson County Schools Football Program

Dear Mr. Hartley:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding serious constitutional violations that have been occurring in the Dawson County High School football program. It is my understanding that you represent Dawson County Schools, please let me know if this is not the case.

A concerned resident has reported that Dawson County High School (DCHS) employs a “character coach” to regularly pray with its football team. It is our understanding that Russell Davis, a pastor at Etowah Church, regularly prays with, and promotes religion to, the Dawson County High School football team. Please see the enclosed photos, which show Pastor Davis leading the team in prayer.

A video posted to Facebook on September 7, 2018, shows Pastor Davis leading the DCHS football team and several young children in prayer in what appears to be the DCHS locker room.¹ In the video, Pastor Davis says:

...the Word says when they came out they compelled him to carry the cross, and then Jesus went to the hill and he won the victory on the cross. Your goal tonight is not to die on the cross. It's not to die on the field of battle. We're calling you out tonight to carry their cross...²

He continues:

Let's pray together, Lord, we thank you, God, for another day. We thank you for an opportunity to play the game that we call football. Father, I pray that everything tonight will be for your glory. God, I pray that what you created us to do in this community is to unite people together. Father, I pray for these high school players tonight. They will have motivation to know that everything they do

¹ <https://www.facebook.com/thomas.stearnes/videos/10210409324224242/>

² *Id.*

makes a difference. God, they're a big brother, they're a hero, they're a motivator. They give hope for these young men tonight. God, I pray for these young players, these rec players, God, that they would know that you have a purpose for their lives, and God, they're here for a reason tonight. God, they would see a hero tonight. God, we just thank you for this moment.³

He then leads the team in the Lord's Prayer:

Our Father, which art in heaven,
Hallowed be thy Name.
Thy Kingdom come.
Thy will be done in earth,
As it is in heaven.
Give us this day our daily bread.
And forgive us our trespasses,
As we forgive them that trespass against us.
And lead us not into temptation,
But deliver us from evil.
For thine is the kingdom,
The power, and the glory,
For ever and ever.
Amen.⁴

As you are aware, public schools cannot appoint or employ a chaplain, seek out a spiritual leader for students, or agree to have a volunteer teach other people's children that character centers on religious belief, because public schools may not advance or promote religion. *See generally, Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2001); (*Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962).

DCHS cannot allow non-school adults access to the children in its charge, and it certainly cannot grant that access to ministers seeking to grow and target their religious ministries using students, "the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere." *Santa Fe*, 530 U.S. at 310 (quoting *Lee v. Weisman*, 505 U.S. at 589). This is a violation of both students' and parents' rights.

This school endorsement of Christianity is particularly troubling for those parents and students who are non-religious or not Christian. The "[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.'" *Id.* (quoting *Lynch v. Donnelly*, 465 U.S. at 668)(O'Connor, J., concurring).

³ *Id.*

⁴ *Id.*

We ask that Dawson County Schools commence an investigation into the complaint alleged and take immediate action to ensure that its football program is no longer allowing religious leaders to have access to its students or promoting religion in violation of students' constitutional rights. Pastor Davis must no longer be allowed to serve as the team's "character coach." Please inform us in writing of the steps the District is taking to remedy this serious and flagrant violation of the First Amendment.

Sincerely,



Christopher Line
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation



RUSSELL DAVIS, FOOTBALL CHARACTER COACH

PASTOR AT ETOWAH CHURCH

Family:

WIFE:-KRISTEN, CHILDREN- VICTORIA, VINCE, VALEIA, OLIVER



