

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

September 2, 2016

SENT VIA EMAIL & U.S. MAIL TO: bud.peterson@gatech.edu

President G. P. Peterson
Office of the President
Georgia Institute of Technology
223 Uncle Heinie Way
Atlanta GA 30332

Dear Dr. Peterson:

Our national organization, which works to protect the constitutional principle of separation between state and church, contacted your office on August 18, 2015, to object to Georgia Tech's football chaplaincy. Vice President for Legal Affairs and Risk Management Patrick McKenna's email response to our letter, dated August 25, 2015, indicated that you had received our letter and report. However, we have received no response from you about any actions you have taken regarding Georgia Tech's football chaplaincy, which FFRF continues to object to, as it violates the Establishment Clause. Please find copies of our correspondence and FFRF's Pray to Play report enclosed for your review.

It appears that Derrick Moore continues to serve as Georgia Tech's football chaplain.¹ As we mentioned in our previous letter, Mr. Moore receives compensation from Georgia Tech for his religious services. Our Pray to Play report includes details on pages 6–7:

At Georgia Tech, Chaplain Derrick Moore was paid \$7,500 under his chaplain contract for the 2014 football season. His first task under the contract is to: "Provide Spiritual and Personal Development for Student Athletes (primarily the football program)." Moore has contracts with Georgia Tech dating back to at least 2011.

Furthermore, Mr. Moore regularly prays with the team before games while wielding a sledgehammer.² We would like to remind you that maintaining such a chaplaincy program violates the Establishment Clause of the First Amendment.

While you may be inclined, as other schools have been, to argue that Mr. Moore's chaplaincy is merely an option for players, the idea that such religious activities are truly optional is questionable at best. Our report considered the voluntariness of team religious activities, which are often encouraged by the head coach, and concluded that "athletes do not view coaches' suggestions as optional." Additionally, "[c]oaches add to this pressure by sending chaplains to talk with players going through difficult times, instead of allowing players to seek out their own religious or professional counseling." Players do not perceive team religious activities as voluntary.

¹ <http://gtchaplain.publishpath.com/campus-staff>.

² <https://www.youtube.com/watch?v=0rRr2-cLat4&t=0m46s>.

Even if the chaplaincy were strictly voluntary, that fact does not alter the unconstitutionality of the practice. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See 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 Twp. 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 355, 372 (4th Cir. 2003) (“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.’”); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989), *cert. denied*, 490 U.S. 1090 (1989) (“ . . . whether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis . . . The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual.”).

Finally, Georgia Tech has only a Christian chaplain, showing an unconstitutional preference for Christianity. Forty-four percent of college-aged Americans are non-Christian and fully a third of millennials identify as nonreligious.³ Student-athletes at Georgia Tech have many other opportunities, both within the university and without, to practice their religions according to their convictions. According to Georgia Tech’s Fact Book, there are over 40 religious organizations for students to choose from.⁴ There is no need for the Georgia Tech football program to provide Christian chaplains in order for the student-athletes to freely exercise their religions.

Please read the enclosed report on the nature and extent of college football chaplaincies and the legal liability that Georgia Tech exposes itself to by allowing its chaplaincy to continue. The current policies at Georgia Tech fail to properly protect your student athletes’ rights of conscience and pose a high degree of risk of discrimination. It is not a matter of if, but when an issue will arise from this entanglement.

In order to aid the university in protecting its students from religious discrimination, we are also recommending the adoption of a model policy. If adopted, this model policy would not only bring the university into compliance with the law but it would send the message that Georgia Tech values the rights of every student athlete to hold his or her own religious or nonreligious views, free from direct or indirect coercion or contrary endorsement.

We would be happy to consult with you and the university further regarding this matter.

Very truly,



Dan Barker and Annie Laurie Gaylor
Co-Presidents

Enclosure

³ *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.

⁴ <http://factbook.gatech.edu/student-related-information/student-organizations-table-6-7/>.

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August 18, 2015

SENT VIA EMAIL & U.S. MAIL TO: bud.peterson@gatech.edu

President G.P. Peterson
Office of the President
Carnegie Building
223 Uncle Heine Way
Atlanta GA 30332

Dear Dr. Peterson:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) regarding the football chaplain at Georgia Tech. FFRF is a national nonprofit organization with 22,700 members across the country. Our purposes are to protect the constitutional principle of separation between state and church, and to represent the views of freethinkers (atheists, agnostics and nonbelievers).

For years, FFRF has received complaints about sports chaplains, both at the high school and university level. These complaints led us to issue a report this month detailing the nature and extent of chaplaincies and the problems that they create for student-athletes, as well as the problems that they create for Georgia Tech.

Georgia Tech has a football chaplain. It makes no difference if the chaplain is unofficial, not school-sponsored, or a volunteer, because chaplains are given access to the team as a means for coaches to impose religion, usually Christianity, on their players. Under the circumstances, the chaplain's actions are attributable to the university and those actions are unconstitutional. For instance, Georgia Tech chaplain Derrick Moore receives compensation from Georgia Tech for providing spiritual and personal development for student athletes. Last year, he was paid \$625 per month to proselytize to Georgia Tech student athletes.

Please read the enclosed report on the nature and extent of these chaplaincies and the legal liability that Georgia Tech exposes itself to by allowing its chaplaincy to continue. The current policies at Georgia Tech fail to properly protect your student athletes' rights of conscience and pose a high degree of risk of discrimination. It is not a matter of if, but when an issue will arise from this entanglement.

In order to aid the university in protecting its students from religious discrimination, we are also recommending the adoption of a model policy. If adopted, this model policy would not only bring the university into compliance with the law but it would send the message that Georgia Tech values the rights of every student athlete to hold his or her own religious or nonreligious views, free from direct or indirect coercion or contrary endorsement.

We would be happy to consult with you and the university further regarding this matter.

Sincerely,



Dan Barker and Annie Laurie Gaylor
Co-Presidents