

# FREEDOM FROM RELIGION *foundation*

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February 4, 2016

**SENT VIA U.S. MAIL AND EMAIL: [sdagresta@orlandolaw.net](mailto:sdagresta@orlandolaw.net)**

Suzanne D'Agresta  
Brown, Garganese, Weiss & D'Agresta, P.A.  
111 N. Orange Ave., Suite 2000  
P.O. Box 2873  
Orlando, FL 32802-2873

Re: Unconstitutional Chaplain

Dear Ms. D'Agresta:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding new constitutional violations that are occurring in the Indian River County School District (IRCSA). As you may recall, FFRF is a national nonprofit organization with 23,000 members across the country, including nearly 1,200 members in Florida and a state chapter, the Central Florida Freethought Community. Our purpose is to protect the constitutional principle of separation between state and church.

We understand that the Vero Beach High (VBH) football coach, Lenny Jankowski, employs a team chaplain, Pastor Joe Moore (Photos 1-4, 11) to preach to his players. We understand that Pastor Moore is also the Fellowship of Christian Athletes Director for Indian River County. We understand that VBH football players and cheerleaders participate in Game Day Prayer Breakfasts at First Baptist Church (Photos 5-12) and that these prayer breakfasts often include ministers preaching to the football players and cheerleaders (Photos 7-9, 12-13). Football coaches also attend these prayer breakfasts (Photos 4, 14).

A video posted to the Central Florida Fellowship of Christian Athletes Facebook page meant to promote the Indian River County FCA supports these facts and provides additional evidence that Jankowski and assistant football coach/head baseball coach Bryan Rahal are allowing Pastor Moore unconstitutional access to high school students to proselytize their public school students.<sup>1</sup> The video begins with a photo of Pastor Moore praying with the VBH football team while other coaches join in, including Jankowski. It then shows Pastor Moore leading a prayer at a Game Day Prayer Breakfast (Photo 17) along with footage of players and cheerleaders at the breakfast. Pastor Moore introduces Reverend Willie Richardson of the Macedonia Missionary Baptist Church who then preaches to the students about the importance of prayer.

The video then cuts to Jankowski in what appears to be his school office. Jankowski explains:  
Pastor Joe and I met coincidentally. It is crazy how God works and how we came in contact. I think he came here looking for a jersey one time and we got to talking and

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<sup>1</sup> <https://www.facebook.com/CentralFloridaFCA/videos/1185514121477893/>

(Video cuts). And he took—he thought about it for 30 seconds or so and accepted the position and really from there he has taken it and run. So much farther than I ever imagined. It has since turned into just an unbelievable deal, I mentioned about 43 sports teams, at all levels sub-varsity and varsity.

The context indicates this position was likely VBH football chaplain. Jankowski, also the Athletic Director for VBH, indicates that Pastor Moore has access to all of VBH's sports teams. He then explains that after already having a position within the sports programs at VBH, at some point Pastor Moore started the local area FCA. Jankowski then explains that Pastor Moore is considered a full time coach and the football team's staff photos support this (Photos 2, 3). Jankowski also refers to Pastor Moore as the "spiritual coach" of the team. Jankowski indicates that Pastor Moore often reaches out to players of his own accord.

Rahal also explains how the baseball program began employing Pastor Moore as a chaplain. Mr. Moore would show up on his own to baseball practices. Rahal explains:

Pastor Joe started coming around the baseball field and coming over to practice. I'm a big believer in prayer and the more we can get our kids around the Word, the better they'll be. So Pastor Joe would show up at practice and we would just stop where we were and he would come up to the third base dugout and we would take a knee. And I'd say Pastor can you give a few words to the kids.

Pastor Moore is given access to the team at baseball games and is allowed to be in the dugout with the team. He leads the team in prayer before baseball games. The baseball team has even refused to take the baseball field without praying because they have become so accustomed to Pastor Moore delivering team prayers. Sometimes they would even pray multiple times before the game. Rahal also implies that Pastor Moore was the reason why they were able to win a close game and become district champions.

Public school football teams cannot appoint or employ a chaplain, seek out a spiritual leader for the team, or agree to have a volunteer team chaplain, because public schools may not advance or promote religion. Furthermore, it is illegal for public school athletic coaches to lead or allow someone to lead their teams in prayer. The Supreme Court has continually struck down school-sponsored prayer in public schools. *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (holding student-led prayer over the loudspeaker before football games unconstitutional. "Regardless of the listener's support for, or objection to, the message, an objective Santa Fe High School student will unquestionably perceive the inevitable pregame prayer as stamped with her school's seal of approval" because it occurred at a "regularly scheduled school-sponsored function conducted on school property."); *Lee v. Weisman*, 505 U.S. 577 (1992) (finding prayers at public high school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law requiring daily "period of silence not to exceed one minute . . . for meditation or daily prayer"); *Abington Twp. Sch. Dist. v. Schempp*, 374 U.S. 203 (1963) (holding school-sponsored devotional Bible reading and recitation of the Lord's Prayer unconstitutional); *Engel v. Vitale*, 370 U.S. 421 (1962) (declaring school-sponsored prayers in public schools unconstitutional).

In each of these cases, the Supreme Court struck down school-sponsored prayer because it constitutes a government advancement and endorsement of religion, which violates the Establishment Clause of the First Amendment

Jankowski and Rahal's conduct is unconstitutional because they are endorsing and promoting their religion when acting in their official capacity as school district employees. Certainly, they represent the school and their teams when they act in their official roles as head coaches of their respective teams. Therefore, they cannot lead their teams in prayer and they cannot employ a chaplain to lead team prayer either. When a public school employee acting in an official capacity organizes and advocates for team prayer, he effectively endorses religion on the District's behalf.

IRCSA cannot allow an outside adult like Pastor Moore access to the children in its charge for the purpose of promoting his personal religious beliefs to those students. The Supreme Court has long held that "the 'preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.'" *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee v. Weisman*, 505 U.S. at 589). The District violates parental trust when it permits outside adults to proselytize its students.

Of course, if any student wishes to pray, he or she is free to do so. But the school cannot allow a local pastor to organize prayers for students, even on a volunteer basis.

We ask that IRCSA commence an immediate investigation into the complaints alleged, discontinue the "team chaplaincy" at VBH, and refrain from employing a "team chaplain" for any of the District's sports programs. Pastor Moore's relationship with schools and employees needs to be severed and Coach Jankowski and Coach Rahal ought to be reprimanded for violating such clear constitutional strictures and informed of their constitutional obligations. Please inform us in writing of the steps you are taking to remedy this serious and flagrant violation of the First Amendment.

Sincerely,



Andrew L. Seidel  
Staff Attorney

ALS:cal

Enclosures

Photo 1



Photo 2





Photo 3



 Vero Beach Football #VBFootball · Aug 2015  
The 2015 VBHS Varsity Coaching Staff #VEROnation

Photo 4



Photo 5



**Fighting Indians Football Boosters**  
Like This Page · Updated 11/14/14

Game Day- VBHS Fighting Indians Prayer Breakfast at First Baptist Church  
We say Thank You to everyone who helped & gave support this morning! Be blessed

Like Comment Share


60 people like this

**Tina Zayas Go Indians!**  
August 28, 2014 at 10:15am · Like · 1

**Evelyn Zayas Medicine Pray for their safety!**  
August 28, 2014 at 10:15am · Like · 1

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to make sure you find the right people for your business

Photo 6



**Vero Beach Football** @VBFootball · 14 Nov 2014

Cheerleaders joining the team this morning at team breakfast put on by the #FCA. #VEROnation #BEATstpete



1 2



Photo 7



Vero Beach Football @VBFootball · 24 Oct 2014

Sheriff @DerylLoar talking to the team this morning at team breakfast.  
#VEROnation #BEATgardens



Photo 8



Vero Beach Football · 24 Oct 2014

Some of the players and coaches taking part in the talk this morning at team breakfast #VEROnation #BEATtreasurecoast



Photo 9



**Vero Beach Football** · VBFootball · 12 Sep 2014  
Thank you FCA and [@rwhemaword](#) for once again putting on a great team breakfast at First Baptist Vero! #VEROnation

Photo 10



**Vero Beach Football** · VBFootball · 20 Aug 2014  
Pastor Joe talking to the team at team breakfast put on by the [#FCA](#) and First Baptist Church [#VEROnation](#)



Photo 11



**Vero Beach Football** VBFootball · 22 Aug 2014  
Team enjoying the breakfast put on by FCA and the teams chaplain Pastor Joe at First Baptist Church #VEROnation

Photo 12



**Vero Beach Football** VBFootball · 22 Aug 2014  
George Lynch preaches to the Team during Team Breakfast at First Baptist Church this morning #VEROnation

Photo 13



Photo 14





Photo 15



Photo 16



Vero Beach Football #VBFootba3 · 10 Jan 2015

Pastor Joe blessing the meal and the entire #VERONation at the 2014 Team Banquet



← ↻ ❤️ 2 ⋮

Photo 17



Photo 18





Photo 19

