

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: frank.taylor@atchinsonlaw.com

Frank G. Taylor
The Atchison Firm, P.C.
3030 Knollwood Drive
Mobile, AL 36693

Re: Unconstitutional Religious Promotion in MCPS Football Program

Dear Mr. Taylor:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding serious constitutional violations that have been occurring in one of Mobile County Public Schools (MCPS) football programs. We appreciated your swift response to our October 23, 2017 letter regarding prayers being delivered over the loudspeaker before football games. I hope we can resolve this matter as well.

As I am sure you are well aware, Davidson High School (DHS) has recently been in the spotlight because of a lawsuit filed against MCPS following a hazing incident that occurred in the DHS football program. This incident has brought to our attention some serious constitutional violations that have apparently been occurring in the DHS football program for several years. The Director of the Fellowship of Christian Athletes for South Alabama Dennis Hayford, who has been defending Coach Fred Riley and the DHS football program, has recently admitted to several gross violations of students' constitutional rights:

I have known him the entire fourteen years he's been Davidson's head coach. At our first meeting, he asked me to stay on as chaplain for the football team. **As his chaplain for four years, I had unrestricted access to practices, team meetings, coaches meetings, and travel to and from games...** During that time, he co-founded with me the 'Next Level' football camp which endures to this day. It's a time of perspiration and inspiration! Unlike most football camps which only focus on skill development, 'Next Level' camp challenges them to become Godly men to better impact their homes, schools, and communities...

In 2008, I became the regional director of the Fellowship of Christian Athletes. This vocational move necessitated my resignation as DHS chaplain. **Fred immediately filled my spot with another spiritual leader for his young men.**

As FCA director, I conduct large events to expose young men and women to Biblical principles and work to improve their character. **Fred Riley has his team at every event.** That's one hundred percent attendance.¹

According to Hayford, Coach Riley has been giving him unrestricted access to DHS students for religious purposes for his entire tenure. Coach Riley has himself made similar statements and admitted that he view[s] Davidson High as his ministry."² He further elaborated on how he uses his position to spread his religious views:

¹ <http://www.fox10tv.com/story/38139269/fca-area-director-supports-davidson-high-school-football-coach>

² <http://highschoolsports.al.com/news/article/7932884432709922004/christian-coaches-in-public-schools-toe-the-line-between-faith-and-football/>

I don't evangelize to student athletes but every opportunity I get I do put them in front of people who can. We go to FCA events in the summer. We have a team chaplain. We try to create an environment outside of school that allows for those opportunities, but I'm not the one at the center of it.³

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.*, 530 U.S. 290; *Weisman*, 505 U.S. 577; *Wallace*, 472 U.S. 38; *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel*, 370 U.S. 421. For years, Coach Riley has been using chaplains and Fellowship of Christian Athletes' events to advance and promote his religious views to DHS students.

MCPS 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 and is grounds for dismissal.

Coach Riley's conduct is unconstitutional because he has been using his official position as an MCPS employee to advance and promote his religious views. Certainly, he represents the school and the team when he acts in his official role as head coach of the DHS football team. Therefore, he cannot use his position to put students in contact with religious leaders for the purposes of spreading his religious beliefs.

Coach Riley's promotion, and thereby the District's promotion, of the Fellowship of Christian Athletes undeniably turns any non-Christian DHS player into an outsider. This is particularly true in the context of a high school football team. Any team member who doesn't want to participate in FCA events cannot possibly feel like a "full member" of the football team when Coach Riley has made it clear he wants his team to participate. No public school employee should be actively participating in the religious activities of their students, requiring students to attend religious activities, or openly preferring one religion over another while acting in their official capacity.

We ask that MCPS commence an immediate investigation into the complaint alleged and take immediate action to ensure that the DHS football program is no longer allowing religious leaders to have access to its students or promoting religion in violation of students' constitutional rights. Given the recent allegations, the lawsuit against MCPS, and the legal liability that Coach Riley has continued to bring upon MCPS, we ask that he be removed as head coach of DHS' football team. 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

³ *Id.*