

FREEDOM FROM RELIGION *foundation*

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

October 13, 2016

SENT VIA EMAIL AND U.S. MAIL: VMYoung@nmsd.us

Dr. Virginia You
Superintendent
Newton Municipal School District
205 School St
Newton, MS 39345

Re: Unconstitutional baptism of high school football players

Dear Superintendent You:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding religious promotion within the Newton High School football program. FFRF is a national nonprofit organization with more than 23,500 members across the country, including members in Mississippi. FFRF's purpose is to protect the constitutional principle of separation between state and church.

We have been informed that on September 21, Newton High football coach Ryan Smith organized and performed a baptism on one of his football players. The baptism event was held with the entire football team present. Prior to performing the ritual, Coach Smith gave religious remarks to the team about how "God" was calling to him, what scripture says about being a man, and stated that accepting Christ as your savior is "a decision that a man is supposed to make."

We write to ensure that Newton Municipal School District investigates this situation and ensures that its staff and representatives do not impermissibly promote their personal religious beliefs to students in the future.

As you are likely aware, it is well settled that public schools may not advance or promote religion. Courts have consistently held that it is illegal for a public school to organize, sponsor, or lead religious activity at public high school events, such as a school-sponsored football program. *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *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 Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962).

It is also illegal for coaches to organize or participate in religious activities with students, including baptisms. Federal courts have specifically held public school coaches' participation in religious activities with their players unconstitutional. *See, e.g., Borden v. Sch. Dist. of the Twp. of East Brunswick*, 523 F.3d 153 (3rd Cir. 2008), *cert. denied*, 129 S. Ct. 1524 (2009) (declaring coach's organization, participation, and leading of prayers before football games unconstitutional); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402 (5th Cir. 1995) (declaring basketball coach's participation in student prayer circles at games and practices an unconstitutional endorsement of religion). When a school's football coach organizes and leads a baptism with his players, students on the team will perceive the religious ritual to be unequivocally endorsed by their school. This appearance of school sponsorship of a religious message violates the Establishment Clause of the First Amendment.

The Fifth Circuit, the controlling Court of Appeals in Mississippi, has specifically held that coach involvement in religious activities at practices and games is unconstitutional because the coach's actions "take place during school-controlled, curriculum-related activities that members of the [athletic] team are required to attend. During these activities [district] coaches and other school employees are present as representatives of the school and their actions are representative of [district] policies." *Duncanville*, 70 F.3d at 406. Coach Smith's actions go well beyond the behavior held to be illegal in *Duncanville*. Smith organized a religious ritual and sermonized his players. He also confessed to holding regular private religious discussions with a player in his office. This is not appropriate conduct for a public school representative.

Coach Smith's actions are especially problematic in the context of athletics, given the pressure players feel to conform to their coaches' expectations so as not to disappoint coaches or hurt their standing on the team. Student athletes are inclined to mirror the actions of team leaders to garner their favor. By leading and participating in these events, Coach Smith sends the message that coaching staff, and by extension the school district, value Christian players above players who practice a minority religion or no religion at all.

Newton Municipal School District is home to a diverse array of families, including parents and students who are non-Christian and non-religious. Today nearly 30% of adults in the U.S. are non-Christian, and that number is rising. Among millennials, those born after 1981, over 43% are non-Christian, either practicing a minority religion or no religion at all.¹ The district has an obligation to make its sponsored activities nondiscriminatory and welcoming for *all* of its students, not just those in the Christian majority.

We appreciate that Coach Smith wants his players to grow as young men in addition to progressing as athletes. But Smith can instill all the secular values he mentioned in his sermon—values like personal responsibility, family, leadership, and teamwork—without promoting his personal religious beliefs. Indeed, if he wants to continue having access to students as a representative of the school district, he *must* keep his personal religious beliefs to himself.

We request that the district take the appropriate steps to ensure there will be no further illegal religious events, including team baptisms, during school-sponsored activities. Coaches and school staff should be instructed that they can neither organize nor participate in religious activities with students while acting in their official capacity. Please reply detailing the steps the district takes to protect the right of conscience of its student athletes.

Sincerely,



Sam Grover
Staff Attorney

cc: Principal Shernise Wilson, Newton High School via SLWilson@nmsd.us

¹ *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015) available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.