

# FREEDOM FROM RELIGION *foundation*

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July 9, 2015

SENT VIA MAIL & EMAIL:

*consumer.web@ohioattorneygeneral.gov*

The Honorable Mike DeWine  
Attorney General of Ohio  
30 E Broad St, 14<sup>th</sup> Floor  
Columbus, OH 43215

Re: \$300,000 grant to Christian sports ministry

Dear Attorney General DeWine:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding Ohio's recent grant of \$300,000 to Athletes in Action (AIA), a Christian youth sports ministry. A concerned Ohio resident reported this issue to us. FFRF is a national nonprofit organization with more than 22,500 members across the country, including more than 600 members in Ohio and a local chapter, the Northern Ohio Freethought Society. Our purpose is to protect the constitutional principle of separation between state and church.

On July 1, 2015, your office announced a \$300,000 award to AIA "to initiate new, or accelerate existing, sports and training projects for Ohio youth, with plans to reach more than 3,700 athletes and students over a two-year period."<sup>1</sup> Specifically, "[t]he funds will be used in several programs, including: scholarships for AIA Inner City Ultimate Training Camps for high school athletes; team-building facility use for Southwest Ohio Volleyball and Dayton Metro Youth Basketball; the inaugural Total Athlete Football Experience for urban players; and scholarships for athletes in financial need to attend AIA Little Dribbler Camps."<sup>2</sup>

AIA is a distinctly Christian youth sports ministry. According to the organization's website:

Since 1966, Athletes in Action has been using sports as a platform to help people answer questions of faith and to point them to Jesus . . . Ultimately, our goal is to see peoples' lives changed as they discover God's purpose for their life. We dream of a day when there are Christ-followers on every team, in sport, in every nation. We believe this is possible when organizations and individuals – who want every athlete to know someone who truly follows Jesus – work together toward the common goal of furthering God's kingdom."

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<sup>1</sup> Press Release, Ohio Attorney General, Attorney General DeWine Announces Grant to Athletes in Action (July 1, 2015), *available at* <http://content.govdelivery.com/accounts/OHAG/bulletins/10a785f?reqfrom=share>

<sup>2</sup> <http://www.athletesinaction.org/Search?q=inner+city+ultimate+training+camp>

AIA's stated vision "is to see a day when there are Christ-followers on every team, in every sport, in every nation."<sup>3</sup> AIA's stated mission "is to build spiritual movements everywhere through the platform of sports so that everyone knows someone who truly follows Jesus."<sup>4</sup> On AIA's logo the second "t" in the word "athlete" is a Latin cross.

**Ohio's grant of \$300,000 to Athletes in Action is both inappropriate and unconstitutional.**

The Establishment Clause of the First Amendment prohibits any "sponsorship, *financial support*, or active involvement of the sovereign in religious activity." *Walz v. N.Y. Tax Comm'n*, 397 U.S. 665, 668 (1970) (emphasis added). In order for a government action to comply with the Establishment Clause, the action must have a secular purpose, must not have the primary effect of advancing religion, and must not cause excessive government entanglement with religion. See *Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971); see also *Agostini v. Felton*, 521 U.S. 203, 223 (1997) (recognizing that "government inculcation of religious beliefs has the impermissible effect of advancing religion").

The Constitution prohibits the government from advancing religion. This means that the government may not "aid any or all religious faiths or sects in the dissemination of their doctrines." *McCullum v. Bd. of Educ.*, 333 U.S. 203 (1948). The Supreme Court has repeatedly held that the government cannot subsidize religious projects wherein public money is used to facilitate religious exercise, proselytization, or inculcation. See, e.g. *Levitt v. Comm. for Pub. Educ. & Religious Liberty*, 413 U.S. 472, 480 (1973) ("the State is constitutionally compelled to assure that the state-supported activity is not being used for religious indoctrination"). To comply with the strictures of the Establishment Clause, organizations that receive grants from the state may not use public money to engage in activities that tend to endorse or promote religion.

Ohio's direct financial contribution to AIA, a Christian youth sports ministry that uses "sports as a platform to help people answer questions of faith and to point them to Jesus" *guarantees* that there will be impermissible advancement of religion. To suggest otherwise would be disingenuous.

Furthermore, the specific programs the grant is meant to fund are religious in nature. For instance, AIA's Inner City Ultimate Training Camps aim to help high school athletes "tackle the issues of blending faith and sports together in competition . . . All participants will learn five biblical principles that deal with the issues of motivation, attitude, perseverance, winning and losing."<sup>5</sup> The state cannot pay to have children indoctrinated with biblical principles.

Christianity is also wound into AIA's football and basketball programs. AIA Football aims to "expose players and coaches to a new way of living by applying biblical principles to their life and sport."<sup>6</sup> On basketball, "AIA believes life's ultimate victory is found in a personal relationship with Jesus Christ. We're passionate about engaging athletes and coaches in life-changing missions and discipleship opportunities that prepare them for success on and off the court."<sup>7</sup> Additionally, most of the Lil' Dribbler camps are hosted by churches.<sup>8</sup>

<sup>3</sup> <http://www.athletesinaction.org/discover/about/statement-of-faith>

<sup>4</sup> <http://www.athletesinaction.org/discover/about/statement-of-faith>

<sup>5</sup> <http://www.athletesinaction.org/Tags/Ohio%20sports%20camps>

<sup>6</sup> <http://www.athletesinaction.org/football>

<sup>7</sup> <http://www.athletesinaction.org/basketball>

The Attorney General cannot claim that the grant will only be used for sports activities because AIA is very clear: “[AIA] has been using sports as a platform to help people answer questions of faith and to point them to Jesus.” The state is funding a Christian ministry that uses sports as a vehicle for faith; it is not funding a sports program that happens to be run by Christians. The distinction is crucial and means that the grant is unconstitutional. The state cannot fund a Christian ministry whose obvious mission is to proselytize young athletes.

The systemic religious motivation behind AIA’s programming renders oversight of this program completely unworkable. This grant will inevitably result in the advancement of religion, and is thus impossible to reconcile with the strictures of the Establishment Clause. The state should rescind the grant and invest the funds in a secular organization that values supporting young athletes more than proselytizing them.

FFRF requests that your office take immediate corrective action. Religious ministries cannot be granted public money to inculcate children. Please inform us in writing of the actions you are taking to remedy these problems. We look forward to your prompt reply.

Sincerely,

A handwritten signature in cursive script that reads "Katherine Paige".

Katherine Paige  
Legal Fellow

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<sup>8</sup> <http://athletesinaction.org/Media/Default/Basketball/2015%20HP%20Camp%20Flyer%20for%20Grades%204-9.pdf>