

FREEDOM FROM RELIGION *foundation*

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

September 5, 2019

SENT VIA EMAIL AND U.S. MAIL: Chris.Causey@rcstn.net

Dr. Chris Causey
Superintendent
Robertson County Schools
800 M.S. Courts Blvd., Suite 2
Springfield, TN 37172

Re: Unconstitutional Religious Promotion and Baptism of Football Players

Dear Superintendent Causey:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding serious constitutional violations recently reported in Robertson County Schools (RCS). FFRF is a national nonprofit organization with more than 30,000 members across the country, including more than 300 members in Tennessee and a local chapter. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned area resident has reported that coaches at Springfield High School have been promoting and endorsing religion to students, including baptizing two students on the school's football field and employing a "character coach" to instill religion in students. We understand that coaches may also be participating in prayer with students.

Our complainant reports that on August 7, 2019, Chad Diehl, a minister at Bethlehem Baptist Church and "character coach" for the Springfield High School football team, baptized two players on the school's football field in front of the rest of the team and coaches. One of the coaches, Jake Buttram, tweeted a photo from the baptism with the message, "Great day for two young men being baptized in front of our team and our field. Better than winning any game or any trophy." Head coach Dustin Wilson retweeted a post from Chad Diehl that included photos of the baptism and the message, "What a blessing it was to baptize these young men today in front of their football brothers." Please see the enclosed screenshots.

We write to ensure that RCS is no longer promoting and endorsing religion to its students through prayer, religious rituals, or a "character coach." It is inappropriate for a public school district to proselytize students by praying with students, baptizing students, or employing an outside religious leader to organize these activities. It is equally inappropriate and unconstitutional for coaches to participate in religious activities with students.

It is illegal for coaches to organize or participate in religious activities with students, including baptisms. Nor can coaches allow religious leaders to gain unique access to students during school-sponsored activities. When baptisms take place directly before or after a team football practice, on school property, with coaches' participation or leadership, any reasonable student would perceive these activities to be unequivocally endorsed by their school.

Federal courts have specifically held public school coaches' participation in their team's religious

activity unconstitutional. *See, e.g., Borden v. Sch. Dist. of the Township of East Brunswick*, 523 F.3d 153 (3rd Cir. 2008), *cert. denied*, 129 S.Ct. 1524 (2009) (declaring the 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 an unconstitutional endorsement of religion). In *Borden*, the Third Circuit Court of Appeals stated that the coach's involvement by 'taking a knee' and 'bowing his head' during the prayers, even when student-led, "would lead a reasonable observer to conclude he was endorsing religion." *Borden*, 523 F.3d at 174. The court continued, " 'if while acting in their official capacities, [school district] employees join hands in a prayer circle or otherwise manifest approval and solidarity with the student religious exercises, they cross the line between respect for religion and the endorsement of religion.' " *Id.* at 178 (quoting *Duncanville*, 70 F.3d at 406). Organization of and/or participation in a team baptism is clearly prohibited.

The court in *Borden* also rejected the coach's argument that the school district's policy of prohibiting its employees from engaging in prayer with students violated the employees' right to free speech. *Id.* at 174. In fact, the court found that the school district had a right to adopt guidelines restricting this activity because of its concern about potential Establishment Clause violations. *See id.*

The Constitution's prohibition against school-sponsored religious exercise cannot be overcome by claiming such activities are "voluntary." As the Supreme Court said in *Engel*, "Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of students is voluntary can serve to free it from the limitations of the Establishment Clause" 370 U.S. at 430. In *Schempp*, the Court said the offending religious practices were not "mitigated by the fact that individual students may absent themselves upon parental request, for that fact furnishes no defense to a claim of unconstitutionality under the Establishment Clause." 374 U.S. at 224–25. It makes no difference if the coach required players to opt-in to the baptism. *See Karen B. v. Treen*, 653 F.2d 897 (5th Cir. 1981) (Finding required express written permission by parents for students to participate in prayer did not cure Establishment Clause violations). Even if coaches and staff aren't forcing players to get baptized, "[a] school risks violation of the Establishment Clause if any of its teachers' activities gives the impression that the school endorses religion." *Marchi v. Bd. of Cooperative Educ. Services*, 173 F.3d 469, 477 (2d Cir. 1999).

This is especially problematic in the context of athletics, given the coercive pressure players feel to conform to 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 or participating in these events, coaches send a clear message that the athletic staff approves of these activities.

Furthermore, hiring a "character coach" to act as a de facto team chaplain is unconstitutional. RCS cannot give a non-school affiliated adult access to the children in its charge, and it certainly cannot grant that access to a minister to advance his faith.

It is beyond the scope of a public school system to officially endorse a position whose responsibilities include advocating Christianity to 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 *Weisman*, 505 U.S. at 589) (emphasis added). Endorsement of Christianity within the District's athletic programs is particularly troubling for those parents and students who are not Christians or do not subscribe to any religion. The "[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the

audience who are nonadherents ‘that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.’” *Id.* (quoting *Lynch v. Donnelly*, 465 U.S. at 668) (O’Connor, J., concurring). With 46% of young Americans now being non-Christian, this likely represents a significant number of children and families in your community.¹

We request that the district investigate and take the appropriate steps to ensure there will be no further illegal religious events, including any official prayers and 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. Chad Diehl must no longer be allowed to act as the “character coach” for the team, and should no longer be given access to students as part of school-sponsored activities. Please reply detailing the steps being taken to protect the religious freedom and right of conscience of all RCS students, including those who are nonreligious or practice a minority religion. Thank you for your time and attention to this matter.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosures

¹ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (2017), available at: <https://www.prii.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf>



↳ Mikie Neal Retweeted



Jake Buttram @tankineer1871 · Aug 7

Great day for two young men being baptized in front of our team and our field. Better than winning any game or any trophy. #SptBrand



↻ Dustin Wilson Retweeted



Chad A. Diehl @212cdiehl · Aug 7

What a blessing it was to baptize these young men @MikieNeal, @haley today in front of their football brothers. #sptbrand, #kingdombuilding, #family, #linkup

