

# FREEDOM FROM RELIGION *foundation*

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March 15, 2019

**SENT VIA EMAIL AND U.S. MAIL: [pres@uky.edu](mailto:pres@uky.edu)**

Dr. Eli Capilouto  
President  
University of Kentucky  
101 Main Building  
Lexington, KY 40506

Re: Basketball Coach Promoting Religion

Dear President Capilouto:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to potential constitutional violations involving Matthew Mitchell, University of Kentucky's head women's basketball coach. FFRF is a national nonprofit organization with more than 31,000 members across the country, including members and a chapter in Kentucky. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that Coach Matthew Mitchell regularly promotes and endorses religion to his team. He uses "encouragements" to share religious messages to student athletes and also shares these religious messages on his Twitter page. Please see the following descriptions and the enclosed photos.

On July 23, 2018, Coach Mitchell posted some of his notes on the religious devotional that he was sharing on that day. These notes mentioned, "Commentary on Proverbs 23:12 from Life Applications Study Bible – NLT."

On December 7, 2018, Coach Mitchell allowed a guest speaker to lead a devotional with his team before a game against Rhode Island. The speaker "encouraged [the team] from Hebrews 11:1-2 about Faith and trusting God!"

On January 24, 2019, Coach Mitchell posted his religious comments for that day's religious "encouragement." This particular devotional was about transformation and was based on Romans 12:2, "Don't copy the behavior or customs of this world, but let God *transform* you into a new person by changing the way you *think*. Then you will learn to know God's will for *You*, which is *good* and *pleasing* and *perfect*. It then contrasts the "world's values" with "God's values." It goes on to say:

When we CONFORM to the World's values, we will end up with an emptiness that will never be permanently filled. We will always be left searching for fulfillment. When we change the way we think into a God-centered manner (meaning we read the Word, we seek instruction and

wisdom, we pray to God and listen for God's guidance, direction, protection) we TRANSFORM our life into one that is seeking God's good, pleasing and perfect will that God established for our lives! TRANSFORMATION into that way of thinking will always bring us fulfillment! God Bless! MM.

The Supreme Court has continually struck down school-sponsored proselytizing in public schools. *See, e.g. Abington Township Sch. Dist. V. Schemp*, 374 U.S. 203 (1963)(declaring unconstitutional devotional Bible reading and recitation of the Lord's Prayer in public schools); *Engel v. Vitale*, 370 U.S. 421 (1962) (declaring prayers in public schools unconstitutional); *Lee v. Weisman*, 505 U.S. 577 (1992) (ruling prayers at public school graduations an impermissible establishment of religion); *Sante Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (striking down a school policy that authorized students to vote on whether to hold a prayer at high school football games). In all of these cases, the federal courts have struck down school prayers because it constitutes a government advancement and endorsement of religion, which violates the Establishment Clause of the First Amendment.

In *Mellen v. Bunting* the Fourth Circuit Court of Appeals extended the scope of the aforementioned cases from primary and secondary schools to college-aged students when institutional circumstances create a coercive religious environment. *Mellen v. Bunting*, 327 F.3d 355 (4th Cir. 2003). The court found that mealtime prayer at a state military college (VMI) was an unconstitutional violation of the Establishment Clause given the coercive atmosphere.

The University of Kentucky's authority over student athletes is similar to that of VMI in that much of the players' conduct is closely monitored, directed and critiqued by coaching staff. Players trying to please their coach or to curry favor surely will feel immense pressure to participate in religious devotionals and go along with Mitchell.

It is no defense to call these religious activities "voluntary." Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See, generally, Lee v. Weisman*, 505 U.S. at 596 ("It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice."); *Abington Sch. Dist. v. Schempp*, 374 U.S. 203, 288 (1963)(Brennan, J., concurring)("Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question..."); *Mellen v. Bunting*, 327 F.3d at 372 ("...VMI cannot avoid Establishment Clause problems by simply asserting that a cadet's attendance at supper or his or her participation in the supper prayer are 'voluntary.'").

Mitchell's team is full of young and impressionable student athletes who would not risk giving up their scholarship, giving up playing time, or losing a good recommendation from the coach by voluntarily opting out of his unconstitutional religious activities—even if they strongly disagreed with his beliefs. Coaches exert great influence and power over student athletes and those athletes will follow the lead of their coach. Using a coaching position to promote Christianity amounts to religious coercion.

The University of Kentucky should not lend its power and prestige to religion, amounting to a governmental endorsement of religion that excludes the 24% of the American population that is nonreligious.<sup>1</sup> Nationally, about 38% of young Americans, i.e., your students, are nonreligious.<sup>2</sup> Mitchell's religious activities alienate and exclude a significant portion of your students.

The University of Kentucky must take action to protect its student athletes and to ensure that Mitchell understands that he has been hired as a basketball coach and not a pastor. We request that Mitchell be educated as to his constitutional duties under the Establishment Clause and that the University monitor him to ensure that he is not leading or encouraging any religious activities or devotionals in his capacity as head coach. We further request notification in writing of the actions the University is taking to ensure that Mitchell will not continue to proselytize to his players.

Sincerely,



Christopher Line  
*Patrick O'Reiley Legal Fellow*  
*Freedom From Religion Foundation*

Cc: Mitch Barnhart, Athletics Director via [mbarn@uky.edu](mailto:mbarn@uky.edu)

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<sup>1</sup> 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>

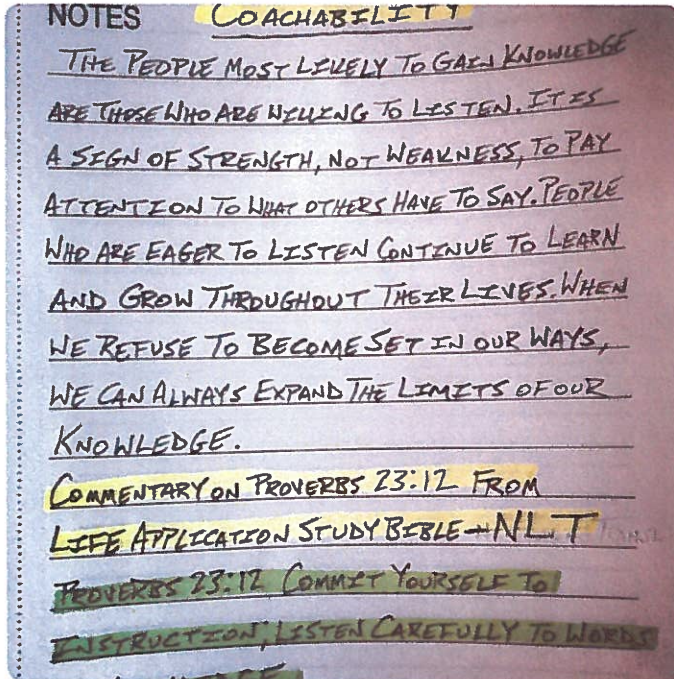
<sup>2</sup> *Id.*



Matthew Mitchell @UKCoachMitchell · 23 Jul 2018

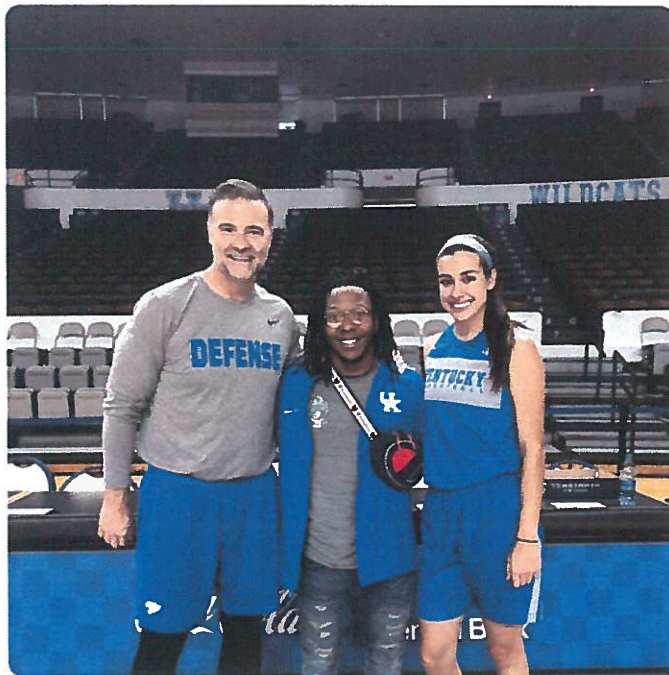
Happy Monday Everyone! I am very excited to start another week of recruiting! There are many outstanding players and coaches our Wildcat staff will watch this week!! Wanted to share some **encouragement** this morning!

😊🌟 #together #family #bbn #coachability #bigblueroadtrip



Matthew Mitchell @UKCoachMitchell · 7 Dec 2018

We want thank @dwsii\_33 for providing #UKEncouragement yesterday before our game with Rhode Island. He was invited by @Maci4Mo and he is a member of @UKFootball! He encouraged us from Hebrews 11:1-2 about Faith and trusting God! We were grateful for the message! - at Memorial Coliseum





Matthew Mitchell @UKCoachMitchell · Jan 24

Sharing some game day encouragement with you!

@KentuckyWBB #poWEr #transformation – at Memorial Coliseum

