

FREEDOM FROM RELIGION *foundation*

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March 24, 2015

SENT VIA U.S. MAIL & EMAIL to president@wichita.edu

Dr. John W. Bardo
President, Wichita State University
1845 Fairmount, Box 1
Wichita, KS 67260-0001

Re: WSU Basketball Team Chaplain

Dear Dr. Bardo:

Our national organization, which works to keep state and church separate, and our Kansas membership strenuously opposes Wichita State University's basketball chaplaincy program. The Freedom From Religion Foundation (FFRF) has over 21,000 members including members in Kansas. We request an investigation into this issue and records pursuant to Kansas open records laws.

It is our understanding that WSU employs Steve Dickie as a team chaplain and character coach. Reports show that Dickie leads the team in prayers¹ and performs other religious rituals, such as blessing dinners.²

In a video discussing his role, Dickie said, "I am a character coach at Wichita State because I love God, I love basketball players, and I love helping basketball players learn how to love God. ... I love the idea of transformation. I love helping people discover God from the inside out."³ Employees and volunteers at state universities are not constitutionally permitted to convert students to their personal religious creed.

We understand that Dickie has two titles and that his "chaplain role is often the most visible, but it is actually only a small portion of what Dickie does for the team."⁴ However, the fact that Dickie has an explicitly secular role and a religious role, compounds the legal issues. The two roles blur the line between a legitimate position and an abuse of that position to help "players learn how to love God."

In any event, it's clear that the media and the players view Dickie's position as religious. ESPN labeled Dickie "Wichita St Team Chaplain," as did Sports Illustrated.⁵ And Fred VanVleet recently said, "We work for everything we've got, from managers to coaches *to our preacher*...."⁶ FFRF is concerned that it is actually the taxpayers who are working for, and paying for, Dickie's position as team chaplain. To that end, we include a records request made to determine the extent of public funding used for this religious position.

¹ There are pictures, *see e.g.*, <http://bit.ly/18TppDY> and news stories documenting this. "Dickie is now in his third season with the team. He also serves as chaplain, leading prayers before and after games. That chaplain role is often the most visible to outsiders, but it is actually only a small portion of what Dickie does for the team." *See* Laura Roddy, "Coaching for character," *Kansas Leadership Center* blog, March 20, 2014. Available at <http://bit.ly/1gd8s8z>.

² Connie Kachel White, "Running Down a Dream," *The Shocker*, available at <http://bit.ly/1BJbzuo>.

³ Nations of Coaches video "Steve Dickie, Character Coach at Wichita State" available at <https://vimeo.com/74456591>.

⁴ *See* Laura Roddy, "Coaching for character," *Kansas Leadership Center* blog, March 20, 2014. Available at <http://bit.ly/1gd8s8z>

⁵ *See* enclosed screenshot and Kelli Anderson, "Cinderella run cut short as Wichita State falls in Final Four," *Sports Illustrated* (April 7, 2013) available at <http://on.si.com/1OsO9DJ>.

⁶ Dave Skretta, "Shock and awe! Wichita State rolls past No. 2 seed Kansas 78-65 to earn spot in Sweet 16," *Associated Press*, March 22, 2015 available at <http://bit.ly/18Tpac9> (emphasis added).

Athletic chaplains at public universities are unconstitutional

Public school athletic teams cannot appoint or employ a chaplain, seek out a spiritual leader for the team, or agree to have a volunteer team chaplain because public schools may not advance or promote religion. *See generally, 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).

Government chaplains may only exist as an accommodation of a public employee’s religious beliefs when the government makes it difficult or impossible to seek out private ministries. *See Carter v. Broadlawns Medical Center*, 857 F.2d 448 (8th Cir. 1988), *cert. denied*, 489 U.S. 1096 (1989). For instance, it may be difficult for military service members to find a place of worship while on mission in a foreign country or for an inmate in a prison to find a way to worship. *Katcoff v. Marsh*, 755 F.2d 223 (2d Cir. 1985). Chaplains are meant to lighten these government-imposed burdens on religious exercise. WSU basketball players have no government-imposed burden on their religion, so there is no need—or legitimate legal reason—for WSU to provide a chaplain for them. Dickie’s employment, even if volunteer, is an unconstitutional endorsement of religion.

Claiming that the players can voluntarily seek out Dickie cannot cure this violation. First, players can seek out religious guidance at any of the other campus ministries or in the local community. The basketball team does not need to employ or host a volunteer chaplain—indeed, it cannot legally do so. Second, voluntariness has never been used to excuse a constitutional violation. At the college level, voluntary prayers are unconstitutional if organized by university staff and if students would feel pressure to join, as any team member would. *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (pre-meal prayers at state-operated military college were unconstitutional, though voluntary).

Religious organizations cannot be given privileged access to proselytize at public universities

We understand that Dickie may be a member of a religious group called “Nations of Coaches” (NOC) that provides chaplains to universities under the guise of character coaches. NOC’s logo appears to be a whistle with a Christian cross on it.⁷ NOC’s application makes it clear that they are more concerned with Christianity than with coaching: “Nations of Coaches exists to impact coaches and all whom they influence for the glory of God.”⁸ The form even thanks genuine coaches “for your interest in impacting coaches and student athletes for the glory of God.”⁹

If Dickie is employed by NOC or even an NOC volunteer, WSU may not grant him special access to preach to student athletes. State schools cannot be used for sectarian religious purposes, such as “impacting student athletes for the glory of God.” To do so endorses the private group’s religious message. “Thus, by prohibiting government endorsement of religion, the Establishment Clause prohibits precisely what occurred here: the government’s lending its support to the communication of a religious organization’s religious message.” *Cnty. of Allegheny v. A.C.L.U. Greater Pittsburgh Chapter*, 492 U.S. 573, 600-01 (1989).

Abolishing the chaplaincy will not alter students’ rights to pray

While student athletes may choose to gather in prayer, a public university has no business encouraging or endorsing religious rituals, much less organizing them. Whether to pray, whether to believe in a deity who answers prayer, are intensely personal decisions protected under our First Amendment as a paramount matters of conscience. Sermons and sectarian practices demonstrate the university’s apparent endorsement not only of religion over nonreligion but also of Christianity over other faiths. WSU’s authority over student

⁷ *See, e.g.*, <http://www.nationsofcoaches.com/who-we-are/> and enclosed photographs.

⁸ *See* Application for Character Coach, available at <https://nationsofcoaches.wufoo.com/forms/m1drvew20oea1jj/>

⁹ *Id.*

athletes is similar to that of VMI, a public military college that organized unconstitutional mealtime prayers. *See Mellen*, 327 F.3d 355. That court explained:

Put simply, VMI's supper prayer exacts an unconstitutional toll on the consciences of religious objectors. While the First Amendment does not in any way prohibit VMI's cadets from praying before, during, or after supper, the Establishment Clause prohibits VMI from sponsoring such a religious activity. *Id.* at 372.

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 accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe*, 530 U.S. at 309-10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). A state school and its representatives, while acting in their official capacities, must remain neutral on religious matters.

Abolishing the team chaplaincy will not alter student athletes’ ability to pray, but it will prevent some student athletes from feeling coerced into participating in prayers to a deity they may not believe in. More than 62 million Americans (19%) are not religious.¹⁰ And, most importantly for colleges and universities around the country, younger Americans are far less religious than any other demographic: **1-in-3 Americans aged 18-29 are not religious.**¹¹ It is very likely Dickie is imposing his religion on students who are not religious and just want to play basketball.

Student athletes’ scholarships, playing time, future careers, and their entire education can be predicated on their basketball team membership. They should not have to jeopardize their personal religious beliefs or feel coerced to participate in religious rituals simply to play basketball.

Character is important

There is no doubt that character is important and something worth imparting to student athletes. But that cannot be an excuse to use a coaching position to promote religion. Character is not dependent on religion or religious belief. If character is important enough for WSU to employ a character coach, it ought to be a coach that can serve all players without imposing his personal religion—or any religion—on the players. WSU is a state school, a secular school—all its employees and volunteers must act accordingly.

This chaplaincy is unnecessary and legally problematic. WSU should act quickly to end the chaplaincy and educate its athletic staff on appropriate constitutional boundaries. We look forward to your written response.

Sincerely,

Andrew L. Seidel
Staff Attorney

Katherine Paige
Legal Fellow
Wichita State University, Class of 2010

¹⁰ Nones on the Rise: One-in-Five Adults Have No Religious Affiliation,” Pew Research Center, The Pew Forum on Religion & Public Life (October 9, 2012) available at <http://www.pewforum.org/Unaffiliated/nones-on-the-rise.aspx>. Percentages applied to U.S. Census population measured at 318,000,000.

¹¹ *Id.*



Steve Dickey
Wichita St Team Chaplain

NCAAM T25 MINNESOTA vs 16MICHIGAN ESPN

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WHAT NOC DOES FOR COACHES

For coaches in today's competitive environment, the pressure to succeed, to train, and to produce results create an intense and often isolating atmosphere. Nations of Coaches serves by reaching out to coaches and building meaningful relationships with an expanding number of coaches at all levels across America. We are there to provide support, tools, and resources to help coaches successfully live and lead others both spiritually and professionally.

WHO WE ARE