

# FREEDOM FROM RELIGION *foundation*

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October 12, 2021

**SENT VIA EMAIL & U.S. MAIL: enoah@hamsil.com**

Elmer G. Noah, II  
Hammonds, Sills, Adkins, & Guice, LLP  
1881 Hudson Circle  
Monroe, LA 71201

Re: Unconstitutional Religious Promotion in Football Program (Quachita Parish Schools)

Dear Mr. Noah:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation occurring in Quachita Parish Schools. It is my understanding that you represent the District. Please let me know if that is no longer the case.

A concerned District community member has reported that Marcus Yanez, head coach of the Richwood High School football team, has been using his position to proselytize and promote his religion to players. Our complainant reports that on October 8, 2021, Coach Yanez held a team baptism where several players were baptized.

This report is confirmed by a post on the Northeast Louisiana FCA's Facebook page, which showed players being baptised along with the message:

Praise Jesus!!!! He is awesome! After today's pregame devotional at Richwood High School, an invitation to know Jesus as Lord and Savior was offered. Player after player surrendered to Christ and followed through with baptism. 10 guys surrendered to follow Jesus! Coach Marcus Yanez loves Jesus and the men on his team.

"Peter's words pierced their hearts, and they said to him and to the other apostles, 'Brothers, what should be we do?' Peter replied, 'Each of you must represent of your sins and turn to God, and be baptized in the name of Jesus Christ for the forgiveness of your sins. Then you will receive the gift of the Holy Spirit.'" - Acts of the Apostles 2:37-38 NLT

Coach Yanez shared this post on his Facebook page, adding:

The movement is real. Just doing what thus said the Lord. Obedience is better that[sic] sacrifice!! There's a song that says, "If I was just anybody, I'd say, it's all good. But I know better, it's all God."

In another Facebook post, Coach Yanez explained that he holds a weekly devotional for players and that this religious ritual was an official part of the football team's "GameDay Itinerary":

Every Friday, we have a GameDay Itinerary that we follow. And it's prompt and on time. We eat at this time, we meet at this time, we bed down, we dress, we tape... everything is on time. A strict and scripted PLAN!!

If you want to make God laugh, tell Him your plans. After our devotion, in this kiddie pool, 10 of our Richwood football players submitted their lives to Christ and were baptized.

Regardless of the outcome of today's game, our young men have won the ultimate game. I'm so proud of this group. They never cease to amaze me.

Please see the enclosed screenshots.

Quachita Parish Schools must ensure that this school-sponsored religious endorsement ends immediately. Coach Yanez should be reprimanded, and if he is not willing to immediately cease infusing the football program with religion, he should be terminated. He must immediately cease engaging in religious activities with the team, including prayers, baptisms or devotionals. All coaches and staff should be instructed regarding their obligations as public school employees.

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). The Fifth Circuit held that a coach's attempts to engage in religious activities with players at team events were unconstitutional because the religious promotion took 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.

The Fifth Circuit also rejected the district's argument that prohibiting a coach from praying with students would violate the coach's right to free speech. *Id.* The court recognized that "the principle that government may accommodate the free exercise of religion does not supersede the fundamental limitations imposed by the Establishment Clause" and that the district therefore had an obligation to prohibit its coaches from endorsing prayer. *Id.*

“The preservation and transmission of religious beliefs and worship is a responsibility and a choice **committed to the private sphere.**” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee v. Weisman*, 505 U.S. 577, 589 (1992)) (emphasis added). Endorsement of Christianity within the District’s football program 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 . . . 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 students and families in the District.<sup>1</sup>

Furthermore, public school districts have a constitutional obligation to ensure that staff members do not use their positions to proselytize. Federal courts have consistently rejected the promotion of religious viewpoints in the classroom and like settings. *See, e.g., Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517 (9th Cir. 1994) (holding that a school could prohibit a teacher from teaching creationism, finding that “to permit him to discuss his religious beliefs with students during school time on school grounds would violate the Establishment Clause”); *Webster v. New Lenox Sch. Dist. No. 122*, 917 F.2d 1004 (7th Cir. 1990) (ruling that a school board could limit a teacher’s comments on creationism because the board had the responsibility to ensure that the teacher was not “injecting religious advocacy into the classroom”). Courts have upheld the termination of teachers who refuse to remain neutral on matters of religion while acting in their official capacities as government employees. *See, e.g., Grossman v. S. Shore Pub. Sch. Dist.*, 507 F.3d 1097 (7th Cir. 2007) (upholding termination of guidance counselor who prayed with students).

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 v. Vitale*, “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. 421, 430 (1962). In *Sch. Dist. of Abington Twp. v. 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. 203, 224–25 (1963). It makes no difference if students were required 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); *Jager v. Douglas Cty. Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989) (“ . . . whether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis . . . The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual.”). Even if coaches and staff aren’t forcing players to get baptized or participate in religious activities and prayers, “[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*

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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.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf>

*Cooperative Educ. Services*, 173 F. 3d 469, 477 (2d Cir. 1999).

We ask that the District investigate this matter and take immediate action to protect its students. Coach Yanez must be directed to cease including religion in the football program, and the District should consider reprimanding him for his egregious conduct. We further request that all District coaches be reminded that they may not promote religion while acting in their official capacity, nor enlist an outside adult to do the same. Please inform us in writing of the steps the District is taking to remedy this serious violation of the First Amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Line", with a stylized flourish extending from the end.

Christopher Line  
Staff Attorney  
Freedom From Religion Foundation

Enclosures



## Northeast Louisiana FCA

October 8 at 8:43 PM · 🌐

Praise Jesus!!!! He is awesome! After today's pregame devotional at Richwood High School, an invitation to know Jesus as Lord and Savior was offered. Player after player surrendered to Christ and followed through with baptism. 10 guys surrendered to follow Jesus! Coach Marcus Yanez loves Jesus and the men on his team.

"Peter's words pierced their hearts, and they said to him and to the other apostles, "Brothers, what should we do?" Peter replied, "Each of you must repent of your sins and turn to God, and be baptized in the name of Jesus Christ for the forgiveness of your sins. Then you will receive the gift of the Holy Spirit."

Acts of the Apostles 2:37-38 NLT







Marcus D. Yáñez

October 9 at 10:11 PM · 🌐

The movement is real. Just doing what thus said the Lord.  
Obedience is better that Sacrifice!!

There's a song that says "If I was just anybody, I'd say, it's all good.  
But I know better, it's all God."

10:06



Northeast Louisiana FCA's Post



your sins and turn to God, and be baptized in the name of Jesus Christ for the forgiveness of your sins. Then you will receive the gift of the Holy Spirit." Acts of the Apostles 2:37-38 NLT



Like



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AT&T



7:02 PM



Debra A.'s Post



T.D Jakes Ministries Online

Debra A. Lumpkin · 1h · 🌐



Northeast Louisiana FCA

22h · 🌐

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Rules



Write a public comm...



News Feed



Marketplace



Groups



Notifications



Menu



**Marcus D. Yáñez**

October 8 at 4:54 PM · 🌐



Every Friday, we have a GameDay Itinerary that we follow. And it's prompt and on time. We eat at this time, we meet at this time, we bed down, we dress, we tape..... everything is on time. A strict and scripted PLAN!!

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