

FREEDOM FROM RELIGION *foundation*

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

February 15, 2019

SENT VIA EMAIL AND U.S. MAIL: chancellor@utk.edu

Wayne T. Davis
Interim Chancellor
University of Tennessee
527 Andy Holt Tower
Knoxville, TN 37996

Re: Basketball Coach Promoting Religion

Dear Chancellor Davis:

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

FFRF recently received a flood of complaints regarding Coach Rick Barnes after an article was published on February 4, 2019 that describes how Barnes has been using his position as head coach of UT's basketball team to promote and endorse his religious views to student athletes. The article, which was published by WBIR, quotes Barnes as saying that when he became head coach he wanted to do two things, "win games and have an impact on the spiritual side of the program."¹ He went on to say, "I think if you can plant a seed so that somebody comes to know Jesus Christ then it's the greatest victory of all."²

The article explains that Barnes teamed up with Chris Walker, the campus director for the Fellowship of Christian Athletes, in order to help bring Christianity into UT's basketball program. Together they established, "power talks," which are talks done before games that "focus on faith." One of these "power talks" even led some players on the team to get Christian tattoos.

¹ <https://www.wbir.com/article/sports/college/vols/audience-of-one-vols-faith-lifts-basketball-team-to-greater-heights/51-87fb62af-d1af-4e85-be13-feb17ce51690>

² *Id.*

Barnes has taken his players to church, including taking the team to watch as two members of the team were baptized in a church.³ Barnes described these baptisms as “far more important than any win we’ve ever had.”⁴

One player from the team described the evangelical Christian environment that Barnes has fostered for the team, “We have one focus, and that’s playing for God and giving Him glory with our talents.”⁵ Barnes further elaborated, “I want everyone of these players to have a chance to know Jesus Christ. It’s the greatest thing we can do for them.”⁶

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 Tennessee’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 activities and go along with Barnes.

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

³ <https://www.wbir.com/article/sports/college/vols/god-youre-good-tennessee-basketball-players-break-for-baptism/51-616610823>

⁴ *Id.*

⁵ <https://www.wbir.com/article/sports/college/vols/audience-of-one-vols-faith-lifts-basketball-team-to-greater-heights/51-87fb62af-d1af-4e85-be13-feb17ce51690>

⁶ *Id.*

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.' ”).

Barnes' 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 Tennessee 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.⁷ Nationally, about 38% of young Americans, i.e., your students, are nonreligious.⁸ Barnes' religious activities alienate and exclude a significant portion of your students.

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

Sincerely,



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

Cc: Phillip Fulmer, Director of Athletics *via* pfulmer@utk.edu

⁷ Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, Public Religion Research Institute (2017), available at: <https://www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf>

⁸ *Id.*