

FREEDOM FROM RELIGION *foundation*

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September 19, 2023

SENT VIA EMAIL & U.S. MAIL: president@auburn.edu

Christopher B. Roberts
President
Auburn University
182 S. College St.
Auburn, AL 36849

Re: Ongoing University-sponsored Religious Activities and Open Records Request

Dear President Roberts:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding ongoing constitutional violations occurring in Auburn University's sports programs. As you may recall, FFRF is a national nonprofit organization with more than 40,000 members across the country, including members in Alabama. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

We have written to Auburn University many times over the past decade regarding its coaches using their public positions to impose their personal religious beliefs on their players and to generally promote their personal religious beliefs to students. Auburn featured heavily in our 2015 Pray to Play report, which details how universities like Auburn have allowed their football coaches to impose their personal religious beliefs on players by hiring Christian chaplains.¹ In 2018, we wrote to the University regarding its football chaplain, Chette Williams, who we understand is still employed by the University to proselytize and pray with its football team. Just last year, we wrote to you after Auburn's head basketball coach Bruce Pearl took players on a tour of the Holy Land in Israel, including visiting locations of great importance to practicing Christians and Jews.² Coach Pearl described this school-sponsored religious trip as the "Birthright for College Basketball."³

Now, we have received numerous reports that Hugh Freeze, Auburn's football coach, Bruce Pearl, Auburn's basketball coach, and Butch Thompson, Auburn's baseball coach, were involved in promoting a religious worship service that took place on September 12 called "Unite Auburn." Unite Auburn "was dedicated to worship and giving messages to Auburn students seeking to grow their faith in God or who were curious about Christianity. The event's goal was to unite the Christian community of Auburn under one roof to worship God."⁴ It is our understanding that the event was organized by Tonya Prewett and

¹ <https://ffrf.org/images/PraytoPlayReport.pdf>

² <https://www.christianheadlines.com/contributors/michael-foust/auburn-basketball-team-baptized-in-jordan-river-during-israel-tour-once-in-a-lifetime.html>

³ *Id.*

⁴ <https://www.theplainsman.com/article/2023/09/over-100-people-baptized-after-unite-event-on-sept-12>

Chad Prewett, Auburn's assistant men's basketball coach, and that all three coaches actively promoted the event to students.⁵

In a video urging students to attend, head baseball coach Butch Thompson said Unite Auburn would allow students to “come together and lift the name of Jesus.”⁶ Jeremy Napier, the chaplain for the Auburn men's basketball team, described his role in planning the event:⁷

I've been a part of just planning this event and man, the Lord just took it from there and we ended up at the Red Barn...

Napier also admitted that he personally baptized over 20 students.⁸ It is our understanding that during the event, one of the speakers:⁹

brought the Auburn University Men's Basketball team onstage to help illustrate a point she wanted to show the audience rather than tell them. Basketball center Dylan Cardwell walked onstage blindfolded, and Allen asked the audience to name their sins and struggles, each of which were attributed to another basketball player onstage. Each of the players surrounding Cardwell then pretended to attack him as he stood blindfolded, yet Allen instructed him to remove the blindfold and fight back, showing that when Christians can see their sin, they can finally fight back.

After the official event ended, it is our understanding that Coach Hugh Freeze participated in a baptism event where he baptized one of his players.¹⁰

In our 2015 Play to Pray report, we detailed Freeze's inappropriate religious activities as a coach for Ole Miss:

Mississippi head coach Hugh Freeze cares more about converting players than about winning, “When my life comes to an end, how much does that scoreboard really matter?”¹¹ Jill Freeze, his wife, explained what Freeze really cares about: “His passion... is to use football to reach others for Christ.”¹² Noted one article, “the lengths to which Freeze goes to inject Christianity into a major FBS program at a state university is striking, even in the heart of the Bible Belt.”¹³ Ken Smith, the first of the chaplains, said of Freeze: “He sees coaching as a ministry more than anyone I've ever met...”¹⁴ Freeze sees his position

⁵<https://www.theblaze.com/news/auburn-head-football-coach-hugh-freeze-baptizes-player-at-giant-christian-revival-event>

⁶<https://1819news.com/news/item/auburns-freeze-pearl-thompson-come-together-to-tout-big-night-of-worship-at-neville-arena>

⁷ <https://www.theplainsman.com/article/2023/09/over-100-people-baptized-after-unite-event-on-sept-12>

⁸ *Id.*

⁹ *Id.*

¹⁰ https://twitter.com/_JHokanson/status/1701804808385007756

¹¹https://www.washingtonpost.com/sports/colleges/where-college-football-is-a-religion-and-religion-shapes-college-football/2014/08/29/8d03de32-2dfa-11e4-bb9b-997ae96fad33_story.html

¹² Cooley, J. (2014, January 14). Testimony of Football Coach Hugh Freeze: Rebel with a Cause.

¹³ *Id.*

¹⁴ *Id.*

as head coach as a chance to win converts for Jesus, his team is the mission field, and his chaplain is simply a tool to help him accomplish those conversions..

Auburn University is a public university, not a religious one. It is inappropriate and unconstitutional for University employees to use their University position to organize, promote, or participate in a religious worship event. Nor can Auburn's coaches proselytize or participate in religious activities with students or hire a chaplain to do so. These ongoing and repeated constitutional violations at the University create a coercive environment that excludes those students who don't subscribe to the Christian views being pushed onto players by their coaches.

Our Constitution's Establishment Clause—which protects Americans' religious freedom by ensuring the continued separation of religion and government—dictates that the government cannot in any way show favoritism toward religion. The Supreme Court has held that the First Amendment requires government neutrality between religions, and between religion and nonreligion. *See McCreary Cty. v. ACLU*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947). Federal courts have routinely enforced the strictures of the Establishment Clause in the context of public colleges and universities. *See, e.g., Piggee v. Carl Sandberg College*, 464 F.3d 667 (7th Cir. 2006) (holding that a community college had the right to insist that an instructor refrain from engaging in speech related to her religious beliefs); *Mellen v. Bunting*, 327 F.3d 355, 371 (4th Cir. 2003) (holding supper prayer at a state-run military college unconstitutional); *Bishop v. Aronov*, 926 F.2d 1066 (11th Cir. 1991) (upholding a university's restriction prohibiting a professor from referring to his religious beliefs during instructional time). When a public university's staff members sponsor and participate in religious events it violates this constitutional requirement by clearly favoring religion over nonreligion.

Furthermore, it is unconstitutional for public school employees to direct students to partake in religious activities, or to participate in the religious activities of their students. *See, e.g., Borden v. Sch. Dist. of the Twp. of East Brunswick*, 523 F.3d 153 (3d 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) (holding a basketball coach's participation in student prayer circles unconstitutional). 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.

Auburn's sports programs are 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 their coach by speaking out or voluntarily opting out of any team 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 coaches. Using public university coaching positions to inject religion into its sports programs amounts to religious coercion.

Auburn University should not lend its power and prestige to religion excluding its non-Christian students, including those students who are a part of the 49 percent of Generation Z who are religiously unaffiliated.

¹⁵ The repeated constitutional violations occurring at the University alienate and exclude a significant portion of your students.

We'd like to remind the University that employing chaplains and giving them access to proselytize to students is unconstitutional. While student athletes are free to pray, either individually or as a group, university staff members should not be leading, participating in, or encouraging students to engage in religious exercises, or hiring "chaplains" to do so. Please find a copy of FFRF's Pray to Play report attached.

Auburn University must take action to protect its student athletes and to ensure that its coaches understand that they have been hired as coaches and not religious leaders. We request that all three coaches be educated as to their constitutional duties as University employees. They may not lead or encourage any religious activities in their capacity as coaches and cannot participate in any student-led religious activities. We further request notification in writing of the actions the University is taking to ensure that it will respect the rights of all of its students. Please also respond to the following public records request.

Open Records Request

Pursuant to the Alabama Public Records Act (Al. Code § 36-12-40), I request a copy of the following records from the past year:

- 1) All records relating to the "Unite Auburn" event held on September 12, 2023;
- 2) All communications, including emails, sent or received by any athletic department staff members regarding the "Unite Auburn" event, including Hugh Freeze, Bruce Pearl, and Butch Thompson and their staff members;
- 3) All financial records related to the "Unite Auburn" event, including any payment to the University for use of its facilities;

If you choose to deny this request, please respond with a written explanation of the denial, including any references to applicable statutory exemptions relied upon. If any of these records are available through electronic media, they may be e-mailed to records@ffrf.org. If I can provide any clarification that will help expedite your attention to my request, please contact me at 608-256-8900. I appreciate your time and attention to this request.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

Cc: John Cohen, Auburn University Athletic Director, *via* athletic_director@auburn.edu

¹⁵ 2022 Cooperative Election Study of 60,000 respondents, analyzed by Ryan P. Burge
www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.