

# FREEDOM FROM RELIGION *foundation*

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

October 8, 2020

**SENT VIA EMAIL AND U.S. MAIL:**

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Earl Patton  
Counsel  
Patton & Hyder, PLLC  
645 S. Main Street, Suite #104  
Crossville, TN 38555

Re: Unconstitutional Coach Participation in Prayer

Dear Mr. Patton:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that occurred at Stone Memorial High School within the Cumberland County School District. FFRF is a national nonprofit organization with more than 33,000 members across the country, including more than 400 members in 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.

It has come to our attention that the Stone Memorial football coaching staff joined a public prayer with students after a school football game against Christian Academy of Knoxville on September 11, 2020. Several coaches bowed their heads and held the shoulders of the players. See enclosed screenshots.

It is illegal for public school athletic coaches to organize or participate in prayer with their teams. Federal courts have specifically held public school coaches' participation in their team's prayer circles unconstitutional. *See, e.g., Borden v. Sch. Dist. of the Twp. of East Brunswick*, 523 F.3d 153 (3rd Cir. 2008), *cert. denied*, 129 S. Ct. 1524 (2009) (declaring 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 at games and practices an unconstitutional endorsement of religion). In each of these cases, federal courts struck down school-sponsored prayer because it constitutes a government advancement and endorsement of religion, which violates the Establishment Clause of the First Amendment.

Public school coaches must refrain not only from leading prayers themselves, but also from participating in students' prayers or organizing a student-led prayer. In *Duncanville Indep. Sch. Dist.*, the Fifth Circuit held that coach involvement in prayer at practices and games is unconstitutional because the prayers "take 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.” *Id.* at 406.

The court 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.*

As you are aware, the district is home to a diverse array of families, including parents and students who are non-Christian and non-religious. Non-religious Americans make up the fastest growing segment of the U.S. population by religious identification—35 percent of Americans are non-Christians, and this includes the more than one in four Americans who now identify as religiously unaffiliated.<sup>1</sup> The District has an obligation to make its sponsored activities nondiscriminatory and welcoming for *all* of its students, not just those in the Christian majority.

We ask that Cumberland County School District commence an investigation into the complaint alleged and take immediate action to stop any and all school-sponsored prayers occurring within any district athletic programs. Please inform us in writing of the steps you are taking to remedy this violation of the First Amendment.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher Line  
Staff Attorney  
Freedom From Religion Foundation

Enclosure

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<sup>1</sup> *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.

