

FREEDOM FROM RELIGION *foundation*

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April 11, 2022

SENT VIA FAX & U.S. MAIL: (202) 224-3149

The Honorable Tommy Tuberville
Russell Senate Office Building
Suite 142
Washington, DC 20510

Re: Use of government position to promote religion

Dear Senator Tuberville:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to object to your misuse of your public office to promote your personal religious beliefs and your support of school-sponsored prayer. FFRF is a national nonprofit organization with more than 36,000 members across the country, including members in Alabama. FFRF protects the constitutional separation between state and church, and educates about nontheism.

Jefferson County Schools recently ended its unconstitutional practice of broadcasting prayer over the loudspeaker before high school football games after FFRF reminded the District that school-sponsored prayer violates the law. In response to the District's decision to follow the law and respect the rights of its students, parents, and community members, you tweeted from your official Senate Twitter account: "At Auburn, I hired a team chaplain because I knew the positive impact it would have on my players. We need more God in our lives, not less."

Please see the enclosed screenshot.

"We" don't need "more God in our lives." We need our public officials and employees to respect the constitutionally mandated separation between church and state. We ask that you issue no further endorsements of religion in your capacity as an elected official, and cease encouraging others to violate the Constitution by utilizing our public school and university systems to push religion onto vulnerable students.

We are very aware of the unconstitutional conduct you engaged in while you were a coach at multiple public universities, including Auburn, and it is not something that you should be bragging about. Your egregious misuse of your public position featured prominently in FFRF's 2015 Pray to Play report,¹ which documented unconstitutional Christian chaplaincies embedded in public university football programs. The report noted that most of the chaplaincies could be traced back to you and Bobby Bowden.

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

In the report, FFRF debunked the notion that your tweet implies, that religion, and in particular Christianity, is necessary to be a good person. Implicit in your football chaplaincies was the idea of “developing the total person, not just the total player” as you put it.² You believed, and clearly still do, that you accomplish that goal by converting players into “good Christians.” You said “we feel like being a Christian and understanding the difference between right and wrong is a major avenue of success.”³

The idea that religion, and particularly Christianity, is required to be a complete or good human being is erroneous. Religion is not required to be moral, productive, or happy—in fact, sometimes the reverse is true. Modern social science shows that for virtually every measure of societal success and well-being, the least religious states and countries score better.⁴

The physicist Steven Weinberg once famously observed, “Religion is an insult to human dignity. Without it you would have good people doing good things and evil people doing evil things. But for good people to do evil things, that takes religion.”⁵ Religion just as frequently provides a divine license for immorality as a mandate for moral actions. History proves his point. In this country alone, Christianity has provided the divine sanction for slavery, race and sex discrimination, and discrimination based on sexual orientation. Being a Christian is no guarantee that someone will be a role model or have good character. That’s because it’s not what you believe that makes you a good person, but what you do. Case in point: Kent Bowles was an FCA representative for over 22 years, including his position as the chaplain for the University of Oklahoma’s football team. In October 2014, Bowles was arrested for stealing prescription pills after he tricked a man into leaving him alone in his house under the guise of an FCA fundraiser.⁶

At the University of Cincinnati you hired Antrione Archer to be team chaplain. He was given a salary as director of player development. Archer, who instructed players on appropriate “sexual conduct”⁷ in his role as chaplain, was later jailed for sexually assaulting a 73-year-old grocery

² Ewert, J. (2007). Beyond the Game: For Tommy Tuberville, winning at Auburn means more than just outscoring the competition. Retrieved from Sharing the Victory Magazine: <http://archives.fca.org/vsItemDisplay.lsp?method=display&objectid=CD3AA880-F1DF-41D5-B9886F7EAC330458>

³ *Id.*

⁴ Zuckerman, P. (2009). Atheism, Secularity, and Well Being: How the Findings of Social Science Counter Negative Stereotypes and Assumptions. *Sociology Compass*, 3 (6), 949-971.

⁵ Weinberg, S. (1999, April). Speech, American Association for the Advancement of Science, Conference on Cosmic Design. Washington, D.C.

⁶ SI Wire. (2014, October 17). Report: Oklahoma football chaplain arrested for stealing pills. Retrieved from Sports Illustrated:

<http://www.si.com/college-football/2014/10/17/oklahoma-football-chaplain-arrested-stealing-pills-test-drive>

⁷ Adams, T. (2013, July 5). Meet Antrione Archer. Retrieved from Bearcat Journal: <https://247sports.com/college/cincinnati/Article/Meet-Antrione-Archer-137947/>

store employee.⁸ You had allegedly fundraised for the Archer and personally vouched for his character.⁹

One of the most important things I have learned throughout my coaching career is that a team with great character is an absolute requirement for championship football. Our Director of Player Development Antrione Archer has done such a tremendous job with our players off the field with his Character Education Program, that this year I promoted him as our team Chaplain. I want to help prepare our young men for life's challenges and triumphs during their career at UC and future endeavors. When players leave the University of Cincinnati I want them to leave with a great education and to have developed skills of self-responsibility as men. For I believe that these are true factors of becoming a good citizen.

Promoting religion in a public school football program isn't just ineffective at ensuring players develop "character," it actively harms students who don't subscribe to coaches' religious beliefs. Students can be coerced into participating in religious rituals they don't believe in and may be required to fake religious belief for the sake of pleasing coaches like yourself who judge others based on their religion. An example of this coercion was related by an atheist student athlete interviewed by FFRF for the report. His coach asked him to lead the team in a prayer, and he felt compelled to do so, for fear of outing himself, displeasing the coach and facing public embarrassment and reprisal.

Religion is no guarantee of moral behavior, happiness, or the ability to function in the real world. If coaches truly want to help their players, and want to do so within the confines of the Constitution, they ought to encourage universities to hire a secular development coach or counselor. The saddest aspect of this system is that the universities involved have failed their students. No student athlete could seriously be expected to jeopardize their scholarship and education by challenging a coach's unconstitutional action within the system or in court. Public universities who permit coaches to proselytize are allowing their students' rights of conscience to be trampled. They have failed at protecting that which they exist to foster—the freedom of thought. It's time for a change.

In terms of public high schools, they have a legal obligation, based on more than 75 years of case law, to ensure school athletes are free from religious indoctrination, rituals or coercion as part of the school day and at school events. It is anathema for any public school student to feel they must "pray to play." Inserting yourself into this controversy as a high-ranking public official with media access was pandering and intended to create only heat, not light.

⁸ WKRC. (2015, June 2). Former UC football chaplain sentenced to 60 days on sex abuse charge. Retrieved from Local 12: <https://local12.com/news/local/former-uc-football-chaplain-sentenced-to-60-days-on-sex-abuse-charge#:~:text=COVINGTON%2C%20Ky.,of%20his%20release%20from%20jail>.

⁹ Adams, T. (2013, October 10). Spiritual Support at UC. Retrieved from Bearcat Journal: <http://cincinnati.247sports.com/Board/39/Contents/Spiritual-Support-at-UC-23119699>

Your promotion of religion as a public university coach was egregious and unconstitutional, and it is alarming that you have continued this abuse of public trust as senator. The Establishment Clause of the First Amendment prohibits government sponsorship of religious messages. The Supreme Court has said time and again that the “First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947).

As a U.S. senator, you represent a diverse population that consists of not only Christians, but also minority religious and nonreligious citizens. Religious endorsements made in your official capacity send a message that excludes the 35 percent of Americans who are non-Christian including the almost 30 percent of Americans today who are nonreligious.¹⁰ Religious endorsements coming from your office needlessly alienate the non-Christian and nonreligious citizens you represent, turning them into political outsiders in their own community.

Government officials can worship, pray, or promote their personal religious beliefs however they wish when acting in their personal capacities. But they are not permitted to provide prestige to their personal religion by lending a government office and government title to religious ideology. Their offices and titles belong to “We the people,” not the offices’ temporary occupants. As a senator, you are charged with great responsibility and have been given significant trust by citizens in Alabama, including those citizens who do not share your religious viewpoint.

It was wrong when you used your position to push religion as college football coach at public universities, and it’s wrong for you to do so as a senator. Your constitutional obligation as a U.S. senator is to uphold the constitutional principle of separation between state and church, in law and in spirit. Statements made in your official capacity such as “We need more God in our lives, not less” are divisive. You are, of course, free to promote your personal religious beliefs however you wish as a private citizen. However, you must refrain from using your position to promote your personal religion out of respect for the rights of conscience of *all* of your constituents, including those with minority religious or nonreligious beliefs.

Very truly,




Annie Laurie Gaylor & Dan Barker
Co-Presidents

Enclosure

¹⁰ Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), available at www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.



Coach Tommy Tuberville  @SenTuberville · 16h



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We need more God in our lives, not less.



[whnt.com](https://www.whnt.com)

Prayer no longer allowed over PA before football games in Jefferson C...

Prayers over the loudspeaker before football games are no longer allowed at Jefferson County Schools football games.

