

# FREEDOM FROM RELIGION *foundation*

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May 15, 2012

**SENT VIA MAIL & FAX  
(423) 756 5559**

Dr. Roger G. Brown  
Chancellor  
101 Founders  
Dept 5605  
615 McCallie Avenue  
Chattanooga, TN 37403

Re: Unlawful University Sponsorship of Christian Prayer

Dear Chancellor Brown:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to urge you to discontinue the practice of opening football games and any other University of Tennessee Chattanooga events with prayer. FFRF is a national nonprofit organization representing nearly 18,000 members across the country, including over 250 in Tennessee. Our purpose is to protect the constitutional principle of separation between state and church and to education on nontheism.

Our complainant, a University of Tennessee Chattanooga football game attendee, reports that the invocations at football games from 2010 until the current season have been delivered by a representative of the Fellowship of Christian Athletes. It is our information and understanding that these prayers conclude with a reference to praying in the name of Jesus Christ.

First and foremost, prayers at public university events that are sectarian in nature violate the Establishment Clause. Sectarian prayers at public universities have been struck down as unconstitutional in the Sixth Circuit, which is binding in Tennessee. *See Chaudhuri v. State of Tenn.*, 130 F.3d 232 (6th Cir. 1997).

While students, athletes, and athletic event attendees may choose to gather privately in prayer, a public university has no place in encouraging or endorsing religious ritual. Whether to pray or not, whether to believe in a deity who answers prayer, is an intensely personal decision protected under our First Amendment as a paramount matter of conscience. The University of Tennessee should not lend its power and prestige to religion, amounting to a governmental endorsement of religion that excludes the 15% of the U.S adult population that is nonreligious (American Religious Identification Survey 2008).

Prayer as part of university athletic events is particularly problematic when the prayers include sectarian or proselytizing devotions, such as praying in the name of Jesus Christ. It is a fundamental constitutional principle that publicly funded institutions cannot support, promote or otherwise

endorse religion or engage in religious exercises. *See generally Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (Struck down a school policy that authorized students to vote on whether to hold a prayer at high school football games); *Mellen v. Bunting*, 327 F.3d 355 (4<sup>th</sup> Cir. 2003)(Finding mealtime prayers at state military college to violate the Establishment Clause).

Sectarian practices demonstrate the university's apparent endorsement not only of religion over nonreligion but also of Christianity and its evangelical forms over other faiths. The pregame prayer sends an impermissible 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." Justice O'Connor, *Allegheny v. ACLU*, 492 U.S. 573, 627 (1989).

It is no defense to call such prayers "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 355, 372 (4th Cir. 2003)("...VMI cannot 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.' "). Athletic events are very important to many college students and community members; they should not have to forgo these public university events to avoid religious ritual.

Those who are not impressed by constitutional dictates might perhaps open their bibles and peruse the Sermon on the Mount, which attributes to Jesus these cautionary words (Matthew 6:5-6):

And when thou prayest, thou shalt not be as the hypocrites are: for they love to pray standing in the synagogues and in the corners of the streets, that they may be seen of men. Verily I say unto you, They have their reward.

But thou, when thou prayest, enter into thy closet, and when thou hast shut thy door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly.

University of Tennessee Chattanooga must take action to stop any further involvement, endorsement, encouragement or scheduling of prayers at university functions and sporting events. Please respond in writing about this matter at your earliest convenience.

Very truly,



Annie Laurie Gaylor  
Co-President

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