FREEDOM FROM RELIGION *foundation*

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November 16, 2021

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

Harris Pastides
Interim President
University of South Carolina
Osborne Administration Building
Columbia, SC 29208

Re: Basketball Coach Promoting Religion

Dear President Pastides:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to potential constitutional violations involving Dawn Staley, University of South Carolina's head women's basketball coach. FFRF is a national nonprofit organization with more than 35,000 members across the country, including members in South Carolina. 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 was recently reported to FFRF that Coach Dawn Staley has been using her position as head coach of USC's women's basketball team to promote and endorse her religious views to student athletes. It is our understanding that Coach Staley prepares a "gameday devotional" for players, which always feature a bible verse.[1] Coach Staley even shares these religious devotionals on social media, and describes each game as "Jesus versus" whoever the team's opponent is each week. For example, the November 11, 2021 devotional listed "Jesus vs South Dakota." Please see the enclosed screenshots.

The Supreme Court has continually struck down school-sponsored proselytizing in public schools. *See, e.g. Abington Township Sch. Dist. V. Schempp*, 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, which has jurisdiction over South Carolina, 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.

[1] https://sportsspectrum.com/sport/basketball/2021/03/08/dawn-staley-scripture-south-carolina-sec-title/

The University of South Carolina'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 surely will feel immense pressure to participate in religious activities and go along with Coach Staley's proselytizing.

It is no defense to call these religious messages and 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 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.' ").

Coach Staley's 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 speaking out or voluntarily opting out of her unconstitutional religious activities—even if they strongly disagreed with her 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 South Carolina 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.[2] Nationally, about 38% of young Americans, i.e., your students, are nonreligious.[3] Staley's religious activities alienate and exclude a significant portion of your students.

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

Sincerely,

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosures

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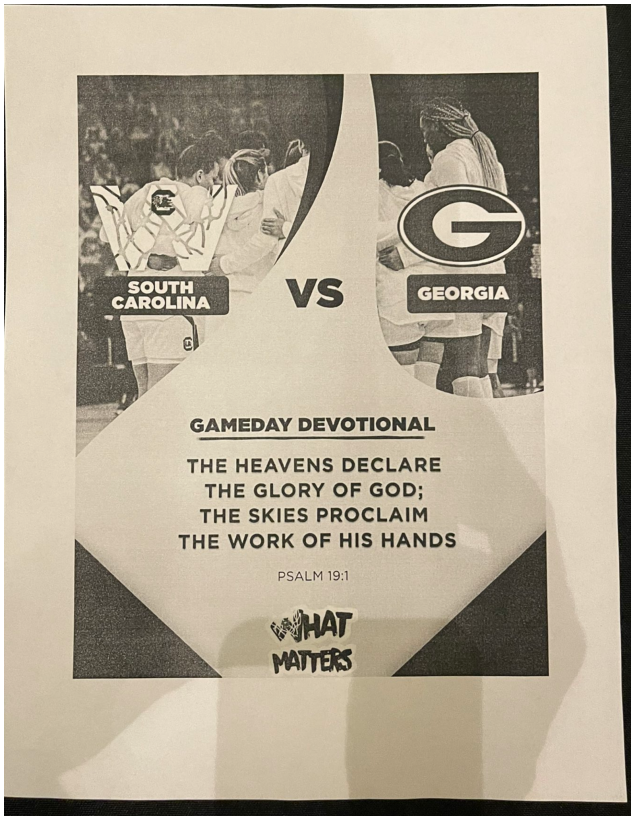
[2] Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, Public Religion Research Institute (2017), available at: https://www.prri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf

[3] *Id.*



Jesus vs Georgia Championship game Sunday, March 7, 2021

"I urge you to answer the highest calling of your heart and stand up for what you truly believe."
John Lewis

The heavens declare the glory of God; the skies proclaim the work of His hands.
Psalm 19:1

JESUS VS NC STATE 11.9.2021

"GREATNESS IS NOT MEASURED BY WHAT A PERSON ACCOMPLISHES, BUT BY THE OPPOSITION THEY OVERCOME TO REACH THEIR GOALS". DOROTHY HEIGHT