

FREEDOM FROM RELIGION *foundation*

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September 20, 2024

SENT VIA EMAIL & U.S. MAIL: doug.loomis@amaisd.org

Superintendent Doug Loomis
Amarillo Independent School District
7200 I-40 West
Amarillo, Texas 79106

Re: Unconstitutional proselytization in athletics

Dear Superintendent Loomis:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring at Tascosa High School. FFRF is a national nonprofit organization with over 40,000 members across the country, including a chapter and more than 1,700 members in Texas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned parent informs us that THS Cheerleading coach [REDACTED] posts bible quotes in messages to cheerleaders. We are aware that this coach encourages prayer circles with the cheerleaders as well. For instance, one message from [REDACTED] includes a citation to Romans 15:5-6, which reads: “May the God who gives endurance and encouragement give you the same attitude of mind toward each other that Christ Jesus had, so that with one mind and one voice you may glorify the God and Father of our Lord Jesus Christ.” Please see the enclosed screenshot.

School officials may not proselytize students. Such religious coercion is at the heart of the First Amendment’s Establishment Clause. We ask the District to investigate and counsel its athletic staff to refrain from discussing religion with students or promoting their personal religious beliefs to students.

It is unlawful for public school athletic coaches to lead their teams in biblical instruction, lessons, or prayer. The Supreme Court has continually struck down school-sponsored religious worship in public schools. *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000) (student-led prayer over the loudspeaker before a football game is unconstitutional); *Lee v. Weisman*, 505 U.S. 577 (1992) (prayer at public school graduations is unconstitutional); *Wallace v. Jaffree*, 472 U.S. 38 (1985) (overturning law requiring daily “period of silence not to exceed one minute . . . for meditation or daily prayer.”); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963) (school-sponsored devotional Bible reading and recitation of the Lord’s Prayer unconstitutional); *Engel v. Vitale*, 370 U.S. 421 (1962) (school-sponsored prayers in public schools unconstitutional).

Public school employees may not direct students to partake in religious activities or participate in students’ religious activities. *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) (a basketball coach’s participation in student prayer

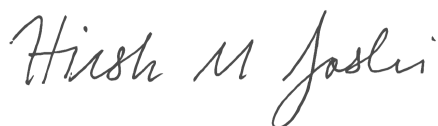
circles is unconstitutional). The Fifth Circuit—which has jurisdiction over Texas—held that a coach’s attempts to engage in religious activities with players were unconstitutional *Id.*, 70 F.3d at 406. So too here.

The Supreme Court’s recent decision in *Kennedy v. Bremerton School District* is inapposite. 597 U.S. 507 (2022). The *Kennedy* Court repeatedly stressed that the coach “offered his prayers quietly while his students were otherwise occupied”; the prayers “were not publicly broadcast or recited to a captive audience”; “[s]tudents were not required or expected to participate.” *Id.* at 513–14.. *Kennedy* does not overrule *Duncanville*, but instead *affirms it*. Here, [REDACTED]—in her capacity as a District employee—directs religious scripture *at her students*. That is a far cry from coach Kennedy’s private, silent prayer. Requiring [REDACTED] to refrain from preaching or proselytizing students does not implicate her First Amendment rights. Please note that requiring Stiles to refrain from sharing biblical citations and quotes does not implicate her First Amendment rights. *See generally Garcetti v. Ceballos*, 547 U.S. 410 (2006); *City of San Diego v. Roe*, 543 U.S. 77 (2004); *Johnson v. Poway Unified Sch. Dist.*, 658 F.3d 954, 970 (9th Cir. 2011), *cert. denied*, 132 S. Ct. 1807 (2012).

“The preservation and transmission of religious beliefs and worship is . . . a choice committed to the private sphere.” *Santa Fe*, 530 U.S. 290 at 310 (quoting *Lee*, 505 U.S. 589). Religious coercion occurring within the District is particularly troubling for those parents and students who are not Christian or who are nonreligious. THS’s “sponsorship of a religious message is impermissible because it sends the ancillary 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.’” *Id.* at 309–10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Nearly half of Generation Z (those born after 1996) are nonreligious, which may be quite a few of the District’s athletes.¹

To respect the First Amendment rights of student athletes within the District, THS athletic staff should be counseled to refrain from discussing religion with students. That includes proselytizing during a school activity by school staff and sending students messages promoting staff’s personal religious beliefs. Please respond in writing with the steps the District will take to cure this constitutional violation. Thank you for your time and attention.

Sincerely,



Hirsh M. Joshi
Patrick O’Reiley Legal Fellow
Freedom From Religion Foundation

Enclosure

¹ Ryan P. Burge, *2022 Cooperative Election Study of 60,000 respondents*, Apr. 3, www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.