

# FREEDOM FROM RELIGION *foundation*

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**SENT VIA EMAIL & U.S. MAIL: [texiemontoya@boisestate.edu](mailto:texiemontoya@boisestate.edu)**

Texie Montoya  
Office of the General Counsel  
Boise State University  
1910 University Drive  
Boise, ID 83725-1002

Re: Unconstitutional religious promotion in university football program

Dear Attorney Montoya:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation reported at Boise State University. As you may recall from past letters, FFRF is a national nonprofit organization with more than 40,000 members across the country, including members in Idaho. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism. If you are no longer counsel for the University, please advise.

A concerned University employee reported that the head football coach, Spencer Danielson, told reporters during a December 31, 2024 interview that he intends to infuse the football program with Christianity. Coach Danielson stated that the program will give “glory to Jesus” and be a “light on a hill.”<sup>1</sup> Further, Coach Danielson said that any prospective students who are not alright with the football program glorifying Jesus Christ should not come to Boise State University or join its football program.

We write to request the University investigate this situation and ensure Coach Danielson ceases entangling the football program with Christianity.

Public schools, including public universities, may not show favoritism toward nor coerce belief or participation in religion. *See generally, Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). College students have the First Amendment right to be free from religious coercion and indoctrination in their public university’s athletic programs. *See, e.g., Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) Here, Coach Danielson has made it clear he will infuse Christianity into the entirety of this public university’s football program in direct violation of the First Amendment and student-athletes’ rights. The Supreme Court’s decision in *Kennedy v. Bremerton School District* did not alter the law regarding coercive religious practices in public education, nor did it overrule the above cited decisions. The Court reaffirmed in *Kennedy* that the schools cannot ““make a religious observance compulsory.””

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<sup>1</sup> *Boise State Football Press Conference: CFP Quarterfinal/Fiesta Bowl Postgame*, (Dec. 31, 2024; 12:20), <https://www.youtube.com/watch?app=desktop&v=y4kj5O6t9Kk&t=728s>.

*Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 537 (2022) (quoting *Zorach v. Clauson*, 343 U. S. 306, 314 (1952)).

In *Mellen v. Bunting*, the Fourth Circuit Court of Appeals, extended the scope of the aforementioned cases from primary and secondary schools to college-aged students when institutional circumstances create a coercive religious environment. 327 F.3d 355. The court found that mealtime prayer at a state military college (VMI) was an unconstitutional violation of the Establishment Clause given the coercive atmosphere.

Boise State University’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 Coach Danielson will no doubt feel immense pressure to go along with this proselytizing and participate in his vision of giving “glory to Jesus” through the football program. Coach Danielson’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 his unconstitutional religious activities—even if they strongly disagree with his 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 unconstitutional religious coercion.

It is no defense if Coach Danielson claims that religious activities on the team are “voluntary,” though it appears Coach Danielson plans to force all student-athletes to participate in his religious vision for the team. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See, generally, Lee*, 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.”); *Schempp*, 374 U.S. at 288 (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.’”).

Boise State University must take action to protect its students’ First Amendment rights. Coach Danielson cannot be permitted to pervade the school’s football program with Christianity and force his personal religious beliefs onto student-athletes. Please respond in writing with the steps the University is taking to address this matter so that we may inform our complainant. Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink that reads "Samantha F. Lawrence". The signature is written in a cursive style with a large, stylized initial "S".

Samantha F. Lawrence  
Staff Attorney  
Freedom From Religion Foundation