

FREEDOM FROM RELIGION *foundation*

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June 20, 2019

SENT VIA EMAIL & U.S. MAIL: latkins@polk.k12.ga.us

Ms. Laurie Atkins
Superintendent
Polk School District
612 South College St.
Cedartown, GA 30125

Re: Unconstitutional Religious Promotion in Football Program

Dear Superintendent Atkins:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Polk School District. FFRF is a national nonprofit organization with more than 31,000 members across the country, including more than 500 members and a chapter in Georgia. Our purposes are to protect the constitutional separation between state and church, and to educate the public on matters relating to nontheism.

As you know, we sent an open records request on March 29, 2019 regarding Cedartown High School football coach Doyle Kelley. This request was sent because on March 26, 2019, Kelley delivered a 10-minute long sermon at the Georgia Statehouse where he discussed how people who do not adhere to his particular brand of religion will be tortured in hell for all eternity. Given that Kelley abused his position as “chaplain of the day” to promote his personal religion, we were concerned he may be similarly abusing his position at Cedartown High School. The records we received showed that our concerns were warranted.

The records indicate that Cedartown High School has an official team chaplain, Reverend Wayne Benefield, and that he prays with the team. Please see the enclosed screenshot, which shows a program from a football banquet that lists Benefield as delivering the opening prayer.

We write to ensure that Cedartown High School ends its chaplaincy program immediately, and that it ensures that Coach Kelley and other district staff members are no longer allowed to promote or endorse religion to students. The District must also cease scheduling prayer at school-sponsored events, including sports banquets.

Public school football teams cannot appoint or employ a chaplain, seek out a spiritual leader for the team, or agree to allow someone to act as chaplain, because public schools may not promote religion. *See generally, Santa Fe Indep. Sch. Dist.*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Ark.*, 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). It is therefore inappropriate and illegal for the Cedartown High School football team to have a team chaplain, as this signals a blatant promotion of religion over nonreligion generally, and in this case, Christianity in particular.

The Polk School District cannot give a non-school affiliated adult access to the children in its charge, and it certainly cannot grant that access to a minister to advance his faith. The Supreme

Court has repeatedly held that public schools may not be co-opted, either by staff or outside adults, to proselytize students. *McCullum v. Bd. of Educ.*, 333 U.S. 203, 210 (1948) (holding that the Constitution forbids the “utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith”). Federal courts have accordingly enforced injunctions against school districts who, by action or inaction, grant outside adults access to other peoples’ children to evangelize. *See, e.g., Roark v. South Iron R-1 Sch. Dist.* 540 F. Supp.2d 1047, 1059 (E.D. Mo., 2008); *upheld in relevant part by* 573 F.3d 556, (8th Cir. 2009) (holding that school policy allowing evangelical Christian organization to distribute bibles in school violated Establishment Clause).

It is beyond the scope of a public school system to officially endorse a position whose responsibilities include advocating Christianity to students. “The preservation and transmission of religious beliefs and worship is a responsibility and a choice **committed to the private sphere.**” *Santa Fe*, 530 U.S. at 310 (quoting *Weisman*, 505 U.S. at 589) (emphasis added). Endorsement of Christianity within the District’s athletic programs is particularly troubling for those parents and students who are not Christians or do not subscribe to any religion. The “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are 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.* (quoting *Lynch v. Donnelly*, 465 U.S. at 668) (O’Connor, J., concurring). With 30% of Americans now being non-Christian, this likely represents a significant number of children and families in your community.¹

We ask that the District take immediate action to end any official chaplaincy program at Cedartown High School and ensure that school-sponsored events do not include scheduled prayer. We further request that Coach Kelley and all other coaches be reminded that they may not promote religion while acting in their official capacity, nor enlist an outside adult to do the same. Please inform us in writing of the steps you are taking to remedy this violation of the First Amendment.

Sincerely,



Christopher Line
Patrick O’Reiley Legal Fellow
Freedom From Religion Foundation

¹ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (2017), available at: <https://www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf>

2018 Cedartown High School Football

8/10/18 Chattooga
8/17/18 Rockmart
8/24/18 Alexander
9/7/18 Bremen
9/14/18 SE Whitfield
9/21/18 Cartersville
9/27/18 Lagrange
10/5/18 Central Carrollton
10/19/18 Troup County
10/26/18 Sandy Creek
11/2/18 Chapel Hill
11/9/18 St. Pious

Head Coach – Doyle Kelley
Offensive Coordinator: Jacob Kelley
Defensive Coordinator: Jeremy Ruark
Assistant Coaches: Jimmy Easterwood
Benjie Frazier
Courtney Hammock
Bob Tracy
Mike Worthington
Athletic Trainer: Lori Thompson
Team Manager: Zach Freeman
Team Chaplin: Reverend Wayne Benefield

The entire CHS football family would like to give a HUGE thank you to Mrs. Gail Conner, WGAA Radio, Polk Standard-Journal, Landon Hendrix, Doc Ayers, Mike Worthington, Everett Kelley, Dr. Richard Short, all the local supporting churches, the chain crew, and the many others for ALL the wonderful help given throughout the season.

Welcome	Coach Doyle Kelley
Opening Prayer	Rev. Wayne Benefield
Dinner	
Recognition of Athletes	Coach Doyle Kelley
Freshman Recipients	
Sophomore Recipients	
Junior Recipients	
Senior Recipients	
Scholar Athletes	Coach Jimmy Easterwood
5 AAAA All Region Recipients	Coach Doyle Kelley
5 AAAA Ironman Award	Coach Mike Worthington
5 AAAA Offensive Player of the Year	Coach Doyle Kelley
Special Team Player of the Year	Coach Bob Tracy
Defensive Player of the Year	Coach Jeremy Ruark
Offensive Player of the Year	Coach Benjie Frazier
Captain Awards	Coach Doyle Kelley
Closing Remarks	Coach Doyle Kelley