

FREEDOM FROM RELIGION *foundation*

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September 17, 2015

SENT VIA EMAIL & U.S. MAIL: gkillough@rcs.k12.va.us

Dr. Rita Bishop
Superintendent
Roanoke City Public Schools
P.O. Box 13145
Roanoke, VA 24031

Re: Unconstitutional Proselytizing at Football Practice

Dear Dr. Bishop:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in Roanoke City Public Schools (RCPS). FFRF is a national nonprofit organization with over 23,000 members across the country, including nearly 500 members in Virginia. Our purpose is to protect the constitutional principle of separation between state and church.

RCPS has included religious programming as part of school football practices this past summer as well as in prior school years. We understand that the Roanoke Area Fellowship of Christian Athletes (FCA) has been permitted to proselytize to student athletes at football practices. Our complainant informs us that FCA leader Al Soltis implements a watermelon and scripture event each year with various area high school football teams during summer practices, including at Patrick Henry High School and William Fleming High School. An August 4 feature in the Roanoke Star said of one such event:

After plying them with large slices of cool refreshing watermelon on a steamy summer day, Roanoke Area Fellowship of Christian Athletes Director Al Soltis (right) powerfully delivers the message of the gospel to over eighty student athletes and coaches at Patrick Henry High School in Roanoke.

Please see the enclosed story and accompanying photo. A Roanoke Star report last year said, “As Fleming head football coach Bobby Martin whistled the athletes to attention, he invited the seniors to go first, then underclassmen in succession, to make their way to the huge slices.”¹ Soltis reportedly told students that their talents come from God and said, “We need to glorify Him in all we do, both on and off the field.” The sermon was concluded with a closing prayer and Coach Martin was given a ceremonial football “to provide a reminder to everyone of what it means to have God as part of the upcoming journey they will face.”

¹ <http://theroanokestar.com/2014/08/10/going-all-in-with-the-watermelon-ministry/>

We understand the “Watermelon Ministry” has been preaching to football teams for roughly a decade. We have enclosed photos of preaching sessions at RCPS football practices from prior years.

It is inappropriate and unconstitutional for the district to allow religious leaders unique access to proselytize students during school activities on school property. This predatory conduct is inappropriate and should raise many red flags.

It is well settled that public schools may not advance or promote religion. Courts have consistently held that it is illegal for a public school to include religious content in school events, including events taking place outside of the regular school day. *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2001); *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).

Allowing representatives of religious groups regular, or even one-time, access during a school activity to proselytize and recruit students for religious activities is a violation of the Establishment Clause. The courts have protected public school students from overreaching outsiders in similar situations. *See, e.g., Berger v. Rensselaer School District*, 982 F.2d 1160 (7th Cir. 1993) (holding that distribution of bibles by Gideons in school violated Establishment Clause). Courts have granted injunctions against schools for their complacency in such situations. *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). This active, in-person contact with students is different from cases in which religious groups have been allowed to passively distribute literature to students or to send flyers to parents. *See, e.g., Peck v. Upshur Cnty. Bd. of Ed.*, 155 F.3d 274, 281 (4th Cir. 1998) (upholding school board’s allowance of passive distribution of religious materials in part because the school board “preclude[d] religious speakers from delivering their messages to Upshur County students face-to-face.”).

Federal courts have specifically held that it is unconstitutional for public school coaches to participate in team religious activity. *See, e.g., Borden v. Sch. Dist. of the Township of East Brunswick*, 523 F.3d 153 (3rd 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) (declaring basketball coach’s participation in student prayer circles an unconstitutional endorsement of religion).

RCPS cannot allow non-school persons to treat school football practices as a recruiting ground for their religious mission. It demonstrates an unlawful preference not only for religion over non-religion, but also Christianity over all other faiths. Public schools have a constitutional obligation to remain neutral toward religion. When a school allows an adult FCA representative to preach to its students on the field during practice (or immediately following practice), it has unconstitutionally entangled itself with a religious message—in this case, a Christian message. Given the approval by coaches of the speaker, players will absolutely perceive that this is a

school-sponsored activity. This alienates those non-Christian students and parents whose religious beliefs are inconsistent with the message being disseminated by the school.

Public schools have an obligation to remain separate from religion because “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee*, 505 U.S. 577, 589 (1992)). Students are young, impressionable, and vulnerable to social pressure, particularly pressure exerted from an adult. This program usurps the authority of parents, some of whom surely do not want their children approached by religious leaders at their child’s public school football practice.

RCPS must immediately discontinue allowing Mr. Soltis or any other religious leaders access to students during school activities, including football practices. Please inform us promptly in writing of the steps you are taking to ensure that these constitutional violations are not allowed to continue.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Elliott", with a large, sweeping flourish at the end.

Patrick Elliott
Staff Attorney

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All In For The Lord

Posted by [stuart](#) on Aug 4th, 2015 and filed under [News](#). You can follow any responses to this entry through the [RSS 2.0](#). You can skip to the end and leave a response. Pinging is currently not allowed.

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After plying them with large slices of cool refreshing watermelon on a steamy summer day, Roanoke Area Fellowship of Christian Athletes Director Al Soltis (right) powerfully delivers the message of the gospel to over eighty student athletes and coaches at Patrick Henry High School in Roanoke.



Soltis has been evangelizing for nine years as part of the organization and has seen the ministry grow to a point where it has reached over 10,000 students. He says the group plans to reach more sports and to see over 1500 athletes and coaches this year alone at the top 14 High Schools in in our area. "God is blessing us immensely," said Soltis. No doubt in large measure through the hard work of he and many others.

If you'd like to help support the Roanoke Chapter of FCA go to: <https://my.fca.org/4812-soltis-al.aspx> or email them at asoltis@fca.org.

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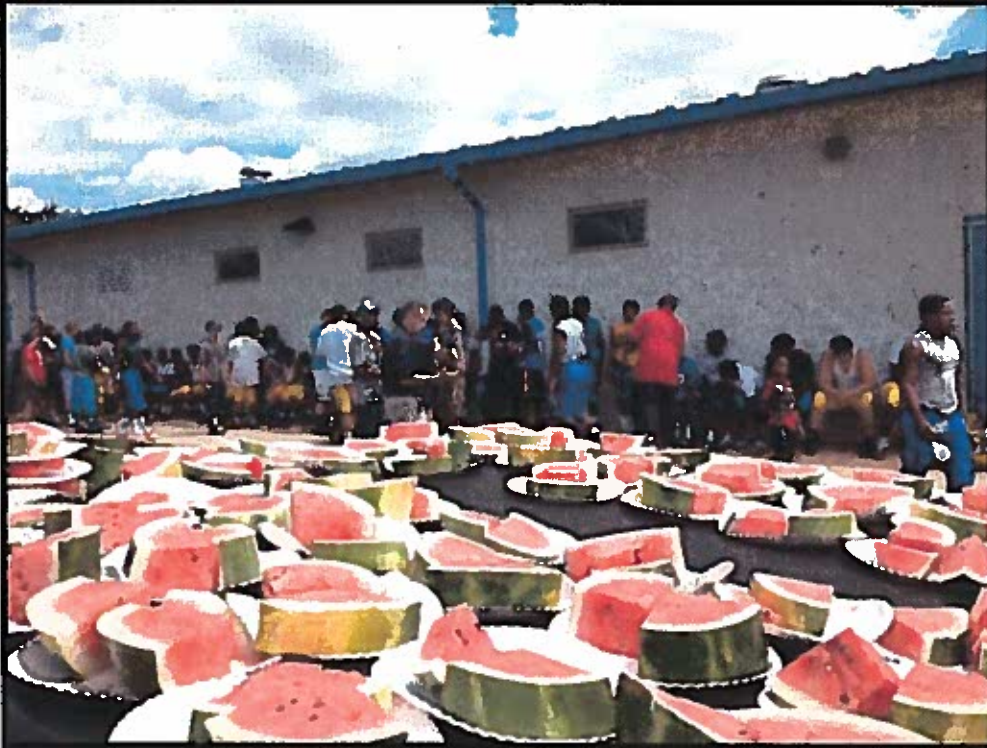
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