

## EDITORIAL

### Flag on the play

#### The University of Toledo committed a foul by posting a video of its football team praying privately

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This frame grab of a University of Toledo video on YouTube shows coach Matt Campbell leading the Rockets football team in prayer before a 2012 game. UNIVERSITY OF TOLEDO VIA YOUTUBE

Pre and post-game prayers are a long-standing tradition among high school and college athletes. You may not see a team at prayer, only because it usually occurs in the privacy of a locker room.

The University of Toledo's football team is under fire because of a YouTube video that showed head coach Matt Campbell and his team praying before their 2012 game against Bowling Green State University. A "nontheist" advocacy group charges that the football program and Coach Campbell violated the U.S. Constitution. That assertion is overblown.

The Freedom From Religion Foundation, a Wisconsin-based nonprofit, sent a letter this month to

incoming UT President Sharon Gaber. The group seeks an investigation of what it called a flagrant violation of the First Amendment.

In 2000, the U.S. Supreme Court banned school-sponsored, student-led prayer at athletic events at public high schools and universities. The high court ruled that prayer should not be imposed on spectators who might take offense. It said nothing about what should or can occur in the privacy of a locker room.

In the video, a player wore a mobile camera attached to his helmet. Before the team took the field, Mr. Campbell led players in the Lord's Prayer in the locker room at the Glass Bowl. A month later, the video was posted on the university's YouTube account.

The prayer circle was a private, voluntary gathering, and should have remained such. The university official or officials who signed off on posting the video made a sizable mistake. They opened the university to criticism — and possibly legal action — from a group that targets even the most minute violation of alleged separation of church and state.

Still, the Freedom From Religion Foundation doesn't seem to want to acknowledge that players at UT — or anywhere else — have the freedom to pray or not. The UT video does not show that any player was compelled to take part in the prayer, nor did it appear that any took issue with the spiritual moment. For many players, prayer is a form of camaraderie.

Faith and football have long been intertwined. Fans talk about a "Hail Mary" pass. A popular slogan in Southern states such as Texas and Alabama is: Football isn't a sport; it's a religion.

Prayer surely should not be demanded of those who don't want to participate. But it is undeniably rooted in the football culture. When a coach and team want to pray privately and voluntarily, it shouldn't be anybody else's business.

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Published: Thursday, 6/4/2015

## LETTER TO THE EDITOR

# Coach leading prayers is a legal problem

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We take exception to the conclusion of your May 29 editorial “Flag on the play,” about pregame and postgame prayers by the University of Toledo football team led by head coach Matt Campbell.

There is a legal problem with the coach leading prayers even if the action wasn’t public or in a video posted on YouTube. Running a red light isn’t illegal only if you get caught.

Participating on a football team isn’t any different from being in a military unit. Working together, conformity, and doing what one is told are the hallmarks of team sports.

If the coach tells you to bow your head, a player doesn’t really have a choice, or at least know he or she has a choice. Part peer pressure and part cult of the coach, a player is forced to participate or look like he or she isn’t a team player.

The players don’t have to stop praying. The coach needs to stop leading the prayers because the players don’t really have a choice to participate if the coach tells you to do something. That was the point of the letter sent to UT from the Freedom From Religion Foundation.

*DOUGLAS BERGER*

*Findlay*

*Editor’s note: The writer is co-chairman of the Secular Coalition for Ohio.*

# Legal experts say UT's Campbell erred with prayer

NICHOLAS PIOTROWICZ BLADE SPORTS WRITER | 06/03/2015, 12:20am EDT

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Toledo head coach Matt Campbell is facing some scrutiny for leading a prayer with his players. BLADE

Three experts, including a University of Toledo professor emeritus, concurred with an advocacy group's claim that UT football coach Matt Campbell likely violated the First Amendment by conducting team-wide prayers.

The Freedom From Religion Foundation sent a May 21 letter to incoming UT president Sharon Gaber asking the football team to stop praying before games. The nonprofit organization, based in Wisconsin, used a UT YouTube video — in which Campbell conducts the Lord's Prayer before a 2012 game against Bowling Green State University — as the basis for its claim of a "serious and flagrant violation of the First Amendment."

UT said last week that it received the letter and was "reviewing its contents." The school did not respond to a request for comment this week.

Howard M. Friedman, a professor emeritus at the UT College of Law and the editor of Religion Clause, a popular blog about the separation of church and state, said he believes Toledo's prayers violate the First Amendment.

Among the small amount of case law dealing with prayer at public universities is 1997's *Chaudhuri v. State of Tennessee*, in which the 6th U.S. Circuit Court of Appeals — to which both Ohio districts belong — upheld that a nonsectarian prayer at a public university was legal within the parameters of the First Amendment.

Friedman said he did not believe that case could be applied to Toledo's situation. He also agreed with Freedom From Religion's assertion that players faced pressure to participate.

"In the Toledo case, you have two things pointing against the school. One is that these are sectarian prayers: they're Christian prayers," Friedman said. "The second thing is that in the particular context of the football coach getting the players to do this, there's a lot of pressure to join in."

H. Louis Sirkin, an attorney who specializes in First Amendment law for Cincinnati law firm Santen & Hughes, agreed with Friedman.

The prayer took place in the Rockets' locker room — an area that is off limits to everyone besides team personnel — though Sirkin noted that it still was on the campus of a public university. Sirkin said he views the locker-room prayer, even done under reasonably private circumstances, as a public entity establishing a particular religion.

Dr. Charles C. Haynes, the director of Religious Freedom Center at the Newseum Institute, said a court certainly would view a university differently than a high school because students choose to go to college.

While Haynes said that he could not say for certain what a court would do with the Toledo case, should it go that far, he said the Freedom From Religion Foundation has a point.

"I think in those circumstances, with those facts, it would be very likely that a court says, 'That [prayer] crosses the line,'" Haynes said.

Last year, the Supreme Court upheld that sponsoring clergy to deliver a sectarian prayer at government meetings in Greece, N.Y., was legal under the Constitution. But because Campbell is a public official himself — and one of UT's more visible employees as its coach — Haynes agreed with the claim that a coach has significant influence.

"The coach has a lot of power over the players, and they know that," Haynes said. "He's like the boss, and people want to please the boss."

The practice of praying before or after games is not unique to Toledo. Many football teams at public high schools and public universities pray, though Mr. Friedman said the commonality of prayer in football likely makes no difference.

In the circumstances shown in the video, Friedman said it was evident that Campbell was speaking as the coach, not in private. Even if the majority of people are not offended by the prayer, Friedman said he believes it is not protected by the First Amendment.

"It's really a question of whether they're speaking on behalf of the university or they're speaking in their private capacity," Mr. Friedman said. "Here, it's pretty clear [Campbell] is not speaking in his private capacity."

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