

Sabbath and Sports

The Next Religious Liberty Battle or Too Hot to Touch?

By Heather Osborn

The common practice of athletic associations to host big sports events on Friday nights and Saturdays has long prevented Seventh-day Adventist schools from participating, particularly in high-stakes playoffs, where the schedules become complicated. But instead of requesting special scheduling changes around Sabbath hours, dozens of Adventist schools across the country have quietly forfeited games.

Recently, the first students claiming religious discrimination in the scheduling of games came forward to protest, reviving the Church's long-standing debate about schools participating in interscholastic sports, but with a new question at the center: Are Sabbath conflicts that involve school sporting events a legitimate religious liberty issue for the Seventh-day Adventist Church to take up?

Until the recent legal case, which was raised not by the school but by individual students on the basketball team at Portland, Oregon, Adventist Academy, Adventist academies and colleges had decided to step back from religious liberty battles that involve sports, letting Sabbath conflicts go uncontested, year after year in some cases. And church leaders, though they have long given legal support to



members who run into Sabbath conflicts at the workplace, did not support the Portland case.

The rationale for teams backing down from a search for accommodations to play, according to interviews with education leaders and coaches, has largely been due to varying opinions of local constituents on competition and the different ways that schools interpret loosely worded General Conference and North American Division policies on interscholastic sports.

But other factors have weighed in as well. Among these are budget constraints on taking the matter up in the courts and the desire of coaches to allow non-Adventist teams to play without the burden of being forced to rearrange schedules, often at the eleventh hour. Some Adventist schools simply haven't had to address the matter because they have never made it to high-level competitions where most Sabbath conflicts occur.

A Complicated Debate

The long-standing firestorm in the Adventist Church regarding competitive sports may be holding back some schools from seeking legal help to secure accommodations to play games outside Sabbath hours. Today, more than half of all Adventist academies in the United States compete in interscholastic sports, but church members in many parts of the country remain divided on this matter, making it difficult for teams to demand full-fledged rights to participate when scheduling conflicts arise.

"Athletic competition is kind of a hot potato in Adventism, particularly at the interscholastic sports level," says Dick Molstead, the former Oregon Conference education superintendent. "The challenge has always been, How far do you go? Philosophically, it boils down to, What is the Church's position on competition?"

Athletic competition among Adventist schools reaches back more than forty years, when Takoma Academy, in the suburbs of Washington, D.C., fielded the first Adventist sports team to compete interscholastically. Today, the answer to Molstead's question remains murky.

Some, including Mitch Tyner, a lawyer in the Religious Liberty Department of the General Conference, argue that the teams should be granted full accommodations based on First Amendment rights. "My argument is, this is not about competitive sports. It's about religious equality," Tyner says. He compared the issue to the Church's legal department providing support for legal cases by Sunday observers seeking

religious rights. The Church believes that religious accommodations should be made for people from many religious backgrounds.

Some say that Adventist schools should play in as many games as possible, but step aside as soon as the Sabbath factor becomes burdensome to other schools that must change their schedules. That's the stance of Ronald K. Russell, director of the Mid-America Union Office of Education. "If a team plays and wins in the tournament and the association does not choose to move a game away from the Sabbath, the school should forfeit," Russell wrote in an e-mail. "Our witness should be clear and Christ-centered."

The Portland Case

The Portland case is the first to test the Church's reaction to whether sports scheduling is a worthy religious liberty cause. It's been a lengthy battle with muted victories for the Adventist basketball team, but the case eventually ended in defeat for the team, at least for the 2004 season. "It is religious discrimination, no matter how you put it," says Jonathan Long, a sophomore on the basketball team at Portland Adventist Academy (PAA). "It's hard for me to understand who would think it's not legitimate."

Although the Oregon Court of Appeals ruled in June 2003 that the athletic association in question must make "reasonable accommodations" for the Portland Adventist Academy team to play in state tournament games, the state Board of Education in February reinforced the athletic association's assertion that the accommodations the academy sought are too burdensome to the other teams.

The Board of Education's decision surprised the team, which thought it would finally be able to play in the state championship this year. "We thought we'd be eligible," says Lance Judd, the coach. Going into the championship, they would have been 24-1.

But the Court of Appeals' decision didn't completely clear the way for the school to participate because the Oregon Schools Activities Association has said that any scheduling changes for the Portland team would be unreasonable, and the Oregon Board of Education agreed.

The case, which began in 1997, is still inching toward a conclusion because the team has appealed the Board of Education's ruling. The students accuse the Oregon School Activities Association of unfairly



excluding the Portland Adventist Academy basketball team from competing in the annual state championship by refusing to move Saturday games to allow students to observe their Sabbath. The case started one year after the Portland team won the 1996 state championship. The school tried to work out differences with the athletic association outside of the courts, but wasn't successful.

The team won the state championship in 1996, in part because the league changed a semi-final Friday game in a one-time accommodation. The next year, the athletic association required the school to sign a form agreeing that it would not forfeit a Saturday game in the future. Portland Adventist Academy would not agree to that condition. In an emergency court injunction in February 1997—a measure the PAA school board backed—a federal judge denied the school the right to play.

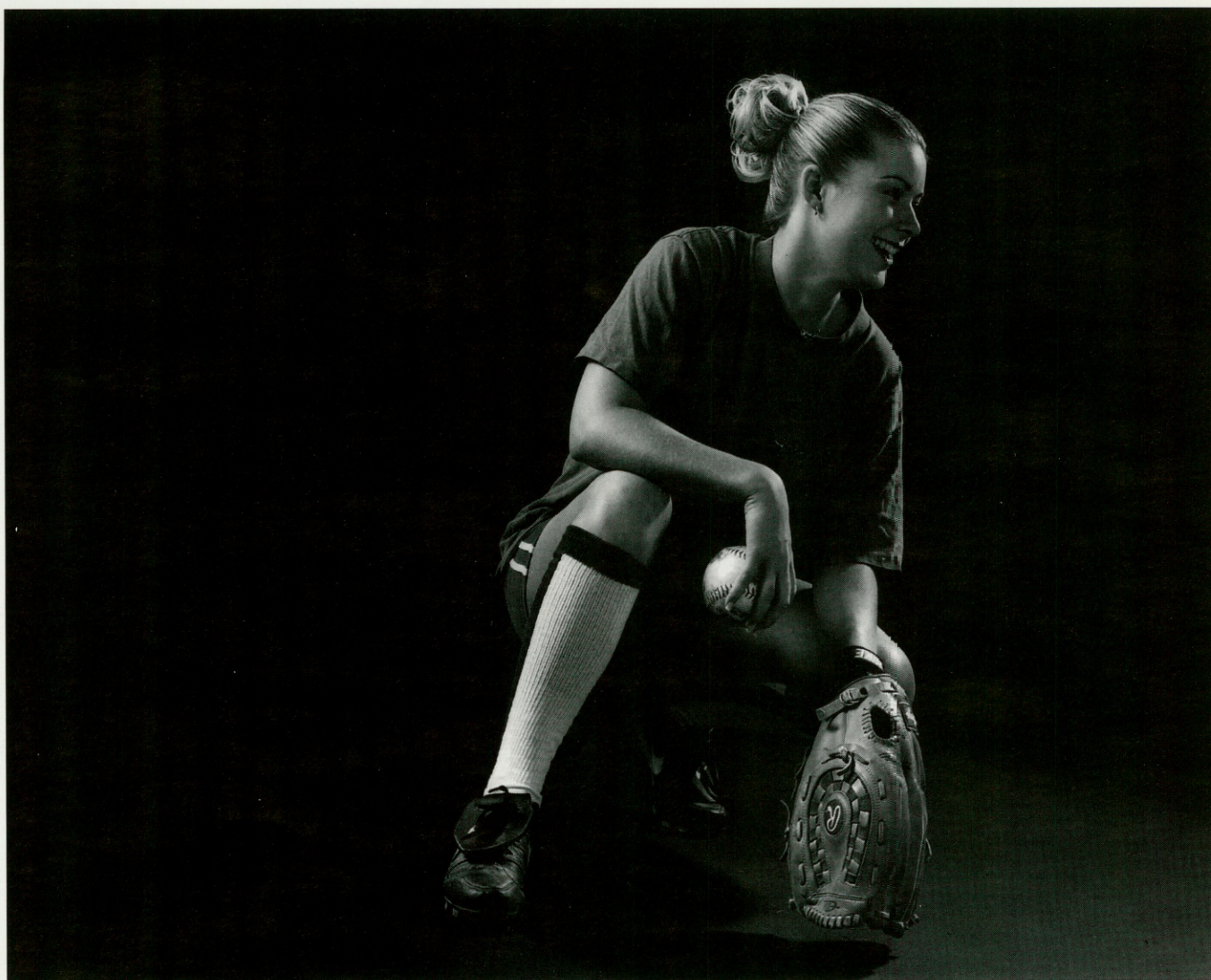
According to a September 2003 report from

Vicki Ballou, a parent of a former team member and Portland lawyer who worked on the case, the judge claimed that the “students’ belief in Sabbath was so strong that being excluded from the tournament was not a burden to those beliefs.”

The team didn't play in the state tournament in 1997, and one month later the Oregon Conference Executive Committee voted against the school taking further legal action.

The issue didn't surface again until winter 2000, when the PAA basketball team was undefeated going into the state tournament. Parents, this time deciding not to involve the school or the conference, asked for an emergency hearing with the athletic association to make sure the team's Sabbath games would be resched-





uled if needed. Because the parents did not request a hearing on the matter until a few days before the play-offs, the athletic association denied the request.

In June 2000, the parents appealed to the Oregon Board of Education, which denied the team the right to Saturday accommodations. A hearings officer heard the same request in February 2001, and concluded in August 2001 that the athletic association had “illegally discriminated against the PAA students,” according to Ballou’s 2003 report.

Despite the hearings officer’s findings, in 2002 the athletic association again refused to change Saturday games for Portland, although it did shift Friday games. The team lost the Friday games, so a Saturday forfeit wasn’t necessary, but before the tournament the superintendent of Oregon schools said the athletic association did not have to accommodate the school.

The students appealed that decision, and the Court of Appeals reversed the superintendent’s decision on June 5,

2003, calling it “illegal discrimination.” The Court of Appeals sent the matter back to the Board of Education, requiring the board to set up the parameters for the association to accommodate the academy reasonably.

The board released its findings in February, saying it agreed with the association, which said it could not change Portland’s Saturday games to after sundown.

Still, supporters of the Portland students are saying students with religious beliefs may have better odds of being considered when interscholastic activities are scheduled because of the ruling from the appeals court. According to lawyers involved, the Portland case is the first to demand that the religious beliefs of students be considered when interscholastic events of any kind are scheduled.

But lawyers warn that a tough road lies ahead for religious students asking for consideration in the scheduling of interschool events. “What is ‘reasonable’ is so fact intensive, and that’s why precedents are not

terribly helpful in this area of law," says Charles Hinkle, a cooperating attorney for the Oregon American Civil Liberties Union who argued the case for the Portland students.

Complicating the matter even further for Adventist schools are the wide-ranging beliefs of church members, which remain chief roadblocks to taking up Sabbath issues in athletic scheduling. Consider what happened at Burton, Texas, Adventist Academy in 2001 in a situation like the Portland case, but with a much different outcome. The school ran into problems

this happens again, he says, "There are some people who might take up the torch with it."

Burton officials, like many before and after, never reported the matter to the Legal Affairs Department at the General Conference, which hasn't had any complaints of religious discrimination from sports teams until the Portland case. Part of the challenge church leaders face is that they don't know how widespread the problem is. "For what it's worth, if we don't know about a problem, we can't help with it," says Tyner, the attorney in the General Conference Legal Department

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that year when the boys' varsity basketball team won its district title, qualifying for the regional playoffs with a record of 17-2.

Teams at the local level had been willing to schedule games around the Sabbath so Burton could participate during the regular season. But the athletic organization overseeing the league, the Texas Athletic Association of Private and Parochial Schools (TAPPS), would not change the time of regional play-off games from Saturday afternoon to Saturday night.

"Going in, we knew they would not accommodate those types of situations. But we hoped they would change," said Tony Simmons, an assistant coach at that time. Burton coaches contacted the director of the facility where the team was supposed to play a regional play-off game, and the facility director said the game could be moved to a different time, but TAPPS would not budge, according to Simmons.

The Texas Athletic Association schedules games for religion-affiliated schools in the area, including another Adventist Academy. "You'd think they'd be sensitive to religious liberty issues, but obviously they weren't," Simons says. But the issue was larger than the unwillingness of TAPPS to move the game to a time after sundown. Church members in the area were divided on the matter, some saying, "If we're going to make that big of an issue out of it, maybe we shouldn't be playing," Simons recalls.

Ultimately, the school forfeited, received lots of positive local media coverage, and enjoyed short-lived fame in the area. Looking back, Simons believes the school did the right thing. However, if something like

who argues roughly twenty Sabbath cases a year.

"I'd like some quantification of the issue," Tyner continues. "Is this becoming a serious problem for more of our schools?" Tyner urges school leaders to report incidents of religious discrimination to the department, even if the school does not plan to protest it in an official capacity or through the courts. Tyner says there are one thousand incidents of Sabbath discrimination reported each year to his department.

Another Stance

The complicated nature of scheduling games is one of the reasons John Gatchet, principal of Idaho's Gem State Academy in the 1990s and currently education superintendent for the Oregon Conference, backed the school's participation in a local league but agreed that it should always forego a chance at regional or state titles because of the scheduling issues, even when the team was ranked high in its division.

At the district tournament in the late 1990s the school decided, win or lose, to go to the loser's bracket for the sole purpose of avoiding Sabbath conflicts. At the tournament, Gatchet said, "We pretty consistently lost, probably because the kids were not that into it in some ways. And that was fine."

For some of the people involved in Gem State athletics, playing in "friendship tournaments" against other Adventist teams at Walla Walla College, Pacific



Union College, and other schools was enough to make up for bowing out of the regional and state competitions. "We didn't have to worry about someone trying to accommodate us," Gatchet said.

Gatchet has high regard for the coaches in the local league willing to play on Saturday nights even though they preferred to play on Friday night. "It pinched on their family time, and they were OK with it," Gatchet says. "At first, they kidded us about it. But they realized that it was fun to play us, that we're good competition, and we helped to sharpen their teams."

Bob Paulson, who's been a coach at various Adventist schools in North America, agrees that the Adventist beliefs can make it difficult on the others involved. "For a lot of people, Saturday is their 'sports day,' and they look to Friday night sports as a staple," said Paulson, a longtime coach at Adventist academies and colleges. "Thank goodness we don't play football because we'd never find a place to play."

Some teams have not had scheduling conflicts because they have not done well enough to reach that point. Most schools seem to be doing well in terms of scheduling games at the local level, but have seen scheduling problems intensify at higher levels of competition.

For Gary Eggers, athletic director at Loma Linda Academy in southern California, competing in regional or state championships hasn't come up yet because the school has not made it that far. But the school has been told it would have a problem with Sabbath games if it got into the playoffs.

"It gets complicated for the (athletic association) if they can't schedule Saturday or Friday night games," Eggers says. He's grateful that the section of that division that Loma Linda played in has been very accommodating.

Church Policy Questioned

The General Conference released statements against interscholastic competition in the 1960s and again in the 1980s. General Conference policy adopted in 1989 states the Seventh-day Adventist Church's position on interscholastic league play. The North American Division has adopted the same policy.

The policy gives rationale for the position, including the cost and time of competing and the "inherent hazards" of competitive rivalry, which have the "potential to be exaggerated in interorganizational events."

The policy concludes that occasional "friendship

games" are acceptable, that Christians should function with "high motives" in their quest for athletic excellence, and that God has given every person talents that should be "developed to the best of their ability." The conclusion also refers to Colossians 3:23, which states, "Whatever you are doing, put your whole heart into it, as if you were doing it for the Lord and not for men, knowing there is a Master who will give you your heritage as a reward for your service."

Some people are calling for church leaders to update education policy on this issue, giving schools more clarity, considering that the policy has been broadly interpreted. Some principals and athletic directors say the policy provides flexibility to academies on the question of interscholastic league play. "Does this policy absolutely forbid it?" asks Gatchet. "It says the Church is opposed to it, but it doesn't say that it's forbidden."

However, others disagree. Molstead, the former Oregon superintendent, says the foggy nature of the Church's stance must be addressed. The Church allows other kinds of competition to take place, which is inconsistent. "Is there an equitable standard that athletics are held to, the same as other competition, whether scholastic or other activities? If they see competition to be competition, whether its academic or music or athletics, we should be consistent," Molstead says.

Eggers agrees. There is competition in Pathfinders, literature evangelism, and music, he says. "You can't say it's evil in one place and not in another."

The policy hasn't stopped Adventist academies and colleges from competing in interschool games at various levels. According to a June 1996 study by Brian Sather, who did doctoral work on Adventist sports at Brigham Young University, more than half of all Adventist academies and colleges in the United States competed interscholastically at that time, and several more had plans to compete interscholastically in the future. The schools not participating cited finances, local conference regulation, General Conference statements, and constituents' beliefs as their reasoning, Sather wrote.

Nonetheless, the legislative committee of the General Conference voted against backing the Portland case, in part because of the Church's historical stance against competition, says Tyner. The other reason cited for not supporting the case was the high chance the students would not win, he adds.

Regardless of church policy and how the General

Conference and North American Division reacted to the Portland case, schools have been treating the topic of interscholastic sports differently across the United States. The Portland students brought the issue before the courts, but dozens of others have stepped away from a fight for various reasons.

The attitude of each school depends on many factors: the location and the beliefs of church constituents in the immediate area regarding sports events; the size and success of the athletic program; and the personal beliefs of the coaches. Schools have taken drastically different philosophical approaches on the matter, but all have decided against taking legal action even though they have been victims of religious discrimination, most often when teams advance to regional and state tournaments, where the lineups are tighter and the stakes are higher than at the local level.

The wide-ranging interpretation of the Church's position on sports competition has affected how some schools address the matter. Pursuing full-fledged rights to compete in tournaments is challenging when the church policy is unclear and carried out differently at every school, some officials say.

Although the Portland case may open doors for Adventist students around the United States to compete in interscholastic events—including music, academic, and sports contests—its impact on Seventh-day Adventist schools remains to be seen. Although more than half of Adventist schools in the United States are taking part in interscholastic sports, some church members still condemn the practice, citing General Conference policy and the writings of Ellen G. White.

Now the question remains: Will the scheduling of interscholastic sports become the next religious liberty issue for Adventists? If the Portland case is any indication, the Church may stay divided.

"From a strictly legal sense, is it a religious liberty issue? If you want to be a diehard, it could be considered a religious liberty issue," Gatchet says. "But how many different allowances does this society have to make?"

On the other hand, Gatchet adds, "You can see where the (Portland students) are coming from. A student's choice to honor the Sabbath is being impinged upon."

For another Portland basketball player, junior Tony Nakashima, the issue is even more personal. "I have a relationship with my God, and I want to follow his commandments."

Heather Osborne is the education reporter for the Napa Valley Register.

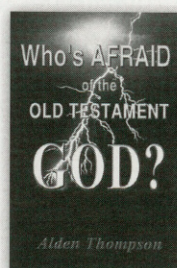
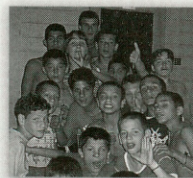
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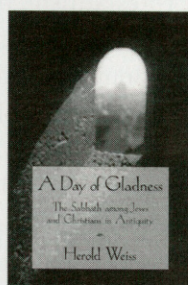
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