

FREEDOM FROM RELIGION *foundation*

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September 22, 2011

**SENT VIA U.S. MAIL & FAX
(608) 663-1607**

Daniel A. Nerad
Superintendent
Madison Metropolitan School District
545 W Dayton St, Room 100
Madison, WI 53703-1967

Re: Mandatory staff meeting held in a church

Dear Mr. Nerad:

I am writing on behalf of a Madison Metropolitan School District (MMSD) staff member, area resident, and taxpayer, as well as other Wisconsin members of the Freedom From Religion Foundation (FFRF), regarding the use of local churches as meeting locations for mandatory MMSD staff meetings. FFRF is a nationwide nonprofit organization that works to protect the constitutional principle of separation of church and state. FFRF represents over 17,000 supporters across the country, including more than 1,350 members in Wisconsin.

It is our information and understanding that the Covenant Presbyterian Church in Madison will be used as the location for a mandatory meeting of all Cherokee, Hamilton, and Wright school staff on October 27th and 28th, 2011. Our complainant informs us that officials are justifying the move because the church is allowing use of its facilities for free; however, because students are not in school during these two days, there are numerous district facilities which could accommodate the meeting.

The use of churches as meeting sites for district staff is inappropriate and raises many constitutional concerns. We urge you to move the location of the October meeting(s) and refrain from using a religious location for future MMSD gatherings.

The Supreme Court has said time and again, "The touchstone for our analysis is the principle that the 'First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.'" *Id.* at 860 (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Board of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985)). Moreover, "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 (2001)(quoting *Lee v. Weisman*, 505 U.S. at 589).

The selection of any church, including Covenant Presbyterian Church, as a site for MMSD meetings demonstrates the school's preference for religion over nonreligion, and more specifically, Christianity over all other faiths. The church's facility is undoubtedly full of religious messages and iconography. This "... 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 accompanying message to adherents that they are insiders, favored members of the political community.'" *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2001) (quoting *Lynch v. Donnelly*, 465 U.S. at 668) (O'Connor, J., concurring). The school's perceived endorsement of a local church, like Covenant Presbyterian Church, turns any non-Christian and nonbeliever into an outsider in his or her community.

Furthermore, this practice forces teachers and other staff, who may be of varying faiths or none at all, to enter a Christian house of worship in order to attend these meetings as required. MMSD should not be asking public school employees to sit through required functions in houses of worship replete with religious iconography and symbols. The Wisconsin state constitution, Article 1, §18 explicitly provides that no one "be compelled to attend, erect, or support any place of worship...against his [sic] consent." Requiring public school employees to attend functions in religious buildings violates this clear state constitutional mandate in addition to federal constitutional provisions.

MMSD teachers and staff had complained to us about these church-hosted meetings under a previous administration, and the administration appropriately moved the meetings to neutral, secular locations. It is unfortunate that this issue has come up again, for it should not be necessary for the MMSD staff or FFRF to continually monitor this unnecessary practice. We request immediate written assurances that MMSD is moving the 2011 meetings to a neutral location and that it will take the appropriate steps to ensure that the district high schools are not scheduling required meetings or any other school-sponsored event at places of worship in the future.

Thank you in advance for your time and attention to this matter. We look forward to your reply.

Sincerely,



Stephanie A. Schmitt
Staff Attorney