

# FREEDOM FROM RELIGION *foundation*

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December 14, 2011

**SENT VIA MAIL AND EMAIL**

[Sonia.Rodriguez@stisd.net](mailto:Sonia.Rodriguez@stisd.net)

Dr. Marla Guerra  
Superintendent  
South Texas Independent School District  
100 Med High Drive  
Mercedes, TX 78570

Re: Investigate Egregious Constitutional Violations Occurring at Public School

Dear Dr. Guerra:

I am writing on behalf of a concerned district family, and other Texas members of the Freedom From Religion Foundation (FFRF), to alert you to a series of Establishment Clause violations which are occurring in your school district. FFRF is a national nonprofit organization with over 17,000 members across the country, including more than 800 in Texas. Our purpose is to protect the constitutional principle of separation between state and church.

We have received a complaint that Mr. Randal Gritzner, a physics teacher at The Science Academy of South Texas, has erected a nativity scene in his classroom. We have also been told that he has another display, "the Grinch who Stole Christmas." We have been informed that Mr. Gritzner, in his own words, erected the nativity "for people of my faith, fellow Christians," and placed the other display for "every other religion, people who aren't Christians." When confronted by a student, Mr. Gritzner allegedly denied the above statements and ejected the student from his class. We also have been told that a student spoke to the principal about the displays and statements by Mr. Gritzner but that no action was taken. We ask that you conduct an immediate investigation.

It should go without saying that, if the allegations are founded, it is highly inappropriate for a public school teacher to demean a student's religious beliefs or lack of belief by likening them to a cartoon villain. Mr. Gritzner's alleged statements and these displays exceed not only the bounds of courtesy, but also the bounds of the First Amendment.

Even if we ignore the alleged unacceptable comments accompanying the displays, the displays themselves are unconstitutional. It is unlawful for a public school to maintain, erect, or host a nativity scene, thus singling out, showing preference for, and endorsing one religion.

Courts have continually held that school districts may not display religious messages or iconography in public schools. See, generally, *Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York County*, 484 F.3d 689 (4th Cir. 2007) (ruling that a teacher may be barred from displaying religious

messages on classroom bulletin boards); *Washegesic v. Bloomingdale Public Schools*, 813 F. Supp. 559 (W.D. Mich. 1993), affirmed, 33 F. 3d 679 (6th Cir. 1994) (ruling that a picture of Jesus may not be displayed in a public school). There is no educational or academic component or motive for such displays; their presence is proselytizing a captive audience.

You have an obligation under the law to make certain that “subsidized teachers do not inculcate religion.” *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). Certainly, “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. South Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993)(quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991).

This obligation exists 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 (2001)(quoting *Lee v. Weisman*, 505 U.S. at 589). School-aged children are a captive audience. They are young, impressionable, and vulnerable to social pressure, particularly pressure exerted from a position of authority.

Endorsements of Christianity in public schools are disturbing for those parents and students who are not Christians. “School 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).

Finally, the alleged statements made by Mr. Gritzner were rude, divisive, and wildly inappropriate for a public schoolteacher. The school environment should welcome all students, not just those who adhere to his faith. If the statements were made, Mr. Gritzner deliberately alienate young students. This is a public employee in a position of authority over students; he hands out grades and can dole out punishment.

We request that you investigate this matter and immediately remove the displays from the public school. If Mr. Gritzner wishes to put such a display on his front lawn he is welcome to, but it must be removed from school property. If your investigation corroborates the claims, we believe Mr. Gritzner’s statements merit an apology and an official sanction. May we hear from you about this matter at your earliest convenience?

Sincerely,



Patrick Elliott  
Staff Attorney

Cc: Mr. Michael Aranda, Principal, Science Academy of South Texas  
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