

FREEDOM FROM RELIGION *foundation*

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August 15, 2017

SENT VIA EMAIL & U.S. MAIL: jody.balch@clovis-schools.org

Mr. Jody Balch
Superintendent
Clovis Municipal School District
1009 Main Street
Clovis, NM 88101

Re: Unconstitutional Religious Display

Dear Superintendent Balch:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Clovis Municipal School District. We were contacted by a concerned parent. FFRF is a national nonprofit organization with more than 29,000 members across the country, including members and a local chapter in New Mexico. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that there is a large mural painted inside of the Freshman Academy that depicts a dove and an anchor, and features a quote from the bible, “hope anchors the soul – Hebrews 6:19.” Please see the enclosed photo. We understand that a former art teacher at the Academy, Molly Miller, painted this mural.

The District violates the Constitution when it allows its schools to display religious symbols or messages. Public schools may not advance, prefer, or promote religion. *See 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). This display violates this basic constitutional prohibition by creating the appearance that the District prefers religion over nonreligion and Christianity over all other faiths.

Courts have continually held that school districts may not display religious messages or iconography in public schools. *See, e.g., 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 Pub. Schs.*, 33 F. 3d 679 (6th Cir. 1994) (ruling that a picture of Jesus may not be displayed in a public school).

Religion is a divisive force in public schools. The Supreme Court has repeatedly noted that “[s]chool 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 an 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 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

This religious display is particularly inappropriate given that about 35% of those born after 1981 are not religious.¹ The display alienates those nonreligious students, families, teachers, and members of the public whose religious beliefs are inconsistent with the message being promoted by the school.

In recognition of the District’s constitutional obligation to remain neutral toward religion, please remove the mural. Please reply in writing with the steps you are taking to remedy this constitutional violation.

Sincerely,



Christopher Line
Patrick O’Reiley Legal Fellow
Freedom From Religion Foundation

Enclosure

¹ *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.



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hope anchors
the soul ♥

T. STEWART

original image by Victoria F...
redesigned by Abby Miller