

FREEDOM FROM RELIGION *foundation*

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May 24, 2018

SENT VIA EMAIL AND U.S. MAIL:
doanm@u40gw.effingham.k12.il.us

Mr. Mark Doan
Superintendent
Effingham CUSD #40
P. O. Box 130
Effingham, IL 62401

Re: Religious promotion in staff emails

Dear Superintendent Doan:

I am writing on behalf of the Freedom From Religion Foundation. We appreciate your assistance in resolving a complaint that we received earlier this year regarding the promotion of a religious event at Central Grade School. We received another complaint regarding the District's promotion of religion and we hope this issue can be quickly resolved as well.

A concerned District staff member contacted us to report that some of your emails to staff promote your personal religious beliefs, typically in the form of an attached "note" and regarding holidays. For instance, on November 23, 2016, you emailed staff a note stating:

**HAPPY THANKSGIVING
REMEMBERING THE GOODNESS OF GOD**

I wanted to wish each and every one of you a very Happy Thanksgiving. What does being thankful mean? To me, I am thankful and so fortunate. I try to remind myself daily of truly how blessed I am. I feel it is important to reflect upon our situations and opportunities regularly.

More significantly however, it is my belief that I am grateful to have the opportunity to try and live my life as God has intended. Love the Lord your God with all your heart and with all your soul and with all your strength and with all your mind; and Love your neighbor as yourself. I am also most thankful for my family. Every employee in Unit #40 is a part of our family. This means that I am appreciative for you, each of you. . . .

On December 22, 2016, you emailed staff a note stating:

And the Angel said unto them, FEAR NOT; FOR BEHOLD, I BRING YOU good tidings of great joy. FOR UNTO YOU IS BORN THIS DAY in the city of David a Savior, WHICH IS CHRIST THE LORD. Luke 2:10–11.

...

During this special time of year it is my sincere hope that you spend time to take in the true meaning of Christmas. We are so fortunate that God sent his son to bear our sins so we may have everlasting life.

On November 22, 2017, you emailed staff a note stating:

Happy Thanksgiving!

“Whatever you do in word or deed, do all in the name of the Lord Jesus giving thanks through Him to God the Father.” Colossians 3:17.

Other emails to staff also include less explicit religious messages. For instance, a December 21, 2017 email states that the “true meaning of Christmas is so very humbling.” Even these otherwise ambiguous statements are reasonably understood by staff as endorsing Christianity given the pattern of New Testament verses and other messages that presume all District staff are Christian (*e.g.* “We are so fortunate that God sent his son to bear our sins . . .”).

In short, it appears that you regularly promote Christianity to your staff. We request assurances that future communications with your staff will remain secular, as is constitutionally required.

As you know, public schools are prohibited from endorsing religious messages. This is true not only with regard to communications to students, but also with regard to District administrators’ communication to staff. *See, e.g., Warnock v. Archer*, 380 F.3d 1076, 1080–81 (8th Cir. 2004) (prohibiting public school district from orchestrating or supervising prayers at mandatory teacher meetings and in-service training).

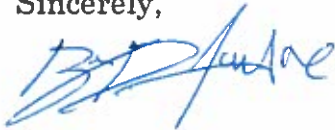
The Seventh Circuit, which has jurisdiction over Illinois, has specifically ruled that distributing bible verses and other religious messages to government employees violates the First Amendment of the U.S. Constitution. *Milwaukee Deputy Sheriff’s Ass’n v. Clarke*, 588 F.3d 523, 525–26 (7th Cir. 2009) (holding religious speech by a sheriff, bible readings, and distribution of Christian literature during mandatory employee meetings unconstitutional under the Establishment Clause).

Your religious notes to District staff appear to coincide with holidays. Although holidays like Christmas are often associated with religious celebrations, the Supreme Court has specifically held that “the government may acknowledge Christmas as a cultural phenomenon, but under the First Amendment it may not observe it as a Christian holy day by suggesting that people praise God for the birth of Jesus.” *Cnty. of Allegheny v. ACLU Greater Pittsburgh Ch.*, 492 U.S. 573, 601 (1989) (emphasis added). Simply put, holidays with religious associations are not an excuse for the government to promote religion.

Besides the legal issues, there are many good policy reasons to end this practice. Promoting your personal religion to your employees creates acrimony, makes minority religious and nonreligious employees feel like outsiders in their own place of work, and shows an inappropriate preference for religion over nonreligion. Religion is an inherently divisive topic. Sending specifically Christian messages is not conducive to an employment environment that is inclusive of minority faiths and staff members with no faith.

To avoid constitutional concerns and divisiveness within your staff, we request assurances that you will refrain from using your position as superintendent to promote your personal religion to your employees in the future. Please reply in writing at your earliest convenience so that we may notify our complainant that this matter has been resolved.

Sincerely,



Ryan D. Jayne
Staff Attorney