

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

March 6, 2018

SENT VIA EMAIL AND U.S. MAIL: tc.chappelear@iclsd.org

Dr. T.C. Chappelear
Superintendent
Indian Creek School District
587 Bantam Ridge Road
Wintersville, OH 43953

Re: Scheduled religious event

Dear Superintendent Chappelear:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation scheduled to occur on March 19, 2018 at Hills Elementary School. FFRF is a national nonprofit organization with 32,000 members across the country, including over 800 members and a chapter in Ohio. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned Wintersville resident contacted FFRF to report that Hills Elementary School has scheduled an event on March 19, 2018, where representatives from the Christian missionary group Samaritan's Feet will give shoes and socks to students and then wash the students' feet. Parents have received a permission form for this event, indicating that students will have the "opportunity" to have their feet washed during the shoe distribution. A copy of the permission form is enclosed.

We write to ensure that the district does not grant a religious organization access to its students to perform a religious ritual.

The washing of feet is a ritual steeped in religious significance. The act is modeled after John 13:1–17 in the New Testament, in which Jesus washes his disciples' feet and instructs them to wash each other's feet. Samaritan's Feet is a Christian missionary organization. The religious significance of this ritual is not lost on its volunteers. The organization's founder, Pentecostal minister Manny Ohonme, describes shoe distributions as "a tangible way to present the love of Christ." He states that during shoe giveaways and foot washings, "We ask [kids], 'What is the worst thing that has ever happened to you?' And we tell them, 'Do you know that we know the Person who can help heal your past and has the key to unlock your future?' And we get the chance to minister to those kids."¹

While it is laudable for the district to concern itself with providing its students with new shoes and socks, as a government entity a public school cannot endorse religion or grant access to a ministry to evangelize students. Samaritan's Feet is unapologetic and unsubtle about its goal of ministering to children: "The shoes is [*sic*] just a hook, just the bait," explains Ohonme. "Because those shoes will wear out. There is a [spiritual] transaction that happens . . . that we hope those kids will never forget. And that's what this stuff is about."² If the district allows these outside adults to have this "spiritual" interaction with students, then

¹ Adrienne Gaines, *Ministry Uses Shoes to Spread Hope, Gospel*, CHARISMA MAGAZINE (Oct. 2009), www.charismamag.com/site-archives/570-news/featured-news/7089-ministry-uses-shoes-to-spread-hope-gospel.

² *Id.*

Samaritan's Feet has essentially bought access, at a school-sponsored event, to proselytize the children in the district's care. This cannot be allowed to happen.

As you are likely aware, it is well settled that public schools may not advance or promote religion. *See generally 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). The government must not encroach on personal religious freedom, which necessarily includes both the right to choose a religion or no religion at all. The Supreme Court has held that "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 (2000) (quoting *Lee*, 505 U.S. at 589). In *Lee* the Supreme Court extended the prohibition of school-sponsored religious activities beyond the classroom to all school functions, holding prayers at public high school graduations an impermissible establishment of religion. Even if this shoe giveaway takes place outside the normal school day, it still violates the Constitution as a school-sponsored religious activity.

Please note that school involvement in this religious activity remains illegal even though students have been given the option to "opt out" of the foot washing. The Supreme Court has summarily rejected arguments that voluntariness excuses a constitutional violation. *See Lee*, 505 U.S. at 596 ("It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice."); *Schempp*, 374 U.S. at 288 (Brennan, J., concurring) ("Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question"); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) ("VMI cannot avoid Establishment Clause problems by simply asserting that a cadet's attendance at supper or his or her participation in the supper prayer are 'voluntary.'"). Regardless of whether students can opt out, the school involvement in advertising and participating in a religious ritual remains illegal.

Please take steps to ensure that outside adults are not permitted to promote their personal religious beliefs to students at a school-sponsored event. Adults must not be allowed to perform religious rituals on students, including washing their feet. Please inform us in writing of the steps the district takes to protect the right of conscience of its students and their families so that we may notify our complainant.

Sincerely,



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



SAMARITAN'S FEET

Shoe Distribution March 19, 2018

Samaritan's Feet in partnership with **Walmart Distribution Center** and **Hills Elementary** will be hosting a shoe distribution during school hours on **Monday, March 19th, 2018.**

A free pair of **NEW** athletic shoes and socks will be provided at this event to all children that are registered and in attendance.

All children participating will also have the opportunity to have their feet washed during the shoe distribution.

Please return the attached form no later than [Friday, 3/2/18] to be eligible.

Name: _____

Gender: Male / Female (Circle one)

Age: _____

Grade/Teacher: _____

Shoe Size: _____

Walmart 