

# FREEDOM FROM RELIGION *foundation*

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

September 25, 2019

**SENT VIA EMAIL & U.S. MAIL**

**lgbryson@windstream.net**

Larry G. Bryson, P.S.C

318 West Dixie Street

London, KY 40741

Re: Unconstitutional Proselytizing in School

Dear Mr. Bryson:

I am writing on behalf of the Freedom From Religion Foundation (FFRF). We appreciate your September 4, 2019, response to our previous letter, unfortunately we have since received more reports of constitutional violations occurring in the district.

A concerned district parent contacted FFRF about two additional constitutional violations occurring in Jackson County Public Schools. First, the parent reported that Jackson County High School contains at least two displays of the Ten Commandments, one in the entryway to the school auditorium, and another in a classroom. The parent also reported that Jackson County High School allowed Jon Isaacs, a pastor with a local Baptist church, special access to the Jackson County High School football team to lead the team in a pre-scrimmage devotional.

The district violates the Constitution when it allows its schools to display religious symbols or messages. As you are aware, 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. Bloomington Pub. Schs.*, 33 F. 3d 679 (6th Cir. 1994) (ruling that a painting of Jesus may not be displayed in a public school). Jackson County High School must remove its Ten Commandments displays.

Similarly, it is inappropriate and unconstitutional for the district to offer religious leaders unique access to befriend and proselytize students during the school day on school property. No outside adults should be

provided carte blanche access to minors—a captive audience—in a public school. The district cannot allow its schools to be used as recruiting grounds for churches. Public schools are not an appropriate place for outside adults to convince students to attend their church. This recruitment constitutes “a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith.” *McCollum v Bd. of Ed.*, 333 U.S. 203, 210 (1948).

Allowing church representatives regular, or even one-time, access to school sponsored extracurricular activities to proselytize students is a violation of the Establishment Clause. The courts have protected public school students from overreaching outsiders in similar situations. *See, e.g., Berger v. Rensselaer School District*, 982 F.2d 1160 (7th Cir. 1993) (holding that distribution of bibles by Gideons in school violated Establishment Clause). Courts have granted injunctions against schools for their complacency in such situations. *See, e.g., Roark v. South Iron R-1 Sch. Dist.* 540 F. Supp.2d 1047, 1059 (E.D. Mo., 2008); *upheld in relevant part by 573 F.3d 556*, (8th Cir. 2009) (holding that school policy allowing evangelical Christian organization to distribute bibles in school violated Establishment Clause).

To comply with its constitutional obligations, the district must remove all Ten Commandments displays in district schools, abstain from allowing religious leaders to use school sponsored activities to proselytize to students, and remove all social media posts promoting or thanking religious leaders for leading students in worship.

Sincerely,



Dante CH Harootunian

*Patrick O'Reiley Legal Fellow*

*Freedom From Religion Foundation*

Enclosure

## THE TEN COMMANDMENTS

**Thou shalt have no other gods before me.**

**Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the earth beneath, or that is in the water underneath the earth: Thou shalt not bow down thyself to them, nor serve them: for I the LORD thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me.**

**Thou shalt not take the name of the LORD thy God in vain: for the LORD will not hold him guiltless that taketh his name in vain.**

**Remember the sabbath day, to keep it holy.**

**Honour thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee.**

**Thou shalt not kill.**

**Thou shalt not commit adultery.**

**Thou shalt not steal.**

**Thou shalt not bear false witness against thy neighbour.**

**Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbour's.**

*Exodus 20: 3-17*

KING JAMES VERSION



Jackson County High School

August 9 · 🌐



JCHS, Coach McDaniel, & Football Generals would like to thank Jon Isaacs and Deer Stable Baptist Church for providing the team a meal and devotional before our scrimmage tonight. The baked spaghetti and message was awesome! Jon is a JCHS Alum, Class of 2008. He played on the first team at JCHS, played 2 years at Union College, and now preaches.

