

FREEDOM FROM RELIGION *foundation*

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February 14, 2018

SENT VIA EMAIL AND U.S. MAIL:

stingley@lw210.org

Dr. R. Scott Tingley
Superintendent
Lincoln-Way Community High School District 210
1801 E. Lincoln Highway
New Lenox, IL 60451

Re: School-sponsored event in church

Dear Superintendent Tingley:

I am writing on behalf of the Freedom From Religion Foundation regarding a constitutional violation involving the District's madrigal choirs. FFRF is a national nonprofit organization with 30,000 members across the country, including more than 1,000 members in Illinois and a local chapter, FFRF Metropolitan Chicago Chapter. FFRF's 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 member contacted us to report that Lincoln-Way West's Madrigal Choir performed at St. Joseph's Catholic Church in Manhattan on the morning of Sunday, December 10, 2017. This performance was presumably part of the church's Sunday morning worship services. There are several videos available online that show the school Madrigal Choir performing at another church in 2014.¹ In those videos, prominent religious iconography is clearly visible, including a large Latin cross just behind the choir (see enclosed screenshot).

Lincoln-Way West's Madrigal Choir also performed at another church in 2015, as part of an event that the church described as "a service in song" (see enclosure). It appears that Lincoln-Way Central High School's madrigal choir also regularly performs at churches.²

The use of churches for public school programming is inappropriate and unconstitutional. The appearance that the District endorses a religious message is even stronger when religious iconography is present or when the choir sings devotional religious songs, as appears to be the case with every instance of District madrigal choirs performing in churches. We request assurances that District madrigal choirs will perform only in secular venues in the future.

¹ See, e.g., [youtube.com/watch?v=8_Ln-Ma9UHQ](https://www.youtube.com/watch?v=8_Ln-Ma9UHQ).

² See lwcmusic.org/madrigal-singers.html.

It is a fundamental principle of Establishment Clause jurisprudence that a public school may not advance or appear to endorse 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). Moreover, “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).

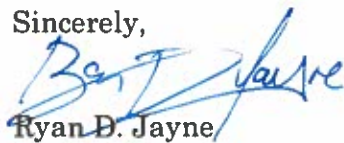
A school’s use of a church for school functions is problematic because it sends a message of approval of the church to impressionable students. This “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to . . . nonadherents ‘that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.’” *Id.* at 309–10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

The Seventh Circuit Court of Appeals, which has jurisdiction over Illinois, struck down another school districts’ use of a church for school functions. *See Doe v. Elmbrook Sch. Dist.*, 687 F.3d 840 (7th Cir. 2012) (holding that a school’s graduation held in a church violated the Establishment Clause). Whereas the school district in *Elmbrook* held an entirely secular ceremony in a church, the appearance of religious endorsement is even stronger here because the madrigal choirs are singing religious music that coincides with worship services.

Other federal courts around the country have also struck down similar practices. *See, e.g., Does v. Enfield Pub. Sch.*, 716 F. Supp. 2d 172 (D. Conn. 2010) (“By choosing to hold graduations at [a church], [a school] sends the message that it is closely linked with [the church] and its religious mission, that it favors the religious over the irreligious, and that it prefers Christians over those that subscribe to other faiths, or no faith at all.”); *Musgrove v. Sch. Bd. of Brevard Cty.*, 608 F. Supp. 2d 1303 (M.D. Fla. 2005) (ruling that plaintiffs had demonstrated likelihood of success on the merits of their claim that holding public high school graduations in a church violates the Establishment Clause).

This practice forces parents and children, who may be of varying faiths or none at all, to enter a Christian house of worship in order to attend a school event with all their classmates. In order to protect the rights of conscience of all District students, we request that District madrigal choirs no longer perform events at churches and instead select secular facilities for all future events. Please inform us in writing of the steps taken to remedy this situation.

Sincerely,



Ryan D. Jayne
Staff Attorney

Enclosure



St. Jude Music Ministry presents...
"Let There Be Christmas"
A Christmas Cantata
By: Joseph Martin

Sunday, November 29, 3:00p.m.
St. Jude Catholic Church

"Let There Be Christmas" is a service in song. A joyous celebration of hope and peace for the Christmas season. With well-known carols, narration and original anthems, this cantata is filled with moments of jubilant songs of praise to reflective carols of peace, bringing in the spirit of the season.

All of the St. Jude vocal choirs, along with a full orchestra and guest vocalists from the Chicago Lyric Opera and Chicago Symphony Chorus and the Handbell Choir of the First United Methodist Church of Downers Grove will perform this Cantata, under the direction of Music Director, Mr. Tom Labanauskas. We are very pleased to, once again, have the Lincoln-Way West Madrigal Singers, who will be performing prior to the Cantata, under the direction of Mr. Tom Venutolo as well as the Lincoln-Way Honors Flute Ensemble.

This Cantata is FREE and we encourage people of all ages! We invite YOU to come and hear our worship space filled with beautiful music and celebrate the light of Christ this Christmas season with this brilliant, sacred cantata!
Let there be CHRISTMAS!