

FREEDOM FROM RELIGION *foundation*

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December 5, 2017

SENT VIA EMAIL AND U.S. MAIL: llantrip@newpal.k12.in.us

Dr. Lisa Lantrip
Superintendent
CSC of Southern Hancock County
PO Box 508
New Palestine, IN 46163

Re: Religious banner

Dear Superintendent Lantrip:

I am writing on behalf of the Freedom From Religion Foundation regarding a religious banner on school property. FFRF is a national nonprofit organization with 30,000 members across the country, including more than 450 in Indiana. 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 District event attendee contacted us to report that the New Palestine High School football stadium includes a prominent, large religious banner, which is also directly across from the entrance to the school. Please see the enclosed image. The center of the banner includes a large image of the football team's logo, above the text "DRAGONS FOOTBALL." Elsewhere on the banner is an advertisement for a local church, with the church's logo and website, and a New Testament reference, "I CAN DO ALL THINGS . . ."¹

Students and parents will understand that the high school endorses this banner and its religious message, given its prominent placement, team logo, and the words "DRAGONS FOOTBALL." Palestine High School may not decorate its stadium with religious displays or church advertisements. We request that this banner be removed immediately.

It is well settled that public schools may not advance, prefer, or 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 Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). Advancing, preferring, and endorsing religion is exactly

¹ See Phil. 4:13 ("I can do all things through Christ who strengthens me.").

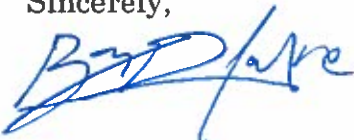
what a school does when it promotes a church and the New Testament to its students, parents, school employees, and anyone else utilizing the school.

New Palestine High School may not promote religion or religious messages. Courts have continually held that school districts may not display religious messages or iconography in public schools. *See generally Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York Cnty.*, 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. Sch.*, 813 F. Supp. 559 (W.D. Mich. 1993), *aff'd*, 33 F. 3d 679 (6th Cir. 1994) (ruling that a painting of Jesus may not be displayed in a public school). 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.’” *Santa Fe Indep. Sch. Dist.*, 530 U.S. 290, 309 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

Messages that are affixed to school walls, or in this case, the outside of the school’s stadium, are attributable to the school. Such messages are government speech, not private speech. *See Mech v. Sch. Bd. of Palm Beach Cty., Fla.*, 806 F.3d 1070, 1074 (11th Cir. 2015), *cert. denied*, 137 S. Ct. 73 (2016) (holding that paid advertising banners on school fences were government speech). It makes no difference if the church message is paid advertising. Given this banner’s size, prominent location, and inclusion of the school logo and name of the school’s football team, the banner is plainly attributable to the school and must not include religious messages or promote places of worship.

We request that the District immediately remove this banner. We also ask that you review other school facilities and advertising to ensure compliance with the Constitution. Please inform us in writing of the steps the school system takes to remedy this violation so that we may notify our complainant.

Sincerely,



Ryan D. Jayne
Staff Attorney

Enclosure

