

FREEDOM FROM RELIGION *foundation*

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

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SENT BY U.S. MAIL AND EMAIL:
marshall.harrison@region16.net

Mr. Marshall Harrison
Superintendent
Sunray ISD
P O Box 240
Sunray, TX 79086

Re: Religious displays by teachers on school property

Dear Superintendent Harrison:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation involving religious promotion by Sunray ISD employees. FFRF is a national nonprofit organization with more than 30,000 members across the country, including over 1,300 members in Texas. Our purposes are to protect the constitutional separation between state and church and to educate the public on nontheism.

We are informed that this past December, Sunray ISD hosted a Christmas Open House event that featured elaborate holiday-themed wall decorations throughout the building, including hallway walls and classroom doors. Many of the decorations were quite impressive. It appears, however, that some district employees chose to adorn their doors or hallways with explicitly religious decorations, such as depictions of the biblical story of the birth of Jesus, or with messages such as "God so loved the world he gave," "Jesus is the reason for the season," or "The Greatest Gift is HIM!" One display encouraged, "Read a good book and remember why we celebrate!" with a summary of the biblical story underneath. Pictures of four such displays are enclosed.

We write to ensure that in future years the district will not permit its employees to use this event to promote their personal religious beliefs or to encourage students and other participants to read the bible.

The district violates the Constitution when it allows its schools to display religious symbols or messages. 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 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. Schs.*, 33 F. 3d 679 (6th Cir. 1994) (ruling that a picture of Jesus may not be displayed in a public school). In this case, district staff went well beyond what is constitutionally permissible by promoting religion through these displays.

Public schools have a duty to ensure that “subsidized teachers do not inculcate religion” or use their positions of authority to promote a particular religious viewpoint. *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). Please note that it is not a violation of the free speech rights of teachers when a school district regulates what they promote to students in the school. Teachers have access to a captive audience of students due to their position as public educators. Sunray ISD has a duty to prohibit its teachers from proselytizing students. “Because the speech at issue owes its existence to [his] position as a teacher, [the School District] acted well within constitutional limits in ordering [the teacher] not to speak in a manner it did not desire.” *Johnson v. Poway Unified Sch. Dist.*, 658 F.3d 954, 970 (9th Cir. 2011), *cert. denied* 132 S. Ct. 1807 (2012) (upholding decision of school board to require a math teacher to remove two banners with historical quotes referencing “God”).

The Supreme Court has stated that “[t]he 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 people praise God for the birth of Jesus.” *County of Allegheny v. ACLU of Pittsburgh*, 492 U.S. 573, 601 (1989). These religious displays are particularly inappropriate given that 30% of Americans are non-Christians, either practicing a minority religion or no religion at all, and about 47% of young Americans—those born after 1981, i.e. your students—are non-Christian.¹ These displays alienate those nonreligious students, families, teachers, and members of the public whose religious beliefs are inconsistent with the message being promoted by the school.

In recognition of Sunray ISD’s constitutional obligation not to promote religion, please ensure that district classrooms are not decorated with religious messages in the future. District employees should be reminded that they cannot promote their personal religious beliefs to students while acting in their official capacities. Please reply in writing outlining the steps taken to address this constitutional violation so that we may notify our complainant.

Sincerely,



Sam Grover
Associate Counsel

Enclosures (4)

¹ Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.



JESUS

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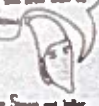
Jesus is born
with Christmas
The Pope



Read a good book and remember why we celebrate!

... of a young man who was thought
as of love for his future with
Christina saying he was excited
...
Christina
...
Christina
...
Christina
...
Christina

The young knight Sir Guy a Northrup born
I will have Christina in my hand and try to keep
it all for you. I will be so to her, honor, and
faith. The spirits of all the dead shall witness me
I will not stand and the honor
they look



So, as the story goes, "Dream Sir Guy and better
than the world. He knows as you a friend, as you a warrior
as you a man in the old city born to me and that he
knows how to keep Christina and if any man else
pretended to be friendly."

May that day be said of all of us. One of your
love and devotion to others and how your father was
but in a try to read, "God bless us, long live."

... an angel of the lord appeared to him in a
dream and said, "Joseph, son of David, do not be
afraid to take Mary home as your wife... She will
give birth to a son and you are to give him the name
Jesus because he will save his people from their sins."
Matthew 1:20-21

... and do you birth to her firstborn son. She wrapped
him in cloths and placed him in a manger because there
was no room for them in the inn.
And then once shepherds being out in the fields nearby,
keeping watch over their flocks at night. An angel of
the lord appeared to them, and the glory of the lord
shone around them, and they were terrified. But the angel
said to them, "Do not be afraid. I bring you good news of
great joy that will be for all the people. Today, in the
town of David, a Savior has been born to you; he is
Christ the Lord."
Luke 2:7-11

For with us a child is born, to us a son is given,
and the government will be on his shoulders. And he will be
called Wonderful Counselor, Mighty God, Everlasting Father, Prince of Peace.
Isaiah 9:6



The drawing depicts a simple manger scene. A star with radiating lines is positioned above the roof of a stable. Inside the stable, two figures are visible: one standing and one kneeling. A manger with a glowing light inside is positioned between them.

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