

FREEDOM FROM RELIGION *foundation*

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June 28, 2017

SENT VIA EMAIL & U.S. MAIL
jsabo@wanee.org

Joe Sabo
Superintendent
Wa-Nee Community Schools
1300 North Main Street
Nappanee, IN 46550

Re: Mission trip to Panama

Dear Superintendent Sabo:

I am writing on behalf of the Freedom From Religion Foundation regarding a constitutional violation occurring within Wa-Nee Community Schools ("District"). FFRF is a national nonprofit organization with more than 29,000 members across the country, including more than 400 in Indiana. FFRF's purpose is to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned local resident informed us that the NorthWood High School girls' soccer team left for a mission trip to Panama on Sunday, June 18, 2017. The trip was organized by the head coach, Phil Ummel, in association with SCORE International, a short-term mission organization. A local news channel covered the trip and interviewed Coach Ummel, who in his official capacity openly promoted the trip and encouraged the girls to go as a team. He stated "The goal is every kid once in their high school career gets to go on one of these trips with us."¹ This is the third such trip he has taken with the team, and his goal is to go on a regular basis every three years. Some of the players who were interviewed mentioned that they were "looking forward to spreading the word of God" and becoming "closer to God" as part of the trip.²

SCORE stands for "Sharing Christ Our Redeemer Enterprises."³ Among SCORE's core values are evangelizing the lost and expressing the Gospel. Its vision statement is: "To glorify God through missions in obedience to the

¹ wndu.com/content/news/Northwood-soccer-team-goes-on-mission-trip-to-Panama-429318033.html (last accessed June 27, 2017).

² wndu.com/content/news/Northwood-soccer-team-goes-on-mission-trip-to-Panama-429318033.html (last accessed June 27, 2017).

³ scoreintl.org/about/ (last accessed June 27, 2017).

Great Commission.” Matt. 28:19–20, 1 Peter 4:7–11. And every international mission trip through SCORE includes a ministry set-up.⁴

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).

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 public school employee bringing public school students on a mission trip—through an organization with an explicitly evangelical purpose—demonstrates a blatant promotion of Christianity over other religions, and of religion over non-religion.

Furthermore, it excludes non-Christian and non-religious students for a public school to schedule or promote this kind of trip. “School 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*, 530 U.S. at 309–10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

The fact that participation or attendance on this mission trip was voluntary does not make the trip any less constitutionally suspect. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. See, generally, *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) (“... 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.’”); *Jager v. Douglas Cnty. Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989) (“... whether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis . . . The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual.”).

⁴ scoreintl.org/ (last accessed June 27, 2017).

Similarly, the fact that SCORE is a private organization does not make the mission trip constitutional. Coach Ummel's promotion of and participation in the mission trip while acting in his capacity as head of the girls' soccer team are egregious violations of the Establishment Clause. An objective observer would undoubtedly perceive his conduct as giving NorthWood's "seal of approval" to the message and mission of SCORE on behalf of the school district. *See Santa Fe*, 530 U.S. at 308.

A public school may not promote SCORE's religious message. Likewise, public school officials in their professional capacities may not proselytize or encourage students to engage in religious activities, and must remain impartial in all matters regarding religion. "The First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion." *Epperson*, 393 U.S. at 104. Coach Ummel did not remain neutral here; he used his position as a District employee in order to promote his personal religion, and recruited his student athletes to help him.

No public school should dictate what religion to believe in or not believe in, or what religious activities to participate in or not participate in. Coach Ummel must refrain from promoting or taking students on future mission trips while acting in his capacity as a coach. Please inform us in writing of the steps you take to ensure that this constitutional violation does not recur.

Sincerely,



Ryan D. Jayne, Esq.
Elaine and Eric Stone Legal Fellow
Freedom From Religion Foundation

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