

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL
nugentd@tigerweb.org

Dr. Donna Nugent
Superintendent
Big Beaver Falls Area School District
1503 Eighth Avenue
Beaver Falls, PA 15010

Re: Unconstitutional Religious Field Trip

Dear Dr. Nugent:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding the decision by the Big Beaver Falls Area School District to sponsor a field trip to the Creation Museum. FFRF is a national nonprofit dedicated to protecting the constitutional principle of separation between state and church, with 23,500 members across the country, including more than 750 members and a chapter in Pennsylvania.

It is our understanding that the school district recently approved a field trip request made by high school teacher Josh Maruca to take students to the Creation Museum. It is unconstitutional for a public school to take students on a field trip to a religious venue such as the Creation Museum, a Christian “museum” which promotes the religious doctrine of creationism, and lists its mission as “to point today’s culture back to the authority of Scripture and proclaim the gospel message.”

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). The Supreme Court has long recognized that “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 v. Weisman*, 505 U.S. at 589). Bringing students on a field trip to a religious venue is a blatant promotion of religion.

Scheduling a trip to this type of sectarian establishment excludes non-Christian and non-religious students. “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 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. at 668 (O’Connor, J., concurring)).

Certainly, the religious content of the Creation Museum would not be permitted if taught directly at Beaver Falls High School. The Supreme Court has struck down teaching creationism in public schools. *Edwards v. Aguillard*, 482 U.S. 578 (1987). Federal courts have consistently rejected creationism and its ilk in the public schools. *Freiler v. Tangipahoa Parish Bd. of Educ.*, 201 F.3d 602 (5th Cir. 2000) (holding that reading a disclaimer before teaching evolution violates the Establishment Clause); *Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517 (9th Cir. 1994) (holding school's prohibition on teaching creationism valid because permitting a teacher "to discuss his religious beliefs with students during school time on school grounds would violate the Establishment Clause."); *Webster v. New Lenox Sch. Dist. No. 122*, 917 F.2d 1004 (7th Cir. 1990) (holding school board's prohibition on teaching "creation science" valid because the board had a responsibility to ensure that the teacher was not "injecting religious advocacy into the classroom."). Taking students to a museum that promotes creationism is also unconstitutional, not a way to get around these prohibitions.

The fact that participation or attendance on this field trip is voluntary is not a valid safeguard. 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) ("Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question"); *Jager v. Douglas County Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989), *cert. denied*, 490 U.S. 1090 (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.")

It is also irrelevant that the field trip apparently comes at no cost to the District. The District cannot allow its staff to use their position as District employees to instruct students in religious doctrine.

If the Big Beaver Falls Area School District is interested in engaging its students by going on an educational field trip, there are many secular museums and other educational opportunities available. The District must immediately cancel the planned May 20 field trip, and refrain from taking young students on inappropriate, unconstitutional religious field trips in the future. Please inform us in writing of the steps the District is taking to respect the right of conscience of all its students and their families and to ensure that this constitutional violation is avoided and not repeated.

Sincerely,



Madeline Ziegler, Esq.
Cornelius Vanderbroek Legal Fellow
Freedom From Religion Foundation