

# FREEDOM FROM RELIGION *foundation*

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June 16, 2016

**SENT VIA EMAIL & U.S. MAIL**  
**wkimble@chandler.k12.ok.us**

Mr. Wayland Kimble  
Superintendent  
Chandler Public School District  
901 S. CHS Street  
Chandler, OK 74834

Re: Unconstitutional Religious Displays

Dear Superintendent Kimble:

I am writing on behalf of the Freedom From Religion Foundation regarding a constitutional violation occurring at East Side Elementary School. We were contacted by a concerned local resident. As you probably remember, FFRF is a national nonprofit organization with nearly 24,000 members across the country, including more than 150 members in Oklahoma. We protect the constitutional principle of separation between state and church.

In the past, you have acted to correct constitutional violations quickly and we know you take your constitutional obligations seriously. We trust you will treat this complaint similarly.

It is our understanding that one of the walls in the teachers' lounge bears a large (approximately 5 feet by 5 feet) stenciled message: "Miracles alter flow unseen throughout our lives, so let us remember to thank God for our daily blessings."

As you know, public schools may not advance, prefer, or promote religion. *See 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). This display violates this basic constitutional prohibition by creating the appearance that the district prefers religion over nonreligion and Christianity over all other faiths.

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 County*, 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).

That this religious message is displayed in the teacher's lounge does not mitigate the violation. First, it is still on government property. Second, the government cannot impose religion on its

employees any more than it can impose religion on students. For instance, courts have found that prayers at government employee meetings constitute illegal government endorsement of religion. *Warnock v. Archer*, 380 F.3d 1076, 1080 (8th Cir. 2004) (“The Constitution, however, forbids [the government] from conveying the message that it decisively endorses a particular religious position.”). See also *Milwaukee Deputy Sheriff’s Ass’n v. Clarke*, 588 F.3d 523, 525-26 (7th Cir. 2009) (holding sheriff’s religious speech, bible readings, and Christian literature distributions during mandatory employee meetings unconstitutional).

This religious display is particularly inappropriate given that Nearly 30% of Americans are non-Christians, either practicing a minority religion or no religion at all, and about 44% of millennials are non-Christian.<sup>1</sup> The display alienates 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 the district’s constitutional obligation to remain neutral toward religion, please ensure that the district does not display religious messages. Please reply in writing with the steps you are taking to remedy this constitutional violation.

Sincerely,



Andrew L. Seidel  
Staff Attorney

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<sup>1</sup> *America’s Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).