

FREEDOM FROM RELIGION *foundation*

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

April 21, 2016

SENT VIA EMAIL AND U.S. MAIL:
mdavis@ci.middleton.wi.us

The Honorable Mike Davis
City Administrator
7426 Hubbard Ave.
Middleton, WI 53562

Re: Divisive Jesus Lunch contravenes intent of contract

Dear Mr. Davis:

I am writing on behalf of the Freedom From Religion Foundation, and our Middleton membership, regarding the weekly “Jesus Lunch” events that take place in Fireman’s Memorial Park. FFRF is a Madison-based national nonprofit organization that works to protect the constitutional principle of separation between state and church. FFRF has more than 23,000 members across the country, with more than 1,300 in Wisconsin. We have received numerous complaints about the Jesus Lunch situation from your constituents.

As you know, Jesus Lunch is a weekly event where adults advertise and provide free food to Middleton High School students, and also discuss and promote Christianity. We understand these events began with parents coming into the school during lunchtime, but moved to Fireman’s Park, which is directly adjacent to the school, as the events became larger. Currently, approximately 400 students attend the lunch every week. These adult-run religious events target public school students for religious indoctrination, divide the student body, and present genuine health and safety risks, all without seeking the consent of the school district or students’ parents. We write to encourage the City of Middleton to support the school district’s efforts to manage the use of the park during the school day and to end these divisive events.

Tuesday’s near-melee during the “Jesus Lunch” was a lesson in why religion does not belong in public schools. Calling attention to religious differences creates walls between students who would otherwise be friends or colleagues. Many of the students inside the large pavilion, eating the lunch and chanting “Jesus lunch! Jesus lunch!” at student protesters, literally became the

“insiders” at the school—part of the privileged majority. The smaller contingent of protesting students standing on the lawn outside the pavilion were the “outsiders.” Students standing on the picnic table explaining why the Jesus Lunch makes them so uncomfortable were identifiably minorities — Jewish, atheist, Muslim, or simply supporters of the separation between state and church. One young girl, a Muslim, was near tears as she tried to explain why this event should not take place on what is essentially the high school campus.

The government has an obligation not to take action that turns some into “outsiders, not full members of the political community, and [sends] an accompanying message to adherents that they are insiders, favored members of the political community.” *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring). The City is misinterpreting the lease, and leaving the District—and its students—in a dangerous and precarious situation. It is incumbent on the City to act now to de-escalate the situation, and to support the District, which is acting on complaints by students, parents, and members of the community, many of whom have also contacted FFRF for help.

Jesus Lunch is problematic

The primary goal of these events is to convert students to Christianity, not to feed students. Each week, the Jesus Lunch organizers distribute proselytizing material to students. These are often trinkets with propaganda, such as yo-yos with “John 3:16” printed on one side and the verse’s text printed on the other. At least once, the adults gave students bibles provided by the Gideons, an association of Christian business and professional men¹ that is known for unlawfully promoting Christianity by targeting public elementary schools. The lunches are funded, in part, by the Madison Christian Giving Fund, which gave \$5,000 “to help pay for hot home made lunches . . . and more importantly, to open doors to conversations about Jesus.”² This religious recruitment is improper in space controlled by a public school, and is also disrespectful to parents who have not given these adults permission to discuss religion with their children. Even with parental permission, though, this behavior would be inappropriate.

The Jesus Lunches have the effect of dividing students and stigmatizing those who choose not to attend Jesus Lunch. For example, a parent reported that one week students were given surgical masks with the text, “this is my muzzle” printed on them. This is a reference to Psalm 39:1, “. . . I will put a muzzle on my mouth while in the presence of the wicked.” Students were

¹ <http://www.gideons.org/FAQ/FAQ.aspx>.

² <http://www.allgodspeople.com/madison/madison-christian-giving-fund-supports-jesus-lunches-in-middleton.html>.

reportedly encouraged to wear the masks at school after the event, appearing to make a statement that non-Christian students are “the wicked.” Earlier this week, students staged a large protest against Jesus Lunch, primarily because of the divisiveness it has caused among the student body.

Jesus Lunch presents genuine health and safety risks to students, especially given the heated controversy with students pitted against other students. One week, the event’s organizers reportedly encouraged students to drink a “mystery” blue liquid, which turned out to be mouthwash, to simulate God taking away students’ sense of taste. We understand the Dane County Health Board is also concerned about the safety of these events. Adults should not be permitted to give 400 public school students food and “mystery” liquids each week without any oversight or parental consent. The escalating tensions among students only makes the situation more dangerous.

The City must help the school district regulate these events

The school district leases Fireman’s Memorial Park during the school day. The lease provides that the City and “members of the general public” may contemporaneously use the park “from time to time.” The Jesus Lunch organizers apparently rely on this language to argue that they have a right to hold these events, week after week for two years.

However, the lease also states that “**Notwithstanding that [the school’s] use of the [park] shall be non-exclusive, during the [school day, the school] may have joint control of, and jurisdiction over, the [park],**” including “the right to **enforce all or any part of [school] rules and regulations affecting . . . students.**” (emphasis added). The City has specifically promised to “cooperate with, and not hinder, obstruct, or otherwise prevent” the school’s “reasonable enforcement” of its “more restrictive rules and regulations.”

First, this language, and the intent of the lease agreement, are quite clear. The school district may reasonably enforce its rules in the park *during the school day*—from 7 a.m. until 5 p.m.—if those rules affect students. This is the case here, with adults targeting hundreds of students with unregulated free food. Parents trust the school district to protect its students from exactly this type of behavior. The City must not rent space in the park during the school day if that use conflicts with school rules and regulations that affect the welfare of the school’s students.

Second, although the current lease is sufficient to give the District jurisdiction over Jesus Lunch events, the City should work with the school district to amend the lease agreement in order to eliminate any ambiguity on

this issue. Opportunists seeking access to a captive audience of students should not take advantage of their interpretation of the lease.

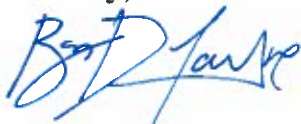
The simplest option is to grant the school exclusive use of the park during the school day. This is an entirely reasonable course of action, as Fireman's Park directly abuts the high school and the City allows the school to treat the park as an extension of school campus during the day.

If the City is unwilling to give the school exclusive use of the park during the school day, language should be added to Paragraph 3 of the lease agreement to clarify that the school may intervene, when necessary to protect its students, if outside adults violate school rules and regulations in the park during the school day.

Alternatively, the lease agreement could be amended to require that both the City and the school district approve all park reservations and large group (more than 25 persons) uses during the school day. This would avoid the current scenario, where Jesus Lunch organizers secured the City's permission to hold events that violate school rules. The City has promised to cooperate with the school's regulation of activities in the park, and should not undercut the school's authority in this way.

Please help the school district protect its students by clarifying the school's jurisdiction over Fireman's Park during the school day. School districts must have clear authority to prevent outside adults from proselytizing, dividing, and potentially endangering its students. We know the City will share all of our concerns that this situation be de-escalated as soon as possible. We would appreciate hearing from you, at your earliest convenience, with the steps taken to address this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan D. Jayne".

Ryan D. Jayne, Esq.
Diane Uhl Legal Fellow
Freedom From Religion Foundation