

FREEDOM FROM RELIGION *foundation*

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September 5, 2019

VIA EMAIL & U.S. MAIL: amitchell@tharringtonsmith.com

Mr. Adam S. Mitchell
Tharrington Smith, LLP
PO Box 1151
Raleigh, NC 27601

Re: Duplin County Schools Unconstitutional Religious Sign

Dear Mr. Mitchell:

I am writing on behalf of the Freedom From Religion Foundation regarding an unconstitutional religious sign on Duplin County Schools property. I understand that you have represented the school system on other matters. Please let me know if you will not be representing the school system on this issue.

A concerned parent contacted us to report that a sign features religious messages on school property at Wallace-Rose Hill High School. The sign is located near the track and displays a list of religious-themed action statements entitled "The Bulldog Resolution." The first line of the sign recites the bible verse Joshua 24:15: "As for me and my house, we will serve the Lord." Following the bible verse are twelve statements beginning with the emboldened words "I Will." Many of these statements are explicitly Christian:

- **I WILL** solemnly resolve before God to take full responsibility for myself, my actions, my team-mates [*sic*], and our futures.
- **I WILL** serve and protect my team and share with them the Word of God as the spiritual leader on and off the field.
- **I WILL** be faithful to my team and coaches by honoring them and serving them as Jesus Christ did for me.
- **I WILL** pray for and bless my team-mates [*sic*] and teach them to love God with all of their hearts, all of their minds, and all of their strength.
- **I WILL** learn from my mistakes, repent of my sins, and walk with integrity as a man answerable to God.
- **I WILL** seek to honor God, be faithful to his church, obey His word, and do His will.
- **I WILL** courageously work with the strength God provides to fulfill **HIS PLAN** for the rest of my life and for His glory.¹

At the bottom of the sign is another bible verse. We also understand that all students in the school are required to use the track for physical education class and that the track and athletic field are used for school activities.

Duplin County Schools is violating the Establishment Clause of the First Amendment by displaying these religious messages on its property. We ask that the District immediately remove this religious sign from school property.

¹ See Enclosure (emphasis in original).

It is well settled that 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 sign violates this 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 on school property. *See generally Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York Cty.*, 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.*, 813 F. Supp. 559 (W.D. Mich. 1993), *aff'd*, 33 F. 3d 679 (6th Cir. 1994) (holding that a painting of Jesus may not be displayed in a public school); *Ahlquist v. City of Cranston*, 840 F.Supp.2d 507 (D.R.I. 2012) (ruling that school prayer mural was unconstitutional); *FFRF v. New Kensington-Arnold Sch. Dist.*, No. 2:12-cv-01319 (W.D. Pa 2017) (settled in February 2017 with the removal of the Ten Commandments monument and payment of \$163,500 for costs and attorney fees).

The Supreme Court has repeatedly noted that “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are 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 Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

In recognition of Duplin County Schools’ constitutional obligation to avoid unconstitutionally endorsing religion, the school system must immediately remove the religious sign. Please let us know when Duplin County Schools has removed the sign.

Sincerely,



Patrick C. Elliott
Senior Counsel

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The Bulldog Resolution

"As for me and my house, we will serve the Lord." Joshua 24:15

I WILL solemnly resolve before God to take full responsibility for myself, my actions, my team-mates, and our futures.

I WILL serve and protect my team and share with them the Word of God as the spiritual leader on and off the playing field.

I WILL be faithful to my team and coaches by honoring them and serving them as Jesus Christ did for me.

I WILL pray for and bless my team-mates and teach them to love God with all of their hearts, all of their minds, and all of their strength.

I WILL train myself to honor authority and live responsibly.

I WILL confront evil, pursue justice, and live mercifully.

I WILL treat ALL with kindness, respect, and compassion.

I WILL work diligently to provide for the needs of my team-mates, family and friends.

I WILL forgive those who have wronged me and reconcile with those I have wronged.

I WILL learn from my mistakes, repent of my sins, and walk with integrity as a man answerable to God.

I WILL seek to honor God, be faithful to His church, obey His Word, and do His will.

I WILL courageously work with the strength God provides to fulfill **HIS PLAN** for the rest of my life and for His glory.

"For I know the plans I have for you," declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future. Then you will call on me and come and pray to me, and I will listen to you. You will seek me and find me when you seek me with all your heart." Jeremiah 29:11-13

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