

FREEDOM FROM RELIGION *foundation*

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March 2, 2015

SENT VIA US MAIL AND EMAIL TO: ddickerson@k12tn.net

Dr. David Dickerson
Director of Schools
Grundy County Department of Education
P. O. Box 97
Altamont, TN 37301

Re: Bible Man at Coalmont Elementary

Dear Dr. Dickerson:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to serious constitutional violations occurring within Grundy County Schools (District). We were contacted by a concerned District resident. FFRF is a national nonprofit organization with over 21,500 members, including more than 250 in Tennessee. FFRF protects the constitutional principle of separation between state and church.

It is our understanding that once a month, Coalmont Elementary School allows Horace Turner, Jr., a.k.a. "Bible Man," to lead a school assembly during school hours. The assemblies are listed on the school's calendar as "Bible Man – Mr. Turner," most recently on February 23, 2015 at 1:00 p.m. A copy of the school calendar is enclosed for your review. We are also concerned that Mr. Turner may be conducting similar events at other district schools.

Mr. Turner has a history of leading overtly religious assemblies in northern Alabama. In the past, these assemblies have included "baby Jesus" displays, sermons proclaiming that "Jesus died on the cross for our sins," bible readings, discussions about the meaning of bible stories, and distributions of religious literature. To our knowledge, the glaringly religious content has not changed. "Bible Man" assemblies unabashedly promote Christianity over other religions and religion over nonreligion.

It is deeply troubling that the District allows these assemblies to take place. 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*

Twshp. v. Schempp, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); *McCullum v Bd. of Edu.*, 333 U.S. 203 (1948). It is an unequivocal tenet of Establishment Clause jurisprudence 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 (2001)(quoting *Lee*, 505 U.S. at 589).

Allowing anyone access to public school students to proselytize, and including the events in the school’s calendar, is illegal District endorsement of the speaker’s religious message, in this case a Christian message. “School 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*, 530 U.S. at 309-10 (2001)(quoting *Lynch v. Donnelly*, 465 U.S. 683, 668 (1983)(O’Connor, J., concurring)).

We are aware that some Christian missionaries insinuate themselves into public schools by camouflaging their purposes and by professing to be experts in some secular field or other. And when that occurs it is incumbent that public officials exercise due diligence in vetting these outside adults to ascertain whether they have a religious agenda they seek to impose on a captive audience of public school students. However, while some Christian evangelizers come as wolves dressed in sheep’s clothing, this wolf comes dressed as a wolf. “Bible Man’s” overtly religious and proselytizing messages are explicit.

The violation is especially alarming given the young age of “Bible Man’s” captive student audience. Federal courts are particularly vigilant in enforcing the Establishment Clause in elementary schools. See *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987). Elementary-age students will understand any school-day assembly to be school-endorsed.

Our organization was a victorious litigant in a lawsuit in which a Tennessee school district impermissibly allowed religious instruction in the public schools by an outside religious group. See *Doe v. Porter*, 88 F.Supp.2d 904 (E.D. Tenn. 2002). In ruling the practice unconstitutional, the Sixth Circuit Court of Appeals found that there was no secular purpose to the program, the program communicated a message of government endorsement of religion and the program fostered excessive entanglement between the state and religion. *Doe v. Porter*, 370 F.3d 558 (6th Cir. 2004). Rhea County paid FFRF’s significant costs. The Bible Man program at Coalmont Elementary also impermissibly advances religion, communicates a message of District

endorsement of religion, and is marked by excessive entanglement between the school district and the church.

As you may already be aware, it makes no difference even if the school allows students to opt out of religious programming. *See Karen B. v. Treen*, 653 F.2d 897 (5th Cir. 1981)(Finding required express written permission by parents for students to participate in prayer did not cure Establishment Clause violations). The Supreme Court has clearly stated that “[n]either a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups.” *McCullum v. Board of Education*, 333 U.S. 203, 210–11 (1948). When children opt-out, their absence is obvious, and the ostracism they suffer is precisely what the courts have sought to prevent. *See Santa Fe*, 530 U.S. at 310. As the Supreme Court wrote in *Schempp*, offending religious practices are not “mitigated by the fact that individual students may absent themselves upon parental request, for that fact furnishes no defense to a claim of unconstitutionality under the Establishment Clause.” 374 U.S. at 224-25. Simply put, “voluntariness” cannot excuse a constitutional violation.

The District must ensure no more “Bible Man” assemblies or other religious assemblies are being scheduled or taking place in its public schools, thereby protecting children under its care from predators and upholding their constitutional rights. We ask for an investigation into this practice, and to ascertain whether Bible Man has been given entry into any other District schools. We also wish to be assured Bible Man is not being given other access to District students, such as in lunchrooms, etc. We further request that the District remind administrators at Coalmont Elementary and other District schools of the constitutional obligation to remain neutral toward religion. A memo and training for employees spelling out the obligations of public school employees to uphold 65 years of Supreme Court precedent barring devotions, proselytizing and religious instruction in public schools is in order. Please inform us in writing at your earliest convenience of the steps you are taking to address this issue.

Sincerely,



Rebecca S. Markert
Staff Attorney

Enclosure

RSM:rdj

	Sun, 22	Mon, 23	Tue, 24	Wed, 25	Thu, 26	Fri, 27	Sat, 28
all day							

7am

8am

9am

10am

11am

12pm

1pm

1:00PM
Bible Man -
Mr. Turner

2pm

3pm

4pm

5pm

6pm

7pm

CEES Events February 2015

Celebrate Black History Month

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 *Heart Sales Begin \$1 *8:30-11:00 8A Writing Assessment	3 *8:30-11:00 8B Writing Assessment	4 *Health Team Mfg. Writing Assessment *8:30-11:00 7th	5 *Yoga 101 3:30-5:00 *8:30-11:00 6th Writing Assessment *Make up Test 12-2:30	6 *County Spelling Bee 11am at CES *National Wear Red Day *Cookie Dough Sale Begins *Make up Test 12-2:30	7 TNT Lady Rebels Sp. Inv. Field-11am
8	9 *Volleyball Practice Begins *8:30-11:00 5th Writing Assessment	10 *8:30-11:00 4th Writing Assessment	11 *8:30-11:00 3rd Writing Assessment *Make up Tests 12-2:30	12 *“Frozen” Movie Night 5:30-7:00 *Valentine’s Day Parties *Yoga 101 3:30-5	13 *No school for Students *Professional Day	14 Valentine’s Day
15	16 *No School President’s Day	17	18	19 *End of the 4th Six Weeks *Yoga 101 3:30-5	20 Friday, Feb 13th Concessions (Sponsored by 5th grade) Pk. & Bath DANCE 5-8pm 9th & 5 single Elementary Students	
2	23 *Mr. Turner- Bibleman	24 *Faculty Meeting	25 *Report Cards *Yoga 101 3:30-5	26 *Parent-Teacher Conference 3:15-5:15	27 *Heart Sales Ends	28