

# FREEDOM FROM RELIGION *foundation*

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March 8, 2019

SENT BY U.S. MAIL AND FAX TO:  
(662) 842-3324

Mr. Gary L. Carnathan  
Carnathan & McAuley  
Post Office Drawer 70  
Tupelo, MS 38802-0070

Re: Unconstitutional religious displays and painting

Dear Mr. Carnathan:

I am writing on behalf of the Freedom From Religion Foundation to alert you to multiple unconstitutional religious displays within Lee County Schools. I believe we last spoke in May 2017 regarding the Lee County Sheriff's Department. Before that, you indicated in response to my 2016 letter to Lee County Schools that you represent the district. Thank you for your work in addressing both of those prior letters. If you no longer represent the school district, please let me know that as soon as possible.

A concerned Lee County Schools community member contacted us to report multiple displays promoting religion in areas of Saltillo Elementary School frequented by students and community members on school business. Enclosed you will find an image of one such display, a Christian cross on the door to an administrator's office. Multiple school administrators display similar crosses and other religious items, such as a sign reading "why worry when you can pray," at their desks.

Additionally, please find enclosed an image of a painting displayed in the school that includes a quote from Jeremiah 29:11, "For I know the plans I have for you...." The quote comes from a letter from the prophet Jeremiah to a group of Israelites exiled from Jerusalem to Babylon. In the letter, Jeremiah claims to be the one true voice of God (Jer. 29:8-9). God's "plan" referred to in the quote is for the exiles to procreate as much as possible (Jer. 29:6) and wait in Babylon for 70 years, after which God will exact vengeance on those in Jerusalem: "I will pursue them with the sword, famine and plague and will make them abhorrent to all the kingdoms of the earth, a curse and an object of horror, of scorn and reproach, among all the nations where I drive them. For they have not listened to my words," declares the Lord..." (Jer. 29:18-19).

We write to ensure that district employees cease impermissibly endorsing their personal religious beliefs through religious displays on district property. Any Latin crosses or other displays promoting religion must be removed from areas of the school frequented by students or members of the public.

As you are aware, it is well settled that public schools may not endorse 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). Displaying a Latin cross or other religious messages in a

public school sends the message that the district endorses Christianity over all other religions, or religion over nonreligion, in violation of this constitutional principle.

Courts have specifically held that public school employees may not display religious messages on school property. *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 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.*, 33 F.3d 679 (6th Cir. 1994) (ruling that a painting of Jesus may not be displayed in a public school).

The religious significance of the Latin cross is unambiguous and indisputable. “The Latin cross . . . is the principal symbol of Christianity around the world, and display of the cross alone could not reasonably be taken to have any secular point.” *Capitol Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 792 (1995) (Souter, J., concurring). An overwhelming majority of federal courts agree that the Latin cross universally represents the Christian religion, and only the Christian religion. *See, e.g., Separation of Church and State Comm. v. City of Eugene*, 93 F.3d 617, 620 (9th Cir. 1996) (“There is no question that the Latin cross is a symbol of Christianity, and that its placement on public land . . . violates the Establishment Clause”); *Harris v. City of Zion*, 927 F.2d 1401, 1412 (7th Cir. 1991), *cert. denied*, 505 U.S. 1218 (1992) (“[A] Latin cross . . . endorses or promotes a particular religious faith. It expresses an unambiguous choice in favor of Christianity”). The enclosed bible quote is similarly impermissible, as well as wholly inappropriate for elementary school students when the quote is put in context.

Please note, it is not a violation of an employee’s free speech or free exercise rights to require them to remove religious displays from school property. District employees have access to students solely because of their positions as teachers or administrators: “Because the speech at issue owes its existence to [their] position as a teacher, [a school district] acted well within constitutional limits in ordering [a teacher] not to speak in a manner it did not desire.” *Johnson v. Poway Unified Sch. Dist.*, 658 F.3d 954, 970 (9th Cir. 2011) *cert. denied*, 132 S. Ct. 1807 (2012) (upholding decision of school board to require a math teacher to remove two banners with historical quotes referencing “God”). *See also Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006) (“We hold that when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.”).

We ask that Lee County Schools investigate this situation and remind its employees of their constitutional obligation not to promote religion while acting on behalf of the district. Crosses and other religious displays in administrative offices must be removed, as well as the painting containing the bible quote. Please reply in writing with the steps taken to address these constitutional concerns so that we may notify our complainant.

Sincerely,



Sam Grover  
Associate Counsel

Enclosures (2)





For I know the plans I have for you...