

FREEDOM FROM RELIGION *foundation*

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July 28, 2016

SENT VIA U.S. MAIL & EMAIL

tbanks@madisonk12.net

Ms. Theresa Banks
Chairman
Madison County Schools Board of Education
5738 Hwy 25/70
Marshall, NC 28753

Re: Unconstitutional Religious Logo

Dear Ms. Banks and Members of the Board:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding religious wording in the Madison County Schools (MCS) logo. We wrote to the Board of Education on May 16, 2014 and did not receive a response. FFRF is a national non-profit organization with more than 24,000 members across the country including more than 550 in North Carolina and a state chapter, Triangle Freethought Society. Our purpose is to protect the constitutional principle of separation of state and church.

It is our information and understanding that the MCS logo includes a triangle with the word "God" at the top and a surrounding square that includes "spiritually" as one of four traits. We understand that former Superintendent Ronald Wilcox designed the logo and told the *Citizen-Times* in 2014, "It just sums up the culture here, and what we believe." We understand that the logo is widely used throughout the district and than many students and families come into contact with it. For instance, the logo is prominently featured on the MCS website.

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 Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). Public schools may not endorse religious points of view, including belief in a god or in "spirituality" generally.

Furthermore, courts have continually held that school districts may not display religious messages in public schools. *See generally, Stone v. Graham*, 449 U.S. 39 (1980)(ruling that the Ten Commandments may not be displayed in schools); *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 Public Schools*, 813 F. Supp. 559 (W.D. Mi.

1993), affirmed, 33 F. 3d 679 (6th Cir. 1994)(ruling that a painting of Jesus may not be displayed in a public school).

Displaying this inherently religious logo violates the Establishment Clause because it demonstrates district preference for religion over non-religion. This “[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 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, 309-10 (2000)(quoting *Lynch v. Donnelly*, 465 U.S. 668, 687 (1984)(O’Connor, J., concurring)). Religious endorsement is apparent from the remarks of Superintendent Wilcox who said the logo sums up “the culture here” and “what we believe.”

Notably, this logo would not pass constitutional muster if it were adopted by any government entity. Public schools receive the highest scrutiny under the Establishment Clause. Yet, this logo would still be unconstitutional if a municipality adopted it. Numerous courts have struck down religious messages on city seals and logos. *See Robinson v. City of Edmond*, 68 F.3d 1226 (10th Cir. 1996); *See also, Ellis v. City of La Mesa*, 990 F.2d 1518 (9th Cir. 1993); *Harris v. City of Zion*, 927 F.2d 1401 (7th Cir. 1991); *Foremaster v. City of St. George*, 882 F.2d 1485 (10th Cir. 1989).

It is no defense that religion is included as one element among several on the logo. In explaining why the other three elements of a city seal did not neutralize the religious nature of a Latin cross, the Tenth Circuit Court of Appeals addressed the fundamental problem with such endorsement:

The images on the seal are not just neutral snapshots of the community; they are charged with endorsement...[R]egardless of its origin, the [city] seal does promote the selected images it depicts. To any observer, the [city] seal expresses the City’s approval of those four pictures of City life-its flora, its schools, its industry and commercial life, and its Christianity.

Robinson at 1233 (quoting *City of Zion* at 1412). The MCS logo prominently features “God” at the top of the triangle and was designed to show what the school system “believes in.” This is a flagrant violation of the Establishment Clause.

Continuing to use the logo poses a serious liability for the school system. In February, FFRF won a judgment against the Chino Valley School Board for its unconstitutional prayers, which included an order that the school district pay \$202,971.70. *Freedom From Religion Found. V. Chino Valley Unified Sch. Dist.*, No. EDCV 14-2336-JGB (DTBx) at 22 (C.D. Cal. Feb. 18, 2016) (citations omitted). Available at http://ffrf.org/uploads/legal/FFRFvChinoValley_Order.pdf

We again request that you take immediate action and remove “God” and “spirituality” from the MCS logo. Religious statements cannot and should not be used in any official MCS logo. Now that the Board has been reminded of the illegality of the logo, it is a fitting time to redesign the

logo, which certainly could include the MCS motto “Embrace, Equip, and Empower.” We ask that you notify us in writing of the steps MCS takes to remedy this violation.

Sincerely,



Patrick Elliott
Staff Attorney

PCE:njn

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