

FREEDOM FROM RELIGION *foundation*

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

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SENT VIA MAIL & EMAIL
stolley@madisonk12.net

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

Re: Unconstitutional Religious Logo

Dear Ms. Tolley and Members of the Board:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to religious wording in the Madison County Schools (MCS) logo. We were contacted by a local resident. FFRF is a national nonprofit organization with 20,000 members across the country including 475 in North Carolina. Our purpose is to protect the constitutional principle of separation between 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 Superintendent Ronald Wilcox designed the logo and told the *Citizen-Times* earlier this year, "It just sums up the culture here, and what we believe." We understand that the logo is widely used throughout the district and that 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 Twshp. 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. Bloomington 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 nonreligion. 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 it were adopted by a municipality. Numerous courts have struck down religious messages on city seals and logos. *See Robinson v. City of Edmond*, 68 F.3d 1226 (10th Cir. 1995); *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 origins, 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, 68 F.3d 1226, 1233 (quoting *Harris v. City of Zion*, 927 F.2d 1401, 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.

We 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 apprised 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 the MCS takes to remedy this violation.

Sincerely,



Patrick C. Elliott
Staff Attorney