

FREEDOM FROM RELIGION *foundation*

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

June 10, 2019

SENT VIA EMAIL & U.S. MAIL:

Patrick.Richardson@pulaski.kyschools.us

Patrick Richardson
Superintendent
Pulaski County Schools
925 North Main Street,
Somerset, KY 42503

Re: Presentation by AIM Pregnancy Support Center; Request for Public Records

Dear Superintendent Richardson:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that recently occurred in Pulaski County Schools. FFRF is a national nonprofit organization with more than 31,000 members across the country, including members and a chapter in Kentucky. FFRF's purposes are to protect the constitutional separation between state and church, and to educate the public on matters relating to nontheism.

A concerned member of your community reports that Southern and Northern Middle Schools recently invited representatives from AIM Pregnancy Support Center—a local crisis pregnancy center—to lecture 8th grade health classes on “sex, STD’s [*sic*] and abortion.” We understand that these presentations were led by Ms. Michelle Cooper, whom AIM lists as their “medical team supervisor.”¹ Despite her title, we understand that Ms. Cooper is not a physician, physician’s assistant, or nurse.² Furthermore, we understand that AIM is not a healthcare provider in any meaningful sense³, but rather, a Christian ministry that primarily exists to dissuade pregnant women from seeking an abortion. AIM describes itself as an “organization created for the purpose of affirming the sanctity of life and is committed to presenting the gospel of Jesus Christ in both word and deed to men and women dealing with pregnancy.”⁴ It appears that the District allowed—even encouraged—Ms. Cooper to bring AIM’s evangelistic message to its students. A post on AIM’s official Facebook page regarding the lectures at Northern and Southern Middle Schools (enclosed) states:

We were invited to South and Northern Middle Schools today!!! We talked about AIM, sex, STD’s and abortion. I was FREE to talk about how amazing God is! Minds were changed today concerning abortion!!!! Pray with me, that the seeds planted grow, mature and multiply!!! And other seeds fell into good soil and produced grain, growing up and increasing and yielding thirtyfold and sixtyfold and a hundredfold.”
9 And he said, “he who has ears to hear, let him hear.” – Mark 4:8-9.
#truthwins

¹ “About us,” AIM Pregnancy Support Center, www.aimpregnancycenterofsomerset.com/About-us/.

² A search of the national databases maintained by the Federation of State Medical Boards (docinfo.org) and the National Council of State Boards of Nursing (nursys.com) yielded no results for a Michelle Cooper in or near Somerset, Kentucky.

³ The only healthcare-adjacent services that AIM offers are pregnancy tests and ultrasounds. AIM does, however, offer a Bible Study. See “Need Help?” AIM Pregnancy Support Center, www.aimpregnancycenterofsomerset.com/Need-Help/, see also “Prenatal & Parenting,” *Id.* www.aimpregnancycenterofsomerset.com/Prenatal-Parenting/.

⁴ Footnote 1, *supra*.

We write to request that Pulaski County Schools provide adequate assurances that AIM Pregnancy Support Center will not be invited back to proselytize other peoples' children. Inviting a self-described Christian ministry to hijack public school health classes in furtherance of their evangelistic agenda is not only a grave injury to your students' education, but a plain violation of the Establishment Clause of the First Amendment.

CPCs exist to evangelize, not to educate.

It is a great disservice to your students, and is even dangerous, to deprive them of comprehensive sex education, taught by qualified health educators, in favor of allowing a religiously motivated organization to advance its mission by teaching your students a version of sex education that has been thoroughly discredited. Denying students access to true sex education demonstrably leads to more teenage pregnancies and sexually transmitted infections. It is incumbent on you to provide your students with the sex education they deserve by rejecting AIM's faith-based model with comprehensive, science-based sex education, taught by qualified medical professionals or certified teachers rather than preachers in disguise.

Numerous studies have shown that crisis pregnancy centers ("CPCs") often sacrifice sound medical advice and basic ethical standards to spread their religious message. In 2002, the Center for Reproductive Rights found that CPCs misinformed their clients about the consequences of abortions, including false claims that abortion causes breast cancer, sterility, and psychological damage.⁵ In 2006, U.S. Representative Henry Waxman released a study with similar findings, also disclosing that many CPCs incorrectly told clients that abortion would interfere with a woman's ability to bear children in the future.⁶ Studies in multiple states have found that CPCs incorrectly tell pregnant teens that condoms are ineffective in reducing pregnancy and the transmission of certain STIs, and that abortion causes mental illness.⁷ Many CPCs also continue to promote the thoroughly debunked notion that abortion leads to an increased risk of breast cancer.⁸ Joanne Rosen, an associate lecturer at the John Hopkins Bloomberg School of Public Health, concluded an article about CPCs by writing that "collectively, [CPCs'] practices jeopardize the health of women and their children, and a public health response is warranted."⁹

These deceptive tactics are obviously employed to scare teens from using contraception or seeking abortions, both of which CPCs like AIM oppose for purely religious reasons. It would be inappropriate and irresponsible for a public school to encourage students to visit a CPC, much less to invite such a group to teach a sex education class to students.

Public schools exist to educate; CPCs like AIM exist to indoctrinate—by AIM's own admission, they did not come to the District's middle schools to teach sex education, but so that "minds [would be] changed concerning abortion." The District can play no part in helping a private religious organization gain access to other people's children to further their evangelism. If Pulaski County Schools wishes to use sex education instructors or curriculum designers who are not District

⁵ Center for Reproductive Rights, *Crisis Pregnancy Centers Seek Public Funds and Legitimacy*, 11 REPRODUCTIVE FREEDOM NEWS, July/Aug. 2002, at 4.

⁶ United States House of Representatives Committee on Government Reform, *False and Misleading Health Information Provided by Federally Funded Pregnancy Resource Centers (2006)*, available at chsourcebook.com/articles/waxman2.pdf.

⁷ See, e.g., NARAL Pro-Choice America Foundation, *The Truth About Crisis Pregnancy Centers*, available at www.prochoiceamerica.org/wp-content/uploads/2016/12/6.-The-Truth-About-Crisis-Pregnancy-Centers.pdf.

⁸ Amy G. Bryant, MD, MSCR & Jonas S. Swartz, MD, MPH, "Why Crisis Pregnancy Centers Are Legal but Unethical," *AMERICAN MEDICAL ASSOCIATION J. OF ETHICS*, 20(3):269–277 (March 2018), available at journalofethics.ama-assn.org/sites/journalofethics.ama-assn.org/files/2018-04/pfor1-1803.pdf.

⁹ Rosen, *The Public Health Risks of Crisis Pregnancy Centers, 2012*, PERSPECTIVES ON SEXUAL AND REPRODUCTIVE HEALTH, Sept. 2010, 40(3):201–4.

employees, they should be medical professionals or certified instructors with evidence-based facts, not members of a faith-based organization with an axe to grind.

The District violated the First Amendment by inviting AIM to proselytize students.

It is grossly inappropriate to take away instructional time from students to expose them to a Christian proselytizing group, regardless of any secular message the group claims to be promoting. 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. Ark.*, 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). Moreover, “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 (2000) (quoting *Lee*, 505 U.S. at 589).

Public schools may not preach to students, nor allow outsiders to do the same. In the seminal Supreme Court case, *McCullum v. Bd. of Educ.*, 333 U.S. 203 (1948), the Court held unconstitutional weekly bible classes taught by private religious instructors in a public school. The Court reasoned that, “Here not only are the state’s tax-supported public school buildings used for the dissemination of religious doctrines. The State also affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through use of the state’s compulsory public school machinery. This is not separation of Church and State.” *Id.* at 212. In FFRF’s lawsuit against religious instruction in Rhea County, Tennessee, the Court said, “This is not a close case. Since 1948, it has been very clear that the First Amendment does not permit the State to use its public school system to ‘aid any or all religious faiths or sects in the dissemination of their doctrines.’” *Doe v. Porter*, 188 F. Supp. 2d 904, 914 (E.D. Tenn. 2002) (quoting *McCullum*, 333 U.S. at 211), *aff’d*, 370 F.3d 558 (6th Cir. 2004). This is precisely what the District did when it gave AIM a platform and pupils to preach to.

Public schools have a duty to safeguard their students’ freedom of conscience from overreaching outsiders because students are a vulnerable and captive audience. The “[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*, 530 U.S. at 309–10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). Injecting divisive religious rhetoric into the public school classroom excludes the 46% of younger Americans who are not Christian.¹⁰

Finally, please note that whether students had the choice to opt-out of AIM’s lecture is not legally relevant. Courts have summarily rejected the argument that “voluntariness” excuses a constitutional violation. *See Lee*, 505 U.S. at 596 (“It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Schempp*, 374 U.S. at 288 (Brennan, J., concurring) (“Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question”); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (“VMI cannot avoid Establishment Clause problems by simply asserting that a cadet’s attendance at supper or his or her participation in the supper prayer are ‘voluntary.’”); *Jager v. Douglas Cty. Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989), *cert. denied*, 490 U.S. 1090 (1989) (“ . . . whether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis.”).

¹⁰ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.prri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

Request for Public Records

In order to better understand the District’s reasons for inviting AIM into its schools, we request copies of the following pursuant to the Kentucky Open Records Act (KRS §§61.870–61.884):

1. Any contracts or agreements between AIM Pregnancy Support Center (“AIM”) and Pulaski County Schools (“District”) or any of its constituent schools;
2. Any course materials, syllabi, lesson plans, curriculum, handouts, or other records utilized by AIM for the lectures held on May 24, 2019;
3. Any communications, including email, to or from any District representative regarding AIM since January 1, 2019.

Please respond to this request within three days, as required by Kentucky law. If any of these records are available in electronic format (preferred), they may be emailed to colin@ffrf.org. If I can provide any clarification that will help expedite your attention to this request, please feel free to reach me by phone at (608) 230-8429.

Conclusion

We are aware that religious ministries sometimes insinuate themselves into public schools by disguising their purpose, and it is therefore incumbent on schools to practice diligence when approached by outside groups interested in pitching their messages to a captive audience of students. However, in this case, it bends credulity to suggest that Northern and Southern middle schools did not know what they signed up for when they invited AIM. It takes only a cursory glance at AIM’s website to verify their religious agenda. Worse yet, AIM claims that they were “free to talk about how amazing God is,” suggesting that the schools actually permitted AIM to proselytize. It is difficult for us to comprehend how this event was approved.

Your community surely possesses many secular experts—such as doctors, physician’s assistants, or nurses—who have experience, training, certification, and advanced degrees, and who would be delighted, usually at no cost to the District, to discuss sexual wellness with students without also raising constitutional red flags. The District should endeavor to provide its students with appropriate, comprehensive, and science-based sex education—not scare tactics and junk science.

We request specific assurances that Pulaski Public Schools will not invite AIM Pregnancy Support Center to lecture students in the future, and that future guest lectures from outside groups be vetted to ensure that they do not contain an underlying proselytizing message or agenda. Please notify us in writing of the steps you take to remedy this matter.

Sincerely,



Colin E. McNamara, Esq.
Robert G. Ingersoll Legal Fellow
Freedom From Religion Foundation

Enclosures



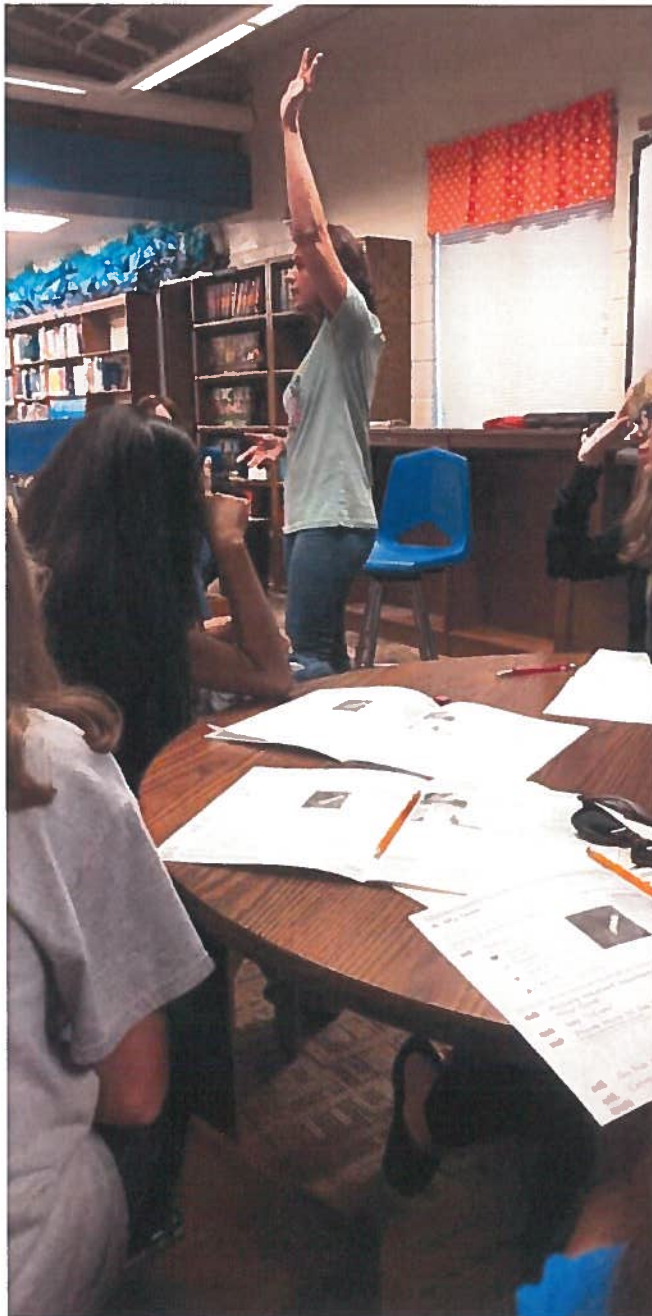
AIM Pregnancy Support Center is at Southern Middle School. ...

May 24 at 2:30 PM · Somerset, KY · 🌐

We were invited to Southern and Northern Middle Schools today!!! We talked about AIM, sex, STD's and abortion. I was FREE to talk about how amazing God is! Minds were changed today concerning abortion!!!! Pray with me, that the seeds planted grow, mature and multiply!!! And other seeds fell into good soil and produced grain, growing up and increasing and yielding thirtyfold and sixtyfold and a hundredfold."

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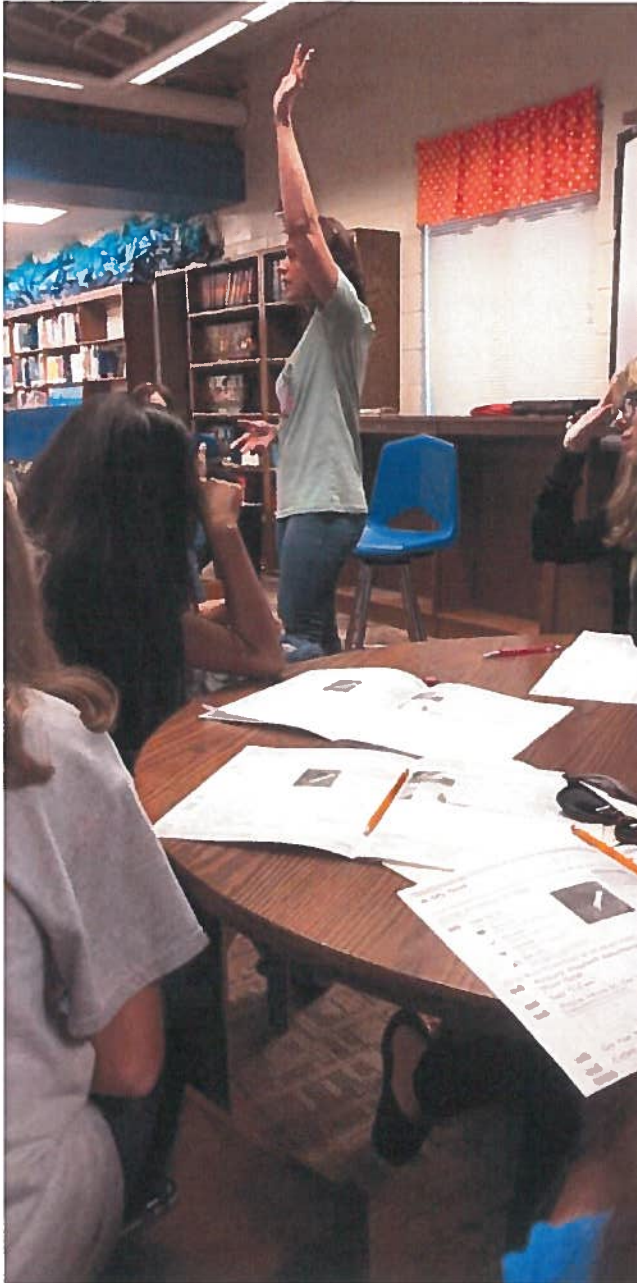


Michelle Cooper

May 24 at 3:31 PM · 🌐



Amazing day.



AIM Pregnancy Support Center is at **Southern Middle School**.

May 24 at 3:30 PM · Somerset, KY · 🌐

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We were invited to Southern and Northern Middle Schools today!!! We talked about AIM, sex, STD's and abortion. I was FREE to talk about how amazing God is! Mind...
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I could have talked to both classes all day

*About to speak to
middle schoolers
about AIM, marriage,
sex, STD's and*

abortion

God is so amazing



**Today was
awesome!**

**MINDS WERE CHANGED TODAY
CONCERNING ABORTION**



Michelle Cooper

May 24



42

3 Comments



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