

FREEDOM FROM RELIGION *foundation*

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

February 12, 2016

SENT VIA EMAIL AND U.S. MAIL:
jar@franczek.com

Mr. John A. Relias, Esq.
Franczek Radelet
300 South Wacker Drive, Ste. 3400
Chicago, IL 60606

Re: Prohibiting Satanism in Student Handbook

Dear Mr. Relias:

I am writing on behalf of the Freedom From Religion Foundation. We wrote to Rich Township High School District 227 requesting they remove the prohibition against Satanic symbols, literature, and activities from the District's student handbook.

You responded in December, stating that "the District will continue to prohibit students from displaying satanic symbols" because (1) "no court in Illinois or the Seventh Circuit has recognized Satanism as a religion protected by the First Amendment," and (2) "Even if Satanism were a recognized religion, its promotion of ideas such as hate and violence could reasonably create a substantial disruption in the school environment"

I am writing to urge you to reconsider this conclusion. The District needlessly exposes itself to liability by targeting a religious minority in its student handbook.

Satanism is protected by the First Amendment

Public schools should not give unequal treatment to a religious minority simply because the local courts have not specifically granted that religion First Amendment protection. A court would surely protect Satanist students from a school singling them out because of their religion.

The First Amendment applies broadly. In determining which beliefs are religious, the Supreme Court has said that "religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection." *Thomas v. Review Bd. of Indiana Emp't Sec. Div.*, 450 U.S. 707, 714 (1981). The Supreme Court has also held that even

holders of non-religious beliefs, if the beliefs “function as a religion in [the person’s] life,” are “as much entitled to a ‘religious’ . . . exemption . . . as is someone who derives his [beliefs] from traditional religious convictions.” *Welsh v. U.S.*, 398 U.S. 333, 340 (1970). These protections certainly encompass the beliefs and practices of Satanists.

Additionally, the Seventh Circuit briefly discussed the religious character of the Church of Satan in *Ctr. for Inquiry, Inc. v. Marion Circuit Court Clerk*, 758 F.3d 869, 874 (7th Cir. 2014). The same opinion mentions Shintoism as a religion, despite its lack of an “immortal god,” but it does not appear that the Seventh Circuit or Illinois courts have specifically held that Shintoism qualifies as a religion protected by the First Amendment. We imagine you would advise a school that a ban on “Shinto symbols, literature, and activities” would violate the First Amendment. The same should be true of Satanism.

The tenets of Satanism do not justify discriminatory treatment

Nearly all religions arguably promote hatred and violence. By many measures, Satanism is less susceptible to this criticism than Judaism, Christianity, or Islam. The school cannot rationally maintain that Satanism promotes hatred and violence, but the more popular Abrahamic religions do not.

The most logical way to judge what a religion does or does not promote is by examining that religion’s authoritative texts. The Old Testament, considered to be a holy text by both Judaism and Christianity, has so many examples of hatred and senseless violence that it is difficult to select a representative sample. These are just a few:

- In Genesis 22:2¹, God commands Abraham to sacrifice his only son “as a burnt offering.” Indeed, human sacrifice is both a consistent theme of the Old Testament and the basis of Christianity.
- In Numbers 15:32–36, God commands his followers to stone a man to death for the crime of gathering sticks on the Sabbath.
- Deuteronomy 17 commands believers to murder anyone who does not believe in the Abrahamic deity.
- In Job 2:3, God says that Job is “a blameless and upright man who fears God and turns away from evil.” Nevertheless, God “destroy[s] him for no reason.”
- Psalm 137:8–9 not only promotes infanticide, but those committing it are said to be happy: “Happy shall they be who take your little ones and dash them against the rock!”

¹ All quotes taken from the New Revised Standard Version (NRSV) translation.

- There is more infanticide in Isaiah 13. God proclaims that he and his warriors will “destroy the whole earth.” He says that his victims’ “infants will be dashed to pieces before their eyes; their houses will be plundered, and their wives ravished.”

The New Testament is comparatively tame, but includes an explicit command to hate oneself and one’s own family.² Jesus condones slavery,³ commands his followers to sell their clothes to buy weapons,⁴ and states that he has violent intentions for the world.⁵ The New Testament also introduces the thoroughly hateful and violent concept of hell, where sinners are “tormented with fire and sulfur” for all of eternity.⁶

The Quran, an authoritative text in Islam, also regularly promotes hatred and violence. Followers of Islam are ordered to “fight [nonadherents] until there is no more [disbelief or worshipping of other gods] and worship is for Allah alone,”⁷ and to “strike off their heads and strike off every fingertip of them.”⁸ A hadith, authoritative in some sects of Islam, tells believers that “The Hour will not be established until you fight with the Jews, and the stone behind which a Jew will be hiding will say, ‘O Muslim! There is a Jew hiding behind me, so kill him.’”⁹ As with the above Old and New Testament verses, this is only a tiny sample of the myriad barbaric teachings in authoritative Islamic texts.

Of course, adherents of these religions often try to explain these verses away, perhaps arguing they are metaphorical or only apply in unique circumstances. If this *ad hoc* reasoning is sufficient to forgive the horrible verses of Judaism, Christianity, and Islam, the same leniency must be granted to the texts of Satanism and other minority religions.

Compared to the texts of more popular religions, the tenets of Satanism are reasonable and benign. There are at least two distinct Satanic religious texts, which different groups of Satanists may or may not hold as authoritative: the Seven Tenets of The Satanic Temple and the Satanic Bible by Anton LaVey.

² Luke 14:26: “Whoever comes to me and does not hate father and mother, wife and children, brothers and sisters, yes, and even life itself, cannot be my disciple.”

³ *E.g.* Luke 12:47–48, commanding slave owners to beat their slaves less severely if the slaves did not know what their master wanted.

⁴ Luke 22:35–36, “And the one who has no sword must sell his cloak and buy one.”

⁵ *E.g.* Matthew 10:34, “Do not think that I have come to bring peace to the earth; I have not come to bring peace, but a sword.”

⁶ Revelations 14:10.

⁷ Quran 2:193.

⁸ Quran 8:12.

⁹ Bukhari 52:177.

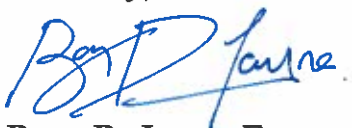
The seven fundamental tenets of The Satanic Temple are wholly unobjectionable, including “strive to act with compassion and empathy toward all creatures in accordance with reason” and “the freedoms of others should be respected, including the freedom to offend. To willfully and unjustly encroach upon the freedom of another is to forgo your own.”¹⁰ These are not cherry-picked examples; none of The Satanic Temple’s tenets promote hatred or violence in any way.

The Satanic Bible, written by Anton LaVey, has verses of questionable ethical value,¹¹ but does not hold a candle to the hatred and violence promoted in the holy texts of Judaism, Christianity, or Islam.

Even if Satanic texts did appear to promote hatred and violence, your statement that the school could legally ban a particular religion’s symbols or activities, based on the tenets of that religion, is highly suspect. I’m sure you would agree that a school could not outlaw Jewish symbols or activities based on the content of the Old Testament, for example. Strict scrutiny would apply and the ban would be struck down. *See, e.g., Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (targeting a particular religion triggers strict scrutiny).

The language in Rich Township High School District 227’s student handbook is a relic of ignorance and intolerance. School district policies may not target minority religions. There is no need to risk taxpayer dollars defending the District’s unconstitutional animus against Satanism. Please urge the District to remove this language from their student handbook. We would again appreciate a written reply so that we may update our local complainant.

Sincerely,



Ryan D. Jayne, Esq.
Diane Uhl Legal Fellow
Freedom From Religion Foundation

¹⁰ <http://thesatanictemple.com/about-us/tenets>.

¹¹ *E.g.*, “By learning to release your hatred towards those who deserve it, you cleanse yourself of those malignant emotions and need not take your pent-up hatred out on your loved ones.”