

FREEDOM FROM RELIGION *foundation*

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August 29, 2018

SENT VIA EMAIL & U.S. MAIL: MMellema@lrrc.com

Matthew Mellema
Lewis Roca Rothgerber Christie LLP
90 South Cascade Avenue, Suite 1100
Colorado Springs, CO 80903

Re: Unconstitutional Religious Field Trip (Rocky Mountain Classical Academy)

Dear Mr. Mellema:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that occurs annually in Rocky Mountain Classical Academy (RMCA).

A concerned parent reports that each year RMCA takes its 6th grade students on a field trip to Lutheran Valley Retreat (LVR), a religious retreat and summer camp facility. LVR's mission statement is "Sharing God's Grace and Glory through His creation."¹ Its strategic plan details its purpose, "Christ is a part and focus of everything we do here at camp."² While we understand that RMCA claims that it is visiting the camp for secular purposes, LVR's website explains that even its outdoor education program aimed at schools focuses on religion, "Focusing on Christ, our Outdoor Leadership Education program is just what you have been looking for. LVR has been an outdoor destination for schools since its inception in 1959."³ The outdoor education program also includes, "Creation Education," which LVR describes as, "To experience the days of creation, and be provided with tools to have faith in Biblical creation is priceless in today's world. Join us as we use what we have around to show you the wonders of God's creation, and the love he has shown to us through Jesus!"⁴ We also understand that there is religious iconography, including Latin crosses and bible verses displayed throughout the camp. Please see the enclosed photos.

In an email sent out to parents regarding the field trip, RMCA explained:

The purpose of this trip is to develop strong relationships and trusting bonds between students as they enter the socially turbulent adolescent years. This trip will also expand students' physical and emotional boundaries as they go for night hikes and participate in team-building activities...research shows that the more teachers and students understand each other as individuals, the stronger the learning that happens in the classroom.

Our complainant reports that those children whose parents choose not to send them on this retreat because of LVR's overt and unambiguous Christian agenda "feel that they are being ostracized and not provided the same opportunity for bonding that the children who attend the retreat receive."

We write to ask that you ensure that RMCA is no longer promoting religious activities to students and that it is being inclusive of all its students, regardless of their religious or nonreligious beliefs. Lutheran

¹ <https://www.lvr.org/about>

² https://docs.wixstatic.com/ugd/aefa2a_fff9daea3bfd0770901dbb6a55d80f4.pdf

³ http://media.wix.com/ugd/aefa2a_3986c4467d27aa3e80f92f4707568cce.pdf

⁴ *Id.*

Valley Retreat, a business with the self-stated mission of “Sharing God’s Grace and Glory through His creation,” is simply not an appropriate destination for a public school field trip.

As I am sure are aware, 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). 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 v. Weisman*, 505 U.S. at 589). In *Lee v. Weisman*, the Supreme Court extended the prohibition of school sponsored religious activities beyond the classroom to all school functions, holding prayers at public high school graduations an impermissible establishment of religion. As a school-sponsored event, a school field trip cannot include any endorsement of religion.

Given Lutheran Valley Retreat’s overt and unambiguous Christian agenda, RMCA is at risk of illegally endorsing a religious message in violation of the Constitution. Sending students to a camp with an evangelical Christian purpose will ostracize those students and families who identifying as nonreligious or practice a minority religion. At this moment, 30% of the country is non-Christian, with 24% having no religious affiliation whatsoever; among Millenials, the “unaffiliated” figure jumps to 38%.⁵ There is little doubt that non-Christian and nonreligious children are among the students at RMCA, and their freedom of conscience must be respected.

Please note that the fact that students and parents can opt-out of this trip does not cure this constitutional violation. The Supreme Court has held that voluntariness does not remedy an Establishment Clause violation. *See generally 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.’”).

We ask that you investigate this situation and ensure that RMCA is respecting the right of conscience of its students and their families. RMCA should discontinue trips to the Lutheran Valley Retreat. In the future, we hope that the school will select a more appropriate location for its field trips. Please respond in writing outlining the steps that RMCA will take to address this matter.

Sincerely,



Christopher Line
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

Cc: Brad Miller, legal counsel for District 49 via brad@millerfarmerlaw.com

⁵ Robert P. Jones and Daniel Cox, *America's Changing Religious Identity*. Public Religion Research Institute. 2017. <https://www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf>

Lutheran Valley Retreat
(719) 687-3560

Sharing God's grace and glory through His creation

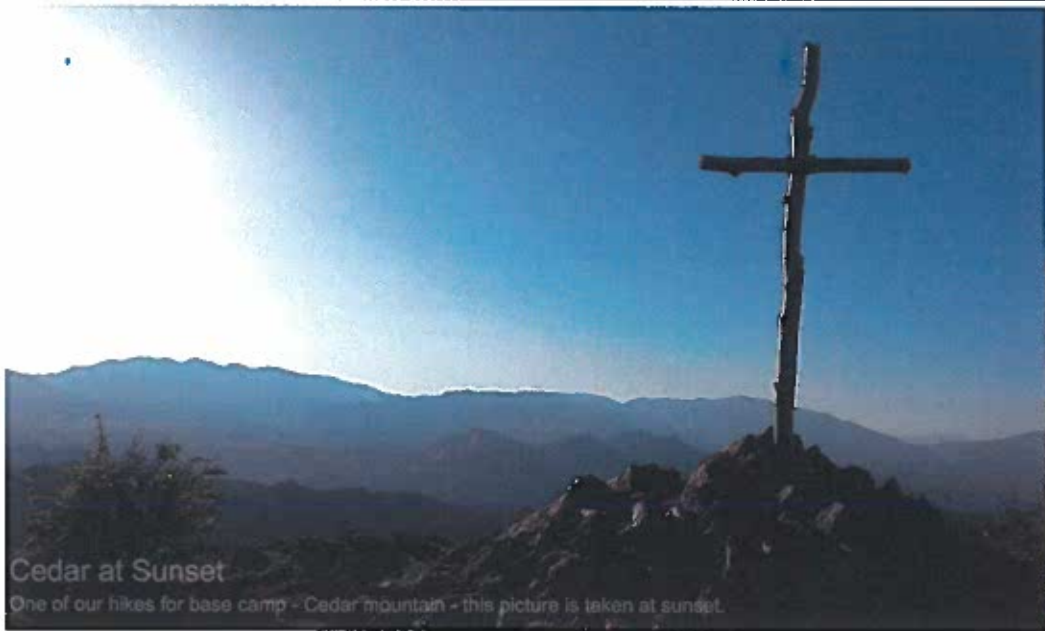
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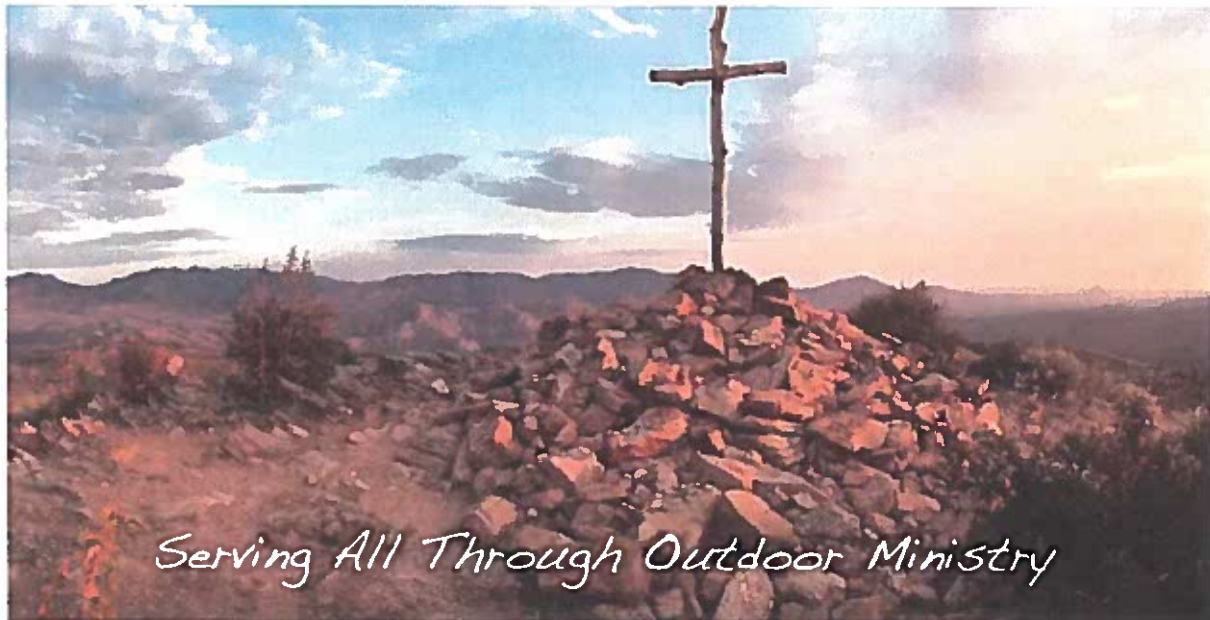
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Cedar at Sunset

One of our hikes for base camp - Cedar mountain - this picture is taken at sunset.



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