

FREEDOM FROM RELIGION *foundation*

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August 21, 2017

SENT VIA EMAIL & U.S. MAIL: freemant@sylacauga.k12.al.us

Dr. Michael Todd Freeman
Superintendent
Sylacauga City Schools
43 N. Broadway Avenue
Sylacauga, AL 35150

Re: Multiple Constitutional Violations in Sylacauga City Schools

Dear Superintendent Freeman:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to follow up on our July 20, 2017 letter regarding prayers at Sylacauga Board of Education meetings and to bring to your attention serious constitutional violations that occurred in Sylacauga City Schools last week.

A concerned parent brought to our attention a religious performance and assembly held at Nichol Lawson Middle School during the school day on August 11, 2017. We understand this performance was called, "BREAKTHROUGH" and that it contained religious music, bible verses, and prayer. Please see photos of the program attached. Our complainant reports that bibles were distributed to students as they entered the gym for the performance and that both the principal and vice principal were present for this event. Videos and photos of the assembly show students kneeling before a large Latin cross. Please see the photos and screenshots from the videos attached.

We understand that the same assembly was presented at Sylacauga High School just a few days later. Please see enclosed photos from that assembly where students once again knelt before a large Latin cross and engaged in prayer. It is our understanding that this school event was coordinated by the Fellowship of Christian Students at the middle school, and by the Fellowship of Christian Athletes and a group called "FOCUS" at the high school.

It is deeply troubling that the District allowed these assemblies to take place. 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); *McCullum v Bd. of Edu.*, 333 U.S. 203 (1948). It is an unequivocal tenet of Establishment Clause jurisprudence that "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 (2001)(quoting *Lee*, 505 U.S. at 589).

When a school district gives an outside group access to proselytize to public school students, it illegally endorses the speaker's religious message, in this case a Christian message. "School 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 (2001)(quoting *Lynch v. Donnelly*, 465 U.S. 683, 668 (1983)(O'Connor, J., concurring)). It is inappropriate to take away instructional time from students to expose them to Christian proselytizing.

We are aware that some Christian missionaries insinuate themselves into public schools by camouflaging their purposes and by professing to be experts in a secular field. And when that occurs it is incumbent that public officials exercise due diligence in vetting these outside adults to ascertain whether they have a religious agenda they seek to impose on a captive audience of public school students. However, while some Christian evangelizers come as wolves dressed in sheep's clothing, this wolf comes dressed as a wolf. This event's overtly religious and proselytizing messages were explicit. Even a cursory examination beforehand should have raised major red flags for school administrators.

These proselytizing assemblies are not only a violation of student and parental rights, they needlessly subject the school district to significant legal liability. *See Anderson v. Chesterfield County School Dist.*, No. 4:11-03300, (S.C. Dist. Ct. Jan. 24, 2012 Consent Decree) (Issuing an injunction against school involvement in religious activities following religious assembly and ordering the school to pay the plaintiffs' attorney fees and costs).¹

As you may already be aware, it makes no difference even if the school allows students to opt out of religious programming. *See Karen B. v. Treen*, 653 F.2d 897 (5th Cir. 1981)(Finding required express written permission by parents for students to participate in prayer did not cure Establishment Clause violations). The Supreme Court has clearly stated that "[n]either a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups." *McCullum v. Board of Education*, 333 U.S. 203, 210-11 (1948). When children opt-out, their absence is obvious, and the ostracism they suffer is precisely what the courts have sought to prevent. *See Santa Fe*, 530 U.S. at 310. As the Supreme Court wrote in *Schempp*, offending religious practices are not "mitigated by the fact that individual students may absent themselves upon parental request, for that fact furnishes no defense to a claim of unconstitutionality under the Establishment Clause." 374 U.S. at 224-25. Simply put, "voluntariness" cannot excuse a constitutional violation.

Furthermore, It is unconstitutional for public school districts to permit outsiders to distribute bibles as part of the public school day. Courts have uniformly held that the distribution of bibles to students at public schools during instructional time is prohibited. *See Roark v. South Iron R-1 Sch. Dist.*, 573 F.3d 556 (8th Cir. 2009) (upholding an injunction prohibiting bible distribution on school property); *Berger v. Rensselaer Central Sch. Corp.*, 982 F.2d 1160 (7th Cir. 1993) (holding that classroom distribution of Gideon bibles to fifth-graders violated the Establishment Clause of the First Amendment to the United States Constitution); *see also Tudor v. Bd. of Educ. of Rutherford*, 14 N.J. 31 (1953), *cert. denied*, 348 U.S. 816 (1954) (finding unconstitutional a

¹https://www.aclu.org/sites/default/files/field_document/signed_south_carolina_consent_decree.pdf

school board resolution permitting Gideons to distribute bibles). In striking down a school district's policy permitting Gideons to distribute bibles in classrooms, the Seventh Circuit stated, "the Gideon Bible is unabashedly Christian. In permitting distribution of 'The New Testament of Our Lord and Savior Jesus Christ' along with limited excerpts from the Old Testament, the schools affront not only non-religious people but all those whose faiths, or lack of faith, does not encompass the New Testament." Berger, 982 F.2d at 1170.

The District must ensure no more religious assemblies are being scheduled or taking place in its public schools. We request immediate assurances that the groups responsible for putting on this "BREAKTHROUGH" performance will not be allowed to present again in District schools. The District must also ensure bibles are not being distributed to students during the school day. We request that the District remind administrators at Nichol Lawson Middle School, Sylacauga High School and other District schools of the constitutional obligation to remain neutral toward religion. A memo and training for employees spelling out the obligations of public school employees to uphold 65 years of Supreme Court precedent barring devotions, proselytizing and religious instruction in public schools is in order. Please inform us in writing at your earliest convenience of the steps you are taking to address this issue.

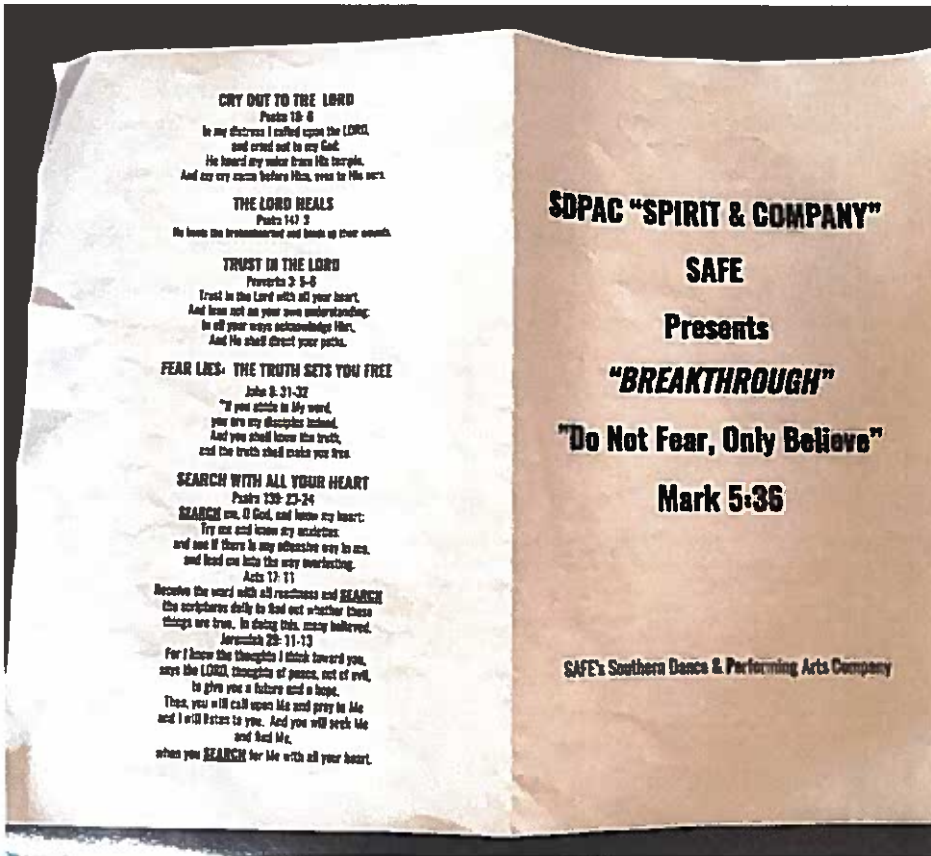
Sincerely,



Christopher Line

Patrick O'Reiley Legal Fellow

Freedom From Religion Foundation



CRY OUT TO THE LORD

Psalm 124: 8
In my distress I called upon the LORD,
and cried out to my God.
He heard my voice from His temple,
and my cry came before Him, even to His ears.

THE LORD HEALS

Psalm 147: 3
He heals the brokenhearted and binds up their wounds.

TRUST IN THE LORD

Psalms 3: 5-6
Trust in the Lord with all your heart,
and lean not on your own understanding;
in all your ways acknowledge Him,
and He shall direct your paths.

FEAR LIES- THE TRUTH SETS YOU FREE

John 8: 31-32
"If you abide in My word,
you are my disciples indeed,
and you shall know the truth,
and the truth shall make you free.

SEARCH WITH ALL YOUR HEART

Psalm 139: 23-24
SEARCH me, O God, and know my heart:
Try me and know my thoughts;
and see if there is any offensive way in me,
and lead me into the way everlasting.
Acts 17: 11
Receive the word with all readiness and **SEARCH**
the scriptures daily to find out whether these
things are true. In doing this, many believed.
Jeremiah 29: 11-13
For I know the thoughts I think toward you,
says the LORD, thoughts of peace, not of evil,
to give you a future and a hope.
Then you will call upon Me and pray to Me
and I will listen to you. And you will seek Me
and find Me,
when you **SEARCH** for Me with all your heart.

SDPAC "SPIRIT & COMPANY"

SAFE

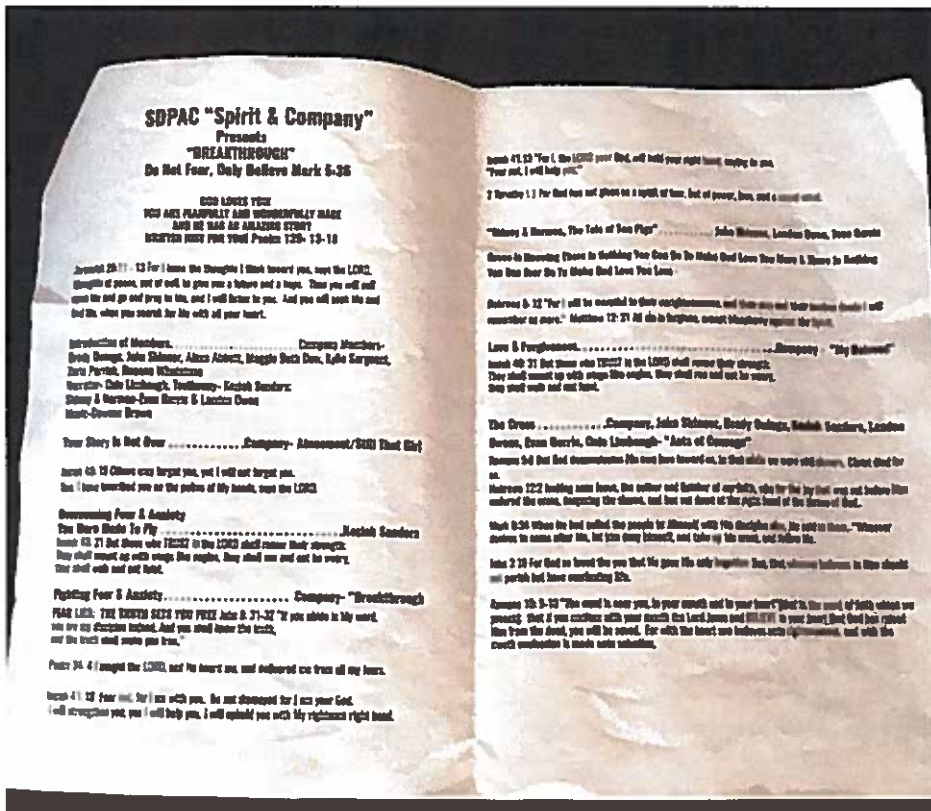
Presents

"BREAKTHROUGH"

"Do Not Fear, Only Believe"

Mark 5:36

SAFE's Southern Dance & Performing Arts Company



SDPAC "Spirit & Company"

Presents
"BREAKTHROUGH"
Do Not Fear, Only Believe Mark 5:36

**GOD LOVES YOU
YOU ARE FEAREDLY AND WONDERFULLY MADE
AND HE HAS AN AMAZING STORY
REVEALING HIM TO YOU! Psalm 139: 13-18**

Jeremiah 29: 11-13 For I know the thoughts I think toward you, says the LORD,
thoughts of peace, not of evil, to give you a future and a hope. Then you will call
upon Me and pray to Me, and I will listen to you. And you will seek Me and
find Me when you search for Me with all your heart.

Introduction of Members: **Company Members:**
Drew Dwyer, John Shuman, Alicia Adams, Maggie Beth Dun, Kyle Carpenter,
Zara Parikh, Renee Whittmore
Director: Chae Linnbaugh, **Technician:** Kaitlin Sanders
Stage & Costume Crew: Dawn & Lacie
Music-Crew: Dawn

Your Story is Not Over **Company: Anonymous/Safe** That Day!

Isaiah 43: 28 Others once target you, yet I will not target you.
But I have rebuked you on the palm of My hand, and the LORD

Overcoming Fear & Anxiety
You Were Made To Fly **Medical Saviors**
Isaiah 43: 21 But those who TRUST in the LORD shall reveal their strength.
They shall mount up with wings like eagles. They shall run and not be weary,
they shall walk and not faint.

Fighting Fear & Anxiety **Company: "Breakthrough"**

FEAR LIES- THE TRUTH SETS YOU FREE John 8: 31-32 "If you abide in My word,
you are my disciples indeed, and you shall know the truth,
and the truth shall make you free."

Psalm 34: 4 I sought the LORD, and He heard me, and answered me from all my fears.

Isaiah 41: 13 Fear not, for I am with you. Be not dismayed for I am your God.
I will strengthen you, yes I will help you, I will uphold you with My righteous right hand.

Isaiah 41: 13 "For I, the LORD your God, will hold your right hand, saying to you,
"Fear not, I will help you!"

2 Timothy 1: 7 For God has not given us a spirit of fear, but of power, love, and a sound mind.

"History & Overview, The Tale of Ten Pigs" **John Shuman, London Owen, Dawn Garcia**
Dawn is showing them to walking You God Do It Make God Love The More I Show to Nothing
You Don't Fear Do To Make God Love You Less

Matthew 5: 32 "Whoever divorces his wife, except for sexual immorality, and marries another, commits adultery." Matthew 12: 31 He who blasphemes against the Spirit

Love & Forgiveness **Company: "My Beloved"**
Isaiah 48: 21 But those who TRUST in the LORD shall reveal their strength.
They shall mount up with wings like eagles. They shall run and not be weary,
they shall walk and not faint.

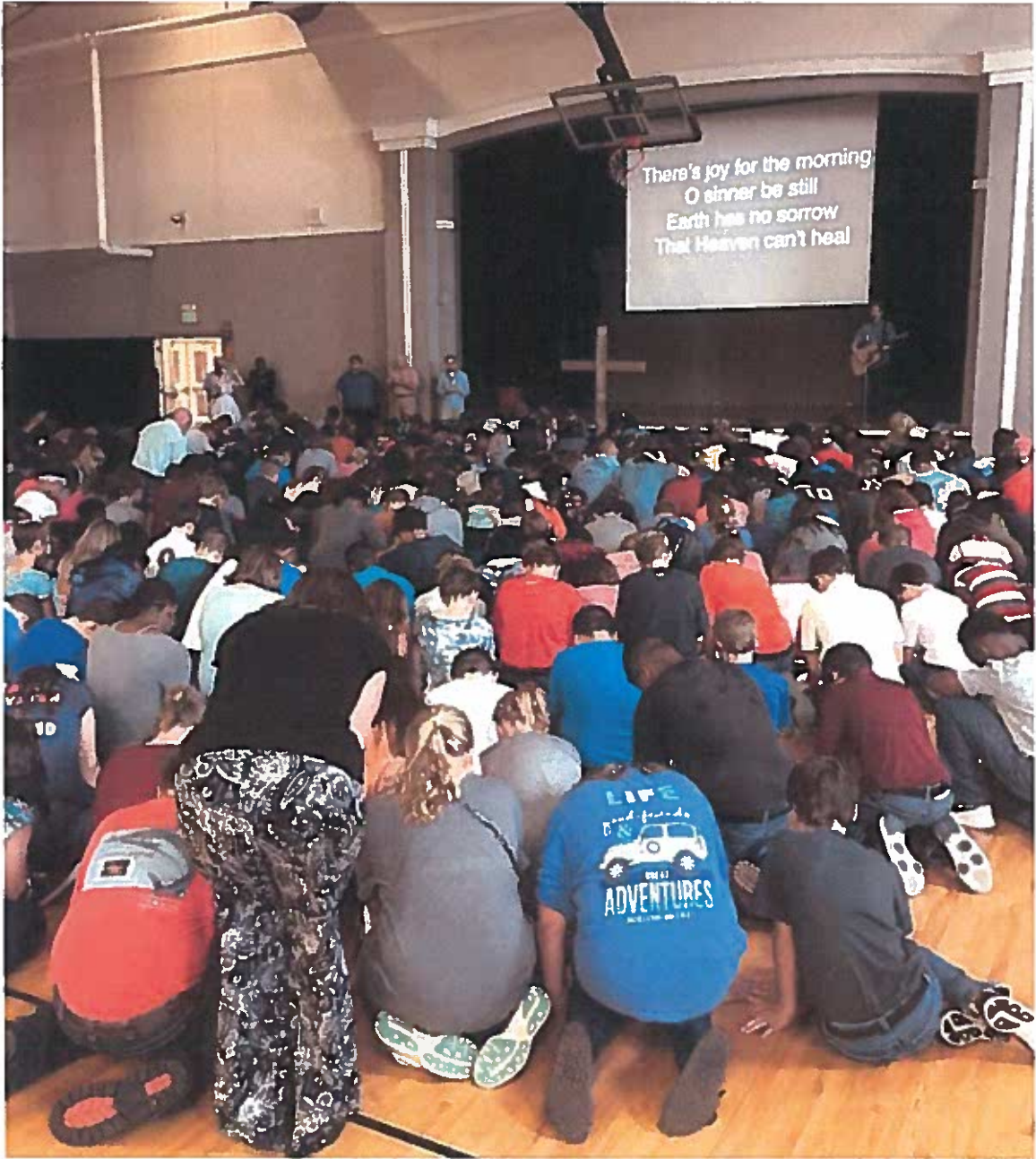
The Cross **Company, John Shuman, Drew Dwyer, Kaitlin Sanders, London Owen, Dawn Garcia, Chae Linnbaugh- "Acts of Obedience"**
Isaiah 54: 6 But God sometimes He may have toward us, in that which we were disobedient. Christ died for us.

Isaiah 22: 12 holding some feast, the father and brother of a prophet, who for the by that was not before the
understand the cross, rejecting the cross, and has not done at the page hand of the dream of God.

Isaiah 5: 26 When He had called the people to Jerusalem with His thoughts who, He said to them, "Whoever
refuses to come after Me, let him deny himself, and take up his cross, and follow Me.

John 2: 20 For God so loved the you that He gave His only begotten Son, that whosoever believes in Him should
not perish but have everlasting life.

Isaiah 55: 9-10 "The word is near you, in your mouth and in your heart" (that is the word of both what we
possess) that if you confess with your mouth the Lord Jesus and believe in your heart that God has raised
Him from the dead, you will be saved. For with the heart one believes unto righteousness, and with the
mouth confession is made unto salvation.





Brett Fleaman with Dawson Brown.

August 11 at 3:43pm · 🌐

What was witnessed today at Nichols-Lawson left me speechless. I'm just in absolute awe of our God. Thank you Fellowship of Christian Students for putting this assembly together! Just watch, trust me.

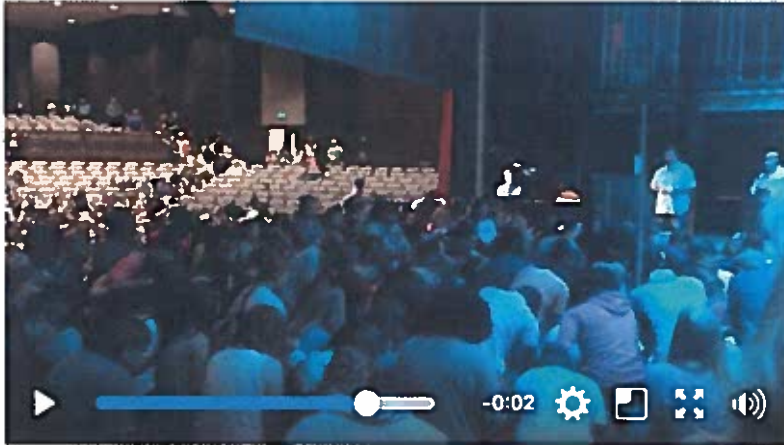




Cole Limbaugh

August 16 at 11:33am · 🌐

Blown away again by our Lord. FCA and FOCUS sponsored the Spirit and Company "Breakthrough" play at Sylacauga High. It was a new day and a new school, but the same God at work. Students, teachers, and coaches came to the Cross of Jesus for forgiveness and to overcome fear, anxiety, and depression in their lives. The Lord is moving in our schools!



So blessed to be a witness of God's mighty work at Sylacauga High School today!!

