

# FREEDOM FROM RELIGION *foundation*

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**SENT VIA EMAIL AND U.S. MAIL: [elizabeth.maron@arlaw.com](mailto:elizabeth.maron@arlaw.com)**

Elizabeth Lee Maron  
Legal Counsel  
1018 Highland Colony Parkway, Suite 800  
Ridgeland, MS 39157

Re: Unconstitutional restrictions on student speech (Desoto County Schools)

Dear Ms. Maron:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding another constitutional violation occurring in DeSoto County Schools. We are still awaiting a response to our May 30, 2023 and November 16, 2023 letters regarding prayer at various district-sponsored events. We would like to work with the District to resolve the numerous constitutional violations occurring in its schools. Please respond to this letter and our previous letter as soon as is practicable.

It was recently brought to our attention that a student at Hope Sullivan Elementary School was punished for saying “Jesus Christ” after he dropped some toys he was playing with.<sup>1</sup> We understand that a spokesperson for the District said that “DeSoto County students would not be reprimanded for simply saying Jesus Christ. It is possible that a student could be corrected for a disrespectful use of Jesus Christ’s name.”<sup>2</sup>

As you are no doubt aware, DeSoto County Schools cannot punish a student for “disrespectful use of Jesus Christ’s name.” We write to ask that the District take immediate action to ensure that its teachers and administrators are aware that they cannot punish students for saying “Jesus Christ” regardless of whether it is being said in a respectful or disrespectful manner. While teachers can, of course, enforce rules related to cursing or inappropriate language, imposing religious blasphemy rules on students violates both the Establishment Clause and Free Speech clauses of the Constitution.

It is well settled that public schools may not show favoritism towards, nor encourage or coerce belief in any religion. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *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); *McCollum v Bd. of Ed.*, 333 U.S. 203 (1948). Thus, a school district cannot mandate,

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<sup>1</sup> <https://www.ktvu.com/news/mississippi-mom-says-7-year-old-son-written-up-saying-jesus-christ-school>

<sup>2</sup> *Id.*

encourage, or coerce students into complying with religious rules, such as prohibitions on blasphemy.

The edict to refrain from taking the Lord's name in vain comes from the Ten Commandments and has no secular basis. In *Stone v. Graham*, the Supreme Court said, "The pre-eminent purpose for posting the Ten Commandments on schoolroom walls is plainly religious in nature . . . . The Commandments do not confine themselves to arguably secular matters . . . rather, the first part of the Commandments concerns **the religious duties of believers**: worshipping the Lord God alone, avoiding idolatry, **not using the Lord's name in vain**, and observing the Sabbath Day." 449 U.S. at 41 (emphasis added). The Supreme Court also acknowledged the purely religious basis of the Ten Commandments in *McCreary County v. ACLU of Kentucky*, calling the prohibition on "vain oath swearing" a "detail[] of religious obligation." 545 U.S. 844, 868 (2005). If a school may not post the Ten Commandments, it certainly cannot impose them on students, because the pre-eminent purpose for enforcing them against students is also plainly religious.

There can be no secular objection to saying "Jesus Christ." The government "has no legitimate interest in protecting any or all religions from views distasteful to them which is sufficient to justify prior restraints upon the expression of those views. It is not the business of government in our nation to suppress real or imagined attacks upon a particular religious doctrine . . . ." *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495 (1952).

Viewpoint discrimination is an especially potent concern animating free speech jurisprudence. See, e.g., *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995) ("Viewpoint discrimination is thus an egregious form of content discrimination...The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.").

The District must ensure that its teachers and administrators are no longer violating students' rights by punishing them for "disrespectfully" saying "Jesus Christ" or otherwise "taking the Lord's name in vain." Please respond in writing, confirming that this letter has been received and outlining the steps the District will take to resolve this constitutional violation. Thank you for your time and attention to this matter.

Sincerely,



Christopher Line  
Staff Attorney  
Freedom From Religion Foundation