

FREEDOM FROM RELIGION *foundation*

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April 5, 2019

SENT VIA FAX & U.S. MAIL: (620) 792-2775

Mark A. Rondeau
Law Offices of Watkins Calcara
P.O. Drawer 1110
Great Bend, KS 67530

Re: Unconstitutional Religious Promotion in Great Bend USD 428

Dear Mr. Rondeau:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation that occurred in Great Bend USD 428. We appreciated your June 8, 2018 response to our May 23, 2018 letter regarding religious comments made at the District's graduation ceremony. I hope that we can quickly resolve this new matter as well.

It is our understanding that on March 13, 2019, Susan Stambaugh, the vocal music director for Great Bend Senior High School, took students on a trip to Washington D.C. We understand that as part of this trip she arranged for students to sing at the New York Avenue Presbyterian Church during one of its church services. Please see the enclosed photo, which shows the choir singing in front of a large Latin cross in the church. We understand that she also took students to the Museum of the Bible as part of this trip. Please see the enclosed screenshot. We also understand that in the past she has prayed with students at school events.

It is inappropriate and unconstitutional for school staff to pray with students, take students to a Bible museum, and to organize student visits to a church, especially for worship services.

As you 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*, 505 U.S. at 589). Bringing public school students to multiple religious venues, including participation in a church service, demonstrates a blatant promotion of religion.

It excludes non-Christian and non-religious students for a public school to schedule a trip to these types of sectarian establishments. "School sponsorship of a religious message is impermissible because it sends the ancillary message to . . . 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 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (O'Connor, J., concurring)).

It makes no difference whether participation or attendance on these field trips is voluntary. Courts have summarily rejected arguments that voluntariness excuses a constitutional 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.’”); *Jager v. Douglas Cty. Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989) (“ . . . whether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis . . . The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual.”).

Certainly, the religious content of the Museum of the Bible or the New York Avenue Presbyterian Church would not be permitted to exist in a public school. Likewise, facilities used for school activities must not contain proselytizing messages. “Regardless of the purpose of school administrators in choosing the location, the sheer religiosity of the space [can create] a likelihood that . . . students . . . [will] perceive a link between church and state. That is, the activity [will convey] a message of endorsement.” *Doe v. Elmbrook Sch. Dist.*, 687 F.3d 840, 853 (7th Cir. 2012), *cert. denied*, 134 S. Ct. 2283 (2014).

The District should make certain that none of its employees are unlawfully and inappropriately indoctrinating students in religious matters by leading prayer, taking students to religious museums, or organizing for students to participate in church services. We ask that the District immediately investigate this situation and ensure that Ms. Stambaugh complies with the Establishment Clause. The District must refrain from taking children on future field trips to any other religious destinations. Please inform us in writing of the steps the District is taking to ensure that these constitutional violations do not recur.

Sincerely,



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

Enclosures



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4 Comments

Share



Susan Stambaugh Warm up at New York Avenue Presbyterian Church DC

2d



Susan Stambaugh



Mar 15 at 6:48 AM · 🧑🏻‍🧑🏻

A great day is ahead!!! The Choir has a tour of the Museum of the Bible, we have pictures in front of capitol, tour of capitol, performance at WWII memorial, Dinner at Union Station and then a guided night tour of DC!! Weather is great, kiddos are awesome and we are rollin.

