

FREEDOM FROM RELIGION *foundation*

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

April 5, 2019

SENT VIA EMAIL & U.S. MAIL: JTrudeau@mhc.net

Jill Trudeau
Manager, Kalkaska Memorial Health Center
Child Development Center and Preschool
419 S. Coral Street
Kalkaska, MI 49646

Re: Thank you for respecting your preschoolers' constitutional rights

Dear Ms. Trudeau:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to applaud your staff's commitment to respecting every student's freedom of conscience. We urge you to ignore First Liberty Institute's misguided understanding of the First Amendment which is based on manufactured Christian persecution. FFRF is a national nonprofit organization with more than 31,000 members across the country, including more than 700 in Michigan. FFRF's purposes are to protect the constitutional separation of state and church, and to educate the public on matters relating to nontheism.

It is our understanding that on April 4, 2019, you received a letter from First Liberty Institute threatening the Center with a lawsuit for stopping two women from the Kalkaska Senior Living Center from proselytizing to your preschool students during a special school event. We understand that Joan Wilson and Wilma Wells were given the opportunity to read Christmas stories to your students, but when they chose to go off script and use this as an opportunity to preach about the birth of Jesus, one of your teachers appropriately cut the stories short.

We write to commend the preschool on how it handled this situation and to thank your staff for protecting the religious rights of *all* of its students. Not only was the teacher's decision legally sound, it was the best way for the preschool to ensure that none of its impressionable students were subjected to religious proselytizing as part of this government-sponsored event.

What First Liberty fails to understand is that no constitutional right guarantees anyone a captive audience of preschoolers, delivered to them by government employees. While it is unfortunate that the expectations for this reading either weren't communicated to the storytellers or that the storytellers chose not to heed the preschool's instructions, there is absolutely no legal recourse here. To the extent that First Liberty says otherwise, it's wrong on the law.

First Liberty's legal analysis is limited to one very general quote from *Pinette*, a case about the KKK placing a cross in the statehouse plaza in Ohio, and a picture of a stamp.

The reality is that the law is clear: “The government may acknowledge Christmas as a cultural phenomenon, but under the First Amendment it may not observe it as a Christian holy day by suggesting people praise God for the birth of Jesus.” *Cty. of Allegheny v. ACLU*, 492 U.S. 573, 601 (1989).

The preschool has an absolute right and duty to dictate what lessons are taught to its students and government-sponsored education cannot include religious promotion. Instead of threatening preschools with lawsuits and making outrageous legal claims, First Liberty should learn from its recently failed lawsuit in *Cambridge Christian School v. Florida High School Athletic Association*, where it made a similar legal argument that Christians had a legal right to use the government as a sounding board for proselytizing students. 16-cv-2753, 2017 WL 2458314 (M.D. Fla. June 7, 2017).

Again, we thank the preschool for taking action to protect the right of conscience of its students and urge you to ignore First Liberty’s abhorrent legal threat. If you or your attorneys have any questions, the FFRF legal department, which has extensive experience in First Amendment matters, would be more than happy to consult with you on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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