

FREEDOM FROM RELIGION *foundation*

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

January 25, 2023

SENT VIA EMAIL & U.S. MAIL: m.chidester@californiaschoollaw.net

Margaret A. Chidester, Esq.
Chidester & Associates
17762 Cowan, First Floor
Irvine, CA 92614

Re: Unconstitutional Religious Promotion

Dear Attorney Chidester:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding concerns over a school board member imposing their personal religious beliefs onto district employees. It is my understanding that you represent the Board. Please let me know if this is no longer the case.

Two concerned Chino Valley USD employees have reported that school board member James Na distributed Christmas cards to employees that included a religious message. We understand the cards were printed and delivered to teachers' boxes using school resources. We are informed that employees typically receive Christmas cards from school board members. However, this year, Mr. Na delivered a card that included a poem advancing Christianity:

May peace be before you at every meal
And faith ring through every song
For Christ is alive the light of the world
May he bless you all season long

Please see the enclosed photo.

Our Constitution's Establishment Clause—which protects Americans' religious freedom by ensuring the continued separation of religion and government—dictates that the government cannot in any way show favoritism toward religion. As the Supreme Court has put it, “the First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cty. v. ACLU*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947).

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). Using a Christmas card as an excuse to push religion

onto District employees violates these constitutional limits on government religious coercion and sends a message to employees that the government supports religion in general and Christianity specifically. By delivering these cards, Mr. Na sends a religious message on behalf of the Board that 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 Indep. Sch. Dist.*, 530 at 309-10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (O’Connor, J., concurring)). Furthermore, the Ninth Circuit Court of Appeals has upheld restrictions on employee speech in the course of their government job when such restrictions exist to avoid Establishment Clause violations. *Berry v. Dept. of Soc. Serv.*, 447 F.3d 642 (9th Cir. 2006).

While individuals are certainly free to celebrate the religious aspects of Christmas in their private capacity outside of the district, it is unconstitutional for school board members to use the holiday season as an excuse to advance their personal religious beliefs. We request that you advise the Board regarding its legal obligations to refrain from pushing religion onto district employees in order to uphold the rights of conscience embodied in our First Amendment. Please inform us in writing at your earliest convenience with an assurance that this won’t happen again in the future.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosure

20
23

Message for Friends and Loved Ones

"Christmas Blessing"

- Author: Unknown

May love come alive
 within your heart
As Christmas time
 draws near
May hope fill each room
 you decorate
And bring joy
 to those you hold dear
May peace be before you
 at every meal
And faith ring
 through every song
For Christ is alive
 the light of the world
May he bless you
 all season long

Have a wonderful
Christmas & Happy New Year.

James Na
Board of Education

