

FREEDOM FROM RELIGION *foundation*

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

June 27, 2022

SENT VIA U.S. MAIL AND EMAIL: Ty.Harting@chsd218.org

Ty Harting
Superintendent
Community High School District 218
10701 S. Kilpatrick Avenue
Oak Lawn, IL 60453

Re: Unconstitutional Proselytizing in School

Dear Dr. Harting:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation in the Community High School District 218. FFRF is a national nonprofit organization with currently more than 37,000 members, including a metropolitan Chicago chapter and more than 1,150 members in Illinois. Our purposes are to protect the constitutional separation between state and church, and to educate the public on matters relating to nontheism.

A concerned community resident contacted us regarding Ray McElroy speaking to students at Richards High School. Reportedly, the posters and announcements for this lunch event enticed students to come hear a former NFL player's story and receive free Chick-Fil-A sandwiches. Students reported that they attended and were told they could not take a sandwich until they listened to the speaker and took a book. The book was "How to Find God." See enclosure. Reportedly, the talk was essentially a sermon by Mr. McElroy, who is a pastor at Central Christian Church.¹

It is our understanding that the religious event was organized by Doug Groters, who is the NJROTC instructor at Richards High School. NJROTC instructors are "employees of the school."² It is also our understanding that there have been similar events in the past at Richards where students were enticed with free food in exchange for attending a religious talk.

It is inappropriate and unconstitutional for the District to offer religious leaders unique access to proselytize students during the school day on school property. The District cannot allow its schools to be used as recruiting grounds for religious missions. It is well-settled law 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); *McCullum v Bd. of Ed.*, 333 U.S. 203 (1948). A public school instructor cannot organize a

¹ <https://www.linkedin.com/in/ray-mcelroy-a7727263>.

² <https://www.netc.navy.mil/Commands/Naval-Service-Training-Command/NJROTC/Inst-App-Process/>.

religious school event, lure students to attend with the promise of free food and then force students to listen to a pastor and take a Christian text before allowing them to receive the promised sandwich.

Allowing church representatives access during school hours to proselytize and recruit students is a violation of the Establishment Clause. Courts have protected public school students from overreaching outsiders in similar situations. *See, e.g., Berger v. Rensselaer School District*, 982 F.2d 1160 (7th Cir. 1993) (holding that distribution of bibles by Gideons in school violated Establishment Clause). As the Supreme Court has recognized, “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).

Public schools have an obligation to stay separate from religion because “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. 577, 589 (1992)). By allowing a Christian pastor special access to proselytize and to distribute Christian literature to students, the District alienates non-Christian students, teachers, and parents whose religious beliefs are inconsistent with the message being promoted, including the almost thirty percent of the American population who are not religious.³ The District—and Mr. Groters—usurped the authority of parents, some of whom surely do not want their children indoctrinated by pastors at their public school.

We request that you investigate this matter immediately. Staff should be informed that school-sponsored religious activity violates the Constitution as well as the rights of conscience of students and their parents. Mr. Groters must be instructed to refrain from organizing religious activities. Mr. McElroy cannot be allowed access to District schools. Please inform us in writing of the steps the District is taking to investigate this matter and to prevent future violations.

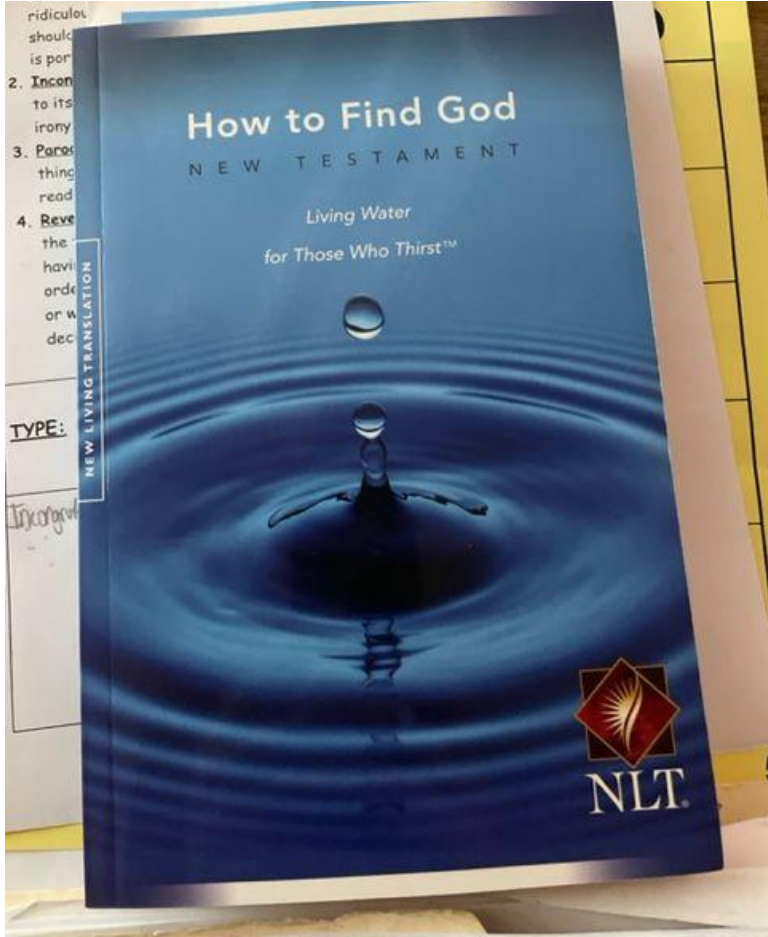
Sincerely,



Karen M. Heineman
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

Enclosure

³ Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), available at www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.



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