

# FREEDOM FROM RELIGION *foundation*

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**SENT BY EMAIL AND U.S. MAIL: Darlee.Daniels@d11.org, Jason.Jorgenson@d11.org, Parth.Melpakam@d11.org, Julie.Ott@d11.org, Sandra.Bankes@d11.org, Lauren.Nelson@d11.org, Al.Loma@d11.org**

Parth Melpakam  
President  
District 11 Board of Education  
1115 N. El Paso Street  
Colorado Springs, CO 80903

Re: Unconstitutional Religious Endorsement

Dear President Melpakam and Members of the Board:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding concerns with religious endorsement by District 11 Board of Education members. FFRF is a national nonprofit organization with more than 36,000 members across the country, including more than 1,100 members and two chapters in Colorado, one of which is in Colorado Springs. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

Multiple concerned District community members have reported that at least one member of the Board has been using their position to promote and endorse their personal religious views. Our complainants report that Director Al Loma has sent religious messages using his official board email account, including an automated reply that stated, "Jesus is Lord." It is also our understanding that Director Loma, who is a pastor at a local church, regularly promotes his personal religious beliefs and his church during school board meetings.

We write to request that board members immediately refrain from using their positions to promote and endorse religion as it is a violation of the Establishment Clause of the First Amendment. Director Loma must cease promoting his personal religious beliefs and his church while acting in his official capacity as a member of the board.

The Establishment Clause of the First Amendment prohibits government sponsorship of religious messages. The Supreme Court has said time and again that the "First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion." *McCreary Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 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 v. Weisman*, 505 U.S. at 589).

Regularly promoting your personal religious views as part of school board meetings is akin to school board prayer, which violates the Establishment Clause of the First Amendment. *See FFRF v. Chino Valley Unified Sch. Dist. Bd. of Educ.*, 896 F.3d 1132 (9th Cir.), en banc denied, 910 F.3d 1297 (9th Cir. 2018); *Doe v. Indian River School District*, 653 F.3d 256 (3d Cir. 2011), cert. denied, 132 S. Ct. 1097; *Bacus v. Palo Verde Unified Sch. Dist.*, 52 Fed. Appx. 355 (9th Cir. 2002); *Coles v. Cleveland Bd. of Educ.*, 171 F.3d 369 (6th Cir. 1999).

As school board members, you represent a diverse population that consists of not only Christians, but also minority religious and nonreligious students, parents, and community members. Religious endorsements made in your official capacity send a message that excludes the 35 percent of Americans who are non-Christian.<sup>1</sup> Utilizing your government positions to preach and promote your personal religious beliefs alienates the non-Christian and nonreligious citizens you represent, turning them into political outsiders in their own community.

Government officials can worship, pray, or spread their personal religious beliefs however they wish when acting in their personal capacities. But they are not permitted to provide prestige to their personal religion by infusing it with their official school board position. As school board members, you are charged with great responsibility and have been given significant trust by members of the District 11 community, including those students, parents, and staff members who do not share your religious viewpoint.

We ask that board members refrain from utilizing their positions to promote and endorse their personal religious beliefs. Director Loma must either fully comply with the Establishment Clause and stop violating the rights of District 11 students and their parents, or he must resign from the Board. Please inform us in writing of the steps taken to respect the rights of conscience of all District 11 community members, regardless of their religious or nonreligious beliefs.

Sincerely,



Christopher Line  
Staff Attorney  
Freedom From Religion Foundation

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<sup>1</sup> *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.