

# FREEDOM FROM RELIGION *foundation*

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

August 26, 2021

**SENT VIA EMAIL & U.S. MAIL: smith\_b@fairfieldcityschools.com**

Billy Smith  
Superintendent  
Fairfield City School District  
4641 Bach Lane  
Fairfield, OH 45014

Re: Unconstitutional Religious Display

Dear Superintendent Smith:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the Fairfield City School District. FFRF is a national nonprofit organization with more than 35,000 members across the country, including more than 900 members and a local chapter in Ohio. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned District parent has reported that Ian Lubbers, a social studies teacher at Creekside Middle School, is currently displaying an “Appeal to Heaven” flag in his classroom. Please see the enclosed photo. Our complainant reports that Mr. Lubbers has also told students that his Christian faith is very important to him.

We write to ask that the District remove this religious endorsement from its property immediately, and ensure that Mr. Lubbers is no longer promoting or endorsing his personal religious beliefs to his students.

The “Appeal to Heaven” flag is associated with the Appeal to Heaven movement. Members of the Appeal to Heaven movement, in their own words, “honor the Lord by networking elected officials who are believers in Jesus Christ, who regularly attend and display a commitment to an evangelical, Gospel-centered church and who will commit to live and govern based on biblical . . . principles.”<sup>1</sup> This mission is clearly sectarian, and displaying the flag is a tacit endorsement of evangelical Christianity.

The inherent religious significance of the “Appeal to Heaven” flag is undeniable. While the flag has ties to the founding of the U.S., it is now viewed as a Christian flag. No purported secular purpose will detract from the overall message that the flag stands for Christianity and its display promotes Christianity.

---

<sup>1</sup> *Our Mission*, An Appeal to Heaven, <http://www.appealtoheaven.org>.

The District violates the Constitution when it allows its schools to display religious symbols or messages. Public schools may not advance, prefer, or promote religion. See *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). Prominently displaying a Christian flag violates this basic constitutional prohibition by creating the appearance that the District prefers religion over nonreligion and Christianity over all other faiths.

Courts have continually held that school districts may not display religious messages or iconography in public schools. See, e.g., *Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York County*, 484 F.3d 689 (4th Cir. 2007) (ruling that a teacher may be barred from displaying religious messages on classroom bulletin boards); *Washegesic v. Bloomington Pub. Schs.*, 33 F. 3d 679 (6th Cir. 1994) (ruling that a picture of Jesus may not be displayed in a public school).

Religion is a divisive force in public schools. The Supreme Court has repeatedly noted that “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are 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. v. Doe*, 530 U.S. 290, 309 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)).

This religious display is particularly inappropriate given that about 38% of Americans born after 1987 are not religious.<sup>2</sup> The flag alienates those nonreligious students, families, teachers, and members of the public whose religious beliefs are inconsistent with the message being promoted by the school.

In recognition of the District’s constitutional obligation to remain neutral toward religion, please remove this display immediately, and ensure that Mr. Lubbers is not promoting or endorsing his personal religious beliefs to students. Please reply in writing with the steps the District is taking to remedy this constitutional violation so that we may notify our complainant.

Sincerely,



Christopher Line  
Staff Attorney  
Freedom From Religion Foundation

---

<sup>2</sup> Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at [www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf](http://www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf).

