

FREEDOM FROM RELIGION *foundation*

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March 2, 2022

SENT VIA EMAIL & U.S. MAIL: dstutler@k12.wv.us

Dora L. Stutler
Superintendent
Harrison County Schools
445 W. Main Street
P.O. Box 1370
Clarksburg, WV 26301

Re: “God Bless America” Display

Dear Superintendent Stutler:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a “God Bless America” display on Lincoln High School. We appreciated your response to our October 21, 2021 letter, and your cooperation in resolving constitutional violations in the District in the past. I hope we can similarly resolve this issue.

It is our understanding that Lincoln High School maintains a sign displaying “God Bless America” on its building just above the name of the school. Photos of this religious display are also on the school’s official website and Facebook page. Please see the attached screenshots.

The Establishment Clause in the First Amendment to the U.S. Constitution 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). This constitutional mandate is stronger within the context of our public schools.

The display of religious messages in the school setting violates the Establishment Clause of the First Amendment, which prohibits public schools from advancing, supporting, or promoting religion. Courts have continually held that school districts may not display religious messages or iconography on the walls of public schools. *See, generally, Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on classroom walls); *Lee v. York Cnty.*, 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 Public Sch.*, 813 F. Supp. 559 (W.D. Mich. 1993), *affirmed*, 33 F.3d 679 (6th Cir. 1994) (ruling that a picture of Jesus may not be displayed in a public school).

“God Bless America” is a prayer. The song that the phrase originates from begins, “As we raise our voices in a solemn prayer.” A prayer hosted by a publicly-supported school does not pass

constitutional muster. The phrase “God Bless America,” uttered by a public school, amounts to a declaration of orthodoxy in religion that falsely equates patriotism with piety.

When a public school displays “God Bless America,” it sends a message to its students that the school is endorsing and compelling belief in God. This excludes the 38% of Americans born after 1987—i.e. your students—who are not religious.¹ Courts have observed that young students are particularly prone to believing that a religious message is school endorsed.

By endorsing a belief in a god, the school sponsors a religious message 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. v. Doe*, 530 U.S. 290, 309-10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (O’Connor, J., concurring)).

The “God Bless America” display must be removed immediately, both from the school itself and from the school’s social media pages. Please inform us in writing of the actions you are taking to remedy this concern.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation


Enclosures

¹ 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.



**Lincoln High School -
Shinnston, WV**

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