

FREEDOM FROM RELIGION *foundation*

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September 19, 2011

SENT VIA U.S. MAIL & ELECTRONIC MAIL

jwilliams@chesterfield.k12.sc.us

Dr John F Williams
Superintendent
Chesterfield County School District
401 West Blvd
Chesterfield SC 29709

Re: Constitutional Violations Occurring at New Heights Middle School

Dear Dr. Williams:

I am writing on behalf of concerned district residents and taxpayers, and other South Carolina members of the Freedom From Religion Foundation (FFRF), to alert you to serious concerns and constitutional violations occurring at New Heights Middle School. FFRF is a national nonprofit organization with over 17,000 members including members in South Carolina. Our purpose is to protect the constitutional principle of separation between state and church.

Our complainants inform us that a Christian assembly was held at New Heights Middle School on September 1, 2011. One of our local complainants also inform us that small Christian crosses adorned the front lawn of the middle school the week after the anniversary of 9/11. We also understand the school is promoting the "See You at the Pole" prayer event occurring next week Wednesday. We will address each of these concerns in turn.

Christian Chapman and B-SHOC Assembly

It is our information and understanding that on September 1, 2011, a Christian group held an assembly at New Heights Middle School. This event occurred during the school day and was described recently on the New Heights Middle School home webpage as "a worship rally." Please find enclosed a copy of the article by Amber Moser, detailing the event. B-SHOC, a Christian rap artist, performed songs about Jesus, and then Christian

Chapman, a preacher and evangelist, spoke to the students about establishing a relationship with Jesus Christ.

Portions of the event were broadcast on B-SHOC's YouTube channel:

<http://www.youtube.com/watch?v=lo20RwDSU7U> (last accessed on September 19, 2011) We will outline relevant portions of the video:

- Volunteers are being trained by Pastor David Sanders. He tells the volunteers, "When it's time for them to go to their next class, they gotta go, so you need to make sure you're very brief, what decision did you make? Have prayer with them..." (minutes 2:27-2:45)
- Christian Chapman tells the students, "...only this relationship with Christ will keep you face to face with God. With integrity, you say 'Lord, I love your son, Jesus.' He's gonna say well done..." (starting at minute 3:05)
- Christian Chapman further tells the students, "A relationship with Jesus is what you need more importantly than anything else..." (starting at minute 3:19)
- Students then lined up and volunteers prayed with students, and took further information from the students and "[made] sure [they] were plugged into a church..." (starting at minute 3:24)

B-SHOC's video, and the middle school's home page, boasts that "324 kids had either been saved, or had re-committed their lives to the Lord" by the end of the day.

Evidently, Principal Stinson was aware of the illegality of holding a "worship rally" like this one during the school day, but he chose to schedule it anyway. He allegedly told Christian Chapman that "I want these kids to know eternal life is real and I don't care what happens to me, they're gonna hear it today." (posted at minute 3:58 of the B-SHOC video).

Furthermore, our complainants inform us that various pamphlets, cards and other written materials were handed out to the students. In particular, fake money with proselytizing language was distributed by the assembly organizers to the students. These fake one million dollar bills read:

"THE MILLION DOLLAR QUESTION: WILL YOU GO TO HEAVEN WHEN YOU DIE? HERE'S A QUICK TEST. HAVE YOU EVER TOLD A LIE, STOLEN ANYTHING, OR USED GOD'S NAME IN VAIN? JESUS SAID, 'WHOEVER LOOKS AT A WOMAN TO LUST FOR HER HAS ALREADY COMMITTED ADULTERY WITH HER IN HIS HEART.' HAVE YOU LOOKED WITH LUST? WILL YOU BE GUILTY ON JUDGMENT DAY? IF YOU HAVE DONE THOSE THINGS, GOD SEES YOU AS A LYING, THIEVING, BLASPHEMOUS, ADULTERER AT HEART. THE BIBLE WARNS THAT IF YOU ARE GUILTY YOU WILL END UP IN HELL. THAT'S NOT GOD'S WILL.

“HE SENT HIS SON TO SUFFER AND DIE ON THE CROSS FOR YOU. YOU BROKE GOD’S LAW. BUT JESUS PAID YOUR FINE. THAT MEANS HE CAN LEGALLY DISMISS YOUR CASE. HE CAN COMMUTE YOUR DEATH SENTENCE: ‘FOR GOD SO LOVED THE WORLD THAT HE GAVE HIS ONLY BEGOTTEN SON. THAT WHOEVER BELIEVES IN HIM SHOULD NOT PERISH BUT HAVE EVERLASTING LIFE.’ THEN HE ROSE FROM THE DEAD AND DEFEATED DEATH. PLEASE REPENT (TURN FROM SIN) TODAY AND TRUST ALONE IN JESUS, AND GOD WILL GRANT YOU THE GIFT OF EVERLASTING LIFE. THEN READ YOUR BIBLE DAILY AND OBEY IT.”

Please find enclosed a copy of the money handed out to 6th, 7th and 8th graders that day. You can also see students carrying this money in the B-SHOC video.

Given the overtly religious nature of this program, it is deeply troubling that Chesterfield County School District (District) would allow this “assembly” to take place. It is well settled 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 Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). 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 (2001)(quoting *Lee v. Weisman*, 505 U.S. at 589). In *Lee v. Weisman*, the Supreme Court extended the prohibition of school sponsored prayers beyond the classroom to all school functions (holding prayers at public high school graduations an impermissible establishment of religion). Thus, religious programming as part of a school assembly violates the Establishment Clause.

The program is especially concerning given the young age of many of the students in attendance. Allowing a Christian organization access to your student body gives the appearance that Chesterfield County School District endorses the program’s message. The “[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 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 (2001)(quoting *Lynch v. Donnelly*, 465 U.S. at 668)(O’Connor, J., concurring).

We are aware that some Christian missionaries insinuate themselves into public schools through camouflaging their purposes and by professing to be “experts” in some secular field or other. It is incumbent that public officials do “due diligence” when approached by outside groups with vested interests in “pitching” their messages to a captive audience of public school students. However, in this case, the overtly religious and proselytizing nature of the program was explicit and known to the school’s administration before the program was scheduled. In fact, precisely *because* it was an evangelizing event,

Principal Stinson scheduled it so that his students would “know eternal life” and devote and re-commit their lives to Christ.

Principal Stinson’s decision to schedule a “worship rally” during instructional hours to introduce New Heights Middle School students to Jesus Christ is an egregious violation of the Establishment Clause.

9/11 Memorial Crosses

It is our information and understanding that New Heights Middle School erected Christian crosses for the tenth anniversary of the 9/11 tragedy. These crosses were allegedly placed on the school’s front lawn in front of the main entrance prior to the anniversary and were still in place when our complainant took the attached photograph on September 14th.

First and foremost, courts have continually held that school districts may not display religious messages or iconography in 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 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 Public Schools*, 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). Therefore, it is illegal and grossly inappropriate for a public school to display Christian crosses on the lawn directly in front of the school.

Secondly, the religious significance of the Latin cross is unambiguous and indisputable. “The Latin cross... is the principal symbol of Christianity around the world, and display of the cross alone could not reasonably be taken to have any secular point.” *Capitol Square Review and Advisory Bd. v. Pinette*, 515 U.S. 753, 792 (1995)(Souter, J., concurring). An overwhelming majority of federal courts agrees that the Latin cross universally represents the Christian religion, and only the Christian religion. *See, e.g., Separation of Church and State Comm. v. City of Eugene*, 93 F.3d 617, 620 (9th Cir. 1996)(“There is no question that the Latin cross is a symbol of Christianity, and that its placement on public land...violates the Establishment Clause”) *Harris v. City of Zion*, 927 F.2d 1401, 1412 (7th Cir. 1991)(“a Latin cross...endorses or promotes a particular religious faith. It expresses an unambiguous choice in favor of Christianity.”) cert. denied, 505 U.S. 1218 (1992); *ACLU of Ill. v. City of St. Charles*, 794 F.2d 265, 271 (7th Cir. 1986)(“When prominently displayed...the cross dramatically conveys a message of governmental support for Christianity, whatever the intentions of those responsible for the display may be. Such a display is not only religious but sectarian.”) cert. denied, 479 U.S. 961 (1986).

A majority of federal courts has held displays of Latin crosses on public property to be an unconstitutional endorsement of religion. *See, e.g., Buono v. Norton*, 371 F.3d 543, 550 (9th Cir. 2004); *Carpenter v. City and County of San Diego*, 93 F.3d 627,632 (9th Cir. 1996); *Friedman v. Bd. of County Comm’rs*, 781 F.2d 777, 778 (10th Cir. 1985)(en

banc); *ACLU v. Rabun County Chamber of Commerce*, 698 F.2d 1098, 1111 (11th Cir. 1983); *ACLU v. Eckels*, 589 F. Supp. 222, 241 (S.D. Tex. 1984). While most of the aforementioned cases involved the display of a Latin cross in public parks, its display on public school property, a fortiori, also violates the Establishment Clause. Justice Kennedy has stated, “I doubt not, for example, that the Clause forbids a city to permit a permanent erection of a large Latin cross on the roof of city hall...” *Allegheny* at 661. (1989)(Kennedy J., concurring in part, dissenting in part). Such a religious display “would place the government weight behind an obvious effort to proselytize on behalf of a particular religion.” *Id.*

No court of final resort has ever upheld the government’s display of a Latin cross on public land as constitutional. The inherent religious significance of the Latin cross is undeniable and is not disguisable. No secular purpose including memorializing a national tragedy — no matter how sincere — will detract from the overall message that the Latin cross stands for Christianity and the overall display promotes Christianity. The display of this patently religious symbol on the front lawn of a public school confers government endorsement of Christianity and is another blatant violation of the Establishment Clause.

While it is laudable and appropriate for school district officials and students to want to remember the victims of 9/11, it is wholly inappropriate for them to do so by erecting Christian religious symbols. This is particularly true because the nearly 3,000 victims of 9/11 at the World Trade Center included an international community of persons of diverse beliefs and nonbeliefs, or whose views on religion will never be known. Likewise, their surviving and still mourning friends, family, colleagues and coworkers represent the full gamut of belief and non-belief. No assumptions may be made, in a world in which 20-25% of the population is nontheistic, and in the United States, where more than 15% of the adult population identifies as “nonreligious” and which in fact is the fastest-growing segment by religious identification (American Religious Identification Survey 2008).

New Heights Middle School cannot continue to support this cross display in its property and cannot do so again in the future.

See You at the Pole Event on September 28, 2011

Finally, it is our information and understanding that a See You at the Pole (SYATP) event will be held on school grounds next week Wednesday, September 28th. We understand that this event is advertised on the school’s website as a school event. The announcement, which is attached for your review, reads:

“Join us for See You At The Pole on Wednesday, September 28, at 7:30am. We will meet at the rear entrance of the building. Everyone welcome!”

There is no indication of the actual sponsor of SYATP on the posting on the school's website. New Heights Middle School also recently created an "event" on the school's Facebook page for the prayer rally.

As you know, SYATP events occur annually and are ostensibly "student-initiated" and "student-run." In this case, however, from all appearances, it seems to be an official school-sponsored event. If these perceptions are true, the school's sponsorship of yet another prayer rally violates the Establishment Clause.

We understand that public schools cannot exclude student religious groups from meeting on school property before or after-school hours. Nevertheless, it is inappropriate for teachers, other public school employees or outside adults to actively organize, participate in or promote these student-run religious organizations. Federal law dictates that public secondary schools receiving federal funds cannot discriminate against student organizations based on their religious, political, philosophical or other beliefs. *See Bd. of Educ. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 235 (1990)(holding the Equal Access Act constitutional). However, the Supreme Court also stated that public school employees, including teachers and principals, should refrain from actively participating in religious activities while acting within their governmental role to avoid any perception of government endorsement of religion and/or excessive entanglement with religion. "Under the [Equal Access] Act, however, faculty monitors may not participate in any religious meetings, and nonschool person[s] may not direct, control or regularly attend activities of student groups." *Id.* at 253. The Court continued, "[m]oreover the Act prohibits school "sponsorship" of any religious meetings... which means that school officials may not promote, lead, or participate in any such meeting." *Id.* It appears that New Heights Middle School officials are impermissibly organizing, promoting and presumably will participate in the SYTAP event.

These actions are unconstitutional. *See, e.g., Bd. of Educ. of the Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 253 (1990)(indicating that public school faculty may not participate in any student-led religious meetings); *Culbertson v. Oakridge Sch. Dist.*, 258 F.3d 1061 (10th Cir. 2001)(held a school district policy allowing teachers to distribute religious literature violated the Establishment Clause because it creates an impression of school endorsement of religion). In fact, Supreme Court Justice Blackmun has stated, "it is not enough that the government restrain from compelling religious practices, it must not engage in them either..." *Lee v. Weisman*, 505 U.S. 577, 604 (1992)(Blackmun, J., concurring).

It is clear that federal law dictates government employees must refrain from actively organizing, promoting or participating in religious activities while acting within their governmental role to avoid any perception of government endorsement of religion and/or excessive entanglement with religion.

Conclusion

The allegations outlined above constitute serious and flagrant violations of the Establishment Clause of the First Amendment.

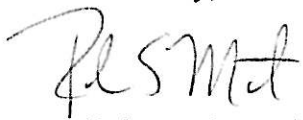
First, we ask that the District commence an immediate investigation into the circumstances surrounding the decision to allow a prayer rally to occur at New Heights Middle School on September 1st. The alleged statements by Principal Stinson call into question his ability to head a secular public school. He is abusing his public office to promote his private religious agenda. Moreover, schools in your district must be instructed that such rallies cannot be scheduled in the future, and any current plans to have Christian Chapman, B-SHOC or any other Christian group intending to missionize a captive group of young students through these "assemblies" must be canceled immediately.

Second, any religious imagery, including the Christian crosses in front of New Heights Middle School allegedly commemorating 9/11 victims, must be removed immediately to avoid further perception of the school's, and therefore the District's, endorsement of Christianity.

Finally, we ask that you investigate and cancel any official school sponsorship of the See You at the Pole event scheduled for next week, September 28th.

We request that you immediately respond to our concerns in writing outlining the actions taken to remedy these constitutional violations so that we may notify our complainants.

Sincerely,



Rebecca S. Markert
Staff Attorney

Enclosures

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Welcome to New Heights Middle

September

- 19: Interim Report / First Nine Weeks
- 28: See You At The Pole 7:30am

October

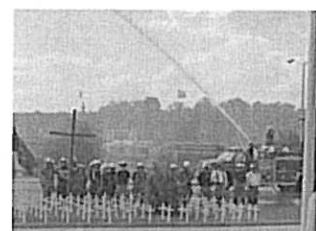
- 08: Jefferson Blue Jay Festival
- 12: PSAT
- 13: Fire Prevention & Safety Activities sponsored by Sandhill Volunteer Fire Department
- 15: Miss New Heights Pageant 7:00pm Cafeteria
- 17: Spirit Week Begins (Oct. 17 - 21)
- 19: Spirit Game
- 20: End First Nine Weeks
- 24: Red Ribbon Week begins (Oct. 24 - 27) "Say No To Drugs" Campaign
Sheriff's Department Presentations
- 25: 3rd Annual Art at the Center 3:00pm - 7:00pm Pageland Community Center
Performances include: New Heights Small Ensemble @ 4:30pm and Ms. Tara Leach @ 6:00pm
- 27: Bethel Colony Presentations
Report Cards / Parent Conferences 3:30 - 6:30pm
- 28: Parent Conferences 8:00am - 12:00 noon / Teacher Inservice

Note: Hawk Football schedule listed on "Athletics - Boys Sports" page. Lady Hawk Volleyball schedule posted on "Athletics - Girls' Sports" page.

Connect with [Christian Chapman](#) and [B-SHOC](#)

9-11 Memorial Service held at New Heights Middle

On Sunday, September 11, 2011 at 2:00pm, the Sandhill Volunteer Fire Department sponsored a 9-11 Memorial Service held at New Heights Middle School. Sandhill VFD was assisted by other first responder units from the Pageland and High Point, Ruby-Mt. Croghan, Chesterfield and McBee areas. The service revisited the events that transpired on 9-11-2001, as we were reminded of the day our country was brought to her knees. We extend a special "Thank You" to Chief Tommy Catoe and everyone who participated in the memorial service. We thank you for your dedication to helping keep us and our communities safe.

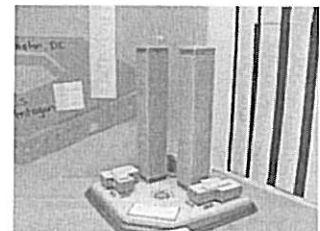
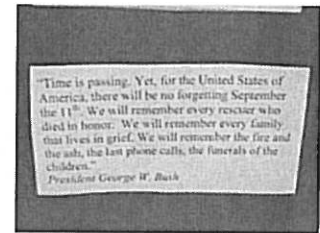
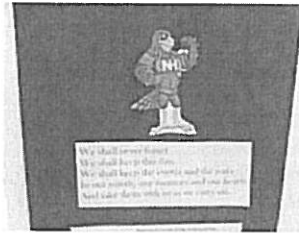


New Heights Remembers the Victims of 9-11

On Friday, September 9, Principal Larry Stinson takes a few minutes during morning announcements to share with students information about the tragedy of 9-11. As Mr. Stinson gave a recount of some of the events of that dreadful day, students and faculty viewed a video of the 9-11 Timeline. A moment of silence was observed in remembrance of all the

ones who lost their lives that day and their families. A memorial was placed in front of the Hawk in the rotunda.

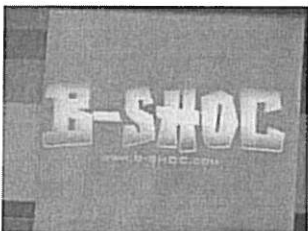
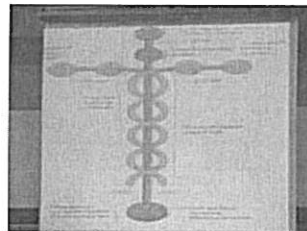
To view videos of 9-11, you can visit the [History.com website](http://History.com)



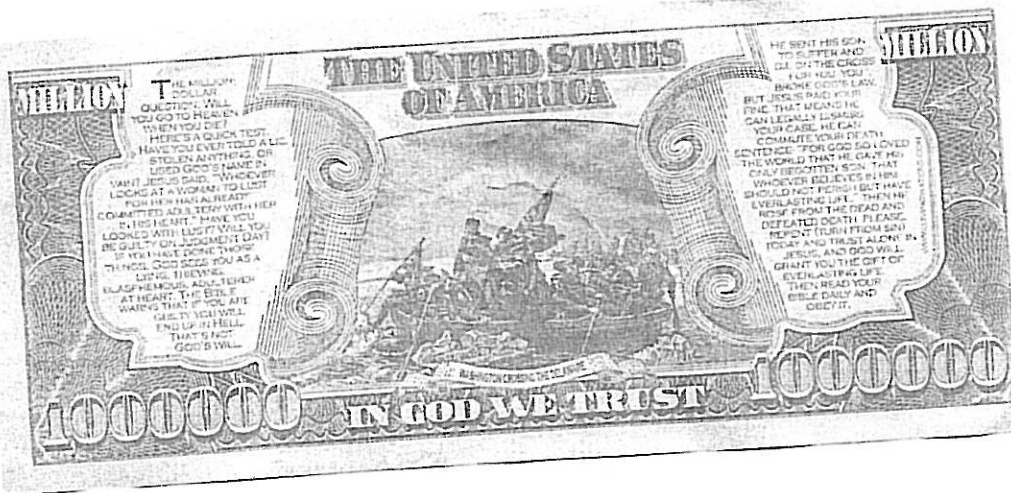
Christian Chapman and B-SHOC visit NHMS

By: Amber Moser, Hawk News Team Correspondent

A worship rally took place at New Heights Middle School on Thursday, September 1, 2011. When walking into the gym, you would normally see bleachers and basketball goals, but on this day, the lights were dimmed and smoke filled the air. A pastor and a rapper took center stage. **B-SHOC**, a Christian rapper performed first in the gym. He was able to get the kids to really interact with him. Jumping, clapping, singing...the students were all stirred up and captivated by B-SHOC's mesmerizing light show. While performing, lyrics on the screen got the kids singing and rapping about Jesus. After B-SHOC's interactive performance, **Christian Chapman**, a youth evangelist took over. He delivered a serious address, but at the same time brought a little humor into it. Through telling his own testimony and other personal experiences, he brought a powerful message to which the middle school students could easily relate. Before the day ended, 324 kids had either been saved, or had re-committed their lives to the Lord. These two men, with help from volunteers did an amazing job in speaking to the hearts of these kids. They touched the lives of some very important people - our youth. The overall experience was astounding.



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New Heights Middle School

Posted on: September 6, 2011

See You At The Pole - Sept. 28 - 7:30am

Join us for See You At The Pole on Wednesday, September 28, at 7:30am. We will meet at the rear entrance of the building. Everyone welcome!

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Deadline for Pageant Registration Extended
to September 19

Other News in New Heights Middle School

Deadline for Pageant Registration Extended to September 19

Posted on: September 16, 2011

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