

# FREEDOM FROM RELIGION *foundation*

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December 8, 2010

SENT VIA MAIL AND E-MAIL  
(tarbogast@gilesk12.org)

Dr. Terry Arbogast  
Superintendent  
Giles County Public Schools  
151 School Road  
Pearisburg VA 24134

Re: Unconstitutional Ten Commandments Display

Dear Dr. Arbogast:

I am writing on behalf of a local complainant and members of the Freedom From Religion Foundation (FFRF) to inform you that the Ten Commandments display in Macy McClagherty Elementary/Middle School violates the Constitution. FFRF is a national nonprofit organization with 16,000 members across the country including nearly 350 supporters in Virginia. Our purpose is to protect the constitutional principle of separation between church and state.

It is our information and understanding that the Ten Commandments are posted in a hallway of Macy McClagherty Elementary/Middle School. The Ten Commandments are in a frame along with the U.S. Constitution. The posting contains the words "The Ten Commandments" in large lettering and then lists the commandments. The bottom of the posting says:

*Exodus 20:2-17*  
*The Holy Bible*  
*King James Version*

The Ten Commandments display in Macy McClagherty Elementary/Middle School violates the Establishment Clause of the First Amendment. The Supreme Court ruled on this very issue, finding that posting the Ten Commandments on school building walls violated the Establishment Clause. *Stone v. Graham*, 449 U.S. 39 (1980). The Court definitively said:

The pre-eminent purpose for posting the Ten Commandments on schoolroom walls is plainly religious in nature... The Commandments do not confine themselves to arguably secular matters, ... rather, the first part of the Commandments concerns the religious duties of believers: worshipping the Lord God alone, avoiding idolatry, not using the Lord's name in vain, and observing the Sabbath Day.

449 U.S. 39, 41 (1980).

The First Commandment alone makes it obvious why the Ten Commandments may not be posted in public schools. The school has no business telling young children which god they must have, how many gods they must have, or that they must have any god at all.

It is well settled that public schools may not advance or endorse 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).

The display is unconstitutional because it has a religious purpose and constitutes an endorsement of religion. On behalf of our local complainant and our FFRF members, we request that you immediately remove the Ten Commandment posting in Macy McClaugherty Elementary/Middle School and ensure that no such postings exist in other Giles County schools. Please respond in writing at your earliest convenience.

Sincerely,



Patrick C. Elliott  
Staff Attorney

Cc: Principal Jared Rader  
(rader@gilesk12.org)