

FREEDOM FROM RELIGION *foundation*

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May 4, 2016

SENT VIA EMAIL: ralph.carter@jsdlions.net

Mr. Ralph Carter
Superintendent
Jessieville Public School District
7900 N Highway 7
Jessieville, AR 71949

Re: Unconstitutional Religious Field Trip

Dear Superintendent Carter:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a serious constitutional violation that is scheduled to occur in Jessieville Public School District (JPSD). FFRF is a national nonprofit organization with more than 23,500 members across the country, including members in Arkansas. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that on May 5, JPSD is planning to bus children from Jessieville High School to a National Day of Prayer celebration at Village Church of Christ. Please see the enclosed announcement from the District's Facebook page.

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 Twp. 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 (2000) (quoting *Lee v. Weisman*, 505 U.S. at 589). Bringing public school students on a field trip to a religious venue for a religious event demonstrates a blatant promotion of religion.

The school excludes non-Christian and non-religious students by coordinating a trip for prayer at a church. "School sponsorship of a religious message 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*, 530 U.S. at 309-10 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. at 668 (O'Connor, J., concurring)).

The fact that participation or attendance on these field trips is voluntary is not a valid safeguard. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See, generally, Lee*, 505 U.S. at 596 ("It is a tenet of the First Amendment that the State cannot

require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Schempp*, 374 U.S. at 288 (Brennan, J., concurring) (“Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question”); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (“VMI cannot avoid Establishment Clause problems by simply asserting that a cadet’s attendance at supper or his or her participation in the supper prayer are ‘voluntary.’”).

Certainly, the religious content of Village Church of Christ and their religious activities surrounding the National Day of Prayer would not be permitted to take place in a public school during the school day. Likewise, facilities used for school activities must be for secular purposes and in a secular environment. “Regardless of the purpose of school administrators in choosing the location, the sheer religiosity of the space [can create] a likelihood that . . . students . . . [will] perceive a link between church and state. That is, the activity [will convey] a message of endorsement.” *Doe v. Elmbrook Sch. Dist.*, 687 F.3d 840, 853 (7th Cir. 2012), *cert. denied*, 134 S. Ct. 2283 (2014).

The District is committing an egregious violation of the First Amendment by proselytizing a captive audience of impressionable school children in this manner. No public school may dictate religious activities for students. The District must cancel this event. Please inform us in writing of the steps you are taking to ensure that this constitutional violation does not occur.

Sincerely,



Patrick Elliott
Staff Attorney

PCE:cal

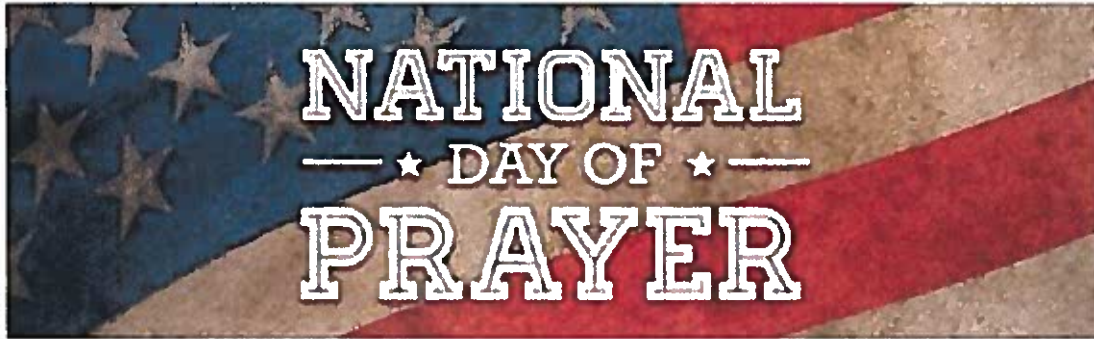
Enclosure



Jessieville School District

April 27 at 12:43pm · 🌐

National Day of Prayer celebration at Village Church of Christ – Thursday, May 5th. Buses will leave campus at approximately 8:15a and return at approximately 10:30a. Participation is completely voluntary and students will not be allowed to attend without signed permission slip. No phone calls will be accepted. Permission form must be turned in to the HS office no later than May 4th.



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