

FREEDOM FROM RELIGION *foundation*

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January 2, 2013

SENT VIA MAIL & FAX
(740) 286-6445

Phil Howard
Superintendent
Jackson City Schools
450 Vaughn Street
Jackson, OH 45640

Re: Alleged Religious Iconography at Jackson Middle School

Dear Superintendent Howard:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) and our Ohio membership to ask about allegations of religious iconography hanging in Jackson Middle School. FFRF is a national nonprofit organization with over 19,000 members across the country, including roughly 500 members in Ohio. Our purpose is to protect the constitutional principle of separation between religion and government.

We received a disturbing report that a portrait of Jesus is hanging in Jackson Middle School. Enclosed please find the photo our complainant provided us. We understand that this is near an entrance to the school.

If this report is true, it is an egregious violation of the First Amendment. As you are certainly aware, the display of religious messages in the school setting violates the Establishment Clause of the First Amendment. Courts have continually held that public schools may not display religious messages or iconography. *See, generally, Stone v. Graham*, 449 U.S. 39 (1980) (ruling that the Ten Commandments may not be displayed on school walls); *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); *Ahlquist v. City of Cranston ex rel. Stram*, 840 F. Supp. 2d 507 (D.R.I. 2012) (Ruling that prayer mural in school auditorium violated Establishment Clause).

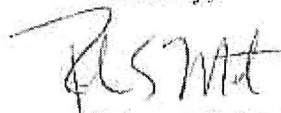
Jackson City Schools may not display Christian or other religious messages on school grounds. The Supreme Court has stressed the importance of protecting public school students from these types of messages. In *Santa Fe Indep. Sch. Dist. v. Doe*, the Supreme Court struck down a school district policy that authorized students to vote on whether to hold a prayer at high school football games. 530 U.S. 290 (2000). The court reasoned that because the prayers were part of a regularly scheduled school-sponsored function on school property, an objective observer would perceive them as state endorsement of religion. *Id.* at 308. If a large portrait of Jesus were to hang in

Jackson Middle School, an objective observer would have no doubt that it had the district's stamp of approval.

"[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). If a district were to promote a religion over non-religion, it would impermissibly turn any non-believing student, parent, or staff member into an outsider. This is especially likely considering 1-in-5 Americans are nonreligious¹ and 1-in-3 younger Americans are nonreligious.² The potential to exclude and alienate is great.

It is illegal for Jackson Middle School to post religious images on the walls of its school. If true, the District must remove the picture of Jesus at once. We ask that you commence an immediate investigation into this allegation and take the appropriate and necessary steps to bring Jackson Middle School into compliance with the Constitution. Please respond in writing so that we may assure our complainant, members, and those following the situation that the district has not impermissibly endorsed religion.

Sincerely,



Rebecca S. Markert
Staff Attorney

RSM:jjr

Enclosure

¹ The Pew Forum on Religion & Public Life, *Asian Americans: A Mosaic of Faiths*, 148 (July 2012), based on aggregated data from Pew Research Center for the People & the Press 2011 surveys. Available at <http://www.pewforum.org/Asian-Americans-A-Mosaic-of-Faiths-overview.aspx>.

² "Nones on the Rise; One-in-Five Adults Have No Religious Affiliation," Pew Research Center, The Pew Forum on Religion & Public Life (October 9, 2012) available at <http://www.pewforum.org/Unaffiliated/nones-on-the-rise.aspx>.

