

FREEDOM FROM RELIGION *foundation*

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**SENT VIA EMAIL AND U.S. MAIL:
speicherd@mishawaka.k12.in.us**

Dr. A. Dean Speicher
Superintendent
School City of Mishawaka
1402 S. Main St.
Mishawaka, IN 46544

Re: Unconstitutional elementary school religious lesson

Dear Superintendent Speicher:

I am writing on behalf of the Freedom From Religion Foundation regarding an unconstitutional religious lesson that took place at Liberty Elementary School. FFRF is a national nonprofit organization with more than 32,000 members across the country, including more than 400 members in Indiana. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned District parent contacted us to report that 1st-grade teacher Melissa Levy assigned an art project earlier this year focused on the biblical nativity story. A sample of the project is enclosed for your review and includes the usual collection of characters from Matthew Ch. 1–2: the baby Jesus, Mary and Joseph, an angel, three wise men, etc. Our complainant reported that following this lesson, their child saw a picture of Jesus and explained that Ms. Levy taught her class that Christmas was Jesus's birthday and read a book about it to the class.

As you are certainly aware, public schools have a constitutional obligation to remain neutral toward religion. When District staff assign children a religious art project, read students the nativity story, and tell students that Christmas is "Jesus's birthday," the District has unconstitutionally endorsed a religious message, specifically a Christian message. It is also a usurpation of parental authority—parents have the right to direct the religious, or non-religious, upbringing of their children, not public schools. 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 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. at 668 (O’Connor, J., concurring)).

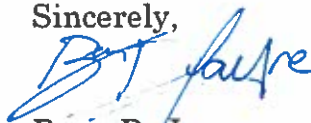
While schools may have secular Christmas celebrations, the promotion of Christmas’s religious aspects at Liberty Elementary marginalizes non-Christian parents and students. As the Supreme Court said in striking down a nativity display on public property, “confining the government’s own celebration of Christmas to the holiday’s secular aspects does *not* favor the religious beliefs of non-Christians over those of Christians. Rather, it simply permits the government to acknowledge the holiday without expressing an allegiance to Christian beliefs, an allegiance that would truly favor Christians over non-Christians.”

Cty. of Allegheny v. ACLU of Pittsburgh, 492 U.S. 573, 611–12 (1989) (emphasis in original).

A public school, and especially an elementary school whose students are very young, should be eager to set an example of tolerance and inclusion, instead of forcing children whose parents may not want them exposed to religious teachings to create art projects honoring religious figures. Such a practice alienates those non-Christian students, teachers, and parents whose religious beliefs are inconsistent with the message being promoted by the school. It is particularly inappropriate for the 24% of Americans who are not religious, including 38% of younger Americans.¹

We ask that Ms. Levy be reminded of her obligations to remain neutral toward religion while acting in her capacity as a public school teacher, and we request assurances that she will not teach or otherwise promote the religious aspects of Christmas, or any other religious lessons, in the future. Please inform us in writing at your earliest convenience of the steps taken to protect the rights of conscience of your students so that we may notify our complainant that this matter has been resolved.

Sincerely,



Ryan D. Jayne
Staff Attorney

Enclosure

¹ Robert P. Jones & Daniel Cox, *America’s Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

