



# FREEDOM FROM RELIGION FOUNDATION

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July 27, 2010

**SENT VIA U.S. MAIL AND FAX**  
**(205) 755-6549; (334) 366-2531**

Mr. Keith Moore  
Superintendent  
Chilton County Board of Education  
1705 Lay Dam Road  
Clanton, AL 35045

COPY

Re: "God Bless America" plaque and website posting

Dear Mr. Moore:

I am writing on behalf of a concerned area resident, taxpayer and parent of a Chilton pre-school student and other members of the Freedom From Religion Foundation (FFRF) to alert you to serious constitutional concerns with the "God Bless America" display on the Maplesville High School website and wall of the school office. FFRF is a national nonprofit organization with more than 16,000 supporters across the country, including a significant chapter in Alabama, the Alabama Freethought Association. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that the Maplesville High School website contains a posting on its front page with the message "God Bless America" and that the same message is displayed on a plaque on the wall in the school's front office. A copy of the website message is enclosed for your review. It is our further understanding that the school educates students from pre-school through grade 12.

The Establishment Clause in the First Amendment to the U.S. Constitution prohibits government sponsorship of religious messages. The Supreme Court has said time and again, that the "First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion." *McCreary County, Ky. v. American Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Board of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947). This Constitutional mandate is stronger within the context of our public schools.

The display of religious messages in the school setting violates the Establishment Clause of the First Amendment, which prohibits public schools from advancing, supporting or promoting religion. Courts have continually held that school districts may not display religious messages or iconography on the walls of public schools. *See, generally, Stone v. Gram*, 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).

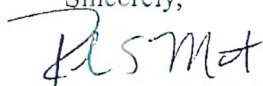
“God Bless America” is a prayer. The song that the phrase originates from begins, “As we raise our voices in a solemn prayer.” A prayer conceived, hosted and advocated by a publicly-supported school does not pass constitutional muster. The phrase “God Bless America,” uttered by a public school, amounts to a declaration of orthodoxy in religion. It is a phrase that falsely unites patriotism with piety.

When a public school posts “God Bless America,” it sends a message to its students that the school is endorsing and compelling belief in God. Courts have observed that young students are particularly prone to believing that a religious message is school endorsed. One court noted that it was “convinced that a majority of the Supreme Court might well believe that [concerns of endorsement and coercion] should be and are sufficient in the elementary school context to invalidate [certain school accommodations of religion].” *See Peck v. Upshur County Bd. of Educ.*, 155 F.3d 274, 288 FN\* (4th Cir. 1998) (holding impermissible an in-school display of bibles to elementary school students). Because Maplesville High School houses grades k-12, it must consider how the messages it sends are perceived by its youngest, most impressionable students.

More than 15% of adult Americans do not believe in a god who blesses anyone (The American Religious Identification Survey, 2008). Regardless of the age of the students involved, by endorsing a belief in a god, the school “sends the ... 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...’” *McCreary*, 545 U.S. at 860 (citations omitted). The message assumes a common god, yet imagine the consternation had you posted “Allah Bless America” in the school or on the school’s website. It is equally inflammatory and inappropriate to post “God Bless America.”

The “God Bless America” plaque in the school office and on the school website must be removed immediately. Please inform us in writing of the actions you are taking to remedy this concern. We look forward to a reply at your earliest convenience.

Sincerely,

  
Rebecca S. Markert  
Staff Attorney

cc: Mrs. Maggie Hicks, Principal

Enclosure

RSM:stg