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VIA EMAIL

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RE: Unconstitutional Fieldtrip to Calvary Lutheran Church

Dear Ms Hiel and Ms. Simon,

A family of a student who attends your public school has contacted our office to report what is correctly perceived as a constitutional violation that has been occurring under the authority of your school and school district. The violation has been previously reported to you by the family, but the problem has not been corrected. We're hopeful that this letter will call proper attention to the seriousness of what is occurring.

This year, and last year as well, students from the School of Engineering and Arts, a public school under your authority, have been sent to church for a fieldtrip. The website of the church in question (the Calvary Lutheran Church) describes its mission as "to lead people into a growing relationship with Jesus Christ." Moreover, while at the church, the public school students have participated in a program that is run by yet another Christian organization (Feed My Starving Children), which describes itself as believing "that there is one God, in three persons: Father, Son, and the Holy Spirit." The organization is unambiguous about its religious mission, saying, "We believe God answers the prayers of His people and ask you to join us in praying."

By sending public school children under your authority to a religious environment – to work with a religious organization that is on a religious mission – is a violation of the First Amendment principle of church-state separation. The Supreme Court has made clear that the Establishment Clause "erected a wall between church and state" which "must be kept high and impregnable." *Everson v. Bd. of Ed. of Ewing Twp.*, 330 U.S. 1, 18 (1947). To do so, "the Constitution mandates that the government remain secular, rather than affiliate itself with religious beliefs or institutions." *Cnty of Allegheny v. ACLU*, 492 U.S. 573, 610 (1989).

In fact, it is such an obvious violation that a parental complaint should not be necessary to bring it to your attention. *See Doe v. Elmbrook Sch. Dist.*, 687 F.3d 840, 851 (7th Cir. 2012)

(en banc), *cert. pending*, No. 12-755 (2012) (school's practice of holding graduations in church violated Establishment Clause under *Lemon* and coercion test even though no prayers were delivered); *Does v. Enfield Pub. Schools*, 716 F. Supp. 2d 172 (D. Conn. 2010) (same); *Musgrove v. Sch. Bd.*, 608 F. Supp. 2d 1303, 1305 (M.D. Fla. 2005) (holding a school event "in a religious institution . . . [is] contrary to Supreme Court precedent"); *Spacco v. Bridgewater Sch. Dep't*, 722 F. Supp. 834, 842 (D. Mass. 1989) (ruling that students could not attend classes in facilities owned by a church); *Lemke v. Black*, 376 F. Supp. 87, 89-90 (E.D. Wis. 1974) (enjoining school from holding an event in a church as some students could not attend without violating their consciences).

Thus, it is even more egregious that, after the parental complaint was made last year, you did nothing to remedy the problem, but instead suggested that the parent was misguided for complaining. We therefore seek immediate assurance that activities such as those complained of herein will cease immediately and not be continued in the future.

The American Humanist Association (AHA) is a national nonprofit organization with over 24,800 members, over 170 local chapters and affiliates (including three in Greater Minneapolis), and over 180,000 online supporters across the country, including many in Minnesota. The mission of AHA's legal center is to protect one of the most fundamental principles of our democracy: the constitutional mandate requiring separation of church and state.¹ Our legal center includes a network of cooperating attorneys from around the country, and we have litigated church-state cases in state and federal courts from coast to coast.

It is axiomatic that "[n]either a state nor the Federal Government . . . can force nor influence a person to go to . . . church." *Everson*, 330 U.S. at 15. This "principle is violated when the government directs students to attend a pervasively Christian, proselytizing environment." *Elmbrook*, 687 F.3d at 855. Indeed, it "is cruel to force any individual to violate his conscience in order to participate" in a school-sponsored event. *Lemke*, 376 F. Supp. at 89. Some "believers see entering a church as a religious act in itself." *Enfield*, 716 F. Supp. 2d at 200.

The Seventh Circuit recently ruled that holding high school graduations in a nondenominational church violated the Establishment Clause. 687 F.3d at 853 (concluding that the "sheer religiosity of the space" "created a likelihood that high school students and their younger siblings would perceive a link between church and state" thereby unconstitutionally "convey[ing] a message of endorsement"). The "risk that children in particular will perceive the state as endorsing a set of religious beliefs is present . . . when government summons students to an offsite location" such as a church. *Id.* at 856. As in *Elmbrook*, your school has quite clearly violated the Establishment Clause by directing students to attend a pervasively Christian, proselytizing environment. The "presence of religious iconography" in and around the Calvary

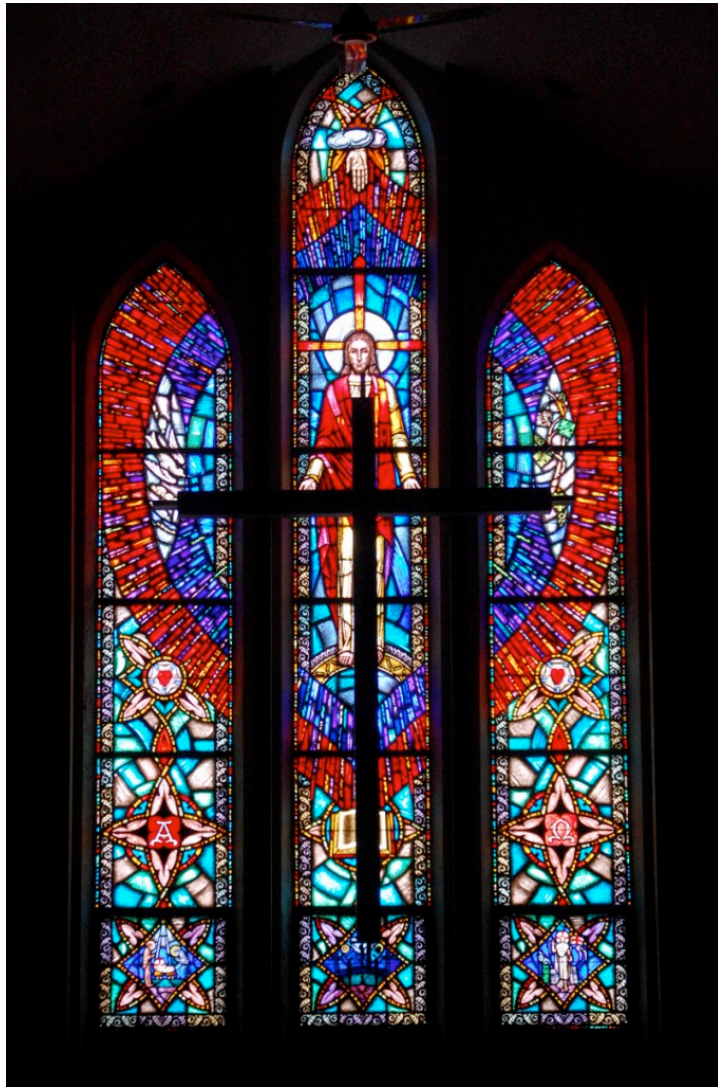
¹ The very first sentence of the Bill of Rights mandates that the state be secular: "Congress shall make no law respecting an establishment of religion." This provision, known as the Establishment Clause, "build[s] a wall of separation between church and State." *Reynolds v. United States*, 98 U.S. 145, 164 (1878). The Establishment Clause applies to the states pursuant to the Fourteenth Amendment. *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940).

Lutheran Church, “is likely to prove particularly powerful, indicating to everyone that the religious message is favored and to nonadherents that they are outsiders.” *Id.* at 853.

The following images of the Calvary Lutheran Church speak for themselves:







Very importantly, we fully understand that at least one purpose of this fieldtrip was to have the children participate in charity work intended to assist poverty-stricken people. Such good intentions, however, can be pursued in innumerable other ways that do not involve immersing the unsuspecting children into a theologically-charged environment. We are not opposed to educating children about poverty around the world, nor do we object to their participating in a nonreligious program to provide assistance.

Here, however, both the church and the Christian charity involved have an interest in propagating a specific religious message that is contrary to the views of many of the students and their families. The school has no right to select one Christian church and one Christian charity as a landing ground for public school students, just as it would have no right to direct students to a mosque, a temple, or an atheist group for similar purposes. Indeed, the religious mission underlying the charity work in question was out in the open in this situation, but your school embraced the event anyway. The packages involved were called “manna” packages, after the

edible substance that, according to the Bible, God provided for the Israelites; and the venue involved included extensive religious imagery and symbolism.

In view of the foregoing, the school has clearly violated the Establishment Clause. The school may be sued in federal court for injunctive, declaratory, and monetary relief. This letter serves as official notice of these constitutional violations and a demand that the school terminate this and any similar illegal activity immediately. If litigation should become necessary to remedy the problems described herein, the AHA may assert organizational standing to become a direct party to the lawsuit. Please notify us in writing (email preferred) within two weeks of receipt of this letter, that you will no longer conduct this type of activity.

Very truly yours

Monica Miller, Esq.