

FREEDOM FROM RELIGION *foundation*

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February 25, 2011

SENT BY U.S. MAIL AND EMAIL
clark.ogilvie@owasso.k12.ok.us

Dr. Clark Ogilvie
Education Service Center
1501 N. Ash
Owasso, OK 74055
(918) 272-5367

Re: Cross Display in School Bus

Dear Mr. Ogilvie:

I am writing on behalf of a concerned district parent and taxpayer, and other Oklahoma members of the Freedom From Religion Foundation (FFRF) to alert you to a constitutional concern in your school district. FFRF is a national nonprofit organization with nearly 16,000 members across the country, including over 100 in Oklahoma. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information that Owasso Oklahoma Public Schools Transportation Services are governed by your school district. It is our information and understanding that a cross is displayed in school bus number 39. According to our complainant the cross was on display on various days in late January and as recently as yesterday. It is our further information that the cross is approximately eight inches tall and seven inches wide. It is our understanding that it bears a white sash and is unmistakably a Christian cross.

First and foremost, it is well settled that public schools may not advance, prefer 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 Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). No public school district may urge religious points of view on students or their families in the classroom or on the bus.

Furthermore, courts have continually held that school districts may not display religious messages or iconography on the walls (or ceilings) of public schools. *See, generally, Stone v. Graham*, 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. Bloomingdale Public Schools*, 813 F. Supp. 559 (W.D. Mi. 1993), affirmed, 33 F. 3d 679 (6th Cir. 1994)(ruling that a picture of Jesus may not be displayed in a public school). In this case, because the school buses are under the control of the

school district and are used exclusively for transporting public school children, they are effectively an extension of the classroom.

Displaying this inherently religious symbol on one of your school buses violates the Establishment Clause because it demonstrates district preference for religion over nonreligion. It excludes those students, staff and visitors who do not believe in a god. (15% of the U.S. population is nonreligious *See* Kosmin, Barry A. and Keysar, Ariela, *American Religious Identification Survey*, which can be found at <http://www.americanreligionsurvey-aris.org/>.) This “[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)(quoting *Lynch v. Donnelly*, 465 U.S. at 668)(O’Connor, J., concurring). Displaying a cross on a school bus sends the message that the district favors believers over nonbelievers and nonreligious families.

We ask that you take immediate action to remove the cross from the school bus and to inform the owner of the cross that it is an unacceptable public school display. We further request a response in writing indicating the steps you are taking to remedy this constitutional concern so that we may notify our complainant. Thank you in advance for your time and attention to this matter.

Sincerely,



Patrick C. Elliott
Staff Attorney

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