

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

November 26, 2010

SENT VIA U.S. MAIL AND EMAIL

Mrs. Maerten  
Alexander School District  
3314 Buffalo St.  
Alexander, NY 14005

Re: Impermissible Itinerary Item for Washington D.C. Trip

Dear Mrs. Maerten:

I am writing on behalf of concerned Alexander School District parents and local taxpayers to alert you to a serious potential constitutional violation in your district. The Freedom From Religion Foundation (FFRF) is a national nonprofit organization with nearly 16,000 members across the country including more than 900 members in New York. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that the Alexander Social Studies Club is organizing a trip to Washington D.C. We have received a copy of the itinerary for your April 2011 Washington D.C. trip. We are concerned that your public school has elected to include a Catholic shrine on the itinerary. A review of the website indicates that the Seton Shrine has no discernible secular significance. The website explains "The National Shrine of Saint Elizabeth Ann Seton welcomes you to explore the life and legacy of Mother Seton at the location that she began a journey that would result in her canonization as the first native-born saint of the United States of America." Including a stop at a Catholic Shrine, whose mission is for "visitors to [enrich] spiritually through their pilgrimage to the site where [Seton] taught, worked, prayed and died" during a public school trip, appears to be an impermissible school endorsement and furthering of Catholic doctrine.


It is well settled that public schools may not advance 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). Moreover, "the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere." *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2001)(quoting *Lee v. Weisman*, 505 U.S. at 589). Having students visit a Catholic shrine demonstrates a promotion of religion, particularly, Catholicism.

Furthermore, it may be offensive to non-Catholics as well as non-religious students for a public school to schedule a pilgrimage to this commercialized Roman Catholic site. "School 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 [sic] 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). The school district's decision to include a Catholic shrine in the itinerary gives the message to Catholic participants that they are a favored group in the public school setting.

The Social Studies Club trip itinerary cannot include this stop. The Constitution's prohibition against school-sponsored religious activities cannot be overcome by claiming such activities are "voluntary." As the Supreme Court said in *Engel*, "Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of students is voluntary can serve to free it from the limitations of the Establishment Clause ...." 370 U.S. at 430. In *Schempp*, the Court said the offending religious practices were not "mitigated by the fact that individual students may absent themselves upon parental request, for that fact furnishes no defense to a claim of unconstitutionality under the Establishment Clause." 374 U.S. at 224-25. It makes no difference if the school requires parents to opt-in to religious practices. See *Karen B. v. Treen*, 653 F.2d 897 (5<sup>th</sup> Cir. 1981)(Finding required express written permission by parents for students to participate in prayer did not cure Establishment Clause violations).

We ask that you take immediate steps to remove the Seton Shrine from the itinerary for the April 2011 trip. Please contact us in writing at your earliest convenience to indicate that you have rectified the matter so that we may contact our complainant.

Sincerely,



Rebecca S. Markert  
Staff Attorney

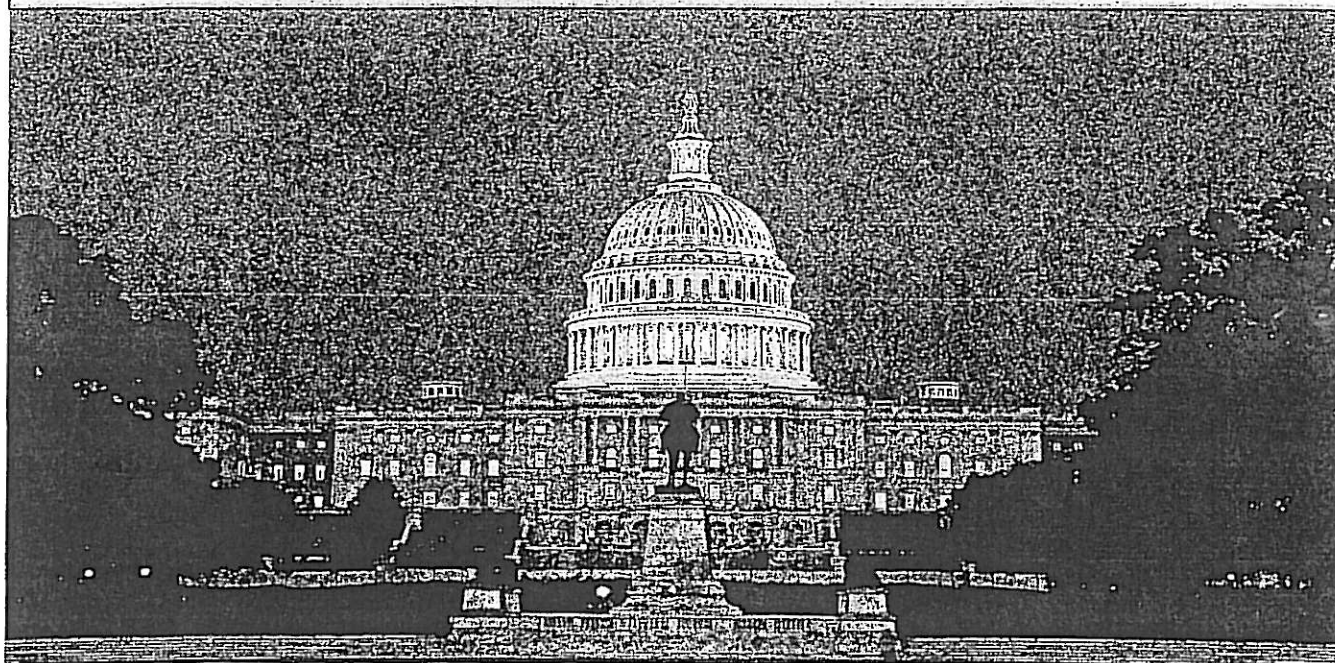
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CC: Mrs. Whitcombe, Principal  
Mr. Cavanaugh, Social Studies Club Advisor

Enclosure: Annual Alexander/Washington D.C. Trip Itinerary

# 1<sup>st</sup> Annual Alexander/Washington D.C. Trip

Thursday April 28 – Saturday April 30, 2011



## ITINERARY: (Tentative)

### Thursday April 28, 2011

4:30 am Depart Alexander  
9 am Lewisburg, PA – Breakfast  
12 pm Gettysburg, PA - Picnic lunch  
1-3pm Tour of Gettysburg Battlefield  
3:30 pm Seton Shrine - Emmitsburg, MD  
5 pm Arrive Quality Inn – College Park, MD  
5:30 pm Buffet Dinner at Motel  
6:30 pm depart Motel by Bus for Night Tour of D.C.  
(*Vietnam Memorial, Iwo Jima Memorial,  
Washington Mall, Korean Memorial,  
WWI and WWII Memorial*)  
10 Bus to Motel  
10:30 Lights Out

### Friday April 29, 2011

5:30 am Wake Up/Breakfast on your own  
7 am Depart by Bus for D.C.  
7:30 – 12 pm Holocaust Museum  
12 pm – 1 pm Lunch on your own  
1:30 – 3 pm Arlington National Cemetery  
3 – 4 pm Subway to Hotel  
5 – 7pm Buffet Dinner at hotel included  
7 – 9 pm Student Variety Show  
10 pm Lights out

### Saturday April 30, 2011

6 am Wake Up/Breakfast on your own  
7 am Bus Departs  
9 - 11 am Hershey World  
12:30 pm Lunch McDonalds on your own  
Lewisburg, PA  
3:30 pm Rest Stop  
5:30 pm Return ACS