



April 20, 2015

Tom Hermann
Principal
Union Grove High School
3433 S. Colony Ave.
Union Grove, WI 53182

Re: Unconstitutional Muslim Indoctrination at Union Grove High School

Dear Principal Hermann:

It has come to the attention of the American Center for Law & Justice (“ACLJ”) that a recent homework assignment at Union Grove High School (“Union Grove”) required students to pretend that they were Muslims in the United States and then write a five-paragraph point of view paper describing their daily religious practices and the struggles they would face.

By way of introduction, the ACLJ is an organization dedicated to the defense of constitutional liberties secured by law. ACLJ attorneys have argued before the Supreme Court of the United States in a number of significant cases involving the freedoms of speech and religion. *See, e.g., Bd. of Airport Comm’rs v. Jews for Jesus*, 482 U.S. 569 (1987) (unanimously striking down a public airport’s ban on First Amendment activities); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8-1 vote that allowing a student Bible club to meet on a public school’s campus did not violate the Establishment Clause); *Lamb’s Chapel v. Center Moriches Sch. Dist.*, 508 U.S. 384 (1993) (unanimously holding that denying a church access to public school premises to show a film series on parenting violated the First Amendment); *McConnell v. FEC*, 540 U.S. 93 (2003) (unanimously holding that minors enjoy the protection of the First Amendment); *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009) (unanimously holding that the Free Speech Clause does not require the government to accept other monuments merely because it has a Ten Commandments monument on its property).

We are writing this letter, on behalf of over 95,000 concerned Americans, to inform Union Grove of the law that governs such assignments so that no constitutional lines are crossed by the school in future assignments. After discussing the relevant facts as we understand them, this letter explains that religious indoctrination is *not* a permissive part of any high school class, and any such assignment violates students’ rights as protected by the First Amendment.



STATEMENT OF RELEVANT FACTS

As you are aware, in early April 2015, Union Grove students in a World History class received a writing assignment.¹ According to news reports, the assignment required students to write a report “pretending” that they were Muslims in the United States.² Although students have studied other religions in this class, students were not required to personally adopt a religious persona or write a “point-of-view” essay in the course of their study of any other religions except Islam and Hinduism.³

Many news reports detailing the assignment and various reactions have since been published in the news media.

STATEMENT OF RELEVANT LAW

While the ACLJ supports the ability of public schools to teach about the Bible and other religious texts as part of an objective study of religion, literature, etc., schools must be careful that such instruction does not inappropriately indoctrinate students in the tenets of a particular faith. A homework assignment requiring students to perform or pretend to perform actions dictated by Islam goes beyond the permissible constitutional parameters of a comparative religions course by requiring students to actively practice the Islamic faith. *Any religious instruction and/or assignments in the future at Union Grove must comply with the First Amendment.*

The Supreme Court of the United States has explained that government action violates the Establishment Clause of the First Amendment if its primary purpose or effect is to advance or inhibit religion (or a particular religious viewpoint) or if it creates an excessive government entanglement with religion.⁴ The “First Amendment does not forbid all mention of religion in public schools; it is the advancement or inhibition of religion that is prohibited.”⁵ This particular assignment unquestionably advances Islam over other religions.

The Supreme Court has stated that religious texts, such as the Bible and Quran, “may constitutionally be used in an appropriate study of history, civilization, ethics, comparative religion, or the like.”⁶ In this regard, the U.S. Department of Education’s guidelines for *Religious Expression in Public Schools* address the limitations on religious curriculum. The Guidelines state:

Public schools may not provide religious instruction, but they may teach **about** religion, including the Bible or other scripture: the history of religion, comparative religion, the Bible (or other scripture)-as-literature, and the role of

¹ Leo Hohmann, *School Snubs Christianity in ‘Be Muslim’ Assignment*, WND.COM (Apr. 16, 2015), <http://www.wnd.com/2015/04/pretend-to-be-muslim-assignment-had-no-christian-equivalent/>.

² *Id.*

³ *Id.*

⁴ *Lemon v. Kurtzman*, 403 U.S. 602, 612–13 (1971).

⁵ *Committee of Public Educ. v. Nyquist*, 413 U.S. 756, 788 (1973).

⁶ *Stone v. Graham*, 449 U.S. 39, 42 (1980).

religion in the history of the United States and other countries all are permissible public school subjects. Similarly, it is permissible to consider religious influences on art, music, literature, and social studies. . . .⁷

In other words, the Bible and other religious texts may be studied objectively or otherwise utilized in public schools for their literary, poetic, historical or other similar aspects, but schools cannot promote one religion over others or encourage students to adopt particular beliefs.

The U.S. Department of Education's Guidelines also note that teachers (including other individuals whom teachers allow to instruct their students during class time) may not encourage or participate in religious activities as a part of classroom instruction:

Teachers and school administrators, when acting in those capacities, are representatives of the state and are prohibited by the Establishment Clause from soliciting or encouraging religious activity, and from participating in such activity with students. Teachers and administrators also are prohibited from discouraging activity because of its religious content, and from soliciting or encouraging antireligious activity.⁸

In this case, the Union Grove homework assignment required students to “pretend” to be Muslim, and to “[g]ive 3 examples of what you do daily for your religion and any struggles you face.”⁹ This assignment is problematic because it required the students to adopt and adhere to Islamic religious activity and viewpoints. By requiring students to engage in and adopt a Muslim lifestyle, Union Grove is advancing a particular religious viewpoint, in direct violation of the First Amendment.

The Supreme Court has made it clear that public schools cannot endorse a particular religious viewpoint or coerce students to participate in religious activities.¹⁰

[G]overnment endorsement or disapproval of religion [is unconstitutional] Endorsement sends a 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 of the political community. Disapproval sends the opposite message.¹¹

By requiring the students to adopt the viewpoint of a Muslim, Union Grove has gone well beyond teaching “about” a religion. In fact this advancement of the Muslim viewpoint is specifically what the Supreme Court has deemed a direct violation of the First Amendment.

⁷ U.S. Dep't of Educ., *Religious Expression in Public Schools*, 7 (Jun. 1998), <http://files.eric.ed.gov/fulltext/ED416591.pdf> (emphasis added).

⁸ *Id.*

⁹ Hohmann, *supra* note 1.

¹⁰ *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Mergens*, 496 U.S. 226.

¹¹ *Lynch v. Donnelly*, 465 U.S. 668, 687 (1984) (O'Connor, J., concurring); *see also Capitol Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 778–79 (1995) (O'Connor, J., concurring).

Whether or not the same assignment was used for another religion is irrelevant, as any and all advancement of a religious viewpoint by Union Grove is prohibited. Such conduct operates in direct violation of the school's obligations in complying with the Establishment Clause.

CONCLUSION

While Superintendent Alan Mollerskov has clarified that this assignment was not in isolation and that "[t]he intent [was] to give students an 'overview' of how Christianity, Judaism, Islam, Buddhism and Hinduism developed in history,"¹² *any instruction about religion offered in the future at Union Grove High School must comply with the First Amendment.*

We request that you advise all appropriate school officials and teachers of the above-mentioned constitutional principles to ensure that any future instruction on religion will be consistent with the First Amendment. Simply seeking parental consent will not cure an otherwise unconstitutional endorsement of religion through homework assignments, unconnected to objective curriculum, that favor one religion over others.

If you would like to contact us for further information, please do so at cgammill@aclj-dc.org.

Respectfully,



Carly F. Gammill
Litigation Counsel

cc: Alan Mollerskov, Superintendent, Union Grove High School

¹² Hohmann, *supra* note 1.