



Dean Witter, Superintendent
Findlay City Schools
1219 West Main Cross, Suite 101
Findlay, Ohio 45840

Sent via fax and U.S. Mail

May 28, 2008

Dear Mr. Witter,

The American Civil Liberties Union of Ohio Foundation (ACLU) was recently made aware of an editorial in the Findlay Courier that expressed outrage regarding a fifth grade teacher's removal of children from their classes to receive a Gideon Bible. The Gideons International mission is decidedly sectarian, described on their website as "win[ning] the lost for Christ, and our unique method is the distribution of Scripture in selected streams of life." Groups such as Gideons International can distribute literature on public sidewalks, but it infringes on the First Amendment rights of every student to receive such information while on school time, regardless of whether it is in or out of the school building.

The ACLU of Ohio is strongly committed to the separation of church and state in public schools, and to the right of religious freedom for individuals. The ACLU also supports the right of parents to teach their own religious beliefs to their children in their private life. Our office has successfully litigated a number of cases involving violations of students' First Amendment rights by public school administrators.

A long line of Supreme Court cases has established that school administrators may not use their public positions to endorse religion, to order students to attend religious functions, or to force students to profess religious beliefs. For example, in *Everson v. Board of Education* (1947), the United States Supreme Court stated, "the slightest breach" of the wall between church and state in schools was unacceptable. In the 1950s and 1960s, responding to numerous complaints from the public, the Supreme Court ruled, in *Engel v. Vitale* (1962) and in *School District of Abington Township v. Schempp* (1963), that mandatory school prayers and Bible reading were unconstitutional. In 1987, the Supreme Court forbade the teaching of religiously based science teachings in public schools in *Edwards v. Aguillard*, a decision reaffirmed by lower courts in Pennsylvania as recently as 2005. Because public school administrators hold positions of authority and trust, courts are particularly sensitive to Establishment Clause violations that occur in schools.

Additionally, school officials must respect the personal beliefs of students' families, and may not attempt to circumvent their beliefs by exposing the students

AMERICAN CIVIL
LIBERTIES UNION
OF OHIO FOUNDATION
4506 CHESTER AVENUE
CLEVELAND, OH 44103-3621
T/216.472.2220
F/216.472.2210
WWW.ACLUOHIO.ORG
contact@acluohio.org





to separate religious practice. The Supreme Court has held that parents may control their children's religious upbringing, and that any government interference with this process violates a family's rights to privacy and religious freedom. *See, e.g., Wisconsin v. Yoder* (1972) (allowing Amish parents to control their children's religious upbringing by removing them from public schools.)

The ACLU of Ohio trusts that Findlay Schools will respect family privacy, the separation of church and state, and their students' right to free religious exercise. We hope that this problem can be addressed without further investigation or involvement on the part of the ACLU of Ohio. However, we are prepared to explore other options, including legal action, if the Findlay City Schools fails to correct the matter.

We request that you respond to our concerns in a timely manner. Should you have any questions, please do not hesitate to contact us at (216) 472-2220.

AMERICAN CIVIL
LIBERTIES UNION
OF OHIO FOUNDATION
4506 CHESTER AVENUE
CLEVELAND, OH 44103-3621
T/216.472.2220
F/216.472.2210
WWW.ACLUOHIO.ORG
contact@acluohio.org



Regards,

Carrie L. Davis
Staff Counsel
American Civil Liberties Union of Ohio