

# FREEDOM FROM RELIGION *foundation*

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**SENT VIA EMAIL ONLY**

**t\_rasmussen@new-hampton.k12.ia.us**

Mr. Tom Rasmussen  
School Board President  
New Hampton Community School District  
710 West Main Street  
New Hampton, IA 50659

Re: Religious Music and Church Tour

Dear Mr. Rasmussen and Board Members:

I am writing on behalf of the Freedom From Religion Foundation regarding the New Hampton High School choir's religious music and annual "church tour." We were contacted by a concerned local resident. FFRF is a nationwide nonprofit organization with over 21,500 members across the country, including members in Iowa. We protect the constitutional separation between state and church.

It is our understanding that this evening the School Board will hear public comments regarding the high school choir's traditions of singing Christian songs and performing at several area churches in a "church tour." We understand the choir ends its annual "Coffeehouse Concert" by singing the hymn, "In This Very Room," which includes the refrain, "For Jesus, Lord Jesus, is in this very room." We also understand the school superintendent has expressed that he believes singing Christian songs is legally permissible, provided there is "diversity within [the] music program."<sup>1</sup>

We urge the District to ensure that its music program is secular and to cease the "church tour."

## **Religious Music**

It is wholly inappropriate for public schools to teach songs of Christian worship in a public school setting. The hymn "In This Very Room" has a devotional message and thus would be appropriate in a church setting, but not in a public school. Though there may be some instances where singing religious songs in a public school setting might be permissible, the school should exercise caution when teaching impressionable students songs that are devotional in nature.

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<sup>1</sup> [http://m.nhtrib.com/news/article\\_3012a904-ad72-11e4-be29-0fe367c48db5.html?mode=jqm](http://m.nhtrib.com/news/article_3012a904-ad72-11e4-be29-0fe367c48db5.html?mode=jqm).

The problem with teaching these songs is emphasized by the fact that the school choir performs at Christian churches. Students in the choir or the audience would reasonably think the school was endorsing the devotional message that Jesus, the Christian god, is all-present and all-seeing, even “in this very room.” It is for exactly this reason that the Supreme Court continually rules that “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).

The superintendent’s understanding, that teaching Christian music is legal provided the musical program is diverse, is misguided. First, even a truly diverse selection of devotional music would be unconstitutional if the music were taught to promote the devotional messages of the songs, rather than as a secular study of the music. Second, a truly diverse selection of religious musical works is simply impossible to achieve given the limited time and resources of a high school choir. There is no way for a choir to sing devotional songs from each of the world’s thousands of religious perspectives.

The problem is not solved by claiming that such programs are voluntary. As the Supreme Court in *Lee* explained, “It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.” 505 U.S. at 596. Students feel immense pressure to act like their instructors and peers. Public school staff and administrators should be aware of these concerns and ensure that all students are made to feel welcome in all programs.

All public school instruction and activities must have an educational purpose. While an argument could be made that school students in a choral group should be exposed to classical music, which includes some “sacred” pieces, no such rationale can be argued here. There is no dearth of secular, age-appropriate melodies for high school students to learn. Parents – not the school district or a public school choir director – have the authority and the right to decide whether and when to expose their child to religious concepts and devotional music.

### **Church Tour**

Taking public school students to a church, a place covered with religious iconography, strongly signals an endorsement of Christianity. “Regardless of the purpose of school administrators in choosing the location, the sheer religiosity of the space [can create] a likelihood that high school students and their younger siblings [will] perceive a link between church and state. That is, the activity [will convey] a message of endorsement.” *Doe ex rel. Doe v. Elmbrook Sch. Dist.*, 687 F.3d 840, 853 (7th Cir. 2012).

The environment in churches is often “pervasively Christian, obviously aimed at nurturing Christian beliefs and gaining new adherents among those who set foot inside the church.” *Id.* at 853. A school runs the risk of appearing to endorse religious iconography such as crosses because “there is no doubt that a sectarian message is conveyed by a cross prominently displayed in a house of worship.” *Id.* at 852.

The fact that the high school choir performs in multiple churches makes the appearance of endorsement even stronger than in *Elmbrook*, in which the school merely used one church as a venue to host a secular graduation ceremony. If the choir sings Christian songs while in Christian churches, the perception of school endorsement is overwhelming.

We respectfully request that the District ensures it fosters a secular, not religious, music program and that it ends "church tours" in the future. Please listen to the well-reasoned objections in your community to protect the rights of conscience of your students.

Sincerely,



Patrick C. Elliott  
Staff Attorney

PCE:rdj

cc: Mr. Joe Rosonke  
Mr. Damian Baltes  
Mr. Timothy Denner  
Ms. Jennifer Ewert