



September 22, 2011

VIA FAX AND EMAIL

Dr. John E. Williams, Superintendent
Chesterfield County School District
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Chesterfield, SC 29709
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**Re: Records Request Relating to Religious Activities
Sponsored By Chesterfield County Schools**

Dear Superintendent Williams:

This is a request under the South Carolina Freedom of Information Act (§§ 30-4-10 et.seq.) by the American Civil Liberties Union of South Carolina and ACLU Program on Freedom of Religion and Belief. The ACLU defends and promotes the fundamental principles embodied in the Bill of Rights and the U.S. and South Carolina constitutions.

I. Background of this request.

We have received several complaints regarding a recent assembly at New Heights Middle School. The event, which featured ministers and Christian rapper B-SHOC, aimed to convert students to Christianity by encouraging them to accept Jesus Christ into their hearts. We understand that several other District schools, including Central High School, McBee Elementary, and/or McBee High School, are also planning to sponsor events featuring B-SHOC.

Under the Establishment Clause of the First Amendment to the U.S. Constitution, government may not promote religious beliefs or exercise. *See, e.g., County of Allegheny v. ACLU*, 492 U.S. 573, 592 (1989). The federal courts “have been particularly vigilant in monitoring compliance with the Establishment Clause” in the public-school context, *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987), because “there are heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools.” *Lee v. Weisman*, 505 U.S. 577, 592 (1992). Accordingly, “[s]chool sponsorship of a religious message is impermissible.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309 (2000).

Consistent with these principles, school officials are barred from initiating or participating in religious exercise with students or otherwise proselytizing students. These constitutional protections against school-sponsored religion extend beyond the walls of the public-school classroom to include all school-sponsored events, including assemblies. *See e.g., Ingebretson v. Jackson Pub. Sch. Dist.*, 88 F.3d 274, 279-80 (5th Cir. 1996) (school-sponsored prayer not permitted at school assemblies and other events); *Collins v. Chandler Unified Sch. Dist.*, 644 F.2d 759, 760 (9th Cir. 1981) (school assemblies); *see also, e.g., Santa Fe*, 530 U.S. at 313 (football games); *Lee v. Weisman*, 505 U.S. 577, 586 (1992) (graduation ceremonies); *Doe v. Duncanville Indep. Sch. Dist.*, 70 F.3d 402, 406-07 (5th Cir. 1995) (basketball games and practices); *Steele v. Van Buren Pub. Sch. Dist.*, 845 F.2d 1492, 1495 (8th Cir. 1988) (band practice and performances).

Moreover, the District may not circumvent this constitutional prohibition by inviting others to present religious messages to students during assemblies or other school-sponsored events. *See Rutan v. Republican Party of Ill.*, 497 U.S. 62, 77-78 (1990) (“What the First Amendment precludes the government from commanding directly, it also precludes the government from accomplishing indirectly.”); *Norwood v. Harrison*, 413 U.S. 455, 465 (1973) (“It is also axiomatic that a state may not induce, encourage or promote private persons to accomplish what it is constitutionally forbidden to accomplish”); *Nat’l Black Police Ass’n, Inc. v. Velde*, 712 F.2d 569, 580 (D.D.C. 1983) (“Activities that the federal government could not constitutionally participate in directly cannot be supported indirectly through the provision of support for other persons engaged in such activity.”).

The federal courts have consistently held that, just as school officials may not themselves exploit school events to promote religion, neither may they permit outsiders to do so. *See e.g., Lee*, 505 U.S. at 586 (public school could not invite clergy to deliver prayer at high-school graduation ceremony); *McCullum v. Bd. of Educ.*, 333 U.S. 203 (1948) (school district could not permit clergy and other representatives from local Council on Religious Education to teach religious classes to students on campus during the school day, even where students had parental permission to attend); *Doe v. South Iron R-1 Sch. Dist.*, 498 F.3d 878 (8th Cir. 2007) (school could not permit Gideons to distribute Bibles to fifth-grade students on campus during school day); *Doe v. Porter*, 370 F.3d 558 (6th Cir. 2004) (school district could not permit volunteer instructors from local Christian college to conduct Bible Education Ministry classes, which taught the Bible as truth, at elementary schools during school day); *Berger v. Rensselaer Cent. Sch. Corp.*, 982 F.2d 1160 (7th Cir. 1993) (prohibiting Bible distributions).

But as a video of the assembly evinces, the District did just that. During the assembly, B-SHOC (whose musical catalog includes titles such as “Crazy Bout God” and “Christ-Like Cruisin’”) performed overtly Christian songs. In addition to the concert, which was held during an in-school assembly, an evangelical minister, Christian Chapman, delivered a sermon to students. The sermon included sentiments like, “A relationship with Jesus is what you need, more important than anything else.” Further, event organizers were instructed to pray with students before they returned to classes. In

sum, the goal of the event was to convert students to Christianity, and according to the video, as a result of the assembly, “324 kids at this school have made a decision for Jesus Christ.”

In a follow-up session with parents, Chapman revealed that New Heights Middle School’s principal, Mr. Stinson, was well aware of the constitutional problem with these activities, explaining, “Your principal went to me today and I said, ‘How are you getting away with this?’ and he said, ‘I’m not... I want these kids to know that eternal life is real, and I don’t care what happens to me, they’re going to hear it today.’”

We are deeply troubled by Principal Stinson’s decision to knowingly flout the law, as well as our understanding that school officials are working with Pastor David Sanders and others to bring B-SHOC’s performance to other District schools. Accordingly, to further our investigation of this matter and to better assess the need for litigation on behalf of students and parents who have complained to us, we request that the District produce the materials identified below.

II. Request for records regarding religious activities sponsored by Chesterfield County Schools

Pursuant to South Carolina’s Freedom of Information Act, §§ 30-4-10 et seq., the requests seek materials relating to (1) all past or planned future assemblies or other school events featuring B-SHOC, Christian Chapman, David Sanders, or any other minister or religious official; and (2) all other assemblies or other school events featuring prayer, proselytizing, or other religious content and messages.

- (1) All documents referring to, relating to, or reflecting communications sent to or from school officials regarding any past or planned future events featuring Bryan Edmonds, also known as B-SHOC, Christian Chapman, David Sanders, or any other minister or religious official.
- (2) All written agreements, including but not limited to contracts and leases, referring or relating to any past or planned future events featuring Bryan Edmonds, also known as B-SHOC, Christian Chapman, David Sanders, or any other minister or religious official.
- (3) All materials advertising, promoting, or otherwise featuring news regarding any past or planned future events featuring Bryan Edmonds, also known as B-SHOC, Christian Chapman, David Sanders, or any other minister or religious official, including but not limited to written announcements, advertisements and other promotional materials (e.g., flyers, posters, etc.), parent newsletters, invitations, etc.
- (4) All documents, videos, and other materials distributed, shown to, or made available to students during any past or planned future events featuring

Bryan Edmonds, also known as B-SHOC, Christian Chapman, David Sanders, or any other minister or religious official.

- (5) All audio and/or video recordings of any past or planned future events featuring Bryan Edmonds, also known as B-SHOC, Christian Chapman, David Sanders, or any other minister or religious official.
- (6) All documents referring to, relating to, or reflecting communications sent to or from school officials regarding any past or planned future assemblies or other school events featuring prayer, proselytizing, or other religious content and messages.
- (7) All documents referring to, relating to, or reflecting communications sent to or from school officials regarding any past or planned future assemblies or other school events featuring prayer, proselytizing, or other religious content and messages.
- (8) All written agreements, including but not limited to contracts and leases, referring or relating to any past or planned future assemblies or other school events featuring prayer, proselytizing, or other religious content and messages.
- (9) All materials advertising, promoting, or otherwise featuring news regarding any past or planned future assemblies or other school events featuring prayer, proselytizing, or other religious content and messages, including but not limited to written announcements, advertisements and other promotional materials (e.g., flyers, posters, etc.), parent newsletters, invitations, etc.
- (10) All documents, videos, and other materials distributed, shown to, or made available to students during any past or planned future assemblies or other school events featuring prayer, proselytizing, or other religious content and messages.
- (11) All audio and/or video recordings of any past or planned future assemblies or other school events featuring prayer, proselytizing, or other religious content and messages.
- (12) All policies, rules, or guidelines governing, referring to, or relating to on-campus visits, presentations, assemblies, or other activities by non-school persons or groups.
- (13) All policies, rules, or guidelines, governing, referring to, or relating to school officials' conduct of prayer, proselytization, or other religious activities.

- (14) All documents referring or relating to complaints or other objections – whether made by District officials, students, parents, community members, or any other person or group – to the September 1, 2011 B-SHOC assembly or any other assembly or school-sponsored event featuring religious content and messages.

In the above request, the term “District” means the Chesterfield County School District, and/or the Chesterfield County School Board, their agents, officers, employees, representatives, servants, attorneys or anyone acting on their behalf. The requests seek responsive documents from *all* Chesterfield County schools, including but not limited to New Heights Middle School, Central High School, McBee Elementary School, and McBee High School. The term “documents” includes all email correspondence, which should be produced in electronic form where possible.

Because the ACLU is a non-profit public interest organization, we request a fee waiver. If, however, such a waiver is denied, we will reimburse you for the reasonable cost of copying. Please inform us in advance if the cost will be greater than \$150.

Thank you for your prompt attention to this matter. Please send all applicable hard copy records to ACLU of South Carolina, P.O. Box 20998, Charleston, SC 29413 and all applicable electronic records to sdunn@aclusouthcarolina.org.

If you have questions relating to this request, please contact Susan Dunn via email at the address listed above or by telephone at 843-720-1425.

Please provide these records in a timely manner and, in any event, no later than the 15 days permitted by South Carolina Code § 30-4-30.

In the meantime, please do not hesitate to contact us if the District is amenable to taking *immediate and concrete* steps to remedy this problem.

Sincerely,



Susan Dunn
Legal Director
ACLU of South Carolina

And

Heather L. Weaver
ACLU Program on Freedom of Religion and Belief