

CARROLL, UCKER & HEMMER LLC

175 S. 3RD ST., SUITE 200

COLUMBUS OH 43215

(614) 547-0350

DCARROLL@CUHLAW.COM

March 28, 2017

Hon. Betsy DeVos
Secretary of Education
United States Department of Education
400 Maryland Ave. SW
Washington DC 20202

Ms. Paula Kerger
President and CEO
Public Broadcasting Service, a District of
Columbia nonprofit corporation
2100 Crystal Dr.
Arlington VA

Mr. Michael V. Drake
President
Office of the President
The Ohio State University
205 Bricker Hall
190 North Oval Mall
Columbus, OH 43210

Re: Establishment Clause Violation

Dear Sirs and Mesdames,

We represent Christian Action Network and others concerning a matter involving violations of the Establishment Clause of the First Amendment to the United States Constitution by The United States Department of Education, Public Media Service, Inc. and The Ohio State University. Specifically, you are using federal and/or other public funds to promote the Islamic religion to children.

Public Broadcasting Service (by itself or through a controlled entity) and The Ohio State University through WOSU operate a series of web sites that furnish teaching materials to teachers in public education. These websites report that they are funded by the United States Department of Education. The websites supply lesson plans and materials for the indoctrination of children into the Islamic religion.

The United States Supreme Court has made it quite clear that federal and state action with public money violate the Establishment Clause of the First Amendment to the United States Constitution if the government action if: (1) the purpose of the public action is to aid or promote religion; (2) the primary effect of the action is to aid or promote religion; or (3) the result is excessive entanglement with religion. *Lemon v. Kurtzman*, 403 U.S. 602, 612-13, 91 S.Ct. 2105, 29 L.Ed.2d 745 (1971).

The nature of the materials and the lack of any similar materials for other religions such as Judaism, Christianity or Hinduism demonstrate the Establishment Clause violation, because there can be no argument that the materials are for

comparative educational purposes. The materials are accordingly offensive not only to our clients, but offensive to the Establishment Clause of the United States Constitution.

The material go far beyond mere education about the Islamic religion in comparison to other religions. They are undisguised indoctrination materials, effectively a Sunday school class for Islam. The materials encourage impressionable age children to study Islamic prayer, Islamic doctrine (e.g., the Five Pillars), and Islamic practices without any hint that these matters are to be compared to or contrasted with the prayers, doctrines or practices of other religions. They are entirely stand-alone promoting the religion and practice of Islam. The indoctrination materials include worksheets, questions, activities and media that lure children into Islamic worship.

The lesson plan is designed for students in grades 5-12. The materials instruct that children are to complete such assignments as:

- “...explore and understand the basic beliefs of Islam as well as the Five Pillars that guide Muslims in their daily life; belief, fasting, almsgiving, and pilgrimage.”
- “...focus on learning about the core duties of Muslims...”
- “...read about what it means to proclaim faith or belief as a Muslim.
- “...watch the two streaming video segments about prayer preparation and the set of movements for prayer.”
- In addition, students are expected to correctly understand and answer such questions as:
 - Describe the process that Muslims go through to prepare to pray.
 - What do the prayers sound like?
 - What do the movements look like?
 - What are some of the things Muslims say during prayer?
- Activities include having students “create a poster about the Five Pillars to be displayed in the classroom and around the school...”
- Teachers are encouraged to contact local mosques and “have students speak with Muslims...about how they fulfill their duties as outlined in the Five Pillars and how these practices fit into their busy lives...”

Ms. Betsy DeVos et al.

March 28, 2017

Page | 3

- Students are told to examine passages from the Qur'an and the Hadith. They are then told to give a "Summary of passage meaning" and an "Explanation of application to life."

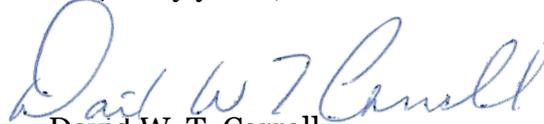
As the United States Supreme Court said in *Edwards v. Aguillard*, 482 U.S. 578, 107 S.Ct. 2573, 96 L.Ed.2d 510 (1987), “

The Court has been particularly vigilant in monitoring compliance with the Establishment Clause in elementary and secondary schools. Families entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family. Students in such institutions are impressionable and their attendance is involuntary.

Your use of public funds to present the materials for use in schools violates two if not three of the prongs of the *Lemon* test for violation of the Establishment Clause.

We demand that you immediately remove all such promoted lesson plans from the publicly funded web sites and immediately cease spending public funds on the promotion of the Islamic religion in this or any other manner. Further, we demand that Secretary DeVos issue a public announcement that the past and future use of public funds for these materials including the use of the materials in public schools violates the Establishment Clause of the United States Constitution.

Very truly yours,



David W. T. Carroll

DWTC:bmh

cc: Christian Action Network