



New Mexico State Legislature

STATE CAPITOL
Santa Fe

August 28, 2017

Mr. Jody Balch
Superintendent
Clovis Municipal School District
1009 Main Street
Clovis, NM 88101

Re: Religious Mural Inside Freshman Academy

Dear Superintendent Balch:

I am State Representative David Gallegos, District 61. I am the Co-Chairman of the New Mexico Prayer Caucus. We formed this Caucus because we believe in the power of prayer, and we firmly believe that the First Amendment's Free Exercise of Religion protects Americans who want to glorify God in word and actions. We have a total of 11 house members and 2 senators that have agreed to sign on to support you in protecting the rights of your school district.

We recently learned from news reports that an out-of-state organization urged the School District to remove/cover up a large mural painted inside the Freshman Academy that depicted a dove and an anchor, and included a quote from Hebrews 6:19 that said "hope anchors the soul." A former art teacher had painted this mural with the approval, but not at the urging, of the District. We further understand that the District decided to comply with the request of the Freedom From Religion Foundation. We understand that we cannot go backwards and rebuild the mural that was painted over but we will stand with you to protect the remainder.

The Foundation claimed that the mural violated the First Amendment because it amounts, in their view, to an endorsement of the Christian religion. The organization, unfortunately, failed to understand that such references, as well as other religious symbols that grace government buildings and monuments, are simply an acknowledgement of religion's rich influence on the development of this nation and its institutions. This Judeo-Christian historical influence is well documented in American history, as evidenced by the fact that *Laus Deo*, meaning Praise be to God, is engraved upon the aluminum capstone of The Washington Monument, and that inside the monument, there are a number of memorial stones with scriptural engravings from the Old and New Testaments. Similarly, the walls of the Library of Congress have inscribed upon them Psalm 19:1 ("The heavens declare the glory of God, and the firmament showest His handiwork"); John 1:5 ("The light shinest in the darkness, and the

darkness comprehendeth it not"); and Micah 6:8 ("What does the Lord require of thee, but to do justly and love mercy and walk humbly with thy God?").

America's religious heritage is literally etched into our collective memory as a nation, from the federal level to our counties, cities, and towns. Though atheists may desire to remove every cross from every military cemetery and every religious reference upon our monuments and buildings, such hostility to religion is contrary to our nation's Founders, our Constitution, and the will of our people. As the U.S. Supreme Court stated well in *Zorach v. Clauson*, 343 U.S. 306, 314 (1952): "[W]e find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence."

In 2005, Chief Justice Rehnquist, writing for the Court in the case of *Van Orden v. Perry*, 545 U.S. 677, wrote that the proper analysis to apply to the use of Scripture on monuments/buildings is the nature of the monument/building and our Nation's history. The Chief Justice wrote the following regarding the portion of Scriptures called the Ten Commandments:

Such acknowledgments of the role played by the Ten Commandments in our Nation's heritage are common throughout America. We need only look within our own Courtroom. Since 1935, Moses has stood, holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the Courtroom as well as the doors leading into the Courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets.

Similar acknowledgments can be seen throughout a visitor's tour of our Nation's Capital. For example, a large statue of Moses holding the Ten Commandments, alongside a statue of the Apostle Paul, has overlooked the rotunda of the Library of Congress' Jefferson Building since 1897. And the Jefferson Building's Great Reading Room contains a sculpture of a woman beside the Ten Commandments with a quote above her from the Old Testament (Micah 6:8). A medallion with two tablets depicting the Ten Commandments decorates the floor of the National Archives. Inside the Department of Justice, a statue entitled "The Spirit of Law" has two tablets representing the Ten Commandments lying at its feet. In front of the Ronald Reagan Building is another sculpture that includes a depiction of the Ten Commandments. So too a 24-foot-tall sculpture, depicting, among other things, the Ten Commandments and a cross, stands outside the federal courthouse that houses both the Court of Appeals and the District Court for the District of Columbia. Moses is also prominently featured in the Chamber of the United States House of Representatives. . . .

These displays and recognitions of the Ten Commandments bespeak the rich American tradition of religious acknowledgments. Of course, the Ten Commandments are religious - they were so viewed at their inception and so remain. The monument, therefore, has religious significance. According to Judeo-Christian belief, the Ten

Commandments were given to Moses by God on Mt. Sinai. But Moses was a lawgiver as well as a religious leader. And the Ten Commandments have an undeniable historical meaning, as the foregoing examples demonstrate. Simply having religious content or promoting a message consistent with a religious doctrine does not run afoul of the Establishment Clause. 545 U.S. at 688-89.

We believe that the mural painted by the District's art teacher is much less "religious" than the Ten Commandments cited approvingly by the Chief Justice. We encourage you to reconsider, and certainly would support the District's reinstating the mural.

Jim Davids is Special Counsel, for the Congressional Prayer Caucus Foundation and Steve Fitschen is Senior Legal Advisor for CPCF in his capacity as President of the National Legal Foundation. Together, our legal team has decades of experience litigating in state and federal courts. They have won important related victories at the Supreme Court of the United States, various federal courts of appeals, and state supreme courts and courts of appeals. If you believe you need assistance, please do not hesitate to contact Steve at (757) 463-6133 or via email at nlf@nlf.net.

Sincerely,



David Gallegos
State Representative, HD 61



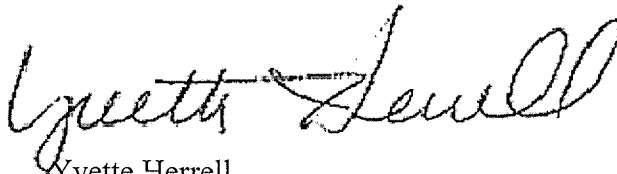
Randal Crowder
State Representative, HD 64



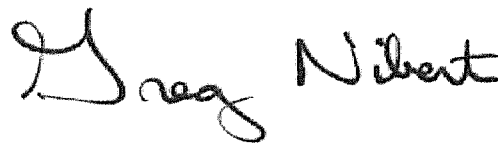
Dennis Roch
State Representative, HD 67



Bob Wooley
State Representative, HD 66




Yvette Herrell
State Representative, HD 51



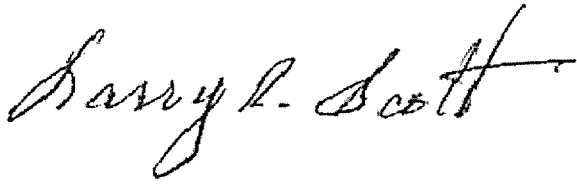
Greg Nibert
State Representative, HB 59



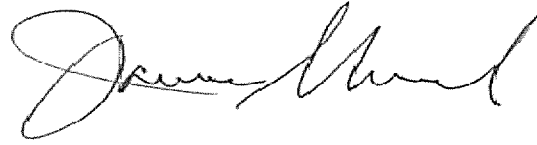
Rod Montoya,
State Representative, HD 1



Sharon Clahchischilliage
State Representative, HD 4



Larry Scott
State Representative, HD 62



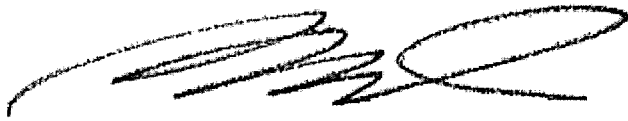
Jim Townsend
State Representative, HD 54



James Strickler
State Representative, HD 2



James Smith
State Representative, HD 22



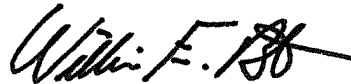
Rebecca Dow
State Representative, HD 38



Candie Sweetser
State Representative, HD 32



Pat Woods
State Senator, SD 7



Bill Burt
State Senator, SD 33