



Principal Molly Carl
Ms. Penny Bishop
West Ward Elementary School
630 Vernon St
Allegan, MI 49010

April 30, 2025

Allegan Public Schools
550 Fifth Street
Allegan, MI 49010

Sent via U.S. mail and email

Re: West Ward Elementary School Cannot Censor Students' Worship Songs

Dear Principal Carl and Ms. Bishop:

First Liberty Institute is the nation's largest law firm dedicated exclusively to defending and restoring religious liberty for all Americans. We represent L.C. and V.C., two students at West Ward Elementary School. We write to request the approval of L.C. and V.C. to participate in both the audition on May 1 and talent show on May 23 as planned with the religious songs they have practiced. We also want to ensure that other students do not experience censorship or religious discrimination based on their beliefs and song choices. Please direct all communications concerning this matter to our attention rather than communicating with our clients.

I. Factual Background

L.C. and V.C. are Christian students who love to express their faith in God through worship songs. They would like to share their talents with their classmates during the upcoming talent show. L.C., second-grade student, would like to sing "That's Who I Praise" by Brandon Lake, and V.C., fifth-grade student, would like to sing "Up and Up" by Colton Dixon. It is our understanding that on April 29, Ms. Bishop told their mother that L.C.'s song was too "Christian-based" and would violate the separation of church and state. During further discussion on April 29, Principal Carl confirmed that the song was problematic because "there's some very clear language about worshipping God." She also took issue with the word "slave," even though in context the phrase was "no longer slaves," referring to the Biblical account of Moses and the Promised Land as well as the Bible's clear message of Christ's saving work releasing sinners from being slaves to sin. *See e.g.,*

Galatians 5:1, “For freedom Christ has set us free; stand firm therefore, and do not submit again to a yoke of slavery.” (ESV). While Principal Carl presented a “thoughtful” compromise of allowing L.C. to sing his song for the rapidly approaching audition, it is clear (1) that she offered that compromise only because L.C.’s parents expressed concern and (2) that, regardless of the audition, she ultimately intends to coerce L.C. and/or his parents to change which song he sings at the forthcoming talent show, should he make it that far.

Further, it is our understanding that Principal Carl only reviewed the lyrics of L.C.’s song because of its religious lyrics and not other students’ songs that were secular. Indeed, we understand that the talent show committee flagged his song, and only his song, for its religious content and escalated it to Principal Carl for special, prior review. No other student’s song or performance was subjected to the heightened scrutiny of Principal Carl.

Shockingly, even after Principal Carl spoke with V.C. and L.C.’s parents, on April 30, Ms. Bishop confronted V.C. about her song choice—also religious in nature—and explained to this fifth-grade student that the issue with her and her brother’s song choices is that “not everyone believes in God.” She also spoke with L.C., who felt that she was trying to pressure him to change his song the day before the talent show audition.

In short, it appears that both Ms. Bishop and Principal Carl would prefer, if not demand, that V.C. and L.C. abandon their musical selections because, and *only* because, of their religious content. V.C. and L.C. are concerned that students of other faiths may not be able to express their beliefs either.

II. Legal Analysis

As the Supreme Court’s holding in *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022) made clear, the First Amendment protects students’ ability to express their faith in public schools. *See also Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969) (“[n]either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate”). In *Kennedy*, the Court explained that the clauses of the First Amendment “work in tandem. Where the Free Exercise Clause protects religious exercises, whether communicative or not, the Free Speech Clause provides overlapping protection for expressive religious activities.” 597 U.S. at 524. The result is that the First Amendment “doubly protects religious speech.” *Id.*

School officials run afoul of the Free Exercise Clause when they “treat *any* comparable secular activity more favorably than religious exercise.” *Tandon v. Newsom*, 593 U.S. 61, 62 (2021). In *Tandon*, the Supreme Court held that prohibiting private worship gatherings while granting exceptions for comparable secular activities triggered the highest level of scrutiny under the Free Exercise Clause. In *Fulton v. City of Philadelphia*, the Supreme Court held that under the Free Exercise Clause, strict scrutiny is triggered

when government decisionmakers have discretion whether to grant or deny exemptions from their policies, even if those policies appear neutral.

Public schools cannot censor students based on their religious viewpoint. *See, e.g., Good News Club v. Milford Central School*, 533 U.S. 98, 111–12 (2001) (school district violated Free Speech Clause when it excluded Christian club because of its religious viewpoint); *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 828 (1995) (university’s refusal to fund student publication from religious perspective because violated Free Speech Clause); *Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 393 (1993) (excluding religious perspective when other perspectives were allowed “discriminates on the basis of viewpoint”).

These First Amendment protections extend to elementary school students expressing their sincere religious beliefs through religious music—including V.C. and L.C. If West Ward Elementary School and its officials restrain and censor their students’ religious expression, while allowing other students to choose songs and express messages of their choosing, that will violate both the Free Exercise Clause and the Free Speech Clause.

III. Conclusion

It is our understanding that Principal Carl has agreed that L.C. can sing “That’s Who I Praise” in the talent show audition on May 1. This is reasonable, given that L.C. notified the school of his song choice a month ago and has been faithfully practicing the song since then. However, Principal Carl stated that if L.C. is approved to sing in the talent show, his song will need to be “adjustable,” and he may need to find a more “acceptable option,” laying the clear foundation for a pretextual reason to refuse L.C.’s participation in the forthcoming talent show. Forcing L.C. or V.C. (or any student of any faith) to change their song choice or lyrics would be unconstitutional censorship and viewpoint discrimination. Indeed, reviewing their lyrics and debating with impressionable students the wisdom of their song choice, all with a suspicious eye, is itself gravely concerning. Singling out anyone—much less children—for opprobrium merely because of their religion is, as the Supreme Court has said in another context, “odious to our Constitution.” *Trinity Lutheran Church v. Comer*, 582 U.S. 449, 467 (2017).

Please provide your written assurances no later than 3:00p.m. on Friday, May 2, 2025, that both L.C. and V.C. will be able to participate in the talent show on an equal basis with their classmates using their chosen songs. Anything less may result in legal penalties under the First Amendment.

Further, given the inexcusable discrimination directed at V.C. and L.C., and to ensure neither these students, nor any other West Ward Elementary students of any faith background receive similar treatment in the future, we require Ms. Bishop and Principal Carl to forward to us, within 30 days, their certification of completion of the Respect Project, available at <https://edpoint.net/respect>.

Sincerely,



David J. Williams

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