
Case Record Number: _____

Petitioner: Samuel S. Peters

**Defendants: Mervin Daugherty, Superintendent of Chesterfield
County Public Schools
Thomas Taylor, Deputy-Superintendent of
Chesterfield County Public Schools**

**Ryan M. Harter, Chair,
CCPS School Board (Matoaca District)**

**Debbie G. Bailey,
CCPS School Board Member (Dale District)**

**Ann C. Coker,
CCPS School Board Member (Bermuda District)**

**Dorothy L. Heffron,
CCPS School Board Member (Clover Hill District)**

**Kathryn S. Haines,
CCPS School Board Member (Midlothian District)**

submitted by: **Samuel S. Peters**, Citizen
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(submitted on 6/9/21)

This is a petition to the Supreme Court of Virginia asking the Court to issue a writ of prohibition against Chesterfield County Public Schools (CCPS) because its recent designation of two exclusively religious holidays (Yom Kippur and Eid al-Fitr) as official CCPS holidays violates the Establishment Clause of the United States Constitution.

[It is not the belief of this petitioner that the taking of evidence is necessary for the proper disposition of this petition.]

When CCPS recently added two exclusively* religious holidays to its official calendar (the September 28th Jewish holiday of Yom Kippur, and the May 13th Muslim holiday of Eid al-Fitr), it did so in complete disregard for the precedent created over the past one hundred and twenty years by Supreme Court decisions relating to the Establishment Clause of the United States Constitution:

In 1899, the Supreme Court's *Bradford v. Roberts* decision established that the reason it was acceptable (in that case) for government money to flow to a particular Catholic hospital was that the hospital functioned as a vital secular institution in addition to having its religious connections.¹ This is in stark contrast to the two new CCPS religious holidays where there is no secular component whatsoever.

* Exclusively religious in the sense that there is no secular component which coincides with the religious component.

In its 1947 *Everson v. Board of Education* decision, the Supreme Court opined that “[n]o person can be punished for entertaining or professing religious beliefs or disbeliefs. . . .” Despite this, CCPS is now punishing all students who do not choose to participate in its two recently-added religious holidays by preventing them from attending school.

In the 1971 *Lemon v. Kurtzman* case, the Supreme Court ruled that government may not become “excessively entangled” with religion, and it elaborated a test by which such entanglement could be determined (which came to be known as “The Lemon Test”). The three criteria of “The Lemon Test” are 1) that government decisions must have a primarily secular purpose, 2) that the government must not promote particular religions, and 3) that there must not be “excessive entanglement” between government and religion. In its creation of its two new religious holidays, CCPS fails to meet all three criteria of “The Lemon test.” First, there is, here, no primarily secular purpose (nor, indeed, any secular purpose whatsoever). Second, there is here an unmistakable promotion of particular religions. And third, there is here displayed “excessive entanglement” between CCPS and two particular religions (Judaism and Islam), since no purpose for these new school holidays can be construed other than the endorsement of the pursuit of these two religions.

Finally, in its 1992 *Lee v. Weisman* decision the Supreme Court developed what has become known as the “coercion test”: the government is *not* violating the Establishment Clause if (in addition to not providing direct aid to religious organizations) government does not “coerce people to support or participate in religion against their will.” In the present instance, CCPS’ recent addition of two exclusively religious holidays to its calendar violates the Court’s prohibition against “excessive entanglement” and “unlawful coercion”

since now all CCPS students are being coerced into missing school on two specifically religious holidays, regardless of whether or not they have a personal preference to do so.

In summary, CCPS is now, with its recent addition to its official calendar of two exclusively religious holidays, in violation of the establishment clause of the United States Constitution. I appeal to the Virginia Supreme Court to issue a writ of prohibition against CCPS, demanding that CCPS summarily strike these two recently-established religious holidays from its official calendar.

1 All information regarding Supreme Court cases cited in this document was obtained from two sources: **Wikipedia** (the entry on “The Establishment Clause”), and the 2009 online article Religious Holidays (by Ryman and Alcorn [published by Middle Tennessee State University]).

[The original form of this petition was submitted to the Supreme Court of Virginia on May 19, 2021 and declined because the form of the petition did not appear to fit into any defined category of the court’s jurisdiction. I have rewritten this petition so that it now (I believe) can be clearly seen to fit into the category of jurisdiction known as writ of prohibition.]

Signed and submitted this day of June 9th, 2021 by

Samuel S. Peters