



December 13, 2007

***By Facsimile and U.S. Mail***

Dr. Mary Rice Crenshaw, Superintendent  
Edgefield County School District  
P.O. Box 608  
Edgefield, South Carolina 29824

Dr. William A. Gallman, Interim Superintendent  
Aiken County Public Schools  
1000 Brookhaven Drive  
Aiken, South Carolina 29803

Re: *Offer of assistance regarding Laces 4 Love program*

Dear Dr. Crenshaw and Dr. Gallman:

This letter is sent to address the legality of the "Laces 4 Love" program operated by the North Augusta First Baptist Church, which offers new shoes to disadvantaged school children in your Districts. Contrary to a recent correspondence sent to you by the group Americans United for Separation of Church and State ("Americans United"), it appears that allowing Laces 4 Love volunteers access to your schools to offer shoes to students is constitutionally permissible under established First Amendment jurisprudence. For this reason, in the event that a lawsuit is filed against your Districts complaining that the program violates the Establishment Clause, ADF is offering to represent your Districts free of charge.

By way of introduction, the Alliance Defense Fund ("ADF") is a legal alliance defending the right to hear and speak the Truth through strategy, training, funding, and litigation. We exist to educate the public and the government about important constitutional rights and protections; when necessary, we litigate these issues in federal court. In this role, ADF has provided free legal defense to many school districts wrongly accused of violating the First Amendment. This is precisely the type of accusation leveled by Americans United against your Districts here.

As we understand the situation, Laces 4 Love provides a valuable community service to needy school children in your Districts, and does so in a manner that violates no principle of constitutional law. Started in 2001 after founding members noticed school children wearing ill-fitting shoes or shoes that were inappropriate for cold weather, Laces 4 Love volunteers now

distribute over 12,000 pairs of shoes to school children throughout Aiken and Edgefield counties. While Americans United asserts that the program coerces students into participating in religious activities in violation of the First Amendment, the facts seem to indicate otherwise. For one, it appears that program volunteers donate shoes only to students requesting them with the permission of their parents. No school children are coerced into accepting the free shoes at any point. And, while Americans United insists that "ritual foot-washing" is part of the outreach program, the actual manner in which volunteers distribute shoes conveys quite a different story – students are simply provided with sanitary wipes with which to wash their feet (if they so desire) prior to putting on their new shoes. That said, even if volunteers did actually assist in washing dirt from willing students' feet, this fact is hardly indicative of an Establishment Clause violation (or any other constitutional violation for that matter). Americans United offers a flawed legal analysis premised on inconsequential and, seemingly, distorted facts.

In sum, based on our understanding of the situation, the Laces 4 Love program is permissible under the Constitution. Rather than honoring acts of human kindness by Laces 4 Love, Americans United has once again used its bully pulpit in an attempt to prohibit a very worthwhile service. Religious organizations should be encouraged to reach out to those who are disadvantaged – especially during this Christmas season – not prohibited from performing such a service simply because they are indeed religious. But, instead of commending your respective Districts for recognizing and working to meet the needs of needy students, Americans United has threatened to sue. It would be an unnecessary response for your Districts to cut off disadvantaged school children from new footwear and to unnecessarily curb a program that allows a reputable community group to assist needy students. Under the circumstances here, the First Amendment does not require such action. You have our commitment to vigorously defend your Districts, *pro bono*, should the program be challenged in court.

Please do not hesitate to contact me if ADF can provide additional information or assistance, or if we may help respond to any legal challenge mounted against the program.

Sincerely,



David A. Cortman  
Senior Legal Counsel

cc: Sallie Cooks, Chairwoman, Edgefield County School Board of Trustees  
Dr. Christine Sanders, Chairwoman, Aiken County Board of Education