

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG
November 19, 2010

Chuck Arns
Superintendent
Pillager Public Schools, ISD 116
323 E. 2nd Street S.
Pillager, MN 56473

Re: Prayer at Pillager School Sponsored Events and Graduation

Dear Mr. Arns:

I am writing on behalf of a concerned district resident, parent and taxpayer, and other Minnesota members of the Freedom From Religion Foundation (FFRF) who object to the school district holding prayer at school sponsored events as well as scheduling a prayer at the public high school graduation ceremonies. FFRF is a national nonprofit organization with over 16,000 members across the country including over 400 in Minnesota. Our purpose is to protect the constitutional principle of separation between state and church.

Our complainant has informed us of two church/state concerns at Pillager Public Schools. First, our complainant informs us that prayer was a part of a recent Veteran's Day program held on November 11, 2010. Second, our complainant informs us that Christian invocations have been a part of graduation ceremonies in years past.

Prayer at Veteran's Day Program

It is our information and understanding that the Pillager Public Schools recently held a Veteran's Day program on November 11, 2010. Our complainant informs us that this event was held at 2:00 pm and that the entire school (K-12) was in attendance. Our complainant informs us an invocation was clearly scheduled as part of this school-sponsored event. Enclosed please find a copy of the program for your review. We understand Reverend Paul Johnson of First Baptist Church gave this prayer. The prayer given at the Veteran's Day program was overtly Christian. This year's prayer read as follows:

“God we have the privilege of coming today to honor the brave men and women that have fought for our freedom, that protect our freedom. And we thank you that you have raised those men and women up. But we also acknowledge today that we are here because you have provided that freedom to us. We know that that freedom is available only through Jesus Christ. So Lord, we lift you up today. We ask that you would be present in this room as we honor these men and women. We thank you for their lives. We thank you for their bravery. We thank you that you have chosen to make this a free nation where we can gather and celebrate and worship. And we do so in your presence today. In Jesus' name. Amen.” See <http://www.youtube.com/watch?v=KkDUNVI8HqI>

It is unlawful for any school-sponsored event, such as a school sponsored Veteran's Day assembly, to open with prayer. FFRF asks that you immediately take action to ensure that future programs and assemblies do not open with prayer.

First and foremost, the Supreme Court has continually struck down formal and teacher or school-led prayer in public high schools. *See, e.g., Engel v. Vitale*, 370 U.S. 421 (1962)(declared prayers in public schools unconstitutional); *Abington Township Sch. Dist. v. Schempp*, 374 U.S. 203 (1963)(declared unconstitutional devotional Bible reading and recitation of the Lord's Prayer in public schools); *See also Lee v. Weisman*, 505 U.S. 577 (1992)(ruled prayers at public high school graduations an impermissible establishment of religion); *Wallace v. Jaffree*, 472 U.S. 38 (1985)(overturned law requiring daily "period of silence not to exceed one minute ... for meditation or daily prayer."). In all of the aforementioned cases, the federal courts have struck down prayer in public schools because it constitutes a government-endorsement of religion, which violates the Establishment Clause of the First Amendment.

Prayer occurring as part of a regularly scheduled event sponsored by the school certainly leads "an objective observer, acquainted with the [prayer to] perceive it as a state endorsement..." *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. at 308. This "[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents 'that they are outsiders, not full members of the political community and accompanying message to adherents that they are insiders, favored members of the political community.'" *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2001)(quoting *Lynch v. Donnelly*, 465 U.S. at 668)(O'Connor, J., concurring). Prayer at these programs turns any non-Christian and nonreligious Pillager Public School students into an outsider.

Invocation at Graduation Ceremony

It is our information and understanding that a prayer is given each year at the graduation ceremony. We understand this prayer is mostly Christian-based.

The Supreme Court has struck down prayers at public high school graduations. *See Lee v. Weisman*, 505 U.S. 577 (1992)(declaring unconstitutional clergy-delivered prayers at a public school graduation). Even if student-initiated, school officials may not invite a student, teacher, faculty member, or clergy to give any type of prayer, invocation, or benediction at a public high school graduation. *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000)(holding that student-delivered prayers at high school football games violate the Establishment Clause).

It is no defense that graduations are events at which participation or attendance is voluntary. Courts have summarily rejected arguments that voluntariness excuses a constitutional violation. *See, generally, Lee v. Weisman*, 505 U.S. at 596 ("It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice."); *Abington Sch. Dist. v. Schempp*, 374 U.S. 203, 288 (1963) (Brennan, J., concurring) ("Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question..."); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) ("...VMI

cannot avoid Establishment Clause problems by simply asserting that a cadet's attendance at supper or his or her participation in the supper prayer are 'voluntary.' ”).

The law is clear. High school graduations must also be secular to protect the freedom of conscience of all students.

We respectfully request that you commence an immediate investigation into these allegations. The District must take the necessary and appropriate steps to eliminate prayer from school-sponsored events. We request that you respond in writing about the steps you are taking to correct these violations so that we may notify our complainant.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patrick Elliott".

Patrick C. Elliott
Staff Attorney