

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL

fischer-muellerj@cantonma.org

Dr. Jennifer Fischer-Mueller
Superintendent
Canton Public Schools
960 Washington Street
Canton, MA 02021

Re: Unconstitutional Prayer at Graduation

Dear Superintendent Fischer-Mueller:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that occurred at the 2018 Canton High School graduation. FFRF is a national nonprofit organization with more than 33,000 members across the country, including over 500 members in Massachusetts. FFRF's purposes are to protect the constitutional separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that Reverend John Tomilio III was invited to give a sectarian invocation at the 2018 Canton High School graduation ceremony. Principal Derek Folan introduced Rev. Tomilio, saying, "At this time I'd like to invite Reverend Dr. John Tomilio III to the stage... to deliver the invocation." In Rev. Tomilio's invocation, he called upon a "holy, loving, and most gracious God" to bless the graduates, and prayed that they "serve others in service of You." He closed by asking the audience—twice—to give a "joyous Amen." Please find the full text of Rev. Tomilio's invocation enclosed.

The Supreme Court has *specifically* struck down clergy-delivered prayers at school-public graduations for violating the Establishment Clause. See *Lee v. Weisman*, 505 U.S. 577 (1992). This prohibition extends to all school-sponsored events. School officials may not invite a student, teacher, faculty member, clergy, or any other invited guest to give any type of prayer, invocation, or benediction at a school function. See *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (holding that a school's policy allowing student-delivered prayers over the public-address system at high school football games violates the Establishment Clause). The Supreme Court has settled this matter—high school graduations must be secular to protect the freedom of conscience of all students.

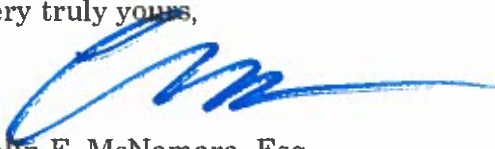
A prayer taking place at a "regularly scheduled school-sponsored function conducted on school property" would lead an objective observer to perceive it as state endorsement of religion. *Id.* at 308. The Court stated that in this context, "Regardless of the listener's

support for, or objection to, the message, an objective . . . student will unquestionably perceive the inevitable . . . prayer as stamped with her school's seal of approval." *Id.*

The courts have continually reaffirmed that the rights of minorities are protected by the Constitution. It makes no difference how many students or families want prayer at the graduation ceremony. As the Supreme Court has said, "fundamental rights may not be submitted to vote; they depend on the outcome of no elections." *Id.* at 304-05 (quoting *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 638 (1943)). "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts." *Barnette*, 319 U.S. at 638. The District has a duty to refrain from endorsing religion. By scheduling prayers at graduation, the District abridges that duty and alienates the 38% of Americans born after 1987 who are not religious.¹

Please inform us in writing of the steps Canton Public Schools will take to ensure that religious rituals are not part of graduation ceremonies or any other school-sponsored events. Thank you for your time and attention to this matter.

Very truly yours,



Colin E. McNamara, Esq.
Robert G. Ingersoll Legal Fellow
Freedom From Religion Foundation

Enclosure

¹ Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at www.prrri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf.

I invite you to join me in the spirit of prayer. Let us pray. Holy, loving, and most gracious God, we gather this evening with the Canton High School class of 2018 to celebrate four years of academic and extracurricular accomplishments that culminate in this moment of pomp and circumstance. Bless these fine young men and women, O God. They stand on the threshold of tomorrow, hearts brimming with hope, hands overflowing with possibilities that cannot be enumerated. As they spread their wings—better yet, their paws; they are bulldogs, after all—as they venture into the future that You have carved for them, we ask You to consecrate all that they do. Give them the wisdom and fortitude, the love and gratitude, to serve others in the service of You, seeing the entirety of their lives as a ministry of love, truth, courage and reconciliation. Wherever their future education and vocations lead them, may they embody a spirit of compassion, acceptance, and affinity for all that is good, for all that is just, and for all that gives life. We ask this, and all things, in your sacred Name, O Creator of All, and may the people offer a joyous “Amen.” [*audience mutters*] A joyous Amen! [*audience gives louder “Amen”*].