

FREEDOM FROM RELIGION *foundation*

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June 19, 2017

SENT VIA EMAIL & U.S. MAIL:
dthorne@elkhart.k12.in.us

W. Douglas Thorne, Esq.
District Counsel
J. C. Rice Educational Services Center
2720 California Road
Elkhart, IN 46514

Re: Unconstitutional prayer at graduation

Dear Mr. Thorne:

I am writing on behalf of the Freedom From Religion Foundation regarding a constitutional violation that occurred at the 2017 Roosevelt STEAM Academy graduation. FFRF is a national nonprofit organization with more than 29,000 members across the country, including more than 400 in Indiana. FFRF's purpose is to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned parent of an Academy student informed us that a Christian prayer was given at the school's graduation on Friday, May 26, 2017. Audience members were asked to stand and bow their heads, and the prayer invoked the name of Jesus and referenced "the Lord" multiple times, ending with "in Jesus' name amen." We write to request assurances that future District events, including Academy graduations, will not include prayers.

The Supreme Court has continually struck down prayers at school-sponsored events, including public school graduations. *See Lee v. Weisman*, 505 U.S. 577 (1992) (declaring unconstitutional clergy-delivered prayers at a public school graduations). School officials may not invite a student, teacher, faculty member, or clergy to give any type of prayer, invocation, or benediction at a public school graduation. *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (holding that a school's policy allowing student-delivered prayers at high school football games violates the Establishment Clause). The Supreme Court has settled this matter—public school graduations must be secular to protect the freedom of conscience of all students. Holding a prayer at an elementary school graduation is particularly egregious given the impressionable age of the students.

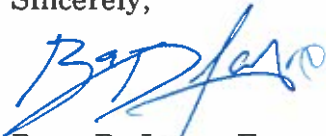
A formal prayer prayer taking place at "a regularly scheduled, school-sponsored function conducted on school property" would lead an objective observer to

perceive it as state endorsement of religion. *Id.* at 307. The Court stated in the context of *Santa Fe* that “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.* at 308. An objective observer would undoubtedly perceive the prayer given at the Academy graduation as the school’s endorsement of religion in general, and Christianity in particular.

As you are certainly aware, courts have continually reaffirmed that the rights of minorities are protected by the Constitution. It makes no difference how many students want prayer or wouldn’t be offended by prayer at their 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. Elkhart Community Schools has a duty to remain neutral toward religion. By including prayer at the Academy’s graduation, the district abridges that duty and alienates the 35% of young Americans who are not religious.¹

We write to seek assurances that this violation will not be repeated at future District events. Please inform us in writing of the steps Elkhart Community Schools takes 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.

Sincerely,



Ryan D. Jayne, Esq.
Elaine and Eric Stone Legal Fellow
Freedom From Religion Foundation

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¹ *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.