

FREEDOM FROM RELIGION *foundation*

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SENT VIA U.S. MAIL AND EMAIL TO: ehnes@julesburg.org

Mr. Shawn Ehnes
Superintendent, Julesburg School District RE-1
102 W. 6th Street
Julesburg, CO 80737

Re: Prayer at High School Graduation

Dear Mr. Ehnes:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to serious constitutional violations occurring in your district. We were contacted by a concerned resident. FFRF is a national nonprofit organization representing more than 21,500 members across the country, including nearly 700 in Colorado and two local groups: the Denver and Colorado Springs FFRF chapters. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that Julesburg High School graduations have featured religious content, including prayer. It is our information that the ceremony in 2013 included an invocation by a minister as well as a standing public recitation of the Lord's Prayer. We understand that this practice continues and write to ask that the District ensure prayers or other religious rituals are not scheduled at future District-sponsored events.

It is well settled that public schools may not advance, prefer, or promote religion. *See generally Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). As you may be aware, the Supreme Court has continually struck down prayers at school-sponsored events. *See Lee*, 505 U.S. 577 (declaring unconstitutional clergy-delivered prayers at a public school graduation). Even if delivered by a student, school officials may not schedule any type of prayer, invocation, or benediction at a public high school-sponsored event. *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (holding that student-delivered prayers at high school football games violated the Establishment Clause). The Supreme Court has settled this matter—public school events must be secular to protect the freedom of conscience of all students.

The Supreme Court said it best when it wrote that “[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.’” *Id.* at 309-10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J.,

concurring)). Graduation ceremonies should be inclusive, unifying events designed to celebrate the accomplishments and prospects of the students. Including religious references does exactly the opposite, isolating non-Christian and nonreligious students, cheapening their participation by sending the message that they are outsiders at their own school ceremony and in their own community.

The nonreligious are the fastest-growing segment of the U.S. population by religious identification—one-in-five Americans are nonreligious, as are one-in-three adult Americans under the age of thirty.¹ It makes no difference how many students want prayer or wouldn't be offended by prayer at the ceremony. "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." *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 638 (1943). The District has a constitutional duty to remain neutral toward religion. By scheduling prayers at school-sponsored events, the District abridges its duty to remain neutral.

We request written assurances that Julesburg High School and the District are taking the appropriate steps to ensure that religious rituals are not part of future graduation ceremonies or any other school-sponsored events. Thank you for your time and attention to this matter. We look forward to your reply.

Sincerely,



Andrew Seidel
Staff Attorney

ALS:jki

¹ *Nones on the Rise: One-in-Five Adults Have No Religious Affiliation*, Pew Research Center (Oct. 9, 2012).