

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: walter.harvey@dadeschools.net

Walter J. Harvey
School Board Attorney
School Board Attorney's Office
1450 N.E. 2nd Avenue, Suite 430
Miami, Florida 33132

Re: Unconstitutional Promotion of Religion at Graduation

Dear Mr. Harvey:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that occurred at the 2021 Miami North Western Senior High School graduation ceremony. As you will recall, we worked with you to resolve an issue at Lake Stevens Middle school back in 2019. We then wrote to you regarding a similar issue on March 4, 2020, but we have yet to receive any response from the District regarding that matter. We would like to work with the District to resolve these matters, so please respond regarding the previous issue we raised and this new one as well.

A concerned Miami-Dade County Public Schools community member has reported that on June 8, 2021, Superintendent Alberto M. Carvalho preached and promoted his personal religious beliefs to students, parents, and community members during the 2021 Miami North Western Senior High School graduation ceremony. Superintendent Carvalho delivered a passionate speech that included preaching and many references to his personal religious beliefs:

For you are not a mistake, you are God's masterpiece on earth. You shall not squander your opportunity of life. From that first very magical moment when God whispered life into your soul and your heart began to beat and your eyes opened and you said, "I am here. I am a queen. I am a king..."

And here you are today, a masterpiece, God's masterpiece. This is the graduation class that shall never be defined by what you wear on your body, on your shoes, on your feet. You shall never be defined by a label. You are more powerful, more dignified than that. You have a life story to be written, God inspired, but by your own design...

...but I also know that you are well grounded in your souls. **You respect God above all.** You respect country. You respect community. You respect your

families, your neighborhoods, and above all, you respect yourselves, body and soul...

So let me close with three prayers, three wishes, three thoughts. For none of you is an island unto yourselves. **With God's blessing you shall live fantastic lives.** So let me say, may you walk 1000 miles, may you cross 1000 deserts. If you take no one with you on that journey, you will get nowhere. May you climb 1000 mountains. If you do not elevate someone from darkness to light, you shall not reach your own mountain top. May you swim 1000 oceans, no matter how treacherous, how dangerous. If you do not save, if you do not rescue someone, from the years of oppression and depression, you shall not save yourselves, but I know you. You shall walk and race and run and climb and swim and take people with you. **That is your destiny. That is God's command.** That is your future, for I know you. I have met you. You are the great Class of 2021, and **God bless you** and congratulations.

As you are aware, it is a violation of the Establishment Clause for a public school superintendent to endorse a religious message to students. 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 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. at 668) (O’Connor, J., concurring).

Public schools have a duty to ensure that “subsidized teachers do not inculcate religion” or use their positions of authority to promote a particular religious viewpoint. *Lemon v. Kurtzman*, 403 U.S. 602, 619 (1971). The Supreme Court has recognized that “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987) (finding unconstitutional a statute allowing the teaching of creationism, a religious belief, in classrooms). The same is true of district administrators.

Furthermore, the Supreme Court has continually struck down expressions of religion 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 graduation). School officials may not deliver religious messages or 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.* 530 U.S. 290 (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—high school graduations must be secular to protect the freedom of conscience of all students.

The 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

preaching 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. The District has a duty to remain neutral toward religion. By promoting his personal religious beliefs at graduation, Superintendent Carvalho abridges that duty on behalf of the District. Superintendent Carvalho’s assertion that “You respect God above all” undeniably turns any non-believing student, staff member, parent, or community member into an outsider. Non-religious Americans make up the fastest growing segment of the U.S. population by religious identification – 35 percent of Americans are non-Christians,¹ and this includes the more than one in four Americans who now identify as religiously unaffiliated.²

It is particularly concerning that as a district administrator, Superintendent Carvalho is tasked with ensuring constitutional compliance in the District, but instead he has used his position as a district administrator to promote his religion to District students and the community at large. Miami-Dade County Public Schools must take immediate action to ensure that its students' rights of conscience are being protected and the District must refrain from promoting religion again in the future. Please inform us in writing of the steps the District is taking to remedy this constitutional violation. Thank you in advance for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

¹ *In U.S., Decline of Christianity Continues at Rapid Pace*, PEW RESEARCH CENTER (Oct. 17, 2019), available at <https://www.pewforum.org/2019/10/17/in-u-s-decline-of-christianity-continues-at-rapid-pace/>.

² *Id.*