

May 27, 2010

**SENT VIA FAX & U.S. MAIL
(559) 592-9445**

Renee Whitson
Superintendent
Exeter Public Schools
134 South E Street
Exeter CA 93221

Re: Prayer at Exeter Union High School Graduation

Dear Superintendent Whitson:

I am writing on behalf of concerned Exeter Union High School students, and other California members of the Freedom From Religion Foundation (FFRF), who object to the school district scheduling a prayer at a public high school graduation. FFRF is a national nonprofit organization with over 15,300 members across the country including over 2,000 in California. Our purpose is to protect the constitutional principle of separation between state and church.

It is our information and understanding that an invocation has been scheduled in the past at Exeter Union High School graduations. Our complainants inform us that earlier this year, school officials rightly decided to drop prayer from graduation ceremonies. Recently, we understand the school board instead decided to allow the students to vote on whether to include an invocation as part of the 2010 graduation. We understand this vote, which was scheduled for May 26th, has been postponed until tomorrow, May 28th. This year's graduation ceremony is scheduled for June 4th at 7PM.

As you are undoubtedly aware, 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 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).

In *Santa Fe Indep. Sch. Dist. v. Doe*, the U.S. Supreme Court struck down a school policy that authorized students to vote on whether to hold a prayer at high school football games. In finding the student vote unconstitutional, the Court specifically addressed the constitutional problem this practice poses. It stated, “[a] student election does nothing to protect minority views but rather places the students who hold such views at the mercy of the majority. Because ‘fundamental rights may not be submitted to vote; they depend on the outcome of no elections...’ ” *Id.* at 304-305 (citations omitted).

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, “[r]egardless of the listener’s support for, or objection to, the message, an objective [high school] student will unquestionably perceive the inevitable pregame prayer as stamped with her school’s seal of approval.” *Id.*

Given clear precedent prohibiting prayer at high school graduations — even when “student-initiated” — it is puzzling why the District decided to subject this matter to a vote by the student body. The Supreme Court has settled this matter — high school graduations must be secular to protect the freedom of conscience of all students. Therefore, the District must take immediate action to ensure that a prayer, an invocation or a benediction are not scheduled for any part of next week’s graduation ceremony. We ask that you cancel this unlawful “vote”, and immediately inform us in writing of the steps you are taking to avoid this serious potential constitutional violation.

Sincerely,

Rebecca S. Markert
Staff Attorney

cc: Frank Silveria, Principal