

FREEDOM FROM RELIGION *foundation*

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June 2, 2022

SENT VIA EMAIL & U.S. MAIL: awickham@rvk12.org

Mr. Adam Wickham
Superintendent
River Valley Local Schools
197 Brocklesby Rd.
Caledonia, OH 43314

Re: Inappropriate Religious Promotion and Bigoted Remarks at Graduation Ceremony

Dear Superintendent Wickham:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding concerns over inappropriate remarks delivered by Jim McGuire at the 2022 River Valley High School graduation ceremony. FFRF is a national nonprofit organization with more than 37,000 members across the country, including more than 1,000 members and two local chapters in Ohio. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that on May 27, 2022, during a speech at the graduation ceremony for River Valley High School, local business owner Jim McGuire told students to follow the bible and to stop being gay. He began his remarks by promoting Christianity and “biblical principles”:

We are sending you into places that we cannot go. It is currently in some people’s thoughts to be in vogue to diminish or play down biblical principles. It is what established us, it is what continues to establish us through the years. Everyone in every country on this planet lives by a calendar that was based on 2022 years ago, it was established by Jesus Christ, and we need to remember that. I promise any time you spend learning God’s word will not be subtracted from your life.¹

We understand he then went on to tell students to “Choose a spouse...I also strongly suggest to make sure to choose biblical principles—you know a male with a female and female with a male.” We understand the District has issued a statement regarding Mr. McGuire’s bigoted, religious remarks, attempting to disclaim his views: “Any views expressed by the speaker during his commencement speech reflected his personal beliefs. He was not speaking as an official representative of River Valley Local Schools.”² The statement also noted that the District will be “reviewing [its] processes for future ceremonies.”

We write to ensure that the District alters its policies to ensure that religious bigotry and demeaning messages will not be included in its future graduation ceremonies. School officials must ensure that graduation speeches are appropriate and do not discriminate against its students. School officials should also have procedures in place to intervene, such as cutting off the microphone, when speakers do not comply with school policies.

¹<https://resources.finalseite.net/images/v1654100178/rvk12org/jj1ravfwihzgwlv0ptw5/RV2022GraduationPublicStatement.pdf>
²*Id.*

The Supreme Court has continually struck down prayers at school-sponsored events, including graduations. See *Lee v. Weisman*, 505 U.S. 577 (1992) (declaring clergy-delivered prayers unconstitutional at a public school graduation). Even if student-led, school officials may not invite a student, teacher, faculty member, or clergy member to give any type of prayer, invocation, benediction, or sermon 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 violate the Establishment Clause), *aff'g*, *Doe v. Santa Fe Indep. Sch. Dist.*, 168 F.3d 806, 822 (5th Cir. 1999). While this was not an explicit prayer, the promotion of religion, and specifically bigoted religious views that denigrate the school's LGBT community, should not be included in public school graduations.

A public school graduation cannot logically be conceived as a forum, nor should the District treat it as one. Graduations are not the place for personal religious promotion or divisive political rhetoric. Absent an ill-advised policy creating a public forum, the speech delivered at the River Valley High School graduation ceremony remains government speech, which must not promote religion. This makes sense, since students will reasonably understand the District to be endorsing the message of any outside speaker the District invites to speak during a District-sponsored graduation event.

No school district would actually want to open up its ceremonies to religious or political debate by providing general access to the community. A true forum would provide opportunities for every community member or student to speak, if they so desired. This is not practical at a graduation ceremony, nor is it desirable. Allowing speakers to discuss any topic they want, without review by the District, and with no means to intervene should they violate students' rights or otherwise cross the line diverts attention away from the very purpose of the ceremony—celebrating the achievements and bright futures of the graduating class. It is well within the District's ability to require speakers to stick to the topic at hand.

The best practice is to have school staff, not community members, deliver remarks at graduation. If the District continues allowing outside adults to deliver speeches, it should provide clear guidelines for speeches and ensure that all submissions adhere to both the school's written policy and the Constitution, and it should be prepared to intervene if the speaker deviates from the approved submission.

While nothing can fix having “the one school event most important for [students] to attend”³ marred by Mr. McGuire's denigrating, bigoted remarks, the District should reach out to its students to apologize for allowing an outside speaker to ruin this once in a lifetime event for them. Further, we request written assurances that the District will take the appropriate steps to update its policies and ensure that its future graduation ceremonies will be inclusive of all of its students and will not include inappropriate religious messages that denigrate LGBT students and community members. Thank you for your time and attention to this matter.

Sincerely,



Christopher Line
Staff Attorney
Freedom From Religion Foundation

³ *Lee*, 505 U.S. at 597.