

FREEDOM FROM RELIGION *foundation*

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January 31, 2024

SENT VIA EMAIL & U.S. MAIL TO: cwilson@kennett.k12.mo.us

Superintendent Chris Wilson
Kennett School District 39
1400 West Washington Street
Kennett, MO 63857

Re: Unconstitutional prayers at school-sponsored events

Dear Superintendent Wilson:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding constitutional violations that occurred in the Kennett School District. FFRF is a national nonprofit organization with more than 40,000 members across the country, including in Missouri. Our purposes are to protect the constitutional principle of separation between state and church and to educate the public on matters relating to nontheism.

We understand that Kennett High School graduation ceremonies always include an invocation as an official part of the program. For instance, at Kennett High School's 2023 graduation ceremony, a student speaker delivered this invocation:

Let us pray. Dear Heavenly Father, we gather here today to offer our heartfelt prayers for the graduating class of 2023. As we embark on a new chapter in our lives, we ask for your blessing and guidance to be with us. May we find our purpose and fulfillment in our paths and may our journeys be filled with opportunities for growth and success. Grant us the strength and courage to overcome challenges. We pray that our achievements be a source of pride and inspiration not only for ourselves but also for our families and mentors who have supported us along the way. May we never forget the lessons learned, the friendships formed, and the memories created during our time of education. As we move forward into the unknown we ask for your divine protection and blessings to be upon us, may we walk with confidence knowing that we are capable of making a positive impact in the world in your grace and mercy we humbly offer these prayers for the graduating class of 2023. May we find joy, success and fulfillment in all of our endeavors. In Jesus' name we pray amen.¹

¹ 106.5 KTMO The Wolf, *2023 Kennett High School Graduation*, May 18, 2023, <https://www.youtube.com/watch?v=J9hn4Iyhn7s> (prayer starting around the 11-minute 40-second mark).

Similar prayers commenced the 2017,² 2018,³ 2019,⁴ 2020,⁵ 2021,⁶ and 2022⁷ graduations. Throughout the years listed, prayers were delivered to “God,” “Heavenly Father,” or “Lord.”

We write to ask you to investigate and cease having sectarian prayer at official school events.

Public school students have a constitutional right to be free from religious indoctrination in their public schools. It is well settled that public schools may not show favoritism towards or coerce belief or participation in religion. *See generally Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *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); *McCullum v. Bd. of Ed.*, 333 U.S. 203 (1948). The Supreme Court has continually struck down prayers at school-sponsored events, including graduations. *See Lee*, 505 U.S. 577 (declaring prayers unconstitutional at a public school graduation). 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 school-sponsored events, nor may they give a prayer themselves. *See Santa Fe*, 530 U.S. 290 (holding that student-delivered prayers at high school football games violate the Establishment Clause). “It is beyond dispute that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise[.]” *Lee*, 505 U.S. at 587. Furthermore, government-led prayer “has the improper effect of coercing those present to participate in an act of religious worship.” *Santa Fe*, 530 U.S. at 312.

Missouri’s constitutional provisions “‘declaring that there shall be a separation of church and state are not only more explicit but *more restrictive*’ than the First Amendment.” *Gibson v. Brewer*, 952 S.W.2d 239, 246 (Mo. banc 1997) (quoting *Paster v. Tussey*, 512 S.W.2d 97, 101-02 (Mo. banc 1974) (emphasis added)). The Supreme Court of the United States’s decision in *Trinity Lutheran Church of Columbia, Mo., Inc. v. Comer*, 137 S.Ct. 2012 (2017), did not change that. *See Doe v. Marianist Province of U.S.*, 620 S.W.3d 73, 78 (Mo. banc 2021) (quoting *Brewer and Paster*).

² Kennett #39 School District, *2017 KHS Graduation*, May 18, 2017, <https://www.facebook.com/Kennett39SchoolDistrict/videos/2017-khs-graduation/1281296711991356/> (prayer starts at 9-minute mark).

³ Kennett #39 School District, *2018 Graduation Ceremony*, May 17, 2018, <https://www.facebook.com/Kennett39SchoolDistrict/videos/2018-graduation-ceremony/1637036566417367/> (prayer starting around by 7-minute 40-second mark).

⁴ Kennett #39 School District, *2019 Graduation (we do not own the rights to the music)*, May 16, 2019, <https://www.facebook.com/Kennett39SchoolDistrict/videos/2019-graduation-we-do-not-own-rights-to-the-music/664005200719749> (prayer starting around 6-minute mark).

⁵ Kennett #39 School District, *Kennett Class of 2020 High School Graduation*, June 12, 2020, <https://www.facebook.com/Kennett39SchoolDistrict/videos/kennett-class-of-2020-high-school-graduation/252395692522328/> (prayer starting around the 9-minute 45-second mark).

⁶ Kennett #39 School District, *Kennett Class of 2021 High School Graduation*, May 20, 2021, <https://www.facebook.com/Kennett39SchoolDistrict/videos/kennett-class-of-2021-high-school-graduation/354678322669199/> (prayer starting at 6-minute 30-second mark).

⁷ Kennett #39 School District, *Kennett High School Graduation 2022*, May 19, 2022, <https://www.facebook.com/Kennett39SchoolDistrict/videos/kennett-high-school-graduation-2022/330547582554020/> (prayer starting around 11-minute 50-second mark).

The popularity of including the prayer is immaterial; courts have continually reaffirmed that the rights of minorities are nonetheless protected by the Constitution. As the Supreme Court has said, “fundamental rights may not be submitted to vote; they depend on the outcome of no elections.” *Santa Fe*, at 304–05 (quoting *W. Va. Bd. of Ed. 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 constitutional duty to remain neutral toward religion. By including prayer at graduation ceremonies, the District abdicates that duty—needlessly alienating the 49 percent of Generation Z who are religiously unaffiliated.⁸

To respect the federal and state constitutional rights of students and their families, the District must not schedule prayer at any future school-sponsored events. Please respond in writing with the steps the District is taking to remedy these constitutional violations. Thank you for your time and attention to these matters.

Sincerely,

A handwritten signature in cursive script that reads "Hirsh M Joshi".

Hirsh M. Joshi
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

⁸ Ryan P. Burge, *2022 Cooperative Election Study of 60,000 respondents*, Apr. 3, 2023, <https://religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/>.