

FREEDOM FROM RELIGION *foundation*

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May 30, 2024

SENT VIA EMAIL & U.S. MAIL: lventura@mauryk12.org

Superintendent Lisa Ventura
Maury County Public Schools
501 West Eighth Street
Columbia, Tennessee 38401

Re: Unconstitutional graduation prayer

Dear Superintendent Ventura:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding an unconstitutional graduation prayer that has occurred at Battle Creek Middle School. FFRF is a national nonprofit organization with more than 40,000 members across the country, including a chapter in Texas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A community parent informs us that prayer commenced the May 23, 2024, Battle Creek Middle School graduation ceremony. Prayer was delivered by school principal [REDACTED] [REDACTED] delivers an exclusively Christian prayer, referencing Jesus Christ and a “Heavenly Father.” BCMS’s graduation live stream confirms this.¹

Before praying, [REDACTED] discusses the importance of prayer in his life. After commencing prayer, one student on camera visibly looks around before also bowing their head in conformity.

We ask the District to investigate and ensure that schools do not host prayers at official events in the future.

Students have a constitutional right to be free from religious indoctrination in public schools. 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). Pre-planned prayers at graduation ceremonies are unconstitutional, even if student-led. *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000) (holding that a school’s policy allowing student-delivered prayers at high school football games violates 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.

¹ BCMS Bears TV, *8th Grade Promotion 23-24*, May 23, 2024, https://www.youtube.com/watch?v=Z3_sMdVAOwU&t=1210s (prayer commencing at the twenty-minute and fifty-second mark).

Certainly, “a school can direct a teacher to ‘refrain from expressions of religious viewpoints in the classroom and like settings.’” *Helland v. S. Bend Comm. Sch. Corp.*, 93 F.3d 327 (7th Cir. 1993) (quoting *Bishop v. Arnov*, 926 F.2d 1066, 1077 (11th Cir. 1991)). 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). If the District turns a blind eye to overt proselytization by its staff, on its property, it becomes complicit in an egregious constitutional violation and breach of trust.

The Supreme Court’s decision in *Kennedy v. Bremerton School District*, did not change the law or overrule any of the above cases. 597 U.S. 507 (2022). The *Kennedy* court repeatedly stressed the private nature of Kennedy’s prayer and that it occurred when he was not on duty. *Id.* at 513-14. Not so here; this speech falls within the scope of ██████████’s official public duties and thus *Kennedy* is inapplicable.

It makes no difference how many students want prayer or would not be offended by prayer at their graduation ceremony; 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*, 530 U.S. 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 having prayer at its graduation ceremony, the District abridges that duty and needlessly excludes students who are a part of the forty-nine percent of Generation Z who are religiously unaffiliated.²

In order to respect students’ First Amendment rights, the District must ensure that all future graduations and other school-sponsored events do not include pre-planned prayers. Please respond in writing with the steps the District is taking to remedy this constitutional violation and ensure that it does not recur. Thank you for your time and attention to this matter.

Sincerely,



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

² Ryan P. Burge, *2022 Cooperative Election Study of 60,000 respondents*, <https://religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/>.