

# FREEDOM FROM RELIGION *foundation*

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June 28, 2024

**SENT VIA EMAIL & U.S. MAIL: [tabetha.housekeeper@wburg.kyschools.us](mailto:tabetha.housekeeper@wburg.kyschools.us)**

Superintendent Tabettha Housekeeper  
Williamsburg Independent School District  
1000 Main Street  
Williamsburg, KY 40769

Re: Unconstitutional baccalaureate promotion & graduation prayer

Dear Superintendent Housekeeper:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding two constitutional violations at Williamsburg Independent School District. We have yet to receive a response to our March letter about unconstitutional access to a Fellowship of Christian Athletes character coach. We look forward to a response to that letter as well as this one.

A local community member informs us that WISD hosted and promoted a 2024 baccalaureate service. On May 15, 2024, WISD's seniors graduated at Main Street Baptist Church. The District promoted the event via social media, posting an invitation with a prominent Christian cross and inviting "WISD" to attend the church service.<sup>1</sup> Please see the enclosed screenshot. WISD seemingly commissioned and then published photographs of the event.<sup>2</sup> On May 19, 2024, WISD hosted its general graduation event.

But that graduation kicked off with official prayer.<sup>3</sup> Despite a muted video, there are telltale signs of graduation prayer: After students line up to be seated, one young graduate waits for another to take the podium. The student who just walked up starts to speak, and heads bow, eyes closed. After she is done, heads perk back up, eyes open; she leaves the stage. Volume is not necessary to understand that she delivered prayer, and that was it. Prayer also commenced WISD's 2020,<sup>4</sup> 2021,<sup>5</sup> and 2022<sup>6</sup> graduation ceremonies with the same telltale signs.

Promoting Christian ceremonies at a secular school, and then Christian prayer at secular ceremonies, is exclusionary. We ask the District to cease promoting and hosting future baccalaureate services or from scheduling official prayers at school events.

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<sup>1</sup> [www.facebook.com/WISDJackets/posts/pfbid03r54Nnx5KzDcqqoJngUTpjn6rXmJoUwNS1Gm3ND3TnWtifY571bBePH58XWzeo8jl](https://www.facebook.com/WISDJackets/posts/pfbid03r54Nnx5KzDcqqoJngUTpjn6rXmJoUwNS1Gm3ND3TnWtifY571bBePH58XWzeo8jl).

<sup>2</sup> [www.wburg.k12.ky.us/sys/content/newspost/a00b1d64e0344156a8af4bea937d52f0](https://www.wburg.k12.ky.us/sys/content/newspost/a00b1d64e0344156a8af4bea937d52f0).

<sup>3</sup> [www.facebook.com/WISDJackets/videos/2024-graduation-ceremony/416906957775596/?\\_rdr](https://www.facebook.com/WISDJackets/videos/2024-graduation-ceremony/416906957775596/?_rdr) (starting at 14:20).

<sup>4</sup> [www.facebook.com/WISDJackets/videos/whs-class-of-2020-graduation/1870452873086579/](https://www.facebook.com/WISDJackets/videos/whs-class-of-2020-graduation/1870452873086579/) (starting at 20-second mark).

<sup>5</sup> [www.facebook.com/WISDJackets/videos/2021-graduation/343408523866246/](https://www.facebook.com/WISDJackets/videos/2021-graduation/343408523866246/) (starting at 16:00 mark).

<sup>6</sup> [www.facebook.com/WISDJackets/videos/2022-williamsburg-independent-high-school-graduation/740950813614071/](https://www.facebook.com/WISDJackets/videos/2022-williamsburg-independent-high-school-graduation/740950813614071/) (starting at 11:45 mark).

## **Scheduled, Official Graduation Prayer is Unconstitutional**

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.

WISD gives nonreligious graduating students a tough dilemma: Either pray—offending their conscience—or avoid the ceremony altogether. This choice is exactly what the Establishment Clause guards against.

Whether prayer is popular or not is immaterial; courts continually reaffirm that minority rights 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 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.

## **WISD’s Promotion of a Religious Ceremony is Unconstitutional**

It is well-settled law that public schools may not show favoritism toward nor coerce belief or participation in religion. See generally *Santa Fe*, 530 U.S. 290; *Lee*, 505 U.S. 577; *Wallace v. Jafree*, 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 Educ.*, 333 U.S. 203 (1948).

Baccalaureate programs are religious services with prayer and worship. Schools may not plan, design, or host baccalaureate programs. See e.g., *Warnock v. Archer*, 443 F.3d 954 (8th Cir. 2006) (upholding injunction prohibiting school district from orchestrating or supervising prayers at school graduation or baccalaureate ceremonies). By promoting a baccalaureate ceremony on its official Facebook page, the District demonstrates clear favoritism toward religion over nonreligion, and Christianity above all other faiths. That favoritism enlarges when the District hires photographers for the event and then publishes those photos online.

Courts have permitted *privately* sponsored baccalaureate services; but those Districts took significant steps to ensure there was *no appearance of school sponsorship*. See *Randall v. Pagan*, 765 F. Supp. 793 (W.D.N.Y. 1991) (“the school board has already formally and publicly dissociated itself from the baccalaureate service, has canceled its prior order for programs and has refused to lend any financial support, either direct or indirect, to assist the [religious group] in its sponsorship of the event. . . . [no] district personnel are involved in any aspect of the service, either in their capacities as District employees or . . . in their personal, individual capacities.”); *Verbena Methodist Church v. Chilton Bd. of Educ.*, 765 F. Supp. 704 (M.D. Ala. 1991) (“The Board must also ensure that no other school officials promote, lead, or participate in the service.”). WISD did the opposite. The District not only

failed to take any steps to disassociate itself from this bacculaureate ceremony, but actively promoted it on social media, advertised it on its website, and published official photos for the ceremony. For all intents and purposes, the bacculaureate is a District event.

“Voluntariness” is no defense for the District. *See generally Lee*, 505 U.S. at 596 (“the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Schempp*, 374 U.S. at 288 (Brennan, J., concurring) (“... the availability of excusal or exemption simply has no relevance to the establishment question”); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (“VMI cannot avoid Establishment Clause problems by simply asserting that a cadet’s attendance at supper or his or her participation in the supper prayer are ‘voluntary.’”); *Jager v. Douglas Cnty. Sch. Dist.*, 862 F.2d 825, 832 (11th Cir. 1989) (“... whether the complaining individual’s presence was voluntary is not relevant to the Establishment Clause analysis . . . The Establishment Clause focuses on the constitutionality of the state action, not on the choices made by the complaining individual.”). So, with regard to the bacculaureate services, the District’s promotion and preference cannot be defended with the attendees’ voluntary attendance.

WISD promoted, sponsored, and spent money for a religious ceremony—the May 15 bacculaureate service. It then shared this sponsorship with the broader District community by publishing photos from the ceremony. The District also made sure that non-attendees participated in a religious ceremony by having scheduled, official prayer at the regular graduation, as it has in previous years. The District has a constitutional duty to remain neutral toward religion. By committing each violation above, the District abdicates that duty—needlessly alienating the forty-nine percent of Generation Z who are religiously unaffiliated.<sup>7</sup>

The District must respect the constitutional rights of all its students to be free from religious coercion and indoctrination in their public schools, and so it must immediately cease sponsoring or promoting bacculaureate ceremonies. The District must also refrain from scheduling prayer at its graduation ceremonies or any other District-sponsored events. Please inform us in writing of the steps the District is taking to ensure this constitutional violation is addressed and does not recur.

Sincerely,



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

Enclosure

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<sup>7</sup> 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/>.



Williamsburg City School

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# *Class of 2024 Baccalaureate Service*

WISD is cordially invited to celebrate the 2024 Baccalaureate on Wednesday, May 15 at 6:30 pm at Main Street Baptist Church.

Mr. Jacob Ratliff of University of the Cumberlands will be the guest speaker.

We will also have wonderful music directed by Mr. Jonathan Wyatt.



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