

April 29, 2005

BY TELE-FAX & FIRST-CLASS MAIL

Mr. John R. Slagle
President, Keystone School District
451 Huston Avenue
Knox, PA 16232
Tele-Fax No: (814) 797-2382

H. D. Sinopoli
Superintendent, Keystone School District
451 Huston Avenue
Knox, PA 16232
Tele-Fax No: (814) 797-2382

RE: Graduation prayer and school-board meeting prayers

Dear Messrs. Slagle and Sinopoli:

The American Civil Liberties Union of Pennsylvania (“ACLU”) has been retained to challenge the constitutionality of two Keystone School District practices: 1) presenting an invocation, benediction or any other prayer at graduation; and 2) starting all school board meetings with a sectarian (Christian) prayer. Both practices violate the Establishment Clause of the First Amendment to the United States Constitution.

We have been advised that the school district’s graduation ceremony has in the past, including last year, contained a prayer, i.e., an invocation and/or benediction. Officially-sponsored prayers at public-school graduation ceremonies are unconstitutional, regardless whether invited clergy, school officials or students recite them. See, Santa Fe Independent School District v. Doe, 530 U.S. 290 (2000) (student-led prayer unconstitutional); Lee v. Weisman, 505 U.S. 577 (1992) (clergy-led prayer at graduation unconstitutional); ACLU of New Jersey v. Black Horse Pike Regional Board of Education, 84 F.3d 1471 (3d Cir. 1996) (student-led prayer at graduation unconstitutional). When public schools reserve time at a graduation ceremony for prayers, they violate the Constitution by putting the power, prestige and endorsement of the state behind whatever prayer is offered, no matter who offers it. This makes students and invited guests who subscribe to different beliefs and recite different prayers, or no prayer at all, feel like outcasts or second-class citizens. In the Supreme Court’s words, “School sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents “that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.” Santa Fe, 430 U.S. at 309-10 (citation omitted).

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The same constitutional problems attend prayers at school board meetings. We have been advised that virtually every school board meeting opens with the Superintendent leading other board members and the audience in a prayer. These prayers invariably mention Jesus, making them sectarian. All recent court decisions considering challenges to prayers at school-board meetings have held them to be unconstitutional. See, Palo Verde Unified School Dist. Bd. of Educ., 172 Ed.Law.Rptr. 24 (9th Cir. 2002); Coles v. Cleveland Bd. of Educ., 171 F.3d 369 (6th Cir. 1999); Doe v. Tangipahoa Parish Sch. Bd., 2005 WL 517341 (E.D.La., February 24, 2005). See also, Wynne v. Town of Great Falls, South Carolina, 376 F.3d 292 (4th Cir.) (even non-school-board legislative prayers are unconstitutional if sectarian).

For the foregoing reasons the ACLU respectfully requests that the School District cancel all prayers on the graduation program (including, but not limited to, invocation and benediction) and, beginning with the next Board meeting, instruct all District employees, officials and agents to cease reciting publicly any prayer during the meeting. Should you decide to reject this request, we will have no choice but to seek a federal court injunction. I respectfully request that you send me written assurance, on or before noon next Friday, May 6, 2005, that no prayers, be they termed invocations, benedictions or otherwise, will be permitted at the May 27 graduation, and that henceforth the Board will cease its practice of beginning school board meetings with a prayer. My fax number is (412) 681-8707. My telephone number is (412)681-7864. If I do not hear from you by the appointed time, I will construe your silence to be a refusal of this request.

I look forward to your timely response.

Respectfully,

Witold J. Walczak
Legal Director
ACLU of Pennsylvania

cc: Carl Beard, Esq., (by tele-fax (814-943-3430) and first-class mail)