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MARJORIE R. ESMAN
EXECUTIVE DIRECTOR

May 20, 2011

by fax 318-281-0457
Ms. Stacey Pullen
Principal
Bastrop High School
402 Highland Ave.
Bastrop, LA 71220

OPEN LETTER CONCERNING PRAYER AT GRADUATION

Dear Ms. Pullen:

I write to ensure that the graduation ceremony scheduled for tonight will be conducted with respect for the rights of all of the Bastrop High School students, their families, and the community. Because of the publicity surrounding the prayer that was planned for this event I will not repeat the facts as set forth in the many media accounts that are by now well known.

The law is clear that, in order to preserve the religious freedoms of all, schools can not promote religious exercises at graduations. The U.S. Supreme Court has ruled that school employees may not induce, endorse, assist, or promote prayer at graduation ceremonies. *Lee v. Weisman*, 112 S. Ct. 2649 (1992). The U.S. Court of Appeals for the Fifth Circuit, which includes Louisiana in its jurisdiction, has ruled that any prayer at graduation must be non-proselytizing, non-sectarian, and both student-initiated and student-led. *Jones v. Clear Creek Independent School District*, 977 F. 2d 963 (5th Cir. 1992). Under *Clear Creek*, it is permissible for a student to say a prayer in graduation ceremonies, only if the prayer occurs at the initiative of a student, and it must not be sanctioned by school administrators or teachers. However, even this has been called into question, by *Does 1-7 v. Round Rock Indep. Sch. Dist.*, 2007 WL 5029247 (W.D. Tex). Additionally, the U.S. District Court for the Eastern District of Louisiana agreed that the Tangipahoa Parish School Board violated the U.S. Constitution when a teacher gave a prayer at a graduation ceremony. *John "P" v. Tangipahoa Parish School Board et al.*, 2:07-cv-03142-SRD-ALC (June 10, 2008 Minute Entry).

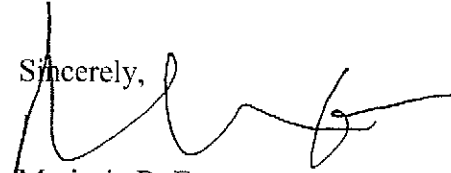
In addition, the U.S. Supreme Court has ruled that it is unconstitutional to adopt any law or policy that requires or enables a moment of silence primarily for the purpose of praying or other religious endeavors. While Bastrop High School may begin its graduation ceremony with a moment of silence, it is the obligation of school officials to ensure that "silence" is maintained and not to allow vocal prayers during that time. See *Croft v. Governor of the State of Texas*, 08-10092 (5th Cir. 2009), (upholding a "moment of *silence* [that] allows any non-disruptive *silent* activity).

School officials have a duty to uphold the Constitution and the law for all members of the community. Religious freedom in this country has flourished because the First Amendment prohibits government endorsement of religion. We recognize that the Bastrop High School

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graduation scheduled for this evening has removed the prayer from the program, in compliance with the law and the rights of the students and their families. We trust that the graduation will proceed as the law requires, that there will be no school promotion or sponsorship of prayer of any kind, and that any moment of silence proceeds as a *silent* time for reflection by those in attendance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marjorie R. Esman', with a long horizontal flourish extending to the right.

Marjorie R. Esman
Executive Director