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## Prayers at Public School Graduation Ceremonies A Primer on Safeguarding Religious Freedom

*"It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance."- Justice Hugo Black writing in the majority opinion Engel v Vitale; 1962*

The Anti-Defamation League provides this summary of how the U.S. Courts have interpreted the First Amendment of the US Constitution with regard to prayers in public schools:

**General Rule:** Organized prayer in the public school setting, whether in the classroom or at a school-sponsored event, is unconstitutional. The only type of prayer that is constitutionally permissible is private, voluntary student prayer that does not interfere with the school's educational mission.

**Can there be prayer at graduation ceremonies?** Prayers delivered by clergy at official public school graduation ceremonies are unconstitutional.<sup>17</sup> The fact that a prayer is nondenominational or voluntary does not render it constitutional. The U. S. Supreme Court has not specifically ruled on whether student-initiated nonsectarian graduation prayer is constitutional, and the lower Federal courts disagree on the issue. However, when the Supreme Court ruled in *Santa Fe Independent School Dist. v. Doe* that a district policy allowing student-initiated and student-led prayer before football games was unconstitutional, it effectively ruled-out the possibility that any district policy allowing student-initiated and student-led prayers would be permissible at graduation ceremonies. Moreover, in both *Santa Fe v. Doe* and *Lee v. Weisman*, the Supreme Court expressed particular concern that students could be coerced, through pressure from their peers and others, into praying during school events such as football games and graduation ceremonies. This danger exists regardless of whether it is a member of the clergy or a student who offers the prayer.

The Court also emphasized in *Weisman and Santa Fe* that attendance at major school events like graduation or football games should not be considered "voluntary" even if authorities officially designate it as such. Weekly football games and high school graduation are central parts of student life and students should be able to attend these events without fear of religious coercion. However, baccalaureate services, which are distinct and separate from official graduation ceremonies, may constitutionally include prayers and religious sermons. Such events must be privately sponsored and must not be led or sponsored by school personnel. Any school endorsement of such events should be actively discouraged.