

ACLU Threatens NJ Graduation Ceremony

Let the graduation prayer wars begin.

Liberty Counsel just sent a letter offering pro bono representation to Neptune High School in Neptune, NJ in the wake of American Civil Liberties Union (ACLU) threats.

The ACLU has threatened “legal recourse” for continuing the 70-year-old tradition of having its graduation ceremonies at the Great Auditorium of the Ocean Grove Camp Meeting Association, which is a Methodist organization. The ACLU demanded that the school either cover up all religiously affiliated signs and symbols or move the graduation to another venue.

“The ACLU has distorted the Constitution in order to boot out a graduation ceremony from a religious venue,” Mathew Staver, founder and chairman of Liberty Counsel and Dean of Liberty University School of Law. “Nothing in the Constitution bans graduation from being held in a church or other religious venue when such venue provides the best accommodation for the event. Public school officials are free to select the best venue for graduation, including venues used by churches or other religious associations.”

Liberty Counsel has published a legal memo regarding hosting public school graduations in churches or religious facilities. There is no reason for public school districts to stop using religious locations. It is constitutional, so long as the use does not violate the Establishment Clause by failing any prong of the three-part test established in *Lemon v. Kurtzman*. The prongs are to determine if the use is for a legitimate secular school purpose, if the use would be neutral to a reasonable observer knowledgeable of all the facts, and also if the use

does not grant authority that belongs to the school district to a religious entity.

Following last year's graduation ceremony, the ACLU also threatened legal action against this school district, claiming that someone in attendance was offended by the Christian symbols that are posted in and around this historic site. However, the district uses this facility in order to maximize the number of family and friends that each student can invite. Hosting the ceremonies at district facilities would severely limit the number of invitations each student would be allocated.