

Why Are Atheists Up in Arms Over Fifth-Grade Graduation?

Alliance Defending Freedom has filed a friend-of-the-court brief with the U.S. Court of Appeals for the 4th Circuit that rebuts the claims of an atheist group that sued a South Carolina school district over one of its school's fifth-grade graduation ceremonies and lost.

The brief supports student-initiated, student-led prayer at the ceremonies because it is clearly the students' private speech, not the school's. The brief also supports the school's freedom to hold its ceremony at a chapel on the campus of North Greenville University because the venue provides much-needed accommodations and was not selected to promote religion.

"America's Founding Fathers regularly opened public ceremonies with prayer, and federal appeals courts have ruled that students can do the same at graduation ceremonies because the speech is the student's, not the school's," says legal counsel Matthew Sharp. "In America, we tolerate a diversity of opinions and beliefs, and that includes the views of elementary students chosen to speak at a graduation celebration."

"The Constitution has never required schools to purge public ceremonies of all things that happen to be religious," adds senior legal counsel Jeremy Tedesco. "That's why the private speech of students who offer prayers is protected free speech. That's also why the school need not worry about violating the First Amendment just because the space it needs for its ceremonies happens to be a chapel. Because the school is not attempting to promote religion, but rather chose the venue based on neutral criteria, succumbing to the atheists' demands would amount to hostility toward religion, which the

Constitution forbids.”

Last year, the American Humanist Association (AHA) sent a letter to the Greenville County School District complaining that Mountain View Elementary School’s graduation ceremony should not include student-led prayer and should not be held at Turner Chapel on the campus of North Greenville University.

After the school district declined to censor students who chose to express a religious message at graduation or to deprive students and families of the best facilities for the ceremony, AHA filed *American Humanist Association v. Greenville County School District* in federal court and lost. It then appealed to the 4th Circuit.

The Alliance Defending Freedom brief explains that “reversal of the district court’s decision in this case would likely result in the Establishment Clause being interpreted to require government hostility to religion. ... AHA’s position strips away the fundamental distinction between personal and government speech. It ignores the Supreme Court’s common sense ruling that ‘schools do not endorse everything they fail to censor.’”