

Courts divided on student led grad prayers

Graduating high school students have been fighting this spring for the inclusion of prayers at their graduation ceremonies. Because the Supreme Court ruled last year in *Lee v. Weisman* that school sponsored prayer at graduation ceremonies was unconstitutional, many thought that issue was settled.

Students, however, unwilling to allow the secularization of this important passage in their lives have taken matters into their own hands and have been praying at their graduations. Several federal courts have agreed with the students.

The 5th U.S. Circuit Court of Appeals ruled in *Jones v. Clear Creek* that a school district could permit “non-sectarian, non-proselytizing” student initiated prayer, a decision the Supreme Court declined to review. A federal district judge in Boise, Idaho has agreed that high school graduation ceremonies can include prayer if the prayer is initiated and delivered by students. A judge in Florida refused to issue a restraining order which would have blocked student-initiated prayer at gradations in Jacksonville, and the 8th U.S. Circuit Court of Appeals re-versed a lower court order prohibiting student-led prayer at graduation ceremonies.

On the other hand, the 3rd U.S. Circuit Court of Appeals effectively blocked student led prayer at two New Jersey high schools, ruling that because the district controlled every facet of the graduation, even student initiated prayer would be considered school-sponsored.

Jay Alan Sekulow, Counsel for the American Center for Law and Justice noted in *The Wall Street Journal* that by refusing to review *Jones*, the Supreme Court sees the distinction between prayer sponsored by the state, which is prohibited by *Weisman*,

and prayer initiated by students.

The ACLU has been busy nation-wide mounting challenges to the students' efforts to commemorate their graduations by publicly acknowledging their Creator.