

Several public high school students asked the superintendent of their public school district whether the minister of a local church could deliver an interdenominational prayer at their graduation ceremony in the school auditorium. None of the students or their guests at graduation would be required to pray while the minister delivered the prayer.

Would the minister's delivery of such a prayer at the public high school graduation be constitutional?

- A. No, because it would be an unconstitutional establishment of religion.
- B. No, because it would deny attendees who are not members of the minister's denomination the right to freely exercise their religion.
- C. Yes, because none of the students or their guests would be required to pray at the graduation ceremony.
- D. Yes, because the idea for the prayer originated with the students and not with school officials.

## Explanation:

### Establishment clause tests

Test	Requirements	Applicability
<b>Historical*</b>	<ul style="list-style-type: none"><li>Longstanding tradition &amp; historical foundation</li></ul>	Default
<b>Endorsement</b>	<ul style="list-style-type: none"><li>No appearance that government endorses religion</li></ul>	Public displays or monuments (eg, holiday displays)
<b>Coercion</b>	<ul style="list-style-type: none"><li>No forced conformity with religious belief or practice</li></ul>	Public schools (eg, convocation prayer)

\*Courts may apply strict scrutiny if government directly benefits/burdens religion.

The **First Amendment establishment clause** prohibits the government from expressing a religious preference or otherwise violating the **separation of church and state**. In *Lee v. Weisman*, the Supreme Court held that **school-sponsored prayer** must be reviewed under the **coercion test**, which considers whether the government **forced participation in a religious exercise**.

Since elementary and secondary school students are more susceptible to social and peer pressure than adults, school-sponsored prayer in these public schools is inherently coercive—even when participation is voluntary (**Choice C**). As a result, the minister's delivery of a prayer at the public high school graduation would be an unconstitutional establishment of religion.

**(Choice B)** Since participation would be voluntary, the minister's prayer would not deny attendees the right to freely exercise their own religion. But the prayer would still violate the **establishment clause**—despite being interdenominational—because it would show government preference for religion in general.

**(Choice D)** Although the graduation prayer was the students' idea, the school still must abide by the Constitution if it approves that idea and sponsors the prayer.

### Educational objective:

Under the coercion test, school-sponsored prayer in public schools violates the establishment clause even when participation is voluntary.

### References

- Lee v. Weisman, 505 U.S. 577, 592–93 (1992) (holding that an interdenominational prayer at middle school graduation ceremony coerces religious participation in violation of the establishment clause).

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