



June 1, 2021

Principal Michael Wegher
John Glenn High School
36105 Marquette
Westland, MI 48185
(734) 419-2300
Email [REDACTED]

Re: Unconstitutional Censorship of Religious Speech

To Principal Wegher:

First Liberty Institute is a nationwide nonprofit law firm dedicated to defending religious liberty for all Americans. We represent Savannah Lefler, a senior at John Glenn High School and the valedictorian for 2021. This letter concerns your recent attempt to censor the religious expression in Ms. Lefler's graduation speech. Please direct all communication regarding this matter to us.

Factual Background

As the Class Scholar for 2021, Ms. Lefler was selected to give a short speech for John Glenn High School's Senior Honors Night. The Honors Night speeches will be pre-recorded and subsequently released to the families of honor students.

Ms. Lefler's draft speech focused on encouraging her classmates not to waste their lives. She explains in her speech that she finds meaning and purpose in her Christian faith. An excerpt of the speech is below:

So, what is the goal for our future generation? It ultimately reflects the purpose of life. What is our purpose? The philosopher Plato says that our purpose is to obtain the highest end of knowledge. Charles Darwin claims that it is to be the most fit for survival. Various religions claim that it is to be a good person.

In reflecting on this question, I read a book entitled, "Don't waste your life." In it, Rev. Piper recalled a story of an old man weeping, "Oh, how I've wasted it!" The man's remorse is a reflection of his past. He recognizes the folly that his life had become. This is why, students, I want to urge you not to waste your life. Seek the truth. But how is this possible? I'd argue that the philosophies listed above are wrong.

The purpose of life is to live a life devoted to Christ. Westminster Catechism Number One, "The Chief Purpose for Which Man is Made is to Glorify God, and to Enjoy Him Forever."

Ms. Lefler submitted a draft speech on May 19, 2021 to the speech coordinator, Mr. Don Loomis. In response, he suggested that her speech include more of her experiences in school. Ms. Lefler adapted her

speech accordingly. Mr. Loomis did not mention any issues with her expressing her religious viewpoint. He concluded with: “Remember, this is your words, your experiences. Also, keep it under 3 minutes.”

However, on May 24, 2021, Ms. Lefler received an email from you, the school’s principal, which reads:

Mr. Loomis shared your speech for graduation with me. I appreciate your desire to speak from the heart and share your beliefs and philosophies with others. Unfortunately, we are a public educational institution and must legally abide by the 1st Amendment of the US Constitution. Through past Supreme Court cases, rulings have stated that government institutions, including public schools, cannot favor one religion over any others. This would include honors speeches since it would be an official communication from the school.

Those are the perspectives from the legal side, I would also give the following advice from a more social perspective. We have a diverse student body and staff. It is one of the things I love about the John Glenn community. That diversity goes well beyond race and ethnicity, it certainly would include religious beliefs as well. We have students and staff who would identify as Jewish, Muslim, Buddhist, Hindi, Sikh, Jehovah's Witness, atheist, etc. We must be inclusive and respectful of their beliefs as well.

With this said, we do need to see a revision that sticks to a non-secular [sic] approach. I am not opposed to thanking God for the great honor bestowed upon you, but we cannot take the approach that is currently laid out in your speech. I look forward to what you will come up with to honor this outstanding community to which we all belong and to honor your accomplishments.

Needing clarification, Ms. Lefler called you to ask for further information. On the phone, you walked through the draft speech. You explained that the opening of the speech was acceptable because it talks about the teachers and the classroom. You next stated that the second part of the speech, which references Plato, Darwin, and other religions, was acceptable because it discusses different philosophies. The problem, you explained, was the next portion of the speech in which Ms. Lefler explains her personal belief that the purpose of life is to live a life devoted to Christ. You explained that this portion was “very Christianized” and needed to be changed in order to not offend people with other viewpoints.

Ms. Lefler then asked you specifically about the Department of Education Guidelines, which explain that when the speaker is selected on the basis of neutral criteria, such as being the valedictorian, a student’s “expression is not attributable to the school” and the school may not restrict its religious content.¹

In response, you said that you understood that she just wants to give her view of life and that you would check with your legal advisors. You later called Ms. Lefler’s parents to set up a time to meet with the school’s legal advisors, which is currently set for June 2.

¹ U.S. Department of Education Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, dated June 16, 2020, https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html (last accessed May 30, 2021).

Legal Analysis

Student graduation speeches constitute private speech, not government speech, and private speech is not subject to the Establishment Clause. Contrary to your assertion, Ms. Lefler's statements do not transform into government speech simply because they are delivered in a public school setting or channel. *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 830 (1995) (school may not refuse to fund student group's newspaper because of religious perspective); *Lamb's Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 394 (1993) (school may not bar a Christian group from showing a film on school premises because of film's religious perspective); *Bd. of Educ. of Westside Cmty. Sch. v. Mergens*, 496 U.S. 226, 250 (1990) (schools must allow private religious student groups on campus because "schools do not endorse everything they fail to censor"); *Adler v. Duval Cty. Sch. Bd.*, 250 F.3d 1330, 1331 (11th Cir. 2001) (neutral policy allowing student graduation speeches without censorship of religious content did not violate the Establishment Clause).

According to U.S. Department of Education Guidance:

Where students or other private graduation speakers are selected on the basis of genuinely content-neutral, evenhanded criteria and retain primary control over the content of their expression, however, that expression is not attributable to the school and therefore may not be restricted because of its religious (or anti-religious) content and may include prayer. By contrast, where school officials determine or substantially control the content of what is expressed, such speech is attributable to the school and may not include prayer or other specifically religious (or anti-religious) content. To avoid any mistaken perception that a school endorses student speech that is not in fact attributable to the school, school officials may make appropriate, neutral disclaimers to clarify that such speech (whether religious or nonreligious) is the speaker's and not the school's speech.²

Censoring private speech because of its religious viewpoint violates the First Amendment. As the Class Scholar, Ms. Lefler was selected based on neutral-criteria, and she was instructed to speak from her experiences using her words. It is unconstitutional viewpoint discrimination to permit student graduation speeches that discuss various philosophies or worldviews but prohibit a speech that focuses on the student's own worldview because it is religious.

John Glenn High School must comply with the law by allowing private student religious expression during graduation. By doing so, it will teach students that the government should treat religion neutrally. Any perceived danger in students seeing their classmates engaging in religious expression, including prayer, is no greater than the danger in students seeing religion banned from public view. *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 119 (2001) ("[W]e cannot say the danger that children would misperceive the endorsement of religion is any greater than the danger that they would perceive a hostility toward the religious viewpoint....").

Conclusion

Too often, we have seen well-meaning school officials thinking they are complying with the Establishment Clause mistakenly go too far and censor the private speech of students, violating students' rights under the Free Speech Clause.

² See *supra* note 1.

We request that you allow Ms. Lefler to express her private religious beliefs in her Honors Night speech. Please confirm that you agree to our request on or by Wednesday, June 2, 2021.

Sincerely,



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