



P.O. BOX 56157
NEW ORLEANS, LA 70156
P: 504-522-0628
F: 888-533-0911
mesman@laaclu.org

**MARJORIE R. ESMAN
EXECUTIVE DIRECTOR**

July 8, 2008

**BY FAX TO SCHOOL BOARD OFFICE
AND BY REGULAR MAIL**

Mr. Roosevelt Thomas
212 Cherbourg St.
Houma, LA 70363

Mr. Gregory Harding
215 Prince Collins St.
Houma, La 70364

Mr. Richard Jackson
607 Funderburk Avenue
Houma, LA 70364

Mr. Rickie Pitre
214 Bayou Gardens Drive
Houma, LA 70364

Mr. Clark Bonvillain
8608 Park Avenue
Houma, LA 70363

Mr. L.P. Bordelon, III
217 Tiger Tail Rd.
Houma, LA 70360

Mr. Roger Dale DeHart
1353 Dr. Beatrous Rd.
Theriot, LA 70397

Mr. Donald Duplantis
1132 Barrow Street
Houma, LA 70360

Mr. Hayes Badeaux, Jr.
P.O. Box 127 Country Dr.
Bourg, LA 70343

**OPEN LETTER CONCERNING TERREBONNE PARISH
PUBLIC SCHOOLS GRADUATION POLICY**

Gentlemen:

We have learned that the Terrebonne Parish School Board is considering the adoption of policies with respect to high school graduations, which might include policies mandating prayer and requiring the use of English only. This letter is to express our serious concerns with both of those policies and to urge you not to adopt any policy that will violate the U.S. Constitution, the Louisiana Constitution, or that will result in ethnic or racial profiling or discrimination.

With respect to prayer at graduations, the U.S. Supreme Court has ruled that school employees may not induce, endorse, assist, or promote prayer at graduation ceremonies. *Lee v. Weisman*, 112 S. Ct. 2649 (1992). The U.S. Court of Appeals for the Fifth Circuit, which includes Louisiana in its jurisdiction, has ruled that any prayer at graduation must be non-proselytizing, non-sectarian, and both student-initiated and student-led. *Jones v. Clear Creek Independent School District*, 977 F. 2d 963 (5th Cir. 1992). Under *Clear Creek*, it is permissible for a student to say a prayer in graduation ceremonies, only if the prayer occurs at the initiative of a student, and it must not be sanctioned by school administrators or teachers. However, even this has recently been called into question, by *Does 1-7 v. Round Rock Indep. Sch. Dist.*, 2007 WL 5029247 (W.D.Tex). Additionally, very recently, the U.S. District Court for the Eastern District of Louisiana agreed that the Tangipahoa Parish School Board violated the U.S.

Constitution when a teacher gave a prayer at a graduation ceremony. *John “P” v. Tangipahoa Parish School Board et al*, 2:07-cv-03142-SRD-ALC (June 10, 2008 Minute Entry).

The law is clear and settled that, in order to preserve the religious freedoms of all, schools may not promote or sanction religious exercises at graduations. We assume that the Terrebonne Parish School Board does not intend to violate these well-established principles and that you will ensure that school officials do not impose prayers at graduations.

With respect to the English-only proposal, we understand that the issue arose after two students of Vietnamese ancestry gave parts of their valedictory speeches in Vietnamese, to address their families. Article 12, Section 4 of the Louisiana Constitution provides as follows:

The right of the people to preserve, foster, and promote their respective historic linguistic and cultural origins is recognized.

The State of Louisiana has given specific protection to the promotion of linguistic origins, in part because of the linguistic heritage of this state. Any policy that would prohibit the recognition and promotion of linguistic heritage would violate the Louisiana Constitution.

In addition, we are concerned that a proposed “English only” policy might violate the United States Constitution. First, we are concerned that it violates the free speech rights of students who give graduation speeches. Second, it appears to be the result of ethnic or racial discrimination. Terrebonne Parish, with its heritage of Cajun French speakers and of Native Americans, has seen cultural and linguistic discrimination for decades. To address this issue now, in response to a few words in Vietnamese spoken by class valedictorians, appears to be directed against those Vietnamese students and their families, in violation of the principles of equal protection.

For all of these reasons, we urge you not to adopt any policies that would promote graduation prayers or that would interfere with the expression of linguistic and cultural heritage of the students of Terrebonne Parish.

Sincerely,

Marjorie R. Esman

cc: Ed Richard, Jr.