

High court says no to graduations in churches

by [Kimberly Winston](#) in the [July 9, 2014](#) issue

The U.S. Supreme Court has let stand a lower court ruling that a Wisconsin high school acted unconstitutionally when it held its graduation ceremonies in a local megachurch.

The case, *Elmbrook School District v. Doe*, involved a high school in a suburb of Milwaukee that rented the nondenominational Elmbrook Church for its graduation exercises multiple times through 2009. In 2012, the Chicago-based Seventh U.S. Circuit Court of Appeals called the event “offensive” and “coercive.” The church’s banners, pamphlets, Bibles, and other religious materials remained in the sanctuary during the graduation.

As is their custom, the justices did not give a reason for declining to hear a challenge to the Seventh Circuit ruling.

The decision June 16 may be a signal by the court that despite its approval of sectarian prayers at public meetings in the *Town of Greece v. Galloway* decision in May, it draws the line at exposing children to religious symbols when they have no choice about it.

Justices Antonin Scalia and Clarence Thomas dissented in the decision to let the lower court ruling stand. They argued in a seven-page opinion that the *Greece v. Galloway* decision undercut the Seventh Circuit decision in *Elmbrook*.

In the dissent, Scalia, a Catholic, likened the exposure of children to religious symbols at graduations to his own distaste for the public playing of “rock music or Stravinsky,” implying that he—and they—have to put up with it but are not damaged by it.

“It may well be . . . that the decision of the Elmbrook School District to hold graduations under a Latin cross in a Christian church was ‘unwise’ and ‘offensive,’” Scalia wrote. “But *Town of Greece* makes manifest that an establishment of religion it was not.”

Reaction from religious liberty groups was divided.

“Church buildings should not be treated like toxic warehouses simply because they normally house religious activities,” said David Cortman, senior counsel for Alliance Defending Freedom, a conservative Arizona-based Christian law firm that specializes in First Amendment cases. “We hope the Supreme Court will clearly affirm in a future case that government neutrality toward religion is not achieved by treating it like asbestos in the ceiling tiles of society.”

“No student should ever be forced to choose between missing their own graduation and attending that seminal event in a proselytizing environment inundated with religious icons and exhortations,” said Alex J. Luchenitser, associate legal director of Americans United for Separation of Church and State and the attorney who argued the case on behalf of the plaintiffs. “We are very pleased that the decision of the appeals court will stand.” —RNS

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