



March 16, 2021

***Via Email***

Mark Mosley  
Principal  
Bledsoe County High School  
877 S. Main Street  
Pikeville, TN 37367  
[mmosley@bledsoecountyschools.org](mailto:mmosley@bledsoecountyschools.org)

James Ellis  
Director of Schools  
Bledsoe County Schools  
478 Spring Street  
Pikeville, TN 37367  
[ellisj1@bledsoecountyschools.org](mailto:ellisj1@bledsoecountyschools.org)

Dear Mr. Mosley and Mr. Ellis,

I am writing on behalf of concerned American Humanist Association (AHA) members regarding a blatant constitutional violation occurring under the authority of your school and school district. Specifically, Bledsoe County High School (and undoubtedly other schools in your district) endorse official school prayers at graduation ceremonies. The program explicitly provides for the “Prayer.” The school district directs students and attendees to “remain standing” for the “Prayer.” The chosen student then delivers a prayer, which in the past has been overtly Christian (with references to “Jesus” and “Lord”). Students and attendees are also asked to remove their hats and “bow” their heads for the “Prayer.”<sup>1</sup>

This practice of blatant government-sponsored prayer emphatically violates the Establishment Clause pursuant to direct precedent—*Lee v. Weisman*, 505 U.S. 577 (1992); *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Engel v. Vitale*, 370 U.S. 421 (1962)—putting your school district and officials (in their *personal capacities*) at risk for serious legal repercussions. See *M.B. v. Rankin Cnty. Sch. Dist.*, No. 3:13cv241-CWR-FKB, 2015 U.S. Dist. LEXIS 117289, at \*23 (S.D. Miss. Jul. 10, 2015) (in a case litigated by the undersigned, the court held that a single prayer delivered at a school event violated the Establishment Clause and ordered the school district to pay \$7,500 in damages “to compensate her for the deprivation of her constitutional rights;” ordering the school district to pay an additional \$10,000 for every violation thereafter; awarding AHA \$57,367 in attorneys’ costs and fees); see also *Am. Humanist Assoc. v.*

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<sup>1</sup> This practice is documented in video recordings of the past three years’ graduation ceremonies.

*Greenville Cnty. Sch. Dist.*, No. 6:13-cv-2471-BHH (D. S.C. 2020) (awarding AHA \$456,242 in attorneys' fees and costs in graduation prayer case after several successful trips to the Fourth Circuit).

This courtesy letter demands that affirmative steps be taken immediately to rectify the constitutional violation, including written assurances to our office that the practice will not recur. If steps are not taken immediately, you should expect federal litigation.

The American Humanist Association (AHA) is a national nonprofit organization with tens of thousands of members across the country, including many in Tennessee. The mission of AHA's legal center is to protect the cornerstone of our democracy: the constitutional mandate of separation of church and state. We have litigated dozens of cases in federal courts from coast to coast, including in the U.S. Supreme Court. You should also be aware that our office recently filed a case seeking punitive damages against Oklahoma public school officials, *in their personal capacity*, for similarly violating the Establishment Clause. *Am. Humanist Assoc. v. Maryetta Pub. Schs.*, No. 6:20-cv-00383-JFH (E.D. Okl. Oct. 27, 2020).

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The Establishment Clause “commands a separation of church and state.” *Cutter v. Wilkinson*, 544 U.S. 709, 719 (2005). The Establishment Clause “absolutely prohibit[s] government-financed or government-sponsored indoctrination into the beliefs of a particular religious faith.” *Sch. Dist. v. Ball*, 473 U.S. 373, 385 (1985). The government must not “place its prestige, coercive authority, or resources behind a single religious faith or behind religious belief in general, compelling non-adherents to support the practices or proselytizing of favored religious organizations and conveying the message that those who do not contribute gladly are less than full members of the community.” *Tex. Monthly, Inc. v. Bullock*, 489 U.S. 1, 9 (1989).

The Supreme Court “has been particularly vigilant in monitoring compliance with the Establishment Clause in elementary and secondary schools,” *Edwards v. Aguillard*, 482 U.S. 578, 583-84 (1987), where “there are heightened concerns with protecting freedom of conscience from [even] subtle coercive pressure.” *Lee*, 505 U.S. at 592 (nondenominational prayer at graduation unconstitutional); *Santa Fe*, 530 U.S. at 303 (2000) (student-led, student-initiated prayers before high school football games unconstitutional). In “no activity of the State is it more vital to keep out divisive forces than in its schools, to avoid confusing, not to say fusing, what the Constitution sought to keep strictly apart.” *McCullum v. Bd. of Educ.*, 333 U.S. 203, 231 (1948).

To comport with the Establishment Clause, a challenged public-school activity must: (1) have a primary secular purpose; (2) not have the effect of advancing or endorsing religion; and (3) not foster excessive entanglement with religion. *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 222-23 (1963); *Waltz v. Tax Commission*, 397 U.S. 664, 669-70 (1970).<sup>2</sup> Public school action

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<sup>2</sup> These requirements were enshrined in *Lemon v. Kurtzman*, 403 U.S. 602, 612 (1971), later known as the “*Lemon* test.” But these requirements long predate *Lemon*. See *Schempp*, 374 U.S. at 222 (“[W]hat are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment” violates “the Constitution.”); *Torcaso v. Watkins*, 367 U.S. 488, 489-90 (1961) (invalidating law because “the purpose or effect” favored god-believers over atheists).

“violates the Establishment Clause if it fails to satisfy any of these prongs.” *Edwards*, 482 U.S. at 583.

In addition to this *Lemon* test, the Supreme Court in *Lee* formulated the separate “coercion test,” declaring “*at a minimum* the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise.” *Lee*, 505 U.S. at 587 (emphasis added); *see Santa Fe*, 530 U.S. at 291 (holding that student-initiated prayers before football games violate the Establishment Clause under *Lee* coercion test). Where, as here, government action violates the Establishment Clause under the coercion test, the courts bypass the three-part *Lemon* analysis.

No detailed analysis is necessary for a court to find your practice of sponsoring official graduation prayers unconstitutional. The practice is “inconsistent both with the purposes of the Establishment Clause and with the Establishment Clause itself.” *Engel v. Vitale*, 370 U.S. 421 433 (1962).<sup>3</sup> For instance, in our case against the Ocala, FL police department, in which we challenged the promotion of a community prayer vigil on the police department Facebook page, in ruling in our favor, the court found that the challenged activity

“lies so obviously at the very core of what the [Establishment Clause] prohibits that the unlawfulness of the conduct was readily apparent to [them], notwithstanding the lack of fact-specific law.” [citation omitted] . . . No factually particularized, pre-existing case law was necessary for it to be obvious to local government officials that organizing and promoting a Prayer Vigil would violate the Establishment Clause.

*Am. Humanist Ass'n v. City of Ocala*, 127 F. Supp. 3d 1265, 1284 (M.D. Fla. 2015). *See also Rojas v. City of Ocala*, 315 F. Supp. 3d 1256, 1278 (M.D. Fla. 2018).

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In *Lee v. Weismann*, the Supreme Court held that a public school’s inclusion of a single nonsectarian prayer in a graduation ceremony violated the Establishment Clause. 505 U.S. at 586. It was irrelevant that the event was voluntary and students were not required to say the prayer:

The undeniable fact is that the school district’s supervision and control of a high school graduation ceremony places public pressure, as well as peer pressure, on attending students to stand as a group or, at least, maintain respectful silence during the invocation and benediction. This pressure, though subtle and indirect, can be as real as any overt compulsion. *Lee*, 505 U.S. at 593.

A decade later, the Supreme Court in *Santa Fe* held that even *student-initiated*, student-led prayers at high school football games violated the Establishment Clause. *Santa Fe*, 530 U.S. at 310-12. The Court declared that even “if we regard every high school student’s decision to attend

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<sup>3</sup> *See, e.g., Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 294 (2000) (student prayers at football games); *Lee v. Weisman*, 505 U.S. 577, 580-83 (1992) (prayers at graduation ceremonies); *Wallace v. Jaffree*, 472 U.S. 38, 40-42 (1985) (moment of silence); *Stone v. Graham*, 449 U.S. 39 (1980) (posting of Ten Commandments on classroom walls); *Sch. Dist. of Abington v. Schempp*, 374 U.S. 203, 205 (1963) (daily scripture readings); *Engel v. Vitale*, 370 U.S. 421, 422-23 (1962) (school prayer).

a home football game as purely voluntary, we are nevertheless persuaded that the delivery of a pregame prayer has the improper effect of coercing those present.” *Id.*

Your practice is far more flagrantly unconstitutional than those struck down by the Supreme Court in *Lee* and *Santa Fe*. Whereas *Santa Fe* and *Lee* concerned more “subtle coercive pressure,” *Lee*, 505 U.S. at 592, you expressly instruct students to participate in Christian prayer.

Your practice is more akin to the one struck down in the 1960s. In the landmark *Engel v. Vitale* ruling, the Supreme Court held that the recital of a nondenominational prayer in public school violated the Establishment Clause, and this was so irrespective of the practice’s historical pedigree.<sup>4</sup> In the Supreme Court’s view, it was “an unfortunate fact of history that when some of the very groups which had most strenuously opposed the established Church of England found themselves sufficiently in control of colonial governments in this country to write their own prayers into law, they passed laws making their own religion the official religion of their respective colonies.” *Engel*, 370 U.S. at 427. The Court then concluded: “by using its public school system to encourage recitation of the Regents’ prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause.” *Id.* at 424.

You should be aware that we recently won our longstanding case against a South Carolina school district involving this exact issue. See *AHA v. Greenville Cnty. Sch. Dist.*, No. 6:13-cv-2471-BHH slip op. at 8-9 (D. S.C. 2019); *AHA v. Greenville Cnty. Sch. Dist.*, No. 6:13-cv-2471-BHH slip op. at 15 (D. S.C. 2017); *AHA v. Greenville Cnty. Sch. Dist.*, 108 F.Supp. 3d 355 (D. S.C. 2015), *vacated on other grounds (favorable to AHA)*, 652 Fed. Appx. 224 (4th Cir. 2016).

The “Court [found] that asking a captive audience to stand while a student delivers a prayer” blatantly unconstitutional, *Greenville*, No. 6:13-cv-2471-BHH slip op. at 15 (D. S.C. 2017), and had that aspect of the practice enjoined immediately. Before the AHA’s lawsuit (2013), the Greenville County School District maintained a practice of listing “prayer” on the graduation program with a “remain standing” instruction. *Greenville*, 108 F.Supp. 3d at 359-60. The practice was so obviously unconstitutional that even the defendant school district conceded the matter. *Id.* at 361. The court agreed that “pressure to stand participatorily at a graduation in prayer or other religious rite is inherently violative.” *Id.* at 364 n.6. See also *Greenville*, No. 6:13-cv-2471-BHH slip op. at 15 (D. S.C. 2017) (“[T]he programs . . . [still] ask the audience to stand for particular portions of the ceremonies, which the school district has captioned innocuously as a ‘welcome,’ ‘opening remarks,’ or ‘closing remarks,’ but which merely continue the school district’s . . . practice of including Christian prayers.”).

This letter serves as an official notice of unlawful activity and demands immediate action. We kindly ask that you notify us in writing within two weeks of receipt of this letter setting forth (1) the steps you will take to rectify the constitutional violation; and (2) additional assurances that litigation will not be necessary.

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<sup>4</sup> The New York Court of Appeals had upheld the prayer, noting that “[a] few seconds of prayer in the schools, acknowledging dependence on Almighty God, is consistent with our heritage of ‘securing’ the blessings of freedom which are recognized in both the Federal and State Constitutions as having emanated from Almighty God” and is “an integral part of our national heritage and tradition.” *Engel v. Vitale*, 10 N.Y.2d 174, 179 (1961).

Thank you for turning your attention to this matter.

Sincerely,  
Monica L. Miller  
Legal Director and Senior Counsel  
American Humanist Association

## Alma Mater

On the banks of old Sequatchie  
Flowing to the sea,  
Stands our dear old Alma Mater,  
Dear to you and me.

Onward, onward, ever upward,  
Let our motto be:  
Building for the present, future,  
And eternity.

In the years that lie before us,  
Filled with duties grand;  
May each student take his station,  
Answer his command.

Forward, forward, ever forward,  
Charging brave and strong;  
'Gainst the foes of education  
Till they join our throng.

Then as soldiers marching forward,  
Loyal, brave, and true;  
Climbing upward, ever upward,  
We'll wave the Gold and Blue.

Gold and Blue, Gold and Blue.  
We'll wave it to the sky.  
While we work for dear old Bledsoe,  
Bledsoe County High.

Mrs. W.M. Breeding

### Graduates Apparel

Silver Cords – Distinction  
Blue/Gold/White Cords – State Honors  
Gold Cords with Blue/Gold Tassel – BCHS Honors  
Red Cords – Donation of Blood (6 times)  
Red/Blue Cords – Donation of Blood (10 or more times)  
Gold Sashes – Beta Club  
Blue/White Cords – Students of Service  
Burgundy Cords – HOSA  
Blue & Corn Gold Cords - FFA

Graduation & Class Night Pictures: Lifetouch; [events.lifetouch.com](https://events.lifetouch.com)  
The graduation ceremony is being live streamed through YouTube.  
To view go to [youtube.com](https://youtube.com) and subscribe to Bledsoe County High School.

## COMMENCEMENT EXERCISES

Friday, June 26, 2020

8:00 P.M.

Processional.....(Please Stand)..... “Pomp and Circumstance”

- Prayer (remain standing)..... Elijah Reel
- National Anthem (remain standing)
- Pledge of Allegiance (remain standing)..... Ethan Lewis

Historian (Please be seated)..... Brady Haston

Salutatorian ..... Keoni Payne

Valedictorian..... Lauryn Simmons

Presentation of the Class of 2020.....Mark Mosley  
Principal

Awarding of Diplomas.....Jennifer Terry  
Director

“Alma Mater”.....(Please Stand).....Class of 2020 and Audience  
Directed by Senior Chorus Members  
Pre-Recorded

Recessional.....(Please Stand)..... “Ode to Joy”

### Senior Class Sponsors

Mrs. Joyce Cochell  
Dr. Julie Dimick  
Mr. Sam Duggins

Mr. Ryan Deakins  
Mrs. Kristen Dodson  
Mr. Michiel Palmer

### Graduation Committee

Mrs. Ethanie Cagle  
Mrs. Amy Evans  
Mr. Jason Reel

Mr. Ryan Deakins  
Mr. Derek Harvey  
Dr. Becky Ridley

\*\*\*Each senior received a check for \$72.95 in their graduation packets.  
These funds were distributed evenly to all seniors because of unused 2020  
Senior Class Funds.

Lauryn Raine Simmons\*  
Keoni Memphis Payne\*  
Brady Thomas Haston\*  
Thad Ronald Colvard\*  
Michaela Grace Dodson\*  
Kenzie Lanae Finkel\*  
Kaidence Reed Thoma\*s  
Erika Elise Hale\*  
Jessica Autumn Campbell\*  
Julian Lennon Reed\*  
Calvin Lee Angel  
Joshua Michael-Ryan Beavers  
Madison Nichole Saleen Beavers  
William Duane Beavers  
Kayla Marie Bedwell  
Tela Ann Benson  
Gabriel Logan Bice  
Caleb Ryan Blackstone  
Destiny Jade Bolin  
Brittany Lynn Bowman  
Tiffany Louise Bowman  
Erica Lorraine Brewer  
Jasmine Faith Brill  
Jeremiah Wesley Brill  
Jude Manford Brill  
Caleb Randall Hugh Brock  
Makayla Britany Sue Brock  
Trinity Sanae Brown  
Dylan James Cagle  
Tyler Lee Cagle  
Austin Doug Campbell  
Laura Caroline Campbell  
Chandler Bose Capps  
Katelyn Nicole Carroll  
Nakia Montez Cooper  
Jenna Renee Cox  
Destiny Shana Cunningham  
Cameron Jason Daniel  
Alex Walter Daschke  
Zachary Ray Davis  
Cheyenne Belle Deal  
Emily Hayden DeBord  
Grayson Lynn Paige Dishman  
Alyssa Ann Echternacht  
Olivia Danielle Farley  
Mylam James Fowler  
Riley Louis Fuls  
Selena Danielle Garcia  
Layla Rhea George  
Harley Jade Gifford  
Logan Brady Gordon  
Sarah Nicole Hale  
Richard Robert Hamby  
Christopher Breyer Hankins  
Kimberlee Grace Hankins  
Rickey Dakota Thomas Harvey  
Cassidy Denise Haston  
Heaven Bridget Henry  
Tristan Levi Herrera-Moore  
Michael Logan Holland  
Cody Mason Howard  
Jennifer Elizabeth Huff  
Isabell Grace Humble  
Dewey Anthony Johnson Gass  
Melea Ann Johnson  
Katlyn Elizabeth Kerr  
Dalton Lucas Landenberger  
Bailey Lyn Largin  
Cecil Gavin LeBlanc

Ethan Blaine Lewis  
Skylar Marie Lindsey  
Austin Allen Lively  
Samuel Levi Loyd  
Marlee Elizabeth Lucas  
Adam Dwayne Maddox  
Hayden Cain Madewell  
Abraham Maldonado-Sanchez  
Christopher Fred Maxwell  
Gabriel Lee McCloud  
Madison Faith McCloud  
Austin Tyler McDowell  
Morgan Della McMillen  
Gracyn Malin Measles  
Brittany Leah Miller  
Thomas Garrett Moffitt  
Gabriel Hunter Mooneyham  
Katherine Olivia Morgan  
Shana Lynn Nichols  
Alicia Jo Oreto  
Hannah Leigh Oxford  
Cooper Lee Pendergrass  
Trislynn Sierra Petty  
Melany Plata Sanchez  
Elijah James Reel  
Tyrell Duane Richardson  
Breanna Leanne Roberts  
Colby Brice Rogers  
Melanie Anne Rose  
Isaac Caleb Rothwell  
Sebastian Chase Rothwell  
Sidney Maddison Saunders  
Makenzie Rae Shannon  
Carlie Elisabeth Simmons  
Dakota James Simmons  
Alexander Brett Slaven  
Camden Bruce Smith  
Dawson Augustus Smith  
Katana Ariaahjade Braylee Smith  
Bailee Grace Stone  
River Gabe Swafford  
Theodore Jared Thurman  
Dillon Chase Tincher  
Wyatt Booten Tracht  
Bryson Cain Tucker  
Galindo Vasquez-Santiago  
Newton Mitchell Vaughn  
Trevor Lane Villagomez  
Madison Olivia Watson  
Brittany Jo White  
Melody Grace Whiteside  
Kyle Seth Wooden  
Jacob Wyatt Yeomans  
Thomas Duane Zollinger

\*Denotes top 10