

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 368 Session of
1990

INTRODUCED BY VROON, PITTS, CLYMER, E. Z. TAYLOR, PHILLIPS, LEH,
BIRMELIN, HERSHEY, JOHNSON, MORRIS, FREIND, FARGO, KOSINSKI,
NOYE, TIGUE, FOSTER, OLASZ, LAUGHLIN, GODSHALL, ROBINSON,
MRKONIC, FLEAGLE, BELFANTI, GEIST, HESS, MAIALE, SAURMAN,
WOZNIAK, D. F. CLARK, BARLEY, TRELLO, HALUSKA AND MELIO,
SEPTEMBER 26, 1990

REFERRED TO COMMITTEE ON RULES, SEPTEMBER 26, 1990

A RESOLUTION

1 Expressing concern about court-imposed bans upon expression of
2 religious thought and the mention of God at commencement
3 exercises.

4 WHEREAS, Many Pennsylvania public schools have a deeply
5 rooted and historic tradition of conducting commencement
6 ceremonies for graduating students that include speeches in
7 which student, school officials and other speakers occasionally
8 express religious thought and invoke the name of God and include
9 invocations and benedictions where clergy and other persons
10 offer prayer and invoke the name of God; and

11 WHEREAS, A few students and their parents, with the
12 assistance of the American Civil Liberties Union (ACLU), filed
13 lawsuits against school officials to prohibit invocations,
14 benedictions and ceremonies containing any religious traditions
15 at the commencement exercises for graduating seniors at the
16 Downingtown Area Senior High School and at the Owen J. Roberts

1 High School in Chester County, Pennsylvania; and

2 WHEREAS, These ACLU initiated lawsuits resulted in the
3 issuance of Federal court orders banning prayer and other
4 religious traditions and prohibiting any ceremony or speech
5 mentioning God at the commencement exercises for the graduating
6 students; and

7 WHEREAS, These rulings could become a precedent for a
8 systematic eradication of every trace of prayer and any mention
9 of God at the graduation ceremonies of every public school in
10 the Commonwealth; and

11 WHEREAS, Robert Eldredge, President of the Downingtown Area
12 School Board, offered a brief prayer thanking God during the
13 course of his speech at the commencement exercises and for
14 graduating Seniors at the Dowingtown Area Senior High School;
15 and

16 WHEREAS, The objecting students, through their ACLU
17 attorneys, took the position that the school board president's
18 personal religious thoughts, as expressed in his speech,
19 violated the Federal court order, and filed contempt of court
20 charges against Mr. Eldredge; and

21 WHEREAS, This clear attempt to punish a speaker offering a
22 brief prayer during a public school graduation ceremony has
23 chilling implications for future speakers at commencement
24 exercises throughout Pennsylvania, including valedictorians and
25 other student speakers who will risk a lawsuit filed by the ACLU
26 if they mention the name of God or express religious thought
27 during their presentations; and

28 WHEREAS, The United States Supreme Court, in Marsh v.
29 Chambers, has upheld the right of legislative assemblies to open
30 legislative days with prayers offered by chaplains paid for by

1 the State; and

2 WHEREAS, The Supreme Court has declared, in this legislative
3 context, that "the content of the prayer is not of concern to
4 judges where, as here, there is no indication that the prayer
5 opportunity has been exploited to proselytize or advance anyone,
6 or to disparage any other faith or belief" and that under such
7 circumstances it is not for the court "to embark on a sensitive
8 evaluation or to parse the content of a particular prayer"; and

9 WHEREAS, The practice of offering prayer and mentioning God
10 at public school graduation ceremonies is similar in purpose and
11 impact to the prayers offered at the beginning of the
12 proceedings of legislative, judicial and other deliberative
13 public bodies, including the House of Representatives of the
14 Commonwealth of Pennsylvania, which opens its daily session day
15 with a prayer offered by a member of the clergy; and

16 WHEREAS, A fundamental distinction exists between prayer in
17 connection with daily or routine school activities, which are
18 more strongly imbued with the authority of the State, and prayer
19 and the mention of God's name at special events such as
20 commencement exercises, which are similar in nature to numerous
21 other civil ceremonies, which are attended by the parents,
22 relatives and friends of students and which are voluntary;
23 therefore be it

24 RESOLVED, That it is the concern of the House of
25 Representatives that such sweeping court-imposed bans upon the
26 expression of religious thought and upon the mention of God by
27 commencement speakers during graduation ceremonies may
28 inappropriately limit the free speech clause of the First
29 Amendment in order to inappropriately expand the establishment
30 clause of the First Amendment and may serve to create a

1 troublesome entanglement between free speech and religion; and
2 be it further

3 RESOLVED, That it is the view of the House of Representatives
4 that reasonable prayer and the mention of God at commencement
5 exercises are legitimate and appropriate parts of a ceremony
6 commemorating an important event, as long as religious thoughts
7 are not exploited to proselytize or to advance anyone or to
8 disparage any other faith or belief; and be it further

9 RESOLVED, That it is the view of the House of Representatives
10 that an issue of such fundamental importance deserves to be
11 carefully reviewed through a full hearing and appeal process.