



May 26, 2021

Principal Amy Goldsmith
Hillsdale High School
30 S. Norwood Avenue
Hillsdale, MI 49242
Email: [REDACTED]

Re: Unconstitutional Censorship of Religious Speech

To Principal Goldsmith:

First Liberty Institute is the largest legal organization in the nation dedicated exclusively to defending religious liberty for all Americans. We represent Elizabeth Turner, a senior at Hillsdale High School and a valedictorian in the upcoming graduation ceremony on June 6, 2021. This letter concerns your recent attempt to censor the religious expression in Ms. Turner's graduation speech. Please direct all communication regarding this matter to us.

Factual Background

Ms. Turner is one of the valedictorians speaking at graduation for Hillsdale High School on June 6, 2021. You are currently reviewing the speeches of these students via Google docs and leaving various comments, discriminating between viewpoints expressed in the students' speeches. For example, Ms. Turner wrote in one section of her speech:

For me, my future hope is found in my relationship with Christ. By trusting in him and choosing to live a life dedicated to bringing his kingdom glory, I can be confident that I am living a life with purpose and meaning. My identity is found by what God says and who I want to become is laid out in scripture.

Whether we want to admit it or not, not one of us can be certain of how our lives will unfold, but we do know that trials will come. The reality of this is that we face an unpredictable future, and while we are making all these plans to prepare, ultimately none of us are promised tomorrow, making it all the more important to make today count.

On May 24, 2021, you highlighted these two paragraphs and commented:

This is better and you fixed the language, but you are representing the school in the speech, not using the podium as your public forum. We need to be mindful about the inclusion of religious aspects. These are your strong beliefs, but they are not appropriate for a speech in a school public setting. I know this will frustrate you, but we have to be mindful of it.

See Exhibit A. Your previous remarks criticized Ms. Turner mentioning anything associated with death and living a meaningful life, commenting that "a commencement ceremony is literally about new beginnings, not endings." The above paragraph is Ms. Turner's modified version.

After receiving the comments, Ms. Turner wrote an email to you stating in part, “I read your comments and unfortunately I don't think I would be able to deliver a genuine speech under those circumstances.” She expressed that she wants to call people to a life of “purpose and meaning and a call to action to live a life well.” You responded in part, “While there is a degree of freedom to the content of your speech, there are also considerations of what the content and message should be at a commencement celebration and it’s [sic] appropriateness for the audience.” See Exhibit B.

That day, during a conversation between you and Ms. Turner, Ms. Turner expressed confusion by your comments about sharing her faith because she believed she had the legal right to do so. You told her that as a valedictorian, she would speak on behalf of the school and the school could not make religious statements.

Even though final drafts of the speech are due on May 28, you wrote Ms. Turner several messages on Google docs asking her to finish editing the speech and continuing to comment on the religious nature of her language. See Exhibit C.

Legal Analysis

Student graduation speeches constitute private speech, not government speech, and private speech is not subject to the Establishment Clause. Contrary to your statements that religious sentiments are “not appropriate for a speech in a school public setting,” Ms. Turner’s statements do not transform into government speech simply because they are delivered in a public setting or to a public audience. *Bd. of Educ. v. Mergens*, 496 U.S. 226, 249-50 (1990). 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.¹

Hillsdale 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....”). Given your edits to Ms. Turner’s speech and your statements to her during your phone call, you are violating federal law which permits private religious speech at school events.

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 25, 2021).

Conclusion

Too often, we have seen well-meaning school officials who think 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 and Free Exercise Clauses.

We request that you allow Elizabeth Turner to express her private religious beliefs at the graduation ceremony on June 6, 2021. Please confirm that you agree to our request by Friday, May 28, 2021 at 5PM.

Sincerely,



Mike Berry, General Counsel
Keisha Russell, Counsel
First Liberty Institute
2001 W. Plano Parkway
Suite 1600
Plano, TX 75075
Tel. (972) 941-4451
[REDACTED]

EXHIBIT A

we have and fighting for what's right.

Now we stand at a crossroads in which our paths diverge, one thing we all have in common is both the excitement and anticipation of what is yet to come. In this state, we must ask ourselves, what do I want my life to look like? Who do I want to become?

For me, my future hope is found in my relationship with Christ. By trusting in him and choosing to live a life dedicated to bringing his kingdom glory, I can be confident that I am living a life with purpose and meaning. My identity is found by what God says and who I want to become is laid out in scripture.

Whether we want to admit it or not, not one of us can be certain of how our lives will unfold, but we do know that trials will come. The reality of this is that we face an unpredictable future, and while we are making all these plans to prepare, ultimately none of us are promised tomorrow, making it all the more important to make today count.

A valued author of mine Elisabeth Elliot once said this: There is nothing worth living for unless it's worth dying for"

We have one life to live, so make it a good one.

Though we are going our separate ways, I hope that we all share this similar goal: to live a life that matters. This should be a foundation as we build our lives. Living a life with purpose can bring fulfillment, and we should strive for it.

We have been waiting for this day since we were freshman, and now we get to step into the future together.

 **Amy Goldsmith**
1:59 PM Today ✓

This is better and you fixed the language, but you are representing the school in the speech, not using the podium as your public forum. We need to be mindful about the inclusion of religious aspects. These are your strong beliefs, but they are not appropriate for a speech in a school public setting. I know this will frustrate you, but we have to be mindful of it. Also, John needs to work on his closing remarks so I need to share this with him today.

[Show less](#)

EXHIBIT B

Subject: Fw: Valedictorian Speech

Date: Monday, May 24, 2021 at 2:09:16 PM Central Daylight Time

From: Dave Turner

To: Keisha Russell

David Turner

Lead Pastor

Hillsdale Free Methodist Church

150 Union Street

Hillsdale, MI 49242

www.hillsdalefmc.net

From: Elizabeth Turner [REDACTED] >

Sent: Monday, May 24, 2021 3:02 PM

To: David Turner [REDACTED] >

Subject: Fwd: Valedictorian Speech

----- Forwarded message -----

From: Amy Goldsmith [REDACTED] >

Date: Mon, May 24, 2021 at 12:28 PM

Subject: Re: Valedictorian Speech

To: Elizabeth Turner [REDACTED] >

Hello Elizabeth,

I think one can call for a life of purpose without overtly using the words death and tragedy. While there is a degree of freedom to the content of your speech, there are also considerations of what the content and message should be at a commencement celebration and it's appropriateness for the audience. When crafting a speech it is important to consider purpose and audience. Your speech has a good thesis, it's the connotations of the words that you can avoid. Mrs. Goldsmith

On Mon, May 24, 2021 at 11:51 AM Elizabeth Turner [REDACTED] > wrote:

Hello Mrs. Goldsmith,

I hope you are well! I read your comments and unfortunately I don't think I would be able to deliver a genuine speech under those circumstances. I don't agree that we should avoid the topic of tragedy and death because that is a part of everyone's future. I understand what you are saying but for me, this is a time for my peers and I to evaluate our lives and to choose how we want to live since we're not promised tomorrow and I don't want to write a speech that won't be meaningful just to check off the box. I believe it is celebratory to call people to a life of purpose and meaning and a call to action to live a life well.

For me, my personal future relies on my faith and I also want the freedom to be able to address that in my speech if the opportunity arises.

I appreciate your time, have a great day!

Regards,

| Elizabeth Turner

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Amy Goldsmith
Principal
Hillsdale High School
Horizon Alternative School

EXHIBIT C



Among this time of celebration, I believe it is important to remember that we are finite creatures, because in doing so it can motivate us to seize



Amy Goldsmith

Hi Elizabeth, what did you decide about presenting the speech?



Elizabeth Turner

Hello Mrs. Goldsmith,

I am planning on presenting the speech.

Regards,
Elizabeth Turner



Amy Goldsmith

You have added more content of a religious and focus on death nature so this was not clear to me, thank you. Can we finish the editing today do you think? Karis, I see you are logged on, are you helping contribute?



Amy Goldsmith New

Can you cut this down to just the actual speech, I think I am seeing more than what your draft actually is?



Reply

Reply [Resolve](#) [Open](#)