

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF CONNECTICUT**

DOES 1, 2, 3, 4, and 5,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No.
)	
ENFIELD PUBLIC SCHOOLS,)	Date: May 4, 2010
)	
<i>Defendant.</i>)	
)	

COMPLAINT

Introduction

Symbolism is a primitive but effective way of communicating ideas. . . .
The church speaks through the Cross, the Crucifix, the altar and shrine.

—*Board of Education v. Barnett*, 319 U.S. 624, 632 (1943).

1. On January 26, 2010, the Enfield Board of Education voted to hold the 2010 Enfield Public Schools’ high-school graduations on school property. But after months of aggressive lobbying by a religious organization, the Board voted on April 13, 2010, to instead hold the graduations at the First Cathedral, a Christian church. There, Enfield seniors are to receive their diplomas underneath a large Christian cross and banners reading “Jesus Christ is Lord” and “I am GOD.” Virtually every aspect of the Cathedral’s architecture has inherent religious symbolism and is a reflection of the “one true mission of the church: to win souls to Jesus Christ.”

2. Holding a public-school graduation in such a religious environment violates the Establishment Clause of the First Amendment to the U.S. Constitution: the location coerces

students and parents to receive the overwhelming religious message of the Cathedral as the price of attending a seminal event in their lives; communicates a message of governmental favoritism of the Christian religion; entails the use of public funds to support religion-infused graduations; and excessively entangles the Schools with a religious institution. The practice also violates Article Seventh of the Connecticut Constitution, which provides that “no person shall by law be compelled to . . . support, nor be . . . associated with, any congregation, church or religious association.”

3. The plaintiffs are two Enfield High School seniors and three of their parents. The plaintiff students do not subscribe to the Christian religion, and they would be deeply uncomfortable attending graduation in the Cathedral’s religious environment. They accordingly seek injunctive and declaratory relief, including a preliminary injunction, to prevent their graduations from occurring at the Cathedral.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1343, and 1367.

5. The Court has the authority to grant declaratory relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

6. Venue is proper in this Court under 28 U.S.C. § 1391(b), as the plaintiffs and the defendant reside or are situated within this district, and the graduations at issue take place within this district.

Parties

Plaintiffs

7. All of the plaintiffs live in Enfield, Connecticut. Plaintiffs Doe 1 and Doe 3 are senior students who will graduate this June from Enfield High School. Plaintiffs Doe 2, Doe 4, and Doe 5 are parents of Does 1 and 3 and also pay local taxes that support the Enfield Schools.

8. The plaintiffs bring this action under pseudonyms to protect themselves and, where applicable, their children, from social ostracism, economic injury, governmental retaliation, and even physical harm. Plaintiffs who bring Establishment Clause challenges to religious activities in public schools routinely face such risks, and the plaintiffs here anticipate that they would face one or more of these dangers if their identities were made public.

Defendant

9. The Town of Enfield is located in Hartford County, eighteen miles north of Hartford, Connecticut and eight miles south of Springfield, Massachusetts.

10. Defendant Enfield Public Schools (“the Enfield Schools” or “the Schools”) is a municipal corporate body that maintains control of all public schools within the limits of the Town of Enfield. Conn. Gen. Stat. §§ 10-240, 10-241.

11. The Enfield Schools have, among other powers, the power to sue and be sued, and the power to levy taxes. Conn. Gen. Stat. § 10-241.

12. The Enfield Board of Education (“the Board”) is an elected body that has final policy-making authority and control over the Enfield Schools. Conn. Gen. Stat. § 10-240.

13. The Enfield Schools have two high-schools: Enfield High School (“Enfield High”) and Enrico Fermi High School (“Enrico Fermi”).

14. Enfield High's 2010 senior class has approximately 214 students, while Enrico Fermi's has approximately 267 students.

15. The majority of the students in the Enfield Schools are Christians.

General Allegations

Graduations at First Cathedral

16. Enrico Fermi held its graduation ceremonies at the First Cathedral ("the Cathedral") in 2007, 2008, and 2009. Enfield High did so in 2008 and 2009. Both schools plan to hold their graduations at the Cathedral in 2010.

17. The Cathedral is a Christian church in Bloomfield, Connecticut.

18. The Cathedral is also known as the First Baptist Church of Hartford.

The Cathedral's facade and lobby

19. Five large Christian crosses appear in the front facade of the Cathedral.

20. Another cross towers over the Cathedral's roof.

21. When graduating students and their guests arrive for graduation ceremonies, they must stand outside the Cathedral for a while before the building's doors are opened.

22. From the outside of the Cathedral, students and guests can see into the Cathedral's gift shop, which contains an assortment of Christian paraphernalia.

23. To enter the Cathedral for graduation ceremonies, students and their family members pass underneath the large cross in the middle of the Cathedral's facade.

24. Students and family members then pass through the Cathedral's lobby.

25. Some students and family members also gather in the lobby before and/or after the graduation ceremonies.

26. The large cross in the middle of the Cathedral's facade contains a stained-glass depiction — which can be seen both from the outside of the building and from the inside of the lobby — of worshipers looking to the heavens and beams of light cascading onto them.

27. In the lobby, there is a fountain in the shape of a cross surrounded by a frame in the shape of a tomb.

28. Together, this fountain and frame represent the life after death of Jesus Christ.

29. From the ceiling of the lobby hangs a large glass sculpture, representing the Holy Ghost descending from the heavens.

30. Numerous religious paintings, including depictions of Jesus, hang in the lobby.

31. Also hanging in the lobby, near the entrance to the Cathedral's sanctuary, are large banners reading: "The Promise is Still Good! For no matter how many promises God has made, they are 'yes' in Christ. –2 Cor. 1:20a"; and "Enter into His gates with thanksgiving, and into His courts with praise. Be thankful to Him, and bless his Name. Psalms 100:4."

32. Students and their family members pass underneath these banners to enter the Cathedral's sanctuary.

The Cathedral's sanctuary and the graduation ceremonies

33. The graduation ceremonies take place in the Cathedral's sanctuary.

34. In a decorative window at the front of the sanctuary, there is a large Latin cross.

35. The cross is approximately twenty-five feet tall and approximately ten feet wide.

36. The cross is a symbol of the Christian faith of the members of the Cathedral.

37. The decorative window with the cross contains stained glass with religious imagery.

38. The decorative window does not lead directly to the outside of the Cathedral.

39. The cross and the window can be illuminated by lights located behind the window's glass.

40. To the left of the cross hangs a long banner that states, in large print, "Jesus Christ is Lord," and in slightly smaller print:

Savior
Redeemer
Deliverer
Truth
Good Shepherd
Great High Priest
Head of the Church
Bread of Life
Lamb of God
King of Kings
Lord of Lords
Prince of Peace

41. To the right of the cross hangs another long banner that states, in large print, "I am GOD," and in slightly smaller print:

Jehovah Shammath
"The Lord is Here"
Jehovah Nissi
"Our Banner"
Jehovah Rapha
"Our Healer"
Jehovah Tsidkenu
"Our Righteousness"
Jehovah Yireh
"Our Provider"
Jehovah Shalom
"Our Peace"
Jehovah Tsabbaoth
"The Lord of Hosts"

42. Each of these two banners is approximately twenty-five feet long.

43. The cross and the “Jesus Christ is Lord” and “I am GOD” banners are above a seating area at the front of the sanctuary where graduating students sit or stand during most of each graduation ceremony.
44. The cross and the two banners are above the stage upon which the principal events at the graduation ceremonies take place.
45. Speakers — including Enfield Schools officials and students — stand at a podium on this stage to deliver their remarks.
46. Some Enfield Schools officials sit on this stage during the ceremonies.
47. Graduates receive their diploma folders on this stage.
48. A table that is on this stage and that is covered by a school banner holds the diploma folders before they are handed out to students.
49. The diplomas themselves are not in the folders that graduating students receive on stage; instead, graduating students collect their diplomas elsewhere in the Cathedral after the ceremonies are over.
50. The graduation ceremonies are overseen and conducted by Enfield Schools officials.
51. The cross and the “Jesus Christ is Lord” and “I am GOD” banners are in the lines of sight of parents and family members who are watching events upon the stage.
52. Each of these two banners has a jumbo television screen next to it.
53. Speakers and events at the graduation ceremonies are shown live on the two jumbo screens during the ceremonies.
54. As students and their guests wait for the ceremonies to start, on the two jumbo

television screens next to each of the banners, as well as on numerous other large video screens throughout the sanctuary, a message periodically flashes:

WELCOME TO THE
The First Cathedral
A CHURCH FOR ALL PEOPLE

THIS IS GOD'S HOUSE WHERE **JESUS CHRIST** IS LORD

(emphasis in original).

55. On a carpet near the front of the sanctuary, there are seven images that symbolize seven different aspects of Jesus, as described in parables from the Bible: a fire, a fish, a lion, a shepherd's crook, a lamb, a lily, and the chalice.

56. Near the beginning and end of the ceremonies, some students walk over these images on their way to or from their seats.

57. Students stand near these images when they are presented with honors or awards.

58. Students assemble near these images at the end of the ceremonies.

59. The graduation ceremonies generally last between ninety minutes and two hours.

60. Prior to each graduation ceremony, one of the Cathedral's ministers instructs graduating seniors that, because the Cathedral is a solemn and dignified venue, the seniors should not engage in behavior such as throwing beach balls, silly string, or mortarboards up in the air.

Other religious aspects of the Cathedral

61. Aside from the obvious religious messages and symbols, virtually every aspect of the Cathedral's architecture has religious significance.

62. The Cathedral itself is built in the shape of a dove, representing the baptism of

Jesus.

63. The lower level of the Cathedral represents the earth, while the middle level represents heaven.

64. Thus, students and parents who sit in the lower level of the Cathedral's sanctuary sit on "earth," while those in the balcony level sit in "heaven."

65. The highest level of the building — the Cathedral's cupola — represents the throne room of heaven, where God is.

The Cathedral's mission and goals

66. The Cathedral has in excess of 11,000 members.

67. According to the Cathedral's website, the "one true mission of the church" is "to win souls to Jesus Christ."

68. The Cathedral's website states, "The more disciples we make here at The First Cathedral, the stronger and greater we build the Kingdom of God."

69. The website further states that the Cathedral's "Vision" is "To win souls, make disciples and create A Church For All People so that everyone will experience God's love."

70. A more detailed vision statement, set forth in the Cathedral's Member's Handbook, includes: "our vision is for a church . . . [w]here enthusiastic young people are encouraged, equipped and challenged to seek first the Kingdom of God and are guided in discipleship, just as the young men that Jesus called on the shores of Galilee."

71. On a webpage aimed at youths, the Cathedral states:

[W]e're here to assist you to achieve the AWESOME plan God has for you! So, learning about Jesus and His Bible isn't boring at all. It's an incredible journey!

In fact, it's a great adventure you can start right away! Would you like to discover how

you can open your heart, life and soul to a God who loves you A LOT? Would you like to have a energy and power like a fire burning bright in your heart!

Then you've come to the right place!

72. Children of high-school age, middle-school age, and elementary-school age all attend graduation ceremonies at the Cathedral as guests of graduating seniors.

73. The "Jesus Christ is Lord" and "I am GOD" banners that hang in the front of the Cathedral's sanctuary can be covered or removed.

74. On January 17, 2007, several school districts that were then using the Cathedral for graduations jointly asked the Cathedral to cover or remove the banners for graduation ceremonies.

75. However, the banners have not been covered or removed for any graduation ceremony that has been held at the Cathedral.

76. Likewise, none of the other religious items described above has been covered or removed for any graduation ceremony that has been held at the Cathedral.

Use of Property Taxes to Pay for Church Graduations

77. For each graduation ceremony held at the Cathedral, the Enfield Schools have paid rental fees to the Cathedral.

78. These fees have ranged from \$6,500 to \$8,200 per high school in the past.

79. The Cathedral's fees for the 2010 graduations will be \$8,200 per high school.

80. The Cathedral's fees are paid with funds obtained primarily from local property taxes, including real-estate taxes and motor-vehicle taxes.

81. Local real-estate taxes provide approximately 54.8 percent of the Enfield Schools' revenues, and local motor-vehicle taxes provide approximately 4.9 percent.

82. The Cathedral's rental contracts contain no restrictions on how the Cathedral can use the rental fees it receives.

83. As a non-profit house of worship, the Cathedral must pay taxes on any income it receives that is unrelated to its mission. I.R.C. § 512(a)(1).

84. In response to a media inquiry relating to whether the Cathedral pays taxes on the rental fees it receives for high-school graduations, a Cathedral official stated that rental of the Cathedral's sanctuary — like everything else the Cathedral does — relates to the Cathedral's mission.

History of Graduations at the Cathedral

Inception of the church graduations and objections to them

85. The Enfield Schools are one of five Hartford-area school districts that have held graduations at the Cathedral during some years in the past decade.

86. Windsor High School held its graduations at the Cathedral from 2001 through 2007 and in 2009; South Windsor High School did so from 2006 through 2009; East Hartford High School did so in 2009; and the Metropolitan Learning Center — a magnet school run by the Capitol Region Education Council — did so from 2007 through 2009.

87. Prior to the year 2007 in the case of Enrico Fermi and the year 2008 in the case of Enfield High, the schools' high-school graduations had been held on the schools' athletic fields for decades.

88. Enrico Fermi needed to find a temporary alternative site for its 2007 graduation because of a construction project on the school's athletic fields.

89. In November 2006, the Board voted to have the 2007 Enrico Fermi graduation at

the Cathedral.

90. Prior to this vote, a member of a graduation-site advisory committee represented to the Board that religious items at the Cathedral would be covered or removed for the graduation, but this was not in fact done for any graduation at the Cathedral.

91. On December 11, 2006, the ACLU of Connecticut, one of the counsel for the plaintiffs, sent a letter to the Enfield Schools (as well as similar letters to other school districts that were then holding graduations at the Cathedral) informing the Schools that it is unconstitutional to have graduation ceremonies at the Cathedral and asking the Schools to move Enrico Fermi's graduation to a secular location.

92. The Board nevertheless approved a contract with the Cathedral to hold Enrico Fermi's 2007 graduation there.

93. On January 22, 2008, the Board voted to hold Enrico Fermi's 2008 graduation at the Cathedral, even though construction on Enrico Fermi's athletic fields had been completed.

94. During the 2007-2008 school-year, it was Enfield High's turn to have construction on its athletic fields, so Enfield High needed to find a temporary alternative site for its 2008 graduation.

95. A survey of Enfield High seniors found that 103 seniors favored holding the graduation on the school's front lawn, and 33 favored having graduation at the Cathedral.

96. Nevertheless, on March 11, 2008, the Board voted to hold Enfield High's 2008 graduation at the Cathedral.

97. On October 14, 2008, even though the work on the athletic fields had now been completed at both high schools, the Board voted to have the 2009 graduations of both Enfield

High and Enrico Fermi at the Cathedral.

98. One of the Board members who then favored having graduations at the Cathedral stated at a Board meeting that having the graduations at the religious venue sends students the message that graduations are to be a serious and solemn occasion.

99. Subsequently, members of the Class of 2009 at both high schools were polled about whether they preferred to hold their graduations at the Cathedral or at their schools; Enfield High seniors voted 130 to 14 against holding graduations at the Cathedral, while Enrico Fermi seniors voted 178 to 62 in favor of the Cathedral.

100. On May 12, 2009, Americans United for Separation of Church and State, one of the counsel for the plaintiffs, sent a letter to the Enfield Schools informing them that holding graduations at the Cathedral is unconstitutional and asking that the Schools end the practice.

101. The Board did not reconsider its decision for either high school's 2009 graduation.

102. On November 18, 2009, Americans United, the ACLU of Connecticut, and the ACLU Program on Freedom of Religion and Belief — together, the counsel for the plaintiffs — sent a joint letter to the Enfield Schools advising the Schools that the three organizations had been retained to file litigation against the Schools if they did not agree to stop holding graduations at the Cathedral.

103. On October 22 and November 4, 2009, the plaintiffs' counsel had also sent Freedom of Information Act requests to the Enfield Schools, as well as the other four school districts that had been holding graduations at the Cathedral, relating to the practice.

104. Between December 2009 and February 2010, the other four school districts that

had been holding graduations at the Cathedral decided to stop doing so.

105. On December 2, 2009, counsel for the Enfield Schools informed counsel for the plaintiffs that the Board had not yet made any decision as to where to hold Enfield High's and Enrico Fermi's 2010 graduations, and that the Board had not made a reservation with the Cathedral, had not made a deposit with the Cathedral, and had not entered into a contract with the Cathedral.

106. On January 26, 2010, the Board voted 6 to 3 to hold Enfield High's and Enrico Fermi's 2010 graduations at the schools.

A religious group successfully lobbies the Board to return graduations to the Cathedral

107. The Family Institute of Connecticut then commenced an intensive lobbying effort to convince the Board to return graduations to the Cathedral.

108. The Family Institute is a socially conservative religious organization that advocates for "traditional Judeo-Christian family values"; seeks to see "Judeo-Christian principles . . . re-employed in our society and its public policy"; seeks to create "[a] society committed to helping family, church, synagogue and community meet the needs of its members without undue dependence upon government"; and states that it is "the one group leading the fight for the religious liberty of ALL Connecticut's churches."

109. The Family Institute brought First Cathedral Archbishop LeRoy Bailey, Board Chair Greg Stokes, and the American Center for Law and Justice ("ACLJ") into contact with each other.

110. Mr. Stokes was elected to the Board in 2007, and was elected Chair of the Board on November 17, 2009.

111. Mr. Stokes is a minister who serves as Pastor of Cornerstone Bible Church in East Windsor, Connecticut.

112. In a January 14, 2008 blog entry, Mr. Stokes wrote, “[m]y first love and responsibility is the fast growing congregation of Cornerstone Church,” and “[m]y second responsibility is to the Enfield Board of Education.”

113. On June 22, 2009, in a blog entry directed at graduating seniors, Mr. Stokes wrote:

[K]eep God in your life. We are physical, emotional, and intellectual beings. However, we are also spiritual beings and in my opinion that is the most important part of our existence. Many of you were brought to church as children and teens.

Now it is time for you to get involved in your faith and help to keep the church of your choice healthy and strong. You will find that prayer is the key to a successful life. In good times or in bad, prayer is the component that will strengthen your daily life.

114. The ACLJ is a socially conservative non-profit legal organization that, according to its website, “has ‘led the way’ in Christian legal advocacy.”

115. The ACLJ and the Family Institute assured Board Chair Stokes that the ACLJ would represent the Enfield Schools *pro bono* if the Schools would agree to move their graduations back to the Cathedral.

116. On February 23, 2010, the Board voted to rescind its decision to hold graduations at the schools, but did not choose another location.

117. In e-mails, the Family Institute told its members that if they could not convince the Board to return graduations to the Cathedral, “it will increase the power of aggressive secularism and cause further harm to the proper role of faith communities in our state”; that “the secular left wants to punish Christian churches for their prophetic voice”; and that “[t]he battle

over graduations is simply the newest front in a war to silence and marginalize churches.”

118. On the day of the Board’s March 23, 2010 meeting, three dozen members of the Family Institute personally called all nine members of the Board to lobby on behalf of returning the graduations to the Cathedral.

119. At the March 23 Board meeting, the executive director of the Family Institute called on the Board to hold the graduations at the Cathedral to “stand up for religious rights.”

120. The Board did not make a decision on a graduation site at the March 23 meeting because the time allotted for the meeting expired before the Board could vote on the matter.

121. Between that meeting and the Board’s meeting of Tuesday, April 13, 2010, the Family Institute’s executive director met with several Board members to lobby them personally to return graduations to the Cathedral.

122. According to its blog, the Family Institute “secured the votes necessary to return graduations to First Cathedral, but did not reveal it publicly until Tuesday[, April 13, 2010] — when it was too late for our opponents to respond.”

123. On April 13, 2010, the Board voted 6 to 3 to hold Enfield High’s and Enrico Fermi’s 2010 graduations at the Cathedral.

124. After the vote was taken, the Family Institute publicly proclaimed that the graduations would not have been returned to the Cathedral but for the Family Institute’s efforts, and thanked “Chairman Greg Stokes, whose steady support made [the April 13] victory possible.”

125. The controversy over the selection of a graduation site has caused great divisiveness among Enfield High and Enrico Fermi students and parents.

126. Enfield High's graduation is scheduled for June 23, 2010, and Enrico Fermi's for June 24, 2010.

Alternative Locations for the Graduations

127. The Board has chosen to hold graduations at the Cathedral despite being aware of numerous secular sites in and near Enfield that could host the graduations.

128. The secular sites include: the high-schools' sports fields; the Enfield Town Green; Big E Coliseum in West Springfield, Massachusetts; Bushnell Center for the Performing Arts in Hartford; Chase Arena at the University of Hartford; Comcast Theatre in Hartford; Connecticut Convention Center in Hartford; La Renaissance in East Windsor; MassMutual Center Arena in Springfield, Massachusetts; Symphony Hall in Springfield; Welte Auditorium at Central Connecticut State University in New Britain; and XL Center in Hartford.

129. A number of these sites compare favorably to the Cathedral in terms of cost, size, and/or distance from the two high schools.

130. As noted above, the Cathedral's rental fee for 2010 will be \$16,400 total (for both graduations).

131. The seating capacity of the Cathedral's sanctuary is approximately 3,000.

132. The Cathedral is approximately 16 miles and a 13-minute drive from Enfield High and approximately 24 miles and an 18-minute drive from Enrico Fermi.

The MassMutual Center

133. The MassMutual Center can host the graduations for \$16,700 total (for both graduations) if the graduations are held on the same day or \$20,400 total (for both graduations) if the graduations are held on two separate days.

134. The MassMutual Center has a seating capacity of at least 6,650.

135. The MassMutual Center is approximately 10 miles and a 12-minute drive from Enfield High and approximately 11 miles and a 17-minute drive from Enrico Fermi.

136. Windsor High School held its 2008 graduation at the MassMutual Center, finding the facility to be “spacious, bright, and pleasant” and “more than adequate.”

137. At a January 12, 2010 Board meeting, Board member Peter Jonaitis, who was then responsible for gathering information about potential sites, stated about the MassMutual Center, “everything is there,” noting the Center’s large seating capacity, reasonable price, availability of plenty of parking, and jumbotron video screen.

Symphony Hall

138. Symphony Hall can host the graduations for \$8,500 total (for both graduations) if the graduations are held on the same day or \$11,300 total (for both graduations) if the graduations are held on two separate days.

139. Symphony Hall has a seating capacity of approximately 2,600.

140. In a report on potential graduation sites to the Board, Enfield Schools officials wrote that, given Symphony Hall’s seating capacity, “[w]e would likely need to limit each graduate to 8 tickets each but that should not be a huge issue.”

141. Symphony Hall is approximately 10 miles and a 12-minute drive from Enfield High and approximately 11 miles and a 16-minute drive from Enrico Fermi.

142. At a March 23, 2010 Board meeting, Enrico Fermi Principal Paul Newton, who was a co-author of the report to the Board on potential graduation sites, informed the Board that any of several sites in Massachusetts, including the MassMutual Center and Symphony Hall,

“would be suitable.”

Big E Coliseum

143. The Big E Coliseum can host the graduations for \$8,912 total (for both graduations) if the graduations are held on the same day or \$10,214 total (for both graduations) if the graduations are held on two separate days.

144. The Big E Coliseum has a seating capacity of approximately 5,000.

145. The Big E Coliseum is approximately 11 miles and a 17-minute drive from Enfield High and approximately 12 miles and a 21-minute drive from Enrico Fermi.

Other options

146. At a March 1, 2010 meeting of the Enfield Town Council, the Town Manager informed the Council that the total cost of holding both high schools’ graduations on a tent-covered field off school grounds but in the Town of Enfield would be about \$21,170.

147. At an April 13, 2010 Board meeting, a Board member stated that the high-school gyms could be used as backup locations for the graduations if a court issues an injunction against holding graduations at the Cathedral.

148. Some of the available off-school secular facilities are more expensive than the Cathedral.

149. The Enfield Schools’ original budget for the 2010 graduations was \$32,000 (\$15,000 for Enfield High and \$17,000 for Enrico Fermi).

150. The Board has the power to reallocate funds if it wishes to exceed the original budget for the graduations.

151. The Enfield Schools’ total budget for the 2009-2010 fiscal year is \$60,459,037.

152. At a February 24, 2010 Board meeting, each high school's student representative to the Board suggested that a small fee be charged for graduation tickets in order to enable graduations to be held at more expensive off-school venues.

153. Each of the other school districts that had been holding graduations at the Cathedral has chosen a secular location for its 2010 graduation; these locations include the Connecticut Convention Center, the Comcast Theater, and the Bushnell Center.

Harm Inflicted Upon the Plaintiffs by Graduations at the Cathedral

Doe 1

154. Plaintiff Doe 1 is a senior at Enfield High who will graduate in June 2010. Doe 1 is at least eighteen years old. Doe 1 is agnostic. Doe 1 attended the June 2009 Enfield High graduation at the Cathedral, because Doe 1's close friend was in the graduating class. In the sanctuary where the graduation ceremony occurred, Doe 1 was confronted with the "THIS IS GOD'S HOUSE WHERE **JESUS CHRIST IS LORD**" message on video-screens, as well as the "Jesus Christ is Lord" and "I am GOD" banners. Doe 1 also observed many religious items in the sanctuary and other parts of the Cathedral. When Doe 1 took a photograph of Doe 1's close friend during the graduation ceremony, one of the Cathedral sanctuary's religious banners was in the background.

155. Doe 1 felt uncomfortable and uneasy at the 2009 graduation. Doe 1 felt as if Doe 1 was at church listening to someone preach at Doe 1. All the religious items in the Cathedral sent Doe 1 the message that only Christians are welcome there. As a non-Christian, Doe 1 felt unwelcome, excluded, and like an outsider. Doe 1 felt that Doe 1 had been forced to go to church in order to be able to attend Doe 1's close friend's graduation. Doe 1 also feels that, by

holding graduations at the Cathedral, the Enfield Schools are endorsing Christianity and are being disrespectful to religious minorities such as Doe 1. The holding of the graduation of Doe 1's close friend at the Cathedral thus violated Doe 1's constitutional rights and injured Doe 1.

156. Doe 1 would like to be able to celebrate graduation together with Doe 1's classmates at Enfield High's commencement ceremony. But after attending the 2009 graduation, Doe 1 knew that it would be difficult, if not impossible, for Doe 1 to attend Doe 1's own graduation ceremony if it were held at the Cathedral. So Doe 1 was very pleased and relieved when the Board announced on January 26, 2010, that Doe 1's graduation would take place at Enfield High. Doe 1 was fitted for a cap and gown.

157. When the Board announced on April 13 that it had rescinded its prior decision and was moving Doe 1's graduation ceremony back to the Cathedral, Doe 1 was shocked and upset. To avoid feeling uncomfortable, unwelcome, and like an outsider — as Doe 1 did at the 2009 graduation ceremony — Doe 1 probably will not attend Doe 1's graduation ceremony if it is held at the Cathedral. Doe 1 has been put to the choice of missing Doe 1's own high-school graduation — a momentous event in Doe 1's life — or submitting to an unwanted religious environment. Doe 1 will therefore suffer imminent, irreparable harm if the Enfield Schools are not enjoined to move Doe 1's graduation ceremony to a secular location.

Doe 2

158. Plaintiff Doe 2 is a parent of Doe 1. Doe 2 does not subscribe to the Christian faith. After Doe 1 attended the 2009 Enfield High graduation at the Cathedral, Doe 1 informed Doe 2 about the Cathedral's religious environment. Because of the religious symbols, banners, and messages at the Cathedral, Doe 2 will be very uncomfortable and offended if Doe 2 has to

attend Doe 1's graduation ceremony there. Doe 2 will feel that religious beliefs to which Doe 2 does not subscribe are being imposed upon Doe 2. Doe 2 also feels that the Board's decision to hold the 2010 Enfield High graduation at the Cathedral shows a lack of concern for religious minorities such as Doe 2 and conveys an endorsement of religion to Doe 2.

159. Like any parent, Doe 2 would like to be able to attend Doe 2's child's high-school graduation ceremony. If Doe 1's graduation is held at the Cathedral and Doe 1 chooses not to attend due to the religious nature of the venue, Doe 2 will be deprived of a once-in-a-lifetime opportunity to celebrate Doe 2's child's graduation. If Doe 1 chooses to attend Doe 1's graduation at the Cathedral after all, then Doe 2 will be forced to submit to a religious environment that will make Doe 2 extremely uncomfortable — and effectively to go to church — to see Doe 2's child graduate. Doe 2 will therefore suffer imminent, irreparable harm if the Enfield Schools are not enjoined to move Doe 1's graduation ceremony to a secular location.

160. Doe 2 pays motor-vehicle taxes to the Town of Enfield and has done so for at least the last four years. Doe 2 understands that the Enfield Schools have financed their payments of rental fees to the Cathedral for graduations partly with motor-vehicle tax payments made by Enfield taxpayers to the Town of Enfield, and that the Enfield Schools plan to do so again in 2010. Doe 2 objects to the use of Doe 2's motor-vehicle tax payments to support graduations at the Cathedral, because such use of Doe 2's tax payments supports the propagation of religious doctrines to which Doe 2 does not subscribe and the holding of graduation ceremonies in a religious environment. Such use of Doe 2's motor-vehicle tax payments has thus violated Doe 2's constitutional rights and injured Doe 2. If the Enfield Schools' practice of holding graduation ceremonies at the Cathedral is not enjoined, Doe 2 will suffer irreparable

harm from such continued use of Doe 2's motor-vehicle tax payments.

Doe 3

161. Plaintiff Doe 3 is a senior at Enfield High who will graduate in June 2010. Doe 3 is at least eighteen years old. Doe 3 subscribes to the Jewish faith. One of Doe 3's biological parents is Christian; the other is not. When Doe 3 was younger, Doe 3 was raised by Doe 3's Christian biological parent to be a Christian. When Doe 3 rejected the Christian faith, Doe 3's Christian biological parent had a very negative reaction, and a great deal of conflict ensued between Doe 3 and the Christian biological parent over Doe 3's religious beliefs. Doe 3 now lives with Doe 3's non-Christian biological parent (Doe 4), who accepts Doe 3's religious beliefs and allows Doe 3 to exercise them freely.

162. In Fall 2009, Doe 3 looked at photographs of a friend's graduation at the Cathedral. Doe 3 observed Christian scriptures and symbols in the photographs. As soon as Doe 3 saw the photographs, Doe 3 knew that Doe 3 would not be able to attend Doe 3's graduation ceremony if it were held at the Cathedral. The photographs brought back painful memories of Doe 3 being rejected for Doe 3's religious beliefs by Doe 3's Christian biological parent.

163. If Doe 3 were to attend a graduation ceremony at the Cathedral, Doe 3 would feel that the Cathedral is proselytizing its Christian beliefs to Doe 3 through its scriptures and symbols. Doe 3 would further feel like an outsider and unwelcome at the Cathedral, the same way that Doe 3 felt that Doe 3's beliefs were not welcome at Doe 3's Christian biological parent's home. Doe 3 also feels that, by holding graduations at the Cathedral, the Board endorses Christianity and conveys a message that it does not care about or respect religious minorities such as Doe 3.

164. Of course, Doe 3, like any typical high-school student, wants to be able to attend Doe 3's graduation ceremony. When the Board voted on January 26, 2010, to hold Enfield High's graduations on school grounds, Doe 3 became very happy because Doe 3 would now be able to go to Doe 3's graduation. Doe 3 invited members of Doe 3's extended family to attend Doe 3's graduation. Doe 3 was fitted for a cap and gown.

165. When the Board reversed itself on April 13 and voted to hold Doe 3's graduation at the Cathedral, Doe 3 was devastated. Doe 3 feels that the Board is forcing Doe 3 to go to church if Doe 3 wishes to attend graduation. But Doe 3 will not attend Doe 3's graduation ceremony if it is held at the Cathedral. Doe 3 will, if the graduation is not moved, be denied the opportunity to celebrate with Doe 3's classmates the momentous event in life that high-school graduation is. Doe 3 will therefore suffer imminent, irreparable harm if the Enfield Schools are not enjoined to move Doe 3's graduation ceremony to a secular location.

Doe 4

166. Doe 4 is Doe 3's non-Christian biological parent. Doe 4 does not have any firm religious beliefs. Doe 4 would feel like an outsider if Doe 4 attends graduation at the Cathedral, as Doe 4 feels that when one steps into someone else's church, one gets the feeling that one should be part of their religion. Doe 4, like any parent, would like to be able to attend Doe 4's child's graduation ceremony. If Doe 3's graduation is not moved out of the Cathedral, Doe 3 will not go to the ceremony, and Doe 4 will be deprived of a once-in-a-lifetime opportunity to celebrate Doe 4's child's graduation. Doe 4 will therefore suffer imminent, irreparable harm if the Enfield Schools are not enjoined to move Doe 3's graduation ceremony to a secular location.

167. Doe 4 pays motor-vehicle taxes to the Town of Enfield and has done so for

approximately the last three years. Doe 4 understands that the Enfield Schools have financed their payments of rental fees to the Cathedral for graduations partly with motor-vehicle tax payments made by Enfield taxpayers to the Town of Enfield, and that the Enfield Schools plan to do so again in 2010. Doe 4 objects to the use of Doe 4's motor-vehicle tax payments to support graduations at the Cathedral because Doe 4 opposes the use of Doe 4's tax money to support any religion. Such use of Doe 4's motor-vehicle tax payments has thus violated Doe 4's constitutional rights and injured Doe 4. If the Enfield Schools' practice of holding graduation ceremonies at the Cathedral is not enjoined, Doe 4 will suffer irreparable harm from such continued use of Doe 4's motor-vehicle tax payments.

Doe 5

168. Doe 5 is Doe 3's step-parent. Doe 3's graduation is important to Doe 5, and Doe 5 would like to attend Doe 3's graduation. Doe 5 would not be comfortable attending graduation at the Cathedral because Doe 3 would be uncomfortable there. If Doe 3's graduation is not moved out of the Cathedral, Doe 3 will not go to the ceremony, and Doe 5 will be deprived of a once-in-a-lifetime opportunity to celebrate Doe 3's graduation. Doe 5 will therefore suffer imminent, irreparable harm if the Enfield Schools are not enjoined to move Doe 3's graduation ceremony to a secular location.

169. Doe 5 pays real-estate and motor-vehicle taxes to the Town of Enfield and has done so for at least the last four years. Doe 5 understands that the Enfield Schools have financed their payments of rental fees to the Cathedral for graduations partly with real-estate and motor-vehicle tax payments made by Enfield taxpayers to the Town of Enfield, and that the Enfield Schools plan to do so again in 2010. Doe 5 objects to the use of Doe 5's tax payments to support

graduations at the Cathedral, because Doe 5 would like Doe 5's tax payments to be used for secular activities that benefit the Town of Enfield and the Enfield Schools instead of aiding a church. The use of Doe 5's tax payments for the Cathedral's rental fees has thus violated Doe 5's constitutional rights and injured Doe 5. If the Enfield Schools' practice of holding graduation ceremonies at the Cathedral is not enjoined, Doe 5 will suffer irreparable harm from such continued use of Doe 5's tax payments.

**First Claim for Relief: Violation of the Establishment Clause
of the First Amendment of the United States Constitution**

170. Paragraphs 1 through 169 above are incorporated as if fully set forth herein.

171. The Establishment Clause of the U.S. Constitution's First Amendment provides that "Congress shall make no law respecting an establishment of religion." This prohibition applies with full force and effect to the official acts of local governmental entities, including the Enfield Schools, through the Due Process Clause of the U.S. Constitution's Fourteenth Amendment.

172. The Enfield Schools' practice of holding graduation ceremonies for Enfield High and Enrico Fermi at the Cathedral violates the Establishment Clause for a number of reasons, including those stated below.

173. High-school graduations are once-in-a-lifetime, deeply significant events for graduates and their families, including the plaintiffs. In light of the religious messages and symbols displayed throughout graduation ceremonies held at the Cathedral, these public-school events convey the strong impression not of secular high-school commencements, but rather of sectarian religious events.

174. Holding graduations at the Cathedral has forced and/or threatens to force

plaintiffs to choose between entering an unwanted religious environment and missing their own or their family members' graduations. Plaintiffs have been coerced or are threatened with coercion to enter a religious environment of a faith to which they do not subscribe as the price of attending a momentous rite of passage in their own or their family members' lives.

175. The Christian environment of the Cathedral during graduations that are sponsored and organized by a public entity sends the message that the Enfield Schools endorse the Christian religion and favor it over other faiths. This message of religious endorsement is enhanced by the fact that the Board voted to hold graduations at the Cathedral after intensive lobbying by a religious group; by the fact that the Board Chair — a pastor at a local church who has urged students to “keep God in your life” and pray — played a prominent role in that decision; and by the existence of many appropriate alternative graduation sites that are nonreligious.

176. The graduations at the Cathedral excessively entangle the Enfield Schools with religion. The Enfield Schools have delegated a religious institution control over the physical setting of a public-school event, and that institution uses that control to promulgate its religious message, including to impressionable children. And if the Enfield Schools assert control over the Cathedral's physical space to remove or cover the Cathedral's many religious items and symbols for graduations, the Schools will only become even more entangled with religion, for the Schools will have to assess which items in the Cathedral communicate a religious message and need to be veiled.

177. The controversy over whether to hold graduations at the Cathedral has led to divisiveness among Enfield High and Enrico Fermi students and parents. Students objecting to

the use of the Cathedral for graduations — including plaintiffs Doe 1 and 3 — have had to choose between expressing their opinions and potentially facing ridicule or ostracism as a consequence, or keeping their concerns private in order to fit in.

178. The Enfield Schools’ practice of holding graduations at the Cathedral causes taxpayer funds to support religion-infused graduation ceremonies and the propagation of the Cathedral’s religious views.

179. By violating the Establishment Clause as set forth above, the Enfield Schools have injured plaintiffs Doe 1, Doe 2, Doe 4, and Doe 5, and threaten continued or future injury to all the plaintiffs.

180. By violating the Establishment Clause as set forth above, the Enfield Schools have, acting under color of statutes, ordinances, regulations, policies, custom, or usage, deprived or threatened to deprive the plaintiffs of rights secured by the First and Fourteenth Amendments to the U.S. Constitution, entitling them to a remedy under 42 U.S.C. § 1983.

181. In addition or in the alternative, by virtue of the Enfield Schools’ violations of the Establishment Clause, the plaintiffs are entitled to a remedy directly under the U.S. Constitution.

**Second Claim for Relief: Violation of Article Seventh
of the Connecticut Constitution**

182. Paragraphs 1 through 181 above are incorporated as if fully set forth herein.

183. Article Seventh of the Connecticut Constitution provides, in relevant part, that “no person shall by law be compelled to join or support, nor be classed or associated with, any congregation, church or religious association.”

184. The Enfield Schools’ practice of holding graduation ceremonies for Enfield High and Enrico Fermi at the Cathedral violates Article Seventh of the Connecticut Constitution,

including for the reasons stated below.

185. Because the plaintiffs must go to the Cathedral in order to attend their own or their children's graduations, they are being coerced to associate with a church.

186. Because the Enfield Schools use taxpayer funds to pay the Cathedral's fees for graduations, those of the plaintiffs who pay local taxes are being compelled to support a church.

187. By violating the Connecticut Constitution as set forth above, the Enfield Schools have injured plaintiffs Doe 1, Doe 2, Doe 4, and Doe 5, and threaten continued or future injury to all the plaintiffs.

Request for Relief

188. Paragraphs 1 through 187 above are incorporated as if fully set forth herein.

Injunction

189. Plaintiffs respectfully request a preliminary injunction barring the Enfield Schools from conducting their June 23 and 24, 2010 high-school graduation ceremonies at the First Cathedral or in any other house of worship. Plaintiffs further request a permanent injunction barring the Enfield Schools from conducting any future graduation ceremonies at the Cathedral or in any other house of worship or religious venue.

190. In the alternative, if the Court declines to grant the relief requested in the paragraph above, then the plaintiffs respectfully request (a) a preliminary injunction prohibiting the Enfield Schools from conducting their June 23 and 24 high-school graduation ceremonies at the Cathedral or in any other house of worship unless all religious symbols visible to attendees, both on the venue's exterior and within, are covered or removed; and (b) a permanent injunction prohibiting the Enfield Schools from conducting any future graduation ceremonies at the

Cathedral or in any other house of worship or religious venue unless all religious symbols visible to attendees, both on the venue's exterior and within, are covered or removed.

Declaratory Judgment

191. An actual controversy exists between the parties as to whether the practice of holding high-school graduations in a house of worship violates the Establishment Clause of the U.S. Constitution and Article Seventh of the Connecticut Constitution. Plaintiffs respectfully request a declaratory judgment that this practice violates both of those constitutional provisions. Plaintiffs further request a declaratory judgment that the Enfield Schools violated the federal and state constitutional rights of plaintiff Doe 1 by holding the 2009 Enfield High graduation at the Cathedral and violated the federal and state constitutional rights of plaintiffs Doe 2, Doe 4, and Doe 5 by using their tax payments to support graduations at the Cathedral.

Nominal Damages

192. Plaintiffs Doe 1, Doe 2, Doe 4, and Doe 5 seek an order awarding nominal damages of one dollar to each of them, for violating Doe 1's federal and state constitutional rights by holding the 2009 Enfield High graduation at the Cathedral, and for violating the federal and state constitutional rights of Doe 2, Doe 4, and Doe 5 by using their tax payments to support graduations at the Cathedral.

Attorneys' Fees and Costs

193. Plaintiffs also request an order awarding them the costs of this action, including attorneys' fees, costs, and expenses, under 42 U.S.C. § 1988.

Other Relief

194. Plaintiffs additionally request such other relief as the Court deems just and proper.

Respectfully submitted,

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* Not admitted to practice before this court. *Pro hac vice* motions submitted herewith.

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