

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

DANIEL WEISMAN, personally :
and as next friend of DEBORAH :
WEISMAN :
:

VS. :

NO. 89-0377B

ROBERT E. LEE, individually and: :
as principal of NATHAN BISHOP :
MIDDLE SCHOOL; ET AL :

AGREED STATEMENT OF FACTS

1. Plaintiff, DANIEL WEISMAN, is now and has been since 1981, a resident of the City of Providence, State of Rhode Island. Plaintiff, DANIEL WEISMAN owns and has owned since 1982, real property located within the City of Providence. Since 1981, Plaintiff, DANIEL WEISMAN has paid and continues to pay real and personal property taxes to the City of Providence.

2. Plaintiff, DANIEL WEISMAN is now and at all times pertinent hereto has been a citizen of the United States.

3. Plaintiff, DANIEL WEISMAN is the father of Deborah Weisman, age 14, who has attended and continues to attend the public schools owned and operated by the City of Providence. Deborah Weisman graduated from the eighth grade at the Nathan Bishop Middle School in June, 1989, and now attends Classical High School. Both of the aforementioned schools are public schools owned and operated by the City of Providence and are within the jurisdiction of the Defendant Members of the Providence School Committee and the Defendant Superintendent of Schools of

the City of Providence.

4. The City of Providence uses and has used, at all times pertinent hereto, taxes raised from real and personal property located in the City of Providence to fund and operate the public schools located within the City, including the Nathan Bishop Middle School and Classical High School.

5. Defendant, ROBERT E. LEE is now and at all times pertinent hereto has been the principal of the Nathan Bishop Middle School, and as such is the administrator of said school.

6. Defendant THOMAS MEZZANOTTE is now and at all times pertinent hereto has been the principal of Classical High School and as such is the administrator of said school.

7. Defendant JOSEPH ALMAGNO is now and at all times pertinent hereto has been the superintendent of the Providence Public Schools, including but not limited to the Nathan Bishop Middle School and Classical High School and as such is responsible for the overall administration and supervision of the Providence Public Schools and of the implementation of the policies of the Providence School Committee.

8. Defendants VINCENT McWILLIAMS, ROBERT DeROBBIO, MARY BATASTINI, ALBERT LEPORE, ROOSEVELT BENTON, MARY SMITH, ANTHONY CAPRIO, BRUCE SUNDLUN, and ROBERT GONZALEZ are now and at all times pertinent hereto have been members of the Providence School Committee and as such are responsible for the policies, operation, and supervision of the Providence Public Schools, including but not limited to the Nathan Bishop Middle School and Classical

High School.

9. Defendants herein have at all times pertinent hereto been acting under color of state law.

10. The Providence School Department, acting as an agency of the City of Providence and the State of Rhode Island, under the authority and control of the Defendant Members of the Providence School Committee, are now and at all times pertinent hereto have been owners of the public schools located in the City of Providence and of all the equipment located therein.

11. The Defendant Members of the Providence School Committee and Superintendent of Schools sponsor, each year in the month of June, graduation and/or promotional ceremonies for the middle schools and high schools operated as public schools in the City of Providence, including the Nathan Bishop Middle School and Classical High School.

12. The Defendant Members of the Providence School Committee and the Superintendent of Schools are responsible for supervising and authorizing the content of the graduation and/or promotional ceremonies sponsored by the various public schools within the City of Providence.

13. The Defendant Members of the Providence School Committee and the Defendant Superintendent of the Schools are aware of, permit, and have authorized the principals of the various public schools within the City of Providence to include invocations and benedictions in the form of prayer, delivered by clergy, in the graduation ceremonies of the various public schools in the

City of Providence.

14. Defendant ROBERT E. LEE, principal of the Nathan Bishop Middle School, received, from Assistant Superintendent of Schools Arthur Zarrella, a document entitled "Guidelines for Civic Occasions" as a guideline for the type of prayer to be included in the graduation ceremony of the Nathan Bishop Middle School. A copy of the aforementioned "Guidelines" is attached as Exhibit A and by reference incorporated herein.

15. Assistant Superintendent Arthur Zarrella sent the same "Guidelines for the Civic Occasions," set forth above as Exhibit A, to the principals of all of the City of Providence public schools.

16. The graduation ceremony at the Nathan Bishop Middle School held in June, 1989, was planned by two teachers and employees of the Providence School Department, who suggested to Defendant ROBERT E. LEE that Rabbi Leslie Y. Gutterman be asked to deliver the invocation and benediction at the June, 1989, promotional ceremony at the Nathan Bishop Middle School. Defendant ROBERT E. LEE accordingly requested Rabbi Gutterman to perform the same.

17. Defendant ROBERT E. LEE provided to Rabbi Gutterman a copy of the "Guidelines for Civic Occasions," set forth above as Exhibit A, and, in addition, spoke personally to Rabbi Gutterman to advise him that prayers that he gave at the invocation and benediction should be non-sectarian in nature.

18. Invocations and benedictions in the form of prayer

have been included in some but not all of the graduation and/or promotional ceremonies of the high schools and middle schools operated by Defendant Members of the Providence School Committee in prior years and during 1989.

19. From 1985 through 1989, graduation ceremonies of Central High School were held at Veterans Memorial Auditorium, which the Providence School Department rented for the occasion. During each of the aforementioned years, Central High School produced and distributed programs describing the graduation ceremony which include the following information: 1985 Invocation Reverend Raymond Tetreault, St. Michael's Church, Benediction Lucy Santa, St. Michael's Church; 1986 Invocation Reverend William Tanguay, St. Michael's Church, Benediction Lucy Santa, St. Michael's Church; 1987 Invocation Reverend Raymond Malm, St. Michael's Church, Benediction Lucy Santa, St. Michael's Church; 1988 Invocation Dr. Virgil A. Wood, Pond Street Baptist Church, Benediction Dr. Virgil A. Wood, Pond Street Baptist Church; 1989 Invocation Reverend Moises Mercedes, Star of Jacob Christian Church, Benediction Reverend Moises Mercedes, Star of Jacob Christian Church.

20. For the years 1985 through 1989, Classical High School produced and distributed programs of the graduation ceremonies which indicate the following: 1985 Invocation Reverend Daniel M. Azzarone, Assistant Pastor, St. Anne's Church, Providence, Benediction Rabbi Shalom Strajcher, Providence Hebrew Day School; 1986 Invocation Dr. Virgil A. Wood, Pastor, Pond Street Baptist Church, Benediction Reverend Daniel M. Trainor, Pastor, Assumption

of the Blessed Virgin Mary Church; 1987 Invocation Rabbi Daniel Liben, Temple Emmanuel, Benediction Reverend Patrick Soares, Assistant Pastor, Holy Name Church; 1988 Invocation Rabbi Leslie Gutterman, Temple Beth El, Benediction Reverend Dr. H. Lincoln Oliver, Olney Street Baptist Church; 1989 Invocation Rabbi Wayne M. Franklin, Temple Emanu-El, Benediction Reverend Robert Randall, Pastor, St. Sebastian's Church.

21. For the years 1985 through 1987 and 1989 graduation ceremonies of Hope High School were held at Veterans Memorial Auditorium, which the Providence School Department rented for the occasion. During each of the aforementioned years, Hope High School produced and distributed programs describing the graduation ceremony which include the following information: 1985 Benediction Dr. Daniel Brown; 1986 Invocation Reverend David Russ, Benediction Reverend David Russell; 1987 Invocation Reverend David Russell, God's Holy Tabernacle Church, Benediction Reverend David Russell; 1989 Invocation Reverend David Russell, God's Holy Tabernacle Church, Benediction Reverend David Russell.

22. For the years 1985 through 1988, Mount Pleasant High School held its graduation ceremonies at Rhode Island College. In 1989, graduation ceremonies for Mount Pleasant High School were held at Veterans Memorial Auditorium which the Providence School Department rented for the occasion. During each of the aforementioned years, Mount Pleasant High School produced and distributed programs describing the graduation ceremony which include the following information: 1985 Invocation Reverend

Frederick J. Halloran, Pastor, St. Theresa's Church, Benediction Reverend Frederick J. Halloran; 1986 Invocation Reverend Frederick J. Halloran, Pastor, St. Theresa's Church, Benediction Reverend Frederick J. Halloran; 1987 Invocation Reverend Frederick J. Halloran, Pastor, St. Theresa's Church, Benediction Reverend Frederick J. Halloran; 1988 Invocation Reverend Marcel E. Pincince, Blessed Sacrament Church, Benediction Reverence Marcel E. Pincince; 1989 Invocation Reverend Mario Bordignon, Pastor, St. Bartholomew's Church, Benediction Reverend Mario Bordignon, Pastor St. Bartholomew's Church.

23. For the years 1985, 1986, 1988 and 1989, Samuel W. Bridgham Middle School promotional ceremonies were held on school property. During each of the aforementioned years, Samuel W. Bridgham Middle School produced and distributed programs describing the promotional ceremony which include the following information: 1985 Invocation Father Peter Polo, Pastor, Holy Ghost Church; 1986 Invocation Reverend W.H. Johnson, Adventist Church; 1988 Reverend Clyde Walsh, St. Matthew's Church; 1989 Invocation Reverend W.H. Johnson, Adventist Church.

24. For the years 1983 through 1989, the Nathan Bishop Middle School promotional ceremonies were held on school property. During each of the aforementioned years, Nathan Bishop Middle School produced and distributed programs describing the promotional ceremony which include the following information: 1983 Invocation Father Patrick Soares, Holy Name Church, Benediction Father Patrick Soares, Holy Name Church, 1984 Invocation Reverend

Earl Hunt, Benediction Reverend Earl Hunt; 1985 Invocation Reverend Bertrand Theroux, Benediction Reverend Bertrand Theroux; 1986 Invocation Reverend Robert E. Farrow, Benediction Reverend Robert E. Farrow; 1987 Invocation Rabbi Mark Jagolinzer, Benediction Rabbi Mark Jagolinzer; 1988 Invocation Reverend Dr. Lincoln Oliver, Benediction Reverend Dr. Lincoln Oliver; 1989 Invocation Rabbi Leslie Gutterman, Benediction Rabbi Leslie Gutterman.

25. During the years 1984, 1986, 1987 and 1989, Nathaniel Greene Middle School held promotional ceremonies on school property. During each of the aforementioned years, Nathaniel Greene Middle School produced and distributed programs of the promotional ceremonies which indicate that no invocations or benedictions in the form of prayer were included in the ceremonies.

26. During the years 1985 through 1989, Windmill Intermediate School held promotional ceremonies on school property. During each of the aforementioned years, Windmill Intermediate School produced and distributed programs of the promotional ceremonies which indicate that no invocations or benedictions in the form of prayer were included in the ceremonies.

27. During the years 1983 through 1986 and 1989, Roger Williams Middle School held promotional ceremonies on school property. During each of the aforementioned years, Roger Williams Middle School produced and distributed programs of the promotional ceremonies which indicate that no invocations or benedictions in the form of prayer were included in the ceremonies.

28. During the years 1985 through 1989, the Oliver Hazard Perry Middle School held promotional ceremonies on school property. During each of the aforementioned years, Oliver Hazard Perry Middle School produced and distributed programs of the promotional ceremonies which indicate that no invocations or benedictions in the form of prayer were included in the ceremonies.

29. During the years 1985 through 1989, the Alternate Learning Project held graduation ceremonies on school property. During each of the aforementioned years, the Alternate Learning Project produced and distributed programs of the promotional ceremonies which indicate that no invocations or benedictions in the form of prayer were included in the ceremonies.

30. All of the aforementioned schools are public schools located within the City of Providence and within the jurisdiction of Defendant Members of the Providence School Committee and Defendant Superintendent of Schools.

31. Each of the aforementioned invocations and benedictions delivered during the graduation and/or promotional ceremonies were prayers.

32. During the time that the Defendant ROBERT E. LEE served as Assistant Principal at Hope High School, a public school operated by the Providence School Department in the City of Providence, from 1983 to 1988 prayers were included at all the graduation ceremonies at Hope High School.

33. During the time that the Defendant ROBERT E. LEE served

as Assistant Principal at Central High School, a public school operated by the Providence School Department in the City of Providence, from 1976 to 1983 prayers were included at all the graduation ceremonies at Central High School.

34. Graduation and/or promotional ceremonies sponsored by the Providence School Department within the middle schools and high schools under the jurisdiction of the Defendant Members of the Providence School Committee and Defendant Superintendent of Schools are conducted either on school premises or in facilities which the school department rents, using tax funds. The school facilities themselves are owned by the City of Providence.

35. The graduation ceremony for the eighth grade class of the Nathan Bishop Middle School, which class included Deborah Weisman, was held on the morning of June 20, 1989, on the premises of the Nathan Bishop Middle School.

36. The graduation ceremony of the Nathan Bishop Middle School on June 20, 1989, included an invocation and benediction in the form of prayer, delivered by Rabbi Leslie Y. Gutterman. The contents of the aforementioned invocation and benediction are attached hereto as Exhibit B and by reference made a part hereof.

37. The graduation ceremony of Classical High School held in June, 1989, on the premises of Classical High School, also included an invocation and benediction in the form of prayer.

38. It is the practice of Defendant THOMAS MEZZANOTTE to include an invocation and benediction in the form of prayer in

the graduation ceremonies that take place each year at Classical High School.

39. The graduation and promotional ceremonies held at the middle schools and high schools operated by the Providence School Department are supervised by employees and agents of Defendant Members of the Providence School Committee.

40. The invocations and benedictions delivered at the graduation and promotional ceremonies in the Providence public schools are delivered by members of the clergy chosen by agents of the Defendant Members of the Providence School Committee. These individuals are identified by name at the graduation and/or promotional ceremony at which they are speaking.

41. Attendance at graduation and promotional ceremonies is voluntary.

42. Parents and friends of students participating in promotional and/or graduation ceremonies at the Providence public schools are invited to attend the school's ceremonies.

43. Plaintiff, DANIEL WEISMAN, is opposed to and offended by the inclusion of prayer in the public school graduation and/or promotional ceremonies of his child both at the middle school and the high school level.

44. Municipal tax funds are used to operate and maintain the Providence public schools and to fund their graduation and/or promotional ceremonies.

45. Plaintiff, DANIEL WEISMAN, is opposed to the expenditure of his tax funds for school ceremonies which include prayer.

46. Some of the Providence public schools do not regularly include invocations and benedictions in the form of prayer in their graduation and/or promotional ceremonies.

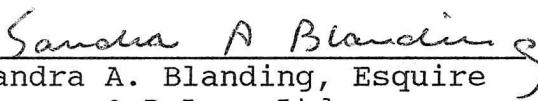
47. Plaintiff, DANIEL WEISMAN, belongs to the Jewish faith.

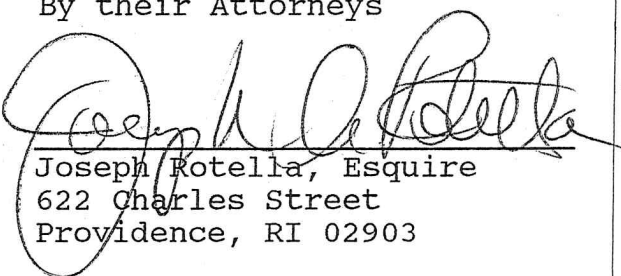
48. Defendants have no plans to change their policy as to the inclusion of invocations and benedictions in the form of prayer at the graduation and/or promotional ceremonies of the Providence High Schools and Middle Schools. Accordingly, it is probable that future graduation ceremonies at various Providence public schools will include invocations and benedictions in the form of prayer.

49. Defendants intend to continue to allow the inclusion of invocations and benedictions in the form of prayer at the graduation and/or promotional ceremonies of the Providence public high schools and middle schools.

Plaintiff
By his Attorneys

Defendants
By their Attorneys


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(WEISMAN.MEM)
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OCT 19 1989

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SUPPLEMENTAL AGREED STATEMENT OF FACTS

1. The Defendants have not specifically directed any of their agents to request clergy to deliver prayers at the promotional and/or graduation ceremonies sponsored by the Providence public schools.

Plaintiff
By his Attorneys

Defendants
By their Attorneys

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jac 10/10/89