

# Moment Of Silence Legislation

## Talking Points

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*All over the country, efforts are being made to inject God into public schools. The truth is that religion has never been banned from schools only from school-sponsored exercises in order to prevent interference with parents' rights to control their children's religious upbringing. The latest attempts focus on school prayer and the closely related moment of silence and moment of quiet reflection.*

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- **If moment of silence legislation passes, it will doubtless lead to the state sanction of religion.** The Establishment Clause requires government neutrality toward religion. Because moment of silence legislation inherently promotes prayer or meditation, it amounts to a state sanction of religion over non-religion. In addition, moments of silence conform most closely to the Christian practice of silent prayer and meditation. In contrast, many religions require adherents to chant, pray audibly or to move when praying. A moment of silence thus prefers one religious tradition over others.
- **A moment of silence may become coercive prayer.** Any legislation that establishes a moment of silence must be sensitive to the likelihood that the school, teachers or students will actively or tacitly coerce non-religious children and believers in non-majority faiths to participate in prayer. Some legislation exacerbates this probability by requiring all students to participate in the moment of silence. Safeguards must be established so that those who do not wish to pray are not harassed or ostracized as being anti-religious, amoral heathens.
- **Teachers will become the facilitators of religious practice.** Under proposed legislation, teachers will be responsible for conducting the moment of silence during the school day. While teachers are prohibited from encouraging prayer, this is all but impossible to police and teachers retain the discretion to interpret and define the contours of the moment of silence. Some teachers may choose to refer to the moment of silence as a moment of reflection, of meditation, or of prayer or suggest that students comport themselves in an "appropriate and respectful" manner. In addition, some teachers may be prone to guide the students by suggesting a topic of thought such as morality, faith, or God. This is tantamount to putting the teachers in the role of quasi-religious leaders.
- **Moment of silence legislation is completely unnecessary.** Any person who needs 60 seconds in the day to organize their thoughts and prepare for the day's events can do so at any time during the morning. They can do so before rising from bed, while in the shower, before breakfast, or on the way to school or work. In addition, prayer and bible study are not prohibited in public schools; they simply must be voluntary, student initiated and non-coercive and must not bear the imprimatur of the State. For example, students may pray silently on their own during breaks or study periods.

*If you would like to learn more about religious liberty, please contact:*

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