

PRAYER AND THE PUBLIC SCHOOLS

RELIGION,
EDUCATION
AND YOUR
RIGHTS



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As battles over church-state separation have escalated in recent decades, so too have misconceptions about the role of religion in public schools. Has prayer been expelled from our schools, as some people claim? Has Bible reading been banned? Must teachers avoid all mention of religion? The answer to these questions is “no.” Public schools are not permitted to sponsor worship, but that does not mean that they must be “religion-free zones.” In order to clear up some of the misunderstandings about religion and the public schools, it is important for Americans to know the truth.

ew issues in American public life engender more controversy than religion and public education. Unfortunately, this topic is all too often shrouded in confusion and misinformation. When discussing this matter, it’s important to keep in mind some basic facts.

Ninety percent of America’s youngsters attend public schools. These students come from homes that espouse a variety of religious and philosophical beliefs. Given the incredible diversity of American society, it’s important that our public schools respect the beliefs of everyone and protect parental rights. The schools can best do this by not sponsoring religious worship. This principle ensures that America’s public schools are welcoming to all children and leaves decisions about religion where they belong – with the family.

The U.S. Supreme Court has been vigilant in forbidding public schools – and other agencies of the government – to interfere with Americans’ constitutional right to follow their own consciences when it comes to religion. In 1962, the justices ruled that official prayer had no place in public education.

This decision is widely misunderstood today. The court *did not* rule that students are forbidden to pray on their own; the justices merely said that government officials had no business composing a prayer for students to recite. The *Engel v. Vitale* case came about because parents in New York challenged a prayer written by a New York education board. These Christian, Jewish and Unitarian parents did not want their children subjected to state-sponsored devotions. The high court agreed that the scheme amounted to government promotion of religion.

In the following year, 1963, the Supreme Court hand-

ed down another important ruling dealing with prayer in public schools. In *Abington Township School District v. Schempp*, the court declared school-sponsored Bible reading and recitation of the Lord’s Prayer unconstitutional.

Since those rulings, a myth has sprung up asserting that Madalyn Murray O’Hair, a prominent atheist, “removed prayer from public schools.” In fact, the 1962 case was brought by a group of New York parents who had no connection to O’Hair, and the 1963 case was filed by a Unitarian family from the Philadelphia area. O’Hair, at that time a resident of Baltimore, had filed a similar lawsuit, which the high court consolidated with the Pennsylvania case.

It is important to remember that in these decisions the Supreme Court did not “remove prayer from public schools.” The court removed only *government-sponsored* worship. Public school students have always had the right to pray on their own as class schedules permit.

Also, the Supreme Court did not rule against official prayer and Bible reading in public schools out of hostility to religion. Rather, the justices held that these practices were examples of unconstitutional government interference with religion. Thus, the exercises violated the First Amendment.

Nothing in the 1962 or 1963 rulings makes it unlawful for public school students to pray or read the Bible (or any other religious book) on a voluntary basis during their free time. Later decisions have made this even clearer. In 1990, the high court ruled that high school students may form clubs that meet during “non-instructional” time to pray, read religious texts or discuss religious topics if other student groups are allowed to meet.



The high court has also made it clear, time and time again, that objective study *about* religion in public schools is legal and appropriate. Many public schools offer courses in comparative religion, the Bible as literature or the role of religion in world and U.S. history. As long as the approach is objective, balanced and non-devotional, these classes present no constitutional problem.

In short, a public school's approach to religion must have a legitimate educational purpose, not a devotional one. Public schools should not be in the business of preaching to students or trying to persuade them to adopt certain religious beliefs. Parents, not school officials, are responsible for overseeing a young person's religious upbringing. This is not a controversial principle. In fact, most parents would demand these basic rights.

A passage from the high court's ruling in the 1963 Pennsylvania case sums up the proper role of religion in public education.

Justice Tom Clark, writing for the court, observed, "Nothing that we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment." Clark added that government could not force the exclusion of religion in schools "in the sense of affirmatively opposing or showing hostility to religion."

The court's ruling suggested simply that a student's family, not government, is responsible for decisions about religious instruction and guidance. There was respect, not hostility, toward religion in the court's ruling.

Justice Clark concluded, "The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church, and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality."

Some critics of the high court's rulings have suggested that these church-state rulings have no precedence in American history. On the contrary, the decisions are

the logical outcome of a debate that has been under way in our country for many decades.

Public education for the masses, as conceived by Horace Mann and others in the mid 19th century, was intended to be "non-sectarian." In reality, however, schools often reflected the majority religious view – a kind of non-denominational Protestantism. Classes began with devotional readings from the King James Version of the Bible and recitation of the Protestant version of the Lord's Prayer. Students were expected to take part whether they shared those religious sentiments or not.

Catholic families were among the first to challenge these school-sponsored religious practices. In some parts of the country, tension over religion in public schools erupted into actual violence. In Philadelphia, for example, full-scale riots and bloodshed resulted in 1844 over which version of the Bible should be used in classroom devotions. Several Catholic churches and a convent were burned; many people died. In Cincinnati, a "Bible War" divided the city in 1868 after the school board discontinued mandatory Bible instruction.

Tensions like this led to the first round of legal challenges to school-sponsored religious activity in the late

19th century. Several states ruled against the practices. Compelling children to recite prayers or read devotionals from certain versions of the Bible, these courts said, was not the job of public schools. They declared government-imposed religion a violation of state constitutions and the fundamental rights of conscience. Eventually, the U.S. Supreme Court adopted this view as well, applying the church-state separation provisions of the First Amendment of the U.S. Constitution.

The high court's decisions have worked well in practice. In 1995, a joint statement of current law regarding religion in public schools was published by a variety of religious and civil liberties organizations. This statement served as the basis for U.S. Department of Education guidelines intended to alleviate concerns about constitutional religious activities in schools.

These guidelines, which were sent to every public school in the nation, stressed that students have the right to pray or to discuss their religious views with their peers so long as they are not disruptive. But the guidelines went on to state that public schools are prohibited from sponsoring worship or pressuring students to pray, meditate, read religious texts or take part in other religious activities.

These are common-sense guidelines, but they are not enough for some people. Misguided individuals and powerful sectarian lobbies in Washington continue to press for religious majority rule in the nation's public schools. They advocate for school prayer amendments and other measures that would permit government-sponsored worship in the schools. They want their beliefs taught in the public schools and hope to use the public schools as instruments of evangelism.

Americans must resist these efforts. They must protect the religious neutrality of public education. Being neutral on religion is not the same as being hostile toward it. In a multi-faith, religiously diverse society such as ours, neutrality is the appropriate stance for the government to take toward religion. Under this principle, public schools can allow for individual student religious expression without endorsing or promoting any specific faith.

The United States has changed since its founding in 1787. A nation that was once religiously homogeneous has become one of the most pluralistic and diverse on the face of the globe. Scholars count over 2,000 different denominations and traditions in our country.

The answer to disputes over religion in public schools is simple: Keep the government out of the private religious lives of students. Leave decisions about when and how to pray (or whether to pray at all) to the home. This is the course the Supreme Court has adopted, and we are a stronger nation for it.

As Supreme Court Justice Anthony Kennedy said in a June 1992 opinion, "No holding of this Court suggests that a school can persuade or compel a student to participate in a religious exercise.... The First Amendment's Religion Clauses mean that religious beliefs and religious expressions are too precious to be either proscribed or prescribed by the State."

If you would like to learn more about this issue, please contact Americans United for Separation of Church and State at our national headquarters in Washington, D.C. We have a wide range of books, fact sheets and other literature about church-state separation. We welcome your comments and support. (See back panel for our mailing address, phone and fax numbers, as well as our e-mail and web addresses.)

Where Faith Groups Stand...

Faith groups that support the First Amendment and oppose government-sponsored prayer in public schools include:

American Baptist Churches, USA
American Jewish Congress
Anti-Defamation League
Baptist Joint Committee on Public Affairs
Central Conference of American Rabbis
Christian Church (Disciples of Christ)
Evangelical Lutheran Church in America
Friends Committee on National Legislation (Quakers)
General Conference of Seventh-day Adventists
Mennonite Central Committee
National Council of Churches
National Council of Jewish Women
National Jewish Community Relations Advisory Council

North American Council for Muslim Women
Presbyterian Church (USA)
Reconstructionist Rabbinical Association
Soka Gakkai International - U.S.A.
The Church of Christ, Scientist
The Episcopal Church, USA
The United Synagogue of Conservative Judaism
Union of American Hebrew Congregations
Union of Orthodox Jewish Congregations of America
Unitarian Universalist Association
United Church of Christ
United Methodist Church
Women of Reform Judaism, The Federation of Temple Sisterhoods

