

Why the Majority of Americans are Wrong About Prayer in Public Schools

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Freedom and Authority

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“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” – First Amendment of the U.S. Constitution

The issue of whether or not public schools may have school-sponsored prayers hinges almost completely on these two clauses of the First Amendment, often referred to as the Establishment Clause and the Free Exercise Clause. Although these clauses were written into the original Bill of Rights, there would be no significant challenge to school-sponsored prayer until the mid-twentieth century. The main factor in this time lapse was that the First Amendment does not actually restrict individual states from making laws regarding religion. But the introduction of the Fourteenth Amendment after the Civil War eliminated the ability of states to, “abridge the privileges or immunities of citizens” that were guaranteed in the Constitution.¹ As with many other American legal issues, there was a significant time lapse between the establishment of a principle and its application to certain spheres. It was not until 1962, in the case of *Engel v. Vitale*, that the Supreme Court ruled that the voluntary prayer used to begin the day in New York public schools was unconstitutional.² The prayer, created by the New York Board of Regents, read, “Almighty God, we acknowledge our dependence on Thee, and we beg Thy blessings upon us, our parents, our teachers and our country.”³ The decision to ban school-sponsored prayer was “so unpopular that many school districts simply have disregarded

¹ Kent Greenawalt, *Does God Belong in Public Schools?* (Princeton: Princeton University Press, 2005), 17.

² Paul G. Kauper, “Prayer, Public Schools, and the Supreme Court,” *Michigan Law Review* 61 (1963): 1031, <http://0-www.jstor.org.tiger.coloradocollege.edu/jstor/>.

³ Geoffrey R. Stone, “In Opposition to the School Prayer Amendment,” *The University of Chicago Law Review* 50 (Spring, 1983): 823. <http://0-www.jstor.org.tiger.coloradocollege.edu/jstor/>.

[it].”⁴ In fact, a 1980 American National Election Study found that 72.1% of Americans believe that schools should be allowed to start each day with a prayer.⁵ While both sides of this issue can point to a clause in the Constitution that supports their side, the Supreme Court has come to support an interpretation of strict neutrality regarding religion in public schools. This means that while schools cannot forbid anyone from expressing their personal religion in schools, the schools cannot sponsor any form of prayer which can be construed as supporting any type of religion over another, or religion in general over atheism. However, it has become common for schools to have moments of silence, which have been for the most part deemed acceptable. The Supreme Court’s decision to ban school-sponsored prayer is correct because school-sponsored prayer specifically infringes upon the rights of religious minorities in a way moments of silence do not.

There is a strong case for having school-sponsored prayer in public schools. Those who argue in favor of it rely on three central points: the long-standing tradition of religious influence not just in public schools, but in public life; the Free Exercise clause, which they say entitles them to exercise their religion in the form of prayer; and in the case of *Engel v. Vitale*, the voluntary nature of the prayer.⁶ On the other hand, there are particularly valid counter-arguments to these points. All of which pertain to how the school-sponsored prayer may not seem particularly troubling to most, but to the religious minorities, although it is a practice small in magnitude, it is significant because it represents an imposition on the principles of freedom.

⁴ Greenawalt, *Does God Belong*, 19.

⁵ Kirk W. Elifson and C. Kirk Hadaway, “Prayer in Public Schools: When Church and State Collide,” *The Public Opinion Quarterly* 49 (1985): 321, <http://0-www.jstor.org.tiger.coloradocollege.edu/jstor/>.

⁶ Stone, *In Opposition*, 828.

Education began in the United States as a primarily religious institution, and there has been a long history of intertwining of Christian faith and education that carried over to the development of the public school system. The two main reasons for this were the overwhelmingly Protestant composition of the school and the belief that “moral education could not be sundered from belief in God and an afterlife.”⁷ As well as religion being part of education, other public governmental occasions involve prayer as well. In the New York trial court’s ruling on the *Engel v. Vitale* case, Justice Meyer wrote that, “recitation of prayers in public life was not an ‘establishment of religion’ in the sense used in the Constitution.”⁸ He based this on what he called the ‘sense of the nation,’ meaning that if it fit with what was considered acceptable at the time, it did not violate the intent of the framers of the Constitution. What Justice Meyer failed to recognize was that not only was the ‘sense of the nation’ changing with the immigration of more diverse cultures, but that it is an incredibly dangerous idea to use as a legal interpretative tool. Relying on ‘the sense of the nation’ is a tyranny of the majority. At one time, ‘the sense of the nation’ held that slavery was acceptable, and then segregation. The Bill of Rights is a check against this tyranny, limiting the ability of the majority to trample over the minority.

The second point made by those in favor of school-sponsored prayer regards a slightly thornier issue. It concerns the interpretation of the two clauses in the First Amendment, one of which guarantees the individual’s right to free exercise of religion, the other of which prevents the establishment of religion by the government. They argue that it is a violation of their free exercise of religion not to be able to pray in schools. But

⁷ Greenawalt, *Does God Belong*, 14.

⁸ Kauper, “Prayer, Public Schools, and the Supreme Court,” 1035.

the flaw of school-sponsored prayer is that the prayer is decided by the government, and promoted by the government. This was asserted in the majority opinion written by Justice Black regarding *Engel v. Vitale*, when he says, “it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by the government.”⁹ It is also important to note that the absence of a school-sponsored prayer does not forbid students from praying in school. They are still able to freely exercise their religion. School-sponsored prayer does more than permit the free exercise of religion. It emphasizes one religion over another, or in the case of the Regent’s Prayer, monotheistic religions over other religions or atheism. This emphasis may be only slight, as students can be cavalier when it comes to any school-sponsored event or activity, but the indirect pressure put on religious minorities to subscribe to or at least acknowledge as superior a mainstream religion is still hazardous. James Madison, who authored the First Amendment, said himself that “It is proper to take alarm at the first experiment on our liberties.”¹⁰ So while it may seem paranoid to associate the issue of a school-sponsored prayer with the establishment of an official state religion, it is important to adhere to the principles of freedom in order that a small compromise of liberty now does not become a greater compromise later.

An important aspect of the Regent’s prayer that was raised in its defense is its voluntary nature. Students could choose not to participate by remaining silent or by leaving the room. However, the pressure put on a child to conform can be tremendous. How many students can be expected to make a stand that will separate them from their peers? Here is also where the small scale of the prayer makes it particularly insidious.

⁹ Ibid., 1037.

¹⁰ Ibid., 1039.

Seeing it as merely a short prayer makes it more likely that the objecting student will ignore it. It also increases the fear that the student's peers and superiors will label him or her a whiner or a troublemaker for objecting. Although Justice Black did not cite coercion as his main reason for ruling against the Regent's prayer, he did note that "when the power, prestige and financial support of the government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain."¹¹ The message behind this is that the government, being the extraordinarily powerful entity that it is, applies pressure to conform to a religion just by merely endorsing a prayer. Its influence is too strong for it to merely recognize a religion because its very recognition becomes a strong endorsement.

Yet it is somewhat of a contradiction for a government that is supposed to represent the people to forbid something that a strong majority supports. In the 1980 American National Election Study, 72.1% of those polled favor allowing schools to start each day with a prayer, and even those who one would think more likely to oppose, it still favored it. Those who were younger, more educated, liberal or did not have children had a lower percentage in favor. But only liberals had less than 50% in favor, with 48.9% approving.¹²

This leads to the question of why Americans support prayer so strongly despite the growing secularity of American culture. Obviously, the motivation is largely religious, as the dominant religions in America are the Judeo-Christian denominations. Yet even 59.7% of those who had never attended church or synagogue said that they

¹¹ Ibid., 1038.

¹² Elifson and Hadaway, "When Church and State Collide," 321.

avored school-sponsored prayer.¹³ This shows that there is another motivation besides purely the promotion of religion. Many people see the rise of secularism as correlated with the breakdowns of social order, exemplified by rising rates of alcohol and drug abuse, teen pregnancy, crime, and other disturbing factors since the 1950s. Religion has a long-standing history of being associated with strong moral values and discipline. Horace Mann, commonly known as ‘The Father of American Education,’ wrote that “religious instruction in our schools, to the extent which the constitution and the laws of the State allowed and prescribed, was indispensable to the students’ highest welfare, and essential to the vitality of moral education.”¹⁴

Many people may not see faith in religion itself as a desirable end, but they are willing to accept it as a means for the school system to produce moral adults. In fact, religion can promote moral values that are in many ways consistent with American culture and even American law. But as Mark Storer, a California high school teacher and a Christian, points out, forbidding school-sponsored prayer is not tantamount to “God [being] kicked out of the classroom.”¹⁵ Teachers are still allowed to discuss issues of faith, as long as they don’t preach or evangelize to students. As well, students are free to pray before, during, and after school, just not with the direct support of the school. Schools can promote strong moral values without the aid of a prayer at the beginning of the day.

¹³ Ibid., 321.

¹⁴ Greenawalt, *Does God Belong*, 14.

¹⁵ Mark Storer, “Speaking My Mind: Has God Been Kicked Out of the Classroom?” *The English Journal* 95 (May, 2002): 19. <http://0-www.jstor.org.tiger.coloradocollege.edu/jstor/>.

School-sponsored prayer is not wrong because it teaches moral values. It is wrong because it constitutes the government's support of a religion or set of religions over another. While this may have been acceptable or at least unnoticed in the past, the increasing diversity of religious opinion in the United States has made it no longer appropriate, if it ever was. The debatable moral benefits of a short prayer at the beginning of the day are vastly outweighed by the damage it does to the religious liberty of those who practice different faiths, or no faith at all. Thus, even though it may be against the wishes of the majority of citizens, it is the duty of the American government to uphold a policy that protects the rights of all its citizens, not just its most powerful groups. It is ridiculous to say that the rights of Americans to practice Christianity are in jeopardy, not when the President has weekly teleconferences with various Christian leaders around the country. The same cannot necessarily be said for those of less popular faiths, for any minority is always in danger of oppression when an opposing majority goes unchecked.

With that said, many schools still want to promote faith and morals, and a compromise that seems to be the most reasonable has been the moment of silence. Over thirty states now have statutes allowing or requiring a moment of silence during the day.¹⁶ The advantage of the moment of silence is that it does not carry the same inherent religious nature as a moment of prayer. A moment of silence can be used for prayer or it can simply be used to zone out or any other thought that does not violate the silence. A student wishing to avoid religious action or thought does not have it imposed on him or herself by having other students saying devotional phrases or having to leave the room to avoid it. Instead, he or she must simply sit in silence with his or her peers, not knowing

¹⁶ Greenawalt, *Does God Belong*, 207.

which ones haven't chosen to pray and which not to. There is an issue that a moment of silence has connotations of prayer, especially depending on how the teacher introduces it. But the consequences of not praying are only internal, and not external. A student may feel guilty for not participating in the encouraged use of the moment of silence, but since it can really be divined whether or not they are praying, those who do not pray do not face censure from their teachers or their peers. As well, the moment of silence is a more inclusive form of prayer, as students are free to think whatever thoughts they wish, religious or not. Although not a perfect solution, the moment of silence seems to offer the best compromise of promoting some type of deeper thought and reflection (whether in the form of prayer or not) without infringing upon the rights of religious minorities.

Regardless of whether the moment of silence provides an acceptable compromise, the issue of school prayer is merely a manifestation of larger forces at work. The United States is moving in two very different directions, stretching the spectrum of political opinion. There is a powerful movement towards a greater Christian religious presence in America, exemplified by mega-churches of fundamentalists, such as the New Life Church in Colorado Springs. But there is also a set of increasingly secularized ideals that is prevalent in urban and suburban areas, as opposed to rural fundamentalist strongholds. These urban and suburban areas attract a larger share of immigrants, leading to a greater diversity that in turn results in an emphasis on individual choice and expression as opposed to a uniform set of values. Both schools of thought have their dangers. Too great of an emphasis on the individual leads to a chaotic and valueless society, while a uniform set of values can ultimately lead to a tyranny in which a society constrains its members from any dissenting thought. While it is a tempting solution to the various breakdowns in

social order, the government cannot and must not allow one group to enforce its ideals on the rest of the country. Democracy is founded on the assumption that man is fallible, and one man or one group cannot be given too much power, because they can lead the country too far astray. The worst leaders in human history all thought they were right. The separation of church and state is built into the Constitution because religion is too often the guise that oppression uses to sneak up on a people. Although school prayer may seem harmless, it can be the first step on the slippery slope towards religious oppression.

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