

***Engel v. Vitale*, 1962.**

The Constitutionality of Prayer in Public Schools.

Background of the Case:

In the early years of America, school were seen as an essential and import part of the regular school day. After World War II there was a dramatic rise in immigration and the population became more diversified. Movements began to abolish prayer in public schools.

In 1951, the New York State Board of Regents approved a short prayer that started the school day. School districts were **not** required to use the prayer, and students were **not** required to recite it.

**“Almighty God,
we acknowledge our dependence upon Thee,
and we beg Thy blessings upon us,
our parents, our teachers, and our Country.”**

In 1958, the New Hyde Park School District on Long Island, New York adopted to use the above prayer in every class, even though students could be excused from reciting it.

Steven Engel was the father of two children in the district. He objected to the prayers and petitioned the state court for the prayer to be removed. His court case was against the head of the New Hyde Park school board, Mr. William J. Vitale, Jr.

The state court and the New York Court of Appeals refused to prohibit (stop) the prayer being recited. Engel then appealed to the United States Supreme Court. His case was heard under the pretense that the daily prayer, even though not enforced, violated the First Amendment

The Constitutional Issue: The First Amendment prohibits laws respecting the establishment of religion. [The First Amendment applied to all states because of the due process clause in the 14th Amendment].

Does the noncompulsory recitation of the daily prayer violate the establishment clause?

The Decision of the Supreme Court

The Supreme Court ruled in Engel’s favor 6 to 1, with two justices not participating in the decision). The majority opinion was written by Chief Justice Hugo Back. A summary of his decision follows:

The argument made by the New Hyde Park school board was that the prayer should be allowed as it did not relate to any particular religious group. Vitale clearly stated that no student was forced to say the prayer and they did not have to stay in the classroom when the prayer was being recited. It was not mandatory, it was optional.

The Supreme Court disagreed. They said that the practice was “*wholly inconsistent with the establishment clause.*” They said that the prayer was “*composed by government officials [the State Board of Regents] as part of a governmental program to further religious beliefs.*” The Court further stated that the prayer approved by the Board of Regents “*breaches the constitutional wall of separation between Church and State.*”

Chief Justice Black also said “*It is a matter of history that this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England, and seek religious freedom in America. Under that [first] Amendment’s prohibition . . . government in this country . . . is without power to prescribe power any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity.*”

Chief Justice Black validated several purposes of the establishment clause:

- (a) It prevents the “*union of government and religion which tends to destroy government and to degrade religion.*”
- (b) It expresses the principle “*that religion is too personal, too sacred, too holy, to permit its ‘unhallowed perversion’ by a civil magistrate.*”
- (c) It is “*to prevent religious persecutions which have historically arisen from governmentally established religions.*”

Chief Justice Black was arguing that the creation of America, the Constitution of the United States and the Bill of Rights were created to avoid these types of problems in society.

In his conclusion, Black stated “*the New York laws officially prescribing the Regents’ prayer are inconsistent both with the purposes of the establishment clause and with the establishment clause itself.*”

There is another side to this case. There was a **Dissenting Opinion** to the 6 to 1 ruling. The challenge came from Justice Potter Stewart. Below is part of his statement:

“*The Court does not hold, nor could it, that New York has interfered with the free exercise of anybody’s religion. For the state courts have made it clear that those who object to reciting the prayer may be entirely free of any compulsion to do so, including any ‘embarrassments and pressures.’ . . . But the Court says that in permitting schoolchildren to say this simple prayer, the New York authorities have established ‘an official religion.’ With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an official religion is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these schoolchildren to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation.*”

Civil Libertarians hailed a victory, Conservatives vigorously attacked the decision.

A Congressman from Alabama said “*They put the Negroes in the schools [in the Brown case] and now they have driven God out.*”

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1. On what basis did the majority of court justices find school prayer unconstitutional?

2. Which decision do you agree with, that of Chief Justice Black or that of Justice Stewart? Explain.

3. U.S. currency (both coins and paper money) are engraved "In God We Trust." In your opinion, does this violate the principle of separation of church and state? Explain.

4. Almost all public schools close for Christmas, Easter and other religious holidays. Do you think that the Engel decision should apply also to this situation? Explain.
