

Engel v. Vitale / Predicting the Outcome—Answer Key

1. Read the case summary of *Engel v. Vitale* and answer the following questions:

- How do you think the Supreme Court will rule in the case of *Engel v. Vitale*?

Student answers will vary.

- What reasoning will the Court provide for its decision?

Student answers will vary.

2. Read the excerpts of the majority, concurring, and dissenting opinion. Complete this table with the main ideas in each of the opinions.

Majority Opinion	Concurring Opinion	Dissenting Opinion
The “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.” The union of church and state is dangerous; “one of the greatest dangers to the freedom of the individual to worship in his own way lay in the Government’s placing its official stamp of approval upon one particular kind of prayer or one particular form of religious services.” The fact that it is not denominational, and voluntary is irrelevant. “The Establishment Clause, ...does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce non-observing individuals or not.” Disallowing the prayer prevents the support and establishment of a particular religion, but that does not mean that the Court is hostile to a particular religion	Because the teacher who leads the prayer is “on the public payroll” New York “finances a religious exercise” by paying her salary, even if the prayer is only a small part of the teacher’s day. Government involvement in any religious activity sows division in the community: “The philosophy is that if government interferes in matters spiritual, it will be a divisive force.” The prayer is not truly voluntary in nature; there is an “element of coercion” because few adults, let alone children would ask to be excused.	The prayer is voluntary, and the students can choose not to say it, so it does not represent an “establishment of religion.” There are many religious traditions reflected in the practices of the U.S. government, including the prayer that opens each court session, the wording of the pledge of allegiance, and the words that appear on coins. None of these long-standing religious traditions established an official religion and neither does the school prayer. Students who want to say the prayer should be allowed to do so.

4. In pairs or a small group, discuss the following:

- Did you accurately predict the outcome?
Student answers will vary.
- Did you accurately predict the reasoning that the Court provided? Explain.
Student answers will vary.
- Which arguments surprised you?
Student answers will vary.