

Engel v. Vitale / Background ••—Answer Key

In 1951, public school officials in the state of New York established a program of “moral and spiritual training” in schools. One part of this program was a recommendation that students and teachers in many of New York’s public schools say this school-provided **non-denominational** prayer after the Pledge of Allegiance at the beginning of each day: “Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country.”

That prayer, also known as the Regents’ prayer, was written and approved by the state education agency, the New York State Board of Regents. At the time, prayer in school was not unusual in the United States. In fact, it was part of a long-standing tradition of public schools engaging in the moral, spiritual and character education of students. Under the New York program, a teacher was always in the room when the prayer was said and either led the prayer or chose a student to do so. Students did not have to say the prayer; they could remain silent.

Even though the prayer was **voluntary**, some people, including parent Steven Engel, disagreed with it. They felt that reciting the prayer at the beginning of every school day went against their religious beliefs and practices and those of their children. They sued William Vitale, the head of the local school board, arguing that saying a prayer at the start of the day in a public school **violated** the First Amendment’s **Establishment Clause**. The Establishment Clause says “Congress shall make no law respecting the establishment of religion.” The school system argued that the prayer did not encourage a specific religion, was voluntary, and was protected by the **Free Exercise Clause** of the First Amendment, which says that “Congress shall make no law ... prohibiting the free exercise” of religion.

The New York State trial court upheld the practice of saying the prayer, citing the voluntary nature of the prayer and saying, “The state is not imposing a religious belief by using this prayer.” The New York Court of Appeals agreed and found that “there was a sufficient separation of church and state so that the First Amendment was not infringed.”

After the New York courts upheld the prayer, the objecting families filed for a **writ of certiorari**, and the U.S. Supreme Court agreed to hear the case.

Questions to Consider

1. Why did the state of New York want to encourage prayer in public schools?
In the 1950’s, prayer was included in school in New York because it was part of a program of “moral and spiritual” education.
2. Why did some parents disagree with the policy of reciting a prayer in school?

Some parents disagreed with the policy of reciting a prayer in school because it went against their religious beliefs and practices and those of their children. They also believed that it violated the Establishment Clause of the First Amendment.

3. What was the school district's (Vitale's) argument for keeping the prayer?
The school district's primary argument was that the prayer was non-denominational, voluntary, and did not violate the Free Exercise clause of the First Amendment.
4. How might the two religion clauses in the First Amendment conflict with each other in this case?
The conflicting elements of the First Amendment are the Establishment Clause and the Free Exercise Clause. The Establishment clause may suggest the prayer is establishing a preference for religion and is therefore unconstitutional. The Free Exercise clause may suggest that saying the prayer is the free exercise of students who choose to voluntarily participate and is therefore constitutional. Alternatively, some may argue that the school-sponsored prayer also violates the Free Exercise part of the First Amendment, because it has the effect of coercing children to participate in a religious proceeding. Children are required to attend school; they cannot choose to skip school if the prayer conflicts with their beliefs.
5. In your opinion, does the recitation of a teacher-led prayer in a public school violate the Establishment Clause?
Student answers will vary but will likely fall along the same arguments as those in the case.