

Engel v. Vitale / Background •••—Answer Key

For much of our country's history, public schools played a role in the moral and spiritual training of students. Bible reading was a common practice; in 1949, 37 states included Bible reading in the school day. In 1951, the New York State Board of Regents recommended that students and teachers voluntarily recite the following **non-denominational** prayer after the Pledge of Allegiance: "the Act of Allegiance to the Flag might well be joined with this act of reverence to God: 'Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country.'"

This was merely a recommendation by the Board of Regents of the State of New York to all school districts—it was up to the local school boards to adopt or not adopt the prayer. Many of the school districts throughout the state, including the New Hyde Park School District, implemented it. Thereafter, in that district, at the start of the school day, students and teachers voluntarily recited the provided prayer. The prayer, also known as the Regents' prayer, was said aloud in the presence of a teacher, who either led the **recitation** or selected a student to do so. Students were not required to say this prayer out loud; they could choose to remain silent.

In 1959, a group of parents that included Steven Engel sued William Vitale, the president of the New Hyde Park School Board, which had decided in 1958 to require public schools in the district to have the prayer recited. Included among those suing the school district were two Jewish families, a member of the American Ethical Union, a Unitarian, and a non-religious person. They felt that the school-sponsored prayer **violated** their religious beliefs and practices as well as those of their children. With support of the American Civil Liberties Union (ACLU), a civil rights organization, the plaintiffs argued that reciting the daily prayer at the opening of the school day in a public school violated the First Amendment's **Establishment Clause**, which applies to the states through the due process clause of the 14th Amendment. 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 prohibits government from infringing 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.