

Engel v. Vitale, 370 U.S. 421 (1962)

Condensed Case



The Big Picture

Public schools cannot lead or engage in religious activities.

Ruling

The Establishment Clause of the First Amendment prohibits school officials from composing or leading prayers, even if those prayers are nondenominational and students can opt out.

Constitutional Text

First Amendment's Establishment Clause: *Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.*

OPINION OF THE COURT:

[New York state officials composed a prayer which they recommended and published as a part of a "Statement on Moral and Spiritual Training in the Schools."]

We think that by using its public school system to encourage recitation of the Regents' prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause. There can, of course, be no doubt that New York's program of daily classroom invocation of God's blessings as prescribed in the Regents' prayer is a religious activity. [The prayer] is a solemn avowal of divine faith and supplication for the blessings of the Almighty.

[The individuals challenging the daily prayer contend that] state laws requiring or permitting use of the Regents' prayer must be struck down as a violation of the Establishment Clause because that prayer was composed by governmental officials as a part of a governmental program to further religious beliefs. [They argue] the State's use of the Regents' prayer in its public school system breaches the constitutional wall of separation between Church and State. [We agree and] think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country 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 government.

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. The Book of Common Prayer, which was created under governmental direction and which was approved by Acts of Parliament in 1548 and 1549, set out in minute detail the accepted form and content of prayer and other religious ceremonies to be used in the established, tax-supported Church of England. The controversies over the Book and what should be its content repeatedly threatened to disrupt the peace of that country as the accepted forms of prayer in the established church changed with the views of the particular ruler that happened to be in control at the time. [Some individuals], lacking the



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Dissenting Opinion

At the opening of each day's Session of this Court we stand, while one of our officials invokes the protection of God. Since the day of John Marshall our Crier has said, "God save the United States and this Honorable Court." Both the Senate and the House of Representatives open their daily Sessions with prayer. Each of our Presidents [upon taking office has] asked the protection and help of God.

It was all summed up by this Court just ten years ago in a single sentence: "We are a religious people whose institutions presuppose a Supreme Being."

I do not believe that this Court, or the Congress, or the President has by the actions and [practices previously mentioned] established an "official religion" in violation of the Constitution.

necessary political power to influence the Government on the matter, decided to leave England and its established church and seek freedom in America from England's governmentally ordained and supported religion.

There can be no doubt that New York's state prayer program officially establishes the religious beliefs embodied in the Regents' prayer. [New York's] argument to the contrary, which is largely based upon the contention that the Regents' prayer is "nondenominational" and does not require all pupils to recite the prayer but permits those who wish to do so to remain silent or be excused from the room, ignores the essential nature of the program's constitutional defects. Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause, as it might from the Free Exercise Clause, of the First Amendment.

It has been argued that to apply the Constitution in such a way as to prohibit state laws respecting an establishment of religious services in public schools is to indicate a hostility toward religion or toward prayer. Nothing, of course, could be more wrong. It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance.

To those who may subscribe to the view that because the Regents' official prayer is so brief and general there can be no danger to religious freedom in its governmental establishment, however, it may be appropriate to say in the words of James Madison, the author of the First Amendment: "[I]t is proper to take alarm at the first experiment on our liberties. * * * Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?"

