

Student Handout 1

History of Freedom of Religion and School Prayer

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . .

The very first right mentioned in the First Amendment is freedom of religion, indicating its importance to the American people. Because many Americans believe strongly in their religion, those beliefs can also lead to strong disagreements.

The First Amendment protects religious freedom in two ways: the Establishment Clause and the Free Exercise Clause. The Establishment Clause forbids the government from establishing an official church, formally supporting religious activities, or giving preference to religion over nonreligion. But under the Free Exercise Clause, the government also cannot interfere with the expression of religious beliefs. Sometimes these two rights conflict.

Religious Practices in Colonial America. Many American colonists left England because they objected to England's established church, the Church of England. But when they got to America, many of these colonists established churches of their own. In most cases church and state were not separate in colonial America. Taxes supported the established church, some colonists could not vote unless they belonged to a church, and some were required to go to church on Sunday.

In early America, people were badly mistreated if they did not share the religious beliefs of the established majority. The Puritans of New England were known to have burned an "H" (for "heresy") on the faces of Quakers. Other Quakers were mutilated by having their noses slit open, ears cut off, or faces scarred. In some colonies where the Church of England was the established church, sheriffs and armed planters forcibly broke up Baptist services and horsewhipped their preachers.

However, four of the thirteen colonies did not have established churches, and several others tolerated other religions. One of the great colonial advocates of religious freedom was Roger Williams, a Puritan minister who was expelled from Massachusetts in 1635 for his idea that government had no right to enforce religious laws. Williams founded the colony of Rhode Island to guarantee religious liberty for all creeds.

Religion in Revolutionary America. By the time of the American Revolution, the idea of religious freedom was gaining momentum. However, some states still jailed people who denied the doctrine of the Trinity or the divinity of the Bible. Thomas Jefferson of Virginia opposed such practices. Jefferson thought that government should only penalize actions that harmed other people, not punish beliefs. Jefferson helped lead the struggle for freedom of religion. His Statute of Religious Liberty guaranteed religious freedom in Virginia. The statute states that "whereas Almighty God hath created the mind free," no person would be required to attend or support any religious services. Furthermore, the law held that Virginians could no longer be denied the right to vote and participate in government because of their religious beliefs.

Religion and the Constitution. Religious freedom was one of the few individual liberties protected in the text of the original Constitution written in 1787. Article VI of the Constitution states that "no religious test shall ever be required as a qualification to any office or public trust under the United States." But there were many Americans who believed that the original Constitution did not provide enough protection for religious liberty. Therefore, James Madison included the Establishment Clause and the Free Exercise Clause when he proposed the Bill of Rights in Congress in 1789.

The Establishment Clause restricts the relationship between the government and the church. Through this clause, the First Amendment creates a nation in which all people belong, regardless of their religion. Participation in American government is not limited to those who have certain religious beliefs. Most Americans agree that the United States should not have an official religion and that people should not be beaten for their beliefs. Beyond that, however, Americans disagree vehemently about the proper relationship between government and religion. Courts have had to address those disagreements.

In the case of *Everson v. Board of Education* (1947), the U.S. Supreme Court ruled that the government cannot create or establish an official church, nor can it support one religion over another, or religion over nonreligion. "In the words of Jefferson," said the Court, the Establishment Clause "was intended to erect 'a wall of separation between church and state.'" But Americans disagree over how high that wall should be. Some people—called separationists—say that there should be strict separation between church and state. However, others—called accommodationists—believe that government must at times make allowances for the role of religion in society.

Religion and School Prayer. Most cases under the Establishment Clause involve religion and education. Because public schools are agencies of the government, any religious programs in them raise Establishment Clause issues.

Many accommodationists believe that the most important part of education is learning basic moral values, which they argue come from religion. To these Americans, religion should be part of the school curriculum. But separationists maintain that if the government supports religious instruction, it is clearly violating separation of church and state. Separationists ask, who decides what religious beliefs get government endorsement? Thus, a controversial issue involves prayer in public schools.

In the case of *Engle v. Vitale* (1962), the U.S. Supreme Court prohibited the use of a nondenominational prayer composed by the New York State Board of Regents to open the school day. In *Abington School District v. Schempp* (1963), the Court struck down a Pennsylvania law requiring the school day to begin with Bible readings and the Lord's Prayer. In both cases, the Supreme Court held that asking students who did not want to participate to remain silent or leave class was also unconstitutional. And in *Wallace v. Jaffree* (1985), the Court declared unconstitutional Alabama's moment of silence law, which set aside a period of silence in public schools for "meditation or voluntary prayer." The Court also ruled that "moment of silence" laws that did not specifically mention prayer would be constitutional. Finally, in 1992, the Supreme Court, in *Lee v. Weisman* ruled that official prayers at public school graduation ceremonies violated the Establishment Clause.

In sum, the Supreme Court's decisions have prohibited school sponsorship of religious exercises. The Court has never banned prayer in public schools if it is done voluntarily by an individual student. Nor has the Court forbidden the study of religion or the Bible as long as such study is done in a secular, or nonreligious, manner.

Accommodationists believe that school prayers and Bible readings are permissible in the public school because students are not forced to participate. Accommodationists say that if students object, they may sit quietly or leave the room. But separationists argue that students should not have to make such a choice, which denies their right to religious liberty and causes them embarrassment in front of their peers. Separationists maintain that the government should not be involved in any religious activity because it inevitably makes someone feel left out because of differing, or lack of, religious beliefs.

Adapted from *The Bill of Rights: A User's Guide*, © 1991 Close Up Foundation.

After you have finished reading the selection above, answer the following questions on a separate sheet of paper.

1. What was an established church? How did some colonists who were members of an established church treat other colonists who were not?
2. How did the actions of Roger Williams contribute to the idea of freedom of religion in the United States?
3. What were Thomas Jefferson's ideas about freedom of religion? What commonly used phrase about religion and government is attributed to Jefferson?
4. How do accommodationists and separationists differ in their interpretation of the Establishment Clause?
5. Briefly summarize how the Supreme Court has decided issues of prayer in public schools. Has the Court's stance been most often agreeable to accommodationists or to separationists?