



LANDMARK SUPREME COURT CASES AND THE CONSTITUTION

ENGEL V. VITALE (1962)

MONDAY, FEBRUARY 26, 2007

OVERVIEW

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The saying goes “as long as there are tests, there will be prayer in schools.” And individual students can indeed pray for straight A’s or for other reasons. The Supreme Court decision in *Engel v. Vitale* (1962) held that recitation of prayers in public schools, however, violated the First Amendment’s Establishment Clause. The ruling is hailed by some as a victory for religious freedom, while criticized by others as striking a blow to the nation’s religious heritage.

RESOURCES

- <http://www.citizenbee.org/user/StudentGuide.aspx?id=676>
- http://www.oyez.org/cases/case/?case=1960-1969/1961/1961_468
- <http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/engel.html>

ACTIVITY

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country." If a public school student were to say this non-denominational prayer quietly to herself, there would be no constitutional conflict. If a group of students were to assemble before school and say this prayer aloud, there would be no constitutional conflict. But what if all public schools in a state began the day with a formal recitation of this prayer? Known as the “Regents Prayer” this invocation was used to open the school day in New York public schools for much of our nation’s history. Students who did not wish to say it could choose to remain silent or stand outside the room, and face no penalty. This practice was challenged in the landmark Supreme Court case *Engel v. Vitale*. (1962).

The First Amendment says “Congress shall make no law respecting an establishment of religion.” This was originally added to the Constitution to keep the federal government from establishing a national religion. Today, the amendment is often used to keep religion out of government spaces such as public schools, libraries, and courtrooms. Challenges to religion in schools grew in the twentieth century for two reasons: The growth of public schools in the twentieth century, combined with the Supreme Court’s use of the Fourteenth Amendment to apply First Amendment limitations to the states. In *Engel v. Vitale*, the Court ruled that for public schools to hold official recitation of prayers violated the Establishment Clause.

Justice Hugo Black wrote: *“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...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.”* Some people wrongly believe this decision outlawed all prayer in public schools. It did not. The ruling did prohibit schools from writing or choosing a specific prayer and requiring all students to say it.

QUESTIONS

1. What was the “Regents’ Prayer”?
2. What was the original reason for adding the Establishment Clause to the Constitution?
3. Why did challenges to religion in schools grow during the twentieth century?
4. How did the Supreme Court rule in *Engel v. Vitale* (1962), and why?
5. In his dissent, Justice Potter Stewart wrote, “With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an ‘official religion’ is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these school children to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation.”



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ANSWERS

1. A non-denominational prayer that was used to open the school day in New York public schools for much of our nation's history.
2. The Establishment Clause was originally added to the Constitution to keep the federal government from establishing a national religion.
3. Challenges to religion in schools grew in the twentieth century for two reasons: The growth of public schools in the twentieth century, combined with the Supreme Court's use of the Fourteenth Amendment to apply First Amendment limitations to the states.
4. The Court ruled that for public schools to compose official prayers and hold formal recitation of them violated the Establishment Clause of the Constitution. The Court reasoned that this practice constituted a government religious program, and that it was not the government's job to compose official prayers and encourage students to say them.
5. Answers will vary. Some will agree with Justice Stewart, saying that since students were not forced to say the prayer, that government had not truly established a religion. Furthermore, they may say, the non-denominational prayer was an acknowledgement and expression of the country's religious heritage. Others will disagree with Justice Stewart, saying that the formal recitation of a state-composed prayer is an establishment of religion by government. They may say, furthermore, that no one's wish to say the prayer was denied; all that was denied was the public school's program of formal recitation. Students could still say the prayer individually or in groups outside of the school's program.