

THE CQ Researcher®

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Religion in Schools

Should the courts allow more spiritual expression?

In the past half-century, the U.S. Supreme Court has consistently ruled against religious observance in public schools, citing the First Amendment wall between church and state. But civil liberties groups point with concern to renewed efforts by conservative Christian groups and others to foster religion in schools by distributing Bibles, posting the Ten Commandments and allowing student-led prayers. While conservatives say the barriers to spiritual expression in public schools are too rigid, liberals warn that conservatives are “sneaking” religion into the schools. President-elect George W. Bush says he supports student-led prayer as well as controversial taxpayer-funded school vouchers for religious and other private schools. But his greatest impact on religion in schools ultimately may come from his appointments of new Supreme Court justices.



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Cover: Football players at Odessa High School in Texas hold an unsanctioned prayer session last September. A June 19 Supreme Court decision banned school-sanctioned pre-game prayers. (Newsmakers Photos/Joe Raedle)

Religion in Schools

BY PATRICK MARSHALL

THE ISSUES

To the delight of Christian activists, religion made a comeback in schools across the country last year:

- Volunteers visited elementary schools in Vest, Ky., to give Bible lessons.
- Gideons International distributed free Bibles at Hope Sullivan Elementary School in Southaven, Miss.
- Indiana legislators approved a bill allowing schools to post the Ten Commandments.
- Etowah County High School in Alabama featured public prayers before football games.

“Number one, we think it’s the right thing to do,” said Etowah principal David Bowman. “And, number two, football is a contact sport where kids are apt to get hurt, and you need God on your side.”¹

According to some observers, religion’s resurgence reflects a rise in spirituality among the students in public schools. “Spirituality is becoming more popular,” says Dick Carpenter, education policy director at Focus on the Family, a Colorado-based Christian outreach group.

According to others, however, the resurgence is being coordinated by conservative Christian groups and seriously threatens the nation’s public schools.

“They want to use schools as a place of witnessing and of getting legitimization for their perspective,” says Fritz Detwiler, chairman of the Department of Religion/Philosophy at Adrian College in Michigan and a consultant to educators on religious issues. Detwiler says he’s convinced



Advocates of prayer before football games show their support last Sept. 1 at Santa Fe High School stadium in Texas. The vigil occurred at the first home game following a U.S. Supreme Court ruling last June banning student-led prayer over loud speakers at football games.

that at least some Christian groups want to “destroy the public schools if they can’t Christianize them.”

Civil liberties groups like the American Civil Liberties Union (ACLU) say that a number of Supreme Court rulings ban religion in schools, including *Abington Township v. Schempp*, which in 1963 banned any public school exercise that was exclusively religious.

Carpenter says that after *Schempp*, the pendulum swung dramatically away from religious expression in the schools. “For many years, there was little reference to religion at all,” he says. But now, “the number of students who are saying, ‘I want to go to school and pray around a [flag]pole or form a Bible club,’ is on the increase, and not just in the Bible Belt. There are schools here in Colorado where students are saying they want some kind of religious expression in school.”

“This is light years from where we were even in 1990,” adds Doug Clark, director of field ministries at the National Network of Youth Ministries. “Christian students have been rising to the challenge of the culture, and

they’ve been boldly living out their faith on their campuses in ways that shock many of us who have been involved in youth ministries. We estimate that 37,000 secondary schools have an organized, student-led Christian presence and have been adopted by local ministries trying to serve that campus.”

But experts on both sides of the issue — Christian groups and civil libertarians alike — agree that school officials are often misinformed about just what sorts of religious observances are permissible on campus under federal law.

“We receive two or three complaints a week about religious activity in the public schools,” says Steven Green, legal director of Americans United for Separation of Church and State. “A vast majority of the issues are resolved with an initial letter. Sometimes it’s just that school officials don’t know what the rules are.”

And, paradoxically, in some cases perfectly legitimate religious expression may be stifled by school officials who don’t understand that such behavior is allowed, he points out.

That’s partly because Supreme Court rulings have left a significant amount of wiggle room. In fact, the behaviors proscribed by the Supreme Court are not illegal per se, but are not permissible in certain contexts. But those same behaviors might be allowed in a slightly different context, the court has implied, spawning a string of court tests.

The cases keep coming up because it’s not easy to draw the line between accommodating religious expression in a public school and endorsing religion, explains Jay Sekulow, chief counsel at the American Center for Legal Justice, founded by televangelist Pat Robertson, the

Americans Support Prayer, Creationism in Schools

Americans support prayer in public schools by a wide margin, according to a recent Gallup Poll. A sizable majority also favors teaching creationism along with evolution.

Do you generally favor or oppose:

Allowing students to say prayers at graduation ceremonies as part of the official program?



Allowing public schools to display the Ten Commandments?



Allowing daily prayer to be spoken in the classroom?



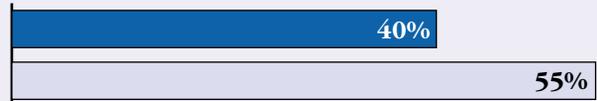
Teaching creationism along with evolution?



A constitutional amendment to allow voluntary prayer in public schools?



Teaching creationism instead of evolution?



Note: Percentages do not add to 100% because “no opinion” responses are not included.

Source: The Gallup Organization surveyed adults age 18 and over in September 2000 and June 1999.

founder of the Christian Coalition. “I expect these cases will keep coming up for the next 50 years as well,” he says.

Some civil liberties groups contend, however, that not all instances of impermissible religious expression in schools are due to innocent confusion.

Since the 1960s, a significant vocal minority — sometimes called the Religious Right — has opposed the court decisions banning religious activity in public schools, says Elliot Minberg, general counsel at People for the American Way.

“They have attempted, and continue to attempt, to promote sectarian religion in the public schools in whatever way they can,” he says. “They look for whatever loophole they can find in whatever the last

court decision was. No public prayer in classrooms? Well, how about at graduation? Can’t do that? What about at football games?”

Generally, those who push the hardest for more religious expression in public schools are fundamentalist or evangelical Christian organizations, and even opponents concede that their motives are sincere in most cases. “I don’t think most of it is malicious,” Green says. “They’re well-meaning people who believe it’s important to instill religious and moral values in children and that the primary place to do that is the public schools.”

Two factors make the issue of religious expression touchier for fundamentalist Christians than for most other religious groups. First,

many fundamentalists believe that the non-religious values taught in public schools are actually harmful to students, particularly Christian students.

“There’s no way in the world a Christian child can go through the public schools and expect to come out a Christian,” says Robert Simonds, president of Citizens for Excellence in Education, a division of the National Association of Christian Educators. “It used to happen, but it can’t now, not even if you’re a Christian parent and you give them every ounce of attention and you send them to Sunday school and to church. We’re losing 80 percent of all church children who go to public schools.”

Secondly, evangelizing is an essential part of life for Christian fundamentalists. “The whole purpose

is to reach out to people and to bring them into a relationship with God,” Clark says. “It’s an outreach-oriented thing. I know it is politically correct to keep your faith to yourself, but that’s not the nature of genuine Christian faith.”

As school officials, parents and interest groups debate the role of religion in public schools, these are the questions being asked:

Are barriers to prayer in schools too rigid?

No specific law prohibits prayer in public schools. Limitations on school prayer result from a series of Supreme Court decisions, which hold that certain religious activities violate the constitutionally mandated separation of church and state when they take place in publicly funded schools.

After banning school prayer in 1962, the Supreme Court in 1985 struck down Alabama’s efforts to require a moment of silence at the beginning of each school day, calling it an attempt “to return prayer to the public schools.” In 1992, the court ruled a school could not invite a member of the clergy to pray at graduation. Last June, the court disallowed student-led prayers over public-address systems at school events in Santa Fe, Texas. And on Oct. 2, the justices set aside a ruling that let public school students in Jacksonville, Fla., choose a class member to give a prayer at graduation.

But while the Supreme Court has said what is not permitted, it has done little to clarify what religious behaviors are permitted in public schools. For direction, the U.S. Department of Education advises school officials to refer to its guidelines, “Religious Expression in Public Schools,” first published in 1995 and revised in 1998.

The guidelines say nothing in the Constitution prohibits students from

engaging in “purely private religious speech” during the school day. “Students may pray in a non-disruptive manner when not engaged in school activities or instruction, and subject to the rules that normally pertain in the applicable setting,” the guidelines say.

“Specifically, students in informal settings, such as cafeterias and hallways, may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech,” the guidelines continue. “Students may also speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics. School officials, however, should intercede to stop student speech that constitutes harassment aimed at a student or a group of students.”²

Two key questions determine whether a religious activity is permissible: Is the activity “sponsored” in any way by school officials? And does it disrupt, harass or otherwise impose upon others who do not wish to engage in the activity?

But some lawmakers, school officials and religious organizations argue that the current limitations on school prayer are too tight.

In 1998, the House passed a proposed constitutional amendment preventing the courts from prohibiting voluntary individual or group prayer in schools, but it did not receive the two-thirds majority needed for passage.

“An outbreak of godless education has threatened to [break] our schools,” said cosponsor House Majority Whip Tom DeLay, R-Texas, when it was reintroduced in 1999. “Our kids are no longer taught what is right and what is wrong. God is no longer welcomed in our secular schools.”³

Some students, parents and school officials who disagree with the cur-

rent Department of Education guidelines or Supreme Court decisions simply ignore them. At many schools across the country, and especially in the South, football games and other school-sponsored activities continue to be preceded by prayers. The Beauregard Parish School Board in Louisiana, for example, formally voted last November to allow “non-sectarian, no-proselytizing student-initiated voluntary prayer” at school events.⁴

“There are some communities that have never accepted the decisions made back in the 1960s,” notes Minberg of People for the American Way. “Some communities won’t change until they’re encouraged to by the increasing heterogeneity that we’re all experiencing. It’s only when they’re confronted by someone who wants to stand up for their individual rights that something does happen.”

Meanwhile, “moment-of-silence” laws continue to be debated despite the Supreme Court’s 1985 ruling that a school-mandated moment of silence before the school day was unconstitutional. For instance, Virginia passed a law last year calling for a daily minute of silence in the schools during which students may “meditate, pray or engage in other silent activity.”

“From its beginnings, [Virginia’s] law has had state-sanctioned prayer written all over it,” said Kent Willis, executive director of the ACLU of Virginia. Willis says that while a “true” minute-of-silence law that did not mention prayer and had no religious intent would be constitutional, it is clear that the Virginia law does not fit that description.⁵

But federal Judge Claude M. Hilton saw the legislation differently when he upheld it on Oct. 30. “[Virginia] students may think as they wish — and this thinking can be purely religious in nature or purely secular in nature,” Hilton held. “All that is re-

Measuring Support for School Vouchers

Polls show varying support for government-funded vouchers to help parents pay for private or religious schools. Americans are evenly split on vouchers, according to an NBC News/Wall Street Journal poll. But an increasing majority supported vouchers according to CNN/Time polls in 1992 and 1999.

NBC News/Wall Street Journal, 1999

Which position do you side with more?:

Government should provide taxpayer-funded vouchers to help parents pay for private and religious schools. **47%**

Government funding should be limited to children who attend public schools. **47%**

CNN/Time 1992, 1999

How should the government support education?:

	1992	1999
Spend only on public schools	64%	54%
Help parents send children to private and religious schools	23	34

Note: Percentages do not add to 100% because “no opinion” responses are not included.

quired is that they sit silently. Nothing and no one is favored under the act.”⁶

Carpenter of Focus on the Family agrees. “Focus on the Family would never advocate a teacher standing up and saying, ‘OK, class, I’m going to lead you in prayer.’ However, if a legislature such as Virginia’s says it is going to allow a minute of silent prayer, that does not equal a teacher leading prayer. We absolutely support that.”

Others, however, say that moment-of-silence laws are only a first step for fundamentalist religious groups. To Adrian College’s Detwiler, “Silent voluntary prayer isn’t enough for the Christian Right.” Instead, he insists, they want to use schools as a place of witnessing and hope that by getting the schools to

authorize public prayer they will achieve legitimization.

“It’s such a hot issue for the Christian Right,” Detwiler adds. “It really doesn’t matter what the Supreme Court has said. The court has basically said no to all of the different formulations the [Christian Right] has come up with. But the issue keeps coming up because — both symbolically and actually — [it’s important] for the Christian Right to get prayer into the schools.”

Clark agrees. While his organization, the National Network of Youth Ministries, does not lobby for changes in the law, it is clear that the current policies are too restrictive for most Christians, he says.

“I’m working within the system and helping youth workers and stu-

dents find ways to express their faith, to grow in their faith and to share their faith with others,” he says. “Others are certainly working to change laws to have more freedom for prayer.”

Are Christian groups “sneaking” religion into schools?

Critics complain that religious groups use the Bible and other religious symbols and Bible classes to expand the presence of religion, specifically the Christian religion, in public schools.

The Supreme Court has said that public schools may teach students about the Bible, as long as it is presented “objectively as part of a secular program of education.”⁷ But People for the American Way says some schools are not following the court’s lead.

“A number of school districts around the country have ignored the court’s admonition,” the group contends in a recent study. “They have taught the Bible . . . from a religious perspective, generally from a particular sectarian perspective of Christianity. In such courses, the Bible is typically presented as factually true, and students are required to engage in exercises more appropriate for a Sunday school than a public school, including exercises that emphasize rote memorization rather than critical thinking or analysis skills.”⁸

The group said it found numerous examples of inappropriate Bible classes in Florida. For example, course materials from Tampa’s Plant City High School call the Bible “the most reliable source for history we have,” the report says.⁹

People for the American Way blames the National Council on Bible Curriculum in Public Schools for much of the inappropriate religious instruction. The council “may say it wants to introduce Bible classes in

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The Impact of the 'Establishment Clause'

Restrictions imposed by the federal courts on religious expression in public schools are based on the so-called establishment clause of the First Amendment to the Constitution. It states, "Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof."

In 1947, the U.S. Supreme Court said in *Everson v. Board of Education*: "The 'establishment of religion' clause . . . means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force or influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion . . . No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa."

The next year, the high court reinforced the *Everson* ruling, holding in *McCollum v. Board of Education* that, "The First Amendment has erected a wall between Church and State which must be kept high and impregnable."

Advocates of a greater presence for religion in public schools argue, however, that the Supreme Court has gone too far in its proscriptions on religious expression. They say, in fact, that the Founders never intended to erect a wall of separation between church and state.

"We are told that for us to encourage religion would be unconstitutional, that it would violate the Constitution so wisely devised by our Founding Fathers," Rep. Joseph R. Pitts, R-Pa., told the House in 1999. "This is an argument not founded in history or precedent. It is an argument of recent origin. It does not have its roots in our Constitution but rather in the criticisms of numerous revisionists who wish the Constitution said something other than what it actually does. In fact, those who wrote the Constitution thought it was proper for the government to endorse and encourage religion."¹

As evidence, Pitts and others cite the writings of a number of the Framers of the Constitution, including John Jay, co-author of the *Federalist Papers* and first chief justice of the Supreme Court. "It is the duty of all wise, free and virtuous governments to countenance and encourage virtue and religion," Jay wrote, according to Pitts. Pitts also quotes Henry Laurens, president of the Continental Congress in 1778 and '79, who wrote: "I had the honor of being one who framed the Constitution. In order effectually to accomplish these great constitutional ends, it is especially the duty of those who bear rule to promote and encourage respect for God and virtue."

In making his case for religion in schools, Pitts told his colleagues, "Since the very Founders who prohibited 'an establishment of religion' also said that it was the duty of government to encourage religion, it is clear that they did not equate encouraging religion as an unconstitutional establishment of religion. It is time for [Congress] to get back to upholding the actual wording of the Constitution, not some substitute wording that constitutional revisionists wish that it had said."

There appears to be little, if any, evidence in the historical record, however, that the Founding Fathers intended for government to "encourage" religion by any means other than through the public pronouncement of politicians. Indeed, the key documents that preceded the First Amendment and which served as talking points for the debates seem to point clearly to the need for a wall of separation.

For example, the Virginia Bill for Religious Liberty, drafted by Thomas Jefferson, held that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."

James Madison, another key Founder, also seems to have been arguing for a wall between church and state in his 1785 essay "Memorial and Remonstrance." "Rulers who wished to subvert the public liberty, may have found an established Clergy convenient auxiliaries," Madison warned. "A just Government instituted to secure & perpetuate it needs them not. Such a Government will be best supported by protecting every Citizen in the enjoyment of his Religion with the same equal hand which protects his person and his property; by neither invading the equal rights of any Sect, nor suffering any Sect to invade those of another."

In fact, the Supreme Court, based its later interpretations in no small degree upon the views of Jefferson and Madison, according to historians. In *Everson*, for example, the court held that "Memorial and Remonstrance" demonstrates that "Madison opposed every form and degree of official relation between religion and civil authority. For him, religion was a wholly private matter beyond the scope of civil power either to restrain or to support."

Even the dissenting justices in *Everson* agreed that the Constitution calls for a wall of separation between church and state. "With Jefferson, Madison believed that to tolerate any fragment of establishment would . . . perpetuate restraint upon that freedom," wrote Chief Justice John Rutledge in the dissenting opinion. "Hence he sought to tear out the institution not partially but root and branch, and to bar its return forever. In view of this history no further proof is needed that the Amendment forbids any appropriation, large or small, from public funds to aid or support any and all religious exercises."

¹ *Congressional Record*, Oct. 12, 1999, p. H9880.

Continued from p. 6

public schools to improve students' understanding of literature and history," another report says, "but the real intent of the organization is to promote a religious, primarily Christian doctrine."¹⁰

Council President Elizabeth Ridenour denies that her group is involved in proselytizing. "Of course they're going to claim that," she says. "They claim that any time anything with God in it comes into the public arena. But we're very careful to follow all the Supreme Court guidelines."

Ridenour also says that her group does not advocate teaching the Bible as historical truth. "That's just a lie. It's never taught as the truth. We say this is what the Bible says, just as if it were Shakespeare, and then the students form their own opinions. People for the American Way and others like them throw that in to try to cause controversy."

Civil libertarians also charge that posting the Ten Commandments in school buildings and teaching creationism are thinly disguised attempts to expand religious expression in public schools.

In June 1999, despite the Supreme Court's 1980 *Stone v. Graham* ruling that the Ten Commandments could not be displayed in classrooms, the House approved an amendment permitting states to enact laws requiring the posting of the commandments in schools and other public buildings.

While the amendment was never enacted into law, at least one state took action on its own. In February 2000, Indiana legislators approved a bill allowing schools to post the Ten Commandments. The Indiana law attempts to skirt the Supreme Court by requiring the Commandments to be part of an exhibit that also displays copies of other texts, such as the Constitution.

Indiana is not alone, according to a June 1999 Gallup Poll. It showed that 74 percent of adults support allowing schools to display the Ten Commandments.

Similarly, Christian groups are trying to "sneak" religion into the schools by teaching creationism, despite Supreme Court rulings barring the teaching of religion, says People for the American Way's Minberg. "The folks who are challenging evolution lost that battle, so they said, 'Well, how about creationism?'" he says. "'No,' they're told. 'That's really religion.' OK, how about 'intelligent design?' No? 'How about a disclaimer about evolution?'"

Unlike the debate over school prayer, where critics believe religious activists are sincere, opponents claim fundamentalist Christian organizations have a hidden agenda when it comes to these other issues.

"I do believe there's a hidden agenda," says Green of Americans United for Separation of Church and State, citing his experiences at a national lawyers conference sponsored by Focus on the Family. Although most sessions were "up front," he says, others had "very much of an agenda focused on returning organized religious expression to the public schools."

He continues, "You won't hear that from their press releases. All they say is that they want to advance free speech. But there's a real need out there for religious expression in the public schools to have the imprimatur of the state or of officials behind it."

And while most religious organizations deny that they want to proselytize in the schools, some groups declare that their purpose is just that.

"Jesus said, 'Go into all the world and make disciples of all nations.' It's clear that if a person is responding to the words of Jesus, they say, 'Go,'" explains Clark of the National Network of Field Ministries. "The New

Testament talks about . . . being a light set on a hill and not to put it under the basket. Those images don't teach us a privatized, culturally safe, politically correct kind of faith."

Should taxpayer-supported vouchers help parents send their children to private or religious schools?

Liberal groups are not the only ones that complain of hidden agendas. Some religious groups see themselves as victims of a campaign by "secular humanists" and others whom they view as anti-religious or anti-Christian.

"The campaign to isolate children from their parents and to indoctrinate them with humanistic ideas is being waged primarily in the public schools," writes James Dobson, founder of Focus on the Family.¹¹

The Christian Coalition's Robertson offers a similar view. "The teachers who are teaching your children are not necessarily nice, wonderful servants of the community. They are activists supporting . . . values [like] affirmative action, ERA, gun control, sex education, illegal teachers' strikes, nuclear freeze, federal funding for abortions [and] decriminalization of marijuana," Robertson said.¹²

Simonds of Citizens for Excellence in Education delivers an even more dramatic call to arms in "America's last great war" against what he calls the atheism of the secular humanists in the public school system. "This is a battle for the heart, mind and even the very soul of every man, woman and especially every child in America," he wrote. "The combatants are 'secular humanism' and 'Christianity.' . . . The Christian is the key to God's victory over Satan and the atheism of secular humanism. We can change our world in this generation! Our job is to evangelize, while time remains. Our schools are the battleground."¹³

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Chronology

1492-1790 *Most of the Colonies support established religions.*

1647

Massachusetts passes the Old Deluder Satan Act, which makes education compulsory in order to prevent Satan from deluding children.

1790-1830 *The new government calls for a separation between church and state.*

1791

Congress passes the Bill of Rights, including the First Amendment, which reads: "Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof."

1830-1940 *American education undergoes a gradual process of secularization.*

1830

The movement begins for publicly funded "common schools," designed to be nonsectarian but not devoid of religion.

1833

Massachusetts removes its official support for the Congregationalist Church, becoming the last of the Colonies to abolish established religion.

1868

The 14th Amendment is passed making the protections in the Bill of Rights, including the religion clause of the First Amendment, binding upon the states as well as upon the federal government.

1940-present

Although the Supreme Court clarifies the "establishment clause," religious activists gain a stronger voice.

1940

The Supreme Court's *Cantwell v. Connecticut* decision upholds the power of the 14th Amendment to make the religion, or "establishment," clause binding on the states as well as the federal government.

1947

In *Everson v. Board of Education* the Supreme Court rules that states cannot pay for transporting children to private religious schools.

1948

In *McCullum v. Board of Education* the Supreme Court decides that religious teachers cannot come to public schools to teach religion.

1962

In *Engel v. Vitale* the Supreme Court holds that it is not constitutional for students to read aloud a prayer composed by school authorities.

1980

Ronald Reagan is elected president with the help of fundamentalist Christian organizations.

1985

In *Wallace v. Jaffree* the Supreme Court holds that schools cannot authorize a period of silence for voluntary prayer.

1992

In *Lee v. Weisman* the Supreme Court decides that it is not constitutional for schools to invite members of the clergy to offer prayers at middle and high school graduations.

1997

The Rev. Ray Moore launches Exodus 2000, a call for Christian parents to take their children out of public schools. Moore is later joined by Robert Simonds, leader of the California-based Citizens for Excellence in Education.

1998

The three top positions in the U.S. House of Representatives are filled by members who received perfect ratings from Pat Robertson's Christian Coalition.

1998

An amendment authorizing school prayer wins a majority vote in the House, but not the two-thirds majority required for a constitutional amendment.

2000

On June 19, in *Santa Fe Independent School District v. Doe*, the Supreme Court holds that students cannot use a school public address system to recite prayers at school-sponsored events. Voters in Michigan and California turn down voucher proposals. A federal court rules that Cleveland's voucher program is unconstitutional because it uses tax money to send students to religious schools. Students and adults throughout the South continue to pray aloud before football games.

RELIGION IN SCHOOLS

Continued from p. 8

The perceived threat represented by the values taught in the public school system has led some fundamentalist groups to abandon the public schools altogether. The Rev. Ray Moore, president of Frontline Ministries in Columbia, S.C., launched Exodus 2000 in 1997 “in response to the precipitous, widespread concern among American parents and businessmen, especially in the Christian community, that ‘Somebody has got to do something now about the education crisis in America.’” His goal is to help American families pull their children out of the public school system.¹⁴

Two years ago, Simonds set a 12-year deadline for pulling the estimated 20 million church children now in the public schools out of the system. “We’ve gotten 3 million out in the past two and a half years, so there’s only about 17 million left,” he says. “We’re talking about children who would be lost not only to the church but to God and to heaven.”

But Simonds and his followers don’t only want to take their children out of the public schools. They also want to take the public funds allotted to educate those children.

“If the public school will not meet the very basic needs of preserving [a] child’s faith, then the parent has to pay for a private school education on top of being taxed for a public school education,” Simonds

their children to private schools, including religious schools.

“We advocate a system that empowers parents to choose the best opportunity for their kids, and that may be a combination of things, including tax credits and vouchers,” he says.

But opponents argue that such proposals, if enacted, would drain sorely needed resources from the public schools. “How big a threat are vouchers to public schools?” asks Minberg. “We know that in Milwaukee alone tens of millions of dollars have been drained from the public schools at a particularly critical time.” Milwaukee has one of the nation’s few voucher systems.

The damage such a system can cause to the public schools, he says, depends upon how large the program is and how it is implemented. “You have the draining of resources from public schools that accept everyone to private schools that are selective about who they take,” he points out.

But others warn that public funds may have strings attached that may also prove to be hidden threats for the private schools that accept the vouchers.

“They want federal money, but they don’t want the responsibility for obeying federal laws, such as not discriminating,” says Wendy Kaminer, a public policy analyst at



AP Photo/Robert B. Burge



AP Photo/Graham K. Johnson

High school students in Shreveport, La. (top) and Garden City, Kan., take part in “See You at the Pole” prayer rallies last Sept. 20. The Supreme Court permits such meetings if they are voluntary and held before school starts.

says. “That’s unacceptable. We’re being double taxed with no voice.” He and others are lobbying for voucher programs and other tax breaks for parents wanting to send

Teaching of Creationism Still Supported

Among the advocates of religion in the public schools are creationists — those who reject evolution in favor of the biblical explanation for the creation of the world.¹

Creationists won a major victory in August 1999, when the Kansas Board of Education removed the teaching of evolution from state science standards, making it possible for a student in Kansas to graduate from high school without having been taught about evolution. However, the board's membership changed in the last election, and some observers say the policy will be reversed.

In addition, bills introduced in the Georgia and Ohio legislatures in 2000 would have required teachers of evolution to present alternative theories, such as creationism. And state boards of education in Alabama and Oklahoma required biology textbooks to say that evolution is just one possible theory of the creation of life.

"Biblical creation should not be taught as the sole theory of the origin of mankind — that would be proselytizing," says Jay Sekulow, chief counsel at the American Center for Legal Justice, which helps fundamentalist religious groups in the courts. "But saying there are alternative

views to the theory of evolution is academic freedom."

But People for the American Way, a nonpartisan organization that protects First Amendment rights, said in a recent report that Christian advocacy groups are using "increasingly sophisticated strategies" to "inject their ideas into public school science curricula."² The report notes that in 1987 the U.S. Supreme Court rejected arguments for so-called "balanced treatment" — in which creationist or "intelligent design" explanations of creation are presented alongside the theory of evolution.³

In *Edwards v. Aguillard*, the court ruled that such balanced treatment is unconstitutional in that it "advances a religious doctrine by requiring either the banishment of the theory of evolution from public school classrooms or the presentation of a religious viewpoint that rejects evolution in its entirety."

¹ See David Masci, "Evolution vs. Creationism," *The CQ Researcher*, Aug. 22, 1997, pp. 745-768.

² *Ibid.*, p. 1.

³ People for the American Way, "Sabotaging Science: Creationist Strategy in the '90s," November 1999, p. 7.

the Radcliffe Institute in Cambridge, Mass. "If you accept government funding, you have to accept government oversight."

Carpenter agrees. "People who are leading these schools are wary, and they should be wary, that when they take money there are strings attached," he says. "There's no way to get around that." ■

BACKGROUND

Colonial Intolerance

The wall of separation between church and state in the United States was constructed relatively recently.

In most of the American Colonies, one needed to be a church member in good standing to hold public of-

ice. Indeed, some Colonies had compulsory schooling for children, which was pointedly religious in nature and intent. For example, the legislation mandating compulsory education in 1647 Massachusetts was called the "Old Deluder Satan Act." Ensuring that all children were properly instructed was essential, the act said, because "one of the chief projects of that old deluder Satan [is] to keep men from the knowledge of the Scriptures" through employing "false glosses of saint-seeming deceivers."¹⁵

The Colonies were not only religious in character but also sectarian and, in many cases, intolerantly so. "The Puritans came to America for religious liberty — their own, not anyone else's. Moved by a sense of divine mission and confident of the truth, they, like most believers of that day, were decidedly intolerant," writes Warren A. Nord, a professor of philosophy at the University of North Carolina at Chapel Hill.¹⁶ On occasion, the Puritans cut off the ears of

heretics; from 1649 to 1651 they hanged four Quakers.

Like most Colonial societies, the Puritans had a state-established religion. All members of the society were taxed for the church's support, and required to attend church. In fact, only four Colonies — Delaware, New Jersey, Rhode Island and Pennsylvania — did not have established religions.

Some analysts argue that the multiplicity of established religions made it clear to the Framers of the Constitution that if the country was to be a united political entity the federal government should not establish or favor one religion over another. That philosophy led to the religion clause of the First Amendment, also called the "establishment clause:" "Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof."

But the proscription did not prevent individual states from continuing to support an established religion

— at least not until 1940, when the Supreme Court held that the First Amendment was also binding on the states. However, the issue was moot long before 1940, since the last state with an established religion — Massachusetts — disestablished it in 1833.

‘Common’ Schools

It was more than coincidental that the 1830s was also when the movement for tax-supported “common schools” began. Ironically, at least part of the motivation for the first generation of public schools was religious. “Protestants united behind common schools because of the growing flood of immigration — particularly, in the case of Massachusetts, from Catholic Ireland,” Nord writes. “The Protestant hope was that nonsectarian schools would be acceptable to Catholics, who would be socialized into becoming good Americans. To this end, Protestants were willing to dispense with much doctrinal content.”¹⁷

However, most Roman Catholics, perhaps persuaded by violent anti-Catholic riots in Boston, New York and Philadelphia, developed their own system of parochial schools. In some places — echoing current debates over vouchers — Catholics pressed for tax support of their schools, arguing that the Protestants’ common schools received it.

No state gave aid to Catholic schools, but several prohibited the use of tax funds for sectarian schools. By 1900, most states prohibited public funds going to parochial schools, and some banned religious instruction in the public schools.

While Catholic parochial schools developed without public funding, the Protestant common school system continued to receive public

funds. As late as the Civil War, school texts were highly religious in nature, accepting the Biblical accounts of the creation of the world as fact. But by the 1890s, common schools and the texts they employed were largely devoid of religion. (Notable exceptions included the ubiquitous *McGuffey’s Readers*, which were filled with Bible stories and moral lessons, and were used well into the 1920s.)

As Nord observes, “Between the time of the American Revolution and the end of the 19th century, an education revolution took place; religion dropped by the wayside as America marched in the modern world. The mantle of high purpose in the schools was passed on to democracy and Americanism, the new faiths of the new nation.”¹⁸

Court Decisions

Until the 1940s, the First Amendment was seen as binding only on the federal government, not on states and localities. But the Supreme Court’s *Cantwell v. Connecticut* ruling in 1940 turned that around. The court held that First Amendment protections for religious expression extended to state and local laws. “With those words, the doors of the federal courts were opened to those who wished to challenge state laws concerning the rights of individuals, and Americans responded by filing cases involving a great variety of religious issues,” writes Lynda Beck Fenwick, a trial attorney and historian.¹⁹

A parent in Champaign, Ill., brought one of the first major religion cases before the high court in 1948. Vashti McCollum complained that her taxes were being used to support religious instruction in public school classrooms, because religious teachers were allowed into the

public schools to teach religion. Not only did they have captive audiences, she said, but they were using facilities provided by tax dollars.

“The First Amendment has erected a wall between Church and State which must be kept high and impregnable,” the justices said in reversing lower court rulings upholding the school’s policy.²⁰

Over the next 50 years, the court averaged two cases per year addressing the religion clause, many involving public schools. The clear trend in each case has been to further limit the opportunities for religious expression within the public schools. (See sidebar, p. 13.)

Conservative Christians

The development of a political voice among fundamentalist Christian groups in the latter half of the 20th century further highlighted the religion-in-schools issue.

Conservative Christian voters came out in droves to help elect Ronald Reagan to the White House in 1980. As a result, a number of Christian leaders stepped into the national spotlight, notably Jerry Falwell, a minister and televangelist, and Christian Coalition founder Robertson. Thanks to their new voice within the Reagan administration, Christian activists began the 1980s with high hopes that they could reform America and return religion to its schools.

However, the religious revolution largely fizzled. Despite all the campaign rhetoric, the eight years of the Reagan administration offered little for conservative Christian groups. After a series of seeming “victories,” Christian activists experienced more disappointments than successes over the next 20 years, both in the courts and in national politics. As a result,

Major Supreme Court Decisions on Religion in Schools

- **June 19, 2000** — *Santa Fe Independent School District v. Doe*. Until 1995, the student council chaplain at Texas' Santa Fe High School offered a prayer over the public address system before each varsity football game. The practice was challenged in District Court as a violation of the "Establishment," or freedom of religion, Clause of the First Amendment. While the case was pending, the school district adopted a new policy permitting but not requiring a prayer initiated and led by a student at all home games. The District Court ruled that only nonsectarian, non-proselytizing prayers would be permitted. But the Court of Appeals rejected the modified prayer policy. The Supreme Court affirmed the Appeals Court, ruling that prayers over a public address system at school-sponsored events violated the First Amendment.
- **June 28, 2000** — *Mitchell v. Helms*. The court upheld a federal program that gives equipment and other aid to religious schools. The majority opinion, written by Justice Clarence Thomas, held that aid is constitutional if it is "allocated on the basis of neutral, secular criteria that neither favor nor disfavor religion, and is made available to both religious and secular beneficiaries on a non-discriminatory basis," even if the funds go to a religious institution.
- **1997** — *Agostini v. Felton*. The court reversed its 1985 decision in *Aguilar v. Felton* (see below) and held that public school teachers could be sent to teach remedial classes in parochial schools.
- **1992** — *Lee v. Weisman*. The court held that allowing members of the clergy to offer prayers at middle and high school graduations violated the Establishment Clause. Even though the prayers were nonsectarian, the court found that the policy forced students to "support or participate in religion." The court also determined that simply making attendance at the event voluntary did not remove the coercion because of both peer pressure and pressure from the school to participate.
- **1985** — *Aguilar v. Felton*. The court held that New York state could not send public school teachers to parochial schools to teach remedial classes. The court specifically said that such teaching must occur in non-religious settings.
- **1985** — *Wallace v. Jaffree*. The court struck down an amendment to an Alabama statute that would have authorized a period of silence for "voluntary prayer" in public schools. The court said the primary purpose of the amendment was religious, but it left open the question of whether a differently worded moment-of-silence law might be constitutional.
- **1981** — *Karen B. v. Treen*. The court held as unconstitutional a Louisiana law requiring school boards to permit teachers to lead prayers and allowing students to voluntarily lead prayers. The court said the statute lacked any secular purpose and promoted religion, even though it did not promote a specific religion or sect.
- **1980** — *Stone v. Graham*. The court said a Kentucky statute requiring the posting of the Ten Commandments in public schools violated the Establishment Clause since it had no secular purpose.
- **1963** — *Abington School District v. Schempp*. The court struck down Pennsylvania and Baltimore statutes calling for Bible readings and/or the Lord's Prayer to be read over the intercom before school. Although students could be excused from participation, the court held that, "there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion" for the practice to be constitutional. The court said, however, that the Bible can be studied for "its literary and historic qualities . . . as part of a secular program of education."
- **1962** — *Engel v. Vitale*. The court held that a 22-word non-denominational prayer prepared by public school authorities and prescribed for use in classrooms violated the Establishment Clause. The court determined that, "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 the government."
- **1948** — *McCollum v. Board of Education*. The court ruled that religious teachers could not be allowed to come to public schools to teach religion.
- **1947** — *Everson v. Board of Education of the Township of Ewing*. The court held that New Jersey could not reimburse parents for money expended by them to transport their children to private religious schools.

most groups turned their attention to the state and local levels.

Most analysts see this shift as being at least partly responsible for the 1994 Republican takeover of Congress. And the increased number of conservative Christians in Congress gave

Christian organizations a greater voice in the Republican Party. As one measure of their new influence, members with perfect ratings from the Christian Coalition held all three top House leadership positions in 1998.

"By 1996, Christian Right power

was sufficient to impose its agenda on the party's presidential platform even though the party's presidential candidate, Robert Dole, expressed discomfort with a number of platform planks," writes Adrian College's Detwiler. "Yet, although conserva-

tive Christian voters constituted the largest single voting block within the Republican Party, their power from 1994 to 1998 was not sufficient to move the party to advance their social agenda.”²¹ ■

CURRENT SITUATION

Limits on Prayer

Both the courts and Congress have shown little, if any, inclination over the past year to lower the barrier between church and state on school property.

Indeed, the most recent Supreme Court decisions demonstrate a clear willingness to retain the wall of separation. In June, the court ruled that the Santa Fe Independent School District in Texas acted improperly in allowing students to read Christian prayers over the public address system at home football games. The majority opinion held that, “The delivery of such a message — over the school’s public address system, by a speaker representing the student body, under the supervision of school faculty, and pursuant to a school policy that explicitly and implicitly encourages public prayer — is not properly characterized as ‘private’ speech.”²²

The court further held that even if the student-led prayer and students’ attendance at football games were “purely voluntary,” the prayer policy would still be coercive, because the school cannot exact religious conformity from a student as the price of attending a football game.

In its October Jacksonville decision, the court further limited the opportu-

nity for prayer in schools by setting aside a lower court decision that allowed voluntary student-led prayer at graduation ceremonies.²³ In this case, the school played no role at all except in providing the forum of the graduation ceremony.

Like the courts, the 106th Congress also was less than open to expanding religious expression in schools. The only significant legislation relating to religious expression in the schools were the proposals for a constitutional amendment allowing voluntary prayer.

The legislation, sponsored by Rep. Lindsey Graham, R-S.C., would have amended the constitution to say that, “Nothing in this Constitution shall be construed to prohibit voluntary individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.”

Although an earlier version of the legislation didn’t win the two-thirds majority required for a constitutional amendment, Christian groups hope the measure will be reintroduced this year. But its prospects for final passage are dim. Congressional insiders say the only reason the bill reached a vote was that committee members were confident it would not pass.

Those working to increase the profile of religion in the public schools found more to cheer about last year in state legislatures. In addition to Virginia’s moment-of-silence law, three other states — Indiana, Kentucky and South Dakota — passed laws allowing the Ten Commandments to be displayed in schools and on other public property. Similar legislation was proposed in at least eight other states.

Critics say it is unlikely that such laws would withstand challenge. “If any of these states are foolish enough to enact these bills into law, I would consider it an invitation to a lawsuit — and you

can write that in stone,” said Barry Lynn, executive director of Americans United for Separation of Church and State.²⁴

Meanwhile, some school administrators say the rules about religious expression in schools remain so fuzzy that the best way to handle the issue is to be sensitive to the needs of all students.

“When you start squelching religious expression too much, you’re ignoring what is really a pretty heavy part of some people’s culture,” says Dave Humphrey, principal of Roosevelt High School in Seattle.

What’s more, he says, “Very often there are some things you don’t know about people’s religions. We have some Muslim kids who need to pray during the school day, and we allow them to be released from class. Would we allow Christians to be released? That’s not a required part of their religion, so I’d be talking with their parents and saying, ‘No, we really don’t want that to happen because we’d be losing academic time.’ There are other times during the day they can pray.”

Voucher Battles

Analysts and advocates on both sides of the religion-in-schools controversy agree that the hot issue is vouchers and other proposals for public funding of parochial and other private schools.

But recent indicators are not encouraging for voucher supporters. In the last elections, voters in two states defeated hotly contested voucher proposals.

Michigan voters turned down vouchers — for up to \$3,300 per year — for students in poorly performing schools. The Roman Catholic Church and other Christian organizations supported the measure, both financially and from church pulpits.

In California, voters rejected a proposal to provide every student — even those already in private schools — with a \$4,000 voucher that could be used to pay for tuition. The Catholic Church declined to support the proposal, reportedly because it didn't target low-income families.

Although both voucher proposals failed, even critics acknowledge that they attracted substantial support and represent a real threat to the public schools.

“When you talk about school choice, that makes sense to people,” says Kaminer of the Radcliffe Institute. “When you say that poor people ought to have the same opportunity to send their kids to good schools that rich people have, that resonates with a lot of people.

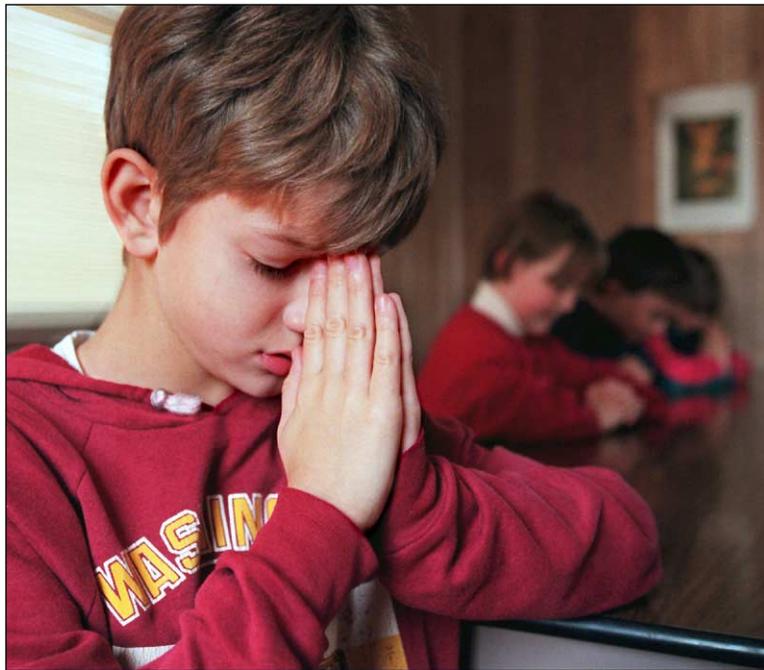
“But when you think about how the system would actually work; about how selective private schools are; about how limited the space is; and about how expensive they are, the only way to provide a good enough education for the greatest number of students is through a publicly funded school system.

“It's not as if these vouchers are going to create a system of alternative schools that are going to accommodate all of the kids who want to get out of their supposedly failing public schools,” Kaminer adds.

Some critics warn that some voucher supporters actively seek to undermine the public schools. “All of those strategies for vouchers and tax credits for private schooling are aimed at substantially weakening

public education in order to advance the Christian Right's cultural agenda,” Detwiler of Adrian College says.

Minberg of People for the American Way agrees. “There are plenty of people who have their feet in both camps,” he says. “The Christian Coalition is a good example. They are vigorous proponents of vouchers and other methods to essentially undermine, or close up, the public schools, but at the same time as long as the public schools exist they're going to do their best to promote their agenda there.”



Nathan Good prays during religious instruction conducted on a private site near his public school in Timberville, Va. Some schools allow students to take time off for religious observances.

In the view of Sekulow of the American Center for Legal Justice, “There isn't anything wrong with a voucher system that provides a voucher for parents to use to send their child to any school, including a parochial school.”

At the same time, he says, “Ninety percent of Christian students attend public schools in this country. Private schools are just not [available] for everybody. So while there are students in these schools, their rights

need to be protected. No, we're not calling for a mass exodus out of the public schools. That's something for each set of parents to decide.”

The problem for the religious groups that push for vouchers is that they don't want the regulation that generally comes with public funds. “I'm in favor of vouchers if the vouchers are written so that Christian schools are not subject to government control,” says Simonds of Citizens for Excellence in Education.

That is not likely to happen, voucher critics say. “Take the money and run? I think they're being rather naive,” says Green of Americans United for Separation of Church and State. “That's not been the history of public funding; there is going to be a demand for accountability.”

Green predicts that calls for regulations and efforts to professionalize teachers will “end up turning the private schools into mirror images of the public schools.”

In addition to Milwaukee, voucher programs exist in only a handful of places, where they are mostly only available to low-income students. A statewide program in

Florida, initiated by Republican Gov. Jeb Bush, remains tangled in court challenges. Bush's brother, President-elect George W. Bush, advocated vouchers during his campaign.

Sekulow notes that the Supreme Court “keeps ducking the [voucher] issue,” but he predicts it will find its way to the court in the near future. “The pressure is building,” he says.

In fact, in a ruling that may hasten the process, the 6th U.S. Circuit Court

KKF Photos/Laura Rauch

of Appeals on Dec. 11 held the voucher program launched in Cleveland in 1995 unconstitutional because it uses tax money to send students to religious schools.

"To approve this program would approve the actual diversion of government aid to religious institutions in endorsement of religious education, something 'in tension' with the precedents of the Supreme Court," the court said.²⁵ ■

OUTLOOK

Bush's Impact

Civil libertarians and conservative Christian organizations agree that the election of Bush as president and the ongoing push for voucher programs will have the greatest impact on religion in the public schools in the next few years.

Bush's public position on school prayer appears to toe the constitutional line. "I support voluntary, student-led prayer and am committed to the First Amendment principles of religious freedom, tolerance and diversity," Bush told reporters during the campaign. "Whether Mormon, Methodist or Muslim, students in America should be able to participate in their constitutional free exercise of religion.

"We should not have teacher-led prayers in public schools," he continued, "and school officials should never favor one religion over another, or favor religion over no religion (or vice versa). I also believe that schools should not restrict students' religious liberties. The free exercise of faith is the fundamental right of every American, and that right doesn't stop at the schoolhouse door."²⁶

Bush is on somewhat less firm ground, constitutionally speaking, in his

support for voucher programs. "I believe in local control of schools; therefore, I think it's up to individual states to decide whether to enact vouchers," Bush said. "I believe federal dollars should no longer subsidize failure."

Bush has said his first legislative priority will be education reform, including his version of a voucher program, which will be introduced on his first day in office or very close to it. However, given the slim majority held by the Republicans in the House and the 50-50 split in the new Senate, Bush is anxious to offer a proposal with bipartisan support. And his voucher plan would probably be so divisive as to scuttle any hope for bipartisanship.

"Vouchers would complicate any opportunity to act quickly on reforms to improve public schools, on which there is general agreement," said Daniel Weiss, spokesman for California Rep. George Miller, who is expected to be named ranking Democrat on the House Education Committee.²⁷

Moderate and liberal Democrats, backed by teachers' unions, civil rights groups and liberal social policy groups, strongly oppose vouchers, and their opposition has intensified since the two state voucher defeats in November.

Even some conservative Democrats oppose them. "Vouchers are dead in the water," said Rep. Charles W. Stenholm of Texas, a member of the so-called "Blue Dog" coalition of conservative House Democrats.²⁸

Many Republicans are advising Bush to eventually drop the voucher provision in order to achieve bipartisan support for the rest of his education-reform plan, which calls for more testing and accountability while granting states more flexibility to achieve higher student performance. Such proposals are more attractive to some moderate-to-conservative Democrats.

As a result, Bush is expected to offer a nominal voucher plan, but it will be more of a symbolic gesture to satisfy conservatives, transition and

congressional officials told *The Washington Post*. The proposal likely will be sacrificed during negotiations aimed at achieving Bush's testing and state-funding goals, they said.²⁹

Bush's voucher ideas, said Sen. John F. Kerry, D-Mass., "are ripe for bargaining away, and I'm confident they will be."

Florida International University President Modesto "Mitch" Maidique, who was appointed to Bush's transition education advisory team, agreed. "I think [vouchers] in most cases end up being a hypothetical, but I think the idea of measuring performance and having a system of incentives and disincentives is pretty fundamental stuff."³⁰

But Bush administration spokesman Ari Fleischer on Jan. 2 denied the suggestion that the voucher proposal would be dropped. Vouchers "will be part of the agenda . . . and [Bush] is going to work hard to enact school choice into law," he said.³¹

In the end, Bush is most likely to influence school prayer and vouchers by making appointments to the Supreme Court.

"The next president could well shape the future of the Supreme Court," says Sekulow of the American Center for Legal Justice. "The court is right now divided on these issues, and two justices one way or the other could tip the scales in favor of voucher programs or against them." And, he notes, Bush's "judicial philosophy would allow for vouchers to go to religious schools."

Green of Americans United for Separation of Church and State says Bush is likely to be under significant pressure to deliver legislation as well. "Bush certainly doesn't have a mandate, and he's certainly going to have to shore up his constituency," Green says. "Pat Robertson's and Jerry Falwell's organizations were [campaigning for Bush] down in Florida for weeks. I don't know what they were doing, but they think that they're somehow important and need to be paid off. We have concerns

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At Issue:

Should Congress amend the Constitution to allow prayer in public schools?

REP. ERNEST ISTOOK, R-OKLA.

FROM REMARKS IN THE HOUSE, JUNE 4, 1998

[the] Supreme Court . . . has protected Nazi swastikas on public property [and] burning crosses. But in 1962, they said, even when it is voluntary, for children during the school day to pray together is against the Constitution.

. . . In 1980, they said, if the Ten Commandments are posted on the wall of a school, it is unconstitutional because students might read them and might obey them. Imagine, in an era when guns, knives and drugs are common in public schools, we are told the Ten Commandments are not welcome. . . .

In 1985, the State of Alabama said we can have a moment of silence; and one of the many purposes to which you can apply this, if we choose, is silent prayer. The Supreme Court said, nope, that it is unconstitutional to permit silent prayer.

In 1992, they said, to have a minister, in this case it was a Jewish rabbi, to come and speak at a school graduation was unconstitutional because there might be some students there who would disagree with the prayer, and they would not want to be expected to be respectful with something with which they disagree. That is what the Supreme Court said. . . .

It is senseless to say that everyone else must be censored and silenced because someone chooses to be intolerant. Prayer is not divisive. Prayer is unifying. What is divisive is for people to teach that we should not respect the prayer of another person or that we should not respect prayer in general. If you teach your children that, shame on you. But if we want people to be united, [we must] give them the chance to come together and express things positively.

The Pledge of Allegiance is the proper standard. The Supreme Court has ruled, in the late 1940s, no one can be compelled to say the Pledge of Allegiance. I agree. But they did not permit someone who did not want to say it to censor and stop the rest of the students in that classroom who did want to join together.

That is the proper standard for prayer in public schools. If we want to do it, it is permitted. If we do not want to, we do not have to. But we do not have the right to shut people up and censor them just because we choose to be thin-skinned and intolerant when someone else is trying to express their faith.

THE REV. BARRY W. LYNN

EXECUTIVE DIRECTOR, AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE

WRITTEN FOR THE CQ RESEARCHER, JANUARY 2001

School prayer amendments in Congress are kind of like the common cold: They're annoying, recurrent and hard to shake, but eventually they fade away and are quickly forgotten.

The plain fact is the country does not need a school prayer amendment. There is a myth that prayer has been banned from public schools. However, the truth is that the First Amendment already protects the right to pray in school. Any student in any public school in America may pray at any time in a voluntary manner.

What some school prayer advocates want is mandatory prayer in schools — an entirely different animal. Mandatory prayer has been struck down time and time again by the Supreme Court and lower courts. And for that we should be thankful. Majority rule in religion or coercive worship should send shivers down the spine of any right-thinking person. Prayer is a deeply personal experience, best left to individual students and their families. It is not the government's job to promote or encourage prayer or to allow mobs to impose it on anyone.

School officials and student majorities should never be allowed to bully other children into religious worship they may not believe in. The Bill of Rights provides for individual freedom of conscience, not a tyranny of the majority. Religious minorities in public schools should not have to endure school-promoted worship that often conflicts with what they are taught at home and at their house of worship.

In religiously diverse America, school-sponsored religion is not only a bad idea it is increasingly unworkable. There is no generic, nonsectarian prayer all faiths can agree on. Prayer between individuals and their God is deeply private and does not exist in a "one-size-fits-all" format. In any given community, there are diverse religious communities with different traditions and many people who have chosen no spiritual path at all. No prayer will please everyone.

America's public schools are not Sunday schools. They must be neutral on religion to protect the rights of everyone. Students should not be pressured to pray, whether it's in the classroom, before an assembly or football game or anywhere else. The Supreme Court has repeatedly put a stop to that type of unwanted, un-American religious coercion. Congress should recognize the wisdom of those rulings and give up on school prayer amendments.

Continued from p. 16

that they will be paid off, if not with the Supreme Court then with legislation.”

Despite Bush’s election, Simonds of Citizens for Excellence in Education remains pessimistic about working within the political system. “I don’t really have that much hope anymore,” he says. “The Democratic Party has so infiltrated the courts, and the National Education Association is nothing but an extension of that party. I don’t think people of faith have a chance anymore.”

Simonds says he believes that the Bush presidency may put off the inevitable, but that “the [liberals] eventually will dominate. The forces of evil are really sharper in deviousness than the forces of good, and their forces will eventually dominate the nation.” ■

Notes

¹ The Associated Press, Sept. 23, 2000.

² U.S. Department of Education, “Religious Expression in the Public Schools,” p. 998.

³ “School Prayer Amendment Pushed Again,” *Houston Chronicle*, Sept. 16, 1999.

⁴ “School Board Challenges ACLU with Decision on School Prayer,” The Associated Press, Nov. 11, 2000.

⁵ “Judge Upholds Minute of Silence Law,” The Associated Press, Oct. 30, 2000.

⁶ “ACLU Challenges Virginia’s Minute of Silence,” *The Washington Post*, June 23, 2000.

⁷ *Abington Township v. Schempp* (1963).

⁸ “The Good Book Taught Wrong: ‘Bible History’ Classes in Florida’s Public Schools,” People for the American Way Foundation, April 2000, p. 1.

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¹¹ James C. Dobson and Gary L. Bauer, “Children at Risk: The Battle for the Hearts and Minds of Our Kids,” *Word*, 1990, p. 37.

¹² James Davison Hunter, *Culture Wars: The Struggle to Define America* (1991), p. 204.

FOR MORE INFORMATION

American Center for Legal Justice, P.O. Box 64429, Virginia Beach, Va. 23467; (800) 296-4529; www.aclj.org. Founded by Christian Coalition head Pat Robertson, ACLJ is dedicated to researching legal issues of importance to Christian groups and aiding those groups in court cases.

American Civil Liberties Union, 125 Broad St., New York, N.Y. 10004; (212) 549-2500; www.aclu.org. The ACLU initiates test court cases and advocates legislation to guarantee constitutional rights and civil liberties.

Americans United for Separation of Church and State, 518 C St., N.E., Washington, D.C. 20002; (202) 466-3234; www.au.org. AUSCS supports research on issues related to the separation of religion and government and lobbies for legislation to maintain that separation.

Focus on the Family, Colorado Springs, Colo. 80995; (719) 531-5181; www.family.org. A Christian organization dedicated to enhancing the role of religion in family life and in education.

National Association of Christian Educators, Citizens for Excellence in Education, Box 3200, Costa Mesa, Calif. 92628; (949) 251-9335; www.nace-cee.org. A Christian organization that recently urged Christian students to leave the public school system.

National Network of Youth Ministries, 12335 World Trade Dr., Suite 16, San Diego, Calif. 92128; (858) 451-1111; <http://youthworkers.net>. Seeks to coordinate and expand youth ministries and religion in the schools.

People for the American Way, 2000 M St., N.W., Suite 400, Washington, D.C. 20036; (202) 467-4999; www.pfaw.org. An advocacy and lobbying group strongly in favor of strict separation of church and state.

¹³ Robert Simonds, “Communicating a Christian World View in the Classroom,” National Association of Christian Educators, 1983, p. i.

¹⁴ <http://www.exodus2000.org/overview.htm>.

¹⁵ Christopher Lucas, *Our Western Education Heritage* (1972), p. 476.

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²⁸ Quoted in Jim VandeHei and Shailagh Murray, “Bush’s Ability to Exploit Democrats’ Rifts Could Be Key to Advancing His Agenda,” *The Wall Street Journal*, Jan. 3, 2001.

²⁹ Dana Milbank, “Bush Likely to Drop Vouchers; Education Policy to Focus on Testing, States’ Flexibility,” *The Washington Post*, Jan. 2, 2001.

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³¹ Entous, *op. cit.*

About the Author

Patrick Marshall is a freelance writer in Bainbridge Island, Wash., and former opinion page editor of *The Oakland Tribune*.

Bibliography

Selected Sources Used

Books

Alley, Robert S., editor, *The Constitution & Religion: Leading Supreme Court Cases on Church and State*, Prometheus Books, 1999.

Alley has effectively excerpted 50 of the most important Supreme Court decisions affecting religious freedom and the separation of church and state. Don't look for commentary here, but the volume does offer quick access to the important parts of the decisions without having to wade through lengthy volumes.

Alley, Robert S., *Without a Prayer: Religious Expression in the Public Schools*, Prometheus Books, 1996.

The commentary that is missing in Alley's *The Constitution & Religion* is clearly in evidence here. Rich with anecdotal material and interviews with figures involved in landmark court cases, the book offers much insight and detail.

Detwiler, Fritz, *Standing on the Premises of God: The Christian Right's Fight to Redefine America's Public Schools*, New York University Press, 1999.

Detwiler, a philosophy professor at Adrian College in Michigan, is a consultant to educators and school districts on the activities of Christian activist groups. This book, which is thoroughly documented, is an objective look at the history and current status of strategies being employed by fundamentalist Christian groups to reintroduce prayer and other religious expression to the public schools.

Dobson, James C., and Gary L. Bauer, *Children at Risk: The Battle for the Hearts and Minds of Our Kids*, Word, 1990.

Dobson, founder of Focus on the Family, and Bauer, a former presidential candidate, define the battle between religious tradition and family values on the one side and secular humanism on the other side. According to the authors, the two systems cannot coexist.

Edwards, June, *Opposing Censorship in the Public Schools: Religion, Morality and Literature*, Lawrence Erlbaum Associates, 1998.

This interesting and short (150 pages) volume delineates many of the issues being debated by the advocates and critics of religious expression in the public schools. Edwards first describes the positions of religious activists — freely excerpting from speeches and writings — then addresses each issue in detail.

Fenwick, Lynda Beck, *Should the Children Pray?: A Historical, Judicial and Political Examination of Public School Prayer*, Baylor University Press, 1989.

Fenwick, an attorney and historian, focuses on the early history of the religion in schools issue. The discussion of

Colonial America and the development of the First Amendment's clauses on religion are particularly helpful.

Hunter, James Davison, *Culture Wars: The Struggle to Define America*, Basic Books, 1991.

Hunter traces the history of religious battles in American history. He shows how, in recent years, the traditional conflict between God and Satan has evolved into one between traditionalists and secular humanists. Hunter clearly aligns himself with the former group.

Nord, Warren A., *Religion and American Education: Rethinking a National Dilemma*, University of North Carolina Press, 1995.

An excellent historical discussion of the role of religion in American public education is supplemented by a cogent summary of the current issues facing educators.

Articles

Simonds, Robert, "Communicating a Christian World View in the Classroom," *National Association of Christian Educators*, 1983.

Simonds, president of Citizens for Excellence in Education, a division of the National Association of Christian Educators, urges teachers to convey Christian values in the public schools and describes the challenges faced by people "of faith." More recently, Simonds has urged Christian parents to remove their children from the public schools.

Reports and Studies

People for the American Way, "Sabotaging Science: Creationist Strategy in the '90s," November 1999.

This brief, 20-page report summarizes the attempts by fundamentalist Christian groups to introduce creationist concepts into public school curricula. The report focuses primarily on the situation in Kansas, where the state board of education voted recently to remove the topic of evolution from state science standards.

People for the American Way, "The Good Book Taught Wrong: 'Bible History' Classes in Florida's Public Schools," April 2000.

This report growing out of an on-site study explains how courses supposedly about the Bible as literature are actually teaching the Bible as history.

U.S. Department of Education, "Religious Expression in the Public Schools," 1998.

Federal guidelines advise administrators, parents and students what sorts of religious expressions and activities are allowed under the First Amendment of the Constitution.

The Next Step

State Laws

Garcia, Guillermo X., “Texans incensed over pre-game prayer ban,” *USA Today*, Aug. 31, 2000, p. 3A.

The all-but-sacred rite of Texas high school football gets under way with games on thousands of playing fields and controversy over one ritual, the traditional pre-kickoff prayer. In some stadiums in the Lone Star State, football will begin with a moment of private meditation instead of a prayer. In others, it will begin with the old prayer and a new defiance, in reaction to the Supreme Court’s June decision banning prayers delivered over the public address system at public school football games.

Greenburg, Jan Crawford, “Court Bans Prayer At School Games: Student-Led Invocations Unconstitutional, Justices Say,” *Chicago Tribune*, June 20, 2000, p. 1.

Taking up an issue that has pitted parents against parents and split Congress and numerous state legislatures, the Supreme Court’s opinion spoke with notable force in rejecting a prayer policy adopted by a small school district in southeast Texas. The policy had allowed a student, elected by the student body, to give a “brief invocation and/or message” to promote sportsmanship and “solemnize” the game.

Layton, Lyndsey, “The Grad Who Got Religion: Nick Becker Wanted a High School Diploma Without the Prayer: He Ended Up With a Reputation,” *The Washington Post*, June 22, 1999, p. C1.

A young man’s challenge to authority is a timeworn tale. But the story of Nick Becker’s rebellion twists differently in this way: The rebel had a cause. He had the U.S. Constitution and the Maryland state attorney general on his side. And when he questioned local authorities, they threatened to arrest him and banned him from a post-graduation party. The community reacted even more harshly, labeling Becker with one of the worst pejoratives in a conservative, churchgoing place: atheist.

Masters, Brooke A., “Judge Hears Debate on School Law; Students Challenging Va. Minute of Silence,” *The Washington Post*, Sept. 9, 2000, p. B1.

Attorneys for 10 public school students sparred in federal court with Virginia’s solicitor general over whether the commonwealth’s new mandatory moment-of-silence law is simply a useful educational tool or an unconstitutional effort to force children to pray. The law requires all public schools to set aside a minute at the start of the school day during which students must “meditate, pray or engage in other silent activity.”

Reeves, Tracey A. “Preaching for School Prayer; Minister-Legislator Proposes Change in State Law,” *The Washington Post*, Feb. 16, 2000, p. M3.

Maryland State Del. Kerry Hill, a minister, introduced a

bill in the General Assembly authorizing public school staffs and students to read the Bible or pray in school — out loud. The bill, which already has received harsh criticism, also would give students the right to pray at graduations.

Rosin, Hanna, “Court Appears to Extend Some School Prayer Boundaries,” *The Washington Post*, July 18, 1999, p. A2.

For the last 30 years, supporters of school prayer and their civil libertarian opponents have been skirmishing over little bits of schoolyard pavement, each side claiming an inch of ground at a time. So it came as a surprise when a federal appeals court decision seemed to hand over vast acreage of contested territory to the school prayer supporters in one afternoon. The decision applies only to Alabama schools, and its consequences are still being debated, but it seems to extend school prayer rights to a controversial new range of activities.

Seymour, Liz, and Emily Wax, “Few Va. Students Opt to Walk Away From Moment of Silence,” *The Washington Post*, Sept. 6, 2000, p. B5.

A handful of students in Fairfax and Arlington schools walked out of class to protest Virginia’s new minute-of-silence law, but they will not be punished so long as they do not disrupt the time for others, school officials said. Teachers in Arlington also are allowed to opt out of the daily moment of silence; if they do, other teachers will supervise their classes for the 60 seconds.

Seymour, Liz, “Don’t Raise Prayer Issue, Schools Told; Virginia Offers Advice On Minute of Silence,” *The Washington Post*, June 14, 2000, p. A1.

Virginia’s Education Department advised school districts to avoid telling students they have the option to pray during a mandatory daily minute of silence that will begin in the state’s public schools. The guidelines on implementing Virginia’s new law were greeted with disappointment by some state lawmakers. They said they had championed the measure requiring the silent minute in the belief that students would be told each morning they could use the time to pray, meditate or reflect — activities spelled out in the legislation.

Ten Commandments

“Ten Commandments Monument Barred In Indiana, Judge Says Project Lacks a Secular Purpose,” *The Washington Post*, July 30, 2000, p. A11.

A federal judge issued a temporary injunction Friday barring Indiana from erecting a Ten Commandments monument on the Statehouse lawn. The Indiana Civil Liberties Union sued to block the monument, saying it violates the Constitution by supporting the establishment of religion by the state.

Bacon, John, “Ten Commandments,” *USA Today*, April 29, 1999, p. 3A.

Officials of Manhattan, Kan., removed a 5-foot-high granite tablet engraved with the Ten Commandments from outside City Hall, backing away from a legal battle. The display was challenged in court this month by the American Civil Liberties Union and Americans United for Separation of Church and State. The groups say the tablet, at the site for more than 40 years, violates constitutional provisions for the separation of church and state.

Dershowitz, Alan M., “Ten Commandments Aren’t Gun Control: Religion isn’t a constitutionally acceptable alternative,” *Los Angeles Times*, June 20, 1999, p. A5.

Instead of enacting a Senate-approved bill requiring a three-day background check for gun show purchases, the House has voted 248 to 180 to permit states to allow the posting of the Ten Commandments in schools, courtrooms and other government buildings. These 248 congressmen violated their oaths to support the Constitution by voting for a bill that clearly violates the First Amendment.

Gorman, Tom, “School Board Rescinds Order to Post Ten Commandments,” *Los Angeles Times*, Nov. 23, 1999, p. B2.

Trustees of the Val Verde Unified School District voted to rescind their earlier decision to post the Ten Commandments at school offices. The district, said school board President Robert Givens, could not afford the legal fees to fight the issue in court, where the matter was headed after a lawsuit was filed by the American Civil Liberties Union of Southern California.

Gorman, Tom, “Suit Seeks to Bar Religious Display in School Office: ACLU says that Val Verde district’s decision to post the Ten Commandments violates U.S. Constitution,” *Los Angeles Times*, Nov. 17, 1999, p. B1.

A leading civil rights group filed a federal lawsuit to block a rural school district from posting the Ten Commandments in its offices — but the issue could soon become moot. The lawsuit, prepared by the American Civil Liberties Union of Southern California, said the decision by trustees of the Val Verde Unified School District to display the biblical rules directly ignored a 1980 U.S. Supreme Court ruling that prohibits posting the commandments at schools.

Gorman, Tom, “School District to Defy Court, Post Ten Commandments: Trustees of Riverside County district decide to ‘take a stand.’ But they will just waste money fighting an inevitable legal challenge, ACLU says,” *Los Angeles Times*, Nov. 14, 1999, p. B1.

The school board’s decision to post the Ten Commandments has won support from many local parents — but is triggering strong opposition from the American Civil

Liberties Union. The right to display the commandments on school grounds was explicitly rejected in 1980 by the Supreme Court, which overturned a Kentucky state law that required schools to post the biblical rules. Since then, efforts to display the commandments at schools elsewhere have been attempted, with mixed results.

Grunwald, Michael, “Culture Wars Erupt In Debate on Hill; Display of Ten Commandments Backed,” *The Washington Post*, June 18, 1999, p. A1.

In the end, the Ten Commandments amendment passed, even though the Supreme Court ruled a similar effort unconstitutional 18 years ago.

Koch, Wendy, “Ten Commandments bill gets House OK; gun control argued,” *USA Today*, June 18, 1999, p. A1.

The House of Representatives approved a juvenile crime bill late Thursday that would allow the public posting of the Ten Commandments, then moved toward a showdown on gun control. During a soul-searching, late-night debate about the causes of youth violence, Republicans focused largely on God, morality and law enforcement. Democrats emphasized violence prevention and gun safety.

Scheer, Robert, “A Field Day for Cowards, Cynics: The House took the craven way by forgoing gun control and allowing schools to post the Ten Commandments,” *Los Angeles Times*, June 22, 1999, p. B7.

The House of Representatives has given Charlton Heston a complete sweep in the political ratings game. By killing gun control while voting for the Ten Commandments, a majority of representatives obviously meant to pay homage to two deities represented by Heston — Moses and the National Rifle Association. Otherwise, there is no coherence to the House’s action. With all due respect to Heston and his congressional followers, I believe Moses was done a disservice.

U.S. Supreme Court

“God, Coins and Classrooms,” *Chicago Tribune*, July 15, 2000, p. 20.

If you thought — even for a moment — that the Supreme Court’s recent rejection of prayer at public high school football games put to rest the issue of religion in public schools, think again. In a new effort to make an end run around the Constitution, Colorado’s Board of Education voted to urge schools to post “In God We Trust,” a motto on U.S. currency for more than a century.

“School Prayer Again,” *The Washington Post*, Nov. 20, 1999, p. A22.

The Supreme Court has actually never ruled on student-initiated prayers, though it has held that a school district

could not invite a rabbi to give a commencement invocation. The argument is that when students initiate prayer the school is not endorsing religion, merely tolerating free speech.

Biskupic, Joan, “Prayer ruling is blow to tradition,” *USA Today*, June 20, 2000, p. 3A.

The Supreme Court’s rejection of student-led prayers at public school football games struck at the heart of an American tradition and left supporters of the practice grasping for alternative ways to express religious faith at sporting events and graduations. The ruling was consistent with court decisions dating to 1962, when justices first prohibited organized school prayer. But this is an area of the law that has produced splintered votes, convoluted rationale and, in practical terms, resistance among some school systems.

Firestone, David, “Appeals Court Reinstates Ruling to Allow Some School Prayers,” *The New York Times*, Oct. 21, 2000, p. 13.

A federal appeals court has reinstated a ruling that permits student-led prayer in public school assemblies and classrooms, after the U.S. Supreme Court ordered in June that the ruling be reconsidered. The ruling, first issued in July 1999 and reinstated by the 11th U.S. Circuit Court of Appeals here on Thursday, allows students to initiate and lead prayer in a classroom, assembly or football game, as long as school officials do not force them to do so or participate in any way.

Grossman, Cathy Lynn, “Prayers are heard at football games despite ruling,” *USA Today*, Aug. 28, 2000, p. 1A.

Advocates of school prayer who say the government should not limit prayer at public events kicked off a season of defiance in high school stadiums across the South. Urged by local pastors and Christian broadcasters, parents and students stood in bleachers to shout, recite or whisper a pre-kickoff “Lord’s Prayer.” Many were moved to action by a mistaken impression that the U.S. Supreme Court last June prohibited student-led prayer entirely, ending a longstanding pregame tradition.

Miller, Bill, and Edward Walsh, “School Prayer Is Dealt a Blow; High Court Strikes Down Tex. Policy Allowing Student-Led Invocations,” *The Washington Post*, June 20, 2000, p. A1.

The Supreme Court expanded its prohibition against religious activity in the public schools, striking down a Texas school district’s policy that allowed an elected student representative to deliver a public invocation before home high school football games. In a far-reaching 6 to 3 decision, the court ruled that the policy violated the Constitution’s required separation of church and state, noting that the election of a student did not alter the fact that the school district was actually sponsoring pregame prayers.

Savage, David G., “Student Prayer Again an Issue for High Court,” *Los Angeles Times*, March 6, 2000, p. A1.

When the Santa Fe school board’s case goes before the Supreme Court later this year, it could transform the school prayer issue nationwide. If the justices uphold student-led prayers, the decision could clear the way for all schools to put the question of public prayers to a vote of their students.

Will, George F., “Fumble on Prayer,” *The Washington Post*, June 21, 2000, p. A23.

The court conducts its business after a chant that concludes “God save the United States and this Honorable Court,” and the court sits across the street from Congress, both houses of which have taxpayer-paid chaplains who pray for divine guidance and blessings. But the court ruled 6 to 3 on June 19, that the Constitution was violated by a suburban Houston school district’s proposed policy of allowing students to elect a speaker to make remarks to “solemnize” football games, remarks that could, but need not, include a prayer.

Vouchers

“New insight on vouchers,” *USA Today*, Sept. 18, 2000, p. 14A.

When philanthropists began awarding private-school scholarships to low-income children a few years ago, they were applauded for two reasons: Rich guys were subsidizing new educational opportunities for poor students, and educators were getting a cost-free way to study the feasibility of private-school vouchers. But now that the results of those experiments are trickling in, some educators are doing their best to discredit them. “Biased from the get-go,” said the spokesman for the National Education Association.

“Vouchers spur competition that will help public schools,” *USA Today*, Nov. 17, 1998, p. 26A.

The Supreme Court’s refusal last week to review Milwaukee’s school voucher plan delays a decision on vouchers nationally, but at least it provides time for an apparently successful experiment to continue for a while longer. The issue with school voucher plans, in practical terms, is not whether they violate the separation of church and state as based on the U.S. Constitution. It’s whether poor and minority children, whom everyone acknowledges the public schools have failed, will be educated.

Asimov, Nanette, “Vouchers Could Cost State Billions: Study Warns of Flaws in Education Measure,” *San Francisco Chronicle*, Sept. 20, 2000, p. A3.

California stands to lose \$2.6 billion annually — and gain little academically — if voters pass the school voucher measure on the state ballot in November, a team of nonpartisan researchers is warning today. Proposition 38 is intended to give fed-up public school parents a

\$4,000 voucher toward private or religious school tuition, courtesy of the California taxpayer.

Benedetto, Richard, "Private school in Philadelphia shows vouchers worth the fight," *USA Today*, Dec. 7, 1998, p. 9A.

School choice proposals would provide low-income parents with government vouchers or tax credits to allow them to send their children to tuition-charging private or parochial schools. Proponents see schools like Gesu as models. Of its 8th-grade graduates, 95 percent earn high school diplomas, and 70 percent go on to college. This in a neighborhood where the public school dropout rate is 65 percent, and crime and drugs are pervasive.

Coons, John E., and Stephen D. Sugarman, "It's Not a Good Choice for Our Poor Families: A California initiative on school vouchers would benefit students who least need the help," *Los Angeles Times*, June 27, 2000, p. B11.

The Draper initiative — Proposition 38 on the November ballot in California — would create a largely unregulated school voucher scheme. It would provide families with vouchers worth about half of what is spent on children in public schools. Families could use these vouchers (initially worth \$4,000 per child) toward the payment of tuition in participating private schools.

Cooper, Kenneth J. "Senate GOP Draws Lines on Education Committee: Approves Bill Allowing More Block Grants, Private School Vouchers," *The Washington Post*, March 10, 2000, p. A8.

The rewrite of the Elementary and Secondary Education Act approved by a Senate committee on a party-line vote is more conservative than comparable legislation passed by the House. The Senate bill allows more states to convert targeted aid programs into broad block grants and opens the door for a few states to use federal dollars to pay tuition at private schools.

Cooper, Kenneth J., "Vouchers' Use For Religious Schools Barred," *The Washington Post*, June 2, 1999, p. A9.

A federal appeals court ruled that a student voucher program in Maine would violate the constitutional separation of church and state if it paid tuition to religious schools. Opponents of government vouchers hailed the decision issued in Boston as a major victory because the First Circuit Court of Appeals became the highest court in the country to rule on the issue to date.

Freedberg, Louis, "Beyond the Bush Campaign: Rhetoric on Vouchers," *San Francisco Chronicle*, Jan. 1, 2001, p. A21.

If there is one subject that caused rampant confusion in the presidential campaign, it was over President-elect George W. Bush's position on vouchers. It is conven-

tional wisdom that Bush supports giving parents vouchers so their children can attend private or parochial schools. But Bush never pushed the voucher idea while governor of Texas, to the disgust of some conservatives.

Henry, Tamara, "Ohio vouchers 'advancing religion,' says federal judge," *USA Today*, Dec. 21, 1999, p. 1D.

A federal judge in Ohio struck down Cleveland's school voucher program Monday, saying the taxpayer-funded scholarships violated the separation of church and state. U.S. District Judge Solomon Oliver Jr. ruled there was a lack of evidence showing that state aid supports only secular educational functions of the 56 voucher schools. He added that because the schools were mainly affiliated with religious institutions, parents didn't have a true choice between parochial and nonsectarian schools.

Henry, Tamara, "Florida pupils teach nation about vouchers," *USA Today*, Sept. 1, 1999, p. 1D.

Children in the Sunshine State not only are studying history this school year but also making it. Florida is raising the curtain on the first statewide attempt at vouchers, which hand tax money to parents to send their children to private schools, even religious ones, if they want. The idea has been a lightning rod for controversy wherever it has surfaced, but even the most ardent opponents here are seeing some good things coming out of the initiative.

Kropko, M.R., "U.S. Judge Bans Cleveland School Vouchers Program; Found to Be 'Advancing Religion,' but Continues Pending Appeals," *The Washington Post*, Dec. 21, 1999, p. A4.

A federal judge threw out the state's taxpayer-funded school voucher program on the grounds that it violates the constitutional separation of church and state. But to avoid turmoil, he allowed students now in the program to remain at school.

Milbank, Dana, "Bush Likely to Drop Vouchers," *The Washington Post*, Jan. 2, 2001, p. A1.

The incoming administration of President-elect George W. Bush has concluded that it faces insurmountable opposition in Congress to its private school voucher plan and has decide to focus instead on two other key education goals: regular testing of students and increased education flexibility for states. Although Bush still intends to offer a voucher plan, it likely will be more of a symbolic gesture to satisfy conservatives.

Wilgoren, Jodi, "A Ruling Voids Use of Vouchers In Ohio Schools," *The New York Times*, Dec. 12, 2000, p. 1.

A federal appeals court in Cleveland declared the city's school voucher program unconstitutional, upholding a lower court ruling that using public money to send thousands of children to parochial schools breaches the First Amendment's separation of church and state.

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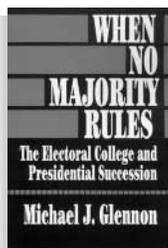
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