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# An Observation on the Supreme Court Decision of Prayer in Public Schools, Engel vs. Vitale

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### Abstract

This paper explores areas of the 1962 Supreme Court decision of Engel vs. Vitale on the subject of Prayer in public schools. There will be a discussion of the historical background, the arguments given, and the support given for the basis of the Court's decision. There will also be a discussion on the dissenting view of the Court, and a discussion of whether or not this was a liberal or conservative approach to interpreting the Constitution of the United States.

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**Introduction**

In 1951 the New York State Board of Education drafted a prayer to be read each morning before the start of classes which read, “Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country.” (Pearson Prentice Hall, 2005)

Though the prayer was non-denominational, parents of ten students decided to fight the system stating that it was against their beliefs and freedoms. (First Amendment Schools, 2006)

**The Background**

The case began when in 1951 the New York Regents, who ran the state education, devised a prayer to be read at the beginning of each class day. Ten parents, including Steve Engel, filed a lawsuit against William Vitale who was the school board president. (Irons, 2006) Their case was that the school prayer was the government forcing religion on students at school.

**Legal Questions Identified**

During the trial, and the opinion of the Justices, there were several legal questions identified. The first of these being, does the government have the right to impose prayer in schools? The court had to decide whether or not the prayer of the school violated the First Amendment which stated that Congress shall not make any law regarding the establishment of religion. (Engel Vs. Vitale, 1962)

The second legal questions was does Jefferson’s “wall of separation” apply to the “Establishment Clause” found in the First Amendment. (Irons, 2006)

### Majority Opinion

The majority opinion was written by Justice Black, the opinion was that the statute in New York did in fact violate the First Amendment and that the “wall of separation” did apply to the “Establishment Clause.” (Engel Vs. Vitale, 1962) The court stated that Thomas Jefferson recognized that prayer was recognized to be of religious nature. (Engel Vs. Vitale, 1962)

The opinion went on to say that one of the supporting arguments for banning the prayer was that it closely resembled the governing practices of England with the Book of Common Prayer. The court stated that those practices were one of the reasons that caused the early colonists to leave England and establish America. For this reason, the colonists did not want to have church and government mixed together, and that is the reason for the “Establishment Clause.” (Engel Vs. Vitale, 1962)

The court emphatically held to the position that simply the act of a religious nature was establishing religion in the public schools. (First Amendment Schools, 2006) Since the act itself established religion, it was found to be strictly in violation of the First Amendment and must be banned from the school system. (Pearson Prentice Hall, 2005)

The majority opinion had a concurrence from Mr. Justice Douglas. (Engel Vs. Vitale, 1962) Douglas stated a concern that what the New York Schools were doing is no different than opening the Supreme Court, or the chambers of Congress with a prayer. In fact, he pointed out that these acts were also done on a daily basis. His take, however, is that the act is not what violates the “Establishment Clause,” but rather, the financing of the act. He claims that the prayer itself does not violate the Constitution, but once the government funds a religious act, it is in strict violation. He claims that since the teacher reciting the prayer is on the government payroll, government has then funded a religious act. (Engel Vs. Vitale, 1962)

### **Dissenting Opinion**

The only dissenting opinion came from Mr. Justice Stewart. (Engel Vs. Vitale, 1962) Stewart, much like Mr. Justice Douglas, pointed out that prayer begins each day of Congress, and each session of the Supreme Court. He points out that the words, “In God We Trust,” are on all of our coins. He also details that God is contained within our National Anthem and within the Pledge to our flag. (Engel Vs. Vitale, 1962)

Justice Stewart states that he cannot see how a simple prayer constitutes the establishment of a religion. He denies that the court’s arguments regarding the Book of Common Prayer have any relation to what was happening within the state of New York. He also makes sure to point out that the “wall of separation” is not found anywhere in the United States Constitution document, but rather in a letter written by Thomas Jefferson to a group of pastors. (Engel Vs. Vitale, 1962)

Stewart also makes point to say that rather than forcing students into an “Established Religion,” by not offering the prayer they have actually been robbed of the nation’s spiritual heritage. (Engel Vs. Vitale, 1962)

### **Liberal or Conservative**

In consideration of whether or not the court’s decision in Engel v. Vitale was liberal or conservative, we must review what these values mean and hold dear.

According to the lecture by Mr. Wetham of Liberty University, the liberal approach to the Constitution is a less literal approach, while the Conservative is extremely literal. (Wetham)

I believe the Conservative approach to this case would have to be to allow the prayer in schools. The Constitution states that there is to be no “Establishment of Religion.” To find what

this means, I believe that we must look at the definitions of the words ‘establishment’ and ‘religion.’

Establish: to found, institute, build, or bring into being on a firm or stable basis.

(Dictionary.com LLC, 2012)

Religion: a set of beliefs concerning the cause, nature, and purpose of the universe, especially when considered as the creation of a superhuman agency or agencies, usually involving devotional and ritual observances, and often containing a moral code governing the conduct of human affairs. (Dictionary.com LLC, 2012)

Now that we have defined the two main words of the “Establishment Clause,” let us look at whether or not the prayer of New York fits the definition.

The prayer was written as follows: *Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country. Amen.*

(Wikipedia, 2012)

This prayer does not create a religion, or recognize any current religion. It is strictly vague and generic. In fact, it could fit Christianity, Catholicism, Islam, Buddhism, and many other religions of the world. How can someone argue that this creates a religion? It also does not establish anything. It does not build, bring into being, or stabilize any religion in the school system or in the government.

Since these things simply are not present, there is no way that the court could legitimately believe that the prayer within the school violated the “Establishment Clause” if they went by the strict definition and intent of the wording in the Constitution.

However, the court took a liberal approach and loosely defined what the “Establishment Clause” was speaking in reference to. They determined that the simple act of any religious

nature constituted establishing a religion within the system. If this were truly the case, why then, as Mr. Justice Stewart pointed out, do we permit prayer before sessions of Court and Congress? (Engel Vs. Vitale, 1962) Why then do we have “In God we trust” on our coins, and why do we honor Him in our pledge? If what the court found to be in violation of the Constitution in the state of New York, they would also have to find these other instances to be in violation of the supreme law of the land, yet, they do not.

The Supreme Court took liberties that were not extended to them and broadened the definition of the wording of the Constitution rather than taking it in its original meaning and intent. This is the approach of the liberal agenda from the far left.

### **Conclusion**

Engel v. Vitale is just another example of the Supreme Court legislating from the bench rather than interpreting the Constitution with accuracy. I firmly believe their decision to be a terrible misrepresentation of the Constitution and the intent of the Founding Fathers.

Prayer does not establish a religion. Prayer, especially a generic one, does not force religion upon anyone. It simply, as Mr. Justice Stewart stated, reminds us of our nation’s spiritual heritage, and helps us communicate with the Divine Creator that our Founding Fathers accepted and believed.

Engel v. Vitale is an example of how the United States has lost its Christian heritage, and has gone down a path of liberalism and waywardness from the roots that we established over two centuries ago.



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