

# We Haven't Got a Prayer

*A board member weighs in on religion and schools*

BY JERRY CAMMARATA

It's not such an extraordinary room. There are desks and chairs, a large table in front, papers and books here and there. Still, it has a quiet sense of dignity, a solemnity of purpose that gives it something of a timeless air.

One by one they straggle in, first tarrying at the door, reluctant to commit themselves to entering, but finally drifting down the aisle. They come in small groups, chuckling, gossiping, sharing secrets, and trading stories in half-hushed voices as they make their way to their seats.

Soon the room is full and everyone is more or less in place, standing behind the wooden desks, quietly awaiting the ritual that begins each session. A man in a black suit with a tiny square of white showing at the throat steps to the front, and each one bows in an act of silent witness that they have been put in that place by a higher power to whom they owe their first respect.

Now, I have a question. The paragraphs above describe the start of the day for:

a. The United States Senate

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b. The House of Representatives  
c. A state legislature  
d. A city council

e. A public school class  
f. If you answered anything but (e), score yourself 100 points. If you picked (e), go directly to jail because you just violated the United States Constitution.

These are the confusing times in which we live. Our politicians regularly call upon the Almighty to bless their efforts, particularly their re-election campaigns. They bless their constituents, especially the ones who voted for them. They even bless their nation with the popular phrase, "God bless you, and God bless America!"

It's not uncommon to hear them quote the scriptures. Consider, for instance, President Clinton's "New Covenant" speech in which he all but cited the New Testament to justify his messianic programs. National leaders are photographed leaving church services, and they bring the church with them, in the form of influential clergy, to everything from inaugurations to ribbon-cuttings. Even the U.S. Supreme Court order starts every session by boldly proclaiming: "God save the United States of America and this honorable court."

Yet, this honorable court, the U.S. Congress, state legislatures, and city

councils—which actually have paid chaplains on staff—refuse to give our public school kids the same advantage they enjoy: the assistance of God, invoked through a silent moment of personal recollection and inner dialogue.

When we suggest that our kids deserve as much help as our politicians, we are told to back off, because we are treading on dangerous ground. We are told to read the First Amendment—an important legal protection, no doubt, that says Congress can't force a religion on anyone, nor can it meddle in people's right to worship as they please. This is a fine and a wise provision that protects religious minorities from oppression by a religious majority. It was meant to protect religion from government interference. It was not meant to protect people from religion.

Ours is a time when young people seem adrift and alienated from their own culture, when the sand shifts so rapidly under their feet they cannot seem to stand up for themselves. There are no protests, as there were in the 1960s, because there is nothing to protest against. There are no revolutions, as there were in the 1920s and 1930s, because there is nothing in particular to rise up against. The music of this generation is the sound of pain and

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# Protecting Religious Vitality

*Why the Constitution does not allow school prayer*

BY BENJAMIN DOWLING-SENDOR

Should children pray in school? In his article on the facing page, Jerry Cammarata, a member of the New York City Board of Education, suggests that public schools adopt daily recitation by students of a "nondenominational" prayer that recognizes a "higher power"—a form of school prayer that the United States Supreme Court rejected in 1962 in *Engel v. Vitale*.

Mr. Cammarata's plea for school prayer is heartfelt and poignant and shared by many school officials. But it is wrong—dangerously wrong. His article provides a valuable opportunity to review why the Supreme Court was correct in prohibiting so-called nondenominational prayer in public schools in 1962 and to review the current state of the law governing school prayer.

As Mr. Cammarata recognizes, the Establishment and Free Exercise clauses of the First Amendment prohibit government from forcing religious beliefs on people and from medi-

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dling in the right of people to worship as they please. However, he then suggests that daily, nondenominational, school prayer would help children build secure foundations in a fragmented, alienating culture bereft of clear values. Mr. Cammarata contends that such prayer would help children appreciate their place in "an intelligently guided universe," that it would remind students "that they are not living in such a lonely place after all."

I fully agree that prayer can help children (and adults, too) in those ways. But I join with the Supreme Court in rejecting student prayer that is organized, encouraged, or required by school officials. The only kind of student prayer I support—and the only kind the Constitution wisely permits—is prayer chosen and spoken privately by a student, with support only from the student's family, friends, and clergy.

## Lessons from Engel

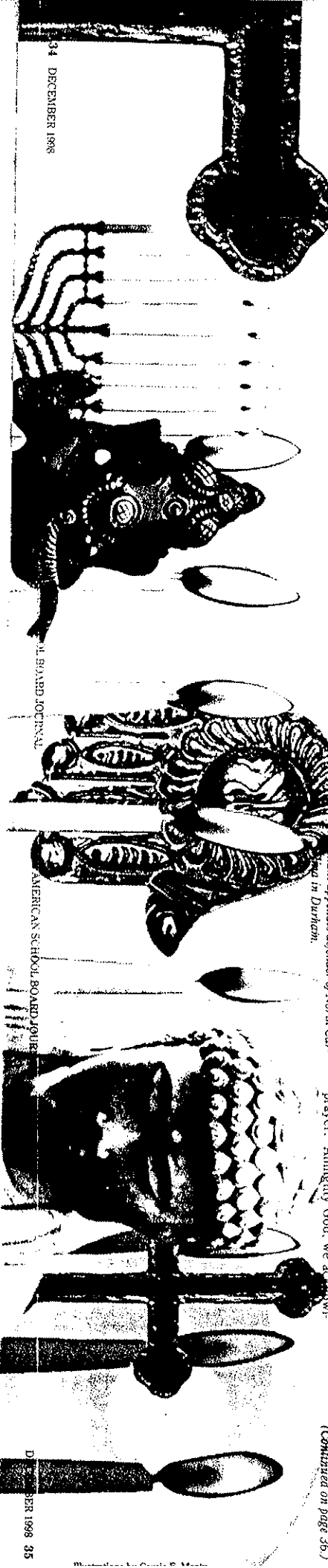
Let's look at *Engel* to see why the Supreme Court struck down the very suggestion now made by Mr. Cammarata and others. *Engel* concerned a challenge to a prayer called the "Regents' Prayer," which was composed by New York's State Board of Regents (the state board of education). Here's the prayer: "Almighty God, we acknowl-

edge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our Country." A school district on Long Island issued a policy requiring teachers in the district to lead students in the daily recitation of the Regents' Prayer. The policy permitted students who did not wish to participate to be excused.

The Supreme Court ruled that the district's policy violated the Establishment and Free Exercise clauses. Writing for the majority, the late Justice Hugo L. Black observed that "a union of government and religion tends to destroy government and to degrade religion. . . . The Establishment Clause thus stands as an expression of principle on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its 'unhallowed perversion' by a civil magistrate."

In response to the argument that the Regents' Prayer was harmless because it was so short and general, Justice Black observed that if government can mandate the recitation of even that bland prayer in public schools, it can mandate any establishment of religion.

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## Prayer

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anguish and confusion and disillusionment. Yet it never resolves itself into healing or rebirth, remaining as spiritually barren as T.S. Eliot's "The Waste Land." Today's kids are cultural and emotional orphans who have difficulty connecting with society, nature, and each other.

There is nothing demeaning about providing them with a sense of belonging in the world, in nature itself, by asking them to recite for a moment each day that they are somehow part of a plan, or a structure, or an intelligently guided universe. There is nothing alienating to anyone about giving our students a few precious seconds to remind themselves that they are not living in such a lonely place after all—that there is, at least, a higher power into which they can tap. What can be more comforting?

Tapping into that higher power is, I believe, the most profound way to reinforce the responsibilities they have, we all have, to behave in such a way that we make the most of the cosmic opportunity offered to us to touch those around us. Being sons and daughters of a family gives us the comfort of the universe as our home, but also places us under a spiritual parent, and implies familial obligations.

Such a spiritual environment gives our young people the germ of culture. It creates a hierarchy of values, a teleology for their existence. What is culture, after all but the exploration and expression of our values, our sense of purpose, and our attempts to reflect what is One, Good, True, and Beautiful?

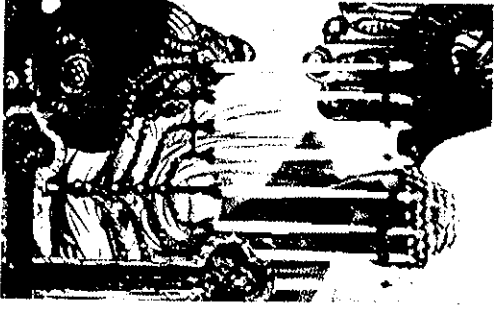
I know people will say: "This is all true, but young people, unlike adults, are so impressionable, so easily swayed and manipulated. The argument goes that adults can handle some public religiosity, because they are not likely to be taken in by the siren song of false worship or a mind-controlling, self-appointed messiah.

Let's consider that argument for a moment. No adult, of course, would ever shave his head and solicit money at airports, or commit suicide in hope of catching a ride on a comet. Adults never throw away money on chain letters that promise big payoffs, or buy into newfangled diets in pursuit of the

perfect body. No adult, of course, would open an envelope that promises winnings of enough money to repay Brazil's national debt. Adults aren't impressionable—are they?

Well, you get my point. Indeed, students are impressionable, but not nearly as easily brainwashed as we'd like to believe. And as you know, adults, too, are often duped by the lure of false hopes. In other words, it's ludicrous to say kids are too impressionable to examine the idea of a higher power.

Of course, how the idea of a higher power is examined depends on a situation.



dent's own religious background. On that point, please notice that I have not quoted the *Torah*, the *Gospels*, the *Koran*, the *Analects of Confucius*, the Buddhist *Sutras*, or the Norse sagas. I have not advocated the recitation of the Our Father—or the assumption of a yoga position. There is no need for a recollected moment of prayer to be an occasion for denominational proselytizing or recruitment, or for making any child feel uncomfortable to the slightest degree. The folks at Alcoholics Anonymous, the most successful life-changing program in history, demand recognition of and dependence upon a higher power. Yet they never push the idea beyond that by touting specific religions because respect for a higher power is potent enough that they don't need to.

Let's be visionaries. Let's look into

our kids' futures, in the place it counts most, not in the mere formation of their minds, or even their characters, but in the formation of their very selves. Let's not just show them our art, but give them a reason to see. Let's not just teach them to read, but give them a reason to be.

It's not easy to govern a free people. In fact, it's so hard that our government leaders never make a move without putting themselves in the presence of a higher power. That's how they start their days.

Is it any easier to be a kid?

## Constitution

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Black also emphasized that the Regents' Prayer was religious, even though it was purportedly non-denominational, since it was a solemn avowal of divine faith and supplication for the blessings of the Almighty."

The Supreme Court's decision in *Engel* is as sound now as it was in 1962. My views rest on two grounds. First, as Justice Black emphasized in *Engel*, the best way to protect religious vitality in America is to prevent the government from interfering in, or even actively supporting, religion. Government neutrality toward religious beliefs and practices is necessary to enable religion to flourish.

The content of the Regents' Prayer, and of Mr. Cammarata's suggested prayer, illustrates the Supreme Court's wisdom in *Engel*. Different faiths use different forms of prayer. Some call for bowed heads, others for standing, others for kneeling; some call for spoken or chanted prayer, others for silent prayer; some call for prayers to be recited in different languages, such as English, Hebrew, or Arabic; some call for gender segregation. Some faiths recognize one God, while others recognize multiple deities. And, of course, atheists might support silent or spoken secular religion, but not prayer. The point is that when it comes to prayer, one size does not fit all. There's no such thing as "non-denominational" prayer: all prayer is denominational.

Second, children are a special audience. As a population, they are more impressionable than adults. To be sure, many adults are impressionable, but children are especially vulnerable to pressure or even suggestion by adults

with authority. Also, at school, they are a captive audience, and the content of what they learn is subject to tight control by school officials.

Most important of all, it is parents, not school officials, who should have control over children's religious upbringing. It seems deeply ironic that in our era, many people who profess to be conservatives—who believe in family values and generally in freeing Americans from government control—nevertheless want government to interfere in the religious upbringing of other parents' children. Prohibiting officially sanctioned school prayer would seem to be a bedrock conservative position. Prohibiting officially sanctioned school prayer enables parents to instill their own religious values in their own children, without government interference. Now that's what I call family values.

It is true that the courts have allowed deliberative bodies of government—such as Congress, state legislatures, school boards, and even courts themselves—to begin their sessions with prayer or other religious invocations. Even the Pledge of Allegiance and our national motto "In God we trust" invoke God.

The courts have justified these practices by declaring that they are not religions, that they are merely ceremonial acknowledgments of the importance of religion in American life. The courts' reasoning about these practices seems, at worst, like sophistry: at best, inconsistency. If any "avowal of divine faith" sponsored by the government is barred by the Establishment Clause, all should be barred. Still, as discussed above, even more compelling reasons justify prohibiting school prayer because of the special qualities of children and their relationships with their parents.

### What is allowed

So, what are the rules about student prayer in public schools? Here's a quick primer of what's proper and improper under the Establishment Clause:

Recitation of prayers in classrooms, assemblies, or at meals, either required or supported by school officials or teachers, violates the Establishment Clause. However, a moment of silence, with no guidance by school officials or teachers about the content of a stu-

dent's thoughts during the silent period, is permissible.

Also, during free time in the school day, a student should be able to pray alone or with other students (but not with school employees), silently or audibly, in a nondisruptive and nonintruding manner—as long as the prayer is totally voluntary, without any encouragement from school employees. Extracurricular religion clubs in secondary schools may include prayer among their activities.

The law governing prayer at graduation is not fully settled. Under the Supreme Court's 1992 decision in *Lee*



*Wetzman*, school officials may not invite a speaker to deliver a prayer during graduation. However, courts around the nation disagree about whether school officials can allow the graduating class to vote whether to invite a speaker to give a graduation invocation or benediction.

I agree with the 3rd U.S. Circuit Court of Appeals (governing Pennsylvania, New Jersey, Delaware, and the Virgin Islands) and the U.S. District Court for the Eastern District of Virginia, which have ruled that school officials may not subject a dissenting student's constitutional rights to a majority vote, and that school officials may not delegate to students authority that the officials themselves do not have under the Establishment Clause. However, school districts under the jurisdiction of the 5th U.S. Circuit Court

of Appeals (Texas, Louisiana, and Mississippi) and the U.S. District Court of the Middle District of Florida can adopt such policies.

School-sponsored baccalaureate services would appear to violate the Establishment Clause. The obvious alternative is for churches or other religious groups to conduct private baccalaureate services as long as the services are not part of official commencement ceremonies, and as long as school officials do not encourage students to attend the services. Indeed, private religious groups can rent school facilities for baccalaureate services as long as school officials do not endorse such services.

Courts around the country uniformly have prohibited school-sponsored prayer at school athletic and musical events, such as prayers at invocations before football games, prayers before athletic practices, prayers at pep rallies, and prayers at band rehearsals and performances. However, students should be able to pray, alone or together, before a game, practice, or performance, as long as the prayers are initiated and spoken by students without any support from school employees and as long as neither students nor employees pressure other students to join in.

School officials can distill a simple principle from these rules, a principle that can inform most student-prayer questions that arise in the public schools: The Establishment Clause does not prohibit students from praying voluntarily during free time in school; rather, it prohibits school employees from requiring or encouraging students to pray in school.

It's important to realize that neither the Establishment Clause, nor the courts that enforce it, are hostile to religion or to prayer. Quite the opposite. Vigorous enforcement of the Establishment Clause is vital for protection of our freedom to worship as we choose. I have strong religious beliefs, and I do not want a government agency to interfere with my exercise of my faith or with my religious education of my own children.

The right way and—in the long run—the effective way to instill religious beliefs and values in children is through the private efforts of parents and religious groups, not through establishing school-sponsored prayer. ❖