

Prayer in School

School prayer is probably the most controversial of the establishment clause issues. Reciting prayers and reading Bible passages have been commonplace practices in public schools throughout our nation's history. Separationists believed such practices violated the establishment clause and embarked upon a plan to have the Supreme Court abolish them. In the case of *Engel v. Vitale* in 1962, the Court declared that compelling students to recite a twenty-two-word prayer written by the New York State Board of Regents violated the First Amendment.³² Writing for the majority, Justice Hugo Black stated that "a union of government and religion tends to destroy government and degrade religion." The next year, the Court overturned a Pennsylvania law that required school officials to read at least ten verses from the Bible and the Lord's Prayer each day over the loudspeaker.³³

The Pennsylvania decision was met with public disapproval; only 24 percent of those surveyed at the time agreed with the ruling, and by 2000, that figure still stood at just 38.8 percent.³⁴ Despite the decision, many school districts in the South continued the practice of reading the Bible in class. In response to public opinion, Congress members have made over 150 unsuccessful attempts to introduce constitutional amendments to return prayer to public classrooms. Supporters of school prayer have also continued to appeal cases to the Supreme Court, with no more success. Since 1992, the Court has struck down a silent prayer law,³⁵ the participation of clergy at high school graduation ceremonies,³⁶ and the traditional Texas practice of delivering a public prayer over a public address system before a high school football game.³⁷ In 2014, however, the Court held that a town's practice of beginning legislative sessions with prayers unlike the school setting does not violate the Establishment Clause because such an opening is consistent with tradition and it does not coerce participation by nonadherents.³⁸

Aid to Religious Schools

The Supreme Court has also wrestled with the question of whether government may provide financial aid to religious schools, and if so, how much. In recent years, the Court has moved in an accommodationist direction on this question. Beginning in 1993, it held that a state may pay to provide a sign-language interpreter for a disabled student at a Roman Catholic high school without violating the establishment clause.³⁹ Four years later, the Court reversed two earlier cases and ruled that public school teachers may give remedial instruction to at-risk students who attend religious schools.⁴⁰ In *Mitchell v. Helms* (2000), the Court found federal aid to religious schools for computer resources, educational materials, and library holdings constitutional, again overruling two earlier cases.

In a landmark 2002 case, the Court upheld the constitutionality of providing government vouchers to attend religious schools. The Cleveland school system, reputedly one of the nation's worst, offered parents up to \$2,250 in vouchers to attend private schools, either religious or nonreligious. Over 95 percent of the students who used vouchers to attend private schools enrolled in religious schools. In a 5 to 4 decision, the Court ruled that the program did not violate the establishment clause.⁴¹ The majority argued that the program was neutral in nature and based on private choice rather than government endorsement of a religious school. In 2011, the Court continued to support the private school option by prohibiting Arizona taxpayers from challenging a state tax-credit system that permitted tax credits to be used for religious-school tuition scholarships. The five-member majority in *Arizona Christian School Tuition Organization v. Winn* ruled that the policy did not violate the establishment clause because the tax credits are donations of private money and not state money redirected to religious institutions.

Government Endorsement of Religion

How does placing the words "In God We Trust" on our coins and Federal Reserve notes square with the separation between government and religion mandated by the establishment clause? When does government tolerance of religious expression constitute active