

# Why there should be prayer in public school

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Gerard E. Smithwick May 8, History of Religion in America Dr. Nicholson Why there should be prayer in public school Interestingly, the same reason why prayers are banned in public schools is actually the same reason why prayers should be allowed in public schools. The First Amendment is used to stop prayers in school: “ Congress shall make no law respecting an establishment of religion,...” 1. The judiciary uses this clause to stop public schools from conducting prayers. The second clause of the same amendment however offers a loophole through which prayers are allowed in public schools: “ or prohibiting the free exercise thereof;” 2. Since the constitution is everything in this issue, its interpretation concerning prayers in public schools needs to be understood well. In the case of Engel v. Vital (1962)<sup>3</sup> discussed in Part I of this article, it was decided that the State of New York was engaging in sponsoring religious activity by inviting student to recite a state authored prayer. In another similar case (School District of Abington Township v. Schemp (1963)), the court found that public schools are not mandated to require student to engage in religious activities. 4 The court has made it clear that what is prohibited is a school sponsoring school prayer. However, the court has made it clear that the school cannot in any way inhibit prayers. Inhibition of prayers in public schools would be a violation of the First Amendment. This is line with the Lemon test created by Chief Justice Burger in Lemon v. Kurtzman – “ a law must have a secular purpose; neither promote nor inhibit religion” 5. Public schools are therefore called upon not to prohibit students from engaging in prayers but at the same time they are prohibited from providing the mechanism for propagation of prayers. Therefore, in line with the provision of the First Amendment, students out of their own volition are allowed to exercise their freedom of

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faith through prayers. However, such exercising should not be seen to be connected with the school authorities in any way. It is therefore constitutionally allowed for students to practice prayers as long as they keep such prayers as private speech. As long as they do not coerce others into it or use captive audience, they will be in tandem with the constitution. The other reasons which may be used to urge students to engage in prayers are based on logical arguments. For instance, it has been found that majority of the Americans favor prayers in public schools. 6 School board meetings are still being opened with prayers. Board meetings are exclusively engaged in making decisions on behalf of schools and therefore they are public organs. As Chad Ford argues, there is no much difference between a prayer carried out at the beginning of a school board meeting and another one carried out in front of a classroom. However, the later is found by courts to be unconstitutional while the former is seemingly constitutional. 7 Ways in which school prayer can be allowed legally Ways to allowing school prayers must be deeply rooted in law rather than just logical arguments. As already mentioned in part above, there are three ways of determining whether an action violates the establishment clause – Lemon test, Coercion test and Endorsement test. 8 Considering the above tests, the followings way of conducting payers would not violate the above tests and therefore would equally not violate the constitution. 1. Voluntary student prayer at school Students are free to pray at school because it is their constitutional right to exercise that. Such a prayer however should be carried out on a voluntary basis. Official school endorsement should not be part of these prayers. For instance, a student is allowed to pray for his meals alone in a group as long as the prayers do not disrupt others. This was illustrated in the case of Tinker <https://assignbuster.com/why-there-should-be-prayer-in-public-school/>

v. Des Moines Independent Community School District, 393 US 503 (1969). 9

2. Student-initiated vocal prayer in the classroom Depending on the jurisdiction one is in, this may be allowed or not allowed. Federal courts have come up with different ruling on this aspect of praying in school. Students in Alabama generally are in a position to invite others to recite the Lord's Prayers but this case may not apply to students in New York State. This is well illustrated in Chandler v. Siegelman, 230 F. 3d 1313 (11th Cir. 2000). 10

3. Prayers at Graduation Ceremonies Prayers at graduation ceremonies are allowed in some jurisdiction as long as they are student-initiated or student-delivered. Clergy-led prayers at these events have been found to be unconstitutional (see Lee v. Weisman, 505 US 577, 586 (1992)). 11 This is because federal courts which have considered this issue have arrived at different conclusions. For instance, in Texas, such a prayer is allowed but Pennsylvania it is not. The Third Circuit Court views this to be unconstitutional (see ACLU v. Black Horse Pike Regional Board of Education, 84 F. 3d 1471 (3rd Cir. 1996))<sup>12</sup> while the Fifth and Eleventh Circuits have viewed this to be constitutional [(see Adler v. Duval County School Board, 206 F. 3d 1070 (11th Cir. 2000)) & (see Jones v. Clear Creek Independent School District 977 F. 2d 963 (5th Cir. 1992))<sup>13</sup>].

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