

***Engel v. Vitale* / Summary of Decision**

The Supreme Court ruled, 6–1, in favor of the objecting parents. Justice Black wrote the majority opinion and was joined by Chief Justice Warren and Justices Douglas, Clark, Harlan, and Brennan. Justices Frankfurter and White did not participate. Justice Douglas wrote a concurring opinion and Justice Stewart dissented.

The Court ruled that the school-sponsored prayer was unconstitutional because it violated the Establishment Clause. The Court concluded that the prayer was a religious activity composed by government officials (school administrators) and used as a part of a government program (school instruction) to advance religious beliefs. The Court rejected the argument that the prayer did not constitute an “establishment of religion,” because the prayer was nondenominational and voluntary. The Court’s opinion provided an example from history: “...this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America.” The Court also explained that, while the most obvious effect of the Establishment Clause was to prevent the government from setting up a particular religious sect or church as the “official” church, its underlying objective is broader:

“Its first and most immediate purpose rested on the belief that a union of government and religion tends to destroy government and to degrade religion. The history of governmentally established religion, both in England and in this country, showed that whenever government had allied itself with one particular form of religion, the inevitable result had been that it had incurred the hatred, disrespect and even contempt of those who held contrary beliefs. That same history showed that many people had lost their respect for any religion that had relied upon the support of government to spread its faith.”

The Court also said that preventing the government from sponsoring prayer does not indicate hostility toward religion.

Justice Douglas agreed with the outcome that the school-sponsored prayer was unconstitutional, but he wrote in his concurrence that he disagreed with the majority’s reasoning that the prayer was not truly voluntary. Justice Douglas emphasized the fact that, under the program, parents could opt their children out of participating and teachers were forbidden from commenting on non-participating students. However, he also concluded that the government must be neutral in all religious matters, and that it is unconstitutional for the government to fund any religious exercise, including reciting a government-composed prayer in a public school.

Justice Stewart argued in his dissent that the majority opinion misapplied the Constitution in this case. He emphasized that the prayer was voluntary and that students were free to choose not to say it. “I cannot see how an ‘official religion’ is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these school children to join in

reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation.” As part of his argument, Justice Stewart described the history of religious traditions in American government, from opening with “God save the United States and this Honorable Court” at the beginning of each Supreme Court session to the references to God in the “Star-Spangled Banner” and on U.S. currency. According to Justice Stewart, neither these practices nor New York’s school prayer established an “official religion.” They merely continued long-standing American traditions. Justice Stewart argued that the Establishment Clause was meant to keep the government from forming an official state-sponsored church (like the Church of England), not to prohibit any government involvement with religion.