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Where We Stand

THIS PROBLEM does not submit to generalities and even attempts at summarization must be made with a great deal of caution. I do so here. There is no question, however, that the Supreme Court's decisions banning state-sponsored prayer and Bible reading in the public schools profoundly affect state laws and educational programming in many states.

At the time the Schempp case was handed down, the Constitution and statutes of various states reflected an abiding desire to keep public funds from supporting sectarian institutions of any type. All states but Vermont had constitutional provisions prohibiting the expenditure of public funds for sectarian purposes. In addition to this, twenty-four states had statutes prohibiting sectarian instruction in the public schools. But these enactments did not spell out what practices constituted sectarian instruction. As a result, Bible reading and religious exercises of the sort outlawed by the court in the Engels case and the Schempp case, had not been regarded as sectarian in many of the states.

At the time the Supreme Court acted in this area, thirty-seven states permitted Bible reading in their public schools.

Mississippi was the only state which had a constitutional provision which permitted such an exercise. (No state constitution specifically prohibited programs of this type.) Twelve states had statutes which required Bible reading in the public schools. Five other states had statutes which permitted, but did not require, Bible reading. Five states, in addition to the above, had court decisions in the absence of statutory provisions, which permitted Bible reading and, prior to the Supreme Court action, were equally binding. Furthermore, fourteen states permitted Bible reading in the absence of any provisions whatsoever, and this practice had never been challenged in the courts of those states.

In only eleven states was Bible reading considered sectarian instruction prior to the court's decision in the *Schempp* case. In eight of those states, this conclusion had resulted from judicial decisions of the states' high courts. In the remaining three states, educational policy formulators had looked at the state constitutions and statutes and had concluded that Bible reading in the public schools was illegal. Montana, Hawaii, and Alaska are not included in any of the foregoing categories because of an absence of any evidence regarding their policies. Clearly then, while most states opposed sectarian instruction in the public schools, there was real disagreement as to what practices were sectarian prior to the Supreme Court's actions in 1962 and 1963 clarifying this matter.

Prior to the *Schempp* decision, the high courts of twenty-one states plus a federal district court in Pennsylvania had ruled on the legality of Bible reading in the public schools.

The highest courts of fourteen states had specifically upheld Bible-reading practices. Essentially the same argu-

ments were used by all these courts. Their major conclusion was that the Bible is not a sectarian book. Moreover, they denied that the King James Version of the Protestants was sufficiently different from the Douay Version of the Catholics to require its being classed as a sectarian book. Christianity is so interwoven in the fabric of our government, these courts noted, that it would violate our historic tradition to prohibit such a practice as Bible reading in the schools. Furthermore, they refused to accept the contention that such exercises constituted a public expenditure for sectarian purposes because the Bible was not sectarian in their judgment. They stressed that the Bible contained moral instruction common to all religions and emphasized that moral instruction is an important part of public education. They also believed that Bible reading was important for an understanding of literature and history. They stated that the power of curriculum planning rests with the state legislatures and the school boards. Courts had no right to dictate educational policy, these courts argued. However, most of the courts which upheld Bible reading prior to the Schempp case stressed that such reading must be done without comment and attendance could not be made compulsory.

Prior to the action of the Supreme Court in 1963, the high courts of seven states and a federal district court in Pennsylvania had concluded that Bible reading in the public schools was illegal. State courts reached this conclusion because they sincerely regarded the Bible as a sectarian book. There could be little doubt, they explained, that such exercises violated the religious sensibilities of non-Christians as well as nonbelievers. They noted that these practices violated the American tradition of church-state separation since they constituted governmental preference of one re-

ligion over others. Furthermore, they pointed out, since it was the King James Version that was usually chosen for these exercises, this violated the religious freedom of Roman Catholic and Jewish children. The King James Version lacks the Apocryphal books upon which are based the theory of purgatory and other points of dogma important to Roman Catholics. Jews object to the Christology of the New Testament and prefer the Lessar translation or other similar translations of the Old Testament.

The courts which held Bible reading unconstitutional prior to the Supreme Court's action in the *Schempp* case were concerned with keeping the public schools open to children of all religions. The only way this could be accomplished, it appeared to them, was to prevent the teaching of the schools from injuring any student's religious beliefs. Finally, they stressed, it made little difference that these exercises were conducted without comment or that a child might be excused from them by presenting a request from his parents. Such exclusion stigmatizes the student in the eyes of his fellows, they pointed out, since he was leaving because of apparent hostility to a book which was revered by those students who remained. Thus the democracy of the classroom was destroyed. Several of the lower courts noted in conclusion that the free enjoyment of religious worship included the right not to worship.

At this juncture, there may be some merit in summarizing the arguments on both sides of this controversy.

The individuals and groups who advocate Bible reading and related exercise in the public schools generally base their arguments on the following points: Their major premise seems to be that present conditions in the United States and in the world demand religious exercises in the

schools. They explain that it has been only recently that our public schools have been "secularized," since historically the public schools have always been deeply concerned with religion. Not only were religious exercises conducted every day in the schools, but there was systematic Bible study in the upper grades. During the early days of our history, the churches affiliated and cooperated with the public schools.

In the middle of the nineteenth century, the public schools gradually became secularized because of the infiltration of large numbers of immigrants belonging to the Roman Catholic and Jewish faiths. This period also saw the multiplication of Protestant sects. The change to a secular public school system was gradual but complete.

Many of the proponents of Bible reading feel that the few states which kept up the empty formality of Bible reading without comment, prior to the Supreme Court's decisions, were maintaining a practice which probably did more harm than good. Today, while the public schools have become totally separated from all church influence, there exists in the United States a lack of religious instruction and understanding, these groups point out. Those who favor such programs note that the majority now receives no systematic religious instruction.

They go on to stress that in the one hundred years in which the change to a secular public school was effected, America has been slowly but surely losing its ideals and moral standards. Early Americans, they note, whether Puritan, Cavalier, Calvinist, or Quaker, were devoutly religious and insisted upon religious education and training for their children. Today, they argue, crime conditions are worse than in any other state or leading nation in the world. (This statement is followed by a host of statistics seeking to bear out

such a contention.) Furthermore, they note, our literature is generally unwholesome and some of it is vulgar, obscene, and immoral. Newspapers and magazines stress the sensational and sordid, while movies and TV pollute the minds and morals of our youth. Politics has degenerated to a new low in the subterranean abyss of corruption. Public apathy has increased to a point where today a majority of people do not vote, with the result that professional politicians control the government of almost every state and city. Finally, they conclude, feeble-mindedness, insanity, and suicide are increasing rapidly.¹

Those who favor Bible reading and religious instruction believe that such programs will go a long way toward remedying these conditions. They stress that morals and ethics cannot be taught apart from religion, and it is education and moral training that distinguishes a cultured man from a barbarian or criminal. Moreover, a majority of children cannot be reached for the inculcation of moral and religious values except through the public schools.

In addition, they put forth several other reasons why it would be desirable to maintain programs of religious instruction in the public schools: It will bring the lofty ideals and beautiful lessons of Christianity to all the children in our land. This will aid greatly in the improvement of the developing generation, and, while such improvement will be gradual, it will be continual. American ideals will thus be restored and elevated. Furthermore, such a plan is a practicable remedy for our ills, they believe. It is truly American, having worked well in this land for over two hundred years, and is required by law today in a substan-

tial number of states. Programs of this nature have been and are now successfully being used in many countries of the world. It is not necessary, they insist, to teach sectarian dogmas in these exercises, but merely the fundamentals upon which nearly everyone agrees.

Those who oppose religious instruction and Bible reading agree essentially that such programs are unnecessary and unwise. They state that our public schools are now doing a very satisfactory job of educating our young, and they present material which illustrates that public schools are better than parochial and private schools. The public schools are no more godless, they explain, than are the executive, legislative, and judicial branches of our government. While everyone agrees public schools are not perfect, it is clear that they are being constantly improved.

The opponents of Bible reading in the public schools stress that crime conditions in the United States are not due to the absence of religious teaching in the public schools. They note that no real evidence has been presented which proves that crime is caused or increased by the absence of such programs, in spite of the many people who keep making such assertions. It is pointed out that crime is not perceptibly less in those states which have Bible reading and religious instructions in the schools. Because of better methods of communication, crime is much more publicized today than it was in the past. This creates an impression that more crime exists, which does not necessarily follow. Moreover, this group cites statistics which illustrate plainly that the great majority of criminals have had religious instruction in their youth, and are Christians with church affiliations. They note that criminologists at-

tribute the prevalence of crime to other causes, such as the breakdown of the American home, poor environments, and bad companionship.

Ignorance of the Bible, they believe, does not result from the fact that many public schools do not give religious instruction. Whereas one hundred years ago the Bible was the only book in most homes from which the children might learn to read, today there are thousands of children's books to develop youthful reading. It is the duty of the church and the home to teach religious and moral values. This is the only way each child may be taught the religion of his parents' choice. If the public schools were required to have programs of this nature, they could not help but injure the religious sensibilities of some students. Furthermore, while the school can teach moral and ethical truths without resorting to religious instruction, if such instruction is given it will offend the religious beliefs of some students, thus making the moral and ethical instruction ineffectual.

Those who oppose Bible reading believe that admitting these programs into the public schools would be an unfortunate backward step. The mere reading of several biblical passages without comment, they note, can do no good but may do considerable harm. In the first place, some teachers might seize this as an opportunity to proselyte. Secondly, parts of the Bible are not suited for reading to young children. Thirdly, since students are inquisitive, it is unwise pedagogically to read them anything which the teacher may not explain. Finally, the Bible by its very nature is sectarian, for even within the Christian faith Catholics and Protestants disagree as to which version is correct. Such programs, it is also pointed out, disregard the rights and deny religious liberty to freethinkers and nonbelievers. The

American tradition of separation of church and state would be violated by such exercises, and examples are given to illustrate that church control of education has always been bad for education.

Lastly, the opposition believes it is impracticable to have Bible-reading and related exercises in the public schools. People have never been able to agree on the fundamental religious tenets that might be included in programs of this sort. There is even disagreement over whether it should be read for its literary and historic value or for its moral teachings. They go on to point out that not only is the average public school teacher unqualified to teach religion, but programs for compulsory religion have always proved ineffective regardless of the teacher's training. It should also be remembered that some public school teachers are nonbelievers; this would certainly affect their method of directing these programs. Such exercises, it is concluded, are certain to create violent dissension which will impair and often disrupt the work of the public school.

THE CONTEMPORARY SCENE

This writer is convinced that the Supreme Court was correct in its constitutional interpretation of the state-sponsored prayer and Bible-reading cases, and clarified in its interpretation an important area of public policy which had for long been lacking in explicitness. These cases rank in prominence and controversial nature with the court's decisions outlawing racial discrimination in the public schools and its action designed to curtail malapportionment in state legislatures and congressional districts. Moreover, it appears to this writer that, if possible, more public misunderstanding resulted from the Supreme Court's decisions on religion

in the public schools than in either the race relations cases or the apportionment decisions. This may account for the fact that the most thorough attack to undercut the Supreme Court through constitutional amendment occurred in this area.

Bible-reading and related programs stirred increased resentment in the mid-twentieth century in part because of the mushrooming metropolitan areas characteristic of the United States today. The megalopolis represents a polyglot of economic, social, political, and religious attitudes. Today it is increasingly more difficult to find in any community the uniformity and homogeneity of religious views which characterized the United States when it was largely an agriculturally oriented society.

Thus, practices such as Bible reading aroused little or no controversy when the community was, for example, predominantly Protestant (and in many instances composed of members of one or two Protestant denominations). Today, however, such programs cause considerable restiveness where the population represents a variety of religious faiths. Second, there is discernible a growing willingness of large numbers of Americans, as reflected in the 1960 American presidential campaign, not only to recognize but to insist on respecting the religious sensibilities of divergent religious faiths. This willingness may result from the fact that in the last twenty years large numbers of Americans have served or visited in foreign lands with vastly different religious customs. In matters of this sort, it appears that familiarity breeds respect.

It is true, nonetheless, that the Supreme Court's action in the *Engels* and *Schempp* cases brought forth vicious attacks upon that body in some circles. There are a number of possible reasons for this. Many people did not really

study the court's opinions, and were thus easy victims for those who chose to distort their scope. Furthermore, the public is probably less informed concerning the intricacies inherent in the workings of the judiciary than the other branches of government and the coverage by the mass media is also less thorough.

In addition, persons and groups critical of the court for other reasons, sought to capitalize upon the prominence of this issue, and, by distorting the court's ruling, to marshal major public opposition to the court and to the entire principle of judicial review. Thus many well-intentioned laymen were convinced that the court had completely banned the Bible from the school. They did not realize that the Supreme Court, in both the *Engels* and *Schempp* cases, specifically pointed out that its decision did not prohibit the use of the Bible in the study of history or of literature. The decisions said merely that the Bible could not be used as a devotional tool.

One of the more disturbing revelations growing out of the opposition to the court's decisions was that a great many people, some in governmental positions of prominence, do not clearly understand the nature of contemporary American society. Or, if they do, they are attempting to escape its complexities, and crave the quick, easy answer. It is clear from some of the comments quoted in earlier pages, that many critics of the court do not understand the pluralism elemental to the United States and reflected especially in the proliferation of religious sects. It was this religious pluralism, already obvious in the nation's formative years, which, after all, prompted the First Amendment.

Another factor which helps to explain the bitter attacks upon the Supreme Court is the unfortunate fact that many

Americans do not really understand the purpose of the Bill of Rights. That purpose is, of course, to protect minorities of one type or another and to post some things as off-limits to majorities regardless of how sincere and morally motivated the majority may be. Nothing is more personal than an individual's relationship between himself and his God, and thus, in one sense, every man is his own minority in this area. It was not by accident that our founding fathers placed as the very first provision of the Bill of Rights, the prohibition against establishing a religion and next, the provision protecting the freedom of religion. Moreover, it is quite possible to see the public, rote, religious, or devotional exercises discussed here as actually a manifestation of religiosity rather than religion.

Moreover, too few Americans appreciate that the public schools, more perhaps than any other agency, are the meeting place and focus of American pluralism. Individuals, irrespective of race, creed, color or wealth, are brought together in the public schools as the faculty and student body. They include more Roman Catholic children than all of the Catholic schools on every level combined; they include more Protestant children than all the Protestant schools combined; and they include more Jewish children than all the Jewish schools combined. Of all institutions in our democracy, the public school is probably the most religiously tolerant and functionally cognizant of the plural nature of our society.

The key power of America's public schools resides in the opportunity they provide for the creative engagement of differences. Such differences include not only mental and physical capacities, but, even more importantly, differences in culture and background and differences in the creeds men

live by. Those concerned with pushing governmentally sanctioned religious exercises in the public schools, knowingly or unknowingly would lessen this power of the schools and weaken the very institution which has served our heterogeneous society so well.

