

Engel v. Vitale (1962)

Argued: April 3, 1962

Decided: June 25, 1962

Background

The **Free Exercise Clause** of the First Amendment protects a person's right to practice their religion. The First Amendment also protects Americans from state-sponsored religion through the **Establishment Clause**. This means that the government is not allowed to create an "official" religion or favor one religion over another.

The United States government has a long history of mixing religion into its practices. For instance, "In God We Trust" is printed on money. Congress opens each session with a prayer. Before testifying in court, citizens typically pledge an oath to God that they will tell the truth. Traditionally, presidents are sworn in by placing their hand on a Bible. Supreme Court sessions are opened by saying, "God save the United States and this Honorable Court."

Public schools are **bedrock institutions** of U.S. democracy. They teach students about citizenship, rights, and freedoms. This is a case about if public schools may also play a role in teaching faith to God through the saying of a daily prayer.

Facts

Each day, after the bell opened the school day, students in New York classrooms would salute the U.S. flag. After the salute, students and teachers said a prayer. This prayer was written by the state education **agency** and was recited as follows: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

The prayer was said aloud in front of a teacher. The teacher either led the prayer or chose a student to do so. Students were not required to say this prayer out loud. If they wished, they could choose to stay silent. Two Jewish families (including Steven Engel), a member of the American Ethical Union, a Unitarian, and a non-religious person sued the local school board for directing public schools in the district to have the prayer recited.

The group argued that saying the daily prayer at the opening of the school day in a public school violated the First Amendment's Establishment Clause. The New York courts disagreed and upheld the practice of reciting the prayer. The objecting families asked the U.S. Supreme Court to review the case. The Court agreed to hear it.

Issue

Does the recitation of a teacher-led prayer in public schools violate the Establishment Clause of the First Amendment?

Arguments for Engel (petitioner)

- This school-sponsored prayer violates the Establishment Clause of the First Amendment. Public schools are part of the government. The Establishment Clause says that the government cannot favor any one religion over another. The prayer includes the words “Almighty God.” Because of this, it favors **monotheistic** religions.
- It also violates the Free Exercise Clause of the First Amendment. The prayer pressures children to take part in a religious action. Children have to attend school. They cannot choose to skip school if the prayer conflicts with their beliefs.
- A teacher is required by the state education agency to lead the students in prayer. This prayer is religious instruction and teachers are state officials. Therefore, the government is forcing a belief in organized religion.
- Although the prayer is voluntary, students may feel pressure to participate. If they did not participate, students might be singled out for their religious (or non-religious) beliefs.
- In earlier cases the Supreme Court made it clear that public schools cannot promote specific religions over others. They also cannot force children to partake in activities that violate their religious beliefs.

Arguments for Vitale (respondent)

- This prayer protects the religious heritage of the nation. Since the **Mayflower Compact**, the country’s founders recognized the existence of a supreme being or God. In the Declaration of Independence, there are four mentions of the “creator” who gifted humans with “**unalienable** rights.”
- The New York schools’ prayer is a declaration of faith. It is **nondenominational** and does not favor one religion over others.
- Schools teach students how to build character and become good citizens. A short, nondenominational prayer helps build those skills.
- The prayer is voluntary. Any child could stay silent or be excused by their parents, with principal approval.
- The Pledge of Allegiance includes the word “God” and is widely accepted and recited in schools. In previous cases, the Supreme Court did not state that mentions of God were violations of the First Amendment.

Decision

The Supreme Court ruled, 6–1, in favor of the objecting parents. Justice Black wrote the majority opinion.

The Court ruled that the school-sponsored prayer was unconstitutional because it violated the Establishment Clause. The prayer was a religious activity enforced by school administrators, who are considered government officials. The prayer was used as part of a government program. In this case, the government program is school instruction, and it was used to advance religious beliefs.

The Court rejected the claim that the prayer was nondenominational and voluntary. They said that government-sponsored prayer was one of the reasons that early colonists left England. The colonists sought “religious freedom in America.”

The Court also explained that the Establishment Clause was not just created to prevent the government from forming an “official” church. It was also meant to prevent history from repeating itself. The Court stated that the history of government-sponsored religion in both England and the United States always ended poorly. It resulted in “hatred, disrespect, and even contempt of those who held contrary beliefs.” This caused people to “[lose] their respect for any religion that had relied upon the support of the government to spread its faith.”

Lastly, the Court said that preventing the government from sponsoring prayer does not show **hostility** toward religion.

Impact

Before *Engel v. Vitale* was decided, it was common for schools to start the day with a non-denominational prayer. The Court’s decision in this case ended that practice in public schools. Later, the Supreme Court also decided that organized prayer at school events like football games and graduation ceremonies were also violations of the Establishment Clause.

Engel v. Vitale remains controversial. Some people blame problems in society on the lack of prayer in public schools. However, *Engel* only banned school-led prayer; students remain free to pray by themselves or in groups providing it does not disrupt classroom instruction.

Additional information about *Engel v. Vitale*, including background at three reading levels, opinion quotes and summaries, teaching activities, and additional resources, can be found at <https://www.landmarkcases.org/>.

Glossary

- **Agency:** an arm of the government responsible for a specific function.
- **Bedrock:** fundamental; basic.
- **Establishment Clause:** the part of the First Amendment that protects Americans from government-sponsored religion: “Congress shall make no law respecting an establishment of religion.”
- **Free Exercise Clause:** the part of the First Amendment that protects the right to freely exercise one’s religion: “Congress shall make no law ... prohibiting the free exercise” of religion.
- **Institutions:** organizations founded for a specific purpose.
- **Hostility:** bad or negative feeling toward something.
- **Mayflower Compact:** an agreement to establish a government, written for and by the Pilgrims on the *Mayflower* ship.
- **Monotheistic:** the belief that there is only one God.
- **Nondenominational:** not connected with any particular religious group; not connected with any particular branch of Christianity.
- **Unalienable:** unable to be taken away.