



## Teacher Notes: *Engel v. Vitale* (1962)

The Background of *Engel v. Vitale*: (00:00 to 2:43)

1. What are the two clauses concerning religion found in the First Amendment?  
**“Congress shall make no law (1) respecting the establishment of religion (2) nor prohibiting the free exercise thereof...”**
2. What are two reasons why the framers placed these two clauses in the First Amendment?
  1. **To stop religious persecution in the U.S.**
  2. **To prevent the federal government from enacting a national religion**
3. What had the New York Board of Regents decided with regard to prayer in New York public schools?  
**The Board wrote a non-denominational prayer that it recommended be used in New York Public Schools upon approval by the local school board. Participation in this prayer was to be voluntary.**

**Stop and Think: What is your opinion of the New York Board of Regents law with regard to the First Amendment’s religion clauses?**

(2:43 to 4:22)

4. What did a Board of Education in New Hyde Park do regarding the prayer recommendation by the New York Board of Regents?  
**The Board required all schools in the Hyde Park district to begin the day with the prayer led by the teacher or a student chosen to do so.**
5. Why did several parents object and file suit in a New York state court against the school board?  
**They felt the prayer was a violation of the Establishment Clause of the U.S. Constitution’s First Amendment and an indirect way of the state sponsoring a state religion.**
6. What did both a New York trial court and the New York Court of Appeals decide?  
**They both agreed that the prayer was acceptable since the students were not forced to participate.**

**Question and Arguments before the U.S. Supreme Court: (4:22 to 6:11)**

7. What was the constitutional question the U.S. Supreme Court had to answer when the parents appealed the decision of the state courts to the Supreme Court?

**Does the reading of a prayer at the beginning of the school day in public school violate the Establishment Clause of the U.S. Constitution's First Amendment?**

8. What did Vitale (the New York Board of Regents) who was the respondent in the case argue?

**The state argued that this was not a violation of the First Amendment because the policy did not force anyone to believe or do anything specific. It was merely expressing a common sentiment in the community. Students could pay attention or not.**

9. What did the Supreme Court say about the state's argument that it was not coercing any student to participate in the prayer?

**The argument about coercion has no relevance to the Establishment Clause of the First Amendment and therefore the New York state courts were wrong in basing their decision on that argument.**

10. What did the lawyers for the parents (Engel) argue in the case?

**The parents argued that the prayer directly or indirectly violated the First Amendment's Establishment Clause and that a state's support for any religious act was a violation. They pointed to history and the founders' belief in the need for a "wall of separation" between church and state.**

11. From where did the idea for a "wall of separation" between church and state come?

**The idea for a "wall of separation" came from an 1802 letter from Thomas Jefferson to the Danbury Baptists, in which he expressed the importance of maintaining a clear sphere of authority between church and state.**

**Stop and Think: What are the dangers of not having a "wall of separation" between church and state? Does your opinion about the need for a "wall" change if the majority in a community supports the same religious beliefs?**

**Decision of the Supreme Court: (6:12 to 11:03)**

**12. What Justice wrote the opinion of the Court in *Engel v Vitale* and what was the basis for the Court's decision?**

**Justice Hugo Black wrote the opinion. The majority agreed that the state was too much involved in the business of promoting religion by sponsoring a prayer.**

**13. What was the final vote in the Supreme Court's decision?**

**6-1 (Potter Stewart was the lone dissenter. Justice White recused himself and Justice Frankfurter was recovering from a stroke and was thus unable to participate.)**

**Stop and Think (Stop at 8:24 and complete this question): Do you agree or disagree with Justice Black when he wrote, " ...the purpose underlying the Establishment Clause goes much further.... Its first and most immediate purpose rests on the belief that a union of government and religion tends to destroy government and to degrade religion." Explain your position.**

**14. How did Justice Black address the concern that the Supreme Court's decision was "hostile to religion?"**

**He pointed out that anyone could find a place in school to pray to the God of his/her choice in the language he/she chooses without this law or a state sponsored prayer.**

**15. In his concurring opinion, what did Justice Douglas explain concerning the fact that both Houses of Congress and the armed services have chaplains?**

**These traditions did not adopt an official religion or penalize anyone who would not utter a prayer by one of the chaplains.**

**16. What example of government fostering religion did Justice Stewart cite in his dissenting opinion?**

**He reminded everyone that since 1865 the words "In God we trust" have been engraved on all U.S. coins.**

**Stop and Think:** Read the following quote from Justice Stewart and decide whether you agree or disagree with his statement and why.

**“I cannot see how an official religion is established by letting those that want to say a prayer say it. On the contrary, I think 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.”**

**Impact of the Case: (11:04 to the end)**

**17. What does the law professor mean when he says the key word to understanding prayer in school is “neutrality?”**

**Prayer is allowed if it is neutral, meaning that the source of the prayer is not the state or any official of the state such as a principal, teacher, coach, etc.**

**Conclusion:** Answer the following question and explain your reasoning.

**Why is this case important in understanding the delicate balance that has to be drawn between the “no establishment” and “free exercise of religion” clauses of the First Amendment?**

