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Bill of Right in Action

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Religious Tolerance

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Should Students Have the Right to Lead Prayers at Public School Events?

The U.S. Supreme Court has ruled that adults who lead religious exercise in the classroom or at school events violate the establishment clause of the First Amendment. But what if a student leads a prayer at a graduation or even a football game?

Religion and high school football are strong traditions in [Santa Fe, Texas](#). Both traditions combined in the fall of 1999 when Santa Fe High School senior Marian Lynn Ward used the press box microphone at the school's football stadium to say a brief pregame prayer. After asking God to watch over those present and to inspire good sportsmanship, Marian ended by saying, "In Jesus's name I pray. Amen." The 4,000 students and adults in the stands enthusiastically cheered the 17-year-old Santa Fe student.

The previous spring, the student body at Santa Fe High had elected Marian to deliver an "invocation and/or message" of her choice at each of the football home games. This was in line with a school board policy. That policy was challenged in a case that eventually reached the U.S. Supreme Court. The court had never before decided a case of a student-led prayer at a school event.

The Church, The State, and the Public Schools

The [First Amendment](#) of the Bill of Rights says two things about religion. It prohibits Congress from passing any laws that would establish an officially approved religion; and it guarantees that individuals may exercise their own religious beliefs. (The two clauses are known as the establishment clause and free-exercise clause.) Due to the [14th Amendment](#), state and local governments, including agencies like the public schools, are also bound by these First Amendment clauses.

The creators of the First Amendment knew from first-hand experience that establishing an official religion was dangerous, because government could use its power to force people to worship in a certain way. During colonial times, religious groups like the Baptists and Quakers were often [persecuted](#) in communities where they were in the minority.

Religion, especially as practiced by the Christian majority, has always had an important influence in American society. Official state-supported Christian churches were eventually "disestablished" after the adoption of the Bill of Rights. But Christian religious practices remained a part of public life in many states. For example, mandatory daily prayers, Bible readings, and similar devotional exercises were common in public schools.

But starting in the 1960s, the U.S. Supreme Court began to abolish adult-led [prayers in the public schools](#). The Supreme Court ruled that such practices established a government-approved religion, in most cases Christianity, which violated the establishment clause of the First Amendment. To avoid this situation, public schools had to appear strictly neutral and neither endorse nor oppose religion.

Some argued that prayers should continue in schools, and those students who did not want to participate in them could remain silent or be excused. But the Supreme Court pointed out that this would brand the non-participating students as outsiders and subject them to ridicule and harassment by their peers.

Over the next few decades, the Supreme Court generally continued to restrict the role of religion in the public schools. An exception was a decision in 1990 involving a high school that refused to permit a Christian club to form. The high court ruled that students could voluntarily meet outside of instructional time to exercise their right of religious speech. [[Westside Community Schools v. Mergens](#) (1990)]

Two years later, though, the Supreme Court held that a public school inviting a clergyman to give an invocation and benediction at a graduation ceremony violated the establishment clause. The court found that because school graduations are such important events in the lives of young people, [students are really compelled](#) to attend them. In such a setting, the court concluded, students should not be forced to participate in a religious exercise that might violate their beliefs. [[Lee v. Weisman](#) (1992)]

Student-Led Prayer

Santa Fe is a heavily Baptist community of about 8,000 people on the Gulf Coast of Texas. In April 1995, a Catholic and a Mormon family both sued the Santa Fe public school district for failing to stop persistent religious practices in the schools. The federal district court allowed the two plaintiff families to file their lawsuit under the assumed name "Jane Doe" because of allegations of intimidation by school authorities.

The plaintiffs objected to teachers promoting their religious views in the classroom, school administrators permitting Bibles to be distributed on the campuses, and a long history of Christian prayers at graduations and athletic events. The federal district court found incidents in which students and even some teachers harassed those who did not accept the Bibles and did not participate in prayers at school events.

By fall 1995, the school board had developed a policy covering pregame ceremonies at home varsity football games:

The board has chosen to permit students to deliver a brief "invocation and/or message to be delivered during the pregame ceremonies of home varsity football games to solemnize the event, to promote good sportsmanship and student safety, and to establish the appropriate environment for the competition."

The policy went on to describe a procedure for two special student elections each spring. One would decide in a secret ballot whether the majority of Santa Fe High students wanted a pregame "invocation and/or message." The second vote, also by secret ballot, would choose a student volunteer to deliver it. The student who was chosen, like Marian Lynn Ward in 1999, could then decide what to say, as long as this was "consistent with the goals and purposes of the policy."

The federal district court ordered that only non-sectarian prayers were permitted. On appeal, the [U.S. circuit court](#) decided that the policy was unconstitutional. The school board appealed to the U.S. Supreme Court.

When this case reached the Supreme Court in March 2000, the justices agreed to decide the following issue: "Whether [the school board] policy permitting student-led, student initiated prayer at football games violated the Establishment Clause." The attorneys for the Santa Fe Independent School District made these main points in their written [brief](#) to the Supreme Court:

1. ▶ The school board policy does not violate the establishment clause because the decisions whether to have a pregame "invocation and/or message," who will deliver it, and what the student will say is entirely in the hands of students exercising their First Amendment rights.
2. ▶ The school board policy is neutral and does not endorse any religion.
3. ▶ The student-led "invocation and/or message" could be a prayer, if the student chooses, or, it could be a non-religious statement that conforms to the stated purposes of the school board policy.
4. ▶ The school board policy has non-religious purposes such as promoting student free speech and good sportsmanship.

5. ▶ The "invocation and/or message" is delivered by a student at a sports event outside of school hours before a mix of students and adults who are attending voluntarily. The attorneys for the anonymous Catholic and Mormon families made these main points in their written **brief** to the Supreme Court:

1. The school board policy does violate the establishment clause because using the word "invocation" plus the long tradition of pregame Christian prayers at Santa Fe High football games clearly show a school endorsement of the community's dominant religion.
2. The two-part election procedure in the school board policy leaves little doubt that the views of the religious majority (mainly Baptists) will be imposed on those who hold different beliefs.
3. The school is not neutral and uninvolved since the student-led prayer can only be delivered during the school's pregame ceremony, over the school stadium's public address system, before a crowd assembled on school property for a school-sponsored event.
4. Football team members, band members, and cheerleaders must attend the school's football games. If any of them chose not participate in the pregame student-led prayer, they could be harassed by others both at the game and later on at school.
5. ▶ The school board policy is a sham designed to make sure that the longstanding practice of Christian prayers remains an official Santa Fe High School tradition.

For Discussion and Writing

1. ▶ What is the establishment clause? What is its purpose?
2. ▶ Do you think the establishment clause is important? Explain.
3. ▶ What do you think are the strongest arguments on each side in the student-led prayer case?

For Further Reading

[FindLaw on the Santa Fe case](#) Includes all the legal briefs and court decisions.

A C T I V I T Y

School Prayers

In this activity, students will role play members of the U.S. Supreme Court and decide the student-led prayer case. The court will decide this issue: **Does the school board policy permitting student-led, student-initiated prayer at football games violate the establishment clause?**

1. Form groups of three. Assign one person in each group the role of attorney for the school district, attorney for the Catholic and Mormon families, or justice of the Supreme Court.
2. Regroup so that all school district attorneys are together, attorneys for the families are together, and justices of the Supreme Court are together. The attorneys should develop arguments for their side and the justices should create questions to ask both sides.
3. ▶ Next return to the original groups of three. The justice in each group should allow each side to speak and can ask questions of each side.
4. ▶ Finally, each justice should stand, vote, and explain his or her reasons.

Santa Fe Independent School District v. Jane Doe et al.

On June 19, 2000, the U.S. Supreme Court, by a 6-3 majority, decided that the Santa Fe school district's policy violated the establishment clause. Writing for the majority, Justice John Paul Stevens held that the use of the words "invocation" and "to solemnize the event" in the school board policy left no doubt that a student would lead a school-authorized public prayer. Justice Stevens went on to condemn the board-approved student voting procedure, which guaranteed that students belonging to minority religious faiths "will be effectively silenced" and put "at the mercy of the majority." Such an election, Justice Stevens concluded, "encourages divisiveness along religious lines in a public school setting." [*Santa Fe Independent School District v. Jane Doe et al.*, 99-62 (2000)]