

# PUBLIC SCHOOLS and RELIGIOUS PRACTICES

Statements made or supported  
by The American Lutheran Church  
on religion in the public schools,  
including school prayer and  
related concerns



- statement of ALC General Convention, October 1984
- testimony on School Prayer Amendment, August 1980
- statement of Church Council on Prayer Amendment, October 1971

## I. Religion in the Public Schools

*Adopted by the Twelfth General Convention of The American Lutheran Church, October 20, 1984, as a statement of comment and counsel to the member congregations of The ALC, in response to a request by the Tenth General Convention of The ALC, October 1980 (GC80.6.1).*

### A. Questions and Concerns

Various questions and concerns have arisen about the proper place for religion and religious expression in the public schools. Proposals favoring a constitutional amendment allowing schools to set aside time for prayer have been offered in Congress. Numerous communities have struggled with questions related to the inclusion of religious music in school programs.

Fundamental questions about the place of religion in the public schools are being asked. Must all observance of religious holidays in the schools be avoided? What is the meaning and ultimate effect of religious liberty in a pluralistic society? Does the Constitution require that *all* religious expressions be equally excluded from the public schools so that no one of them receives unfair advantage ("no establishment" clause of the

First Amendment)? Or, does it require that all be given equal opportunity for expression ("free exercise" clause of the First Amendment)?

Still other questions call for serious attention. Can public schools conduct courses in moral education which may have content offensive to some religious groups? Is secular humanism, a view of human life which affirms human values but excludes all considerations of God, really the *religio* perspective of the public schools? Does the public school function as the "established church" of American "civil religion?"

Such questions reflect the deep concern felt by many Christians as they attempt to deal with expressions of their religious heritage and commitments in ways appropriate to a pluralistic society and sensitive to the requirements of religious liberty.

### B. Prescribed Religious Exercises

Officially prescribed prayer and Bible-reading exercises in the school are essentially devotional in character and constitute an offense to religious liberty. The American Lutheran Church has declared that "reading of Scripture and addressing deity in prayer are forms of religious expression which devout persons cherish. To compel these religious exercises as essential parts of the public school program, however, is to infringe on the beliefs of religious persons as well as the rights of the irreligious." ("Church-State Relations in the U.S.A.," 1964)

Laws mandating "voluntary" prayer in the public schools are unnecessary since truly voluntary prayer is now possible.<sup>1</sup> Moreover, were the state to mandate such prayer, it would be no longer genuinely voluntary. We likewise oppose proposals which would strip the federal courts, including the Supreme Court, of jurisdiction to hear cases involving voluntary school prayer. Such proposals have raised serious questions of constitutionality, appearing to circumvent the constitutional safeguards concerning religious liberty.

Devotional exercises to cultivate and nurture the religious faith of young people do not belong in the schools but in the home and the church. Officially prescribed devotional exercises open the door to sectarian intrusion or to governmental prescription of an official faith.

### C. Religious Elements in Public Education

While officially prescribed devotional exercises must be carefully excluded from public schools, it is important that our schools recognize the part that religion has played in the social and historical development of civilization and provide opportunity for the study of religion in accordance with the purposes of public education.

<sup>1</sup> "Testimony on School Prayer Amendment to S. 450"—see below.

The American Lutheran Church has declared that "it is a distortion of the constitutional principle of neutrality of the state toward religion to insist that public schools ignore the influence of religion upon culture and persons. A rounded education ought to include knowledge of major religious groups and their emphases, the influence of religion upon the lives of people, and the contribution of religion to society, taught in history, literature, social science, and other courses at levels consistent with the maturity and comprehension of the pupils. The objective for the public schools in this direction is understanding rather than commitment, a teaching *about* religion rather than a teaching *of* religion. Churches ought to offer their assistance to the public schools in preparing for and in supporting the teaching of such courses." ("Church-State Relations in the U.S.A.," 1964)

This means that we uphold the freedom and responsibility of the schools to deal with the materials of heritage in a wholistic rather than truncated manner. For example, sacred or religious music ought not be excluded from school music programs. To do so would be to distort our cultural heritage. Moreover, to systematically exclude from the curriculum or from school programs all materials expressing religious themes would indirectly support secular humanism as the religious viewpoint of the public schools.

Discussion of religious holidays in the school should be for the purpose of educational objectives and not a matter of religious observance. If schools close to allow for observance of religious holidays, care should be taken to treat equitably all religious groups having a substantial numerical presence in the community.

### D. Values Education

Schools unavoidably teach or transmit a whole range of values. Many such values are shared by an entire community and pose no special problems to public schools. When values of various persons or groups in a community are in conflict, however, public schools often find themselves caught in such conflict. It is not then the function of the schools to exalt one set of religiously-grounded values above another. Nor should the schools give the impression that values are simply a matter of personal preference, thereby promoting a view of moral relativity. Such approaches to questions of values are fundamentally inappropriate for public schools.

Christian parents and the churches must assume their rightful responsibility for communicating their religious commitments and values to their children. The distinctiveness of those commitments and values should be neither promoted nor undermined by the manner of religious expression in the public schools.

Although the measure before this committee is focused on “voluntary prayer,” I would like to share our common concerns about the broader questions raised in the public school prayer debate. Our position on school prayer reflects our theological presuppositions about prayer, an essential part of our religious life.

### Questionable Religious Practice

From a purely religious perspective, we believe that prayers in *public schools* are not essential to the cultivation of religion in our youth. Prayer and religious readings in public school classrooms, even those which may reflect our own religious tradition, are often ritualistic in character, with dubious value either as an educational or religious experience. The church bodies I represent maintain that the nurture of religious faith belongs in the home and in the church, not in the public schools.

In addition to questioning the religious benefits of prayers in public school classrooms, Lutheran churches have serious theological reservations about



“nondenominational prayer” within this setting. The religious value of “sanitized prayers,” as they have been described in earlier hearings before this committee, is questionable. Such prayers may even be objectionable since they may promote a religious experience which conveys none of the substance, the depth, or the cutting edge of our historic witness—or that of other faith groups.

We also object to “nondenominational prayers” which may uncritically mix nationalism and religion. As the Lutheran Church in America statement says so clearly, “the more we attempt as Christians or Americans to insist on common denominator religious exercise or instruction in public schools, the greater the risk we run of diluting our faith and contributing to a vague religiosity which defines religion with patriotism and becomes a national folk religion.” Accepting as the norm in public schools “sanitized” prayer or nondenominational prayer reflecting a strong “civil religion” may seriously undermine parental direction of the religious experience of their children.

We believe that the purpose of prayer is to praise and petition God, not to serve the secular purpose of creating a moral or ethical atmosphere for public school children. Prayer is communication with God which may change the person who prays—but it is not a tool to be used to “christianize” or “moralize” public education. Thus, the intent in mandating public school prayer is vitally important, and the Lutheran churches I represent would resist any attempt by legislators or by school authorities to inject prayer into the public classroom in an effort to simply create a wholesome milieu for public school learning.

We perceive no need to “put God back into education” by mandating prayer in the classroom. As Lutherans in the U.S., we affirm the principle of “institutional separation and functional interaction” between church and government, and recognize the distinctive calling and sphere of activity of each institution. However, we believe that God is active and powerful in all human affairs and operates through human institutions which maintain peace, establish justice, protect and advance human rights, and promote the general welfare of all persons—proper concerns of the government. God’s involvement in the good things of his creation, including education, is dependent on his love for us, not on government mandated prayer in public schools or other public buildings.

However, we are concerned about the quality of public school education and understand it to be inadequate when it is premised either on indifference or antagonism to the religious elements in history, in community life, or in the lives of individuals. We strongly object to policies which would make the *de facto* creed of public schools a secularism which would be inimicable to religious beliefs. Maintaining a wholesome neutrality among all kinds of religions—whether theistic or non-theistic in



character—is a difficult but essential task for the community. While the Supreme Court has ruled state-mandated prayer unconstitutional, it has not ruled out the *study* of religion in public schools. In this area, Lutherans see a positive challenge to interact with public school educators in order to develop programs which acknowledge the religious and moral dimensions of life while also respecting the larger religious neutrality mandated by the Constitution.

## 2. Questionable Public Policy

We have stated our position that, from our religious viewpoint, prayer in public schools is of dubious value in instilling virtues or in creating a “moral atmosphere” for school children. From a public-policy perspective, we also recognize the serious difficulties which this practice creates in terms of the religious rights of individuals and the welfare of the community as a whole.

The Lutheran church bodies I represent acknowledge that the historical situation in the United States has changed since the early days of the Republic when underlying religious beliefs were assumed. The influx of new immigrants, with varying traditions and creeds, and a range of

other historical circumstances has contributed to a society which is thoroughly pluralistic. The Lutheran churches view this situation as a challenge and not a threat—a challenge to articulate clearly the tenets of our faith in this pluralistic culture rather than cling to practices which may have been appropriate at an earlier stage in our nation's development but which need re-evaluation in the light of historical change. Public school prayer is one of those practices.

As Lutherans in the U.S., we cherish the guarantees of religious liberty which were written into the Constitution. We affirm the fact that the government safeguards the rights of all persons and groups in our society to the free exercise of their religious beliefs and makes no decisions regarding the validity or orthodoxy of any doctrine. These religious freedoms are guaranteed to all, to members of traditional religious groups, nonconformists and nonbelievers. We recognize that, given our pluralistic culture, religious exercise in public schools may infringe on the rights of some individuals and groups in society and invite sectarian divisiveness in the community.

The following Lutheran Church in America statement, reaffirmed in July of 1980 by representatives of the congregations gathered in convention in Seattle, discusses the public policy implications of this situation:

A due regard for all religious faiths and also for nonbelievers and nonconformists of all kinds makes it imperative that the public schools abstain from practices that run the risk of intrusion of sectarian elements and divisiveness. The public schools serve a unique and valued place in helping to build a civic unity despite the diversities of our pluralistic culture. It should be noted that when the state deeply involves itself in religious practices in the public schools, it is thereby not only appropriating a function properly served by the church and the family, but subjecting the freedom of believers and unbelievers alike to the restraint that accompanies the use of governmental power and public facilities in the promotion of religious ends.

The changes mandated by the 1962-63 Supreme Court decisions should be understood in a positive, rather than a negative light by those concerned about religious freedoms. A 1971 American Lutheran Church statement affirming these decisions expresses this sentiment and focuses on the freedoms protected by the Court rather than the restrictions posed:

We are free to pray in our own words to our own God. We are free to read the Bible in the version we prefer. We are protected against having to join in devotional exercises decreed by the governmental authorities. We are free to pray in public and to read the Bible in public places. We cannot, however, force others to join us in such expressions of our religious faith. These freedoms and these protections our Constitution, as interpreted by the Supreme Court in its school prayer and Bible reading decisions, presently assures us.

For both theological and public-policy reasons, the Lutheran churches I represent have consistently supported the changes in practice which were mandated by the Supreme Court's 1962-1963 decisions. Understanding our theological and public-policy concerns about the broader school prayer issue is essential to understanding our position on the specific provision of S450 which is being considered by this committee.

### 3. What Is "Voluntary Prayer"?

This proposal deals with "voluntary prayer" in public schools classrooms and public buildings. I would like to again express our understanding, and that of many other groups testifying here, that the Supreme Court has *not* prohibited voluntary prayer in schools—indeed, there is no way it could ban personal communication between an individual and God. Neither has it outlawed the inclusion of a moment of silence for meditation or prayer in the school day or forbidden children from reading the Bible or praying aloud in schools. What has not stood up to judicial scrutiny are prayer sessions *mandated by law or organized by school officials*—even if participation would be, in one manner or another, optional.

The question of just what comprises voluntary prayer is central to this issue. The Lutheran churches, like the courts, have questioned whether school-organized prayer sessions can be completely "voluntary." Children attending public schools are there under compulsion of public law. Public school facilities are used, and the teachers—symbols of authority in the classroom—may supervise the exercise. As the Lutheran Church in America statement cited above says,

These factors combine to operate with indirect coercive force on young and impressionable children to induce them to take part in these exercises, despite freedom to be excused from participation. Even persons with a genuine regard for prayer and the Bible may object to having their children engage in these exercises when they are supported by the compulsion of law.

In earlier testimony, this committee has heard representatives of religious organizations differ among themselves as to what type of "voluntary prayer" would be acceptable from their religious perspective. Some would find *interdenominational* prayer acceptable, while others would insist on *nondenominational* prayer; yet others would find either practice unsuitable. To deal with these religious differences, several have suggested that "community standards" be the means for determining actual practice in the public schools. However, the "community standard" argument ignores the reality and the depth of these religious differences, especially as they regard minority groups, and does not seriously weigh the fundamental constitutional questions involved in this practice. Religious differences, even among advocates of school prayer, will surely find expression in diverse practices which could result in separate com-

munities experiencing a greater or lesser degree of religious freedom. Individual states making final determinations on the school prayer issue could lead to a "patchwork quilt" of interpretations as to what the First Amendment to the Constitution means in practice.

The school prayer amendment to S450 could, in effect, set aside a nationwide standard for religious freedoms guaranteed by the Constitution as interpreted by the Supreme Court. We strongly maintain that the standard for determining which laws provide for truly "voluntary prayer" in public schools and which actually violate the First Amendment should be uniform throughout the United States. Thus, we maintain that hearing cases involving voluntary prayers in public schools is not just a state issue, but is properly within the jurisdiction of the Supreme Court.

The precedent this legislation could set makes it transcend the public-policy implications of permitting prayer in public schools; it touches upon the proper relationship between Congress and the Supreme Court and also between the states and the federal government. Other witnesses who have testified before this committee have discussed in detail the serious constitutional questions this measure raises, questions involving the separation of powers and congressional attempts to limit Supreme Court jurisdiction on specific issues involving constitutional rights. Some have described the school prayer amendment as a "backdoor" way of amending the Constitution, one which would bypass accepted procedure in an attempt to sanction certain practices likely to be ruled unconstitutional if reviewed by the Supreme Court.

If it is the wish of Congress to clarify the 1963 Supreme Court ruling for local school boards or districts, the prayer amendment to S450 is an inappropriate and perhaps even unconstitutional method to employ. If implemented, this legislation could create new problems of interpretation and could lead to unsuspected results in areas vitally touching on religious liberty. Besides opening the door to divisiveness in the community, it could prove to be the forerunner of other attempts to circumvent the decisions of the Supreme Court on key issues. It would be possible for Congress to follow the precedent set by this bill and remove from the jurisdiction of the Court other practices which could more fundamentally threaten religious liberty and infringe upon constitutional rights.

In an election year, it may seem politically desirable to approve what may be popularly perceived as a "vote for morality and prayer." However, we perceive the prayer amendment to S450 as unnecessary from a religious point of view and unwise from a public policy perspective. On behalf of The American Lutheran Church, the Lutheran Church in America and the Association of Evangelical Lutheran Churches, I urge you to reject this measure.

### III. Proposed Prayer Amendment and Our Cherished Religious Liberty

*Adopted October 22, 1971, by the Church Council, the legislative agency between general conventions, of The American Lutheran Church, by a vote of 40 in favor, none against, and no abstentions, with four members absent. (C70.10.173).*

The guarantees of religious liberty written into the Constitution of the United States have served this nation well. Both church and state are the stronger because government cannot pass laws "respecting an establishment of religion or prohibiting the free exercise thereof."

As American Lutherans we cherish the freedom and the responsibility the First Amendment assures us. We cherish our freedom to pray, to assemble, to worship, to study, to teach, and to serve our neighbors as the fullness of our faith directs. We respect the similar freedoms and responsibilities of our neighbors of other religious faiths. We do not seek to impose our understandings upon them; we expect the same consideration from them.

By its very nature, religious expression is both personal and corporate. It cannot be forced or coerced. It must be true to its distinctive self and its own corporate commitment. It resists becoming the captive of any race, class, ideology, or government, lest it lose its loyalty to its Lord.

This protection we enjoy in America. We are free to pray in our own words to our own God. We are free to read the Bible in the version we prefer. We are protected against having to speak governmentally composed prayers. We are protected against having to join in devotional exercises decreed by governmental authorities. We are free to pray in public and to read the Bible in public places. We cannot, however, force others to join us in such expressions of our religious faith. These freedoms and these protections our Constitution, as interpreted by the Supreme Court in its school prayer and Bible reading decisions, presently assures us.

We see no need, therefore, for any amendment to the Constitution to permit participation in "nondenominational prayer" "in any public building." Such an amendment would endanger our religious liberty; it would tend to establish a governmental nondenominational religion; it would pave the way for courts to intervene in defining what is acceptable as an expression of religion; and it would limit rights already granted and clearly established in American life.

The Church Council in 1971 reaffirms the paragraph commended by the 1964 General Convention and adopted by the 1966 General Convention

“as an expression of the policy and conviction of The American Lutheran Church”:

Reading of Scripture and addressing deity in prayer are forms of religious expression which devout persons cherish. To compel these religious exercises as essential parts of the public school program, however, is to infringe on the distinctive beliefs of religious persons as well as on the rights of the irreligious. We believe that freedom of religion is best preserved when Scripture reading and prayer are centered in home and church, their effects in the changed lives of devout persons radiating into the schools and into every area of community life. It is as wrong for the public schools to become agents for atheism, godless secularism, scoffing irreligion, or a vague “religion in general” as it is for them to make religious rites and ceremonies an integral part of their programs.

As a nation we should be careful not to endanger our cherished religious liberty through the well-intended but potentially harmful “prayer amendment” (House Joint Resolution 191).



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