Social Statements
THE LUTHERAN CHURCH IN AMERICA

PRAYER AND BIBLE READING IN THE PUBLIC SCHOOLS

Adopted by the Second Biennial Convention, Pittsburgh, Pennsylvania
July 2-9, 1964

In June, 1963, the Executive Council of the Lutheran Church in America adopted a brief statement on prayer and Bible reading in the public schools in the light of decisions on those matters by the United States Supreme Court (Engel and Schempp cases, 370 U.S. 421 and 374 U.S. 203).

The Biennial Convention of the LCA in July, 1964, received an interpretive memorandum attached by the Executive Council to the prior statement. The significance of the memorandum was in its fuller analysis of the Court's decisions and in the attention it gave to related proposals to amend the Constitution of the United States.

The convention ratified the statement of the Executive Council (in the words of the pertinent resolution) "as amplified and interpreted by" the memorandum.

The statement of the Executive Council (I) "as amplified and interpreted by" the memorandum (II) constitutes the official position of the Lutheran Church in America on prayer and Bible reading in the public schools and the question of constitutional amendment.

I. STATEMENT BY THE EXECUTIVE COUNCIL, 1963

We do not believe that much has been lost in terms of the specific points covered by the recent decisions of the United States Supreme Court in the school prayer and Bible reading cases. If the Lord's Prayer were to be recited in schoolrooms only for the sake of the moral and ethical atmosphere it creates, it would be worth nothing to the practicing Christian. The Lord's Prayer is the supreme act of adoration and petition or it is debased. Reading the Bible in the public schools without comment, too, has been of dubious value as either an educational or religious experience. The more we attempt as Christians or Americans to insist on common denominator religious exercise or instruction in public schools, the greater risk we run of diluting our faith and contributing to a vague religiosity which identifies religion with patriotism and becomes a national folk religion.

At the same time, in candor, these decisions must be seen as a watershed. They open an era in which Christianity is kept separate from the state in a way that

was foreign and would have been repugnant to the minds of our ancestors at the time when the Constitution was written and ever since. They signalize the fact that the United States of America, like many other nations, is past the place where underlying Christian culture and beliefs are assumed in its life.

This event intensifies the task of the church. It heightens the need of the church for strength to stand alone, lofty and unshaken, in American society. It calls for greater depth of conviction in all Christian men and women.

II. INTERPRETIVE MEMORANDUM, 1964

The United States Supreme Court has declared it unconstitutional for states to require religious exercises such as prayer recitation and the reading of the Bible without comment in the public schools. (Engel and Schempp cases, 370 U.S. 421 and 374 U.S. 203.) It is natural that the Court's decisions have created controversy and have aroused misgivings and questions on the part of those who have both an interest in the public schools and a concern for the religious and moral nurture of our children. To some it has seemed that the Federal Constitution should be expressly amended to nullify these decisions and otherwise restrict the application of the religion clauses of the First Amendment.

Criticism of the Court's rulings has been directed to the following points: that prayer exercises and Bible reading in the public schools have the sanction of historical usage, that to call these practices a form of religious establishment is to carry constitutional interpretation to an unwarranted extreme, that to invalidate these practices at the request of a minority is to deny majority rights, and that exclusion of such religious practices has the effect of conferring a constitutional blessing upon secularism as an official philosophy.

The Church is properly concerned about these questions. The validity, the meaning and the effect of the Court's decisions touch on matters of vital interest to Christians, both in terms of their responsibility under God for the good of the public order and their special calling in Christ for the sake of the Gospel.

It does not appear, however, that the church need be alarmed over the results reached by the Court in these cases. Persons of good will may have differences of opinion on the correctness or desirability of these decisions. At the same time believers and nonbelievers alike may share the view that in the end these decisions may have a wholesome effect in clarifying the role of the public school with respect to religious matters.

The Executive Council statement of June 1963 recognizes that from a religious point of view not much is lost as a result of the decisions of the U.S. Supreme Court in the school prayer and Bible reading cases. Recitation of prayers when prescribed by public authority easily becomes a formal, mechanical exercise that neither reflects nor contributes to genuine religious piety and reverence. Bible reading without comment may take on the form of a ritualistic exercise

that contributes little to a genuine educational program or to understanding of the Bible.

Moreover, both the Lord's Prayer and the Bible belong to a particular religious tradition, and their use in religious exercises in the public schools does result in a religious preference and invites the risk of sectarian divisiveness in the community. In turn, any devotional use of the Bible designed to avoid or minimize the sectarian aspect results in a distorted conception of the Bible and a dilution of its religious message.

Furthermore, any religious exercise designed to minimize the sectarian element, whether it be a nonsectarian prayer or Bible readings that ignore religious teachings, serves to promote a vague or a syncretistic religion that conveys none of the substance, the depth, and cutting edge of the historic Christian witness.

The nature of our contemporary pluralistic and democratic society requires a re-evaluation of practices which though sanctioned by historical usage had their origin at a time when the Protestant influence was dominant in the shaping of many public practices including the public school program. 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 school serves a unique and valued place in helping to build a civic unity despite the diversities of our pluralistic culture.

It should also 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. This consideration is particularly relevant in the case of religious exercises in the public schools. Children are required to be in school by compulsion of public law, the religious exercises are prescribed by public authority, public school facilities are used, and the teacher—the symbol of authority in the classroom—supervises the exercises. These factors combine to operate with indirect coercive force on young and impressionable children to induce them to take part in these exercises, despite a 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.

Having said this, however, does not foreclose the legitimacy of having any reservations about the Supreme Court's decisions. The legal question whether the establishment clause of the First Amendment is properly interpreted to apply to religious practices in the public schools is a matter on which scholars disagree. It is quite valid to ask whether the Fourteenth Amendment should be

used to make the First Amendment apply to every school community in the United States, regardless of the religious character of the local community.

A more serious question, moreover, goes to the concept of neutrality respecting religious matters, which played a central part in the Court's decision handed down in 1963. Clearly public school programs must be directed to secular purposes, and yet the schools cannot be absolutely neutral in regard to religious matters. Any education premised on indifference to the religious factors in history, in American life and in the life of the individual, is an inadequate education. Furthermore, the vacuum introduced by the exclusion of religion opens the door to the cult of secularism. The Constitution prohibits the establishment of all kinds of religion—whether theistic or secular in character.

Recognizing these considerations, the Court has wisely stated that schools may properly present programs for the objective study of the Bible and of religion. How successfully this can be done, without the intrusion of sectarian elements, remains to be seen. This points up the challenge to the churches and to the public schools to give serious attention to ways of studying the Bible and religion that will do justice to the religious factor and at the same time serve the larger neutrality which an even-handed interpretation of the Constitution requires. The LCA Commission on Church and State Relations in a Pluralistic Society is currently exploring this question and will report its conclusions to the Church in due time.

Christians should realize, however, that not too much may be expected of the public schools in dealing with religious matters. The schools must be careful to abstain from practices and teaching programs that involve commitment to ultimate truth or values. On the other hand, it should be possible for the public schools to teach respect for the spiritual and moral values that reflect the community consensus and which for most citizens have their roots in the Christian, and in the antecedent Hebrew tradition.

Our democratic society rests on certain moral assumptions. But even here the public schools must be careful. In teaching respect for the ethics of a democratic society, they cannot commit themselves to either a theistic or a humanistic philosophy respecting the sources and motivation for ethical conduct. The nurture of an informed, vital and relevant religious faith remains the responsibility of parents and the churches.

In view of these considerations it does not seem that anything of importance is to be gained through an amendment to the Constitution that would sanction prayer and Bible reading in the public schools. The Supreme Court has not held that there can be no prayers in public schools. Nothing in the Court's decisions precludes school authorities from designating a period of silence for prayer and meditation or even for devotional reading of the Bible or any other book during this period. Opportunity for voluntary participation in prayers of

the student's own choice is not governed by these decisions which dealt only with situations where school authorities were directly involved in prescribing the kind of prayer and in giving direction to it. Moreover, the Court's recognition that the objective study of religion and the Bible in the public schools is consistent with the First Amendment gives promise of a constructive approach to neutralizing secularistic tendencies in public education.

Furthermore, the Supreme Court has not outlawed reference to God in public documents, proceedings or ceremonies. No constitutional amendment is necessary to assure the freedom of the federal and state governments to give appropriate expression to the religious factor in our history and in the lives of our people.

On the other hand, there is disadvantage in using the amendment process to deal with the present issue and there is risk in the results that would be achieved by it. The proposed amendments would represent only a piece-meal way of dealing with religious practices in public schools and in public life. It would be a use of the amendment process not to state general and fundamental principles but to sanction certain specific and detailed practices. This is, to say the least, a questionable use of the amendment process. Moreover, such an amendment would raise new problems of interpretation and could lead to unintended and unsuspected results in areas vitally touching on religious liberty. Finally, and this is most important, the proposed amendments in their substance would give constitutional sanction to distinctively sectarian practices in the public schools with all the risks involved of impinging upon freedom of conscience and belief and creating religious divisiveness in the community.

The Constitution should not be amended except to achieve large and important public needs and purposes consistent with the basic nature of our constitutional system. The current proposals for constitutional amendment do not meet these standards. Parents, churches and school authorities would be better advised to direct their efforts to programs for study of religion and the Bible in the public schools and to the formulation of types of programs which co-ordinate the secular educational programs of the public schools with programs of a strictly religious nature conducted by the churches themselves, rather than to seek constitutional sanctions for devotional exercises in public schools that have at most a minimal religious value, which invite the intrusion of sectarian influences into the public school system, risk the violation of the rights of religious freedom and are a potential source of conflict in the community.

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