It is important to note, contrary to what Chairman Celler said that the "tide has turned," that the flow of mail even at the end of the hearings was still in favor of the Becker Amendment, two to one.  

Another factor, according to an article in the Columbia Journalism Review in turning public sentiment toward the Supreme Court two years earlier, was "the sober reaction of many of America's leading newspapers and magazines." According to a report at the Becker Hearings, the leading newspapers were evenly divided on the issue except that some of the more influential newspapers, such as the New York Times favored the Supreme Court. 

The end to public reaction did not subside for long after the dissolution of the Becker Amendment. On March 22, 1966, Everett McKinley Dirksen introduced a constitutional amendment to permit voluntary prayer in the public school. According to Senator Dirksen, the "storm of protest is gathering again in all parts of the nation." Dirksen further claimed that 52,000 original letters had been deposited with him, which opposed the Supreme Court. Dirksen, however, was reminded of the technical dissection of the Becker Amendment, which proved through the testimony of many experts that there was no satisfactory alternative to the Supreme Court's decision. But even in the face of criticism by law school deans and the National Council of Churches, Dirksen said that he was not going to be dissuaded by highly sophisticated
arguments. Dirksen contended that the testimony at the Becker Amendment hearing failed to hear from the "common man" who represented millions of Americans. He cited figures from the Harris and Gallup Polls which indicated that eighty percent of the American people supported his amendment. Dirksen further appealed to the public by aligning the opposition of his amendment to a Communist and atheist influence. Nevertheless, the Dirksen Amendment suffered the same demise as the Becker Amendment.

The Dirksen Amendment was in many ways a repeat of the Becker Amendment. All the proponents for an amendment used extensively the same arguments of public support. During Dirksen's campaign to amend the Constitution, Christian Century said that many Senators were on the verge of capitulating because of Dirksen's letter writing campaign. The Senators are quoted as saying that if they moved for support of the Dirksen proposal it will only be because politicians cannot be against God and prayer in an election year.

Whether or not the public's influence is as pervasive as some claim it to be, is merely a matter of speculation. Nonetheless the public influence on voting patterns of Congressmen is detectable at times. As noted before, of the twenty-eight Senators re-elected in 1966, twenty-one voted in favor of the Dirksen Amendment, which was just a little over a month away from the November elections. The voting patterns do not seem to fit any regional or political patterns
which might have correlated at the same time.

Public reaction after the failure of the Dirksen Amendment has subsided. Since Dirksen's death in 1970 no one has taken up the fight for a prayer or Bible-reading amendment. Thus public indignation concerning separation of church and state seems to follow the whim of enraged political figures, such as Becker and Dirksen.
RELIGIOUS REACTION

The Supreme Court's ban on prayer in the public school prompted an immediate uproar from the religious community in the United States. From all sections of the nation various religious leaders voiced their indignation at the Court's decision. The initial response was highly emotional as was indicated by an Atlanta clergyman who called the decision "the most terrible thing that has ever happened to us," but then he admitted that he did not really know what the decision said.1

Many of the best known religious leaders vigorously objected to the Court decision, which in many cases revealed that they did not understand what the Court actually said, or else they had other motives for their attack on the Court. The significance of the wave of indignation that greeted the Supreme Court's ban on state composed school prayer was that the criticism came from so many responsible churchmen.

Francis Cardinal Spellman, one of the well known Catholic spokesmen, did not even wait a day to consider the decision. In his first criticism of the Court he said: "I am shocked and frightened that the Supreme Court has declared unconstitutional a simple a voluntary declaration of belief in God by
public school children. ..."² Billy Graham, America's best known evangelist, went beyond the official words of the Court in his criticism:

This is another step toward the secularization of the United States. Followed to its logical conclusion, we will have to take the chaplains out of the armed forces, prayers cannot be said in Congress, and the President cannot put his hand on the Bible when he takes the oath of office. The framers of our Constitution meant we were to have freedom of religion, not freedom from religion.³

Bishop James A. Pike, Episcopal Bishop of California was less emotional in his analysis of the decision. "The Supreme Court," he said, "has deconsecrated the nation." Louie D. Newton, former president of the Southern Baptist Convention, the largest Protestant group in America said, "We just weren't ready for six men to tell us that our fathers and mothers were all wrong about this business of acknowledging God as the supreme ruler of the universe."⁴ Reinhold Niebuhr, a prominent spokesmen for Neo Orthodoxy, a religious group which believes in human progress, centered his objection around the "Free Exercise Clause," saying that the decision practically suppresses religion in the public schools."⁵

Although they seemed to be shouted down, the Engel decision had several supporters. Leo Pfeffer, General Counsel for the American Jewish Congress, echoed the approval of most of America's Jews. He said that he was "highly gratified" by the ruling. The General Assembly of the United Presbyterian Church supported the decision and recommended
only last May that "religious observances never be held in a public school."6 Dr. Franklin Clark Fry, President of the Lutheran Church in America, commented: "When the positive content of faith has been bleached out of a prayer, I am not too concerned about what is left."7

Many of the leading magazines, published as official organs for particular religious groups, picked up the issue to further enunciate their position. America, a Jesuit weekly, criticized the decision bitterly in an editorial:

It is quite literally a stupid decision, a doctrinaire decision, an unrealistic decision that spits in the face of our history, our tradition and our heritage as a religious people. Some day, it can be hoped, the Black Monday Decision will be reversed.8

Christian Century, a liberal, Protestant, non-denomina-
tional magazine, took the opposite point of view and secured the signatures of thirty-one leaders of America's Protestantism who upheld the Supreme Court decision. However most of them were Baptist and Methodist from the East and Midwest.9

Although some religious leaders supported the Supreme Court, the large majority of Protestant and Roman Catholic clergymen sharply criticized the decision. Most of the controversy arose from confusion about what the Supreme ruled -- and perhaps more importantly what it did not rule. Most of the initial reaction indicated that very few religious leaders understood the decision, and for many who did read the decision, their criticism was not confined to the scope of the decision.
On June 17, 1963 the Supreme Court issued its second decision proclaiming further the neutrality of the state in Bible-reading conducted in the public schools. For those who understood what the Court decided in the Engel decision this latest ruling was a forgone conclusion. However many Americans did not become informed, and as a consequence the decision was like another bolt of lightning hurled at America's sacred institution.

As would be expected, many of the church leaders, particularly the Catholics, had not even calmed down from the Engel decision when the Schempp decision was announced. After the Engel decision the Catholics called a First Amendment Conference in order to clarify their position. At the Conference they attempted to validate their opposition historically, which was in opposition to the Supreme Court's historical basis for the majority decisions.10

Although the reaction to the Bible-reading decision was much the same as the prayer decision, it was to some extent expected by the church leadership. In May 1963, one month before the Schempp decision, the 175th General Assembly of the United Presbyterian Church stated that "Bible-reading and prayers as devotional acts tend toward indoctrination or meaningless ritual."11

It is easy to understand why the clergy was upset over the Engel decision. Due to the narrowness of the decision, when the press failed to report important portions of the
decision, many religious leaders thought that the decision went further than it did. Some of the religious community did however become informed of the scope of the Engel decision. "Unlike last year," said the Very Reverend Howard S. Kennedy, Dean of the Episcopal Cathedral of St. James in Chicago, "when I reacted emotionally, illogically, and non-intellectually, this decision doesn't bother me." 12 The concurring opinion of William Douglas' in the Engel decision generated much of the misunderstanding. 13 Even after the Schempp decision in which the Court went to great length to explain the basis for its decision, many of those who opposed the decisions were still carrying Douglas' opinion to the extreme. Mr. William B. Ball, writing in Catholic World, said that the Engel decision which prohibits non-theistic as well as theistic religion also prevents the teaching of the secular version of human brotherhood. 14

In essence, the reaction to the Engel and Schempp decisions by the church leadership was highly emotional. The same criticism of the Engel decision continued with the Schempp decision, despite efforts by the Supreme Court to prevent such misunderstanding. Many of the Catholic spokesmen continued to link the decisions with the atheistic Communism of Russia. Cardinal Carl McIntyre said that the United States was "abandoning the American heritage and freedom for Soviet philosophy." 15 The New York Post editorially speculated on the motives of the Catholic leaders' opposition to the
decision:

The indignation of the Catholic hierarchy is understandable. It is prompted, we suspect, not by the prohibition of a prayer which many churchmen would agree has little religious value, but by the potential impact of the decision on the aid to education battle.16

Before any assessment of the reaction can be made, it is necessary to understand the attitudes of the major religious groups to the controversy over prayer and Bible-reading in the public schools. The controversy has been going on since the creation of a board of education in New York City in 1842.

Prayer and Bible-reading is primarily a Protestant sponsored activity in most public schools. The Catholics have objected to it, not because of the activity itself, but because of the version of the Bible that was read and the person saying the prayer. The Catholics have responded by building parochial schools. Even though the Catholics have their own schools, they do not agree that they favor them over public school. But that position is difficult to explain since most of the litigation seeking to prohibit such exercises as prayer and Bible-reading has been brought by Catholic and Jewish citizens.17 Even if the Douay Version, the Catholic Bible, was substituted for the King James Version, the Catholics have indicated that they would not discontinue building parochial schools. Their objection to the Bible, even their own version, if considered from the standpoint of
religious instruction, is entirely inadequate when read in
the public schools by unqualified teachers.\textsuperscript{18}

The Catholics however did support the non-sectarian
prayer composed by the New York Regents, because the prayer
itself was a commitment to a religious type of schooling.
Although it was not a satisfactory prayer in the Catholic
sense, Catholic leaders welcomed such a theistic declaration
as one tiny step toward their own view of religious educa­
tion.\textsuperscript{19}

The Jewish, like the Catholics, have opposed prayer and
Bible-reading in the public schools; but unlike the Catholics,
the Jews supported the latest Supreme Court decisions. The
Reformed, Orthodox, and Conservative Jewish groups have
practically been unanimous in their endorsement of the Engel
and Schempp decisions. The Synagogue Council of America
which represents all three branches of organized Judaism
filed a brief in favor of the plaintiffs in the Engel deci-
sion.\textsuperscript{20} The American Jewish Congress also filed four com-
plaints in Florida asking the Courts to declare baccalaureate
services unconstitutional, ban Bible-reading and stop recita-
tion of the Lord's Prayer.\textsuperscript{21} The Jewish have been opposed to
devotional activities in public school for the same reasons
as the Catholics, but they do not favor parochial schools
which catches the Catholics in contradictory positions. The
Jews have categorically favored the Supreme Court in the
Engel and Schempp decisions. An article in \textit{Commentary}, a
Jewish magazine, had this to say of the Supreme Court:
"Because it struck down the Regents prayer as an impermissible breach in the wall of separation of church and state, the Supreme Court has probably never stood higher in Jewish esteem."22

One of the difficulties in assessing the Protestant attitude is that there is not generally a consensus on any one topic among Protestants. The Protestant reaction to the Engel decision ranged from an emphatic denunciation to an ecstatic approval. After the emotionalism had subsided, the church leadership among the Protestants began to support the Supreme Court. Many churchmen, in fact, took the decision as a challenge to the church. The representatives of even such traditionally conservative denominations, such as the Baptist, began to support the Court. Reverend Thomas Davis, a Presbyterian minister at Chapel Hill North Carolina, commented that, "It is not necessary to legislate in favor of God, He doesn't need it."23 The Protestant groups that continued to oppose the Court were fundamentalist for the most part.24

It is difficult to assess the extent of any attitude toward the Supreme Court by the different Protestant groups. Many of the groups did not make public their position or feelings simply because they agreed with the Court. Although they were to change later, "the Protestant Clergy" according to Clifford M. Lytle, "were somewhat varied yet predominately negative in their responses."25
The attitude of the Catholics and Jews toward the Supreme Court decisions has been diametrically opposed. Shortly after the Engel decision, which was fully supported by the Jews, the influential periodical, America, hinted at the possibility of a rise in anti-semitism. An editorial in America stated:

"We wonder, therefore, whether it is not time for provident leaders of American Judaism to ask their more militant colleagues whether what is gained through the courts by such victories is worth the breakdown of community relations which will inevitably follow them." 26

The news media picked this up quickly and magazines featured it extensively. The Catholic periodical, Commonweal, a liberal publication cautioned its Jesuit Brethren. The editors of America agreed to print a reply to their accusations by the American Jewish Committee. The Jewish group reminded the Jesuits that it was the Catholics who "throughout many decades of the Nineteenth century and the first quarter of the twentieth century fought desperately against the reading of the Bible in American public schools." 27 The reply further questioned whether Catholics have "been deterred from pressing their views in the legislature and in the courts by the worry that victory might produce a harvest of fear and distrust." 28 Although nothing came of this incident, the Jesuits did not change their position. They continued to brand the Jewish supporters of the Supreme Court as extremist who "have no mandate from the Jewish religious community."
The reaction from the religious community immediately following the Engel decision is significant in that it helped prompt legislative action. But what is more significant is that most of the church leadership was caught in a trap by their emotional reaction. When it became obvious that Congress might be able to reverse the Court, most of the churches quickly reversed themselves.

At the Senate Judiciary Committee hearings in 1962 the religious community which was so vehement in their denunciation of the Supreme Court was conspicuously absent. The Catholics, in particular, who vigorously opposed the Supreme Court did not appear at the hearings. In fact there was not one spokesman from the Catholic Church. The only Catholic support for an amendment came from Francis Cardinal Spellman of the Roman Catholic Archdiocese of New York who was represented at the hearings by an attorney, Lawrence Cusack.29

On the other side of the controversy, several spokesmen from the religious community testified in opposition to the proposed amendments. There was no opposition of any significance from the Jews and Protestants toward the Supreme Court. Most of the testimony from religious groups was solidly in favor of the Supreme Court, especially the Protestants. The Protestants were represented by such groups as the Baptist Joint Committee on Public Affairs, Southern Baptist Convention, National Association of Evangelicals, and the National Council of the Churches of Christ in the United States.
The Senate hearings in 1962 brought such a quick reversal from the religious community that one wonders why they so vigorously opposed the Court in the first place. Perhaps any change in the First Amendment would have meant the erosion of other privileged positions of religion in America? Never-the-less the Senate hearings were dismissed without any action being taken. It seemingly would have been difficult to recommend any action since the proponents for amending the Constitution did not have the religious support as they appeared to have before the hearings.

The Senate hearings in 1962 caught the Catholics off-guard. Their leadership had hitherto opposed the Supreme Court, but after the hearings they began to re-evaluate their position. They called for a conference on the First Amendment which resulted in their approval of it but not from the same perspective that the Supreme Court viewed it. After the Court issued the Schempp decision, the Catholics reluctantly began to support the Supreme Court. In reference to the Court's view that the decision did not prohibit a literary or historical study of the Bible, an article appearing in Catholic World supported that position: "Teaching about religion is no substitute for the teaching of religion but it will help to fill in the religious vacuum in public education."

In 1964 when the House Judiciary Committee was pressured into holding hearings, the Catholics had come full circle in support of the Supreme Court. This solid change was even noted
in: the more conservative Catholics, the Jesuits. According to America, a Jesuit publication, "The Becker Amendment is well intentioned but ill-advised. It is not a cause to which the Church should seriously consider committing her prestige and her reputation among the American people." The article went further to say that although the Becker Amendment was meeting Catholic opposition as well as support, most of the Catholic publications, thirty-five of the forty-eight surveyed, are against the Becker Amendment.32

The change in the Catholic position is significant in that none of the three major religious groups categorically opposed the Supreme Court. A key to the change in the Catholic attitude may have been explained by an earlier article criticizing the Becker Amendment:

All that their Amendment would do would be to reverse the Supreme Court's school prayer decisions. It would not solve the basic question of the relationship between religion and education in this country.33

The change in the religious community is significant in that it revealed differences within each group. In the initial reaction to the Engel and Schempp decisions, the reaction came mostly from religious leaders who represented their individual church and sometimes only themselves. The reaction from individuals made it difficult for anyone to tell whether religious groups were opposed to the Supreme Court. The spokesmen testifying before the House Judiciary Committee did not represent themselves; instead they
represented national religious organizations. The spokesmen represented such groups as the National Council of Churches and the Baptist Joint Committee on Public Affairs. Yet there were a few individuals and ministers who did not agree with their spokesman. I am one Baptist they do not represent, said one letter to a Congressman. 34

Although national religious organizations supported the Supreme Court, many of the denominations were highly divided. The Methodist leadership was polarized and making opposite pronouncements. The Catholic leadership was also divided. Despite a memorandum from the legal department of the National Catholic Welfare Conference, normally the Catholic spokesman on legislation, several Catholic leaders spoke out in favor of amending the Constitution. According to the National Catholic Welfare Conference, "the present language of the Constitution . . . had proved to be of incalculable value to religion." 35

With the exception of the divided Catholics, Methodists, and fundamentalist groups, most of the major denominations were opposed to amending the Constitution. 36 It is significant to note the positions taken by those who opposed or favored amending the Constitution. Most of their disagreement was centered around their interpretation of the First Amendment. Those who were opposed to amending the Constitution said that the "Establishment Clause" prevented the government from sanctioning particular religious exercises. The spokesmen
favoring an amendment said that the First Amendment prohibited the government from establishing a particular religion. Both groups made extensive efforts to validate their position.

The opposing views did develop a little antagonism. The leadership of the major established churches which favored the Supreme Court were accused of misrepresenting their constituents. According to the Christian Herald, "church leaders. . . . church councils. . . . and officials of church related organizations do not always reflect the true feelings of their members." The criticism, although a well founded one, did not send the national church leadership back for a referendum from their congregations. Most of the spokesmen testifying before the House Committee admitted that their authorization was resolved in committees that handled other religious problems.

The Becker Hearings revealed again as did the Senate hearings that the religious leadership did not favor amending the Constitution. Yet those who favored changing the Constitution continued their efforts despite strong objections from the religious community. The opposition to the Becker Amendment did however prevent the Becker Amendment from becoming successful. According to the New York Times, the opposition by the church leadership shifted the response of the public away from amending the Constitution.
The attempt to amend the Constitution did not end with the demise of the Becker Amendment. On March 22, 1966 Senator Dirksen introduced his amendment which would permit prayer in public school. Dirksen was well aware of the attitude of the major religious groups toward amending the Constitution. He dismissed their legal and theological reasoning as "mere sophistication." Dirksen's counter to the churches was that the "common man" was behind him.39

The Dirksen Amendment was more or less a repeat of the Becker Amendment. The churches held the same positions as they did in 1964. The religious support for Dirksen was the same as for Becker -- mainly the Evangelicals and Fundamentalists. But apparently prayer and Bible-reading is more of a political issue than a religious one. The churches have not initiated the efforts to amend the Constitution -- only Congressmen have.

An interesting question is raised as a result of the reaction to the Engel and Schempp decisions. After the Engel decision the immediate reaction of Catholics and Protestants alike was to denounce the Court. But as it became obvious that the Constitution might be amended, the major Protestant denominations came out in opposition to any change. Many Catholics also were opposed to amending the Constitution, however their position was obvious to most observers. Any change in the First Amendment to permit prayer and Bible-reading would weaken their argument for state aid to parochial schools.
The Protestant position is not that obvious since they do not normally have parochial schools. Their rationale in opposing the Becker Amendment dealt with such legal and historical questions as their interpretation of the First Amendment. Many of the discussions on the topic were concerned with what the founding fathers had intended or other philosophical questions. The question as to how amending the Constitution would affect the Protestants was never answered at least by the Protestants. But it seems that they would have had something to lose, judging from their avid support of the Supreme Court.

The First Amendment has given religion a privileged as well as a restricted position in American society. The "Free Exercise Clause" of the First Amendment provides several monetary and moral positions that are denied to the rest of society. Whether or not these privileges were their basis for opposing the Becker and Dirksen Amendments is a matter of speculation. Nonetheless it does provide a very plausible answer.
VI
EDUCATIONAL REACTION

The education community occupies a position in the controversy over prayer and Bible-reading in the public schools that is unlike the more political institutions of Congress and the judicial system, which to a great extent dictate what will be done in public education. Thus in 1962, when the Supreme Court banned the "establishment" of prayer in the public schools, the school, its administrators, and teachers became involved in the dispute.

The immediate reaction of education officials was calm as compared to other segments of society, yet those who made their opinion known revealed that there was wide disagreement. The highest education official in the United States, Dr. Sterling M. McMurrin, the Commissioner of Education, said: "Religion is something that should be private and prayer is a religious practice."¹ He further said of the Engel decision: "I believe it is no loss to religion, but may be a gain in clarifying matters. Prayer that is essentially a ceremonial classroom function has not much religious value."² The Board of Regents in New York which composed the prayer that caused all the controversy, declared that the decision "is now the law of the land, and it will be so recognized by all school authorities in the state."³ However on Long Island,
Ne York, where the prayer case began, eight school district superintendents said they would defy the ruling. A school without a prayer is not a school, said one of the superintendents. 4

The Schempp Bible-reading decision in 1963 had reactions similar to the Engel decision. At Atlantic Highlands, New Jersey, Mrs. Irene Nelson, a teacher who had taught public school for many years, resigned as a substitute, saying that "a nation that forgets God will perish." 5

Due to the reluctance of most educators to openly criticize the Supreme Court, it is difficult to assess the extent of reaction in education circles. In a survey conducted by one of the leading education periodicals, fifty-two percent of the nation's school administrators said they would not go along with the Court's decisions, however the remaining forty-eight percent, said they would stand behind the Supreme Court. Fifty-seven percent of the administrators also said they would support a constitutional amendment to reverse the Court's ban on prayer and Bible-reading. But more significant is the fact that only twenty-eight percent said the rulings would effect their current practices. 6

Many schools were trying to defy the Supreme Court by interpreting the decision according to their own views. In the District of Columbia school officials based their decision on the fact that the Court banned only official government drafted devotions, and neither the Bible or the Lord's Prayer
are in this category. The State Board of Education in Vermont concluded that the Court had found unconstitutional any "intermingling of religious expression and practices in tax supported educational institutions." In Hicksville, New York, the Board of Education proposed to use the third stanza of the national anthem as a prayer, however the State Education Commissioner, James E. Allen, said that it could be sung but not designated as a prayer.

To some extent, the people in education were just as uninformed as to what the Supreme Court decided as other segments of society. Miss Elizabeth Corbett, a fifth-grade teacher in Akron, Ohio said:

The Supreme Court decision has had little effect on my classroom procedure. The only difference the Supreme Court has made is that I now take time to discuss it with my class. I give them my interpretation which does not deny us the right to repeat the Lord's Prayer, it just denies us the right to force anyone to say the prayer. In some areas, particularly in the South, where the Supreme Court has been extremely unpopular because of the desegregation decision of 1954, most of the reaction and misunderstanding there can not be attributed as much to education officials as to politicians, such as the Governor of Alabama, George Wallace who said that if necessary he would go to school and read the Bible himself.

The extent to which the Supreme Court decisions would affect current school practices has been speculated on by several people. According to an article in the New York
Times, the Scheppp ruling would materially affect practices in forty-one percent of the nation's school districts. A study conducted by R. E. Dierenfield, an authority on religious influence in education, concluded also that forty-one percent of the nation was in violation of the Scheppp decision, however the distribution by geographical area was extremely diverse. According to Dierenfield, most of the devotional Bible-reading in school is done in the East with sixty-seven percent and in the South with seventy-six percent. The Midwest and the Western States are practically the opposite with eighteen and eleven percent respectively.

Despite the widespread influence of religion in the public schools, most school officials throughout the nation have agreed to abide by the decisions. The major education periodicals, such as the National Education Association Journal, Nation's Schools, and the American School Board Journal have endorsed the decisions as a benefit to both education and religion. Although most school officials have agreed to abide by the decision, there have been some who actively defy the Supreme Court.

In Massachusetts after the Scheppp decision the State Supreme Court had to order the North Brookfield School to halt required Bible-reading. The order was brought in a suit by State Attorney General, Edward Brooke. Earlier in 1962, the Deputy Superintendent of Atlanta public schools said, "We will not pay any attention to the Supreme Court
ruling. However not all attempts to defy the Supreme Court have been as obvious and forward as others. In California where the state had banned religious practices in school under Attorney General Edmund G. Brown, the school in Long Beach sung a prayer before meals. In Illinois, Governor Otto Kerner vetoed a bill which would have permitted teachers to lead recitation of the fourth stanza of the national anthem. According to Kerner, "Without question the sole purpose of the bill is to use this stanza as an instrument for indulging a collective defiance of the United States Supreme Court." Not all efforts to defy the Supreme Court are attributable to individual schools and communities. In the South, several states openly defied the Supreme Court rulings. The Attorney General of Arkansas told the state's public schools to continue their daily reading and devotional exercises. In Alabama, Governor George Wallace said after the Schempp decision: "I would like for the people of Alabama to be in defiance of such a ruling. I want the Supreme Court to know we are not going to conform to any such decision." In Florida not only did many schools in the state defy the Supreme Court, but the highest Court in the state upheld prayer and Bible-reading. Much of the reaction in the South cannot solely be attributed to the South's traditional defiance of federal authority, which was more recently aggravated by the school
desegregation decision of 1954. The South also has a strong tradition toward a fundamental belief that the Scriptures are entirely true. In 1925, a teacher was prosecuted for teaching Darwinist evolution in the state of Tennessee. Religious observances have influenced the educational system in the South much more than other areas. Bible-reading is an integral part of the daily lives of school children in the South. Seventy-six percent of Southern schools read the Bible daily as compared to eighteen percent in the Midwest and eleven percent in the West.19

The rationale of officials in the South who have openly defied the Supreme Court, could to some extent reflect a misunderstanding of what the Court said, but when state courts and others skilled in understanding the law say that the Supreme Court's rulings do not supercede state law, it is difficult to see such rationale as anything but a cloak for open defiance. The Attorney General of Arkansas said that the Supreme Court's decisions did not void the state law which requires reading of the Bible without comment.20 The Florida Supreme Court used virtually the same argument by claiming that the Bible is non-sectarian.21

In some states where particular schools have openly defied the Supreme Court, the schools have not had the good graces of the legal officials. In New Jersey, the Trenton Hawthorne School Board ignored the request from the State Attorney General to stop religious observances, but it was
later forced to comply by the New Jersey Supreme Court.\textsuperscript{22}
Several other schools have ignored the Supreme Court, but in some communities the people who agreed with the Engel and Schempp decisions have seized the opportunity to make the schools comply. In Pennsylvania, the Lebanon Suburban School Board, who were the object of such a suit, finally agreed to substitute an objective course about the Bible instead of conducting daily Bible-reading under the guidance of a teacher.\textsuperscript{23}

There has also been considerable confusion among legal and administrative officials concerning the latitude of the Court's decisions. Many officials were confused as to whether the decisions prohibited religious holiday activity in the schools. Shortly after the Schempp decision, an administrator in Missouri said that "Schools should be permitted to have Christmas, Easter, and Thanksgiving holidays and programs as in the past. This decision will no doubt eliminate these programs."\textsuperscript{24} The School Board in North Kingston Rhode Island told the School Superintendent that he was going too far when he advised them to omit nativity scenes during the Christmas season.\textsuperscript{25}

Most of the reaction by various schools has been quite divergent when it comes to interpreting the Supreme Court decisions. Southern schools have kept their Christmas plays the same while others have virtually eliminated the word Christmas from their vocabulary. Montgomery County Maryland,
after the Schempp decision, substituted "winter" in place of Christmas for the vacation period.\textsuperscript{26} Leo O. Garber, a leading legal advisor writing in the \textit{National Schools}, told school districts and their lawyers that they were on their own when it comes to determining how much of the Christmas season they can bring into the classroom.\textsuperscript{27}

Unlike the other segments of society, the education community has generally failed to take a public position on religion in the public schools. But in view of the fact that the highest education official, the Commissioner of Education, had endorsed the Supreme Court rulings in Engel and Schempp, most of the criticism of the Court by educators had been deprived of its sting. In 1962, during the Senate Judiciary Committee hearings, only one article was submitted. The Article adopted by the Public Education Association supported the Supreme Court.\textsuperscript{28}

To further clarify the position of education in the United States, a Special Commission of the American Association of School Administrators was called to evaluate the ensuing controversy over prayer and Bible-reading. The Commission supported the Supreme Court and concluded that although the decisions may appear to be a regressive measure, they are really a thrust forward by education in the "championship of freedom, including religious freedom."\textsuperscript{29}

Most of the educational reaction to the Supreme Court has not been of a collective nature. In 1964, when the
hearings on the Becker Amendment began, most of the people testifying in behalf of education and the Engel and Schempp decisions, have generally represented their own point of view or that of a particular community. The state of Florida had more people at the hearings than any other interested party; however, their interest is explainable by the fact that the state was actively defying the Engel and Schempp decisions.

It is important to note that some groups, who have supported the Supreme Court such as the American Association of School Administrators, have been national in scope. During the Becker Hearings over 200 professors from the University of Chicago signed a petition endorsing the Supreme Court. The opposition to the Engel and Schempp decisions has at least in the field of Education been more or less a parochial dissention from less influential people.

The major educational journals unanimously endorsed the Supreme Court and opposed any attempt to amend the Constitution. The Peabody Journal of Education commented that many teachers in public schools believe that all religious teaching is the responsibility of the church and the home. The main task as teachers see it is to teach their subject or subjects as effectively as possible.

At the Becker Hearings the testimony of those representing education was to the point. It did not contain the invective which was characteristic of the public, religious,
and congressional reaction. Educators who opposed the Supreme Court did not try to link the Engel and Schempp decisions to a Communist act of subversion. In the end, many educators representing a variety of school systems, colleges, and universities appeared before the House Judiciary Committee. In general the testimony of the various individuals and organizations was overwhelmingly in favor of the Supreme Court.

After the failure of the Becker Amendment there was very little effort on the part of education officials to oppose the Supreme Court publically. During the hearings before the Senate Judiciary Subcommittee in 1966, there was no one there representing the education community.

After the Becker Amendment failed, a number of substitute practices were started in lieu of the activities banned by the Engel and Schempp decisions. Many of the practices were an obvious means to defy the Supreme Court. In Hawthorne New Jersey, where the school board had been forced to comply with the Supreme Court, book covers inscribed with a nondenominational prayer were to be distributed to the community school children by the local American Legion.

Not all changes in school policies have been in defiance of the Supreme Court. There have been several proposals in response to the Court that have indicated new ways of implementing ethical and moral values in the children. In Pittsburgh Pennsylvania a guide was distributed to teachers in order to bring the school's morning devotionals in line with
the Supreme Court decisions. The morning devotionals now consist of recognizing events of great men and other historical dates and anniversaries. Many schools have since the Engel and Schempp decisions started courses in the objective study of religions.

Since the failure of the Dirksen Amendment there have been little or no publicized efforts to resist the Supreme Court's ruling on prayer and Bible-reading. But an analysis of the extent of compliance reveals that there is widespread defiance of the rulings. In 1966 a survey of school superintendents conducted by Nations Schools revealed that in thirteen percent of the school districts in the United States Bible-reading or recitation of the Lord's Prayer was still used for devotional exercises.

Most of the resistance to the Supreme Court has been in the South. Five years after the Engel decision the states of Alabama, Georgia, Mississippi, North Carolina, Tennessee, and Texas, continued to defy the Supreme Court. In North Carolina the State Superintendent of Schools said "We've had these practices from the beginning. I don't know of any school that has ruled out prayers and Bible-reading." In Alabama each teacher must read Scriptures from the Bible to pupils regularly or risk the loss of state funds to the school.

A consistent factor in these Southern states is their rationale for violating the Supreme Court rulings. Judging
from the comments, it seems that many officials actually believe that a Supreme Court ruling does not have precedent over state law, or else it is a sophisticated form of subterfuge. In Tennessee, a superintendent explained why his school had not changed their practice: "In that the state law has not been voided, I as Superintendent instructed the teachers to proceed as before." An extensive survey in the state also revealed that in 121 districts seventy were still following the requirements set by state law.

Not all the resistance to the Court has been in the South. In Kentucky, 121 of the school superintendents said that their schools had unwritten policies that permitted Bible-reading and classroom prayers. A survey conducted by the Indiana School Board Association revealed that less than six percent have changed their policies in compliance with the Supreme Court.

Although there is much evidence that many states in the South have not complied with the Engel and Schempp decisions, it is misleading to assume that non-compliance has been the general reaction. Professor R. B. Dierenfield who conducted a study before and after the Engel and Schempp decisions revealed that there has been a regional pattern of compliance. In 1960, the survey revealed that thirty-three percent of the nation's schools held regular devotional services, whereas, in 1966 they had decreased to eight percent. The regional pattern of compliance, however, has been quite diverse.
In 1960, devotional exercises were held in sixty percent of the schools in the South, but in 1966 the activity had declined to twenty-six percent. The East, however, showed the sharpest decline. In 1960 the region had sixty-eight percent participation in devotional exercises, which declined to under five percent in 1966.42

In general, despite all the furor raised in various communities over the Engel and Schempp decisions, most of the schools have attempted to comply with the Supreme Court. Most of the resistance has been in the East and South where devotional activities in the public schools have been concentrated. Educators have been reluctant to speak out. Most of the criticism of the Supreme Court has come from school boards and administrators, who have to a great extent exemplified the same misunderstanding of the decisions as everyone else.
VIII
CONCLUSION

The national reaction to the Engel and Schempp decisions has been characterized by a general misunderstanding of what the Court decided. Both the Engel and Schempp decisions were very specific and narrow. They did not ban prayer and Bible-reading per se; the decisions banned only prayer and Bible-reading that was required by the school or other governing bodies. The decisions did not ban voluntary prayer and Bible-reading which the student still has the right to exercise. Yet the majority of society, both lay and professional, believed that the Court had completely prohibited one's right to freedom of religion.

The emotional nature of the controversy prevented most everyone who initially, though mistakenly, opposed the decisions to ever come to accept the truth about them. Four years after the Engel decision many people, such as Dirksen, continued to align the decisions with some sort of Communist plot.

The emotional nature of the controversy supplied those who were opposed to the Warren Court with an excellent weapon for castigating the Court and almost overruling it. As a result of the charges made by Congressmen and other
influential people, most everyone believed that the Court had actually banned all references to God in public life.

The widespread misunderstanding of the decision made it feasible for Congressmen to hold hearings on the possibility of a Constitutional amendment three different times with the same results each time. During each of the hearings the arguments remained the same, with those who favored an amendment usually going beyond the scope of the decisions.

Much of the reaction came from political conservatives, especially from the South who were very much opposed to the Court because of its impact upon their way of life. There was more reaction and misunderstanding coming from Southern Congressmen than from any other section in the Country. They constantly accused the Court of instigating a Communist plot.

Politically, the decisions seemed to offend mostly Republicans. The Republicans were predominate in all the attempts to circumvent the Court. They proposed most of the legislation to amend the Constitution. In fact, it was a Republican who kept the issue alive after the demise of the Becker Amendment.

But most significant is the fact that none of the Congressmen made any effort to correct the misunderstandings that existed among their constituents. Instead many of them used the public outrage as a lever for their own vindication against the Court.
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