Houdaille–Hershey, and the Sangamon plant received this award. The award was "...given for unusual service above and beyond the requirements of the production contracts agreed to between the companies and the Ordinance department."[48]

The government sought to create and to maintain a relationship with local communities through outreach programs. Examples of government outreach programs in Decatur include RFC financing of plant conversions, direct purchase and direct building of arms plants (the Illiopolis plant in Sangamon County), formation of contract and subcontract pools, use of defense caravans and trains, and distressed area citations. These programs fulfilled the self-interests of both local leaders and the military. The government received its needed products and industry earned its profits. Additionally, the unemployment of the prior era shuttled into conversion of facilities and war work, allowing for the survival of these towns.

Although these outreach programs allowed for the survival and sometimes the growth of middle and small–sized communities, not all government programs accomplished positive results. Segments of small business, nonprioritized business, and labor conflicted with the comprehensive and cohesive goals that the government tried to set forth. Priorities dictated the closing of a number of long–run businesses. Also, some communities were unable to fulfill the demands of the government because of inherent problems attributed to their size. Decatur would eventually lose its preferential priority contract rating because of a critical labor shortage, allowing the government to shift defense contracts to other cities. Even with this setback, however, the government permitted Decatur to survive through continuing war work and aid, which sowed the seeds of Decatur's growth in the post–war world.

48 Ibid.

"Teacher, pray for me--If You Can?"

Amy Firby

Amy Firby, a junior zoology/pre–med major, wrote this paper for a survey class on the Constitution in American history. It won second place in the competition for the Eastern Illinois University Social Science Writing Award.

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...."[1]

This simple, fundamental yet contentious right guaranteed under the First Amendment of the Constitution of the United States is perpetually debated. Even the language of this "establishment clause" has been contested ever since James Madison first proposed it. Today, we see the disputation reflected in the debate over prayer in the public schools. Should students be allowed to pray to a supreme being, or even meditate on the child's wishes? Does the Constitution allow this? According to Samuel Ericson of Christianity Today, "The words appear so simple. Yet there is a growing concern—and abundant confusion—as to just what those 16 words mean."[2]

During the period of the great migration to the New World, many Europeans fled their homelands seeking religious freedom. Eight states were colonized in part by people fleeing religious persecution. The earliest foundations and laws of these new colonies were based on the Bible and other religious practices,with the Church as their nucleus. Religious services were not the exclusive reason for congregation, for the church also served as the meetinghouse for town council, court trials, and school classes. However, not all professed the same faith, and as populations flourished, "the persecuted became the persecutors once they gained a dominant position within the colony."[3] Those belonging to the most influential church also began to achieve puissance and authority in the local government. These men implemented laws making their religion the

1 Melvin Urofsky, ed., Documents of American Constitutional and Legal History, vol. II: The Age of Industrialization to the Present (New York: Virginia Commonwealth University, 1989), 107.
2 Samuel Ericson, "The Supreme Court's Changing Stance on Religious Freedom," Christianity Today 19 April 1985, 38.
3 Ibid., 39.

official religion of their respective colonies, and they wrote personal prayers into the ordinances for oration at certain assemblages. At the time of the revolution against England, "there were established churches in at least eight of the thirteen former colonies and established religions in at least four of the other five."[4] The conclusion of the revolution sparked an intense opposition to these religion–based laws. Many prominent men began to assert that this country originated from those seeking religious freedom, and thus they needed to effectuate religious tolerance to ensure further development of this young nation.

During the first meeting of the United States Congress in 1789, representatives from each state set forth to comprise the Bill of Rights, which would eventually be incorporated into the Constitution. Prior to this gathering, states held separate conventions to address the issues and concerns that the delegates would convey to Congress. Benjamin Franklin, at the Philadelphia Convention of June 1787, had expressed his convictions about prayer in government: "God governs in the affairs of men ... therefore I beg that the prayers imploring the assistance of heaven and its blessings on our deliberations be held in this assembly every morning before business."[5] With varying ideals and beliefs, the delegates unanimously embraced the need to establish certain inalienable rights in a document, but with respect to religious rights, the delegates were resolute:

> Americans in 1789 largely believed that issues of Church and State had been satisfactorily settled by the individual states. They agreed that the federal government had no power in such matters, but some individuals and groups wanted that fact stated explicitly.[6]

Congress realized the need for an official separation of the powers between church and state. Hence the concept of the "wall of separation" emerged. This belief stated that in matters involving religion, the state should be excluded from and refrain from interest, just as a wall separates two areas of space. With this dogma affirmed, another question arose. Should the government encourage or discourage religion within the states? Many felt that discouraging religion would increase atheism or the religion of"Nothingarians."[7] John Locke, a great

4 Robert S. Alley, The Supreme Court on Church and State (New York: Oxford University Press, 1988), 197.
5 Robert S. Alley, School Prayer, (New York: Prometheus Books, 1994), 29–30.
6 Thomas J. Curry, The First Freedoms: Church and State in America to the Passage of the First Amendment (New York: Oxford University Press, 1986), 194.
7 Ibid., 203.

influence on the fathers of the Constitution, Madison and Jefferson, once stated"...magistrates had no authority to rule over souls, religion must depend on inward conviction not on external compulsion...personal religious faith must be treated with respect."[8] Most agreed with Patrick Henry's view that "...no particular sect or society ought to be favored or established by law, in preference to others."[9] In matters of religion, the government would remain neutral.

During the debates over the proposed Bill of Rights, James Madison noted that the true task set before the Congress: "Forming a Government capable of extending to its citizens all the blessings of civil and religious liberty–capable of making them happy at home."[10] On June 8, 1789, Madison was the first to propose two amendments dealing with religion. The first stated:

> The civil rights of none shall be abridged on account of religious belief of worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner or on any pretext, infringed.

The second proposed that "no state shall violate the equal rights of conscience."[11] It was not until September 25, after a series of deliberations and votes, that the House and Senate sanctioned the amendment, as we read it today, into the Bill of Rights as the Third Amendment. Later, the first two amendments were rejected and the Third became the First. This amendment then circulated, as part of the Bill of Rights, to the states for ratification.

Even though the intent of the First Amendment seemed to suggest a complete separation of church and state, many state governments assumed that encouraging religion was still permitted. In keeping with the traditions of the early colonies, religion was taught as a daily practice and prayer was urged. Teaching these traditions seemed valuable because much of our early American culture was devoted to religion and religious practices. Even Congress hired a chaplain in 1789 to recite prayers each day before the House and Senate as they opened their sessions. Beginning with John Marshall, the Supreme Court officially

8 Mark A. Noll,ed., Religion and Politics From Colonial Period to the 1980's (New York: Oxford University Press, 1990), 17.
9 Curry, First Freedoms, 197.
10 Winton U. Solberg, ed., The Constitutional Convention and the Formation of the Union, (Urbana, IL: University of Illinois Press, 1990), 169.
11 Curry, First Freedoms, 199.
12 Terry Eastland,ed., Religious Liberty in the Supreme Court (Washington, D.C.: Ethics and Public Policy Center, 1993), 135.

began its sessions with a crier saying, "God save the United States and this Honorable Court."[12] Because the framers of the Constitution did not provide explicit guidance, the states had difficulty discerning the exact intent of this amendment. However,

> The fact that Congress was not trying to resolve a concrete dispute, but merely strengthening safeguards against possible future adversity, helps explain at least some of the inattentiveness and absentmindedness attendant upon Americans' enactment of the First Amendment.[13]

Over time, the national government came to figure more prominently in enforcing civil liberties throughout the nation. With the addition of the Fourteenth Amendment in 1868, ("No State shall...deprive any person of life, liberty, or property, without due process of law..."[14]) all individuals were guaranteed that their rights were protected against any state legislation that would favor one population over another. Therefore, the Supreme Court had the responsibility to uphold or oppose any law suspected of this favoritism.

As the Supreme Court strengthened its hand, it became increasingly assertive in its intolerance of individual states abusing their authority. At times, states, knowingly or unknowingly, stepped on the toes of the established national government. These actions apparently violated the Due Process clause of the Fourteenth Amendment. The Supreme Court acted swiftly to enforce this clause to maintain the proper balance of power between state and national governments.

Prior to 1947, only two decisions by the United States Supreme Court could be interpreted as being concerned primarily with the meaning of the phrase "an establishment of religion." Over a century and a half after the clause was first added to the Constitution, the Supreme Court declared in 1947 that government could not participate in the establishment of a religion. This ruling came from the case of Everson v. Board of Education in which the Supreme Court reinforced the Fourteenth Amendment, requiring each state to observe the same freedoms guaranteed under the First Amendment without variation. The justices perceived that the government had absolutely no right to "aid in one religion exclusively or all religions equally."[15] In 1962, the Supreme Court heard its first significant case exploring the issues of prayer in the public school system. The

13 Curry, First Freedoms, 194.
14 Urofsky, Documents, 110.
15 Curry, First Freedoms, 1.

case was Engel v. Vitale.

In New York, the Board of Regents, an agency established by its state constitution, composed a simple, nondenominational prayer. The Board distributed this prayer to all public schools and strongly encouraged its use before each school day. The prayer read "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country."[16] Student participation was voluntary and upon parental consent, the child could be dismissed from the activity. Subsequently in New Hyde Park, New York, the Board of Education of Union Free School District No. 9 directed its principals to have the prayer recited daily. The parents of ten students were angered by this action, and sued the state for violating the First Amendment's establishment clause and the Fourteenth Amendment's prohibition of such action by a state.

New York officials deemed the prayer as an essential part of the student's moral and spiritual training, but the parents argued that the prayer was contrary to their and their children's private practices of religion. The parents argued about the unconstitutionality of the school district instituting and regulating daily prayer, for under the First and Fourteenth Amendments, the state could not make a law establishing religion. However, the school district insisted that no religion was being established, especially since participation was not coerced over parental wishes, and the prayer was nondenominational. Even though the parents felt that the teachers and principals were enforcing the prayer, the question before the courts was, was it constitutional to allow prayer in schools? The lower courts of New York were satisfied with the rebuttal from the state, and on appeal, the New York Court of Appeals upheld the use of the regents' prayer as long as participation was indeed voluntary. The parents were indignant and appealed the case to the Supreme Court.

Engel v. Vitale was decided on June 25, 1962. The vote was 7–1. Chief Justice Black delivered the opinion of the court agreeing with the parent's position. The issue of the students' voluntary participation had no bearing on this case. Justice Black stated that "what offended the First Amendment...was

16 Curry, First Freedoms, 1.
17 Eastland, Religious Liberty, 125.

the fact that government had engaged in a religious activity by writing a prayer."[17] Under the establishment clause, it was unconstitutional for any form of government, federal, or state, to compose prayers and encourage the use of them. "It is a matter of history that this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America."[18] To the four justices of the majority side, the issue seemed indisputable. Since the Board of Regents authored the prayer, it directly violated the establishment clause, even though the Board's intent was neutral. Therefore, the regents' prayer was unconstitutional and was not allowed in public schools.

Justice Potter Stewart strongly dissented from the majority's opinion. He felt the students should be allowed to participate in the prayer as long as the school principals and teachers did not force, embarrass, or pressure them. Stewart did not comprehend how this prayer could be an establishment of any religion. He felt "...that to deny the wish of these school children to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our nation."[19] Stewart interpreted the establishment clause as prohibiting a state church, not a voluntary school prayer. He also alluded to the prayer the Supreme Court begins with each day, the verses included in the "Star–Spangled Banner," the Pledge of Allegiance, and the motto "IN GOD WE TRUST," which is impressed on our coins. When one observes the references to God in these examples, he recognizes "...the deeply entrenched and highly cherished spiritual traditions of our Nation–traditions which come down to us from those who almost two hundred years ago avowed their 'firm Reliance on the Protection of divine Providence'...."[20]

The Court's ruling in Engel v. Vitale elicited many negative responses. The New York Times stated that the Constitution was designed precisely to protect minorities and those who oppose school prayer were indeed a minority.[21] Only a month after the verdict on July 26 and again August 2, 1962 the Senate held Judiciary Committee hearings discussing five proposals to amend the Constitution so as to allow prayer or Bible readings. Just as many in the eighteenth century had feared the establishment of "Nothingarians," many Americans now felt the Engel decision established atheism as the officially recognized religion of our country. Senator Strom Thurmond of South Carolina stated "the greatest threat to our political and religious freedom is posed by nations who deny the existence of God."[22] Again, many argued that "the Regents' prayer was a symbol of the religious life and tradition of the nation."[23] By denying the children the opportunity to observe this tradition of religion, where would the Supreme Court draw the boundaries when the teachers would teach literature, music, or art? All three are very dependent on religion and religious symbols. The Wall Street Journal warned that "those who persist in such attempts had best take care lest, in the name of religious freedom, they do real damage to free institutions."[24]

But American society in 1962 was so impassioned by its fear of "the potential transformation of the Establishment Clause from a guardian of religious liberty into a guarantor of public secularism"[25] that many failed to observe the true blessings that come from the First Amendment. As Stephen Carter observed, "Simply put, the metaphorical separation of church and state originated in an effort to protect religion from the state, not the state from religion."[26] Society is shielded from religious influences that would lead us in a direction undesirable to our own faith. For example, small children are impressionable and watching their teacher lead prayer may compel the child to pray. If the teacher is praying to a nondenominational God and the child is an atheist but desires to please the teacher and his peers, he may stay and participate in the prayer for the sake of acceptance. Claud D. Nelson expresses his concern about nondenominational prayers: "If the public schools are neutral in tone, as in regards to religion...children from religious homes are subjected to strain and confusion."[27] Many people perceive prayer as personal and believe it cannot be imposed upon anyone. As Carter states, "If this freedom [of religion] be abused, it is an offense against God, not against man."[28]

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18 Alley, The Supreme Court, 196.
19 Eastland, Religious Liberty, 135.
20 Alley, The Supreme Court, 203.
21 Eastland, Religious Liberty, 137.

22 Alley, School Prayer, 114.
23 Eastland, Religious Liberty, 141.
24 Ibid., 139.
25 Stephen Carter, The Culture of Disbelief (New York: Basic Books, 1993), 122–23.
26 Ibid.
27 Claud D. Nelson, Church and State (New York: Central Department of Publication and Distribution, 1953), 29–30.
28 See Carter, Culture of Disbelief.

As debates over the establishment clause, religion, and state legislation continued, the Supreme Court, in the Lemon decision devised a series of questions known as the "three–part test." This test incorporates three questions to help the justices determine the constitutionality of an action that apparently violated the establishment clause. The first question concerns whether a law or state action has a secular purpose. The second test asks if the primary effect of the law advances or prohibits religion. The final question addresses whether the law or action results in an increased entanglement between government and state. Of course, the answers to these questions are subject to the opinion of the justices. This three–part test was utilized in a more recent case dealing with prayer in public schools, Wallace v. Jaffree.

Since the verdict of Engel v. Vitale, polls had shown large majorities wanted to reintroduce formal prayer in the public school system. Many state legislatures had begun to enact laws to do something just short of that. Alabama realized that under Engel the state could not sponsor prayer in public schools. However, nothing was said about a moment of silence.

In 1978, Alabama enacted statute 16–1–20 which authorized a one–minute period of silence in all public schools "for meditation." Again in 1981, Alabama enacted stautue 16–1–20.1 which authorized "a period of silence 'for meditation or voluntary prayer'." Finally, in 1982, Alabama enacted statute 16–1–20.2 which authorized "teachers to lead 'willing students' in a prescribed prayer to 'Almighty God ... the Creator and Supreme Judge of the world'."[29] The case of Wallace v. Jaffree began in Mobile when Ishmael Jaffree, an agnositic, sued the school district because his three children were exposed to prayers and grace at lunch time.

The case was dismissed by U.S. District Court Judge Brevard Hand who insisted that the federal government did not have jurisdiction over the First Amendment. Rather the state government possessed this power. The judge stated that "Alabama decided for itself how to handle school prayer without dragging the federal court system into the debate."[30] With respect to the idea that states are bound by the establishment clause, Hand stated that the Supreme

29 Eastland, Religious Liberty, 333.
30 Beth Spring, "Can States Allow Prayer in Public Schools When Some Citizens Believe It is Wrong?" Christianity Today 18 Jan. 1985, 56.
31 Eastland, Religious Liberty, 334.

Court had "erred in its reading of history."[31]

The U.S. Court of Appeals for the Eleventh Circuit did not agree with Hand. It ruled statutes 16–1–20.1 and 16–1–20.2 unconstitutional and reaffirmed that Alabama was indeed bound by the religion clause as established by the Supreme Court. Jaffree won a small victory that would soon turn into a nationwide issue as the State of Alabama appealed to the U.S. Supreme Court. This would be the first time the Supreme Court ruled on the issue of silent prayer.

Wallace v. Jaffree was decided in 1985 by a six–to–three vote in favor of Jaffree. The Supreme Court concurred with the Alabama appeals court, declaring statutue 16–1–20.2 unconstitutional since it specifically stated that a moment of silence was time for willing children to be led in prayer. However, what stumped the Court was statute 16–1–20.1 which permitted "a moment of silence or prayer." The language of statutes 16–1–20 and 16–1–20.1 differed in that one spoke of "meditation" and the other "meditation or voluntary prayer." By adding the last three words, Alabama changed the entire connotation of the statute, and the Supreme Court needed to ascertain if these words violated the Constitution.

To decipher the correct constitutional answer, the three–part test was employed. The first quesiton asked whether Alabama intended to endorse or disapprove religion. Did Alabama institute the moment of silence for the sole purpose of prayer, or was the government indifferent as to how the children would use the time? The second asked if the moment of silence would actually encourage prayer, and the third asked if tension between government and religion increased due to this action.

Justice John Paul Stevens delivered the opinion of the court affirming that the motivation behind the statute was indeed to encourage prayer. Upon questioning, the sponsor of the original bill, Senator Donald Holmes, confirmed the real intentions of the statute. When asked whether there was any other objective in this legislation, except to return voluntary prayer into the schools, he replied, "No, I did not have no [sic] other purpose in mind."[32] The state could not produce any evidence of a secular purpose for the stautue. Therefore, without proceeding any further with the three–part test, the Supreme Court concluded that: "(1) the statute was enacted to convey a message of State endorsement and

32 Ibid., 338.
33 Alley, Supreme Court, 236.

promotion of prayer, or (2) the statute was enacted for no purpose. No one suggests that the statute was anything but a meaningless or irrational act."[33] Statute 16–1–20.1 was declared unconstitutional. However, all nine justices agreed that statute 16–1–20 was constitutionally permissible since it made no mention of prayer or religion.

Justice William H. Rehnquist dissented, giving reasons similar to those given by Justice Potter Stewart in Engel v. Vitale. Rehnquist examined the history of the First Amendment and then compared language originally used by Madison with the language that we see today. Rehnquist wanted to find the "true meaning" of the establishment clause, the meaning Madison intended. Originally, Madison included the word "national" before religion in "no religion shall be established by law." Huntington of Rhode Island objected to the word and Madison excluded it. Madison never defined the function of the word, but Rehnquist felt that Madison "intended to allow nonpreferential treatement of all religions and that he did not conform to the 'Wall of Separation'."[34]

> It seems indisputable from theses glimpses of Madison's thinking...that he saw the amendment as designed to prohibit the establishment of a national religion, and perhaps to prevent discrimination among sects. He did not see it requiring neutrality on the part of gonernment between religion and irreligion.[35]

From his understanding of Madison's intent, Rehnquist concluded that "nothing in the establishment clause of the First Amendment, properly understood, prohibits any such generalized 'endorsement' of prayer."[36] Likewise, Justice Burger dissented, stating the ironies of incorporating a prayer at the beginning of a Supreme Court session or Congressional meeting, and denying children this privilege. In Burger's opinion, "Alabama did not endorse religion any more than the Supreme Court does each day."[37]

Even though the decision dissolved Alabama's use of a moment of silence for prayer, one glimmer of hope surfaced. In Justice Sandra Day O'Connor's concurrence, she stated that a state could constitutionally set aside a moment of silence. The state could also allow students to pray silently, if they voluntarily

34 Alley, School Prayer, >>>>
35 Alley, Supreme Court, 247.
36 Eastland, Religious Liberty, 364.
37 Ibid., 349.
38 Alley, Supreme Court, 240.

chose to do so. As long as the motives of the state did not "convey or attempt to convey the message that children should use the moment of silence," a statute creating a moment of silence was absolutely constitutional.[38]

Public opinion after the Wallace v. Jaffree case showed an increase of support for school prayer since Engel v. Vitale. A majority of people believed that the correct decision was achieved even though the arguments for the verdict did not address the motive behind the case. As The Wall Street Journal stated,

> A religious organization, activity or individual should be allowed to participate in and receive the benefits of general government programs and activities on the same terms and conditions as everyone else...such a doctrine of equal rights would mean that the public school students should be allowed to pray, silently or vocally, individually or in groups in any circumstance in which they are otherwise allowed to express themselves voluntarily.[39]

Others argued the decision regarding the first question of the three–part test. "...How can the court allow legislative chaplains to pray publicly and yet not permit a minute of silent prayer or meditation in the schools? What secular purpose supports legislative chaplains that does not apply equally to moments of silence?"[40] This ruling seemed to be discourging for some states which, like Alabama, were trying to uncover a process that would reinstate prayer in the public schools.

The battle between the establishment clause of the First Amendment and prayer in the public school system will probably continue until our whole country can agree on the issues in question. Until that point is achieved, though, society needs to be educated on the benefits provided under the First Amendment. "The religion clauses of the First Amendment were crafted to permit maximum freedom to the religions."[41] Through the sixteen words of the establishment clause, society has been provided with a shield and a sword. The shield protects us from those who attempt to influence our religious beliefs and practices. The sword allows us to confront those who challenge what we try to protect. The Wall of Separation was established so that we could fully utilize our rights. The Supreme Court does not inhibit our use of them. The Court

39 Eastland, Religious Liberty, 368.
40 Ibid., 365.
41 See Carter, Culture of Disbelief.

encourages us to use them in a different manner. Alabama failed to incorporate a moment of silence in its school day's activities because the motives were religious. Through Alabama's actions, other people were forced to use the shield and sword to protect their beliefs and confront those who wanted to challenge them. However, if a state would establish a moment of silence with no religious intentions, then the Supreme Court would allow the moment in which the children may choose to pray. Our nation has the blessing of a Consitution to keep government and our lives in balance and order. Within this Constitution, government has the responsibility to respect the religious practices of individuals. The Supreme Court has the challenge of interpreting and preserving the responsibilities that the Constitution originally established. The Constitution also grants the people of this nation with tools to protect and defend our rights. As Thomas Jefferson stated, "...religious liberty is the most inalienable and sacred of all human rights."[42]

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42 Ibid.