God’s Grasp on American Schools:
How *Engel v. Vitale* Changed the Constitution:

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On an early morning in 1958, Lawrence Roth sent his children off to school in the Herricks School District of New Hyde Park, New York, with growing resentment toward the school board and its increasing incorporation of religion into classrooms. The words his children would be asked to say that morning, alongside the Pledge of Allegiance, were not from him but the state: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."[1] The prayer, short and labeled "non-denominational," was thought by the New York Board of Regents and many alike to be harmless, an initiative emphasizing the moral and spiritual heritage of the United States.[2] To Roth, however, it represented an intrusion on his rights, something that would be impossible to stop if left unchecked. Lawrence Roth was not a lawyer or constitutional scholar, but a father, a Jewish American, and a citizen who believed in the promise that the Constitution protected each person's religious liberty and individuality. When he first contacted the New York Civil Liberties Union with his concerns, he had no way of knowing that his objection to the prayer would reach the Supreme Court within a few years, nor could he have seen what significant change this would produce for the country.

That very case, *Engel v. Vitale* (1962), would go on to rewrite the Establishment Clause of the First Amendment, without altering a single word, fundamentally changing how religious freedom is perceived and functions in the United States. With the Supreme Court's decision

[1] Engel v. Vitale. Brief for Petitioners. No. 468, October Term 1961. Brief filed February 2, 1962. LoneDissent.org. https://briefs2.lonedissent.org/1961/engel-v-vitale/Brief%20for%20Petitioners.pdf.

[2] "Daily Prayer in All Schools Is Urged by State's Regents." *New York Times (1923-),* Dec 01, 1951. https://dickinson.idm.oclc.org/login?url=https://www.proquest.com/newspapers/daily-prayer-all-schools-is-urged-states-regents/docview/112095125/se-2.

came the transformation of the Establishment Clause from a primarily symbolic guarantee into an enforceable limitation on state-sponsored prayer in public schools.

Religion holds an extensive and significant history in American public education. Throughout the nineteenth and early twentieth centuries, public schools often embraced religious practices such as Bible readings, the "Lord's Prayer," and instruction that embodied Protestant beliefs. Following the influx of Catholic immigrants in the nineteenth century, many schools incorporated both Protestant and Catholic practices into their curricula. However, towards the end of the century, Catholics began leaving public schools to form private schools. This led to a rise of nonsectarianism, in which, while no other religions were necessarily attacked, Protestant morality remained inseparable from public education.[3] Although legal challenges did emerge and sometimes generated change, most of the country remained unaffected. In fact, "as late as 1949, 12 states required Bible-reading and 21 permitted it."[4] Likewise, by the mid-twentieth century, Cold War anxieties reinforced religion in schools, as public acknowledgments of God were viewed as affirmations of American identity, placing the nation in direct opposition to atheistic communism.

As for *Engel v. Vitale*, the story begins not with the Supreme Court in 1962, but nearly a decade before, amid these very tensions that strengthened religion in public education. In 1951, the New York State Board of Regents unanimously voted to incorporate prayer into public

[3] Williams, J. Kelton. "God's country: religion and the evolution of the social studies curriculum in Texas." American Educational History Journal 37, no. 1-2 (2010): 437+. Gale Academic OneFile. https://link.gale.com/apps/doc/A284325060/AONE?u=carl22017&sid=bookmark-AONE&xid=0e6d4e0a.

[4] McClellan, B. Edward. Schools and the shaping of character: Moral education in America, 1607-present. Bloomington, Ind: ERIC Clearinghouse for Social Studies/Social Science Education: Social Studies Development Center, Indiana University, 1992., pp. 47.

schools, creating the "nation's first government-prepared prayer for public schools."[5] The voluntary, "non-denominational" prayer was meant to fortify respect and obedience in children and combat the perceived threats of the period by reinforcing the belief in God as the Creator. The Board of Regents' decision was endorsed by many, including public figures such as the Governor of New York and institutions like the Roman Catholic Church.[6]

However, not all were supportive; Lawrence Roth, for instance, felt that "the state and the school board had no right to impose religion or prayers on the schoolchildren," even if it was technically optional. Roth's opposition was not rooted in hostility toward religion; in fact, he was firmly in favor of prayer but believed that it should be something personal. His frustrations led him to the New York Civil Liberties Union, where he and Attorney William Butler formed a case against the school board and its president, William Vitale. By the time the suit was filed at the end of 1958, four others had agreed to serve as plaintiffs on the case, three of which were recruited by Roth: Steven Engel, a devout Reform Jew; Daniel Lichtenstein, an Eastern European Jew; Monroe Lerner, a Russian Jew; and Lenore Lyons, a Unitarian who joined the case on her own accord.[7] The trial court ruled against the plaintiffs, finding that "prayer in the public schools had been permissible at the time of the adoption of the Fourteenth Amendment and from this reasoned that prohibition had not been intended."[8] This decision was affirmed by both the Appellate Division and the Court of Appeals, yet Roth and the other plaintiffs persisted, ultimately appealing to the Supreme Court in 1962.

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[5] Bruce J. Dierenfield. The Battle Over School Prayer: How Engel V. Vitale Changed America. University Press of Kansas, 2022. EBSCOhost, pp. 59
[6] Dierenfield, pp. 55-60
[7] Direnfield, pp. 75-83
[8] "The Supreme Court, the First Amendment, and Religion in the Public Schools." *Columbia Law Review* 63, no. 1 (1963): 73–97. https://doi.org/10.2307/1120666.

When *Engel* reached the Supreme Court in the Spring of 1962, it arrived in the midst of an evolving constitutional revolution. The Warren Court, led by Chief Justice Earl Warren, had already made significant expansions on civil rights and liberties, with cases such as *Brown v. Board of Education* (1954). Thus, the 1950s and early 1960s were a period marked by an increased willingness to scrutinize state practices that imposed on individual liberties. The justices who would serve on *Engel v. Vitale* consisted of a broad range of men with varying ideologies: Earl Warren, a Republican and Protestant; John Marshall Harlan II, a Republican and Presbyterian; William Brennan, a Democrat and Catholic; Potter Stewart, a Republican and Episcopalian; Byron White, a Democrat and Episcopalian; and Hugo Black, William Douglas, Tom Clark, and Felix Frankfurter, all of whom were Democrats.[9] While all of these men considered themselves religious, it is evident that this factor did not significantly affect *Engel.*

In *Engel v. Vitale,* the justices debated whether or not a state could compose and encourage an official "nondenominational" prayer to be read aloud at the start of each school day without violating the First Amendment. In a 6-1 decision, they decided, as Justice Hugo Black said in the majority opinion, that it was "a practice wholly inconsistent with the Establishment Clause." While the respondents and state officials argued that the prayer's voluntary and nonsectarian nature placed it safely within constitutional limits, Justice Black rejected this logic, believing that it became a constitutional violation the moment the state promoted religious exercise, as "it is no part of the business of government to compose official prayers for any group of the American people." His majority opinion drew heavily on history as a tool, explicitly invoking the experiences of early colonial Americans who fled religious establishments in Europe. Black argued that it was for this very reason that the Founding Fathers adopted the

[9] Regan, Richard J. "The Warren Court: (1953–69)." In *A Constitutional History of the U.S. Supreme Court*, 139–70. Catholic University of America Press, 2015. https://doi.org/10.2307/j.ctt15hvrfx.12.

Constitution and the Bill of Rights with "guarantees of religious freedom that forbid the sort of governmental activity which New York has attempted here," because, as the framers recognized, with governmentally established religion comes religious persecution.[10]

Furthermore, Justice William Douglas concurred separately, pushing Black's and the majority's opinion even further. He drew attention to religious references in other areas of American life, including the provision of government funds to religious schools and the mention of religion in courts and Congress. Douglas believed that, like the Regents' prayer, these practices were also unaligned with the Constitution, stating, "The First Amendment leaves the Government in a position not of hostility to religion, but of neutrality." His concurrence suggests that *Engel* was not only about prayer in public education, but about exposing broader inconsistencies in church-state relations, foreshadowing many subsequent cases, such as *Abington School District v. Schempp*, which would occur the following year.[11]

On the contrary, Justice Potter Stewart disagreed with the majority opinion, offering his dissent instead. Stewart argued that the majority misconstrued both history and precedent, asserting that the prayer reflected America's deep-rooted religious heritage and traditions rather than being unconstitutional, noting that both the National Anthem and the Pledge of Allegiance make religious references. He emphasized the voluntariness of the prayer and stated that he could not "see how an 'official religion' is established by letting those who want to say a prayer say it." Thus, Stewart did not believe that the Constitution forbade the acknowledgment of God in public life; in fact, he thought 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."[12]

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[10] *Engel v. Vitale*, 370 U.S. 421 (1962)
[11] *Engel v. Vitale*, 370 U.S. 421 (1962)
[12] *Engel v. Vitale*, 370 U.S. 421 (1962)

Thus, at the case's core was a clash between two competing constitutional and personal perspectives. One view, reflected in the majority opinion and Roth's party, saw the Establishment Clause as a firm safeguard against church-state relations, rooted in historical distrust of governmental power and the belief that religion was a strictly personal matter. The other, reflected in Stewart's dissent and echoed by many outside the court, embraced a governmental link with religion so long as it remained unassertive and unbiased, believing that religion was inseparable from America's heritage and, consequently, from the government. However, the complete landscape of *Engel v. Vitale* is reflected not only in the justices' debates and discussions but also in the broader legal and cultural context, both inside and outside the court.

Notably, many amicus briefs were filed on behalf of both the petitioners and the respondents, reflecting diverse outside opinions. Those on Roth's side often emphasized an "absolute separation of church and state,"[13] and highlighted that, despite the prayer being optional and uncommitted to a singular faith, it still inherently placed religious minorities in unequal positions. The American Ethical Union argued that the Regents' prayer had "imposed on the nonconforming school children a burden of dissociating themselves from official practice and has thus caused divisions in the school community along religious lines."[14] They suggested that for families of conflicting faiths or those that rejected religious practice altogether, the prayer served as an unnecessary reminder of exclusion. In contrast, those in support of Vitale and the

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[13] *Engel v. Vitale*. Brief of Synagogue Council of America and National Community Relations Advisory Council As Amici Curiae. No. 468, October Term 1961. Brief filed March 22, 1962. LoneDissent.org.
https://briefs2.lonedissent.org/1961/engel-v-vitale/Brief%20of%20Synagogue%20Council%20of%20America%20and%20National%20Community%20Relations%20Advisory%20Council%20as%20Amicus%20Curiae.pdf

[14] *Engel v. Vitale*. Brief of the American Ethical Union As Amicus Curiae. No. 468, October Term 1961. LoneDissent.org.
https://briefs2.lonedissent.org/1961/engel-v-vitale/Brief%20of%20the%20American%20Ethical%20Union%20as%20Amicus%20Curiae.pdf

New York Board of Regents firmly grasped onto the United States' spiritual heritage to argue for the prayers' constitutionality. For instance, in the States' Attorneys General's brief, they believed the Founding Fathers would be "profoundly shocked" to know that such a prayer was "being seriously attacked as a violation of the Constitution of the United States," asserting that "our beloved country as we know it cannot survive as a Godless nation."[15]

Beyond the courtroom, *Engel v. Vitale* rapidly spread into the public and political spheres. The widespread opinion on the case was intense and considerably negative; a newspaper article from the period emphasized this distaste for the Supreme Court's decision, stating that the public opinion reflected "a deep and widespread concern that a giant step had been taken toward the transformation of our country into a godless society."[16] Indeed, the reactions were so fierce that President Kennedy made a statement attempting to placate disapproval and convince the public to accept the decision. He hoped that parents would "intensify [religious] efforts at home," while others "support the Constitution and the responsibility of the Supreme Court in interpreting it." [17]

However, Kennedy's words did little to stop the outrage. By 1964, following both the *Engel* and *Schempp-Murray* decisions, nearly one hundred members of Congress introduced separate measures in attempts to amend the Constitution and overrule the previous cases. Although most of those were forgotten, Congressman Frank J. Becker's efforts came close with

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[15] *Engel v. Vitale*. Brief of States' Attorneys General As Amici Curiae. No. 468, October Term 1961. LoneDissent.org. https://briefs2.lonedissent.org/1961/engel-v-vitale/States%20Attorneys%20General%20Brief%20Amici%20Curiae%20in%20Support%20of%20Respondents%20and%20Intervenors-Respondents.pdf

[16] Levin, A. L. "Seven Men and A Public Prayer." *The Jewish Exponent (1887-1990),* Sep 28, 1962. https://dickinson.idm.oclc.org/login?url=https://www.proquest.com/newspapers/seven-men-public-prayer/docview/2799589480/se-2.

[17] "President Urges Court Be Backed On Prayer Issue." New York Times (1923-), Jun 28, 1962. https://dickinson.idm.oclc.org/login?url=https://www.proquest.com/newspapers/president-urges-court-be-backed-on-prayer-issue/docview/116134595/se-2.

his proposal of the "Becker Amendment." The proposed amendment sought to ensure that the Constitution would not allow the prohibition of religion in any manner.[18] While some believed that this would "destroy the First Amendment" and "replace God with the state,"[19] others endorsed it, insisting that God should and did have a "hand in the affairs of men and of this nation."[20] In the end, the Becker Amendment did not pass; however, its significance and the debates surrounding it underscore the endeavors made against *Engel*.

It was not only the case itself that received intense scrutiny, but also the plaintiffs and their families, who faced remorseless ostracism and harassment. In 1962, Lawrence Roth described the vilification that he and his family experienced as a result of the case. He recalled being hounded by letters and phone calls that made threats such as "watch out for your children," "don't leave your house," and more. Likewise, at school, his children were relentlessly taunted by others, insisting that they were "Commies" and should "go back to Russia."[21] This emphasizes the unyielding nature of people's feelings toward religion, especially during a period when Cold War tensions heightened worries of atheism.

Despite how the public reacted at the time, *Engel v. Vitale* significantly altered how the Establishment Clause, and therefore, the Constitution, operated in practice, undoubtedly for the better. Although the case did not change a word of the Constitution, it "added another brick to the wall of separation between church and state."[22] The Supreme Court's decision elevated the

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[18] Pfeffer, Leo. "The Becker Amendment." *Journal of Church and State* 6, no. 3 (1964): 344–49. http://www.jstor.org/stable/23914022.
[19] Isbell, W.J. "Letter Opposing School Prayer Amendment." US House of Representatives: History, Art & Archives. https://history.house.gov/Records-and-Research/Listing/c_050/.
[20] Bowers, Carmon. "Letter Supporting School Prayer." US House of Representatives: History, Art & Archives. https://history.house.gov/HouseRecord/Detail/15032436117.
[21] "Family Threatened for Prayer Lawsuit." *Boston Globe (1960-),* Jun 28, 1962. https://dickinson.idm.oclc.org/login?url=https://www.proquest.com/newspapers/family-threatened-prayer-lawsuit/docview/276233372/se-2.
[22] Lain, Corinna Barrett. "God, Civic Virtue, and the American Way: Reconstructing 'Engel.'" Stanford Law Review 67, no. 3 (2015): 479–555. http://www.jstor.org/stable/43920969, pp. 528.

government's neutrality toward religion into a substantive constitutional requirement. Under their interpretation, the Establishment Clause not only forbade the creation of an official religion or the prioritization of one sect over another but also prohibited the state from engaging in religious activity in any form, at least in public schools. Moreover, *Engel v. Vitale* clarified that the Constitution's legitimacy is not derived from the nation's widespread beliefs, traditions, or heritage, but from its adherence to the principles of liberty. This shift, although interpretive at its core, remains a significant and consequential constitutional development.

Effectively, following *Engel*, there were widespread drops in religious practices in public schools. Yet, this is not to say that it was immediately entirely effective. In the mid-1960s, "two-thirds of southern schools and one-half of midwestern schools continued as they had before." In fact, religious exercises in schools lasted well into the 1980s and 90s. In the early 80s, it was estimated that "teachers in more than half of the nation's 15,912 school districts led their students in prayer." Still, the influence of *Engel v. Vitale* is evident, as it laid the groundwork for many subsequent cases, including *Lemon v. Kurtzman* (1971), *Santa Fe Independent School District v. Doe* (2000), and many more. As a result of these cases, it seems that school prayer has had less influence on American society in more recent years; as Bruce Dierenfield argues, "the most important reason that school prayer has receded from U.S. public life is that Engel has not impaired the ability of Americans to worship freely."[23]

However, in 2025, several states have introduced measures that reignited these debates over religious freedom and constitutional limits on government-endorsed religion in schools. For instance, earlier this year, Texas enacted Senate Bill 10, which mandated that a visible copy of the Ten Commandments be placed in all public school classrooms beginning in September

[23] Dierenfield, pp. 135, 140, 154.

2025.[24] Many lawsuits against the bill were immediately filed, leading two federal judges to rule the legislation unconstitutional, temporarily blocking enforcement and ordering its removal. Yet many districts across Texas continue to incorporate religious displays in classrooms.[25] These controversies reflect states' willingness to continue testing the boundaries of the First Amendment's prohibition on government-sponsored religion, well after *Engel v. Vitale.*

Ultimately, Lawrence Roth's frustration toward the Regents' prayer in 1958, the one that led him to the Supreme Court, fundamentally changed the First Amendment's authority on religion, and with that, religious practice in the American public. With the decision in *Engel v. Vitale,* the Establishment Clause was no longer confined to merely preventing a national church or religious coercion; instead, it became a restraint on the government, demanding neutrality both among faiths and between religion and nonreligion. This shift that came from *Engel* cannot be overstated. It did not erase religion from American life or create a "Godless" nation as many feared it would; rather, it clarified an underlying weakness in the Constitution and created necessary restraints on state-church relations. While this decision upset many Americans, it also forced them to recognize that protecting religion sometimes requires limiting government involvement in it. The many cases that followed built upon *Engel's* foundation, and although very similar debates continue more than sixty years later, its legitimacy and endurance remind us that the Constitution does and should not shift depending on political pressure or cultural nostalgia without consequences. Likewise, Lawrence Roth's story and role in *Engel v. Vitale*

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[24] "Attorney General Ken Paxton Instructs Texas Schools to Display the Ten Commandments in Accordance with Texas Law." Texas Attorney General. https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-instructs-texas-schools-display-ten-commandments-accordance-texas-law.

[25] "Texas Families File New Class Action Lawsuit to Stop Public School Districts throughout Texas from Displaying the Ten Commandments." ACLU of Texas. https://www.aclutx.org/press-releases/judge-orders-texas-school-districts-remove-ten-commandments-displays-response-second/.

underscore that constitutional transformations do not always begin with politicians and legal change, but with ordinary citizens recognizing encroachments upon their liberty.