

4-2006

Implementation of Supreme Court Policy: School Prayer in Louisiana Secondary Schools

Adelaida M. Hernandez

Follow this and additional works at: https://digitalcommons.lsu.edu/honors_etd



Part of the [Political Science Commons](#)

**Implementation of Supreme Court Policy: School Prayer in Louisiana
Secondary Schools**

by

Adelaida M Hernandez

Undergraduate honors thesis under the direction of

Dr. Stacy Haynie

Department of Political Science

Submitted to the LSU Honors College in partial fulfillment of
the Upper Division Honors Program.

April 2006

Louisiana State University
& Agricultural and Mechanical College
Baton Rouge, Louisiana

Abstract

The United States Supreme Court is a powerful actor. Through the Court's interpretation comes the law of land. Yet, balanced with that power is the Court's absence of power to enforce its own decisions, creating a situation where actions do not always follow the letter of law the Court has determined. Social scientists have attempted to understand the implementation – or sometimes lack thereof – of Supreme Court decisions. I focus on one particularly contentious area of Supreme Court decision-making: school prayer. Despite a plethora of studies on the implementation of the Court's decision immediately following its pronouncement, it has been largely ignored despite the repeated recurrence of this issue on the Court's docket over the last 30 years. This thesis will use student polling data to assess the extent to which the Supreme Court's 1962 decision in *Engel* has been implemented. I hypothesize that public schools continue to practice school prayer despite the Court's prohibition. Moreover, I hypothesize that student support for school prayer will differ depending on the framing of the Supreme Court's decision in the question. Using a split survey, I assess the extent to which students continue to favor "school prayer" as opposed to "state-sponsored prayer." I anticipate that this support will vary by a number of factors including whether public high school students experienced prayer, religious affiliation, church attendance, parental church attendance, education level, self identification as liberal or conservative, self identification as Democrat or Republican, and race. In the first section of the thesis I will explore the policy making nature of the Court. I will then briefly discuss the Court's decision-making in the area of school prayer and develop the theoretical foundation of

the paper. I will then analyze the data and present the results. Last, I will provide some ideas for future research.

Implementation of Supreme Court Policy: School Prayer in Louisiana Secondary Schools

The Supreme Court as a National Policy Maker

The Supreme Court does more than interpret the Constitution to settle disputes in individual cases; it makes policy (Segal and Spaeth 1993, 1). Even so, Americans are not comfortable with judicial policy making because they see judicial decisions with “a panoply of myth” (Segal and Spaeth 1993, 4). The myth is an image of judges’ and their decisions as “objective, impartial, and dispassionate” (Segal and Spaeth 1993, 4). The idea being that Supreme Court judges should “say what the law is,’ not make the law” (Tarr 2003, 279). However the Court’s role as a policy maker is not necessarily separate from determining what the law is since their rulings may announce authoritative legal standards that define public policy (Tarr 2003, 279). The US Supreme Court’s constitutional rulings are binding across the nation, and their effects are felt nationwide (Tarr 2003, 282). The authoritative nature of the decisions necessitates a policy component to its rulings (Segal and Spaeth 1993, 4). The Supreme Court’s powerful impact can be seen in reactions to its decisions manifesting in campaigns against the desegregation decisions, the school prayer decisions, and the abortion decisions. Moreover, groups can be equally energetic in their attempt to bring test cases in the hope to establish new policies (Cannon and Johnson 1999, 190).

Policies come from decisions, and decisions originate in interpretation. The Court, as it does in all constitutional cases, evaluates the text of the Constitution. I focused on the Court’s interpretation of the Establishment Clause: “Congress shall make

no law respecting an establishment of religion...”¹. Due to the broad scope of this proclamation, the ‘Establishment Clause,’ incorporates a large array of possible prescriptions and prohibitions such as religious icons in public places, government money to religious charities or schools, and prayer in public schools. There are three major interpretations of the Establishment Clause ranging from a solid separation between church and state, to forbidding the state to prefer one religion or another, and lastly that the clause simply prohibits the establishment of an official national religion (Alstynne 1963, 866-867). Each interpretation has a significantly different implication on state action. The Court has had to interpret the First Amendment and how it applies to school prayer and its tangents (such as prayer at graduation or an athletic event) in order to determine the definition of “establishment.”

Supreme Court Cases on Prayer in School

Supreme Court challenges involving school prayer emerged in the 1960s. Through the nation’s history almost all public schools had various religious practices such as devotional service, distribution of Bibles, or the teaching of religion (Epstein and Walker 2004, 195). Separationists groups believed these practices, and others, violated the Establishment Clause and sought their prohibition via Supreme Court rulings (Epstein and Walker 2004, 195).

Engel v. Vitale (1962), the first suit, challenged a New York requirement that each morning begin with teachers reciting a prayer written by the states board of regents². The prayer, according to the New York Board of Regents, was a voluntary non-denominational prayer and consisted of: “Almighty god, we acknowledge our

¹ US Constitution, Amendment I

² *Engel v. Vitale*, 370 U.S. 421 (1962)

dependence upon Thee, and we beg Thy blessings upon, our parents, our teachers and our Country.” The Supreme Court, six to one, reversing the lower court’s ruling, held that the prayer “breaches the constitutional wall of separation between Church and State.”³

Justice Hugo L. Black, writing for the majority, stated that “government in this country should stay out of the business of writing or sanctioning official prayer and leave that purely religious function to the people themselves.”⁴ Justice Black added that direct coercion was irrelevant for violation of the Establishment Clause, but subsequent justices would bring in the notion of coercion. Black also mentions the history of the First Amendment as to keep the Federal Government out of influencing prayer, but Justice Douglas though concurring disagrees with Black’s historical reading. In addition, Justice Stewart, dissenting, declared the Court had “misapplied a great Constitutional principle” by moving away from “the spiritual heritage of the nation.”⁵ *Engel*, however, addressed a specific aspect of prayer in school—state written prayer—and did not resolve the disputes surrounding the Establishment Clause as it applied generally to prayer in school.

School District of Abington Township v. Schempp (1963) involved the more prevalent practice of Bible readings in public school (Epstein and Walker 2004, 196). The Schempps challenged a Pennsylvania law that required the opening of the school day with the reading of “at least ten verses from the Holy Bible.” In addition, the school followed the reading by a recitation of the Lord’s Prayer that involved the students standing and saying the prayer in unison.⁶ Students could leave the room if their parents decided against their participation. In the Court’s decision, eight to one, in favor of the

³ *Engel v. Vitale*, 370 U.S. 421 (1962)

⁴ *Engel v. Vitale*, 370 U.S. 421 (1962)

⁵ *Engel v. Vitale*, 370 U.S. 421 (1962)

⁶ *School District of Abington Township v. Schempp*, 370 U.S. 203 (1963)

Schempps, Justice Tom Clark, writing for the Court, focused on purpose and primary effect. Justice Clark explained that for the law to “withstand the strictures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion.”⁷ The Court upheld the lower court’s decision given the “religious character” of the states action and “given that finding the exercises and the law requiring them are in violation of the Establishment Clause.”⁸ Justice Stewart, dissenting again, cites an absence of coercion and therefore sees no violation of the Establishment Clause.

Wallace v. Jaffree (1985) gave the changing court an opportunity to overturn *Engel* or *Abington*. The more conservative Burger Court had shown implications of being “sympathetic” to prayer in public places—at least prayer in the Nebraska legislature (Epstein and Walker 2004, 200), however, the Court proved somewhat schizophrenic. *Wallace* concerned an Alabama law authorizing a daily period of silence “for meditation or voluntary prayer”.⁹ Despite the change in Court and an *amicus curiae* brief filed by Regan’s solicitor general in favor of the Alabama law, the Court (six to three) held the law “characterized prayer as a favored practice,” that the law’s primary purpose was not secular, and moreover that the law had no secular purpose.¹⁰

The Court having addressed forms of prayer in school went on to examine other issues of prayer, for example at graduation ceremonies and athletic events. *Lee v. Weisman* (1992) concerned prayer in a middle school graduation. A local clergy member was invited by the principal, as had been the custom for many years, to say a nonsectarian

⁷ *Abington School District v. Schempp*, 374 U.S. 203 (1963)

⁸ *Abington School District v. Schempp*, 374 U.S. 203 (1963)

⁹ *Wallace v. Jaffree*, 472 U.S. 38 (1985)

¹⁰ *Wallace v. Jaffree*, 472 U.S. 38 (1985)

prayer at a voluntary ceremony.¹¹ The Court considered the case similar to *Engel* reiterating it should not be the business of the government to compose official prayers as they were attempting to do by giving the clergy member guidelines and instructions regarding prayer content.¹² The majority opinion, written by Justice Kennedy and decided five to four, noted the “indirect coercion” of the students due to the importance of the event, thereby bringing Justice Stewart’s dissent into the majority opinion as well as disagreeing with Justice Black in *Engel*; Justices Blackmun, Stevens, and O’Connor concurred separately finding no need for coercion to exist for a violation of the Establishment Clause to be determined. *Santa Fe Independent School District v. Doe* (2000) was a challenge of prayer at high school football games. The school district argued that the prayer was student voted on, student led, and at an extracurricular event. Based on *Weisman* and *Lemon* the court struck down the practice in an unusual six member majority with a single majority opinion (with no concurring opinions).¹³ The Court held the practice was an endorsement of religion, contained coercion since not all students have a choice whether to attend the football game (for example, cheerleaders and band members), and the policy had no secular purpose.¹⁴

The Court has not consistently interpreted the Establishment Clause in prayer in school cases. Nevertheless, the outcomes—forbidding state-sponsored prayer in public schools—have remained the same (Epstein and Walker 2004, 212). The issue of coercion has found its way in and out of opinions, and the opinions themselves tend to be fractured with concurring opinions. The dissenters, however, remain consistent in their support

¹¹ *Lee v. Weisman*, 505 U.S. 577 (1992)

¹² *Lee v. Weisman*, 505 U.S. 577 (1992)

¹³ *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000)

¹⁴ *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000)

and, furthermore, closer to the expressed public sentiment—a majority of which “consistently support” prayer in public school (Servin-Gonzalez and Torres-Reyna 1999, 598).

Public Opinion. Public backlash began with the *Engel* decision. Less than 20 percent of the public supported the decision, while church leaders condemned it and Congress considered constitutional amendments to overturn it (Epstein and Walker 2004, 196). A representative from Alabama argued that “They put the Negroes in the schools—now they put God out of the schools” (Alstyne 1963, 865). Newspaper headlines read “Court outlaws God” (Schwartz 1983, 441). Separationist groups, in fact, were concerned when the *Schempp* case was accepted by the Court due to the public outcry, but the Court held its ground (Epstein Walker 2004, 196).

Following the Court’s decision in *Abington* only twenty-four percent of the public supported it (Epstein and Walker 2004, 200). Eighty-three percent of the public continued to favor allowing prayer to be said in public schools after the decision (Servin-Gonzalez and Torres-Reyna 598). In addition, seventy-seven percent of the public favored a constitutional amendment to legalize prayer in schools. Congress, over the years, has introduced close to 150 constitutional amendments to return prayer to the classroom (Servin-Gonzalez and Torres-Reyna 598; Epstein and Walker 200). Three years after the *Abington* decision almost half the classes in the South continued to allow Bible reading and “given the public antipathy for *Engel* and *Abington*, it is not surprising to find widespread non-compliance with the Court’s decision” (Epstein and Walker 2004, 200).

Although the passage of time has eroded support to some degree, the 1980s and 1990s continue to average seventy-five percent support for teacher-led prayer in public

schools (Servin-Gonzalez and Torres-Reyna 598-599). Support for changing to constitution to support prayer in public school has remained around sixty-six percent in the 1980s and 1990s (Servin-Gonzalez and Torres-Reyna 600).

Public opinion, interest groups, and Congress have all affected the implantation of and adherence to the Supreme Court's decisions. After all the probability of congressional response increases sixty-three percent if public opinion is in favor of some action by Congress (Meernik and Ignagni 1995, 45). Congress's numerous attempts to amend the constitution in light of the public's outcry certainly reinforce this idea. More than half the amendments introduced to reverse *Engel* were introduced by Southern representatives (Beaney and Beiser 1969, 26). Interest groups play an important role by lobbying Congress and filing *amicus curiae* briefs to the Supreme Court. The more *amicus curiae* briefs that are filed, the more likely Congress is to act (Meernik and Ignagni 1995, 47). However, although Congress has acted because of public opinion and interests groups to amend the Constitution, these attempts have systematically failed. Interestingly, this may be due to difference between the mass public and interest groups and other political contributors, with contributors more divided on this issue than the general public (Green and Guth 1989, 44-45). The attitudes of contributors correlate more closely to congressional voting patterns than to public attitudes. Moreover, school prayer has a much more narrow base among activists and is rarely a central agenda of organizations (Green and Guth 1989, 48; 53). And perhaps more importantly, opposition is generally more intense than support in activists, especially in comparison to general public (Green and Guth 1989, 53). In addition, though public support for prayer in school remains very high, when people were informed of the specifics of the Supreme Court's

decision fifty-percent did not support a constitutional amendment to allow prayer in the public schools (Servin-Gonzalez and Torres-Reyna 600). Nevertheless, although prayer in school remains unconstitutional prayer has not ceased.

Implementation. The Supreme Court can make law but the translation of that law to public policy remains at the mercy of those who must implement it. In general “some of these Supreme Court decisions have had penetrating, lasting, broad-gauged effects; some have already had spotty results; and some remain little more than words in a law book. A number of local officials have heard the Court speak and have complied diligently. Others have not bothered to listen” (Beaney and Beiser 1964, 63). To evaluate the ability of the Court to achieve its policy preferences it is necessary to understand the populations responsible for its implementation. There are four implementing populations that can respond to a decision and affect implementation.

First, the ‘interpreting population’ includes judges and courts which often have to interpret Supreme Court’s decisions in order to implement them (Cannon and Johnson 1999, 18). The Court makes decisions on individual cases that have wide reaching consequences; lower courts are left to “respond to the policy decisions... by refining the policy [the Supreme Court] has announced (Cannon and Johnson 1999, 18). The interpreting population can enlarge or limit the policy and develop rules for matters not addressed (Cannon and Johnson 1998, 18). In the lower courts judges as well as lawyers must parse the language of the Court’s decisions which are applicable to the case at hand. Their interpretation of Supreme Court decisions can expand or contract Supreme Court policy. In addition, law schools and law journals can play a role in implementation. Law schools teach and train the future lawyers, which become the future judges and lawyers

participating in cases and their understanding of the cases can affect their attitudes and therefore interpretation.

Second, the ‘implementing population’ includes authorities “whose behavior may be reinforced or sanctioned by the interpreting population” (Cannon and Johnson 1999, 19). The implementing population performs a “policy or servicing function” by applying the system’s rules to appropriate subjects (Cannon and Johnson 1999, 19). For prayer in school this would include principals, school boards, and teachers who are the authorities intended to implement the no prayer in public school policy.

Third, the ‘consumer population’ includes individuals affected by the policy. They are the “set of individuals... who would or should receive benefit or suffer disabilities as a result of a judicial decision; that is they gain or lose desired rights or resources” (Cannon and Johnson 1999, 20). Students comprise the consumer population concerning prayer in school, as some students were disadvantaged when they could no longer engage in state-sponsored prayer and some students became advantaged when they were no longer coerced into participation (Cannon and Johnson 1999, 21).

Lastly is the ‘secondary population’ which is a general residual category that includes the people who are not directly affected by the decision but may react to it (Cannon and Johnson 1999, 21-22). This population includes four groups: government officials, interest groups, the media, and the public at large. These groups usually respond with some “type of feedback directed toward the original policymaker, the implementing population, or the consumer population” (Cannon and Johnson 1999, 22).

The secondary population has not managed to make state-sponsored prayer in school constitutional, and the interpreting population has kept a relatively consistent set

of decisions on prayer in school. Therefore, the major questions regarding prayer in school reside with the implementing and consumer populations.

The categories presented by Cannon and Johnson are not as precise as they may support. There can be fluidity between the categories not only in different situations (for example, a libel case versus a school prayer case), as they support, but within the same type of case (23). For example, the media is a secondary population that can react to the decision, but their reaction can also lead to interpretation. After all, the media is likely to interpret the Court's decision, and that can influence the general public and even lawyers and judges.

Two articles have focused the implementing populations—in this case, school superintendents, principals, and teachers. Birkby examined Tennessee public schools to see if the *Schempp* decision had any effect (1966, 307). The State Commissioner of Education left the decision to the school boards to determine whether to continue the practice of reading the Bible or comply with the Court's decision (1966, 307). Using a survey administered to participating superintendents and school board members Birkby attempted to analyze change in districts from the pre-*Schempp* state law provisions (changing districts) and those who remained the same (non-changing districts). Birkby hoped to explain the differences by degree of urbanization, extent of religious pluralism, articulate opposition within the district to devotional exercises, or differences in the socio-economic composition of the school boards (1966, 307). However, none of the explanations were supported by any of his findings, but perhaps what is more of interest was the number of districts who did not change their policy despite the Supreme Court's ruling. Over half of the districts did not change their bible reading policy and continued

pre-*Schempp* practices (Birkby 1966, 309).¹⁵ Birkby speculates that perhaps the ambiguity of the decision let some superintendents and school board members continue to believe the ‘voluntary’ nature of Tennessee’s law was not overturned by the Supreme Court (1966, 321; 314). Birkby’s research demonstrates that Supreme Court policy, of course, does not always alter behavior.

Way, on the other hand, examined public elementary school teachers nation wide through a survey (1968, 189). The article assumed that teachers had a large part in adherence to the Supreme Court’s decisions in *Schempp* and *Engel*, and that the Court decisions generated the expectancy that prayers and Bible readings in all public schools would cease (Way 1968, 190). The survey did demonstrate that the average teacher felt the impact of the Supreme Court’s decision; prayer went from being said in over 60 percent of the classrooms pre-1962 to 28 percent by the 1964-65 academic year (Way 1968, 191). In addition, bible readings declined from 48 percent before 1962 to 22 percent (Way 1968, 191).¹⁶ Special events, including graduation and holidays, are times school districts may break their opposition to regular religious exercises. Thirty percent of the teachers responded that prayers were offered on special occasions such as assemblies (Way 1968, 192).¹⁷ The teachers did affect prayer, however. The more frequently a teacher attended church the more likely she was to have prayers and Bible reading in the classroom before the Court decision and after (Way 1968, 193). In addition, teachers’ religious affiliation affected teachers’ responses to the Court decisions with Catholic and Jewish teachers more likely to follow the Court decisions banning

¹⁵ 51 districts changed their policy, while 70 did not, meaning nearly 58% of districts continued Bible readings

¹⁶ Way’s survey made the generalization of prayer said going from 60% of classes to 28% through a survey question specifically regarding morning prayers

¹⁷ Respondents regarding prayer at assemblies: Yes, 517; No, 1,100; Don’t Know, 70

religious practices than were Protestant teachers (Way 1968, 195). The South emerged as its own unique variant when examining region; “both before and after the Supreme Court decisions prayers and Bible readings were more likely to occur in Southern classrooms than elsewhere in the nation,” though New England does approximate the South slightly (Way 1968, 1999). Way found no evidence, though, that college education created a significant difference. Nevertheless, a major issue remains in the fact that prayer and Bible readings continued despite the Supreme Court’s ruling, though with some change (Way 1968, 199).

Hypotheses and Data

Since these two seminal works, little has been done to further examine the implementation of Supreme Court state-sponsored prayer decisions to date. I seek to examine the consumer population by surveying current college students concerning their experience with religious activities in public schools. My hypothesis is that students in the South continue to experience prayer in school and that the students remain opposed to the Court’s decisions. Since students may become the future implementing population I examined their support of prayer and state-sponsored prayer based on wording, exposure to prayer in high school, religious affiliation, church attendance, parental church attendance, party affiliation, association with the liberal to conservative spectrum, education level, and race. I propose that these different characteristics will alter support for prayer in public schools. I anticipate that public high school students that have been exposed to prayer in their schools will be more likely to favor prayer and state-sponsored prayer. In addition, similar to Way, I expect students with higher church attendance will

be more likely to support prayer in public schools. In addition, I anticipate religious affiliation to play a role, with Catholics supporting school prayer less than Protestants, not to mention that people outside the majority religions more likely to be opposed to prayer in public school. Parental church attendance, also, I anticipate will have an impact on students support of prayer in public school similar to the support from student church attendance. Experience through education would also likely have an impact, and I hypothesize that the higher the education level the less support for prayer in public schools. Student self identification as liberal or conservative will also help predict support, with liberals less likely to support prayer in public schools than conservatives. A similar pattern will likely be seen for students who self identify themselves as Democrats or Republicans. Lastly, I suspect minority groups that have faced persecution in the past may be less supportive of prayer in school which represents a majority imposing their views and values on a minority group.

The short survey was administered to three large American Government classes.¹⁸ There were 379 participants, 236 were female (62 percent) and 142 were male (38 percent). Nearly half of the respondents were 17-19, 37 percent were 20-21, and 13 percent were 22 and up. Almost one fourth of the students classified as Freshman, 37 percent as Sophomores, 25 percent Juniors, and 14 percent Seniors. Most of the GPAs fell between 3-4, the next largest group was 4, and students with 1-3 comprised a minority. Three-hundred and nineteen identified themselves as white, 32 African American, 6 Hispanic, 11 Asian, and 5 “Other”. A plurality of students identified themselves as “conservative” and “leaning Republican.” Slightly over half of the students graduated from a public high school.

¹⁸ See Appendix A for survey

Table 1. Survey Representation¹⁹

Gender	Number	Percentage
Female	236	62%
Male	142	38%
Age*2 .5%		
17-19	187	49.5%
20-21	142	37%
22-23	30	8%
24+	17	5%
Class		
Freshman	90	24%
Sophomore	139	37%
Junior	94	25%
Senior	54	14%
GPA*29 7%		
1-2	4	1%
2-3	21	6%
3-4	218	58%
4	106	28%
Race		
White	319	84%
African American	32	8.5%
Hispanic	6	2%
Asian	11	3%
Other	5	1%
Ideology		
Liberal	46	12%
Leaning Liberal	32	8.5%
Moderate	80	21%
Leaning Conservative	62	16%
Conservative	135	36%
Don't Know	21	6%
Party		
Democrat	48	12%
Leaning Democrat	28	7%
Independent	49	13%
Leaning Republican	62	16%
Republican	161	42%
Don't Know	27	7%
Religion		
Catholic	186	49%
Protestant	134	35%
Other	56	15%
High School Attended		
Public	202	53%
Private	175	46%
Home School	1	.5%

¹⁹ Percentages may not add up to 100% because some students left the answers blank

Prayer in School. The results demonstrate that, at least in the state of Louisiana, prayer continues in public schools. Over half the students reported prayer of some type in their public high schools.²⁰

Table 2. Prayer in Public School²¹

Prayer	No Prayer
(110)	(87)
54.5%	43%

Types of Prayer. The types of prayer reported in public schools vary greatly in student reporting. In Way's article teachers reported 57 percent of daily prayer pre 1962, which went down to 24 percent in the 1964-65 school year (Way 1968, 191).²² The survey showed a decrease to 13 percent of public school students reporting daily prayer. However, the survey shows a great shift from Way's findings regarding prayer at special occasions such as graduation ceremonies, athletic events and other special assemblies. Only 30 percent in Way's survey of teachers reported prayer on special occasions (Way 1968, 192).²³ The survey I conducted showed students reported the greatest amount of prayer at graduation, athletic events, and special events (in that order). Athletic events, the second most reported type of prayer, could be different now since the *Santa Fe* case was decided in 2002 after or very shortly before the students likely graduated high

²⁰ The ages of the students suggest recent high school graduations that obviously came post *Engel*, *Schempp*, *Weisman* and likely graduated in the late 1990s or early 2000s.

²¹ 2.5% (5) did not respond to the question

²² Before 1962 teachers reported: Daily 720, Weekly 33, Less Than Weekly 19, Not at all 498. 1964-65 teachers reported: Daily 321, Weekly 24, Less Than Weekly 29, Not at all 946. For the calculations I only used daily prayer, including other prayer would make the change 60 percent to 28 percent of prayer. Again, the question only regarded morning prayer in Way's survey.

²³ Ways question only mentioned special occasions, though he referenced possibilities such as graduation and holidays, why my questionnaire specifically asked about athletic events, graduation, and other special events

school. Since in-class prayer was the lowest reported type by students, it suggests the Supreme Court's decisions have had impact in the long run. The other decisions, including prayer at graduation and especially prayer at athletic events have been relatively recent compared to prayer in class.

Table 3. Types of Prayer Reported in Public School

	Yes	No
Athletic	(77) 70%	(33) 30%
Daily	(14) 13%	(96) 87%
Class	(5) 5%	(105) 95%
Special Events	(58) 53%	(52) 47%
Graduation	(81) 74%	(29) 26%
Other	(21) 19%	(89) 81%

Prayer Support. Public support for prayer in school has, despite some changes, remained high overall. For the survey I wanted to examine the actual consumer population (or the recent consumer population), rather than the secondary population that is normally tapped in surveys. In addition, students will become the future secondary and implementing populations and their opinions now may provide some insight to the future of prayer in school.

Support was first examined by the wording of the question. The surveys were given out randomly with half of the surveys asking the students if they “favored prayer in school” and the other half if they “favored state-sponsored prayer in school.” Therefore there is no overlap in the population that answered the question on favoring prayer and the ones asked about state-sponsored prayer. Wording is an important question since the

Supreme Court has focused on state-sponsored prayer, even if it appeared to be student lead, rather than the media's coverage which tends to generalize the decision broadly to prohibit prayer in school (Servin-Gonzalez and Torres-Reyna 1999, 600). Difference in question wording has shown a decrease of approximately 10 percent when wording was switched from prayer "should be permitted" to prayer should be "mandatory" (Servin-Gonzalez and Torres-Reyna 1999, 599). The survey's particular wording showed a significant difference between favoring prayer and favoring state-sponsored prayer. A significantly greater percentage of students favored prayer (72 percent) as opposed to state-sponsored prayer (60.5 percent).

Table 4. Support for Prayer in School

Favor Prayer		Favor State-Sponsored Prayer	
Yes	No	Yes	No
(117)	(45)	(118)	(77)
72%	28%	60.5%	39.5%

Public High School Students. Table 3 includes public and private school students, but since public high school students were truly the consumers of the Supreme Court's decisions I wanted to look more specifically at them. Former public high school students did have interestingly different responses concerning of prayer in school. Whereas all students reported a difference between favoring prayer and state-sponsored prayer public high school students showed no significant difference. Sixty-one percent of high school students favored prayer in school while 62 percent favored state-sponsored prayer. Yet, even more interesting is the difference between public high school students who had prayer in their schools and those who did not. Not only did they favor prayer more than public high school students in general (69 percent), but they also favored state-sponsored

prayer more than all students in general and public high school students. In fact, 77 percent of public high school students supported state-sponsored prayer. This was an unexpected result as I thought state-sponsored support would remain less than generalized prayer support. The unexpected support may be a result of self-selecting nature of attending a public high school versus a religious private high school; since, private school students may have less interest in whether public high schools have prayer. Other personal characteristics, however, also have an impact on prayer support.

Table 5. Public High School Students Support for Prayer

	Favor Prayer		Favor State-Sponsored Prayer	
	Yes	No	Yes	No
Public Students	(51) 61%	(32) 39%	(65) 62%	(40) 38%
Public Students with Prayer	(33) 69%	(15) 31%	(44) 77%	(13) 23%

Religious Affiliation. I hypothesized that Protestants would have greater support for prayer in school. Previous articles have suggested a difference between Catholics and Protestants, the former appearing to be more liberal and having more similar responses at least to Jewish teachers (Way 1968, 195). At least when it comes to support for state-sponsored prayer among students there was a significant difference between Catholic support (63 percent) as compared to Protestant support (73 percent).²⁴ However, there was no significant difference between Catholic and Protestant support when it came to only favoring prayer.

²⁴ Protestant includes those who have identified themselves as Baptist, Episcopalian, Methodist, Presbyterians, and Other Protestants.

In addition I hypothesized the minority represented in the “Other” category would be less supportive of prayer.²⁵ The most significant difference between students in their support of prayer and state-sponsored prayer was from those who identified themselves as “Other.” In comparison to those who identified themselves as Catholic and Protestant the “Other” category was far less likely to favor prayer or state-sponsored prayer. There appears to be an unusual increase in the “Other” category of support of state-sponsored prayer but this may a result of number of participants, addressed more fully before.

Table 6. Religious Affiliation and Prayer Support

	Favor Prayer		Favor State-Sponsored Prayer	
	Yes	No	Yes	No
Catholic	(64) 82%	(14) 18%	(64) 63%	(37) 67%
Protestant	(50) 79%	(13) 21%	(45) 73%	(17) 27%
Other	(3) 14%	(19) 86%	(8) 27%	(22) 73%
Total	(117) 72%	(46) 28%	(117) 61%	(76) 39%

Church Attendance. I hypothesized that the individuals who attend church on a regular basis would be more likely to support prayer in public schools regardless of the question wording. In addition, since the students are college students without consistent schedules, I thought parental church attendance may impact and increase support for prayer in school as well.

Greater student church attendance did increase the support for prayer in school and state-sponsored prayer. As student church attendance decreased so did their support of prayer, with a large decline in support by those students who never went to church.

²⁵ Other includes people who identified themselves as Jewish, Muslim, Agnostic, Atheists, or as having no religion.

The difference between the support for favoring prayer versus state-sponsored prayer also remained similar as church attendance decreased with favoring prayer remaining greater than support for state-sponsored prayer, generally.

Table 7. Student Church Attendance

	Favor Prayer		Favor State-Sponsored Prayer	
	Yes	No	Yes	No
Weekly	(47) 92%	(4) 8%	(45) 75%	(15) 25%
Monthly	(34) 81%	(8) 19%	(32) 70%	(14) 30%
Few times a year	(13) 50%	(13) 50%	(24) 54.5%	(20) 44.5%
Rarely	(19) 61%	(12) 39%	(14) 48%	(15) 52%
Never	(3) 25%	(9) 75%	(3) 19%	(13) 81%
Total	(116) 72%	(46) 28%	(118) 60.5%	(77) 39.5%

Parental church attendance had a similar effect of student's support of prayer in school. Although, student support of prayer and state sponsored prayer was greater the more church the students attended then if their parents attended. For example, for students who attend church weekly 92 percent support prayer in public schools and 75 percent of those queried about state-sponsored prayer were supportive. Weekly parental attendance resulted in students supporting prayer in school by 78 percent and state-sponsored prayer by 65 percent. Therefore students' church attendance seems to have a greater impact than their parents church attendance, although, how much those two factors interplay may be an issue.

Table 8. Parental Church Attendance

	Favor Prayer		Favor State-Sponsored Prayer	
	Yes	No	Yes	No
Weekly	(68) 78%	(19) 22%	(82) 65%	(44) 35%
Monthly	(12) 63%	(7) 37%	(14) 64%	(8) 36%
Few times a year	(11) 58%	(8) 42%	(8) 44%	(10) 56%
Rarely	(21) 72%	(8) 28%	(8) 53%	(7) 47%
Never	(3) 43%	(4) 57%	(4) 33%	(8) 67%
Total	(115) 72%	(46) 29%	(116) 60%	(77) 40%

Though greater the church attendance (whether student or parental) increased the support for prayer generally there is an unusual result in the “rarely attends church” support, both for student attendance and parental attendance. As student church attendance decreases so does their support for prayer, except when they “rarely attend” which correlates with greater support. Perhaps rarely attending church as oppose to never attending church suggests they are religious and maybe want prayer in school since they do not attend church as much and see school prayer more as an opportunity. The increase in support is more dramatic with parents who rarely attend church (72 percent and 53 percent as opposed to students rarely attending church at 61 and 48 percent for favoring prayer and state-sponsored prayer respectively).

Education. I hypothesize that increased education will decrease support for prayer in school. The college education is “intended as a liberating force” and more education would result in the individual being likely to “challenge the opposition of religious exercises in public schools” (Way 1968, 200). Way found no evidence of educational

impact on teachers having prayer in their classroom, and the difference among the students was only significantly different at the senior level for favoring prayer. The difference in education level was more distinct when it came to favoring state-sponsored prayer, with an increase of education decreasing the support for state-sponsored prayer as hypothesized. This result is perhaps more important since it is state-sponsored prayer the Supreme Court's decisions have dealt with.

Table 9. Education and Prayer Support

	Favor Prayer		Favor State-Sponsored Prayer	
	Yes	No	Yes	No
Freshman	(22) 73%	(8) 27%	(35) 66%	(18) 34%
Sophomore	(53) 75%	(18) 25%	(42) 65%	(23) 35%
Junior	(28) 70%	(12) 30%	(28) 58%	(20) 42%
Senior	(14) 64%	(8) 36%	(13) 46%	(15) 54%
Total	(117) 72%	(46) 28%	(118) 60%	(76) 39%

Liberal/Conservative and Democrat/Republican. I hypothesize that students who identify themselves liberals will have less support for prayer than conservatives. Similarly, those who identify themselves as Democrats will have less support for prayer than those who identify themselves as Republicans. In addition, the support will vary relatively depending on whether the students consider themselves liberal to somewhat liberal, or somewhat conservative to conservative. I also anticipate support will vary in a similar way if the student identify themselves as Democrat or leaning Democrat, Republican or leaning Republican.

There was a significant difference between those who identified themselves as liberal and somewhat liberal as oppose to conservative and somewhat conservative in their support for prayer and state-sponsored prayer. Those who identified themselves as “conservative” and “somewhat conservative” supported prayer much more than those who identified themselves as “liberal” and “somewhat liberal. Interestingly, those who said they did not know whether they were conservative or liberal supported prayer and even more so state-sponsored prayer (60 percent for prayer and 90 percent for state-sponsored prayer).

Table 10. Liberal/Conservative Support for Prayer

	Favor Prayer		Favor State-Sponsored Prayer	
	Yes	No	Yes	No
Liberal	(9) 50%	(9) 50%	(5) 19%	(22) 82%
Somewhat Liberal	(5) 36%	(9) 64%	(9) 53%	(8) 47%
Moderate	(22) 61%	(14) 39%	(20) 51%	(19) 49%
Somewhat Conservative	(20) 80%	(5) 20%	(21) 62%	(13) 38%
Conservative	(57) 89%	(7) 11%	(54) 79%	(14) 21%
Don't Know	(3) 60%	(2) 40%	(9) 90%	(1) 10%
Total	(116) 72%	(46) 28%	(118) 61.5%	(77) 39.5%

There was a significant difference, as well, for those who identified themselves as Democrats and Republicans for support for prayer. Democrats were less likely to support prayer or state-sponsored prayer than Republicans. Those who identified themselves as Republicans also supported prayer and state-sponsored prayer more than those who identified themselves as leaning Republican. The same concept held true with Democrats

as opposed to leaning Democrats for prayer (Democrats less likely to support prayer than leaning Democrats), but not state-sponsored prayer where the percentage supporting it was not significantly different. Interestingly, those who did know which party they affiliated themselves with were more likely to support prayer and state-sponsored prayer.

Table 11. Democrat/Republican Support for Prayer

	Favor Prayer		Favor State-Sponsored Prayer	
	Yes	No	Yes	No
White	(101) 73%	(37) 27%	(99) 59%	(69) 41%
African American	(10) 67%	(5) 33%	(11) 79%	(3) 21%
Hispanic	(3) 75%	(1) 25%	(1) 50%	(1) 50%
Asian	(1) 33%	(2) 67%	(4) 67%	(2) 33%
Other			(3) 75%	(1) 25%
Total	(115) 72%	(45) 28%	(118) 61%	(76) 39%

Race. I hypothesize that minority groups that have been subjected to persecution may be less likely to support prayer and especially state-sponsored prayer. The survey does not support this. African American's supported prayer only slightly less than whites but supported state-sponsored prayer far above average (79 percent as opposed to 61 percent). The responses for support of prayer and state-sponsored prayer were unpredictable for each group. While 79 percent of self identified whites supported prayer, 59 percent supported state-sponsored prayer. While 75 percent of Hispanics favored prayer, only 50 percent supported state-sponsored prayer. Lastly, 33 percent of Asians favored prayer while 67 percent favored state-sponsored prayer. The results may be

affected by the smaller number of minorities included in the analysis, or suggest that race does not play a significant role in prayer support overall.

Table 12. Race and Prayer Support

	Favor Prayer		Favor State-Sponsored Prayer	
	Yes	No	Yes	No
White	(101) 73%	(37) 27%	(99) 59%	(69) 41%
African American	(10) 67%	(5) 33%	(11) 79%	(3) 21%
Hispanic	(3) 75%	(1) 25%	(1) 50%	(1) 50%
Asian	(1) 33%	(2) 67%	(4) 67%	(2) 33%
Other			(3) 75%	(1) 25%
Total	(115) 72%	(45) 28%	(118) 61%	(76) 39%

Limitations. These results did have several limitations. First of all, the number of students who participant could have affected the generalizations. This issue is especially true in areas where very few students identified themselves in certain groups—such as individuals who did not identify with mainstream religions or minorities. In addition, I had hoped to examine prayer in school and support by regions, but there were not a significant number of responses from students outside Louisiana. Third, the students surveyed were not randomly selected from Louisiana State University students much less from students nationwide. Given the increasingly conservative trends in public opinions for the South, these results cannot be generalized to the population at large.

Future Research. There a great many possibilities for future research concerning the lack of implementation of the Supreme Court’s decisions in state-sponsored public school prayer. The survey used was limited in its selection as well as regionally. A more

widespread nationwide survey would allow more generalization and help determine if implementation problems are nationwide or merely reside in the South, or even just in Louisiana. While this research looked at the secondary population since it has been overlooked in research, it does not explain why teachers, principals, and other authorities are not enforcing the Supreme Court's decision. I have emphasized disagreement with the Court's decision, but other explanations are possible and should be examined, such as ignorance of the law or misinterpretation of the law.

Conclusion

Over thirty years ago the United States Supreme Court ruled state-sponsored prayer violated the constitution. Despite the Court's decision to eliminate state-sponsored prayer in public schools, the results of this study suggest that many have failed to adhere to it. However, the Court has no power to enforce its decisions but is dependent upon the implementing populations. Significant numbers of the implementing population, not to mention the population as whole, disagree with the Court's decisions and continue to practice prayer in public schools. This continues to expose subsequent generations to the state-sponsored prayer that was outlawed long before the students were even born. Yet, with support remaining relatively stable for prayer in school, matters seem unlikely to change—just like they have not for thirty years. While some decline in daily prayers is evident in these results, the Supreme Court's policy has never been fully embraced or implemented. In addition, the students who represent the population the decisions affect and will one day become the implementing population themselves demonstrate how little opinions, and likely actions, have and will change. While increased levels of education

does reduce support somewhat, the majority of students in this survey continue to support prayer in public schools. Moreover, students who are exposed to prayer are more likely to support prayer (and more than half of public school students in this survey were exposed to prayer); thus it appears that the continued support of prayer in public schools for one generation creates greater support for it in the next generation. Full implementation of the Court's decisions will take constant and increasing challenges minority groups to change the status-quo and there appears to be an unwillingness to pursue this among these individuals or the interest groups that represent them. It may be that the dissenters in the Supreme Court's decisions have achieved their policy preferences in practice if not in policy. Separationists gained official Supreme Court approval, yet those who want prayer in school continue its practice.

These results demonstrate that while the Supreme Court determines the "law of the land" its ability to enforce that law is dependent upon the political will of the implementing and consuming populations. The political reception of the Court's decisions radically influences the social policy to follow. These results suggest that despite decades of consistent rulings in the Supreme Court, state-sponsored prayer continues in public schools – or at least in the Louisiana public schools.

Appendix A

Thesis Poll

1. Sex: F ___ M ___

2. Age: ___

3. Classification: Freshman ___ Sophomore ___ Junior ___ Senior ___

4. GPA: ___

5. Race: White ___ African American ___ Hispanic ___ Asian ___ Other (please specify): _____

6. Do you consider yourself:

___ Liberal

___ Somewhat liberal

___ Moderate

___ Somewhat conservative

___ Conservative

___ Don't know

7. Do you consider yourself:

___ Democrat

___ Leaning Democrat

___ Independent

___ Leaning Republican

___ Republican

___ Don't know

8. Religion:

___ Catholic

___ Baptist

___ Methodist

___ Presbyterian

___ Episcopalian

___ Other Protestant

___ Jewish

___ Muslim

___ Atheist

___ Agnostic

___ Other (please specify: _____)

___ None

9. Church Attendance:

___ Weekly

___ Monthly

___ Few times a year

___ Rarely

___ Never

10. Your parents church attendance:

___ Weekly

___ Monthly

___ Few times a year

___ Rarely

___ Never

11. High School attended:

Parish/county: _____

State: _____

12. What type of high school did you attend: Public ___ Private ___ Home School ___

12a. If *private*, what type of private school:

Nonreligious ___

Religious ___

12b. If *religious* what kind:

Nondenominational ___

Catholic ___ Protestant ___

12. Was there prayer in your school? ___ Yes ___ No

13. If **Yes**, in what situations (check all that apply):

___ Athletic events

___ Graduation

___ Daily devotional

___ In class

___ Special Events

___ Other (please specify: _____)

14. Do you favor prayer in school? ___ Yes ___ No

Thesis Poll

1. Sex: F___ M___

2. Age: ___

3. Classification: Freshman___ Sophomore___ Junior___ Senior___

4. GPA: _____

5. Race: White___ African American___ Hispanic___ Asian___ Other (please specify): _____

6. Do you consider yourself:

___ Liberal

___ Somewhat liberal

___ Moderate

___ Somewhat conservative

___ Conservative

___ Don't know

7. Do you consider yourself:

___ Democrat

___ Leaning Democrat

___ Independent

___ Leaning Republican

___ Republican

___ Don't know

8. Religion:

___ Catholic

___ Baptist

___ Methodist

___ Presbyterian

___ Episcopalian

___ Other Protestant

___ Jewish

___ Muslim

___ Atheist

___ Agnostic

___ Other (please specify: _____)

___ None

9. Church Attendance:

___ Weekly

___ Monthly

___ Few times a year

___ Rarely

___ Never

10. Your parents church attendance:

___ Weekly

___ Monthly

___ Few times a year

___ Rarely

___ Never

11. High School attended:

Parish/county: _____

State: _____

12. What type of high school did you attend: Public___ Private___ Home School___

12a. If *private*, what type of private school:

Nonreligious___

Religious___

12b. If *religious* what kind:

Nondenominational___

Catholic___ Protestant___

12. Was there prayer in your school? ___ Yes ___ No

13. If Yes, in what situations (check all that apply):

___ Athletic events

___ Graduation

___ Daily devotional

___ In class

___ Special Events

___ Other (please specify: _____)

14. Do you favor state-sponsored prayer in school? ___ Yes ___ No

Works Cited

- Alstytne, William W. "Constitutional Separation of Church and State: The Quest for a Coherent Position." *The American Political Science Review*. Vol. 57, No. 4 (December, 1963): 865-882.
- Birkby, Robert H. "The Supreme Court and the Bible Belt: Tennessee Reaction to the 'Schempp' Decision." *Midwest Journal of Political Science*. Vol. 10, No. 3 (August, 1966): 304-319.
- Cannon, Bradley C. and Charles A. Johnson. Judicial Policies: Implementation and Impact. 2nd Edition. Washington DC: Congressional Quarterly, 1999.
- Epstein, Lee and Thomas G. Walker. Constitutional Law for A Changing America: Rights, Liberties, and Justice. 5th Edition. Washington DC: Congressional Quarterly, 2004.
- Green, John C. and James L. Guth. "The Missing Link: Political Activists and Support for School Prayer." *The Public Opinion Quarterly*. Vol. 53, No. 1 (Spring, 1989): 41-57.
- Meernik, James and Joseph Ignagni. "Congressional Attacks on Supreme Court Rulings Involving Unconstitutional State Laws." *Political Research Quarterly*. Vol. 48, No. 1 (March, 1995): 43-59.
- Schwartz, Bernard. Superior Chief. NY: New York University, 1983.
- Segal, Jeffrey A. and Harold J. Spaeth. The Supreme Court and the Attitudinal Model. Cambridge: Cambridge Press, 1993.
- Servin-Gonzalez, Mariana and Oscar Torres-Reyna. "Trends: Religion and Politics." *The Public Opinion Quarterly*. Vol. 6, No. 4 (Winter, 1999): 592-621.
- Tarr, G. Alan. Judicial Process and Judicial Policymaking. 3rd Edition. Belmont: Wadsworth, 2003.
- Way, H. Frank, Jr. "Survey Research on Judicial Decisions: The Prayer and Bible Reading Cases." *The Western Political Quarterly*. Vol. 21, No. 2 (June, 1968): 189-205.