The Bible, the Constitution and Public Education: A Case Study of Religious Instruction in the Public Schools of Knoxville and Knox County, Tennessee

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THE BIBLE, THE CONSTITUTION AND PUBLIC EDUCATION: A CASE STUDY OF RELIGIOUS INSTRUCTION IN THE PUBLIC SCHOOLS OF KNOXVILLE AND KNOX COUNTY, TENNESSEE

A THESIS

Submitted to
The Graduate Council
of
The University of Tennessee
in
Partial Fulfillment of the Requirements
for the degree of
Master of Arts

by
Joseph W. Harrison

August 1961
PREFACE

It would not be easy to find a setting more conducive to writing than the perpetually serene and verdant Smoky Mountains of East Tennessee. In gazing about, one is enchanted by the majestic mountains and valleys and, in a sense, the people of the area share in this calm grandeur. There are few subjects of conversation which seem to arouse the emotions and passions of the local citizenry. In his short stay in this area, the author has found only two such topics: race and religion.

At the time of this writing, it is probably true that the "race problem" is paramount in the minds and hearts of the people in and around Knoxville. But it may also be true that in the overall view the problem of religion is the more important. Both of these inflammable topics are intimately concerned with public education—race for the usual Southern reasons and religion because, in Tennessee schools, certain types of religious training are statutorily compulsory and others seem to creep in via the "back door," extra-legally at best.

The question which immediately comes to the mind of a student of constitutional law is whether or not such religious instruction in publicly-supported schools is valid under the terms of the Constitution of the United States. Indeed, as will be shown later, there is at least as much doubt as to the validity of such practices in terms of the Tennessee Constitution. As to the methodology of this study, the problem of Bible reading and related religious exercises in the public schools will be approached from several different directions. The first chapter will
consist of a short inquiry into the basic principles of religious freedom in America to see if any concepts can be gleaned from the thoughts of our early statesmen. This will be followed by an investigation of the decisions of the United States Supreme Court and one federal district court on issues pertinent to this study. Since the Supreme Court has not directly ruled on the matter of Bible reading, it seems advisable to include a discussion of the various rulings by state courts, some of which have upheld and some of which have invalidated the practice.

In 1956, the Supreme Court of Tennessee directly upheld the validity of the state statute which requires Bible reading in all public schools. In the fourth chapter that decision will be discussed, along with the pertinent provisions of the Tennessee Constitution and the statute involved.

The second part of this paper will focus on the actual instances of religious instruction in the public schools of Knoxville and Knox County, Tennessee. State institutions located in Knoxville have been excluded from the study, for it is felt that these in themselves constitute a separate study. Within the limits of Knox County can be found both rural and urban situations; for this reason, as well as practical considerations, the study is so confined. Data as to facts and opinions of local practices have been obtained through interviews and questionnaires, using a rather selective sample of principals and teachers since it was necessary to cover as many types of existing situations as possible in a relatively short time.¹ It cannot be too strongly emphasized that,

¹The interview schedules used will be found in the appendix to this study.
in general, the objective was to ascertain the answer to the qualitative question, "What are the existing religious practices?" rather than to determine the frequency of the practices.

This study could not have been completed had it not been for the close cooperation received from the administrators of the two school systems surveyed. In the county system, sincere appreciation is due to Superintendent Mildred E. Doyle and to Dr. Rollin McKeehan; similar appreciation is due to Superintendent Thomas Johnston and to Curtis Gentry of the Knoxville City Schools. The author is also indebted to the principals and teachers who contributed their time and ideas.

The list does not stop here. Several constitutional law students at the University of Tennessee participated in the interviewing and several faculty members have read the manuscript and have made worthwhile suggestions. Reverend Robert West lent much of his material on the Bible reading issue and other ministers presented their ideas on the subject. The first stages of the project were directed by Dr. Arnold S. Trebach, formerly of the University of Tennessee. The project would possibly not have reached completion had it not been for the assistance, both financial and academic, of the Anti-Defamation League of B'nai B'rith and Messrs. Morton J. Sobel and Sol Rabkin of that organization.
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CHAPTER I

AMERICAN RELIGIOUS FREEDOM IN PERSPECTIVE

In Philadelphia, in the year 1775, the Continental Congress began its operations by adopting a resolution which called for prayer at the opening of each session and which designated an Episcopalian minister to act as chaplain for the Congress. This proclamation, along with other state papers of the Continental Congress, not only made numerous references to religion, but expressed out and out adherence to Protestantism.1

The Continental Congress actually legislated on such subjects as morality, sin, repentance, divine service, fasting, prayer, mourning, public worship, funerals and true religion.2

But scarcely a decade later, the Constitutional Convention met for four months without the recitation of a single prayer, and with only one short reference to religion in the final draft of its Constitution.3

This seems rather strange when one considers the actions of the Continental Congress, composed of many of the same men, and even more strange when one realizes that the Declaration of Independence makes at least four references to the Deity, but the United States Constitution, many times longer,


2 Ibid.

3 United States Constitution, Article VI, clause 3, which reads, "No religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."
makes none. This change in the concept of the proper relationship of religion and the state was so rapid and so well defined that perhaps it could be called more revolutionary than the Revolution itself.

In colonial times, the Church of England was officially established in several of the colonies, and taxes were commonly levied for its support. The year 1784 saw Thomas Jefferson and James Madison wage a battle against the establishment of the Church of England in Virginia, a state in which disestablishment was found more difficult to achieve than in other states. Early Virginia laws between 1659 and 1705 had made it a criminal offense for parents to refuse to have their children baptized, or for Quakers to establish themselves in Virginia, or for denial of the existence of God and the Trinity, or for positing more than one God, or for denial either of Christianity or of the divinity of the Scriptures. People who called themselves "Baptists" were severely persecuted in Virginia, where the Episcopal Church was established by law and supported by tithes on all inhabitants of the colony.¹ The control of Virginia by the Episcopal Church was so complete that James Madison was led to say that if that church had had the grip on the other colonies that it had on Virginia, there would have been no American revolution.²

Thomas Jefferson was an Episcopalian; indeed, he was a vestryman most of his life. As a child he was always in a religious environment, for in his home prayers were said and the Bible was read. Even in his


adult life he never adhered to the atheism for which he was constantly condemned. He read the Bible all of his life, but in his "Notes on Virginia" there were certain religious passages which most orthodox Christians held to contradict Scripture. He always hesitated to expound his religious views in public, partly, no doubt, because of their potentially disastrous effect on his political career. But more important, he concealed his beliefs because he considered them a matter between God and himself and of no concern to the public. His supreme object was to achieve an unfettering of the mind, for all other freedoms depend for their maintenance and extension upon the "irresistible force of a free mind." 6 The powers of government he considered to reach actions only and not opinions, and on this subject Jefferson had this to say:

The error seems not sufficiently eradicated, that the operations of the mind, as well as the acts of the body, are subject to the coercion of the laws. But our rulers can have authority over such natural rights, only as we have submitted to them. The rights of conscience we never submitted, we could not submit. We are answerable for them to our God. The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are twenty gods or no god. It neither picks my pocket nor breaks my leg. If it be said his testimony in a court of justice cannot be relied on, reject it then, and be the stigma on him. Constraint may make him worse by making him a hypocrite, but it will never make him a truer man. It may fix him obstinately in his errors, but will not cure them. Give a loose to them, they will support the true religion by bringing every false one to their tribunal, to the test of their investigation. They are the natural enemies of error, and of error only. . . . It is error alone which needs the support of government. Truth can stand by itself. Subject opinion to coercion; whom will you make your inquisitors? Fallible men; men governed by bad passions, by private as well as public reasons. And why subject it to coercion? To produce uniformity. But is uniformity

6 Ibid., p. 183.
of opinion desirable? No more than of face and stature.\footnote{Ibid., p. 182 (quoted from Notes on Virginia, 1782 [Ford, III, 262]).}

Thomas Jefferson sincerely believed that civil government had no legitimate right to take notice of man's religious opinions, other than for the purpose of keeping peace and order.\footnote{Hillard, op. cit., p. 56.} With John Locke, he felt that the law was to prevent one man from injuring others, but not to interfere when men injure only themselves.

Religious liberty, Jefferson said, is essential to a free government, and he knew of no historical instance where a "priest-ridden" people had been able to maintain a free civil government. When the clergy controlled the government, men were often deprived of both civil and religious rights. He also believed that alliances of church and state had been largely responsible for the reactionary view that it was impossible to improve the condition of mankind.\footnote{William D. Gould, "The Religious Opinions of Thomas Jefferson," Mississippi Valley Historical Review, XX (September, 1933), 206.} As Jefferson saw the problem, religions were at least as well off where they were separated from the government:

But every state, says an inquisitor, has established some religion. No two, say I, have established the same. Is this a proof of the infallibility of establishment? Our sister States of Pennsylvania and New York, however, have long subsisted without any establishment at all. The experiment was new and doubtful when they made it. It has answered beyond conception. They flourish infinitely. Religion is well supported; of various kinds, indeed, but all good enough; all sufficient to preserve peace and order; or if a sect arises whose tenets would subvert morals, good sense has fair play, and reasons and laughs it out of doors without
Jefferson's greatest fear in regard to an established church was that there never has been a man who has had the absolute wisdom necessary to separate good ideas and beliefs from bad ones; consequently no man is competent to judge the beliefs of others, and any attempt to coerce the mind leads to a situation potentially disastrous for liberty.

The fight for religious freedom in the Virginia legislature was a long one, a hard one and a bitter one. Eventually, by 1784, all favoritism laws had been repealed and most of Jefferson's original draft of the "Act Establishing Religious Freedom" had been adopted. In the preface to the bill, Jefferson sets forth his arguments for religious liberty: First, compulsion makes people not Christians but hypocrites. Second, no man is competent to judge the religion of another. Third, religion does not need the support of a government to enable it to overcome error. Fourth, it was not God's plan to force man into obedience. Fifth, a religion of love, not a religion of force, should prevail.

The act, as drafted by Jefferson, is not lengthy but only its second section need be quoted here:

We the General Assembly of Virginia do enact that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, or shall otherwise suffer, on

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account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.\textsuperscript{12}

This is in essence the thought of Thomas Jefferson on the subject of the church and its proper relation to the state. Jefferson's thought is even more concisely manifested in his belief that there should be a "wall of separation between church and state."

At the Constitutional Convention there was decided difference of opinion as to the necessity and desirability of incorporating a "bill of rights" which would protect and guarantee the fundamental rights and privileges of citizens. The prevailing view seemed to be that such provisions were unnecessary, particularly in the field of religion, not because the framers doubted the principle involved, but because they took it for granted. It seems not to have occurred to them that the United States government might establish a church for the entire nation.\textsuperscript{13} Roger Sherman, for instance, thought no provisions were required since the prevailing liberality of the time was sufficient to safeguard against any infringement on religious liberty.\textsuperscript{14} Alexander Hamilton said that since the National government was one of enumerated powers, and since no power was granted to give it control over such subjects as religion, press, assembly and petition, it could therefore not establish laws limiting these areas.\textsuperscript{15} Others felt that it might be dangerous to enumerate in

\textsuperscript{12}Gould, \textit{op. cit.}, p. 206.

\textsuperscript{13}Pfeffer, \textit{op. cit.}, p. 112.

\textsuperscript{14}Herbert Wright, "Religious Liberty Under the Constitution of the United States," \textit{Virginia Law Review}, XXVII (November, 1940), 76.

\textsuperscript{15}\textit{Ibid.}, p. 75.
the Constitution itself any of the rights and privileges of citizens for fear that the possible omission of some important rights might lead some to believe that those rights which were not included were not to be protected.

The men who hoped that the states would accept the Constitution soon saw, however, that it would be much easier to induce reluctant states into the union if such things as the affirmation of religious liberty were added to the document. The objective of these men was union, and there could be no union without explicit authorization of the differences prevalent in religious worship. In 1791, the "Bill of Rights" was adopted, the first part of which stated that:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

This amendment was a unique experiment, for it rested on the principle that government has no power to legislate in the field of religion, either by restricting the free exercise of religion or by providing for its support. Men who favored the amendment agreed with Tom Paine, when he said in his Common Sense: "As to religion, I hold it to be the indispensable duty of government to protect all conscientious professors thereof; and I know of no other business which government hath to do therewith."

17 United States Constitution, Amendment I.
Only in recent times has there been any great agitation on the subject of separation of church and state and the vast majority of this agitation has been at the state level of government. National statutes respecting religion have always been few; those few usually have gone unchallenged. The first amendment did not involve state laws because its limitations, at least until recently, applied only to legislation by the United States Congress.

The single reference to religion in the body of the United States Constitution prohibits a religious test as a requirement for any office in the United States government.19 This provision is directed only against the federal government but a similar prohibition has recently been laid against state action on these lines. Under the early constitutions of many of the states, Catholics and Jews were disfranchised or excluded from office. In Massachusetts and Maryland the office of governor was closed to all except Christians. New Hampshire, New Jersey, North Carolina and South Carolina went a step further: the governor had to be a Protestant.20 It was not until 1895 that the following provision was deleted from the Constitution of South Carolina: "No person who denies the existence of a Supreme Being shall hold any office under this Constitution."21 But it was not until June, 1961, that the United States Supreme Court declared, in Torcaso v. Watkins,22 that a similar provision of the Maryland

19 See note 3, this chapter.

20 Wright, loc. cit., p. 78.

21 Ibid.

Constitution was invalid as an impairment of religious liberty: "no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God..."  

It is also noteworthy that the New Hampshire Constitution includes a provision which states that communities may "make adequate provision, at their own expense, for the support of and maintenance of public Protestant teachers of piety, religion, and morality." 

A certain amount of preference is given in many states to those professing the Christian religion and more specifically to members of the more common Protestant faiths. The Sunday Observance laws (Blue laws) which many states have enacted have been upheld in the Supreme Court even though such laws seem to put some additional restraints upon such religious groups as the Jews and the Seventh-Day Adventists who observe the Sabbath on Saturday. The guarantee of religious freedom is generally thought to mean that no person shall be denied any civil right, privilege or position because of his religious opinions and yet courts have upheld the exclusion of atheists from jury duty and have also upheld their impeachment as witnesses on the grounds that their disbelief in the existence of a Supreme Being could impair the proper performance of their functions.

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23Maryland Constitution, Declaration of Rights (Article 37).

24New Hampshire Constitution, Part I, Section 6. But Hale v. Everett, 53 N. H. 9 (1868) holds that a community may, under this provision, also support Catholic teachers.

25Wright, loc. cit., p. 80.
Another preference to Protestantism, that of required or permissive reading of selected portions of the Bible in the public schools, will be the main focus of the remainder of this study.
CHAPTER II

EDUCATION, RELIGION AND THE UNITED STATES SUPREME COURT

In colonial America virtually all schools were church schools. It was not until the second quarter of the nineteenth century, well after the Constitution was established, that the free common school began its development. As the movement for free public education made headway, quarrels among various Protestant sects began to arise as to the type of religious and moral teaching that should be given to children in attendance at these schools. As the battle progressed, it became apparent that some compromise must be made if these schools were to flourish. Consequently, most Protestants agreed that the free public schools, since they were to be maintained by the state or the local community, would have to be "secular institutions divorced from distinctively religious teaching."¹ But certain religious practices, such as that of reading the Bible (which was seen by most Protestants as the only avenue to salvation), had been an intrinsic part of the American educational system throughout its history. Such practices were easily carried over into schools formerly denominational which had now become public. The argument that religious education in the common schools constitutes an establishment of religion by the state, though pertinent now, was not germane when the public schools were being formed. The first amendment unquestionably applied only to action by the national government.

Turning Points in the Interpretation of the "Religion Clause"

The fourteenth amendment was adopted in 1868 and today there is no question that freedom of religion is one of the basic freedoms which that amendment requires the states to observe, although this has been the case only in recent years. Today is not the same as yesterday and the law has grown since 1891 when the historic conservatism of the judiciary was at its zenith and when the case of In Re King\(^2\) reached the United States Circuit Court for the Western District of Tennessee. In that case it was held that:

The fourteenth amendment of the Constitution of the United States has not abrogated the Sunday laws of the States, and established religious freedom therein. The States may establish a Church or Creed, and maintain them, so far as the Federal Constitution is concerned. . . . As a matter of fact they left the States the most absolute power on the subject, and any of them might, if they chose, establish a creed and a church and maintain them.\(^3\)

Forces were at work, though, advocating broader interpretation of the scope of the Fourteenth Amendment. Perhaps the first definitive step came in 1897, in the case of Allgayer v. Louisiana.\(^4\) It was declared that the word "liberty," in the amendment, "is deemed to embrace the right of

\(^2\)46 F. 905 (C. C. W. D. Tenn., 1891).


\(^4\)165 U.S. 578 (1897).
the citizen to be free in the enjoyment of all his faculties." Little by little, the interpretation of the word "liberty" was broadened, with men like Justices Brandeis, Cardozo and the first Justice Harlan expressing especially strong views on the subject.

The fourteenth amendment was in force over half a century before it was used by the Supreme Court in guaranteeing to the citizens of the individual states the fundamental provisions of the Bill of Rights in regard to religious freedom. It was in 1923, in *Meyer v. Nebraska* that liberalism first appeared in the court as far as religion was concerned.

This case emanated from a Nebraska law enacted immediately after World War I in a period of intense nationalism. The statute provided that "no person, individually or as a teacher, shall, in any private, denominational, parochial or public school, teach any subject to any person in any language other than the English language" and that "languages, other than the English language, may be taught as languages only after a pupil shall have attained and successfully passed the eighth grade." The law was tested in the case of *Meyer*, who had been convicted of teaching the subject of reading in the German language in a parochial school to a child who had not passed the eighth grade. The Nebraska Supreme Court sustained the conviction, but, on appeal, the United States Supreme Court reversed the decision on the ground that the liberty of teachers and parents to educate children as

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5Id., at 589.

6262 U.S. 390 (1923).

they saw fit in private schools was infringed by the states. While this case did not bear directly on the freedom of religion, it has great significance inasmuch as it may be considered a turning point in the history of American church-state relations. Among other things, the court noted the right of each person to "worship God according to the dictates of his own conscience":

The problem for our determination is whether the statute construed and applied unreasonably infringes the liberty guaranteed . . . by the Fourteenth Amendment. "No State shall . . . deprive any person of life, liberty, or property, without due process of law."

While this Court has not attempted to define with exactness the liberty thus guaranteed, the term has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men . . . .

One of the most famous cases ever decided by the Supreme Court followed in 1925. This was Gitlow v. New York which, again, was not concerned with religion, but is nevertheless important to this study for it officially set down a principle of vast importance:

For present purposes we may and do assume that freedom of speech and of the press—which are protected by the First Amendment from abridgment by Congress—are among the fundamental personal rights and "liberties" protected by the due process clause of the Fourteenth Amendment from impairment by the States. 10

8 262 U.S. 390 at 399.

9 268 U.S. 652 (1925).

10Id; quoted in Leo Pfeffer, Church, State, and Freedom (Boston: The Beacon Press, 1953), p. 129.
Since the Gitlow case was concerned with the freedom of speech, it was neither necessary, nor could it be reasonably expected, that the court would include religion as one of the "fundamental personal rights" protected from abridgment by the states. But yet another step had now been taken in the direction of protecting religious freedom. One writer, Charles Warren, sensed this when he wrote, just after the Gitlow case:

One may well view with some apprehension the field of interference with State legislation to which a logical extension of the Gitlow case doctrine must inevitably lead the Court. For, if as now assumed, the right of freedom of speech contained in the First Amendment to the Federal Constitution is a part of a person's "liberty" protected against State legislation by the Fourteenth Amendment, then the right of free exercise of his religion contained in the First Amendment must be also a part of a person's "liberty," similarly protected against State action. And on this ground, the United States Supreme Court may be called upon to pass on State laws as to religion and religious sects—a subject which, of all others, ought to be purely the concern of the State and its own people, and in no wise subject to interference by the National Government.\(^\text{11}\)

One may or may not share Warren's apprehension, but his prediction was quite accurate, for on December 6, 1937, the Supreme Court decided the case of Palko v. State of Connecticut.\(^\text{12}\) The case concerned double jeopardy, not religion, but once again, an important principle was formulated. The due process clause of the fourteenth amendment applies to the individual states only those provisions of the Bill of Rights which "are of the very essence of a scheme of ordered liberty."\(^\text{13}\) The provisions


\(^{12}\)302 U.S. 319 (1937).

affected are those which involve principles of justice "so rooted in the traditions and conscience of our people as to be ranked as fundamental."

The court then noted that to date only the guarantees of the first amendment plus the right to counsel had been found to fit this test. Religious freedom is guaranteed by the first amendment and presumably the court implied that it would be applied against state action if the question should arise.

The question did arise in the next year, 1938, in Cantwell v. Connecticut, often considered the Magna Charta for religious liberty in this country. This was the first case specifically to use the fourteenth amendment to apply the provisions of the first amendment to the states in the matter of freedom of religion. The decision was not startling, however, for it had been well foreshadowed. The most important part of the decision said this:

The fundamental concept of liberty embodied in the Fourteenth Amendment embraces the liberties guaranteed by the First Amendment. The First Amendment declares that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. The Fourteenth Amendment has rendered the legislatures of the states as incompetent as Congress to enact such laws.

The trend in the direction of protection of individuals from state action abridging the freedom of religion was not as pronounced as the foregoing might imply, for the period before the Second World War saw many

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14 Ibid., p. 216.

15 310 U.S. 296 (1940).

16 Id., at 303.
rulings which did not in the least follow this trend. An outstanding example is a 1934 case, Hamilton v. Regents of the University of California. As members of a Methodist group opposed to war, the appellants claimed that they should be exempt from the required courses in military science. Since preparation for war was repugnant to the tenets of their church and to their consciences, they believed that they should not be forced to participate.

The court disagreed, however, and noted that:

Government, Federal and State, each in its own sphere owes a duty to the people within its jurisdiction to preserve itself in adequate strength to maintain peace and order and to assure the just enforcement of law. And every citizen owes a reciprocal duty, according to his capacity, to support and defend government against all enemies.

Justice Cardozo, in a concurring opinion, makes a significant point when he assumes that the fourteenth amendment extends the guarantee of religious liberty to the states, for this case was decided three years before Palko. But Cardozo emphasizes that Hamilton elected to attend the higher educational institution of the state and was commanded to follow the courses which the state believed vital to its welfare. On this basis, even with the first amendment read into the fourteenth, instruction in military science is not interference by the state with the free exercise of religion.

The Hamilton case was concerned with one of the two most basic aspects of the problem of religion and its connection with education:

17 293 U.S. 245 (1934).
18 Id., at 262.
19 Id., at 265–268.
religious (or, in this instance, un-religious) instruction in public schools. The other aspect of the problem is that of state aid to religious schools, as seen, for example, in the 1930 case of Cochran v. Louisiana State Board of Education, in which it was held that the state could validly provide free textbooks to all school children including parochial school students, as long as the books were not religious in nature. To give books to children was considered a service to the child, not to his school. To spend tax money for this purpose, even though a private one, did not deny due process of law, although it should be noted for the sake of speculation that the fourteenth amendment had not, when this case was decided, been held to apply the first amendment to the states.

This was no longer the situation, however, in 1947, when the Supreme Court decided Everson v. Board of Education. Like Cochran, this case dealt with whether a New Jersey township could use public funds to provide free bus transportation for parochial school children. The decision, a five to four vote, held that such action was valid since, as in the Cochran case, the aid was not to religion, but to the children. The disagreement among the members of the court was not as to whether a state government could aid religion but as to whether in this instance

20 281 U.S. 370 (1930).


religion was being aided by the state.

Released Time: The McCollum and Zorach Cases

Another issue which sparked considerable controversy a few years ago was that of released time from public schools for religious education, which first came to the United States Supreme Court in the 1948 case of McCollum v. Board of Education.23 The city of Champaign, Illinois, had set up a program whereby children were released for one period a week from regular school duties to take classes in religious instruction, if written parental consent had first been secured. The classes were held in the school buildings, attendance records were kept and the administrative machinery of the school system was used to make the program effective. The court held this practice unconstitutional since the use of school property and the tax-supported school machinery gave aid to religions in spreading their faiths.24

Mr. Justice Black wrote the majority opinion both for this case and for the Everson case. In his McCollum opinion he quoted from his previous opinion, in which he had said:

The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force or influence a person to go to or to remain away from church against his will or force him to profess a belief or


24 Cushman, op. cit., p. 103.
disbelief in any religion. No person can be punished for entertain­ing or for professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups, and vice versa. In the words of Jefferson, the clause against establis­hment of religion by law was intended to erect "a wall of separation between church and state."25

The State of New York instituted a plan similar to that of Champaign. The New York plan, which was upheld in 1952 in Zorach v. Clauson,26 allowed students to be excused from school, with their parents' consent, for the purpose of going to nearby churches or other places where religious instruction was carried on. Those who did not attend the religious classes were kept in school to do other schoolwork. Whereas the McCollum vote had been eight to one, the Zorach decision was six to three, this time in favor of upholding the off-school premises plan. The court held that this did not constitute aid to religion and therefore did not violate the first and fourteenth amendments.27

Justices Black, Frankfurter and Jackson dissented, with Frankfurter emphasizing that the plan depended entirely for its operation upon the compulsory attendance laws of the state. Justice Black maintained that the very facts which had led to the McCollum decision also appeared in Zorach. Justice Jackson's dissent had a more bitter tone. Among other things, he reminded his "evangelistic brethren" that "what should

25333 U.S. 203, at 205-6.


be rendered to God does not need to be decided and collected by Caesar. 28

Justice Douglas, writing for the majority, disagreed:

The First Amendment, however, does not say that in every and all respects, there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter. Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly. 29

According to the majority opinion, the state may cooperate with religious bodies, it may accommodate itself to their convenience and it may encourage (but not coerce) religious training. Writing of the government, Justice Douglas said that "it can close its doors or suspend its operations as to those who want to repair to their religious sanctuary for worship or instruction. No more than this is undertaken here." 30 A comparison of McCollum and Zorach would seem to indicate that the state may not finance religious groups nor may it offer religious instruction on public premises. On the other hand, the state need not be hostile to religion: "When the state encourages religious instruction or cooperation with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions." 31

29 Id, at 312.
30 Id, at 314. But Justice Frankfurter countered this by pointing out that the school involved neither closed its doors nor suspended its operations. (Id, at 320, 321.)
31 Id, at 314.
In the McCollum case, the Supreme Court of Illinois had ruled in favor of the school board, holding that there was no violation of the Constitution since the religious courses were entirely optional and no public school funds were used to finance the program. The highest court of Illinois emphasized the importance of cooperation between the state and various religious groups, not as a means of fostering certain religions, but in the interest generally of the welfare of society. Those responsible for the religious instruction in Champaign were concerned that their children should receive basic moral training, but Mrs. McCollum attacked the classes on the grounds that, though ostensibly optional, they actually resulted in compulsion on her son to participate, thereby denying him full use of his school time. In addition, Mrs. McCollum claimed that the classes resulted in a state establishment of religion.

The United States Supreme Court, through Justice Black, reversed the Illinois court and held that the Champaign system of released time violated the first and fourteenth amendments since the compulsory education laws of the state were used to assist and promote religious instruction as carried on by the different religious sects. "This," said Justice Black, "is beyond all question a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith." Justice Black might have added that since the classes were held inside the public school buildings, tax money, whether or not actually appropriated for the purpose, was being used to aid in the financing of the program.

32 U.S. 203, at 205.
In a concurring opinion, Justice Frankfurter pointed out that the decision covered only the specific set of facts found in the Champaign program of released time. Judicial scrutiny is necessitated only when challenge is made to the role of the public schools in the execution of a particular released time program. A more important part of Frankfurter's opinion was devoted to the "obvious pressure" which is placed on the school children to take part in the religious instruction classes. For Frankfurter, the fact that there is power in the hands of the school authorities to compel attendance or to discriminate against those not attending is enough to make the program invalid; the fact that the power is not used is beside the point. Frankfurter's opinion also stressed the divisiveness which is fostered among the children, for pupils who belong to non-participating sects tend to become inculcated with feelings of separation, when the school should be in operation to instill habits of unity and "togetherness." In addition to this, many of the children, whether they participate or not, begin to have consciousness of religious differences; these differences, and the awareness of them, become increasingly sharpened at an unnecessarily early age.33

Only Justice Reed dissented in the McCollum case. His ground was that the Champaign plan did not constitute an establishment of religion since it neither levied a tax to support religious teaching, nor did it

33See Edward S. Corwin, "The Supreme Court as National School Board," Law and Contemporary Problems, XIV (Winter, 1949), 8. Professor Corwin raises an interesting question when he asks if, in line with the reasoning in McCollum, the flag salute would be rendered invalid if Jehovah's Witnesses' children should complain that they were embarrassed as a result of their non-participation. Possible embarrassment was not an issue for the majority in Zorach, which might well be taken as an indication that embarrassment and social stigma are not important if the religious training occurs off-the-school grounds.
coerce a student to take part in religious instruction or punish him for his beliefs. As to the incidental advantages that various faiths might receive under this released time plan, Justice Reed noted that the court had previously upheld various forms of indirect aid to churches, notably in the Everson and Cochran cases, and through such methods as tax exemption and assistance to sectarian hospitals.

Reed, however, was a minority of one. From the writings of Reed's associates in the McCollum case it seems fair to draw several conclusions pertinent to this study. First, the use of public school property for religious instruction of any kind is invalid. From this it follows that there must be a limit to the amount of cooperation between school authorities and religious groups in the promotion of moral and spiritual values. It appears that the use of the administrative machinery of the school system to provide pupils for these classes is beyond this limit, but the courts would probably uphold as within the limit of cooperation a program of intercultural education or comparative study of religion, as distinguished from sectarian religious instruction, at least at the upper levels of public instruction. A comparative study program, however, could not give preference to one sect over another and remain within the Constitution.

**Bible Reading: The Doremus and Schempp Cases**

In regard to a program not of released time but of Bible reading in the classroom, it would seem that, under the McCollum decision alone, the Supreme Court might find the use of the public school buildings sufficient for invalidation—if the court found Bible reading to be
equivalent to religious instruction. Such has not yet been the case, for the Supreme Court of the United States has never squarely faced the issue of Bible reading in the public schools. The issue has faced the court, however, on two separate occasions, but on neither was the question clearly answered by the court. The first instance was in 1952, *Doremus v. Board of Education.* In a six to three vote, with the majority opinion by Justice Jackson, the Supreme Court dismissed the appeal in this case on the ground that the appellants had no standing to bring the question before the Supreme Court. In this case there were two plaintiffs, one the parent of a public school student and the other a taxpayer. By the time the suit reached the Supreme Court the student had graduated from the school system. The majority held that the court could not decide the merits of an issue after the alleged injury had ceased. With regard to the taxpayer (the status of both appellants at the time the case reached the Supreme Court), Jackson's opinion held that the court would review such a claim only when there was a "measurable appropriation" of public funds and a "direct dollars-and-cents injury."

The case had emanated from the following New Jersey statute:

> At least five verses taken from that portion of the Holy Bible known as the Old Testament shall be read, or caused to be read, without comment, in each public school classroom, in the presence of the pupils therein assembled, by the teacher in charge, at the opening of school upon every school day, unless there is a general assemblage of the classes at the opening of

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34 U.S. 429 (1952).

35 As in the *Everson* case.
the school on any school day, in which event the reading shall be
done, or caused to be done, by the principal or teacher in charge
of the assemblage and in the presence of the classes so assembled.

No religious service or exercise, except the reading of the
Bible and the repeating of the Lord's Prayer, shall be held in any
school receiving any portion of the moneys appropriated for the
support of public schools. . . .

In addition to this law, the Board of Education of the Borough of
Hawthorne, the defendant board, had issued a directive which excused any
student from the room during the reading "upon request." The plaintiffs
asked the New Jersey Supreme Court to invalidate the statute on the grounds
that it violated the first and fourteenth amendments.

This the court refused to do. Justice Case of that court pointed
out that state decisions upholding Bible reading far outnumbered those
which did not, that the District of Columbia Board of Education had a
Bible reading program and also recitation of the Lord's Prayer, and
finally that Bible reading was carried out in several states where there
were no statutes to authorize it.

The New Jersey court went on to say that, due to its wide acceptance,
the Old Testament, and with it the Lord's Prayer, were not to be considered
sectarian if read without comment. Justice Case also said that:

... the Constitution itself assumes as an unquestioned fact the
existence and authority of God and that preceding, contemporaneously
with and after the adoption of the constitutional amendments all
branches of the government followed a course of official conduct
which openly accepts the existence of God as Creator and Ruler of

36 N. J. Statutes, R.S. 18: 14–77 and 18; 14–88; quoted in Milton R.
Konvitz, Bill of Rights Reader (Ithaca, New York: Cornell University
the Universe; a course of conduct that has been accepted as not in conflict with the constitutional mandate.

The American people are and always have been theistic. The influence which that force contributed to our origins and the direction which it has given to our progress are beyond calculation. It may be of the highest importance to the nation that the people remain theistic, not that one or another sect or denomination may survive, but that belief in God shall abide. It was, we are led to believe, to that end that the statute was enacted; so that at the beginning of the day the children should pause to bow the head in humility before the Supreme Power. No rites, no ceremony, no doctrinal teaching; just a brief moment with eternity.

Thus the New Jersey Supreme Court believed that reading the Bible in public schools was not in violation of the United States Constitution. The last sentence quoted from the New Jersey opinion must have been written in portent of things to come, for without ritual or doctrinal teaching, and spending only a fleeting moment with this issue which seems now to have become eternal, the Supreme Court of the United States in effect strengthened the New Jersey decision.

According to Pfeffer, the Supreme Court could have, and probably should have, ruled on the merits of the case. Until the Doremus dismissal it had frequently been the policy of the court to review an appeal from a decision in a suit brought by a taxpayer in a state allowing such suits. In fact, this was the way in which two cases discussed above, Cochran and Everson, reached the highest court in the land.

In the second case of Bible reading the Supreme Court found a

37 Quoted in ibid., pp. 104-110.

38 Pfeffer, op. cit., p. 169.
different method to avoid a decision, temporarily if not indefinitely.

On October 24, 1960, The United States Supreme Court remanded to the Federal District Court for the Eastern District of Pennsylvania the case known as Schempp v. Abington, 39 in which the lower court had declared a Pennsylvania law requiring Bible reading in the public schools violative of the religion clause of the United States Constitution.

The act involved stated that:

At least ten verses from the Holy Bible shall be read, or caused to be read, without comment, at the opening of each public school on each school day, by the teacher in charge...

If any school teacher, whose duty it shall be to read the Holy Bible, or cause it to be read, shall fail or omit so to do, said school teacher shall . . . be discharged. 40

In addition to the required verses there had for many years been in effect a directive from the superintendent of public schools in Abington which required daily recitation of the Lord's Prayer. 41 The version of the Bible used was not at issue in this case, for it appeared that the one used varied from time to time and from place to place, but it does seem that there was a certain amount of coercion, for nowhere in the law was there a provision for a student to absent himself from the reading or recitation. 42

42 All of the Schempp family were Unitarians. Of the three children in the family, the eldest had complained of the reading and had asked to be excused, but her teacher refused; this issue was mooted, however, when
In this case, the first of its kind to be decided in the federal court system, the plaintiffs sought from the court a declaration that the practice of Bible reading was both an establishment of religion and an interference with the freedom to practice religion. In connection with this they sought a permanent injunction against the operation of the statute. The contention of the defendant school board was that the freedom of religion and conscience does not preclude others from hearing the Bible in the public schools, especially when it is noted that the exercises were an important aid in the development of the minds and morals of the pupils, that the state has the right to use such practices to instill precepts of morality and that there was no compulsion on the part of the plaintiffs and their children to believe or otherwise to observe the teachings from the Bible.

Basing its decision on the McCollum opinion and on dicta found in the Everson and Cantwell cases, a special three-judge district court held that required Bible reading, along with recitation of the Lord's Prayer, were in violation of the provisions of the first amendment. The court did not hold that government and religion must be divorced absolutely and in every respect, but it did say that the state may restrict the freedom of religion only in order to prevent a grave and immediate danger to interests which the state may lawfully protect. Thus it was implied, as in Cantwell, that an individual has an absolute right tostalk before the litigation. Another of the children actually participated in the reading, while the third listened passively but did not ask to be excused.

No decision as to the issues was ever rendered by a federal court in the Doremus case.
right to believe anything he wishes, and this right may be abridged only when he attempts to implement his beliefs in a manner which would harm either himself or other members of society. Would it not be logical to affirm that the state may and should protect the morals of its citizens? The court accepted this notion but, recalling the Everson case, said that in so doing the state may not aid or prefer one religion over others.

This was the point of departure between the Schempp case and other decisions on Bible reading in various state courts. A majority of state court decisions on the subject, as we shall show in Chapter III, hold that nothing sectarian may be taught in the public schools—but these decisions deny that the Bible is sectarian, for it is accepted by all Christians. In contradiction to this, the court in the Schempp case held that, due to the heterogeneity of our present population, it is no longer proper to use the term "sect" as meaning the several groups within Protestantism. The term now must include all "significant" religious factions which, although they believe in God, differ considerably from traditional Christianity. Thus, at least for this court, the Bible is a sectarian book, and the use of it denotes a preference for one religion over others thereby constituting an establishment of religion on the part of the state. "To characterize the Bible as a work of art, of literary or historical significance, and to refuse to admit its essential character as a religious document, would . . . be unrealistic." 44

The court said that the practice of reading the Bible was in fact

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177 F. Supp 398, at 404.
a religious service, and the exercises were frequently referred to by both students and teachers as "morning devotions."\textsuperscript{45}

The basis for this ruling by the district court appears sound, for the practice was implemented by teachers employed by the state government, in buildings owned by the state. This seems to be more than mere accommodation of schedules of the state to religion, which is permitted under Zorach. This becomes especially true if one accepts the notion that the practice is not religion \textit{qua} religion, but something which is sectarian.\textsuperscript{46} Dissenting opinions in both Everson and Zorach lend weight to this. On the subject of state aid to religion, Justice Black in his Zorach dissent said: "In considering whether a state has entered this forbidden field the question is not whether it has entered too far but whether it has entered at all."\textsuperscript{47}

Although the "wall of separation" does not prohibit incidental aid or accommodation of the type discussed above, Justice Rutledge, dissenting in the Everson decision, said that the purpose of the first amendment "was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion."\textsuperscript{48}

The district court held in the Schempp case that since the Bible reading took place in an atmosphere of religious ceremony, and since it

\textsuperscript{45}\textsuperscript{4d}, at 404-406.

\textsuperscript{46}``Recent Decisions,'' \textit{Virginia Law Review}, XLV (December, 1959), 1381.

\textsuperscript{47}343 U.S. 306, at 318.

\textsuperscript{48}330 U.S. 1, at 32.
was required by state law, the state itself was engaging in the inculcation of religious doctrine, thereby aiding the groups which adhered to the teachings at the expense of those groups which did not. This constituted establishment, but more than that, the practice resulted in a denial of the freedom of religion. Had attendance at the Bible reading sessions not been mandatory, it is likely that the court would not have considered the practice a denial of religious freedom, but this could not alter the fact of establishment, which is unconstitutional in itself under the doctrine of the McCollum and Zorach decisions.

Whether or not any of the Schempp children seriously objected to the readings and attempted to be excused from them is moot, although the fact that one of them actually participated seems to lend support to the minority view in Zorach that the separation of students into religious groups is inherently coercive since "the law of imitation operates and nonconformity is not an outstanding characteristic of children."\(^{49}\) As a result, there is strong pressure on the children to attend, even to participate, against the dictates of their consciences. Such circumstances would prevail even if the law permitted students to absent themselves from the reading for there still could be a psychological compulsion to remain in attendance. This, too, might abridge the freedom of religion and such a provision would not mitigate the fact of establishment.

In the hope that optional instead of compulsory attendance would make the entire Bible reading and prayer recitation program constitutional

in the eyes of the Supreme Court, the legislature of Pennsylvania modified the Bible reading statute. The revision provides that pupils shall be excused while the Bible is being read if their parents so request, but because the amendment was enacted after the district court decision but before the case could be heard by the Supreme Court, it was possible for the latter court to vacate the judgment and remand the case to the court of original jurisdiction "for such further proceedings as may be appropriate." On two occasions, then, the Supreme Court of the United States has been faced with the issue of Bible reading; both times it has been able to avoid decision on the substance of the issue. While evasive action by the court is neither necessary nor praiseworthy except as an exercise of judicial self-restraint, one reason for the action is easy to see: the problem of Bible reading in the public schools is as thorny an issue as can be raised.


52 The importance of the principle of judicial self-restraint is not doubted—but neither is the importance of the substantive issue involved in the Schempp case.
CHAPTER III

STATE COURTS AND BIBLE READING

The boundless diversity of American religious practices is a matter of historical record. Recognition of an obligation to retain religious liberty for future generations prompted early American statesmen to incorporate into their legal documents specific provisions assuring an educational system of free common schools in which their children would be educated on an equal plane and where sectarian instruction and religious intolerance would never intrude.¹

One of the most important arguments used by advocates of Bible reading in the public schools is that state constitutions bar only sectarian instruction from the schools and that Bible reading and certain prayers are in fact non-sectarian. The constitutionality of statutes permitting or requiring Bible reading obviously hinges on a definition of the term "sectarian," which, when defined by any given religious group, has a peculiar tendency to include anything to which that group is doctrinally opposed. It seems necessary, then, for the courts to make the definition of "sectarian" even though it is almost inevitable that they, too, will define the term in view of their own standards of judgment.

The Meaning of "Sect"

For purposes of this study, sectarianism is equated with

denominationalism—practices which are devoted to, peculiar to, or proactive of the interests of a particular sect or denomination. A sectarian institution is one which is "an institution affiliated with a particular religious sect or denomination, or under the control or governing influence of such sect or denomination; one whose purpose, as expressed in its charter, and whose acts, done pursuant to powers conferred, are proactive of tenets or interests of a denomination or sect."2

Marked differences appear in attempts by various state courts at definition of the word "sect." For example, one court held that a sect is a class of people believing in a certain religious creed.3 Other courts have been less inclusive:

"A 'sect' is a body of persons distinguished by peculiarities of faith and practice from other bodies adhering to the same general system. Specifically, the adherents collectively of a particular creed . . . as the Presbyterian sect . . . ."4

The use of the term "general system" in the foregoing definition opens the door to vast difficulties. Does "general system" mean simply a belief in some form of Supreme Being? If so, it would be evident that Islam and Brahmanism are sects in precisely the same way that Methodism and the Holiness groups of Christianity are sects. Perhaps "general system" has a more limited meaning—for example that Christianity is a

256 Corpus Juris, pp. 1272-1273.

3Hale v. Everett, 53 N.H. 9, at 92 (1868).

"general system" totally different from Judaism. Possibly the court intended an even more specific use for its terminology—that Protestantism is a "general system" different from Catholicism. If this is the definition it might be permissible to teach Protestantism if one did not dwell on the differences between Baptists and Episcopalians. At least one court appears to take the view that the word "sectarian" in a constitutional provision applies to the Catholic Church without distinction between the original church and the many later denominations of Christianity. 5

A Georgia decision typifies the indefiniteness of the problem and its solution: "... A 'religious sect' is a body or number of persons, united in tenets, but constituting a distinct organization or party, holding sentiments or doctrines different from those of other sects of people." 6

The Wisconsin Supreme Court, in a decision which is discussed more fully later in this chapter, held that the prohibition in the state constitution of sectarian instruction in public schools: manifestly refers exclusively to instruction in religious doctrines, and the prohibition is only aimed at such instruction as is sectarian; that is to say, instruction in religious doctrines which are believed by some religious sects and rejected by others. Hence, to teach the existence of a Supreme Being, of infinite wisdom, power, and goodness, and that it is the highest duty of all men to adore, obey, and love Him, is not sectarian, because all religious sects so believe and teach. The instruction becomes sectarian when it goes further, and inculcates doctrine or dogma concerning which the religious sects are in conflict. 7


6 Bennett v. City of La Grange, 153 Ga. 428 (1922).

7 State ex rel. Weiss v. District Board, 76 Wis. 177, at 193, 194 (1890).
There is no agreement as to a precise definition of "sect" or "sectarian," but it is generally agreed that any institution which qualifies as a "sect" or any form of instruction which is undeniably "sectarian" must remain outside the realm of politics and must not attempt to inculcate its doctrines into the public educational system. Unfortunately, this principle often becomes clouded in particular situations with the result being litigation and the necessity of judicial intervention with regard to the denial of religious freedom in the public schools. The remainder of this chapter will be limited to a state-by-state review of judicial decisions on the state level dealing with the problem of Bible reading and prayers in the public schools.

Much of the litigation arising from alleged sectarianism in public schools emanates from the question of whether reading the Bible, in whole or in part, with or without comment, in the classroom, infringes upon the American notion of religious freedom and separation of church and state. Part of the conflict lies in the differences in the King James, the Revised Standard and the Douay translations of the Bible, and part lies in the rejection in toto of the New Testament by Judaism.

States in Which Bible Reading Has Been Upheld

Colorado

In the 1927 case of People ex rel. Vollmar v. Stanley, the Colorado Supreme Court upheld the validity of Bible reading in the

81 Col. 276 (1927).
public schools of that state. Attendance at the Bible reading sessions was optional and the King James Version was read without comment. The court held that when performed in this manner such exercises did not amount to sectarian instruction. Since attendance was not required, the court answered the question as to whether this constituted a stigma on the non-attender in these words: "The shoe is on the other foot. We have known many boys to be ridiculed for complying with religious regulations, but never one for neglecting them or absenting himself from them."9

In what was actually obiter dictum, since the particular question was not raised by the litigants, the court admitted that some sections of the King James version of the Bible could be considered sectarian.10

Georgia

The City Commission of Rome had enacted that the Old or New Testament must be read in all city schools, without comment, and further provided that a pupil could be excused from the reading sessions on the grounds of conscientious objection at the request of his parents or guardian.11 The 1922 case of Wilkerson v. City of Rome,12 arising from this legislation, brought the decision that such a law does not interfere with the freedom to worship, even though a prayer was said by the teacher, since the pupil did no more than listen; he did not actively participate.

10 Ibid.
11 Alvin W. Johnson and Frank H. Yost, Separation of Church and State in the United States (Minneapolis: The University of Minnesota Press, 1948), p. 4
12 152 Ga. 762 (1922).
The relevant portions of the Constitution of Georgia are typical both of states which have upheld Bible reading and of those which have invalidated it, providing that:

All men have the natural and inalienable right to worship God, each according to the dictates of his own conscience, and no human authority should in any case control or interfere with such right of conscience.

No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, or denomination of religionists, or of any sectarian institution.\(^{13}\)

The court held that the reading involved in this case was not of a sectarian nature. Church and state are not totally separate, nor was complete separation intended by the framers of the Georgia constitution. Furthermore, public funds were not expended for Bible reading, since the length of time involved in the reading was almost negligible. The theory to which the Georgia court adhered is a common one: that "sectarian" refers only to the Christian sects, since Jews, Moslems and atheists would regard all versions of the Bible as sectarian.

Iowa

The statute involved in the 1884 case of Moore v. Monroe\(^{14}\) read that "\(\)The Bible shall not be excluded from any public school or institution in the state, nor shall any child be required to read it contrary to the wishes of his parent or guardian."\(^{15}\) In the situation

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\(^{13}\)Constitution of Georgia, Article I, Sections 12 and 14.

\(^{14}\)Ia. 367 (1884).

\(^{15}\)Code of Iowa, 1931, section 4258, as quoted in Johnson and Yost, op. cit., p. 50.
involved in this litigation there was Bible reading, hymn singing and prayer, but without comment and without compulsory attendance. The Iowa Supreme Court held that the religious liberty clause of the state constitution does not prevent the casual use of public buildings for worship, especially when attendance is voluntary. 16

Kansas

In Topeka, the Lord's Prayer and the Twenty-third Psalm were recited, but without comment. It was done primarily as a morning exercise designed to quiet the pupils, but, on the other hand, a child could be excused (although one student was expelled from school for doing his regular school work during the devotions). 17 The Kansas Supreme Court, in the 1904 case of Billard v. Board of Education, 18 held that this was neither religious worship nor sectarian instruction within the meaning of the state constitution. Nor was it a misuse of public funds; on the contrary, Bible reading is designed to encourage intellectual and moral improvement in the child and it is the duty of the schools to promote these values.

Kentucky

In 1905, the year after the Kansas decision, the Supreme Court of Kentucky was asked to render a decision in a situation where, as in Iowa, the King James Version of the Bible was read (but not commented upon),

16 Emerson and Haber, op. cit., p. 1171.

17 Johnson and Yost, op. cit., p. 46.

18 69 Kansas 53 (1904).
and there were prayers and hymns. Pupils could be excused from participation.\textsuperscript{19} A Catholic, Thomas Hackett, contended that Bible reading amounted to an appropriation of public funds in aid of sectarian schools, prohibited by the state Bill of Rights: "No portion of any fund or tax . . . levied for educational purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian, or denominational school."\textsuperscript{20}

Hackett also contended that such reading was prohibited by the following statutes: "No books or other publications of a sectarian . . . character shall be used or distributed in any common school; nor shall any sectarian . . . doctrine be taught therein."\textsuperscript{21}

The opinion of the court held that the King James Version of the Bible is not sectarian if it is not commented on, because it does not teach the dogmas of any sect as such, even though it might be accepted and used by some sects:

That the Bible, or any particular edition, has been adopted by one or more denominations as authentic, or by them asserted to be inspired, cannot make it a sectarian book. The book itself, to be sectarian, must show that it teaches the peculiar dogmas of a sect as such, and not alone that it is so comprehensive as to include them by the partial interpretation of its adherents. Nor is a book sectarian merely because it was edited or compiled by those of a particular sect. It is not the authorship nor mechanical composition of the book, nor the use of it, but its contents that give it its character.\textsuperscript{22}

\textsuperscript{19}Hackett v. Brooksville Graded School District, 120 Ky. 608 (1905).

\textsuperscript{20}Constitution of Kentucky, Bill of Rights, Section 189.

\textsuperscript{21}Kentucky Statutes, 1930, Section 4368.

\textsuperscript{22}120 Ky. 608.
The court recognized that public prayer is public worship, but considered the acts involved in this case neither sectarian nor compulsory; thus this practice was not an invalid use of public schools and public funds for worship.

Maine

The first litigation on the question of Bible reading in the public schools appeared in Maine in 1854, with the case of Donahoe v. Richards. As in the later Kentucky incident one of the litigants in this case was a Catholic, but this case differs from those discussed previously in that the King James Version of the Bible had been adopted as a textbook, the use of which was compulsory for all pupils. Donahoe's daughter had been expelled for her refusal (at her father's direction) to read this Protestant version of the Bible, as ordered by her teacher. The constitutionality of the Maine requirement hinged on the use of the Bible as a textbook, but the court held that the adoption of one version over another does not place a sanction of "purity" of the text or accuracy of its translation on that version. The state legislature, while prescribing that the Bible should be read, had placed the power of selection of a particular version in the hands of the local committees. Of this the court said: "The power of selection is general and unlimited. It is vested in the committee of each town. It was neither expected nor intended


24 Johnson and Yost, op. cit., p. 44.
that there should be entire uniformity in the course of instruction or in the books to be used in the several towns in the state."\(^{25}\)

The effect of the decision is that, under Maine law, it is not an infringement on individual religious freedom to require a student to take part in reading from a particular version of the Bible.

Massachusetts

Another early case, Spiller v. Inhabitants of Woburn,\(^{26}\) in 1866, resulted in a decision similar to that in Maine. In Woburn, the town committee had required that schools be opened with a prayer and readings from the Bible. One provision of the requirement was that the pupils should bow their heads during the prayer, but a child could be excused from this particular part of the devotion upon parental request.\(^{27}\) The provision as to individual omission of this part of the exercise had come about only as a result of objections from a student named Ella Spiller. Unfortunately, her father declined to request such an excuse and the girl was dismissed from the school.\(^{28}\)

The court held that a town committee can require Bible reading and prayer, but a student may not be required to conform to a religious rite or ceremony contrary to his beliefs and conscience, for this would be violative of a provision of the Constitution of Massachusetts which

\(^{25}\)Ibid., pp. 41-42.

\(^{26}\)44 Mass. 127 (1866).

\(^{27}\)Emerson and Haber, op. cit., p. 1172.

\(^{28}\)Johnson and Yost, op. cit., p. 42.
reads: "No subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession or sentiments ... ."29

However, the court held that in this situation bowing one's head is not a religious ceremony or rite, for the purpose was not to compel prayer but merely to prevent interruption. Furthermore, it was not compulsory since, if his parents wished, a student could even be excused from bowing his head.30

Michigan

The State of Michigan enacted a statute, optional with local school boards or teachers, permitting daily readings from a book called Readings from the Bible, composed almost entirely of Biblical extracts emphasizing the moral precepts of the Ten Commandments. No comment could be made on these readings and a pupil could be excused if he so desired.31 The Michigan Supreme Court, in the 1898 case of Pfeiffer v. Board of Education of Detroit,32 held that this in no way violated the state constitution. As to the many problems involved in Bible reading, these were left to the discretion of the state Board of Education as an administrative matter.

29Constitution of Massachusetts, Part I, Article 2, as quoted in ibid., p. 12.

30Ibid., p. 43.

31Emerson and Haber, op. cit., p. 1172.

32118 Mich. 560 (1898).
Minnesota

The Supreme Court of Minnesota, like that of Michigan, left the question of the propriety of Bible reading to school authorities. The ministerial association in the town of Virginia, Minnesota, had requested the city to place a Bible in every classroom and to direct the superintendent of schools to make suitable selections to be read daily by the teacher in each room at the opening of school. The Board of Education acceded to this request and placed the King James Version of the Bible in the classrooms. There were no comments on the selections read, all of which came from the Old Testament, and a pupil could leave the room during the reading if he so desired. The appellants contended that this practice violated certain portions of the state constitution:

The right of every man to worship God according to the dictates of his own conscience shall never be infringed... nor shall any control of or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishment or mode of worship... nor shall any money be drawn from the treasury for the benefit of any religious societies...

But in no case shall... any moneys or properties be appropriated or used for the support of schools wherein the distinctive doctrines, creed, or tenets of any particular Christian or other religious sect are promulgated or taught.

In a sharply divided decision, the court held that the practices

33 See Johnson and Yost, op. cit., p. 56, and Emerson and Haber, op. cit., p. 1173.

34 Constitution of Minnesota, Article I, section 16; Article 8, section 3, as quoted in Johnson and Yost, op. cit., pp. 56-57.

did not violate these or any other provisions of the state constitution, for the purpose of the Bible reading was to implant in the minds of the students high moral and ethical standards, and not to teach the doctrines of any church. There was no compulsion since students could be excused from the devotions, and therefore there was no abridgment of religious liberty. In this 1927 case, the court seemed to take a position quite similar to the courts of other states: where legislatures have vested the administration of public education in school boards or commissions, the judiciary will not interfere with regulations unless it is clearly shown that abuses exist. This was the judgment in the Minnesota case, but at the same time the opinion seemed to hold a faint suggestion that Bible reading, while not unconstitutional, is a needless cause of friction in the schools.36

Nebraska

In the case of State v. Scheve,37 in 1902, the Nebraska Supreme Court implicitly upheld the principle of Bible reading, but prohibited the particular practice in question. A teacher had received permission from her local school board to hold religious exercises during school hours. These exercises were to consist of readings from the Bible, hymn singing, and the offering of prayer according to the doctrines, beliefs and rites of certain churches.38 When objections were raised,

36 Johnson and Yost, op. cit., p. 58.

37 65 Neb. 853 (1902).

38 Johnson and Yost, op. cit., p. 64.
the court agreed that this was sectarian instruction and therefore to be discontinued, but rendered only an obiter dictum statement as to Bible reading in general: "Certainly the Iliad may be read in the schools without inculcating a belief in the Olympic divinities, and the Koran may be read without preaching the Moslem faith. Why may not the Bible also be read without indoctrinating children . . .?" 39

New York

The Charter of the City of New York included a provision which prohibited the Board of Education from excluding the use of the Bible in any local school. The highest New York court upheld the validity of this action, holding that Bible reading does not destroy the proper relation of church and state, as long as the readings are not commented upon. 40

Ohio

The Ohio Supreme Court has left the problem of Bible reading to the discretion of school administrators, thus leaving the implication that reading the Bible in Ohio schools violates no provision of the state constitution. The court upheld a resolution of the Board of Education of Cincinnati which discontinued the daily reading of the King James Version of the Bible, and further prohibited any form of


religious instruction or the reading of any books of a religious character.\textsuperscript{41} Part of the opinion, written by Justice Welch in the 1872 case of \textit{Board of Education of Cincinnati v. Minor}\textsuperscript{42} has often been quoted in similar litigation since that case:

Legal Christianity is a solemism, a contradiction of terms. When Christianity asks the aid of government beyond mere impartial protection, it denies itself. Its laws are divine, and not human. Its essential interests lie beyond the reach and range of human governments. United with government, religion never rises above the merest superstition; united with religion, government never rises above the merest despotism; and all history shows us that the more widely and completely they are separated, the better it is for both.\textsuperscript{43}

Texas

A school board resolution required the presence, but not the participation, of pupils for morning religious exercises which consisted of reading without comment verses from the King James Version of the Bible, recitation of the Lord's Prayer and the singing of hymns.\textsuperscript{44} The Texas Supreme Court decided unanimously in \textit{Church v. Bullock}\textsuperscript{45} that such practices do not make the school sectarian, even in view of a provision of the state constitution which reads: "No human authority ought ... to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious...

\textsuperscript{41}Emerson and Haber, \textit{op. cit.}, p. 1173.

\textsuperscript{42}23 Oh. St. 211 (1872).

\textsuperscript{43}Id., as quoted in Johnson and Yost, \textit{op. cit.}, p. 59.

\textsuperscript{44}Emerson and Haber, \textit{op. cit.}, p. 1173.

\textsuperscript{45}104 Tex. 1 (1908).
California

The law of California does not permit Bible reading in the public schools and no case has ever arisen on this precise issue, but in 1924 the case of Evans v. Selma Union High School District$^{47}$ brought to the fore the issue of purchasing copies of the Bible for a school library, since a section of the California School Code states: "No publication of a sectarian, partisan, or denominational character must be used or distributed in any school, or be made a part of any school library; nor must any sectarian or denominational doctrine be taught therein."$^{48}$

The school library involved in the litigation had purchased twelve copies of the King James Version of the Bible solely for use in the library. The California Supreme Court held that, at least in the context of this case, the King James Version is not sectarian and its purchase and use in this manner does not imply acceptance by the state of the doctrines found in the Bible. The court set up what seem to be a rather lenient set of standards to determine whether or not a book may be called sectarian: (1) the basic principle is the character of the book

$^{46}$ Constitution of Texas, Article I, section 6, as quoted in Johnson and Yost, op. cit., p. 53.

$^{47}$ 193 Cal. 54 (1924).

$^{48}$ Code of California, section 1672 (School Code 3.52).
and not its author or its approval or disapproval by a sect. (2) The book must teach the doctrines of a sect as such. The fact that it may include the doctrines of several sects does not make it sectarian. (3) The fact that the author might be a member of one sect does not make his book sectarian. (4) The fact that the King James Version is widely used only by Protestants does not make it sectarian.

The standards used by the California Supreme Court in the problem of Bibles in the school library seem to be those used by most of the states in which the principle of Bible reading in the classroom has been upheld. There are, of course, variations in emphasis, with some courts pointing out that religious education on a non-sectarian basis is not only a proper function but a duty of the state. Other opinions have emphasized the fact that the Bible has traditionally been a part of the American educational system, or that Biblical readings, especially when done without comment are non-denominational and can readily be accepted by all, or that the Bible is the greatest literature of our civilization, or that, in almost every instance today, the program of Bible reading is voluntary with the pupil and he need not participate if he objects.

Not all states, however, have agreed with these notions. Some courts have held that the non-sectarianism of the Bible is simply fictional and others have held that the so-called voluntariness of the program is equally fictional, for to excuse himself from participation a student separates himself socially from other students and subjects himself and his religion to a social stigma or ostracism. As noted

49 Johnson and Yost, op. cit., p. 61.
above, there are also courts which, while unable to find unconstitutionality in Bible reading, have suggested that such a program creates more administrative problems than it solves.

States in Which Bible Reading Has Been Held Unconstitutional

Illinois

An Illinois statute provided for the reading of the King James version of the Bible with the pupils required not only to listen but also to stand devoutly. After the reading, there were comments and the students were asked questions about the reading. Included in the exercises were hymn singing and recitation of the Lord's Prayer.\(^{50}\) In 1910, in State ex rel. Ring v. Board of Education,\(^{51}\) the Illinois Supreme Court held that this practice violated the religious freedom clause of the state constitution and also a provision of that constitution which prohibits the use of state funds in aid of sectarian purposes. Speaking of the Bible, the court said that whether it may be called sectarian or not, its use in the schools necessarily results in sectarian instruction, and the version of the Bible used is irrelevant, for all versions are sectarian to the non-Christian.\(^{52}\) The court pointed out that the public schools are supported by taxes levied on members of all faiths and on people of no

\(^{50}\)Emerson and Yost, op. cit., p. 61.

\(^{51}\)245 Ill. 334 (1910).

\(^{52}\)Superintendent of Public Instruction, State of Illinois, Supreme Court Decisions Concerning Reading of the Bible and Religious Education in the Public Schools, p. 13. (Reprint of opinion in 245 Ill. 334.)
faith at all. The decision in this case also noted that:

The exclusion of a pupil from this part of the school exercises in which the rest of the school joins, separates him from his fellows, puts him in a class by himself, deprives him of his equality with the other pupils, subjects him to religious stigma and places him at a disadvantage in the school, which the law never contemplated. 53

Louisiana

Five years after the Illinois case, a similar practice in Louisiana was invalidated, again with emphasis on the stigma involved when a student refrains from participation. A school board resolution required daily Bible reading without comment and made optional the recitation of the Lord's Prayer. 54 In Herold v. Parish Board of School Directors 55 the court held that the reading of the Christian Bible in any version is an invasion on the freedom of conscience of Jews and also violates a state constitutional prohibition against expenditures of public funds in aid of any church or sect. Regarding the provision in the resolution that students of minority faiths could be excused from the daily reading, the court said that:

... excusing such children on religious grounds, although the number excused might be very small, would be a distinct preference in favor of the religious beliefs of the majority, and would work a discrimination against those who were excused. The exclusion of a pupil under such circumstances puts him in a class by himself, it subjects him to a religious stigma ... 56

53 Ibid., p. 114.
54 Emerson and Haber, op. cit., p. 1170.
55 136 La. 1034 (1915).
56 Id., as quoted in Johnson and Yost, op. cit., p. 64.
It is interesting to compare this type of sociological decision with the later Colorado case where the question of stigma on the part of those excused was viewed in a totally different light. The Louisiana court also emphasized that the Bible is essentially a religious document and that:

To read the Bible in the public schools requires that it be read reverently and worshipfully. As God is the author of the Book, He is necessarily worshipped in the reading of it. And the reading of it forms part of all religious services in the Christian and Jewish churches, which use the Word. It is as much a part of the religious worship of the churches of the land as is the offering of prayer to God.

New Jersey

Litigation in New Jersey courts has produced two cases relevant to the problem of Bibles in the schools. The first of these, Doremus v. Board of Education, has been discussed earlier; since no state issues were involved it need not be re-discussed in this chapter, except to emphasize the decision of the New Jersey Supreme Court that Bible reading per se does not constitute the kind of religious instruction prohibited by the United States Constitution.

The second New Jersey case, however, while not directly reversing the Doremus decision, considerably modified it. This case was Tudor v. Board of Education of Rutherford, in which the court held unconstitutional

57 See supra, p. 37.


59 35 N.J. 435 (1950); see supra, pp. 25-27.

60 14 N.J. 31 (1953).
the distribution of the Holy Bible by the Gideons International, a Protestant organization, in the public schools of New Jersey. The Gideon Bible, which consisted of the New Testament, the Book of Psalms and the Book of Proverbs, was objectionable both to Jews and to Catholics. The Board of Education of Rutherford, New Jersey, had agreed to distribute copies of this Bible to pupils whose parents had given written permission and the Bibles were to be distributed at the close of the school day with only those pupils in the classroom who were actually to receive the books. The New Jersey Supreme Court held that this action violated both the state and federal constitutions since such distribution was preferential to Protestantism, thereby abolishing the neutrality which the state is required to maintain.61

The court differentiated between this situation and that occurring in the Doremus case by repeating that the Old Testament and the Lord's Prayer, without comment, do not constitute sectarian instruction or worship. The court also held that even though acceptance of the gift from the Gideons may be purely voluntary, it still constitutes sectarianism, and the state may not even "accommodate" religion if the facilities of the public school are actively used for the preference of one religion over others. As in the Doremus case, the United States Supreme Court declined to review the decision.62


62 348 U.S. 816 (1954); cert. den.
The case of State ex rel. Finger v. Weedman,63 in 1929, did not result in a direct ruling on the right to read the Bible in the public schools of South Dakota. Certain pupils had been dismissed from school for refusing to attend religious exercises, which included reading from the King James Version of the Bible and recitation of the Lord's Prayer. The court held that the Bible, as it was used in the schools involved in this litigation, was not for a secular purpose, but for "increasing, improving, and inculcating morality, patriotism, reverence, and the developing of religious and Christian character of the pupils."64 The only relief sought by the plaintiffs was the reinstatement of the pupils, and this the court granted. But the tenor of the case seemed adverse to Bible reading in public schools, for the court pointed out that serious problems may arise in selecting the version of the Bible to be read. The court also suggested that it should not be necessary to teach religion in the schools since churches exist to serve that function.65 As a result of this decision, the permissive Bible reading statute of South Dakota was deleted from the state code.66

63 S.D. 343 (1929).
64 Id., as quoted in Johnson and Yost, op. cit., p. 48.
65 Ibid., p. 49.
The Constitution of Washington states that "no public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction, or the support of any religious establishment." The same constitution also provides that "all schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence." The 1930 case of State ex rel. Clithero v. Showalter arose when the appellants sought a writ of mandamus to compel the state board of education to arrange for Bible reading and instruction in the public schools. On the basis of the sections of the constitution cited above and also because of its 1918 ruling on a similar issue, the Washington Supreme Court denied the writ. The case was appealed to the United States Supreme Court which dismissed the appeal, saying that no substantial federal question was involved.

This case is unique in that it was the first attempt, through the courts, to require the teaching and reading of the Bible. The court held that, irrespective of the constitutionality of Bible reading, it could not grant a writ of mandamus controlling the discretion of an administrative board of officers in whom has been vested discretionary power. If one considers the decision thoroughly, however, there seems to be more than a suggestion that the board of education had no

67 Constitution of Washington, Article I, section 11.
68 Ibid., Article IX, section 4.
69 159 Wash. 519 (1930).
70 284 U.S. 573 (1939); app. dism.
discretionary powers in this particular matter.

Wisconsin

The case of State ex rel. Weiss v. District Board,\textsuperscript{71} in 1890, emanated from circumstances in which the King James Version of the Bible was read daily, but without comment, and students could be excused from participation. The Wisconsin Supreme Court held that this practice, even though non-compulsory, violated a state statute which prohibited text books "which would have a tendency to inculcate sectarian ideas."\textsuperscript{72}

This court, too, looked with sympathy on the individual who excused himself from the devotions for it said that when:

\textbf{... a small minority of the pupils in the public school is excluded, for any cause, from a stated school exercise, particularly when such cause is apparent hostility to the Bible which a majority of the pupils have been taught to revere, from that moment the excluded pupil loses caste with his fellows, and is liable to be regarded with aversion and subjected to reproach and insult. ... The practice in question tends to destroy the equality of the pupils which the constitution seeks to establish and protect, and puts a portion of them to serious disadvantage. ...}\textsuperscript{73}

The court also held that the practice interfered with freedom of worship. Moreover, it was held to constitute "sectarian instruction," prohibited by the Wisconsin Constitution, and also the use of public funds for religious instruction, likewise prohibited.

The court made clear that to prohibit Bible reading in schools

\textsuperscript{71}Wis. 177 (1890).

\textsuperscript{72}Emerson and Haber, \textit{op. cit.}, p. 1171.

\textsuperscript{73}Wis. 177, at 199.
is not to deny the value of Scripture; it is not disastrous to religion, nor is it harmful to the influence of religion in the minds and actions of men. "We most emphatically reject these views. The priceless truths of the Bible are best taught to our youth in the church, the Sabbath and parochial schools, the social religious meetings, and, above all, by parents in the home circle." 74 In this case, the Bible itself was held to be sectarian, but it should be noted that a later Wisconsin decision held that non-sectarian prayer by a minister at a public school graduation is not religious instruction, and is therefore constitutional. 75

Summary

Twelve state constitutions specifically prohibit sectarian instruction in public schools, but no state constitution makes any explicit prohibition of reading the Bible as such, and thus questions as to the legality of Bible reading have been left to the courts. It is especially interesting that the Constitution of Mississippi specifies that the rights of religious liberty do not exclude the Holy Bible from use in the public schools of that state. 76

As unilluminating as state constitutions are on this problem, they are not as confusing as the various state statutes. About one-half of

74, as quoted in Johnson and Yost, op. cit., p. 70.

75 State ex rel. Conway v. District Board, 162 Wis. 482 (1916).

the states have laws prohibiting sectarian instruction in public schools, but in most of these states Bible reading does not seem to be interpreted as sectarian instruction; indeed, twelve states have passed laws requiring that the Bible be read in the schools and in seven of these twelve there is also legislation prohibiting sectarian instruction. In addition to the twelve states requiring Bible reading, there are six in which permissive legislation has been passed, making Bible reading optional with local officials. In approximately nineteen other states Bible reading has been rendered acceptable in the public schools through court decisions, rulings of the attorney general or the department of education, or simply by local custom.

In most states where Bible reading takes place, comments may not be made on the passages read, although, as we shall see later, this restriction cannot always be enforced. Ordinarily, the statutes do not prescribe the version of the Bible to be read, but almost invariably the one chosen is the King James Version, accepted neither by Catholics nor by Jews.

\[77\text{ Ibid., p. 192.}\]
CHAPTER IV

BIBLE READING AND THE SUPREME COURT OF TENNESSEE

It is in no way surprising that the highest court of a state in which the validity of a law prohibiting the teaching of evolution was upheld, should also uphold a law requiring the daily reading of the Bible in the public schools. This the Supreme Court of the State of Tennessee has done; the consistency and acceptability of such action in terms of the socio-religious complexion of the people of the state is beyond challenge. From a legal view, however, either or both of these decisions might be within the scope of challenge, since the Constitution of Tennessee says:

That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any minister, against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or mode of worship.

That no political or religious test, other than an oath to support the Constitution of the United States and of this State, shall ever be required as a qualification to any office or public trust under this State.¹

The issue arises in regard to a Tennessee statute which reads:

¹Constitution of Tennessee, Article I, Sections 3 and 4. But it may also be significant that the following provision is also a part of the Tennessee Constitution: "No person who denies the being of God, or a future state of rewards and punishments, shall hold any office in the civil department of this State." (Article 9, Section 2.) Undoubtedly, this provision is rendered invalid by Torcaso v. Watkins, U.S. _, 29 JW 1665 (1961). See Chapter I.
It shall be the duty of the teacher...

To read or cause to be read at the opening of the school every day a selection from the Bible, and the same selection shall not be read more than twice each month.²

Phillip M. Carden, resident of Nashville, taxpayer, and parent of public school children, believed that there was a basic and irreconcilable opposition between both the United States and Tennessee constitutions and the state statute which required reading of the Bible in the public schools.³ Consequently Carden sought from the Chancery Court of Davidson County an injunction to restrain the Nashville school board from continuing Bible reading, on the grounds that this practice was both an establishment of religion and a violation of religious freedom.⁴ In a fashion similar to that of the United States Supreme Court, the Supreme Court of Tennessee was hesitant to make a decision on the issue, saying that the complainants might not have sufficient interest to sue. But the court finally decided to hear the case since it felt that there was a "general public interest involved." One might wonder what qualifications would be necessary to bring suit if Carden did not have the qualifications, for it was probably implied in the Doremus decision that parents of children in school would have standing to sue.

³As with the Schempp family, the Cardens were Unitarians.
⁴Carden v. Bland, 199 Tenn. 665.
From the decision in the case emerge the following facts of importance: the King James Version of the Bible was read in the classroom, the Lord's Prayer was recited and hymns were sung frequently. It was also charged originally that the teacher of one of the Carden children asked each Monday which of the pupils had attended Sunday School that week. Those who had failed to attend were required "to copy many verses from the Bible." This particular issue was subsequently made moot by the stipulation that the Sunday School inquiries had ceased. It also appeared that teachers commonly asked of the students questions pertaining to the daily Bible reading. The complainants charged:

that the said practices and each of them are contrary to their religious beliefs and principles; and that they have been and will continue to be aggrieved, offended and embarrassed by the said practices thus sanctioned and approved by the defendant Board of Education.6

The opinion in Carden v. Bland was written by Chief Justice A. B. Neil without dissent and was delivered on March 9, 1956. In a manner not unlike the decision in the famous Scopes trial of 1925,7 the opinion in Carden seemed to read very much like the arguments of the State—in this case the Nashville school board.8 Although the court did not base its decision on Scopes, many of the arguments of the thirty year old evolution

5Id, at 668.
6Id, at 669.
7Scopes v. State, 154 Tenn. 105 (1927), which upheld a statutory prohibition on the teaching of evolution in public schools.
8Mrs. Tom A. Bland was first in an alphabetical listing of board members; hence this case is known as Carden v. Bland, although all of the board members were defendants.
case, pointing out that to constitute a violation of rights, legislation must work an establishment of religion, provide for compulsory support, make attendance or worship compulsory or impose restrictions on the expression of belief. The present statute required only that the teacher read a section from the Bible. If the anti-evolution statute in Scopes does not violate the Constitution, neither does the pro-Bible reading statute in Carden.

The opinion of the court in Carden began by emphasizing the principle that the public schools cannot conduct a program of religious education. To this the court added that the schools likewise cannot explain the meaning of the Bible.9 Reading the Bible without comment, hymn singing and reading the Lord's Prayer do not violate the freedom of religion, nor do these practices make the school a place of worship. The doctrine of separation of church and state "should not be tortured into a meaning never intended by the founders of the Republic, making the school system a godless institution as a matter of law."10 Instead, students should be taught not to forget God and that is all that this statute requires. For the court, this is neither establishment nor abridgment of religious freedom. The court freely admitted that the mandates of the Tennessee Constitution regarding religion are broader and much more specific than those of the United States Constitution, but at the same time the justices found it "difficult to view these simple ceremonies" as establishment or interference.11

9199 Tenn. 665.
10Id., at 665.
11Id., at 674.
Included in the Carden opinion were numerous quotations from U.S. Supreme Court decisions in the area of religion and education. The court found it possible to refer to McCollum, Zorach and Everson, and also to a majority of the state decisions in the field, with a great deal of reliance on the New Jersey Doremus decision. But there was no mention in the review of state cases of any decision which had invalidated Bible reading. From Zorach, Justice Neil noted that the "government must be neutral when it comes to competition between sects."\(^{12}\)

This was followed by a seconding of the Doremus opinion that: "We consider that the Old Testament and the Lord's Prayer pronounced without comment, are not sectarian, and that the short exercise provided by the statute does not constitute sectarian instruction or sectarian worship."\(^{13}\)

Undoubtedly the Doremus case is relevant in the Tennessee opinion, although there are important differences between the two statutes. The New Jersey statute permits reading only from the Old Testament while no such limitation occurs in Tennessee. The law in Tennessee makes no mention of comments on the reading while New Jersey specifically prohibits any interpretation; New Jersey requires "at least five verses" to be read each day, but no such mandate appears in the Tennessee law. These differences, however, do not seem to express variations in legislative intent, for both states felt that the Constitution does not imply that the state should be stripped of all religious sentiment; indeed, both legislatures

\(^{12}\) Quoted in id., at 674 from 343 U.S. 306.

\(^{13}\) Quoted in id., at 674 from 5 N.J. 435.
saw fit to enact a statute which would permit children to begin the day by hearing "words from the wisdom of the ages and bow their heads in humility before the Supreme Power."\(^{14}\)

Sectarian teachings were held unconstitutional in the McCollum case, where actual religious instructors were employed to teach various faiths, with tax supported institutions and the compulsory attendance machinery of the state used for sectarian instruction. The Tennessee Supreme Court differentiated Carden from the Illinois case on the basis that no teachings of any sect were involved, nor was the complainant ever injured or offended or compelled to approve or accept any creed or sectarian doctrine. He was not even obliged to listen when the Holy Bible was read.

But were the Carden children required to be present during the reading of the Bible and the recitation of the Lord's Prayer? This question cannot really be answered, since there was no allegation that Carden had made an attempt to have his children excused from the reading. The fact that the law fails to mention the possibility of absence from the room would seem to indicate that, under the statute, a teacher could refuse to excuse a pupil. Several of the state court decisions discussed earlier invalidated statutes only if attendance at the reading was compulsory. Laws not compelling attendance seem to be predicated on the theory that Bible reading might be a violation of religious freedom but that release from the reading rectifies any possible abridgment.

Again the sociological question may be raised, and the words of

\(^{14}\)Brief of Appellees, p. 8.
the United States Supreme Court on the problem of school segregation seem germane:

The impact is greater when it has the sanction of the law; for the policy of separating . . . is usually interpreted as denoting the inferiority of the . . . group. A sense of inferiority affects the motivation of the child to learn.15

The release of one pupil from the reading of the Bible also seems to emphasize the fact that some form of religion—distasteful to that particular student—is being fostered in and by the public school. If this is true, it seems to conflict directly with dictum in the Everson case which holds that aid to any or all religions is invalid.16 The Carden decision might, however, square with the Everson decision if one views the practice in Tennessee as directly beneficial to the pupil and only incidentally beneficial to the churches. The separation principle does seem to permit certain activities of a public nature from which churches derive indirect benefit, if these activities are in that nebulous domain known as the public interest. An attempt will be made in subsequent chapters to show that to label the Tennessee Bible reading practices "moral training for public welfare" may be too great an extension of the Everson doctrine.

The two most salient problems in the issue of Bible reading seem to intertwine themselves in the Tennessee case. The first of these problems is concerned with compulsory attendance during the reading, which would almost undoubtedly violate religious freedom; the second


16 This dictum became the ratio decidendi in McCollum.
considers the question of whether or not the facts of the case amount to
instruction in religion. Most state courts, and the Supreme Court of
Tennessee is no exception, have not troubled to see if any general sys-
tems of faith are furthered by Bible reading, but only to see if any par-
ticular creed or church is aided. It would be difficult to find a school
situation where Methodism was favored over Presbyterianism, but, as will
be shown later, instances abound in Tennessee where Protestantism in
general is favored over Unitarianism, Catholicism or Judaism. Although
the Bible reading statute in Tennessee neither forbids nor permits com-
ments or interpretation,\textsuperscript{17} the state Supreme Court assumed that no inter-
pretation took place and this alone was sufficient to distinguish the
Tennessee practice from religious instruction. It was held that the
practice amounts only to an invocation of divine guidance which is not
unconstitutional. In fact, according to the court, instruction pre-
supposes interpretation and this is impossible since: "it is beyond the
scope and authority of School Boards and teachers in the public schools
to conduct a program of education in the Bible and undertake to explain
the meaning of any chapter or verse in either the Old or the New Testa-
ment."\textsuperscript{18}

Where the court found justification for this statement is diffi-
cult to say, unless it is derived from other state cases. It did not

\textsuperscript{17} But the Tennessee Department of Education has a general direc-
tive forbidding comments on the matter read.

\textsuperscript{18} 199 Tenn. 665, at 721.
come from the law of Tennessee. It seems advisable to devote the re-
mainder of this paper to an exposition of the religious practices in the 
public schools of Tennessee that do not have their source in this law or 
in any other law. As for the Supreme Court in the Carden case, it can 
be said that the justices refused to view the Bible as a sectarian book. 
This is in harmony with the Doremus case, but not with the view of the 
federal district court in the Schempp decision, which, however, was 
handed down three years later. Of the appellants the Tennessee Supreme 
Court said this: "In their commendable zeal in behalf of liberty of 
conscience, and of religious worship, they have overlooked the broader 
concept that religion per se is something which transcends all man-made 
creeds." 20

It is submitted that the court overlooked something, too: most of 
the practices invalidated in McCollum were present in Carden v. Bland. 
Among these were the use of the school attendance machinery, the use of 
classrooms for religious instruction and close cooperation between 
churches and school officials. Moreover, in Tennessee, the Bible is read 
to the children and often interpreted, 21 by teachers employed by the state.

19Although it was once in the law. See Chapter V.

20199 Tenn 665, at 677. 

21Interpretation was not at issue in the Carden case.
CHAPTER V

THE NATURE OF RELIGIOUS INSTRUCTION IN THE PUBLIC SCHOOLS OF
KNOXVILLE AND KNOX COUNTY

The Setting of the Study

In order to learn the types and frequency of occurrence of re-
ligious instruction in the public schools of Knoxville and Knox County,
it was felt necessary to interview directly principals and teachers of
various schools in the area. Upon securing permission of the superin-
tendents of the two school systems, interview schedules were submitted
to selected principals and teachers during the months of April and May,
1960. In the county schools, fourteen elementary principals and seven
high school principals were interviewed, while in the city the same ques-
tions were asked of four elementary school principals, one junior high
school principal and the principals of two senior high schools. Thus,
twenty-eight (or about one-fifth) of the principals in the city and
county school systems were interviewed. In the elementary schools,
answers to the questions were obtained from thirty-eight county teachers
and eight city teachers. At the high school level a total of thirty-
three teachers (twenty-six in the county and seven in the city) were
interviewed. This survey, then, describes the in-school religious
activities of approximately fifteen thousand of the more than fifty
thousand public school students in the city and county. There is no
reason to believe that the activities of the remainder of the pupils
vary significantly.¹

Non-Protestant Students

The vast majority of the residents of Knoxville and Knox County are Protestant in faith. None of the teachers in the survey had more than five non-Protestant children in class and in most of the classes all of the students were Protestant. The following is an indication of the non-Protestant pupils in the classes of the teachers interviewed:

<table>
<thead>
<tr>
<th></th>
<th>None</th>
<th>1 to 5</th>
<th>More than 5</th>
<th>Don't know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary teachers</td>
<td>27</td>
<td>6</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>High school teachers</td>
<td>11</td>
<td>10</td>
<td>0</td>
<td>14</td>
</tr>
</tbody>
</table>

Religious Activities of Faculty Members

Two county principals stated that ministers served as regular members of the faculty in their schools, but no city principal gave such an answer. One city principal, however, stated that he did not know whether or not any of his faculty were ministers. Two county high school teachers reached through the survey were ministers. Of the remaining county high school teachers, fifteen stated that they were active in church work, seven said they were not and three gave no reply. No city high school teachers interviewed were ministers, but most were active in church work.

¹It is hoped that the small number of city school teachers interviewed will not be viewed as a great limitation on the value of the survey. Again, substance was considered more important than frequency and the practices found in city schools have been ascertained even with the small number of city personnel. In many of the tables city and county responses have been combined; this has been done where the responses of city teachers and principals might be misleading if generalized.
At the elementary level, one county teacher was a minister, thirty teachers were otherwise active in church work and seven were not. In the city elementary system, again there were no ministers, but six of the teachers indicated that they took an active role in their church while two did not.

Bible Reading and Interpretation

Bible Reading

Table 1 indicates that all but a few of the teachers in Knoxville and Knox County comply with that section of the Tennessee statutes which requires daily reading of verses from the Bible.

TABLE 1

DAILY READING OF BIBLE VERSES

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>20</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>City</td>
<td>7</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Elementary teachers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>35</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>City</td>
<td>8</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>High school teachers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>16</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>City</td>
<td>5</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>
All of the principals interviewed answered in the affirmative to the question, "Does this school have daily readings of Bible verses at each grade level or in the homeroom?" Three elementary and eight high school teachers in county schools, however, admitted their failure to comply with this law, usually with the comment that they were unable to find time to read the Bible daily. This is especially true at the high school level, where the Bible is customarily read in the homeroom section. 2

Unfortunately, not enough city system teachers were interviewed to give conclusive evidence that their compliance with the statute is more pronounced than that of their colleagues in the county system, although there is some indication that such is the case. It is fairly clear, however, that the law is fulfilled more judiciously by elementary teachers than by teachers at the high school level.

Comments on the Reading

The present statute requiring Bible reading in Tennessee public schools makes no mention of comments or interpretation of the verses read, although prohibition in this regard was a part of the Public Acts of 1915: "At least ten verses from the Holy Bible shall be read or caused to be read, without comment, at the opening of each and every public school, upon each and every school day, by the teacher in charge." 3

This act was superseded in 1925, at which time the words "without

2 Those high school teachers who did not respond to the questions did not have homeroom sections.

3 Public Acts of 1915, Chapter 102, Section 1.
"comment" were deleted, with the remainder of the statute left basically intact. The Knox County School Board, in its statement of policy for 1960, filled the gap left by the revision of the law with the statement that "teachers shall see that daily Bible readings, without comment, shall be held each day." This policy is binding on the Knox County public school personnel, which suggests, as seen in Table 2, that several county principals, about one-third of the elementary teachers and nearly one-half of the high school teachers are either unaware of this policy or consciously disregard it.

TABLE 2

INTERPRETATION OF VERSES

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No response</th>
<th>Never</th>
<th>Occasionally</th>
<th>Frequently</th>
<th>No response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>3</td>
<td>16</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary teachers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High school teachers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Knoxville Board of Education has a similar policy for city schools: "Teachers are required to read the Bible daily to the class

or in assembly ten verses without comment." [sic]**5 As in the county schools, there appears to be a sizeable number of teachers and principals who do not abide by the ruling of the board of education in regard to interpretation of Biblical verse reading.

On the assumption that the word "interpretation" might induce a negative attitude in the minds of those teachers who take pride in their open-mindedness and their non-sectarian approach to Bible reading, another question was included in the interview schedule asking whether the teacher defined words in the verses which might be difficult for the pupils to understand. It was further assumed that definition of certain words, e.g., "grace" or "baptism," would be tantamount to interpretation and just as likely to be in violation of the establishment clause of the first amendment. Moreover, both "definition" and "interpretation" would appear to be barred under the school board policies of "no comment."

Even the most cursory comparison of Tables 2 and 3 shows that there is much more "definition" than there is "interpretation," especially in county schools at the elementary level where 66 per cent (nearly two-thirds) of the teachers replied that they defined some of the words encountered in the Scripture reading. A social studies teacher in a county elementary school admitted that he incorporates certain "problem words" from the Bible reading into a vocabulary workbook on which the students are tested. Another county elementary teacher, however, pointed out that both definition and interpretation are against the law.

---

5Board of Education, Knoxville, Tennessee; "By-Laws and Regulations" (Revised to July 1, 1943), rule number 41.


<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principals</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>6</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>City</td>
<td>2</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td><strong>Elementary teachers</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>25</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>City</td>
<td>4</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>High school teachers</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>8</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>City</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

It is difficult to analyze the responses of the principals to this question. Less than one-third of all principals queried gave answers in the affirmative. It is quite possible that they are unaware of the practices of their teachers in this regard; it is also possible that most of the principals understand the prohibition against commentary of any sort and assume that their teachers abide by the ruling. One principal of a county school expressed doubt that practices regarding comments were consistent among the teachers of his school.

The replies of the city school teachers on definition and interpretation are baffling. Comparison of answers to the two questions by city elementary teachers shows total correlation, but at the high school level less teachers admit giving definitions than admit giving interpretations. The small sample of city teachers may again account for this set of events but this should be offset by the fact that the same
teachers were asked both questions. It should also be noticed that eleven interviewees failed to respond to the questions on definition while only four did not reply to the question on interpretation.

Who Reads and Chooses the Selections?

It was found that in most classes the Bible verses are sometimes read by the teacher and sometimes by students. In some cases a schoolwide "intercom" system is used for the daily reading. In most cases where students read the verses, it is done on a voluntary basis, either with one student as a permanent reader or with all those who desire to participate taking turns.

On the other hand, some teachers rotate the reading among the pupils on an assigned basis. Of such teachers, twenty-one were interviewed. In the city school system only one of the three teachers executing the reading on an assigned basis will not excuse students from participation. In the county, however, four of ten elementary teachers who assign the reading refuse to excuse students from the reading. On the high school level all teachers who responded, whether city or county, permit a student to excuse himself from participation, but one teacher in a city high school gave no answer to the question of whether a student could under any circumstances be permanently excused from taking his turn in the exercises. Several teachers, most of them in county elementary schools, commented that they would not require a student to participate in Bible reading if he should object, but the comment of one such teacher is not atypical: all of her pupils are eager to read the Bible.
The person making the choice of verses to be read varies, but the selection is usually made by the classroom teacher if she performs the reading, or by individual students if they do the reading. Five elementary teachers in the city system replied that the choice was made by school authorities, but none elaborated on this statement.

Who Supplies the Bibles?

One question asked of both teachers and principals dealt with the source from which copies of the Bible are obtained. The majority of responses indicated that the Bibles are furnished by the teacher or sometimes by the students themselves. Two elementary teachers, one high school teacher and one principal, all in the county, stated that the Bibles are furnished by the school and presumably furnished, therefore, by taxes. More interesting was the fact that nineteen people (one city principal, four county principals, three county high school teachers, two city high school teachers, and two city and seven county elementary teachers) said that the Bibles used were furnished by "interested religious groups." Of these, two interviewees noted that the supplier was Gideons International. One county high school teacher said that a homeroom group of a previous year had collectively purchased copies of the Bible.

The Version of the Bible

The purpose of Table 4 is to show the frequency of usage of the King James Version as compared with other versions of the Bible. Most responses indicated that the teacher or principal chooses the version
to be used, although some teachers said that the choice was left to the student reading the selection. This was the answer given by the four county elementary teachers who replied that the version "varies." A total of six principals indicated that the version used may vary from class to class.

**TABLE 4**

**VERSION OF THE BIBLE USED**

<table>
<thead>
<tr>
<th></th>
<th>King James</th>
<th>Revised Standard</th>
<th>Other</th>
<th>Varies</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principals</td>
<td>21</td>
<td>1</td>
<td>0</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Elementary teachers</td>
<td>36</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>High school teachers</td>
<td>24</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
</tbody>
</table>

**Time Devoted to Bible Reading**

Table 5 is interesting because it shows a clear distinction between city and county and between high schools and elementary schools in the amount of time each day devoted to Bible reading.

Omitting from consideration those who did not reply to this question, it is found that four of seven city principals (slightly over one-half) estimated that between five and fifteen minutes are spent by the teachers in their schools. But seventeen of twenty-one county principals (over 80 per cent) replied that more than five minutes are spent in their schools.

Replies from county elementary teachers corroborated the estimates
of their principals, for over 75 per cent said that they spend between five and fifteen minutes in Bible reading. Of these, the majority spend less than ten minutes. The tide was reversed at the city elementary level, however, where all teachers interviewed answered that they spend less than five minutes each day on the Bible reading exercise.

TABLE 5

AVERAGE TIME SPENT DAILY IN BIBLE READING

<table>
<thead>
<tr>
<th></th>
<th>Less Than 5 Minutes</th>
<th>5 to 10 Minutes</th>
<th>10 to 15 Minutes</th>
<th>More Than 15 Minutes</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>4</td>
<td>9</td>
<td>8</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>City</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Elementary teachers</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>8</td>
<td>17</td>
<td>12</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>City</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>High school teachers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>15</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>City</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

On the high school level, 68 per cent (fifteen of twenty-two teachers interviewed) of the county teachers indicated that less than five minutes is spent in their classes, while 60 per cent of the sample of city high school teachers spend about this amount of time. One plausible explanation for the large amount of time spent by county elementary teachers on Bible reading can be related to the fact that the rural county areas are considerably more "fundamentalist" than the urban areas. Consequently, more emphasis may be placed by the family on
Bible reading and this stress might easily be transferred to the school.
In general, less time is spent on Bible reading in the high schools; this
is probably due to the crowded schedules of the homeroom meetings where
Bible reading and many other chores must be done.

The Value of Bible Reading

May Bible reading accurately be classified as a "chore"? An
attempt was made to ascertain the answer to this through a series of
questions directed to teachers and principals at all levels. The re-
results, when approached from different views, are shown in Tables 6, 7
and 8.

TABLE 6

WHAT SHOULD BE DONE WITH BIBLE READING?

<table>
<thead>
<tr>
<th></th>
<th>More Emphasis</th>
<th>Less Emphasis</th>
<th>Abolished By Law</th>
<th>Maintained As Is</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principals</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>County</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>14</td>
<td>1</td>
</tr>
<tr>
<td>City</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td><strong>Elementary teachers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>12</td>
<td>2</td>
<td>2</td>
<td>18</td>
<td>4</td>
</tr>
<tr>
<td>City</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>5</td>
<td>1</td>
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<tr>
<td><strong>High school teachers</strong></td>
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</tr>
<tr>
<td>County</td>
<td>10</td>
<td>3</td>
<td>3</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>City</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

As with the question concerning time spent in daily Bible reading,
Table 6, which deals with teacher and principal attitudes, may partially
be explained by the more fundamentalist and less cosmopolitan nature of the rural areas. Most of the interviewees took a status quo position; that is, they felt that the Bible reading exercises should not be changed in any way. Included in this group were 70 per cent of the county principals, all of the city principals, 47 per cent of the county elementary teachers and five of the seven city elementary teachers who responded.

At the high school level a plurality of teachers, both city and county, replied that increased emphasis should be placed on Bible reading. It would seem from this that their basic attitudes are probably the same as those of their colleagues in the elementary schools but, as seen above, the time spent on Bible reading in the high schools is diminished, due probably to the pressure of other duties.

It may be significant to point out that of the 107 people interviewed, only seven advocated the abolition of Bible reading by law. Only six more felt that decreased emphasis should be given to the program. Teachers and principals evidently consider Bible reading anything but a chore, but one county high school principal said that students should not be "required by law to do something which is a moral obligation."

What do the students derive from Bible reading and related devotional exercises? Opinions of teachers on this question are shown in Table 7. Once again there occurs a difference both strange and unexpected between city and county teachers. City teachers appeared much more laudatory of the benefits of Bible reading than did county teachers, particularly on the high school level.6 At both levels in the county system a clear

6 Perhaps this can be related to the basic conservatism of rural
majority of the teachers—and at the high school level a sweeping majority of 80 per cent—were rather conservative in their praise of the program.

### TABLE 7

**ASSESSMENT OF EXERCISES FROM POINT OF VIEW OF BENEFITS DERIVED BY STUDENTS**

<table>
<thead>
<tr>
<th></th>
<th>Very Worthwhile</th>
<th>Moderately Worthwhile</th>
<th>Not Worthwhile</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elementary teachers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>16</td>
<td>18</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>City</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td><strong>High school teachers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>2</td>
<td>20</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>City</td>
<td>5</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Seven teachers felt that Bible reading should be abolished by law; the same number of teachers thought that the students did not gain enough from the reading to make it worth the time spent. Most teachers also thought that the pupils themselves were enthusiastic about Bible reading, as shown by Table 8.

No teacher interviewed felt that students generally disliked Bible reading, but at the city elementary and county high school levels a large portion of the students seem to hold an apathetic attitude. Greater people in most of their thought, although religion is one area in which the rural people of East Tennessee are anything but conservative from an emotional standpoint.
interest appears in the students of county elementary and city high schools, where there also occurs a greater amount of commentary by the teachers and also somewhat more time spent each day in Bible reading.

**TABLE 8**

ATTITUDE OF STUDENTS TOWARD BIBLE READING

<table>
<thead>
<tr>
<th></th>
<th>Interest</th>
<th>Apathy</th>
<th>Dislike</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elementary teachers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>25</td>
<td>9</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>City</td>
<td>5</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>High school teachers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>14</td>
<td>12</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>City</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Other Efforts to Instill Spiritual Values

Biblical Stories

The Bible reading statute does not seem to suggest that it might be permissible at any level to substitute Biblical stories for the required verse reading. However, several elementary teachers said that as general practice stories are read in substitution of direct reading of verses from the Bible. In the county schools, twenty-six of the thirty-eight elementary teachers interviewed use Biblical stories, although in some cases this is done in addition to Scripture reading. In the city schools, four teachers interviewed do use Biblical stories while four do not. Here, as in the county, the primary teachers are the most
frequent users of Biblical stories. Among the principals queried, twelve in the county system said that Biblical stories were used in some classes and three denied that such readings were used, but in the city system all seven principals admitted the use of stories in some classes in their schools. This seems strange, for two of the seven were high school principals and one was principal of a junior high school. This question was not included in the schedule for high school teachers since it was assumed (perhaps incorrectly) that Biblical stories would be given only at the elementary level. It was also found that more often than not the classroom teacher chooses the story to be read, although in at least one county elementary school an "interested religious group" supplies Biblical stories, and in some cases the students themselves supply the reading material which in at least one school is a publication known as The Upper Room.

The Lord's Prayer

Other sources are frequently used in an effort to instill spiritual values in the children. Over 40 per cent of the county principals interviewed were aware that additional sources are used in their schools, while four of the seven city principals also acknowledged such practices. The most frequent exercise used in conjunction with verse reading seems to be recitation of the Lord's Prayer. Twenty-one county high school teachers

7 Only accidentally was it learned that in schools above the elementary level were Biblical tales read, since principals of all levels were asked the same set of questions. See appendix.
answered the question pertaining to the use of the Lord's Prayer and of these sixteen said that they used it along with their daily Bible reading. In the city, all four of the teachers who replied acknowledged use of the Lord's Prayer. In the elementary schools, thirty-five of thirty-eight teachers have recitation of this prayer, while in the city this is done by six of the eight teachers interviewed.

Other Classroom Religious Activities in Elementary Schools

The Lord's Prayer is by no means the only source utilized to further the moral or religious education of Knoxville and Knox County public school pupils, as can be seen from the tabulation below. It is evident that a considerable amount of religion is taught to public school students at the elementary level. The tabulation does not indicate that these practices vary significantly between city and county; therefore no breakdown is shown between the two school systems:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Times answered in the affirmative by 46 teachers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recitation of prayers (other than the Lord's Prayer)</td>
<td>24</td>
</tr>
<tr>
<td>Religious plays</td>
<td>14</td>
</tr>
<tr>
<td>Religious notebooks or scrapbooks</td>
<td>3</td>
</tr>
<tr>
<td>Religious artwork (such as posters)</td>
<td>18</td>
</tr>
<tr>
<td>Biblical map drawing</td>
<td>2</td>
</tr>
<tr>
<td>Bible memory drills</td>
<td>10</td>
</tr>
<tr>
<td>Discussions of religious subjects</td>
<td>9</td>
</tr>
<tr>
<td>Religious movies</td>
<td>7</td>
</tr>
<tr>
<td>Chapel programs and religious assemblies</td>
<td>27</td>
</tr>
</tbody>
</table>

Although the sample is small it is large enough to give evidence that there are many religious practices carried out in local public schools; the size of the sample in no way governs the constitutionality of the practices.
In one county school, slower students at the junior high school level use a publication of the National Council of Churches of Christ for their devotional exercises; in another county school religious phonograph records are used for devotions at the elementary level. In a junior high school in the city, students sometimes give religious talks. One county elementary school teacher said that she offers a blessing before the students are dismissed for lunch each day.

Special Projects for Religious Holidays

These were not the only practices uncovered which are neither prohibited nor provided for by Tennessee statutes. In a majority of elementary schools, both city and county, students participate in special projects in observance of religious holidays. Of the county elementary teachers interviewed, twenty-seven replied that their students participate in various religious projects throughout the year, while only nine said that they had no such projects. The ratio was the same in city elementary schools. Six teachers had such projects while only two did not. In all cases these projects are limited to the traditional Christian holidays. Asked if students could be excused by parental request from these and other religious activities on the elementary level, seventeen county teachers said "yes" and six city teachers gave the same response. But five county teachers and one city teacher gave a negative response.

All school principals were asked the same questions. Fourteen county principals and three principals of city schools said that their students participated in special projects for religious holidays, again limited to the Christian holidays. In the county, five principals said
that religious holidays were not given special observance through student projects while four city principals gave this reply. It was also ascertained from the principals that in fifteen county schools pupils present religious plays at assemblies; in only five county schools in the sample are there no religious plays. Of the city principals who answered this question, three said that their schools had religious plays and three gave the opposite reply, but it should be noted that several principals amplified their reasons for having no religious assemblies: they have no room large enough for assemblies. One county principal said that students could not be excused from participation in these activities, even by parental consent.

Distribution of Religious Information

Not all of the religious instruction given to pupils emanates from the school. Teachers and principals were asked if they were requested to distribute religious materials to their students. The results of the question on the frequency of such requests appear below:

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>Occasionally</th>
<th>Frequently</th>
<th>No response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principals</td>
<td>18</td>
<td>8</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Elementary teachers</td>
<td>38</td>
<td>6</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>High school teachers</td>
<td>26</td>
<td>3</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

Only a few of those interviewed said that they were "frequently" asked to disseminate religious information but several more were asked to do so "occasionally." A subsequent question was in regard to the disposition of requests of this nature. Of the county principals who said that they received such requests, one said that he never complied, seven sometimes complied, and two always gave permission for distribution of
religious information. In the city schools, three principals answered that they never gave permission and one replied that he occasionally acceded to the requests of religious groups in distribution of their materials.

At the elementary level the results were somewhat different. In the county, three teachers said "never"; two said "occasionally," and one said "always." Of the two interviewees in the city elementary schools, one occasionally gives permission and the other always does.

None of the teachers interviewed at the high school level indicated compliance with these requests. In the county, four high school teachers never give permission and six occasionally do. In the city high schools, one teacher answered that such permission was never granted while two teachers "occasionally" distribute the literature, which frequently is an appeal to enroll in a vacation Bible school or to join an organization such as Youth for Christ. The criteria used by teachers and principals in their decisions as to distribution of the material are varied, but all seem subject to value judgments. One teacher uses his "own judgment" in deciding whether or not to comply with the request; another teacher will cooperate if it is "beneficial to the welfare of the students;" still another claims to pass out religious information if it is "not controversial or sectarian in nature!"

Talks by Ministers

Ministers are frequently invited to public schools to give talks which are either inspirational or descriptive of their religion, or which, in a few instances, are sectarian. Seventeen county principals
said that ministers periodically give talks to the students while only two of the principals interviewed said that ministers do not visit their schools. In the city, three principals have their students listen to talks by ministers, while four replied that ministers do not come to their schools. In most cases, according to the survey, the ministers are chosen by the school administration. Occasionally, members of the faculty make the choice but in only a few schools are students asked to participate in the selection. Table 9 is included for the purpose of showing the faiths which the visiting ministers represent.

TABLE 9

FAITHS REPRESENTED BY MINISTERS SPEAKING AT PUBLIC SCHOOLS

<table>
<thead>
<tr>
<th></th>
<th>Protestant Only</th>
<th>Protestant- Catholic Jewish</th>
<th>Protestant- Catholic Only</th>
<th>Protestant- Jewish</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>13</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>City</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Elementary teachers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30</td>
</tr>
<tr>
<td>City</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
</tbody>
</table>

The sample for Table 9 is limited by the fact that several schools do not invite ministers to speak to the students. Even from this small sample it is not difficult to see that most teachers and most schools invite only Protestant ministers, resultanty denying their pupils of learning about other faiths. None of the teachers who responded had invited
a representative of any faith save Protestantism to visit the class. Two principals, both in county schools, said that representatives of all three faiths had spoken at their schools, while one principal each in the county and the city replied that Protestant ministers and Catholic priests had spoken but Jewish rabbis had not.\footnote{8}

Even more startling is the information that ministers sometimes give sectarian talks and that students in some schools may not be excused from attending religious talks or convocations. In the county, four principals admitted that ministers occasionally give talks which could be considered sectarian, while one city principal made the same admission. These schools represent only a small minority, but the mere fact of the existence of open sectarianism in Knoxville and Knox County public schools leads one to wonder whether other similar practices might also exist, though perhaps in a more subtle or clandestine manner. This admission by principals also casts doubt on any suggestion that educators are unaware of the strict meaning of "sectarian," for certainly a principal would not admit that sectarian practices exist in his school if he could possibly deny it. The five principals who affirmed that sectarian talks are given also seem to give at least tacit approval to the practice.\footnote{9}

\footnote{8}{The question pertaining to the faiths represented by guest ministers was not asked of high school teachers.}

\footnote{9}{One county principal, answering in the negative, commented that a minister had once presented a sectarian talk but that he had not been invited to return.}
Chapel Sessions

Most principals in the survey replied that chapel sessions were held in their school and a few said that spiritual convocations were held from time to time. In fourteen county schools attendance is required at chapel or convocation, while only three county principals replied that attendance is optional. In the city system, five principals said that attendance is mandatory and two replied that it is optional.

In at least one county school which has compulsory attendance for chapel sessions a student may not be excused from attendance unless he is legitimately absent from school. All other principals replied that parental request was sufficient for permission not to attend chapel devotions, but not all elementary teachers were as lenient in the matter of excusing pupils from various religious exercises. Three county teachers and one teacher in the city elementary system said that under no circumstances would they permit a child to absent himself from a religious talk unless he should be absent from school for a legally justifiable reason. It is possible that these teachers have not been faced with a parental request of this nature and if pressed would grant the excuse to a child whose parents so requested. As has been shown, there are very few children in local public schools who are not Protestant, and since the non-Protestant children of Knoxville live in a predominantly Protestant environment they very likely do not raise verbal objection to talks by Protestant ministers. To do so would bring forth the possibility of social stigma
and derision from the teacher, the same problem which faced the Carden children of the Nashville Bible reading case.

Religious Organizations

A few schools have other methods to assist their pupils in spiritual development, although those uncovered by this survey were found to be purely voluntary in nature. By way of example, in two of the county schools studied, representatives of various religious groups frequently visit the school, attempting to foster Bible verse memorization among the pupils. The reward for "good scholarship" is usually an expense paid period at a vacation Bible camp. In nine of the twenty-one county schools and in one of the seven city schools where the principal was interviewed, an affirmative answer was obtained to the question, "Do other religious groups such as revivalists, choirs or Christian youth organizations appear at assemblies?" This is probably not voluntary as far as the students are concerned since attendance is required at assemblies in almost all schools. Again, however, the principals indicated no awareness of conflict between required attendance and the conscience of individual students.

Student religious organizations and clubs are encouraged by the principals of most junior and senior high schools, both county and city. In two county schools these groups may be officially supervised by ministers or other representatives of a particular denomination. In four county schools the meetings of the religious organizations are held on the school grounds in the customary activity period which occurs during the school day.
Other Problem Areas

Released time for religious instruction has not emerged as a problem in Tennessee, but the principals of three county schools and two city schools indicated that students and faculty may, if they wish, attend religious instruction during the school day but not on school property. One principal said that attendance records are maintained in such an event. In one county school surveyed, Jewish students are dismissed early on days of scheduled classes in Hebrew.

The principals were asked if there were students in their schools who objected to participating in the flag salute. Only one principal said that there were such pupils in his school and added that permission not to participate was readily granted. One county principal maintained that, although no objection had ever been raised, he would not be willing to give exemption from the salute. A similar situation exists in some rural areas of Knox County where a few parents, for religious reasons, forbid their children to participate in folk dances or to "dress" for physical education classes. As far as can be ascertained, school authorities cooperate with these parents.

The Bible Teaching Program

Administrative Structure of the Course

Since 1933 there has been an elective course in the Bible in some Knoxville and Knox County secondary schools. At the present time, under authority of the Tennessee State Board of Education, as much as one unit of credit may be earned in the Bible course in schools where it is a part
of the curriculum. This unit may count toward the sixteen credits which are needed for graduation from the secondary schools of Tennessee and it is also recognized toward entrance into state colleges and universities in Tennessee.

The course in Bible presents problems of constitutionality somewhat different from those which face the religious practices discussed above. Consequently, the accredited secondary level course in the Bible is not the focus of this study but its main features should be included. The most important aspect of the course is its financing. The finance report for 1959-1960 of the Committee on Bible Teaching in the Public Schools indicates that most of the money for the program comes from various local churches and a smaller share is donated by local parent-teacher associations, civic clubs and private business firms. Of the nearly seventeen thousand dollars contributed by churches in 1959, a total of $5,591 was given by Baptist churches in the area, $4,021 by Methodist churches, $5,788 by Presbyterian churches and $900 by the First Christian Church. Slightly less than one thousand dollars was

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10 The material used in this portion of the study comes primarily from reports of the administrative committee of the Committee on Bible Teaching in the Public Schools. A great deal of credit is due to Mrs. Esther Joffe who interviewed several people concerned with the program while she was a student in a political science honors course at the University of Tennessee. Most of the information obtained by Mrs. Joffe came from an interview with Mr. Thomas Johnston, Superintendent of Knoxville Public Schools, on February 2, 1961, and from a telephone interview on February 4, 1961, with Mrs. Frank Haile who teaches Bible at a Knoxville high school and is coordinator of the Bible course program. Bible classes in county schools are sponsored by community church groups and are not associated with the Knoxville organization.
contributed by parent-teacher associations, civic clubs and business firms.\textsuperscript{11}

The teachers of the Bible are selected and paid by the Committee, which also directs the course of study. Some of the teachers are laymen, others are ministers. The function of the public school system is to place the course in the curriculum and provide a room for the class, which is held five days a week. The Bible teachers are members of the faculty of the school in which they teach and also frequently serve as advisors to school Bible clubs. In some schools they also prepare materials for chapel and classroom devotions.

Bible teachers must have state teaching certificates, even though they are employed by the committee. Apparently this committee encounters some trouble in finding qualified teachers, for a report of the administrative committee of the Committee on Bible Teaching in the Public Schools sent out a plea for church members to "\textit{Please let us know of people who are known in the various denominations who could be recommended to teach in our program.}\textsuperscript{12}"

The words "various denominations" seem to imply that only members of those denominations which contribute to the program are invited to participate in the teaching. Those concerned with the Bible course unanimously declare, however, that nothing denominational creeps into

\textsuperscript{11}Committee on Bible Teaching in the Public Schools, \textit{Finance Report}, 1960.

\textsuperscript{12}Dated April 26, 1960, and signed by the administrative committee chairman, Reverand Julian Spitzer, pastor of a Knoxville Presbyterian church.
the teaching. Teachers are required to be completely impartial and to state the positions of all disputants in any controversy concerned with the Bible.

Students furnish their own copies of the Bible, usually the King James Version, with other versions and source materials available in the school libraries. The course of study, approved by the public school administration, is based on an historical, philosophical and biographical approach to the content of the Bible. In some schools there is a comparative study of religion.

The Advocates of the Course

On the question of constitutionality of a course in the Bible, those affiliated with the program are not unanimous. The leading teacher of the course, a woman who has taught it for many years, believes that as long as the course is an accredited elective and taught on a "non-denominational" basis it is valid.\textsuperscript{13} The city superintendent of schools said that the constitutionality of the course is "debatable." The chairman of the Committee on Bible Teaching in the Public Schools, a layman, has a typical attitude. He feels that there is a possibility of unconstitutionality, but the crux of the issue for the chairman is whether or not the Bible course is substantially beneficial to the students. He maintains that it is a good program since it teaches children moral and spiritual values which they otherwise would not learn. Since it is worthwhile, it should be maintained, regardless of any possible invalidity. All

\textsuperscript{13}See note 10, supra.
supporters of the course claim that it is non-denominational, but the best refutation of this allegation was made, ironically, by a minister and active worker in the program who has said, "During twenty-five years of teaching the Bible in Knoxville city schools we have maintained consistently a non-sectarian approach. No church or denomination of Protestantism has ever had cause to question the approach." Concealed in the phrase "denomination of Protestantism" is the sectarianism, and thus the unconstitutionality, of the program of Bible teaching in public schools.

Principals of Schools Where the Course is Offered

In the interview schedule for the present study, principals were asked if their school had an elective course in the Bible. Two city principals replied in the affirmative. In both cases the class meets daily in regular classrooms during school hours. At both schools the course is financed through the Committee on Bible Teaching; in one instance the class is taught by a layman and in the other by a minister. In both schools the approach is supposed to be one which combines the literary, biographical and historical elements of the Bible. One class is in a junior high school where twenty students receive Bible instruction, the other is in a senior high school where 150 students are enrolled in the course.

All secondary school principals were asked their opinion of the Bible study course. Not all principals gave an opinion, but those who

answered felt that the course should be an elective course with credit. 
One city high school principal replied that the course should be elective 
but without credit.

Other Use of the Bible in Class

Those who teach Bible in Knoxville public schools teach nothing 
else and were not interviewed in the schedule appended to this report. 
The fact that a person does not teach a course in the Bible seemingly 
does not create a barrier to use of the Bible in regular schoolwork. 
Nine county high school teachers and two high school teachers in the 
city system said that they use the Bible for part of their course work. 

Some of the uses to which the Bible is put would be mystifying in 
other localities, but an understanding of the socio-religious complexion 
of Knoxville clears up the problem. One teacher in a city high school 
uses Genesis in a biology course, adding that the study of the creation 
of man is based on the words of Genesis with students tested on their 
knowledge of relevant parts of that book of the Bible. As to the role 
of human evolution, this teacher holds that evolution is irrelevant, 
especially in view of Tennessee law on the subject. For the sake of 
speculation, it might be noted that this teacher is an ardent church 
worker who sometimes interprets the Bible verse reading, believes that 
books favorable to evolution should not be in the school library and 
feels that all religious activities in the school are very worthwhile 
and should be given more emphasis.

Other teachers use the Bible for other purposes. One foreign
language instructor, for example, has students memorize various well-known verses in translation. In another case, a county high school teacher occasionally refers to the Bible in teaching world history. Another science teacher, this one in a county school, uses *Genesis* only "for reference" in teaching of the creation of man. The basic approach for this teacher is "from an objective, scientific viewpoint." One other science teacher who was interviewed presents both the scientific and the Biblical ideas, taking neither side in the issue. One history teacher finds it impossible to teach history without "frequent" reference to the Bible. Other teachers use the Bible in literature courses and a civics teacher uses it to teach about the "golden rule."

Perhaps the least expected answers to the interview schedule came from a county high school teacher who is also a Baptist minister. He has occasion to refer to the creation of man in his teaching and sometimes uses *Genesis*, but personally believes in an evolutionary process to explain the origin of man. Furthermore, this was one of the few interviewees who felt that a Bible course was unwise and probably in violation of the principle of separation of church and state. Although this teacher admitted interpreting Bible verses, he said that the reading is not worthwhile and should be abolished: "I feel that compulsory devotions are unwise. The majority of my students are church members and familiar with the Bible; it is occasionally discussed as its various teachings reflect on our studies and discussions in literature."

15 Perhaps in violation of the Tennessee anti-evolution statute?
One non-minister countered this view with his statement on teaching about the creation of man. This teacher follows Genesis, but does not test his students "too much" on it. As far as evolution is concerned, it is nothing more than "nonsense." A paraphrase of this science teacher's concept of evolution is that originally there were man-like savages who underwent physical evolution, but who became extinct twenty-five thousand years ago. In the year 6006 B.C., God created modern man in a form physically similar to the creatures who had become extinct. Modern man, however, was endowed with a larger brain and a "spirit" in the year 6006 B.C. and has remained unchanged since that year. This the man believes and this he teaches.

High school teachers were asked whether books which treated evolution in a favorable light should be placed in school libraries. Responses to this question are shown below:

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>No response</th>
</tr>
</thead>
<tbody>
<tr>
<td>High school teachers</td>
<td>7</td>
<td>14</td>
<td>12</td>
</tr>
</tbody>
</table>

The answers speak for themselves. Most teachers in local public high schools would prefer that their school libraries not purchase books on evolution.

Attitudes of Interviewees Toward Religious Activities

A vast majority of the teachers and principals in this survey feel that religious activities in the public schools should either remain unchanged or be given more emphasis. One principal said that the study of religion and its role in society should be given greater
TABLE 10

IN GENERAL, WHAT SHOULD BE DONE WITH THE VARIOUS RELIGIOUS ACTIVITIES IN THIS SCHOOL?

<table>
<thead>
<tr>
<th></th>
<th>Given More Emphasis</th>
<th>Less Emphasis</th>
<th>Abolished by Law</th>
<th>Maintained As Is</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>6</td>
<td>0</td>
<td>1</td>
<td>11</td>
<td>3</td>
</tr>
<tr>
<td>City</td>
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<td>7</td>
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</tr>
<tr>
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<tr>
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<td>20</td>
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<td>4</td>
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<tr>
<td>High school teachers</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>8</td>
<td>3</td>
<td>1</td>
<td>13</td>
<td>1</td>
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<tr>
<td>City</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>2</td>
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</tr>
</tbody>
</table>

emphasis in social studies classes, but this would be an academic approach to the subject and not on its face unconstitutional. Less than 10 percent of the interviewees had an inclination either to de-emphasize or to abolish religious activities in the schools. A county high school teacher who said that there should be increased emphasis on religion suggested that sources other than the Bible should also be used.

A total of only five of the teachers interviewed believed that the religious activities in their schools violate the United States Constitution in any particular. The vast majority of teachers included in the survey feel that religion in the public school is not only an end which is to be desired, but is also a constitutional end. This is evidenced by Table 11.
TABLE 11

DO YOU THINK THAT, IN GENERAL, THE VARIOUS RELIGIOUS ACTIVITIES OF THIS SCHOOL CONFLICT WITH THE RELIGION CLAUSE OF THE U.S. CONSTITUTION?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elementary teachers</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>3</td>
<td>35</td>
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</tr>
<tr>
<td>City</td>
<td>0</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td><strong>High school teachers</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>2</td>
<td>24</td>
<td>0</td>
</tr>
<tr>
<td>City</td>
<td>0</td>
<td>7</td>
<td>0</td>
</tr>
</tbody>
</table>

An elementary principal in a rural area of the county pointed out that her school was located in a "good community" where no problems of religion exist since almost everyone in the area is a Baptist. She pointed out, too, that some children were not afforded an opportunity at home to hear the Bible, thus the Bible must be read in the schools.

A county elementary teacher who added an unsolicited "Definitely not!" to her opinion that school religious activities do not conflict with the Constitution also wrote the following note:

I do not feel that any one denomination should be favored. However, in my 7 yrs. of teaching, I have never known a teacher or school that tried to inject a particular doctrine. If I have any Jewish children, I have the old testament read. I feel that moral and ethical training is important. I favor daily Bible reading without comment.16

16 Remarks unedited.
In Summary

This chapter has been included in an effort to show that there is an abundance of religious activity in the public schools of Knoxville and Knox County. Most teachers and principals see no problems, either social or constitutional, intrinsic to public school religious instruction. Only one teacher in the survey commented that the unwillingness of some students to participate created a problem in group religious activities. Only five teachers expressed the opinion that religious activities in public schools might create a constitutional problem.

It is unlikely that any of the practices described above will be eliminated voluntarily from the public schools. Should they be eliminated or modified? Or should they be retained in their present form, since a majority (indeed a large majority) of the people in the community seem to want religion taught in their public schools? The heart of the conflict may be seen in this statement by the principal of a rural Knox County elementary school:

I have been a Christian for many years and I am convinced that too little spiritual emphasis is given in our schools. No matter how well educated academically our children become, if they have no spiritual or moral guidance they grow up not well educated but onesided.

This is an accurate representation of the majority view, but earlier chapters of this study have demonstrated that even in Tennessee not all of the people agree with the majority. The present chapter has been an effort to indicate the methods by which the majority beliefs are incorporated into the program of the public schools. In the remaining chapters some basic principles will be discussed and some remedial measures propounded.
CHAPTER VI

THE CONSTITUTIONALITY OF RELIGIOUS PRACTICES IN THE PUBLIC SCHOOLS
OF KNOXVILLE AND KNOX COUNTY

Daniel Webster said that the right of the state to punish immoral acts involves the duty of the state to teach morals. If the state wants to be certain that morals are properly taught, is there a more logical place to teach the moral code than in the schools, public as well as private? This question is rhetorical only if it is granted that not all children will learn morals at home or in church. The problem in Knoxville and in the rest of the "Bible belt" is that morals to most citizens are associated exclusively with the Holy Bible.

Since public schools are operated in the interests of all citizens by boards of education responsible to the entire local community, they must espouse no particular religious doctrines. By the same token, antireligious views must also be prohibited from the public schools. We are committed irrevocably to the principle of separation of church and state, at least to an extent both possible and prudent. "We are," however, as the Supreme Court has said, "a religious people whose institutions presuppose a Supreme Being." It would likely be disastrous for the public schools to disregard entirely the function of religion in American life. In the light of the Constitution and with a view toward the best interests of the entire community, what should be permitted and what prohibited in

1Zorach v. Clauson, 343 U.S. 306, at 313.
regard to the inculcation of spiritual values in the public schools? Could the permissible amount of religious instruction increase as the proportion of children of the same faith increases? If the answer to the latter question should be in the affirmative, the amount of religious activity permissible for Knoxville and Knox County schools would be considerable.

Except for state laws establishing minimum standards and curricular requirements, most of the control of public schools in the United States is at the local level. How much autonomy and discretion do local school authorities have in the authorization of religious activities? If the decisions of the Supreme Court form any sort of guide, it would seem that local authorities have almost no autonomy in this matter, for nowhere in the opinions of the court is it suggested that the validity of a practice might hinge on the locality of the practice. Those religious activities which are invalid in one place are undoubtedly invalid everywhere.

Even if only one faith should be present in a community, it is not the function of the common school to provide training in religion. If the majority want religion in their schools, they must remember that the doctrine of interposition has long been dead, at least in the eyes of the Supreme Court. A local majority, then, may not force its wishes

\[2\text{Much has been written on the subject of moral and spiritual values in public schools. Since the present author is not an educationist, he prefers not to infringe on the highly specialized field of pedagogy. The aim of this chapter is to discuss various methods of moral education in their relation to the Constitution, not as to their educational value.}\]
on the general public when the freedom of religion is at stake. The religious majority in Knoxville cannot adhere to the theory that "L'état, c'est nous."

None of the practices found in the Knoxville schools has been directly ruled on by the Supreme Court of the United States. The only clues to the matter of their validity must come from dicta and from an understanding of the principles of separation of church and state. With the caveat that the Supreme Court does not reach its decisions through equations or formulae and thus cannot be predicted on any given question, let us hazard some opinions as to the constitutionality of the various religious activities reported in Chapter V.

The Criteria

Perhaps the most important criterion as to the constitutionality of the practices comes from the McCollum decision, holding that all religious instruction on school property during school hours is in violation of the Constitution. All of the practices described above are held on school premises during the normal school day, with the pupils under the jurisdiction of school authorities. The only question remaining, then, is whether these practices constitute religious instruction. Many courts have barred only "sectarian" instruction; it is crucial to the present argument that, for constitutional purposes, the terms "religious" and "sectarian" are indistinguishable. In the contemporary social milieu,
a sect must mean more than a "Protestant denomination;" indeed, it must signify something more than "Christianity" and it is probable that it should include more than what is known as our "Judaic-Christian heritage."

There seems to be no reason to suggest that the motto, "in God We Trust," be removed from our currency, nor would the daily invocations in Congress seem to constitute an establishment of religion under the doctrines of any of the cases reviewed above. These, however, are examples essentially different from the case of a teacher announcing to her pupils that "Christ died for our sins."

Perhaps non-believers do not "trust in God" and perhaps they resent the presence of a chaplain to deliver prayer in Congress, but practices such as these have no unconstitutional overtones because they are not an aid to religion, they do not tend to establish a religion and they limit no one's freedom of conscience.

No case holds that state employees (a term which includes public school teachers) are forbidden to refer to the existence of a Supreme Being; it is not sectarian to posit and to talk about in the classroom the mere existence of a Supreme Being. Sectarianism occurs when one teaches, for example, that the Supreme Being is manifested through Christ. It is submitted that many of the practices found in the schools surveyed in this study are unconstitutional beyond doubt, at least if we are to in invalidating Bible reading, pointed out that the state constitution forbids the use of public money for "religious worship, exercise, or instruction. . . ." The word "sectarian" was not used and the court held that the Bible, whether or not sectarian, was certainly religious. See Donald E. Boles, The Bible, Religion, and the Public Schools (Ames: The Iowa State University Press, 1961), p. 111.
accept the doctrines of the modern Supreme Court. Other practices are marginal, that is, they are not unconstitutional in themselves, but they easily lead to sectarian inculcation. Of these latter, it would be in the best interests of the community to invoke strict regulations for some and to eliminate others completely.

Bible Reading

Required Daily Reading

The statute which requires daily Bible verse reading undoubtedly violates both the Tennessee Constitution and the United States Constitution, and should be repealed. Justice Black, writing for the majority in both *Everson* and *McCollum*, said that a state cannot "pass laws which aid one religion, aid all religions, or prefer one religion over another." The Tennessee Bible reading statute clearly violates this doctrine, not because the moral precepts of Christianity are taught in the schools, but because the Christian religion is definitely given aid and preference by the state. Since the King James Version is almost universally used, only Protestant Christianity is given direct aid. There can be no doubt that this is sectarianism. Furthermore, with or without a provision for students leaving the room during the reading, this practice violates the freedom of religion since it exerts pressure on the children to participate.5

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4 See *supra*, pp. 19, 20.

5 See *supra*, p. 32, fn. 49.
As in the Schempp case, the Bible reading exercises in Knoxville are frequently referred to as "morning devotions." This is more than circumstantial evidence that the effect of the statute is to teach more than morality; devotions are always connected with religious values. Thus, if we are to accept the Schempp decision, Bible reading in Tennessee is a religious service.\textsuperscript{6}

Interpretation

The problem of interpretation of the readings may be dismissed summarily. The Tennessee Supreme Court, in the Carden case, said that teachers may not "undertake to explain the meaning of any chapter or verse in either the Old or the New Testament."\textsuperscript{7} As noted, the local school boards have policies which prohibit interpretation. Yet, many teachers in the survey admitted that they sometimes give commentary on the reading. It is understandable that this should happen, for the language of the Bible is such that a child may not comprehend the meaning of a verse unless he is given further explanation. If the Bible is to be read as an attempt to teach moral values, the purpose is defeated unless the child understands the passages. This, in turn, means that the teacher must be permitted to explain those passages in which the moral lesson is obscured by the language. It should not, however, be necessary to discuss the sectarian consequences of having each teacher give his own views on each passage. Interpretation is actually a moot issue, even

\textsuperscript{6}See supra, p. 30, 31.

\textsuperscript{7}See supra, p. 67.
though it constitutes an even more flagrant establishment of religion. Bible verse reading alone is enough for the courts to invalidate the entire practice, for, again to quote Justice Black, "the question is not whether it [the state] has entered too far but whether it has entered at all." 

Other Efforts to Instill Spiritual Values

The main focus of this study has been on the constitutionality of Bible reading in public schools. Primarily from curiosity, various "secondary effects" of Bible reading were also surveyed. In Tennessee, no legislation exists concerning other devotional or spiritual practices. On the other hand, there is no explicit state constitutional barrier to sectarian instruction in public schools. 

Bible Stories

The content of any Bible stories read in public schools is the determining factor in their constitutionality. A story of a Biblical character or event could be written and taught in a literary, historical or biographical manner. In such a case there would seem to be no

8See supra, p. 31.

9Article I, Section 3 of the Tennessee Constitution (see supra, p. 60) seems to bar sectarianism, and probably any form of religious teaching, by its prohibition against attempts by the state to "control or interfere with the rights of conscience."
objection to reading Bible stories. But if the stories are either written or discussed in a manner which is designed to instill religious values in the pupil, they fall unquestionably in the same category as Bible reading and are undoubtedly unconstitutional. From a constitutional standpoint, there is probably an important difference between reading stories about the life of Christ from an historical standpoint and reading stories about the miracles which Christ performed. Administrative problems are present, however, even when dealing with material which, on its face, is constitutional. How, for example, is the teacher to approach the question of the divinity of Christ? As an employee of the state, a public school teacher is not free to espouse any view on this question while on duty.\textsuperscript{10} Biblical stories, then, may be valid under some circumstances. But even when valid, such stories pose administrative difficulties and from a practical standpoint the reading of such stories should probably be abolished.

Prayers

Under certain conditions, prayers may be in accord with the Constitution, but never may they be used as prayers.\textsuperscript{11} Some supplications have inherent literary value and these may be taught in public schools, but only as to their literary qualities. For a teacher to say grace before

\textsuperscript{10} Under the Everson and McCollum doctrines.

\textsuperscript{11} But Engel v. Vitale, 191 N.Y. Supp. 2nd 453 (1959) holds that use of the following prayer is valid if it is not compulsory in any way: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our Country."
the noon meal is necessarily sectarian, as is recitation of the Lord's Prayer. If these prayers are deemed to be valuable as literature, there would seem to be no prohibition against their use in the classroom, but only in conjunction with the study of other literature. It would seem to be inadvisable, however, to require memorization of any prayer and the teacher should give equal emphasis to all important versions of these supplications.

Other In-class Religious Practices

It is doubtful that there should be any absolute constitutional prohibition relating to such activities as religious plays, religious poster making, Biblical map drawing or religious movies. Again, caution must be exercised and teachers should permit no trace of sectarian influences to enter the activity. If a pupil has an objection in conscience to participation in these activities, he should be in no way compelled or influenced to take part.

Other types of classroom activities found in Knoxville public schools should be totally eliminated. These include such exercises as religious notebooks, Bible memory drills, chapel programs and, at least at the elementary level, discussions on religious subjects. A significant number of teachers interviewed indicated that their students participate in these activities, all of which seem potentially geared to an inculcation of religious doctrine. This is especially true of Bible memory drills and chapel programs, both of which constitute an aid to religion and, when compulsory, violate the freedom of religion.
Students should achieve some understanding of the importance of religion, and some types of religious discussion might be permissible at the secondary level, but, again, problems arise too easily from this sort of activity. Religious groups entertaining at assemblies might be acceptable, as long as their purpose is to entertain, not to indoctrinate. The same holds true of hymns sung by school choirs and other groups.

Special Projects in Observance of Religious Holidays

The problem of special school observance of religious holidays through student projects is currently an area of great dispute. It is quite doubtful, especially since the recent Supreme Court decisions on Sunday observance laws, that the court would invalidate special public school observance of religious holidays, even though, as in Knoxville, only the traditional Christian holidays are observed. The Supreme Court noted that Sunday closing laws, although intended to compel observance of the Sabbath, have lost most of their religious significance. It remains a valid power of the state, however, to require periodically a cessation of commercial activity. Since Sunday has traditionally been a day of rest, the Supreme Court held that the state may prohibit servile labor on Sunday. By this reasoning, the court could easily uphold the practice, in general, of public school observance of religious holidays. They, too, have lost much of their religious significance and certain

12 U.S. ; the cases were Braunfeld v. Brown (6 L ed 2d, 563), Gallagher v. Crown Kosher Super Market (6 L ed 2d, 535), McGowan v. Maryland (6 L ed 2d, 393) and Two Guys from Harrison-Allentown, Inc. v. McGinley (6 L ed 2d, 551). All of these cases were decided May 29, 1961.
recognition of the essentially religious character of these holidays would seem to be within the Constitution. No student, however, should be compelled or induced to participate in any such activity, for this would definitely be an abridgment of religious freedom.

Dissemination of Religious Information

Under the New Jersey Tudor doctrine, distribution in public schools of the Gideon Bible is sectarianism even though Bible reading itself is legal in that state. Even though acceptance of the Bible presented by the Gideons is purely voluntary, the state, through the public schools, gives preference to Protestantism by assisting in the distribution. There seems to be no constitutional difference between that situation and the distribution of announcements of "revivals" or "vacation Bible schools." Dissemination of religious literature gives preference to one religion over others and should be abolished. Appearance on the school grounds of religionists who foster Bible verse memorization is also preferential to one religion. This is considerably more than the "accommodation" by the state which is permitted under the Zorach doctrine.

Ministers in the Schools

There is no objection to the employment of ministers as regular

13See supra, p. 53. More to the point, a New Mexico case, Miller v. Cooper (56 N.M. 355; 1952), holds that distribution of religious pamphlets by public schools violates the neutrality which the school is required to maintain.

14It should be noted that, for this author, religious groups whose main purpose is entertainment differ from those whose main purpose on the school grounds is concerned with proselytism.
members of public school faculties, but their task is at least as difficult as that of lay teachers. It is probably a natural tendency for children to ask of ministers questions concerning religion and the teacher-clergyman must take extreme care that his replies have no sectarian implications. Like other teachers, he should refer religious questions to the student's parents or minister.

Guest ministers in public schools pose another difficulty. Clergymen, like all citizens who have knowledge which may be beneficial to the pupils, should be encouraged to speak to student groups to share that knowledge. Again, this calls for special caution on the part of both the minister and the school. It is one thing to present an objective history of his faith, but quite another thing to sprinkle his remarks with derision of other churches. Visits by ministers to public schools should be considered an aid to religion only when the clergyman attempts to impart sectarian ideas to the students.

The Bible Teaching Program

The Bible course, as presently taught in Knoxville, is clearly in violation of the Constitution, under the McCollum decision. A course which treats the Bible, either as literature or as comparative religion, along with other works considered sacred by various religions, would present a different issue. But the Knoxville course, which considers only the Bible, is religious instruction on school property, using the tax-supported administrative machinery of the public school system.

It is of no significance that the funds are supplied by public
subscription and that there is no direct cost to the public: the same was true in McCollum. Even the Tennessee Supreme Court may have hinted that a Bible course is invalid when it said, in the Carden case,\textsuperscript{15} that schools may not "conduct a program of education in the Bible. . . ."

Religious freedom may not be at issue in the instance of the Bible course, since the course is entirely elective. Establishment of religion, however, is definitely at issue because Christianity, and especially Protestant Christianity, is fostered under the auspices of the state. Table 12 summarizes the practices found in local public schools as to their validity under the United States Constitution.

Are There Any Solutions?

What, then, can be done by the public schools to further moral and spiritual excellence? The schools cannot ignore religion for it is an integral part of society and of a child's environment. Horace Mann suggested that the schools teach a "common core" of the major faiths—such things as belief in God, immortality of the soul and moral obligations imposed by God. A criticism of this plan has been advanced by the American Council on Education, saying:

\textldots\text{ we think it objectionable from the religious point of view}. \ldots \text{ The notion of a common core suggests a watering down of the several faiths to the point where common essentials appear. This might easily lead to a new sect—a public school sect—which would take its place alongside the existing faiths

\textsuperscript{15}\text{See supra, p. 67.}
### TABLE 12

**SUMMARY OF THE CONSTITUTIONALITY OF RELIGIOUS PRACTICES IN KNOXVILLE AND KNOX COUNTY SCHOOLS**

<table>
<thead>
<tr>
<th>Description of Practice</th>
<th>Status Under U.S. Constitution</th>
<th>Status Under Tennessee Statutes and Administrative Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily Bible reading</td>
<td>U</td>
<td>R</td>
</tr>
<tr>
<td>Interpretation of verses</td>
<td>U</td>
<td>P</td>
</tr>
<tr>
<td>Definition of words with religious values</td>
<td>U</td>
<td>P</td>
</tr>
<tr>
<td>Required presence at reading</td>
<td>U</td>
<td>N</td>
</tr>
<tr>
<td>Required active participation</td>
<td>U</td>
<td>*</td>
</tr>
<tr>
<td>Biblical stories in lieu of verse reading</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Recitation of Lord's Prayer, as a devotion</td>
<td>U</td>
<td>N</td>
</tr>
<tr>
<td>Recitation of other prayers, as devotions</td>
<td>U</td>
<td>N</td>
</tr>
<tr>
<td>Other activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious plays</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Religious notebooks</td>
<td>U</td>
<td>N</td>
</tr>
<tr>
<td>Religious artwork</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Biblical map drawing</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Bible memory drills</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Religious movies</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Religious phonograph records</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Discussions on religious subjects</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Chapel sessions</td>
<td>U</td>
<td>N</td>
</tr>
<tr>
<td>Special religious holiday projects</td>
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<td>N</td>
</tr>
<tr>
<td>Dissemination of religious information</td>
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</tr>
<tr>
<td>Non-sectarian talks by ministers</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Sectarian talks by ministers</td>
<td>U</td>
<td>P</td>
</tr>
<tr>
<td>Ministers on faculty</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Religious representatives at school to foster religion</td>
<td>U</td>
<td>P</td>
</tr>
<tr>
<td>Religious groups at assemblies</td>
<td>C</td>
<td>N</td>
</tr>
<tr>
<td>Elective course in the Bible</td>
<td>U</td>
<td>N</td>
</tr>
<tr>
<td>Use of Bible in teaching secular courses</td>
<td>C</td>
<td>N</td>
</tr>
</tbody>
</table>

**Explanation of Symbols:**
- **U:** Unconstitutional in any circumstance.
- **C:** Valid on its face, but subject to invalidation when performed in a sectarian manner. If used at all, these practices must be used with caution and discretion.
- **R:** Required by Tennessee law or local administrative policy.
- **P:** Prohibited by Tennessee law or local administrative policy.
- **N:** No policy and presumably acceptable under Tennessee law or local administrative policy, or explicitly permitted by policy.
- ***:** Status uncertain.
and compete with them.16

There is another approach: the objective, or comparative, teaching of religion. This does not violate the Constitution, but the difficulty inherent in this approach is that most teachers are not familiar enough with religions other than their own to make a complete and accurate presentation. It should not be difficult, however, to teach in history, literature, art and music courses, the historical religious foundations and assumptions of the American heritage.

It is not difficult, either, for people of different religions to agree on most questions of ethically desirable human action, but it is almost impossible for people of different faiths to agree on the sanctions for conduct. For example, the concept of the "brotherhood of man" is one accepted by most people. To the humanist, "brotherhood" is an expression of a purely human value, but the Christian practices "brotherhood" because the prior love of Christ demands it. Moral and spiritual values such as these can easily be taught in the public schools, but only if the question of the ultimate sanction for the teachings is left to the church or the parents in whom is vested the sole responsibility for the child's religious instruction.

CHAPTER VII

THE ONE AND THE MANY: THE PROBLEM OF A PLURAL SOCIETY

A democracy, if it is to flourish, requires a high level of education on the part of its citizens. If it is legitimate for a democratic state to perpetuate itself, it is equally legitimate for such a state to have some degree of control over the education of its population. The goal of the public educational system, then, must be to produce people who are able to make positive contributions to the democratic society. An essential obligation of education is to inculcate in the student the notions of morality commonly accepted by the society in which he lives.

American society, pluralistic in nature, is diversified to an extreme in its religious beliefs. But, as has been observed, agreement on human conduct does not presuppose theological agreement. If agreement on a moral code adds to the stability of a society, who is to perform the instruction in morality? It is inevitable that most teachers will be tempted to impose on the students their own set of moral values which, in most cases, will be based in the Judaic-Christian system. In the public schools of East Tennessee, as has been shown, the Christian fundamentalist notions of morality have reached the point of inundation. This has put the force of the state behind a particular religion, indeed, only a segment of that religion. Yet, in our contemporary society, great difficulty is encountered by parents and churches in educating children in matters of religion and theology.

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John Locke dismissed the problem of church and state by saying that the religious and civil spheres would almost never conflict and thus the question of which sphere would rightfully take priority would be moot. Unfortunately, Locke was mistaken. The conflict has become more intense as our society has become more diversified. Even though the diversities in religious beliefs are not as much in evidence in the "Bible belt" as they are elsewhere, they exist nonetheless, and they are growing as the South grows.

Plato gives great emphasis to the necessity of unity in a political society. Time and time again he tells us of the need of unity if a polis is to survive and flourish.\footnote{Plato, \textit{Laws}, Book III.} Perhaps it could even be said that unity is the key to an understanding of Plato's theory of the state. But is it not possible that one--perhaps even Plato--can over-emphasize the concept of one-ness in a state, disregarding a very basic diversity in the personality of one man from another? One can believe, as does the author of this study, that religious pluralism is a tragedy on the spiritual level, and still hold, as does this author, that such differences are wholesome in the political order.

In more recent times, Rousseau and Hegel expressed the thoughts of Plato by saying that private interests are superficial interests and that man can fulfill himself only by giving himself to the whole--the whole being for these men the state. Man must accept the will of the whole as his will and its interests as his. Man, according to Rousseau and Hegel,
must live for the state. But a contemporary philosopher, Jacques Maritain, has emphasized that "... man is by no means for the State. The State is for man."

Our problem, then, seems to lie in finding a way to understand the kind of unity which society requires. Society must possess a certain unity. If it does not, there can be no justification for a state which has authority over its people. The converse of this proposition is that anarchy would be good for man. We know, therefore, that the whole has a certain nature and we must do justice to that nature in solving our problem and, at the same time, do justice to the individuals who comprise the whole, for they, too, enjoy a special nature. They are rational and social animals, each a personal being. Of their very nature, they have certain rights which may be said to be God-given and which no political power may justly take from them. Such denial would amount to concentrated, coercive rule, opposite from anarchy, but an equally untenable extreme. To develop an intelligent philosophy of the state we must, as Robert MacIver has said, see the individual as the "bearer and inheritor of human values," while at the same time we must view the unity of the state as that which "sustains, incorporates, and promotes human values."

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4 MacIver, op. cit., p. 409.
We might start our search for societal unity with some sound principles from Yves Simon, in his *Philosophy of Democratic Government*:

It is, indeed, harmful to ignore the laws of the one and the many. These laws are independent of human deficiencies and transcend human affairs; they are metaphysical. Goodness implies unity, but the notion of unity, as divided into "unity of the individual" and "unity of the multitude," involves an order of anteriority and posteriority. The unity of a properly unified multitude is less of a unity than the unity of an individual. The degree of unity that a multitude admits of is the same thing as the kind of unity it calls for. Although unity is an absolute perfection, there can be too much of it, inasmuch as, beyond a certain measure, the inappropriate kind forcibly displaces the proper one and destruction results. . . .

History shows us that both religion and metaphysics have been used by other cultures as a basis for unity. In what Maritain calls the "sacral era," Catholicism formed the unifying basis. Due to various circumstances, this principle was lost, never to return as a unifying factor for any large segment of the world. In the world of today, no religion could become a basis for unity, since the most plural, the most diverse characteristic of men today is their virtually unlimited number of systems of theology.

After the "sacral era," an attempt was made to make pure reason the foundation of unity. This was even less successful than religion. Reason does not seem capable of uniting men as to the basic aims and principles of human life. We have found out, however, that both

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7Ibid., pp. 108, 109.
religion and metaphysics are essential parts of culture even if they alone are not sufficient to secure the necessary unity.

There is probably no disagreement that political society is designed to enable man to achieve the good life in its totality. The disagreement, and it is great, emerges in the definition of the component terms: "good life." It is indeed unfortunate that many people fail to realize that political society—not to be confused with the state—is an end in itself. The end of political society is something practical and secular; there can be a great rallying of all men as to unity on the practical level, and still a maintenance of diversity and differences on the philosophical and theological levels. If those divided on the speculative level could realize the possibility of this practical unity and have a certain faith in its outcome, then it would be possible to secure that unity which, in a political society, is more important than speculative unity. The practical unity would be a plural unity and therefore compatible with the diversified form of being that is political society. Political society admits of much more diversity than does that of an individual man, for society consists of many men in juxtaposition, intellecting and willing together for some good. It is the fact of working together that prevents any great unification of society, and this is as it should be, for it is precisely that men do not think alike or agree on all points that makes them men. The nature of any group of men, and especially of the state, is a plurality.

In order to have any degree of harmony in society, there are certain basic tenets upon which all people must agree. These tenets should
serve as a rallying point in securing the necessary unity in the practical order and at the same time leave untouched the diversity and multiplicity which we find in the speculative order. Robert MacIver wrote, in *The Ramparts We Guard*, that the one faith, the one set of basic tenets, which can sustain the unity of the people of our modern world, is the faith of democracy. Only in democracy will we find the "greater unity that gives free play to the richness of difference that makes the creative life of a community."  

Since the present author is unable to suggest any better form of unification, he shall, for present purposes at least, agree that a faith of democracy will lead us to the proper and necessary unity for the common good. He would stipulate, however, that "faith" be taken in a temporal sense—that democracy can lead men to the greatest good in the terrestrial order.

Democracy is necessarily a society of free men freely reasoning and willing together; any coercive attempt to unify mankind is tyranny. Insistence on religious unity can lead only to conflict; the unity which exists must be voluntary. In a multigroup society we must permit, even encourage, dissenting groups, for their concepts may be as fundamental to the society as our own.

The interests of government and religion are in some areas mutual ones and legitimately so. But for this reason total separation of church

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and state can exist solely in the abstract. Most religions, especially Christianity, attempt to guide the actions of men. Herein lies the conflict with government to which, also, is rightfully entrusted certain guidance over human actions. This conflict was never clearly seen by Locke, Jefferson or Roger Williams, all of whom espoused absolute separation of church and state.

Political order necessitates a large degree of obedience, but it is not within the province of the state to espouse religious beliefs or to command religious obedience. For the believer, the church is a supernatural society which unites men with itself as co-citizens of the Kingdom of God and leads them to eternal life, a life which was begun in earthly society. One must be free to seek the truth which the church offers. He must be able to seek it without interference from the state, and, conversely, the church must necessarily be free to preach, to teach and to worship, but not under the auspices of the state.

The temporal life, Augustine's City of Eros, lasts but a few years; the supra-temporal life, the City of Agape, lasts forever. The church, as the seeker of the finis ultimus simpliciter, must be seen as superior over the body politic, the state, which is the finis ultimus secundum quid. Both are in the category of final ends, but only the supra-temporal society is a final end in itself. The temporal society is the one in which we are fitted for the higher life and it is therefore mandatory that earthly society and the state be geared toward this higher end. The church, seeking the eternal society, cannot be isolated from the state, which must strive to suit the body politic for
a supra-temporal society. Isolation would not be natural, since the same people are members of both societies; therefore, the two must cooperate to the extent which leads to the best interests of both.

In deciding the best method of cooperation, several fundamental ideas must be kept in mind. One of these is that there must be regard for the equality of all, regardless of differences in theological opinion. While religious pluralism may be a tragedy of the spiritual order, it is a fact of our society and must not be abridged. There must be freedom of individual conscience and the churches must not have the power to force its belief on unwilling men. The strength of the church lies in its inspiration and its powers of persuasion; the political order is not the secular arm of the church.

In general, our legislators are responsible for seeing that society tends toward the morally good and there appears no reason why the law cannot adapt itself to the ways of life sanctioned by various moral creeds, assuming that these creeds maintain an orientation toward that type of life which our civilization considers virtuous. Government must not endorse any specific moral creed, but it must acknowledge the validity of all moral creeds which bear on the good of society.

The specific question to be asked is this: what do the state and society owe to the churches in their spiritual missions? The answer must include a creation of conditions in society to favor the ends of the human individual. There must be provision for a peaceful enjoyment of rights, unobstructed performance of duties and a full development of
the human powers. Churches must have full freedom, but they must not have political power, for they are not a part of political society—they are supra-political, leading toward a supra-temporal common good.

In a civilization unhesitantly professing faith in God, as, indeed, have all civilizations, it cannot be too much to ask that political leaders help religion to fulfill its goal, but with freedom, not power. It is a truism that the Constitution is what the Supreme Court says it is. Probably the court would hold that Bible reading and similar religious exercises in public schools are in violation of our organic law because such practices grant unwarranted power to the churches. This is partly a substantive question, but it is also partly a procedural one. Whether or not public school religious practices should be invalidated is more an issue of public policy than of democratic faith. Public policy is open to discussion; the discussion of the problem of church and state must be by reasonable men. The social existence of man has always been characterized by acrimony and conflict, and the formula for universal inter-personal harmony has been elusive. Man has found, however, that only the communal life can fulfill the promise of his nature. This sense of fulfillment, resting upon the attainment of social harmony, comes more readily to those whose guide is reason than to those who reject that unique human property. Like an individual in irrational conflict with his nature, a society deprived of reason perishes in an internecine upheaval.

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APPENDIX

QUESTIONNAIRE FOR SCHOOL PRINCIPALS

A. GENERAL INFORMATION

4. Type of school:
   1. Elementary
   2. Junior High
   3. Senior High
   4. Combination Junior-Senior High
   5. Other (specify) ____________

5. Location:
   1. City
   2. County outside city

6,7,8,9. Present enrollment: __ __ __

B. BIBLE VERSE READING

10. Does this school have daily readings of Bible verses at each grade level or in the homerooms?
   1. Yes
   2. No

11. Are the verses interpreted so as to make them understandable to the students?
   1. Yes
   2. No

12. Are difficult words defined?
   1. Yes
   2. No

13. Are Biblical stories read in at least some of the grades in lieu of verse reading?
   1. Yes
   2. No

14. Who reads the verses from the Bible?
   1. Teachers only
   2. Students only
   3. Either students or teachers, but in each classroom
   4. Someone over school intercom system
15. By whom are the Bibles furnished?
   1. County, state or school
   2. Teachers
   3. Students
   4. Interested religious groups
   5. Practice varies in individual classes

16. Which version of the Bible is used?
   1. King James
   2. Revised Standard
   3. Other (specify)
   4. Practices vary in individual classes

17. In general, how much time per day is spent in each class with devotional exercises?
   1. Less than 5 minutes
   2. 5 to 10 minutes
   3. 10 to 15 minutes
   4. More than 15 minutes
   5. Don't know

18. Are sources other than the Bible ever used for devotions in the individual classes or homerooms?
   1. Yes (specify) __________
   2. No
   3. Don't know

19. In devotional exercises in classrooms, who chooses the matter to be read?
   1. Teachers only
   2. Students only
   3. Both students and teachers
   4. School authorities only
   5. Students, teachers, and school authorities
   6. Don't know

20. Do you think that required reading from the Bible should be
   1. Given more emphasis
   2. Given less emphasis
   3. Abolished by law
   4. Maintained as at present

C. COURSES IN THE BIBLE

21. Does this school presently offer an elective course in Bible?
   1. Yes
   2. No
22. If NO, has such a course been offered in the past 10 years?
   1. Yes
   2. No
   3. Don't know

23. If 21 was NO, are plans being formulated for such a course in the near future?
   1. Yes
   2. No

24. Where is the class taught?
   1. In school buildings
   2. Off school property

25. When is the course taught?
   1. During regular school hours
   2. After school hours on regular days (or before school)
   3. Weekends and/or holidays

26. What type of credit is given?
   1. Full credit—comparable to other courses
   2. Partial credit
   3. No credit

27, 28, 29. How many students are enrolled in the course? ___

30. What approach is used in teaching the course?
   1. Moral and spiritual training
   2. Respect for God's word
   3. As literature, biography or history
   4. Combination of above
   5. Other (specify) __________________________

31. Who teaches the course?
   1. Regular faculty member (layman)
   2. Regular faculty member (minister)
   3. Outside layman
   4. Outside minister

32. If the teacher is not a regular faculty member, is he appointed through the Knoxville Ministerial Association or a similar group?
   1. Yes
   2. No
   3. Don't know

33. How is the course financed?
   1. Regular public school funds
   2. Contributions from churches or mission boards
   3. Public subscription, but not through churches
   4. Part public funds, part private funds
34. How frequent are the classes?
   1. Daily
   2. 2, 3, or 4 times per week
   3. Once a week
   4. Less than once a week

35. Should courses in the Bible be:
   1. Elective, with credit
   2. Elective, without credit
   3. Required of all students, with credit
   4. Required of all students, without credit
   5. Abolished by law
   6. Other (specify)________________________

D. ADDITIONAL EFFORTS TO INSTILL SPIRITUAL VALUES IN STUDENTS

36. Does this school participate in special projects in observance of religious holidays?
   1. Yes
   2. No

37. If YES, are these limited to the traditional Christian holidays?
   1. Yes
   2. No

38. Do student groups or classes present plays or skits of a religious nature for assembly sessions?
   1. Yes
   2. No

39. May a student be excused from these activities if he or his parents so desire?
   1. Yes
   2. No

40. Are you requested to distribute religious materials to your students?
   1. Never
   2. Occasionally
   3. Frequently

41. If so, do you comply with these requests?
   1. Never
   2. Sometimes
   3. Always

   If sometimes, what is your basis for decision?________________________
42. Are visiting ministers ever brought into school for talks?
   1. Yes
   2. No

43. If YES, who chooses them?
   1. Student body
   2. Faculty or administration
   3. Knoxville Ministerial Association
   4. Other (specify) ______________

44. Which of these major faiths do the ministers represent?
   1. Protestant only
   2. Protestant, Catholic, Jewish
   3. Protestant, Catholic
   4. Protestant, Jewish
   5. Other (specify) ______________

45. Do you have spiritual convocations during the year?
   1. Yes
   2. No

46. Does your school have chapel sessions?
   1. Yes
   2. No

47. Do visiting ministers ever give sectarian talks or sermons?
   1. Yes
   2. No

48. Is attendance required at chapel or convocations?
   1. Yes
   2. No

49. Can a student be excused from attending religious talks?
   1. Yes
   2. No

   If YES, under what circumstances? ________________________________

50. Do religious representatives visit the school to foster Bible verse
    memorization activities among the students?
   1. Yes
   2. No

51. Do other religious groups, such as revivalists, choirs, or Christian
    youth organizations, appear at assemblies?
   1. Yes
   2. No
52. Are student religious groups and clubs encouraged?
   1. Yes
   2. No

53. Are such clubs ever officially supervised by ministers or religious representatives?
   1. Yes
   2. No

54. If YES, are these meetings held on school grounds?
   1. Yes
   2. No

55. Are they held during school hours?
   1. Yes
   2. No

56. Are students or faculty permitted to attend religious instruction off school grounds during school hours?
   1. Yes
   2. No

57. If YES, are attendance records kept?
   1. Yes
   2. No

58. How many of your regular faculty members are ministers?
   1. None
   2. 1-5
   3. 5-10
   4. More than 10
   5. Don't know

59. Are there students (or parents) who request permission not to pledge allegiance to the flag?
   1. Yes
   2. No

60. Is such permission given?
   1. Yes
   2. No

61. Do you think that religious activities at this school should be
   1. given more emphasis
   2. given less emphasis
   3. abolished by law
   4. maintained as at present

62. Have you faced any peculiar problems in this area which have not been covered by the questionnaire? Do you have any additional comments which might help us in this study?
A. GENERAL INFORMATION

4. Which grades do you currently teach?
   1. First, second or third
   2. Fourth, fifth or sixth
   3. Seventh or eighth
   4. Combination of above (specify) ____________________________

5. Location of school
   1. City
   2. County outside city

6. Are you a minister?
   1. Yes
   2. No

7. If NO, are you active in church work?
   1. Yes
   2. No

8, 9, 10. Number of students in your class or homeroom section at present ______

11. How many students do you have in your class or homeroom section who are not Protestants?
    1. None
    2. 1-5
    3. 5-10
    4. 10-15
    5. Over 15
    6. Don't know

B. READING THE BIBLE

12. Are verses from the Bible read daily in your class?
    1. Yes
    2. No

13. Are these verses interpreted in order to make them understandable to your pupils?
    1. Never
    2. Occasionally
    3. Frequently

14. Do you define some of the difficult words?
    1. Yes
    2. No
15. Who normally reads the selections?
   1. Teacher
   2. Students
   3. Both teacher and students, but in your classroom
   4. Someone over school intercom system

16. Who chooses the matter to be read?
   1. Teacher
   2. Student who reads the selection
   3. Group of students
   4. School authorities

17. If students read the selections, are the readings done:
   1. On a voluntary rotating basis
   2. On an assigned rotating basis
   3. One student volunteering on a permanent basis
   4. One student assigned on a permanent basis

18. If students read on an assigned basis, are there circumstances under which a student may be permanently excused from reading?
   1. Yes
   2. No
   If YES, explain the circumstances ________________________

19. Who supplies copies of the Bible?
   1. Teacher
   2. Student
   3. County, state or school
   4. Interested religious groups

20. Which version of the Bible is used?
   1. King James
   2. Revised Standard
   3. Choice left to student reading
   4. Other (specify) ____________

21. Are Biblical stories read in your class?
   1. Yes
   2. No

22. Who supplies the Biblical stories?
   1. County, state, or school
   2. Teacher
   3. Students
   4. Interested religious groups
   5. Other (specify) ____________

23. In general, how much time per day do you spend in your class with devotional exercises?
   1. Less than 5 minutes
   2. 5 to 10 minutes
   3. 10 to 15 minutes
   4. More than 15 minutes
24. Do you think that required reading from the Bible should be
   1. Given more emphasis
   2. Given less emphasis
   3. Abolished by law
   4. Maintained as at present

C. ADDITIONAL EFFORTS TO INSTILL SPIRITUAL VALUES IN STUDENTS

25. Does your class participate in special projects in observance
    of religious holidays?
   1. Yes
   2. No

26. If YES, are these limited to the traditional Christian holidays?
   1. Yes
   2. No

27. May a student be excused from these activities if he or his
    parents so desire?
   1. Yes
   2. No

Circle the activities in which this class participates:
28. Recitation of the Lord's Prayer
29. Other prayers
30. Religious plays
31. Keeping of religious notebooks or scrapbooks
32. Religious poster-making and similar art work
33. Biblical map-drawing
34. Bible memory drills
35. Discussion on religious subjects
36. Guest lectures (in classroom) on religious subjects
37. Religious movies
38. Chapel programs and religious assemblies

39. Are you requested to distribute religious materials to your students?
   1. Never
   2. Occasionally
   3. Frequently

40. If you receive such requests, do you comply with them?
   1. Never
   2. Occasionally
   3. Always
   If occasionally, what is your basis for decision? _________
41. If religious representatives come to your classroom, which of these major faiths do they represent?
1. Protestant only
2. Protestant, Catholic, Jewish
3. Protestant, Catholic
4. Protestant, Jewish
5. Other (specify) __________________________

42. Who chooses the ministers?
1. Students
2. Teacher
3. School administration
4. By request of religious associations
5. Other (specify) __________________________

43. Can a student be excused from attending religious talks?
1. Yes
2. No
If YES, under what circumstances? __________________________

44. If your school permits students to take religious instruction during school hours off of school grounds, how many students do NOT participate?
1. None
2. 1-5
3. 5-15
4. More than 15

45. To what extent are students encouraged (by teacher or administration) to attend these instructions?
1. Encouraged and rewarded in some way
2. Encouraged but not rewarded
3. Required to make up work missed
4. Left entirely to students and parents
5. Other (specify) __________________________

46. Do you think that religious activities in school should be:
1. Given more emphasis
2. Given less emphasis
3. Abolished by law
4. Maintained as at present

47. Do you think that, in general, the various religious activities of this school conflict with the religion clause of the U.S. Constitution?
1. Yes
2. No
48. From the point of view of what the students actually get from devotional exercises, do you think that they are:
1. Very worthwhile
2. Moderately worthwhile
3. Not at all worthwhile

49. Do the attitudes of the students toward Bible reading and other required religious exercises seem to be those of
1. Interest
2. Apathy
3. Dislike

50. Have you faced any peculiar problems in the area of religious education which have not been covered by the questionnaire? Do you have any additional comments which might help us in this study?
A. GENERAL INFORMATION

4. Type of school:
   1. Junior High
   2. Senior High
   3. Combination Junior-Senior High
   4. Other (specify) ____________

5. Location:
   1. City
   2. County outside city

6. Do you have a homeroom section?
   1. Yes
   2. No

7,8,9. Number of students in your homeroom section: ___

10. Are you a minister?
    1. Yes
    2. No

11. If NOT, are you active in church work?
    1. Yes
    2. No

12. How many students do you have in your homeroom section who are not
    Protestants?
    1. None
    2. 1-5
    3. 5-10
    4. 10-15
    5. Over 15
    6. Don't know

B. BIBLE VERSE READING

13. Are verses from the Bible read daily in your homeroom?
    1. Yes
    2. No

14. Are these verses interpreted in order to make them understandable to
    your pupils?
    1. Never
    2. Occasionally
    3. Frequently
15. Do you define some of the difficult words?
   1. Yes
   2. No

16. Who normally reads the selections?
   1. Teacher
   2. Students
   3. Both teacher and students, but in your classroom
   4. Someone over school intercom system

17. Which version of the Bible is used?
   1. King James
   2. Revised Standard
   3. Other (specify) ______________

18. Who supplies copies of the Bible?
   1. Teacher
   2. Student
   3. County, state or school
   4. Interested religious groups

19. Who chooses the matter to be read?
   1. Teacher
   2. Student who reads the selection
   3. Group of students
   4. School authorities

20. If students read the selections, are the readings done:
   1. On a voluntary rotating basis
   2. On an assigned rotating basis
   3. One student volunteering on a permanent basis
   4. One student assigned on a permanent basis

21. If students read on an assigned basis, are there circumstances under which a student may be permanently excused from reading?
   1. Yes
   2. No
   If YES, explain the circumstances ______________________

22. Do you use the Lord's Prayer or other similar prayers in conjunction with Bible verse reading?
   1. Yes
   2. No

23. In general, how much time per day do you spend in your class with devotional exercises?
   1. Less than 5 minutes
   2. 5 to 10 minutes
   3. 10 to 15 minutes
   4. More than 15 minutes
24. Do you think that required reading from the Bible should be:
   1. Given more emphasis
   2. Given less emphasis
   3. Abolished by law
   4. Maintained as at present

C. ADDITIONAL EFFORTS TO INSTILL SPIRITUAL VALUES IN STUDENTS

25. Are you requested to distribute religious materials to your students?
   1. Never
   2. Occasionally
   3. Frequently

26. If you receive such requests, do you comply with them:
   1. Never
   2. Occasionally
   3. Frequently
   If occasionally, what is your basis for decision? ________

27. Do you use the Bible for any part of your course work?
   1. Yes
   2. No
   If YES, in what way? ________________________________

28. Do you ever have occasion to refer to the creation of man in your teaching?
   1. Yes
   2. No
   If YES, what is your basic approach? ________________
   To what extent do you use Genesis in your teaching of creation? ___
   Are students tested on their knowledge of Genesis? __________
   What do you say about evolution? ________________________

29. Do you teach a course in the Bible?
   1. Yes
   2. No
   If YES, how many students do you have in the course? ________
   What is your basic approach in teaching the course? _________
   Who supplies copies of the Bible? _________________________
   Which version is used? _________ Do students ever use a different translation? ________________________________
Of which church are you a member? ________________________________

Do you think a course in the Bible is essential? ________________

Why? ___________________________________________________________________

Would you say that your course is actually non-sectarian? __________

Why? ___________________________________________________________________

If Catholics took your course, would what you teach be compatible with the teachings of their church? __________ Why? ________________

What if Jews took your course? ________________________________

30. Are there books in the school library which are favorable to evolution?
   1. Yes
   2. No

31. Should these books be in the library?
   1. Yes
   2. No

32. Are there books in the school library which are favorable to Protestantism and unfavorable to other religions?
   1. Yes
   2. No

33. Should these books be in the library?
   1. Yes
   2. No

34. Do you think that religious activities in school should be:
   1. Given more emphasis
   2. Given less emphasis
   3. Abolished by law
   4. Maintained as at present

35. Do you think that, in general, the various religious activities of this school conflict with the religion clause of the U.S. Constitution?
   1. Yes
   2. No

36. From the point of view of what the students actually get from devotional exercises, do you think that they are:
   1. Very worthwhile
   2. Moderately worthwhile
   3. Not at all worthwhile
37. Do the attitudes of the students toward Bible reading and other required religious exercises seem to be those of:
   1. Interest
   2. Apathy
   3. Dislike

38. Have you faced any peculiar problems in the area of religious education which have not been covered by the questionnaire? Do you have any additional comments which might help us in this study?