

Religious issues and elections

BY KEON S. CHI

Religion has been a major issue so far in the 2000 presidential campaign. Candidates for congressional and statewide elections this fall also could raise faith-related issues in their campaigns. Winners of this year's elections are likely to deal with the constitutionality of traditional religious practices and prayer in public schools, posting of the Ten Commandments and teaching creationism in schools, as well as vouchers, charter schools and outsourcing public services to faith-based organizations.

School prayer. In the early 1960s, a prayer recited daily in New York public schools attracted national attention. The prayer read: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

While the state maintained the prayer was meant to be voluntary, the U.S. Supreme Court in 1962 declared unconstitutional organized prayer in public school (*Engel vs. Vitale*) and later the Court outlawed Bible reading and reciting the Lord's Prayer in public schools. The Court in a 1992 case, *Lee vs. Wiseman*, held a public school may not sponsor prayer at a graduation ceremony. Moreover, schools must prohibit students at school-sponsored events from saying prayers over the public-address system, the Court ruled this June 19 (*Santa Fe Independent School District vs. Jane Doe*). By a 6 to 3 vote, the Supreme Court struck down a Texas school district's policy of permitting students to offer a prayer of their own choosing at school football games, even if the message is "nonsectarian and nonproselytizing."

Is a daily moment of silence in public schools constitutional? A Virginia law enacted this year says that students may "meditate, pray or engage in any other silent activity, which does not interfere with ... other pupils." The American Civil Liberties Union filed suit in federal court seeking to overturn the law, arguing that it violates the First Amendment ban on government establishment of religion.

Ten Commandments. The U.S. Supreme Court ruled in *Stone vs. Graham* (1981) that posting the Ten Commandments on the wall of classrooms in public schools in Kentucky violates the separation of church and state principle. Some members of Congress revived the issue recently, and several states debated measures to post the Commandments. In Kentucky, where 86 percent of those polled support the posting of the Ten Commandments, the General Assembly passed a resolution, S.J.R. 57, that

urges schools to post the commandments as part of series of "historical documents." The Indiana and South Dakota legislatures passed laws allowing posting of the Ten Commandments in schools and government buildings. However, a California court of appeals held a public school district did not violate a private advertiser's right to the free exercise of religion when the school refused to post a sign featuring the Ten Commandments on its baseball field as part of a fundraising event.

Teaching creationism. The U.S. Supreme Court in *Edwards vs. Aguillard* (1987) prohibited states from requiring the teaching of creationism in public schools that also teach evolution. Recently, the Kansas Board of Education dropped the study of evolution from the state's science curriculum. The New Mexico Board of Education voted to limit the statewide science curriculum to the teaching of evolution, not creationism. In the meantime, a publicly financed charter school scheduled to open in Rochester, N.Y., next fall intends to teach students about creationism as a scientifically based theory competing with the theory of evolution.

The U.S. Supreme Court most recently on June 19 in *Tangipahoa Parish Board of Education vs. Freiter* refused to review a Louisiana public school district's attempt to require that the teaching of evolutionism be accompanied by a disclaimer mentioning the biblical version of creation.

Other religious issues. The U.S. Supreme Court June 28 gave leeway for parochial aid with a ruling allowing taxpayer funds to buy computers and instructional materials for religious schools in *Mitchell vs. Helms*. Will the new Congress pass legislation allowing parents to use government-issued vouchers to send their children to private schools, including parochial ones? Pending a final court ruling, Florida now has a statewide voucher program. In recent years, thousands of charter schools have been established in more than 30 states. Many states now allow educators to offer innovative programs in public charter schools without imposing the usual government regulations and bureaucracy.

The question is, will the new Congress support the use of tax money to fund faith-oriented charter schools? And, will Congress pass legislation to allow churches, synagogues, temples and other religious organizations to provide welfare services for the poor with government funding? The results of the November elections will determine the answers.



Courts and politicians elected this fall will decide the fate of faith-based legislation.

Keon S. Chi is a senior fellow in CSG's Center for Leadership, Innovation and Policy.