

Prayer at Colleges, Universities Should Be Preserved



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A common refrain heard among the calls for ratification of the 26th Amendment, which lowered the voting age from 21 to 18, was that if people were old enough to fight and die for their country, then they were old enough to vote. The same rationale that worked in 1971 could be dusted off today in the debate over prayer at colleges and universities, including many throughout Texas.

Not long ago, a federal appeals court struck down the practice of opening meals with chaplain-led prayer at the venerable Virginia Military Institute, a four-year undergraduate institution founded in 1839 as the nation's first state military college. Citing Supreme Court rulings that prohibited school-sponsored prayer in middle and high schools, the U.S. Court of Appeals for the 4th Circuit reasoned that VMI's prayers were an unconstitutional establishment of religion. In the process, however, the appeals court ignored a key fact: Unlike their secondary school counterparts, VMI's cadets are adults.

The Supreme Court must not permit this ill-considered ruling to stand. As Texas Attorney General, I have filed a brief for the State of Texas and 11 other states, urging the U.S. Supreme Court to reverse the lower court's decision.

Beginning in the 1960s, courts began to prohibit prayer in schools largely

because the participants were children. Such impressionable minds, the reasoning goes, are more susceptible to pressure to participate in a prayer led by a teacher, coach or other officially sanctioned person. In 2000, for example, the U.S. Supreme Court ended the Houston-area Santa Fe Independent School District's practice of leading prayers via the public address system before high school football games. The Court ruled that the pre-game prayers "put school-age children who objected in an untenable position."

Now that standard is being applied to college students. VMI, which employs a strict regimen as part of its military training and educational philosophy, has cadets stand and remain silent before each dinner while a nonsectarian prayer is read giving thanks or asking for God's blessing. The plaintiffs in the case were not required to recite the prayers, bow their heads, close their eyes or even attend the supper seating at which the prayers were read. Nevertheless, the 4th Circuit court mistakenly saw religious indoctrination at work. Like an overprotective parent, the panel refused to admit that VMI's cadets are adults, able to decide for themselves whether to participate in a dinner prayer.

This ruling sets a dangerous precedent that could impact institutions across the nation. VMI's ceremony is similar to the tradition of incorporating prayer into formal university events such as graduations. In each case, the prayers are brief and nonsectarian; they are spoken before an audience of mature adults in a higher education

setting; and they represent only a small part of a larger ceremony that is secular in nature. The primary effect of the prayer is not indoctrination of the listener but merely recognition of the role of divine providence in accomplishing the institution's past achievements and future goals. By creating a new rule that even mature college students can be subjected to unconstitutional "coercion," the Court's decision threatens the ability of public colleges and universities in Texas to include these prayers in graduations and other official events.

The use of prayer to solemnify university events is, like the practice of opening legislative sessions with a prayer, part of our national heritage. These public acknowledgments date back at least to 1789, when the First Congress called upon President Washington to "recommend to the People of the United States, a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God" Since then, countless presidents have observed that tradition, as well. President Bush alone has issued 10 proclamations calling for national days of prayer.

Other appeals courts have supported prayers in university settings, placing the VMI ruling in direct contradiction to those decisions. The Supreme Court must clear up the confusion, so college students can again be treated like adults.