

SILENT PRAYER

The Moral Majority had one item on its agenda which has caused a flurry of activity in the Congress. Congressmen have already introduced at least 14 bills which would variously allow voluntary prayers in the public schools or public places; or encourage periods of silence in public schools for the purpose of prayers; or eliminate the Supreme Court's ability to rule on such prayer.

Most segments of organized Jewry have traditionally opposed such proposals as violations of church-state separation and harbingers of second-class citizenship for Jews. In a current survey of Jews in the San Francisco area, about three quarters of the Jews oppose voluntary, non-sectarian prayers in public schools. The proportion of Jews who "strongly" oppose such prayers, to those who "strongly" support such prayers, is about six to one.

On the other hand, the "church-state question" is not always cut-and-dried. Consider two different actions in recent months by the American Jewish Congress, American Jewry's expert on church-state matters. The American Jewish Congress has just applauded a New Jersey court decision which allowed public schools to take religious holidays into account, by avoiding those religious holidays in the scheduling of extra-curricular events.

But a few months ago the same American Jewish Congress applauded a New York court decision which prevented students from conducting voluntary group prayers on school property before the formal class-day began. In the first case, we seem to be *soft* on church-state separation; in the second case, we seem to be *hard* on church-state separation.

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There are differences between the two cases, of course. Partly the difference is based on the tension between the two phrases in the First Amendment which have to do with church and state. In one phrase, government is prevented from doing anything to "establish" a religion. In the other phrase, government is prevented from doing anything to interfere with the free exercise of religion. If government never "accommodates" to the religious needs of the citizenry - then it, in fact, sometimes interfere's with that citizen's free exercise of religion. Thus, government agencies, in setting up work schedules, are supposed to accommodate reasonably to the needs of Sabbath-observers.

But if we say that the public schools are properly "accommodating" to the religious needs of students by avoiding extra-curricular events on Jewish holidays, then why is it not an "accommodation" to religious needs of students to allow them to pray voluntarily on school grounds before the formal classes begin?

The difference is partly a matter of judgement. Presumably, church and state are) ^{more entangled} in the second case - where the schools feel they must provide some supervision for student gatherings in classroom, even if the formal instructional day hasn't started. In the case of extracurricular activities, it is just a matter of adjusting the calendar.

But the line of distinction gets pretty thin at times. If *any* vocal prayer is allowed in the public schools, Jews feel that it will tend to get denominational, and take on the approval of the government. But what about a period in which students can silently pray if they wish? On the face of it, that would seem to take care of the religious needs of the students, without imposing any serious government approval, or entanglement. Actually,

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there is nothing to prevent schools from having periods of silence now- but most Jewish organizations have opposed them, when designated as silent meditation, out of fear that the practice might be extended and abused.

However, the Union of Orthodox Congregations, which opposes prayer recitation in the schools, says they "see no objection if the school day were to start with a period of silent meditation...so that every pupil could thank the Almighty in terms of his faith and his parental religious heritage."

Those congressional bills which would limit the Supreme Court are generally dangerous to our democratic life. So are those bills which would create a constitutional amendment to explicitly allow prayer services in the schools. However, for reasons of principle and strategy perhaps it is time for the organized Jewish community to seriously review its position on periods of thoroughly silent meditation in the schools. What do you think?