

You Are the Judge

Santa Fe Independent School District v. Doe

Setting the Scene

The big high school football game is about to begin. As the band marches off the field, a student walks to the center yard line. "Let us bow our heads," he says. The crowd grows silent as he recites, "Dear Lord, thank you for allowing us to gather here tonight and please bless this game." Your best friend, who is sitting beside you, is Hindu. As the prayer continues, you see that she is becoming more and more uncomfortable.

The next day in school, she complains to the principal. He tells her that although prayer in the classroom is unconstitutional, it doesn't apply to a football game. Most of the students like the prayer, and if she's uncomfortable, she can simply skip the game. No one is forcing her to go.

If the prayer is making a student uncomfortable, is skipping the game her only choice? Is the school's action legal?

government entity? In June 2000 the U.S. Supreme Court heard arguments in a case that decided just this question. The case, *Santa Fe Independent School District v. Doe*, involved students, their families, and the administration at Santa Fe High School in eastern Texas.

Establishment of Religion in Schools

The First Amendment to the U.S. Constitution says, "Congress shall make no law respecting an establishment of religion." This has generally been held to mean that no government body, such as a school district, can impose religious activities or religious beliefs on individuals. Many school activities have been challenged on this basis.

In 1962, in the case of *Engel v. Vitale*, the Supreme Court held that teachers could not lead students in prayer in the classroom. Thirty years later, in the case *Lee v. Weisman*, the Supreme Court said that public schools could not invite clergy members to school graduations to recite a prayer with the graduating class.

But what if, like the football game, it is not an official school event, but merely a school-sponsored event? And what if it is not a clergy member, but a fellow student, who leads the prayer? Does that make a difference?

The Issue: First Amendment Rights

Is a public prayer before a high school football game a violation of the First Amendment prohibition against the establishment of religion by a

A Long Tradition

Prayers before football games had been a regular event at Santa Fe High School until 1995 when two families, one Mormon, one Roman Catholic, complained about the practice. Believing that forcing

their children to listen to these prayers was unconstitutional, the parents went to court to have the prayers stopped. The two families both used the name Doe in the court cases to protect themselves from being harassed for bringing the lawsuit.

Santa Fe School Responds Quickly

The first court to hear the case, the U.S. District Court, ruled in the parents' favor. Forcing students to participate in a religious exercise was in violation of the First Amendment. The court ordered the school to stop holding prayers at football games as well as at graduation and other school events. It required the school to bring its policies in line with the Constitution.

The school district was dissatisfied with the order. Its response was twofold. First, the district developed a series of new policies. One of these stated that each school year, the students of Santa Fe High would vote on whether there should be a prayer before each game and, if so, which student would recite it. In this way, the prayer would be a student-sponsored event, elected by a majority of the student body, and not a religious observance imposed by the government.

Second, the school district appealed the court decision to the Court of Appeals. The Court of Appeals agreed with the lower court and held that even the modified policy was a violation of the First Amendment. The school district then appealed the case to the U.S. Supreme Court. On March 29, 2000, the Supreme Court heard arguments from both sides in the dispute.

Arguments for the School District

1. The prayer was given by a student elected by other students, not by a representative of the school, and therefore it was not a matter of the school imposing religion on students.

2. Unlike in the classroom, students are not required to attend the game, so the school is not forcing any religious beliefs or practices on them.

Arguments for the Families

1. The school sponsors the football games. A prayer sent over the school's public address system, by a speaker representing the student body, under the supervision of teachers at the school, and under a school policy, is a government imposition of religion.
2. Football games may not be a required activity for all students, but they are required for members of the band, members of the team, and cheerleaders. In addition, football is a major school activity and an important part of the high school experience. No student should be forced to stay away because of a religious ceremony, and no student should be forced to listen to a religious ceremony.

Conclusion

In June 2000 the Supreme Court issued a ruling in this case. What are the constitutional and legal issues raised by this case? Suppose you were writing the Court's opinion. In whose favor would you decide—the school district's or the families'? What changes in the facts might make your decision different? What if this were not a prayer, but a political speech? What if the student led a moment of silence, instead of a prayer?

