

From the Gridiron to the United States Supreme Court: Defining the boundaries of the First Amendment's Establishment Clause

by

F. King Alexander, Ph. D.

**Assistant Professor of Higher Education and Program Coordinator
Department of Educational Organization and Leadership
University of Illinois at Urbana-Champaign**

and

Ruth H. Alexander, Ed. D.

**Distinguished Professor of Exercise and Sport Sciences
Department of Exercise and Sport Sciences
University of Florida
PO Box 118205
Gainesville, FL 32611-8205
(352) 392-0584 Fax (352) 392-5262**

John Locke (1689) wrote that it is a fundamental responsibility of democratic government "to distinguish exactly the business of civil government from that of religion, and to settle the just bounds that lie between one and the other"(pg. 27). Though simplistic in prescription, Locke's revolutionary advice has proven to be one of the most difficult challenges facing both emerging and established democratic societies. Unfortunately, few governments have successfully distinguished the boundaries between civil and church authority. Conflict over religion and the role of religion in government remains at the forefront of policy concerns throughout the world. In Europe, the British government has recurrently attempted to hold together a fragile peace agreement between Catholics and Protestants over the fate of Northern Ireland, where political and religious violence between Christians has plagued the nation for nearly a century. In Yugoslavia, religious differences between Orthodox Christian Serbs and ethnic Albanian Muslims has been at the core of a vio-

lent government effort to eradicate Muslim influence and control over the Yugoslav province of Kosovo (Loeb & Smith, 1999). In Asia, religious leaders in India are attempting to legislate pro-Hindu state policies in a nation that has traditionally kept civil and religious authority separated (Dugger, 2000). In other nations such as Algeria, Egypt, Iran, and Indonesia, secular governments are struggling to prevent Muslim extremists from taking control and imposing strict Muslim law. Throughout the world, the reassertion of religious authority and the rise of sectarianism have been the source of domestic violence and turmoil as religious groups wage war against each other hoping to influence governmental and societal affairs.

Even in the United States, popular concerns regarding a perceived moral decline of its citizens has fueled a resurgence of the religious right who is threatening to tear down the "wall of separation" between church and state. It is desired by these religious advocates that a twenty-first century government will help bring Christianity

to the playing fields, classrooms, and workplaces of America regardless of its effect on minority religious groups. The problems encompassing this intensely contested issue have even surfaced numerous times during the 2000 presidential primary debates as conservative candidates questioned the Christian religiosity of their opponents. Even in the United State Congress, the selection of a congressional chaplain led to a highly volatile discourse between Protestant and Catholic members. In a nation that has self-proclaimed itself as the world's most religious among the post-industrial world, the boundaries that have traditionally separated civil government from spiritual establishment are becoming increasingly blurred and controversial as the courts struggle to define any clear direction (*Economist*, 2000).

In the United States, many of the battles to establish the boundaries of religious influence on civil government have been fought on the playing fields and classrooms of public education. Much discord and ill will has even developed among various churches, sects and secular groups on issues such as abortion, education vouchers, school prayer, religious home schooling and tax benefits for parochial schools. In an effort to diffuse tension and clarify the proper boundaries that separate church and state in these matters, the U.S. Supreme Court has managed to obscure it through a series of rulings that signify the divided nature of the Court, thus fueling the flames of further controversy surrounding the issue of separation. For example, in a recent U. S. Supreme Court ruling, *Santa Fe Independent School District v. Doe* (2000), the Court held that official prayers before public school sporting events were unconstitutional and violated the Establishment Clause of the First Amendment. This ruling appeared to be a clear decision that according to the Americans United for Separation of Church and State "slams the door on majority rule in religious matters" (Americans United, 2000). The decision was consistent with many previous Supreme Court rulings upholding

the "wall of separation" in matters of religion and public education and will be discussed in greater depth later in the paper.

However, in a sequence of decisions that clearly depart from previous U. S. Supreme Court decisions and precedents, the Court has chipped away at the legal foundations buttressing the Constitutionally mandated "wall of separation." In *Rosenberger v. University of Virginia* (1995), the Court ruled that universities could not advance a mandatory student fee policy that discriminated against religious student groups. Two years later, the Supreme Court held in *Agostini v. Felton* (1997) that the Establishment Clause did not bar the New York City Board of Education from sending public school teachers into parochial schools to provide remedial education to disadvantaged children under Title I of the Elementary and Secondary Education Act. In the most recent example of the Supreme Court's capricious treatment of the separation principle, the Court held in *Mitchell v. Helms* (2000) to allow the state to purchase and supply computers, software, books, and audio-visual equipment to private religious schools. In short, the current movement by the U. S. Supreme Court and many politicians to respond to the pressures of Christian groups who are seeking to assert their influence in the policy-making arena has cast an ominous cloud over the principle of separation of church and state that Jefferson, Madison, and the founding fathers once envisaged for this nation. Before discussing the impact of this national trend on educational institutions and the legal battles that have ensued, it is useful to briefly address the historical and legal constructs advancing the separation of church and state.

The Origins of the First Amendment's Establishment Clause

The effort to define the proper relationship between government and religion dates back to the founding of the country when the framers of the Constitution debated what kind of roles government and religion would play in the American

experiment. In 1779, Thomas Jefferson drafted the *Bill for Establishing Religious Freedom* in Virginia, which argued against taxation proposals aimed at supporting religion by writing. According to Jefferson (1779),

[T]o compel a man to furnish contributions of money for the propagation of opinions

which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose power he feels most persuasive to righteousness. (Alley, 1999, p. 34)

Underlying Jefferson's thinking was a concept advanced by John Locke and Baron de Montesquieu that civil society and religious society must be separated in order to function effectively. In his *Letter Concerning Toleration*, Locke (1689) stated that the "care of souls cannot belong to the civil magistrate because his power consists only in outward force." True and saving religion, he argues, "consists in the inward persuasion of the mind." (pp.17-18). Locke published his political writings after Cromwell's democratic government collapsed in England resulting in the restoration of the monarchy. Locke asserted that the battles over religion between the Anglicans, Puritans, Presbyterians, and Catholics, significantly contributed to the demise of Cromwell's democratic support and ideals in England (McWhirter, 1994). Locke further acknowledged the authority of civil government by stating that,

Every man has commission to admonish, exhort, convince another of error, and by reasoning, to draw him into truth; but to give laws, receive obedience, and compel with the sword, belongs to none but the magistrate. And upon this ground, I affirm that the magistrate's power extends not to the establishing of any articles of

faith, or form of worship, by the force of laws (p. 20).

For Montesquieu, a French Catholic Aristocrat, government's failure to exclude the influences of church authority in the establishment of policies and laws was a fundamental injustice. In his greatest work *The Spirit of Laws* (1748), he advocated the establishment of three branches of government, the judicial, legislative, and executive, all separated from each other and church authority. He also advanced the idea that criminal law should not punish thoughts or beliefs, only overt acts, and that only God has the right to punish crimes against religious teachings. Throughout Montesquieu's writings, beginning with the *Persian Letters* in 1721, the common theme of religious tolerance is frequently presented (McWhirter, 1994).

The influence of Locke and Montesquieu's political philosophies on the founding fathers is noticeably evident in the writings of Jefferson and Madison. Jefferson perceived the power and influence of the majority religion, Christianity, as a threat to the individual freedoms and liberty of the people. In Jefferson's *Bill for Establishing Religious Freedom*, he stated that,

[N]o 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, nor shall otherwise suffer on 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 nowise diminish, enlarge, or affect their civil capacities.

At the same time that Jefferson proposed his bill, another bill was introduced in the Virginia General Assembly by the great statesman Patrick Henry entitled a "Bill Establishing a Provision for Teachers of the Christian Religion", that declared "the Christian Religion shall in all times coming be deemed and held as the established

Religion of the Commonwealth" (Pfeffer, 1967, p. 109). In remonstrating against Henry's bill, Madison also argued against the entanglement of government and religion. In Madison's response to Henry's bill known as *The Memorial and Remonstrance Against Religious Assessments*, he wrote that,

Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease any particular sect of Christians, in exclusion of all other sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever? (Alley, 1999, p. 30).

Madison's *Memorial and Remonstrance* was truly a great document in the history of religious freedom. It went on to argue that a true religion did not need the support of law or tax payer money, and that cruel persecutions were the inevitable result of government-established religion (Alexander & Alexander, 1992). It conveyed a philosophy of separation that, along with Jefferson's Bill for Establishing Religious Freedom, established the foundation for the Virginia Constitution.²

Four years after the ratification of the U. S. Constitution in 1787, the First Amendment was adopted by the framers with the same objectives and protections for religious freedom as those set forth in the Virginia statute on religious liberty. It provided the logic and rationale for the "wall of separation" provisions of the First Amendment which clearly states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

In summary, the adoption of the First Amendment was a culminating event in American Constitutional history; an event that was supposed to put an end to centuries of religious discrimination, civil strife and persecutions generated by established religious sects from the

Old World who were determined to expand their influence in the New World. As early American history indicates, that although the framers of the Constitution and First Amendment were predominantly of Christian heritage and backgrounds, they were well aware of the perilous effects of not separating civil government from church authority.

The Courts and the Establishment Clause

In the first in a series of famous cases, *Reynolds v. United States* (1879), the U. S. Supreme Court deprived Congress of all legislative power over mere opinion, but was left free to reach actions which were in violation of social duties or subversive of good order. This was the first Supreme Court ruling to incorporate Jefferson's "wall of separation" into law. Nearly seventy years after the *Reynolds* decision, the Supreme Court reinforced Jefferson's principle in *Everson v. Board of Education* (1947). In *Everson* the Court the "establishment of religion" clause of the First Amendment was interpreted by the U.S. Supreme Court to mean that:

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 nor influence a person to go or to remain away from church against his will or force him to profess a belief or disbelief in any religion. (p. 164)

Both Supreme Court rulings were consistent with Madison's views on taxation for religious purposes set forth in his *Memorial and Remonstrance*. In another landmark case, the Supreme Court stated in *Everson* over half a century later that "No tax in any amount, large or small, can be levied to support religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion" (p.1). The Court even uses Jefferson's statement that the Establishment

Clause was intended to erect “a wall of separation between church and state” (p.1).

The Supreme Court’s interpretation of the Establishment Clause in *Reynolds and Everson* has never been overturned. But the line of demarcation separating what violates this clause has increasingly been blurred since this ruling. This is largely due to the rather conservative make-up of the Supreme Court, whose members have favored chipping away at the “wall of separation” between church and state in a number of recent cases. The dissent of Chief Justice Rehnquist in *Wallace v. Jaffree* best represents the current attitude of the Court on this subject. He argued that the “wall of separation” was a “metaphor based on bad history, a metaphor which has proved useless as a guide to judging” and that it “should be frankly and explicitly abandoned.” This shift in attitude by the Court in recent years has reignited the flames of religious conservatives around the country who see the present time as an excellent opportunity to wage war on the Jeffersonian and Madisonian ideal of keeping government and religion separate under the law. During the 1990s many Christian groups found popular support in maintaining that the United States was established as a Christian nation by Christian people, with the Christian religion assigned a central place in guiding the nation’s destiny (Kramnick & Moore, 1997). Therefore, according to many religious conservatives, the U. S. Supreme Court has historically misinterpreted the founding fathers constitutional intent by surmising that civil authority and religion should remain separated.

Religion and Public Education

The battleground where most of this war between religious conservatives and supporters of the “wall of separation” has been fought primarily in the domain of public education. The issue of federal and state aid to religious schools, the posting of the Ten Commandments, taxpayer vouchers, and group prayer at public school activities and sporting events are issues receiving substantial national attention. In fact, judging by

a series of recent rulings involving publicly aided religious schools, the current U. S. Supreme Court has established a legal foundation that is challenging the legal constructs of previous Court rulings upholding the “wall of separation.” However, due to the brevity of this article, most of our attention will not focus on the issue of public support of religious schools, but instead the current discourse encompassing student led prayers at public school activities and sporting events.

Ever since the U. S. Supreme Court’s landmark decision in *Engel v. Vitale* (1962), school-sponsored prayer has been unconstitutional. Despite a rather definitive ruling on the issue, school prayer proponents have increasingly advanced emotional appeals to restore prayer in schools, essentially making their case on the basis of majority rule. In spite of these efforts, the Supreme Court has consistently held to the notion of governmental neutrality concerning prayer in schools.

Three decades after the *Engel* ruling the issue of public school sponsored prayer has surfaced again as a controversial topic among educators, policy makers and private citizens throughout the nation. Those advocating more religious expression in the public schools maintain that the prohibitions of the free exercise clause apply only to the classroom and do not prevent religious exercises in extracurricular activities such as commencements and athletic events. However, the U.S. Supreme Court has not established definitive lines between curricular and extracurricular activities. In one of the most influential rulings on school prayer, the Supreme Court in *Lee v. Weisman* (1991) invalidated prayer at high school graduation ceremonies. However, less than one year after *Weisman*, the U.S. Supreme Court remanded a Fifth Circuit Court ruling allowing student-initiated prayer. In *Jones v. Clear Creek Independent School District* (1992) the Fifth Circuit distinguished *Jones* from *Weisman* because the prayer was student initiated and student led, therefore, it concluded that there was no

violation of the Establishment Clause.

In 1996 the Fifth Circuit once again addressed the school prayer issue in *Ingbretsen v. Jackson Public School District* and ruled that all student initiated prayer, including prayer at extracurricular events, was unconstitutional unless it is conducted at graduation ceremonies. This ruling highlighted the long-standing confusion regarding the issue of prayer at school sponsored events.

The legal ambiguity encompassing this issue has been partially responsible for the recent movement to orchestrate group prayers at other school sponsored activities, particularly sporting events. This is a reflection of both the growing importance of athletics and religion in American society in the 1990s. Coinciding with the rapidly growing evangelical movement in the United States is a national obsession with high school, collegiate, and professional sports. The amount of time and resources citizens are spending watching at athletic events annually increases. For religious leaders, athletic events provide large captive audiences that are too enticing to pass up. This has led to a variety of new strategies devised to advance religious doctrine at athletic events. One of the more interesting strategies surfaced at Campbellsville University in Kentucky, where the central administration recently announced a new degree program in "Sports Ministry" in the College of Theology. This academic program was primarily designed to teach people how to spread the Christian gospel at athletic events at all levels.

Prayer at Public School Athletic Events

Since the 1960s, the question of organized team prayers before athletic events, football and basketball games in particular, and other ceremonies such as graduations, has come under intense legal scrutiny. The First Amendment of the Constitution guarantees certain freedoms - speech, religion, press and assembly as well as the right to petition the government for redress

of grievances. The method for protecting freedom in religious matters is embraced in the Free Exercise Clause and the Establishment Clause of the First Amendment. The Free Exercise Clause allows individuals to practice religion as they chose or not chose and the Establishment Clause protects the individual's freedom of belief and requires the state to be neutral when addressing groups of religious believers and non-believers.

Most of the controversies encompassing pre-game prayers exist primarily in two forms; first, a team huddle prior to the game in the locker room or on the playing field; and second, prayers conducted over the loud speakers with spectators and players being asked to pray together. Several courts have addressed the constitutionality of this kind of religious practice. One of the more prevalent cases occurred in 1989 when the plaintiffs, Douglass Jager and his father, sued the Board of Education to end the practice of offering invocations before football games at Douglas County High School. The practice had been in existence since 1947 and called for the bowing of heads in prayer while referencing Jesus Christ on many occasions. The Jagers were Native Americans and sued the school district because the practice conflicted with their beliefs.

In *Jager v. Douglas County School District* (1989), the federal district court held invocations before football games to be unconstitutional. However, the court also held that a locally constructed "equal access plan" that allowed different local ministers to present the invocation was constitutional. On appeal, the Eleventh Circuit Court of Appeals ruled that the pre-game invocation violated the First Amendment by failing two of the three prongs of the "Lemon Test" established in 1971 in the famous *Lemon v. Kurtzman* case.³ In *Jager* the Eleventh Circuit Court held that the secular purpose as provided in the equal access plan adopted by the school board endorsed and perpetuated religion. The court also ruled that the method of delivery, a sound system controlled by the principal, represents an endorsement of a religious convocation. During

the same year, the United States Supreme Court denied *certiorari* which finally affirmed the ruling of the Eleventh Circuit Court that the school district's equal access plan violated the Establishment Clause of the First Amendment.

Public reactions to the *Jager* decision were mixed. Throughout many areas of the "Bible Belt" the ruling was creatively ignored. In Florida, the school board in Suwanee County noted that it would continue pre-game invocations until a citizen complaint was filed. In Escambia County, ministers used "bull horns" to lead the crowd in prayer prior to athletic events. Citizens in Palatka voted by a margin of 78% to 22% to disregard the *Jager* decision in violation of U. S. law. In other parts of South, the *Jager* decision received similar responses. In Sylacauga, Alabama, ministers sat throughout the grandstands of local football games and led spectators in the Lord's Prayer. In Chatsworth, Georgia, fans used personal radios to broadcast a local radio station's pre-game invocation.

Despite the *Jager* ruling, pre-game prayers are still plentiful and like school sponsored graduation invocations, continue to violate the First Amendment. However, "silent" prayers prepared by students have been ruled constitutional as long as these prayers are not sponsored by school districts, coaches, or other authorized administrators. The Supreme Court first addressed the issue of state sponsored "moments of silence" in *Wallace v. Jaffe* (1985) after an Alabama Statute mandated a one-minute period of silence in public schools "for meditations or voluntary prayer." The court held that the state law endorsed the establishment of religion and was "patently sectarian".

In an attempt to better clarify the issue of group prayer at public school events, the U. S. Supreme Court recently declared in *Santa Fe Independent School District (SFISD) v. Doe, Jane, et al.*, that student led invocations at athletic events violated the First Amendment. In this case, the school district allowed students to read overtly Christian prayers from the stage at grad-

uation ceremonies and over the public address system at home football games. During school sponsored football games students were given prayers by a student "chaplain" to announce to the attending crowds. In 1995 legal action was brought against the school district in federal district court seeking injunctive and declaratory relief in addition to monetary damages. In October 1995, in response to the suit, SFISD adopted a written policy that provided for a student led invocations at football games.

In June 1996, the district court denied the school district's pending motion for summary judgment and instead granted summary judgment for the plaintiffs. The court found that many of the school actions constituted impermissible coercion, endorsement or purposeful advancement by the State, and that SFISD could be fairly charged with having had de facto policies favoring these actions because they "occurred amidst the School District's repeated tolerance of similar activities and oftentimes with awareness and explicit approval." Despite this initial ruling, SFISD proceeded to adopt a football policy in July of 1996 while also continuing to argue that the students were guaranteed a constitutional right to express their religious views. According to the defendants, the school district had no right to censor the religious speech of students in a public forum.

After SFISD appealed the lower court ruling, the Fifth Circuit Court held that (1) version of the school district policy permitting students to deliver sectarian and proselytizing prayers violated the Establishment Clause; (2) that the school policy adopted in July could not be protected under the Freedom of Speech Clause; (3) that the district policy at graduation ceremonies could not be extended to permit such prayers over the public address system at football games; and (4) finally, students and parents in the case were entitled to recovery of attorney fees as the prevailing parties. The Fifth Circuit Court stated that the school policy needed the twin tier inclusion of nonsectarian and nonproselytizing to satisfy the

Lemon test. If this standard was not met, according to the Circuit Court, then student led prayers could not be extended to athletic events.

Under further appeal by SFISD, the U. S. Supreme Court agreed to hear the case and issued a final ruling on June 19, 2000. By a 6-3 vote the Court held that prayers led by students at football games are no exception and as officially sanctioned acts at events that students feel great pressure to attend, are unconstitutional. In writing for the majority, Justice Stevens stated "regardless of whether one considers a sporting event an appropriate occasion for solemnity, the use of an invocation to foster such solemnity is impermissible when, in actuality, it constitutes prayer sponsored by the school" (Greenhouse, 2000).

While the recent *Santa Fe* decision was not entirely a surprise given the results of similar cases in the past, it was a very important ruling in several ways. First, the Court rejected the school district's defense that they were acting to protect the religious speech of students in a public forum. The Court held that student led prayer at school sponsored athletic events was not private speech, and a football was not a public forum for unbridled free expression. Justice Stevens wrote that "[t]hese invocations are authorized by a government policy and take place on government property at government-sponsored school-related events." Second, the Court rejected the school district's assertion that described the policy as "content-neutral." The Court firmly believed that the intent of the policy was to validate school sponsored student led prayer. Third, the Court's decision did not explicitly address student-led prayer at graduation ceremonies, however, the majority's analysis casts serious doubts on this increasingly popular practice at school events.

Conclusion

Despite the popular and passionate concern for national morality, the recent movement by religious conservatives to redefine the boundaries of the First Amendment have placed the nation's educational system at the nucleus of numerous constitutional controversies. To complicate these

highly emotional debates, recent federal courts have been unclear in defining what constitutes the establishment and free exercise of religion at educational institutions. On one hand, the federal courts have prohibited state and student sponsored prayer and moments of silence from virtually all public school curricular and extracurricular activities. Only one federal court of appeals has approved student led prayer during public school graduation ceremonies, however, many observers believe this practice will also be ruled unconstitutional once the case is reviewed by the Supreme Court. In short, when religious involvement in public school activities is in question, the Supreme Court has consistently ruled in favor of reinforcing Jefferson's "wall of separation" between civil and church authority.

On the other hand, at the same time that the Supreme Court has slammed the door on religion in the public schools, it has reinterpreted the framer's intent and the First Amendment by increasingly allowing the allocation of public resources to private religious schools. Most of these schools regularly conduct school led prayers and other forms of religious worship with little consideration of alternative views or beliefs. This paradoxical approach leads many to question the Supreme Court's objectives in reinterpreting the intentions of the framers and the rulings of previous federal courts to established new boundaries between church and state. As Kramnick and Moore (1999) observed, "The framers of the Constitution knew perfectly well their predecessors' beliefs about the necessity of enforcing religious orthodoxy to preserve social peace. But they committed themselves and the United States to another option - one that recognized that social peace and personal happiness are better served by separating religious correctness from public policy (p. 177).

ENDNOTES

1 The first known mention to Jefferson's reference to a "wall of separation" can be found in the Englishman James Burgh's book *Crito's* written

in 1767. This book was widely read throughout the colonies reflecting the philosophical views that grew out of the Enlightenment.

2 Jefferson and Madison's primary objective was to protect the religious freedom of all citizens. One way to accomplish this was to not require religious tests of political candidates. At the time that the U. S. Constitution was ratified in 1787, only the New York and Virginia state constitutions excluded the religious requirement that all political candidates be Christian.

3 The Lemon Test was established to ensure government neutrality in the area of religion. It further identifies that the "state" has no secular legislative purpose and that it should not advance nor inhibit religion. Also, the "state" is not to foster excessive entanglement with religion.

REFERENCES

- Agostini v. Felton*, 521 U.S. 203, 11 S.Ct. (1997).
- Alexander, S. K. & Alexander, M. D. (1992). *American Public School Law*. (West Publishing Co.:Minneapolis).
- Alley, R. S. (1999). *The Constitution and Religion*. (Prometheus Books: Amherst N.Y.).
- Americans United for Separation of Church and State (2000a, June 19). "Supreme Court Ruling on Football Prayer a Victory for Individual Freedom." AU Press Release.
- Dugger, C. (2000, Feb. 28). "Smaller Is Better in State Elections in India." *New York Times*. (p. A14).
- Economist, The*. (1998, Dec. 19). "Murder in Iran" (p. 60).
- Economist, The*. (2000, Feb. 12). "Faith-based Social Work" (p. 28).
- Engel v. Vitale* 370 U.S. 421 (1962).
- Everson v. Board of Education*, 330 U.S. 1, 67, S.Ct. 504 (1947).
- Greenhouse, L. (2000, June 19). "Student Prayers must be Private, Court Reaffirms. *New York Times*, A1 & A22.
- Jager v. Douglas County School District*, 862, F.2d 824, 831 (11th Cir. 1989).
- Jefferson, T. (1779). *Bill for Religious Liberty*, 12 Hening, Statutes of Virginia 85 (1823).
- Jones v. Clear Creek Independent School District*, 977 F.2d 963 (5th Cir. 1992).
- Kramnick, I. & Moore, R. (1997). *The Godless Constitution: The Case Against Religious Correctness*. (W.W. Norton and Co.: New York).
- Lee v. Weisman*, 112 S. Ct, 2649 (1992); 111 S. Ct. 2822 (1991); 111 S. Ct. 1305 (1991)
- Lemon v. Kurtzman*, 403 U.S. 602 (1971).
- Locke, J. (1689). *A Letter Concerning Toleration*. (Liberal Arts Press, 1955).
- Loeb, V. & Smith R. J.(1999, Apr. 10). "Evidence Mounts of Atrocities by Yugoslav Forces." *Washington Post*. p. A16.
- McWhirter, D. A. (1994). *The Separation of Church and State*. (Oryx Press: Phoenix).
- Madison, J. (1785). *Memorial and Remonstrance Against Religious Assessments*.
- Pfeffer, L. (1967). *Church, State, and Religion*. (Garland Publishing: New York).
- Reynolds v. United States*, 98 U.S. 145 (1879).
- Rosenberg v. University of Virginia*, 115 S. Ct. 2510 (1995).
- Santa Fe Independent School District v. Jane Doe, et al.*, No. 99-62, (2000); 168 F.3rd 806 (Fifth Circuit, 1999).
- Wallace v. Jaffree*, 472 U.S. 38, 107, 105 S. Ct. 2479, 2516 (1985).

See you at
Big Cedar Lodge
in Ridgedale, MO