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RELIGION ON COLLEGE CAMPUSES

A case now before the Supreme Court called Widmar v. Vincent is a good example of how the lower federal courts have become more extreme even than the U.S. Supreme Court in their determination to eliminate all vestiges of religion wherever they can. The case concerns a group of tuition-paying students at the University of Missouri at Kansas City who wanted to meet together and discuss the religious views they hold in common.

Citing the First Amendment, a federal district court upheld Regulation No. 4.0314.0107 which bans the use of all University of Missouri facilities (including the lawn) by students for religious meetings. The Court of Appeals overruled the district court, and the issue is now before the U.S. Supreme Court.

The students claim that the Regulation abridges their right to free speech, free association, and free exercise of their religion under the First Amendment. The students involved in the case are members of an officially recognized student group, and they seek to exchange ideas, religious or otherwise, on the basis of the same privileges granted to other student groups at the University.

If students cannot meet and pray voluntarily at a public university, then the same principle could be extended to all other public places (such as streets and parks). The students claim, therefore, that the Regulation is itself violative of the Establishment Clause in the First Amendment.

The National Association of Evangelicals filed an amicus curiae brief with the Supreme Court which sets forth the historical background of the Establishment Clause. The brief shows that the framers of our Constitution, who lived in a fundamentally religious environment, favored government accommodation of religious belief and expression, provided only that there was no active government sponsorship of any particular religion. From the references to the "Creator" in the Declaration of Independence to the drafting of the First Amendment, it is clear that the framers did not seek the eradication of religion from schools or public life, but wanted religious exercise to be accommodated.

(more)

In recent years, Thomas Jefferson's statement about the "wall of separation" between church and state has become more familiar to the average American than the words of the First Amendment itself. The NAE brief puts that famous metaphor into a more accurate historical context.

It is very doubtful that James Madison, the principal architect of our Constitution, intended a complete separation of church and state. His initial text for the First Amendment was "nor shall any national religion be established." The first wording adopted in the Senate merely prohibited any "law establishing articles of faith or a mode of worship." The NEA brief cites many constitutional scholars who agree that Madison's views on church and state expressed at the time the First Amendment was written were not nearly as prohibitive as those portrayed by Supreme Court opinions.

Thomas Jefferson was in Paris when the First Amendment was written and adopted. A study of relevant statements of Jefferson shows that what he opposed was active involvement by the government in sponsoring or compelling religious worship and practices or the levying of taxes to support of a religion.

Jefferson was the founder of the University of Virginia, which from the beginning was wholly controlled by the state of Virginia. In his 1822 annual Rector's report, Jefferson recommended that students be allowed to meet in university buildings with their professors to worship, pray, hear religious lectures, and enjoy the advantages of associating religion with their other studies.

Since the landmark 1962 and 1963 Supreme Court decisions banning required prayer in public schools, many educators, editorialists and federal judges have taken the position that nothing of a religious nature can take place on the property of a publicly supported school. By contrast, the District of Columbia Superior Court ruled earlier this year that Georgetown University (a private institution operated by the Jesuits) must allow two homosexual student organizations to meet in university buildings.

Professor Harold J. Berman of the Harvard Law School attributes the modern American malaise to the undue separation of religion from public life: "Western man is undergoing an integrity crisis ... Our whole culture seems to be facing the possibility of a kind of nervous breakdown." Clearly, religious thought, culture and association are values which are properly explored in any educational environment. (end)