

names of children released from the public schools who did not report for religious instruction; children not released remained in the classrooms for regular studies. The Court found the differences between this program and the program struck down in *McCullum* to be constitutionally significant. Unlike *McCullum*, where “the classrooms were used for religious instruction and force of the public school was used to promote that instruction,” religious instruction was conducted off school premises and “the public schools do no more than accommodate their schedules.”¹⁵⁹ “We are a religious people whose institutions presuppose a Supreme Being,” Justice Douglas wrote for the Court. “When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who do believe.”

Governmental Encouragement of Religion in Public Schools: Prayers and Bible Reading.—Upon recommendation of the state governing board, a local New York school required each class to begin each school day by reading aloud the following prayer in the presence of the teacher: “Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessing upon us, our parents, our teachers and our country.” Students who wished to do so could remain silent or leave the room. The Court wrote: “We think that by using its public school system to encourage recitation of the Regents’ prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause. There can, of course, be no doubt that New York’s program of daily classroom invocation of God’s blessings as prescribed in the Regents’ prayer is a religious activity. . . . [W]e think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government.”¹⁶⁰ “Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the stu-

¹⁵⁹ 343 U.S. at 315. See also *Abington School Dist. v. Schempp*, 374 U.S. 203, 261–63 (1963) (Justice Brennan concurring) (suggesting that the important distinction was that “the *McCullum* program placed the religious instruction in the public school classroom in precisely the position of authority held by the regular teachers of secular subjects, while the *Zorach* program did not”).

¹⁶⁰ *Engel v. Vitale*, 370 U.S. 421, 424, 425 (1962).