in the elementary and secondary school setting.[170] The state "in effect required participation in a religious exercise," since the option of not attending "one of life's most significant occasions" was no real choice. "At a minimum," the Court concluded, the Establishment Clause "guarantees that government may not coerce anyone to support or participate in religion or its exercise."

In *Santa Fe Independent School District v. Doe* [171] the Court held a school district's policy permitting high school students to vote on whether to have an "invocation and/or prayer" delivered prior to home football games by a student elected for that purpose to violate the Establishment Clause. It found the policy to violate each of the tests it has formulated for Establishment Clause cases. The preference given for an "invocation" in the text of the school district's policy, the long history of pre-game prayer led by a student "chaplain" in the school district, and the widespread perception that "the policy is about prayer," the Court said, made clear that its purpose was not secular but was to preserve a popular state-sponsored religious practice in violation of the first prong of the *Lemon* test. Moreover, it said, the policy violated the coercion test by forcing unwilling students into participating in a religious exercise. Some students—the cheerleaders, the band, football players—had to attend, it noted, and others were compelled to do so by peer pressure. "The constitutional command will not permit the District 'to exact religious conformity from a student as the price' of joining her classmates at a varsity football game," the Court held.[172] Finally, it said, the speech sanctioned by the policy was not private speech but government-sponsored speech that would be perceived as a government endorsement of religion. The long history of pre-game prayer, the bias toward religion in the policy itself, the fact that the message would be "delivered to a large audience assembled as part of a regularly scheduled, school-sponsored function conducted on school property" [173] and over the school's public address system, the Court asserted, all meant that the speech was not genuine private speech

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[170] The Court distinguished Marsh v. Chambers, 463 U.S. 783, 792 (1983), holding that the opening of a state legislative session with a prayer by a state-paid chaplain does not offend the Establishment Clause. The *Marsh* Court had distinguished *Abington* on the basis that state legislators, as adults, are "presumably not readily susceptible to 'religious indoctrination' or 'peer pressure,'" and the Lee v. Weisman Court reiterated this distinction. 505 U.S. at 596–97. An opportunity to flesh out this distinction was lost when the Court dismissed for lack of standing an Establishment Clause challenge to public school recitation of the Pledge of Allegiance with the words "under God." Elk Grove Unified School District v. Newdow, 542 U.S. 1 (2004).

[171] 530 U.S. 290 (2000).

[172] 530 U.S. at 312.

[173] 530 U.S. at 307.