

BRUCE J. DIERENFIELD

ROOTING OUT RELIGION

CHURCH-STATE CONTROVERSIES
IN MINNESOTA PUBLIC SCHOOLS
SINCE 1950



*Public school choirs joined with other singers at St. Paul's
elaborate annual Christmas choral pageant, 1964*

The decade of the 1950s focused attention on the issue of religion in public schools. In 1954, the words "under God" were officially added to the Pledge of Allegiance. Public schools in states such as Alabama, Pennsylvania, and Maryland required prayer and Bible reading in the classroom. In contrast, Minnesota's schools generally eschewed these practices; a 1958 survey indicated that just 2 percent included Bible reading or worship services in their classes. Given these figures, many Minnesotans believed that religion occupied no place in their public schools. This conclusion, however, reflected a cultural blindspot that has taken decades of intense lobbying by civil libertarians, religious groups (primarily Catholics and Jews), and progressive educators to remove. These groups repeatedly asked school superintendents to terminate school-sponsored Christmas celebrations, avoid scheduling events on minority religious holidays, stop choirs from performing sectarian concerts, and forbid Bible distribution and religious-club meetings on school grounds. To a significant degree they were successful, and these forms of religious expression have declined in Minneapolis, St. Paul, and their suburbs, as well as in Rochester and Duluth. By the 1990s the observances that persisted occurred primarily in rural communities with little religious or ethnic diversity.¹

Since statehood, Minnesota has attempted to exclude certain religious practices from its public schools. As early as 1858 the state constitution forbade using tax revenues to promulgate "the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect" (article 13, section 2). Over the years, officials have enforced this clause somewhat inconsistently. The state attorney general's office interpreted this and other constitutional provisions as prohibiting teachers from wearing religious garb in schools

(1904), banning religious instruction in public schools (1921), and forbidding school credit for private religious instruction (1921). On the other hand, in 1927 the attorney general allowed Bible reading as long as "no pupil is compelled to worship according to the tenets of any creed." With this legal green light, the city of Virginia's school board agreed with the local ministerial association that passages from the King James Bible should be read daily without comment. When Jewish parents challenged this practice in *Kaplan v. Independent School District of Virginia, Minnesota*, the state supreme court in 1927 determined "that there was nothing wrong with this procedure and that no one's fundamental rights had been injured." With religious instruction outlawed and Bible reading permitted, legislators and education officials believed that they had effectively eliminated unconstitutional religious exercises from the state's public schools.²

To avoid sectarian protest about the ban on religious instruction, many schools began to provide for off-grounds religious instruction in the 1920s. The state allowed parents to request up to three hours weekly for such privately funded lessons conducted by a church or an association of churches. By 1940 the Minnesota Council of Religious Education had established more than 270 weekday schools. For many educators, such as the principal at St. Anthony, a public school in suburban Minneapolis, this instruction was "a good tool to use" to stem juvenile delinquency. Church schools relied on each district's board of education and principals to distribute sign-up cards to fourth, fifth, and sixth graders and to arrange the public school calendar so that interested students could attend, typically from 3 to 4 P.M. Pupils ordinarily met in churches within five blocks of the public schools. These programs had the general support of parents and Protestant churches because, as one rural parent said, "So many homes give no [religious] training or very little."³

A demographic profile of the state helps explain the contours of the post-World War II struggle over religion in the public schools. Most Minnesotans traced their origins to the British Isles, Germany, or Scandinavia. In a 1958 survey of twenty-five religious bodies, the Minnesota Council of Churches found that a plurality of church members—43 percent—were Roman Catholic, followed by 32 percent Lutheran. Within Lutheranism,

¹ Richard B. Dierenfield, "God and Caesar in the Minnesota Public Schools," *Minnesota Journal of Education*, Dec. 1967, p. 10.

² General Statutory Provisions for All Schools—Aug. 1935; T. J. Berning to Mrs. Eldon Matson, Nov. 13, 1946; Berning to Richard L. Johansen, Dec. 15, 1950—all in Deputy Commissioner, General Correspondence, Religious Instruction, Education Department Records, Minnesota State Archives, Minnesota Historical Society (MHS), St. Paul, hereafter cited as Education Records.

³ Mrs. Trafford N. Jayne to J. A. A. Burnquist, attached to Jayne to John G. Rockwell, June 26, 1940; Mrs. L. T. Peterson to Department of Education, Nov. 8, 1942; Leonard E. Stehr to J. A. A. Burnquist, Oct. 30, 1943—all in Education Records.

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the conservative Missouri and Wisconsin synods accounted for 26 percent. Jews made up nearly 2 percent of the total membership of religious institutions, about the same proportion as Baptists and Congregationalists. Minnesota Jews lived chiefly in the state's largest cities, including Minneapolis (21,000, or 4 percent of the city's population), St. Paul (12,000, or 4 percent), Duluth (2,800, or 3 percent), and in the suburban Twin Cities. Except in Minneapolis and Rochester, Jewish population declined from 1951 to 1981.⁴

The state's large Catholic presence affected public education, as the church hierarchy encouraged parishioners to preserve their faith by avoiding the "Protestant-controlled" public schools. In 1951 private and parochial schools attracted 133,022 students, 21 percent of the total enrolled in the state. Most of these students were Catholic. Parochial school enrollment was strongest in Minneapolis and St. Paul, followed by the counties of Stearns (St. Cloud), St. Louis (Duluth), Dakota (southeast suburban Twin Cities), Brown (New Ulm), and Winona. Over the next forty years, however, costs escalated beyond the financial ability of many parents. By 1986 private school enrollment declined nearly 32 percent, and many devoted Catholics sent their children to public schools.⁵

From the 1930s through the mid-1950s, the Minnesota Department of Education took the leading role in maintaining the legal barriers to formal religious instruction in the public schools. T. J. Berning, the deputy education commissioner, responded vigorously to complaints and inquiries. In the mid-1940s, for example, he corresponded with residents of Clear Lake (near St. Cloud), a community split evenly between Catholics and Protestants. A Lutheran homemaker alerted the department that "religious instructions are being taught in this public school" during recess, which troubled her greatly because "I'm a taxpayer but not of the religion being taught up there." She asked for anonymity: "as it is pretty hard to get along in a small community on such matters when one belongs



T. J. Berning, the state's deputy education commissioner

to the smaller group." Berning promptly notified the local superintendent that such practices were illegal. As superintendents elsewhere peppered his office with questions about the most debated topic of the period—release time from school for religious instruction—the deputy commissioner replied matter-of-factly that it was permissible and enclosed copies of relevant attorney general opinions. Berning's views mirrored the 80-percent approval rating that Minnesota gave release time in 1957.⁶

Christmas events were indisputedly the centerpiece of religious programming in Minnesota's school districts. No other religious activity rivaled this celebration in pervasiveness and persistence.

In well over half of Minnesota's public schools, Christmas was marked as a religious occasion, not just a seasonal holiday. In suburban Golden Valley's Noble Elementary School, for example, every child took part in the traditional Christmas pageant. At classroom parties the students dressed in costumes, sang carols, and exchanged cards and gifts. A red-suited Santa Claus

⁴ June D. Holmquist, ed., *They Chose Minnesota: A Survey of the State's Ethnic Groups* (St. Paul: Minnesota Historical Society Press, 1981), 2; "Minnesota Church Memberships," *Minnesota Messenger* (Minneapolis), May 1960, p. 6; Morris Fine, ed., *American Jewish Year Book* (New York: American Jewish Committee, 1951, 1962, 1981), 18, 141 and 145, 172 and 177.

⁵ Office of District Data-Management Information, "Net Enrollment in Minnesota Public Schools," Dec. 1981, "Information on Minnesota Private and Parochial Schools for the Year Ending 1951-1957-1958," Mar. 1959, and "Minnesota Nonpublic School Enrollments, 1959-60 Through 1985-86," Oct. 1987—all in Minnesota Department of Education, St. Paul.

⁶ Mrs. M. Schmidt to State Board of Education, June 15, 1945; Berning to M. Schmidt, June 18, 1945; Mrs. E. E. Gohman to Berning, June 6, Oct. 2, 1946; Berning to Rev. P. B. Burleigh, Jan. 26, 1950; Berning to B. J. Michael, Oct. 9, 1950; correspondence between Berning and A. I. Jedlicka, Sept. 29, Oct. 11, 13, 20, 27, 1950—all in Education Records.

spread Christmas cheer throughout the school. A 1956 statement prepared by the Minneapolis school system's Human Relations Committee offers some insight into the reasons for this holiday's importance. The committee pointed out that just as the United States was established as "One Nation—under God" so are the schools "under God." While admitting no one should be forced to worship or repeat creeds, the committee felt "strongly that the observance of Christmas should not be dropped from, nor minimized, in the schools." In the first place, the holiday represented "an important part of our cultural inheritance." Moreover, the Christmas spirit by itself assisted young people and society by fostering "a sense of sharing, watching out for the needy, a feeling of brotherhood toward all—'Peace on Earth—Good Will toward Men.'"⁷

For the state's Jewish minority, Christmas represented the preeminent religious problem in the public schools. The *American Jewish World* pointed out in late 1951 that this was an old complaint: "For years and years, at this time of year, arguments spring up about the propriety of injecting the Christmas theme into school-room activities." The Twin Cities periodical was not sanguine about rooting out religious holiday observances, warning readers, "We delude ourselves if we think that protests are going to be of any avail in the long run [because the non-Jewish] majority will prevail." Heavily Jewish school districts in Minnesota might succeed in adding an equal measure of Hanukkah to Christmas celebrations, but some Jews thought such an apparently even-handed arrangement was at its core inequitable. Few teachers understood or were trained in Jewish theology or history, nor was Hanukkah as central to Judaism as Christmas was to Christianity. The Minnesota Rabbinical Association therefore recom-

mended to Twin Cities area superintendents that Hanukkah not be observed even where many Jewish children attended classes.⁸

Jews in Minnesota also looked unhappily on the New York board of regents' efforts in late 1951 to recommend a "nondenominational" prayer for public school usage. An editorial in the *American Jewish World* objected, reminding readers that the American historical experience, crowned by the Constitution itself, enshrined the principle of church-state separation. On a pragmatic note, the newspaper pointed out that, while praying, some individuals covered their heads, some knelt, some crossed themselves, and so forth. The inevitable result of classroom prayer would be either "classroom chaos" or "socially-enforced compliance" that would provoke resentment. The writer concluded, "Prayers have no place in our public schools."⁹

Nor did the Jewish Community Relations Council of Minnesota (JCRCM) support the largely popular release-time program. In its opinion, "Religious education for Jewish children is the responsibility of home and synagogue or temple. The Jewish parent ought not contribute to the weakening of the barriers that separate church and state in this country."¹⁰

Christmas observances and release time were not the only practices to be challenged in the 1950s. During that decade nearly 90 percent of

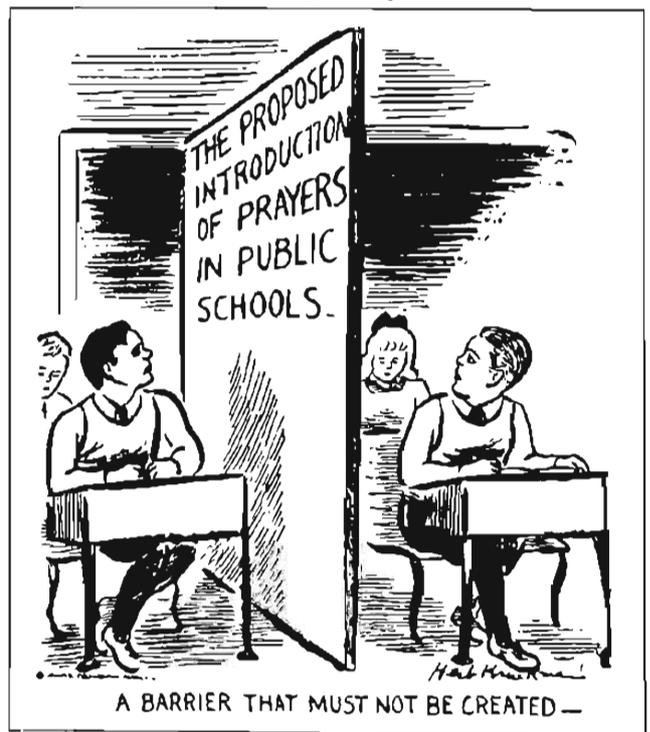
Commentary in the Twin Cities newspaper, *American Jewish World*, January 25, 1952

⁷ Richard B. Dierenfield, "Religious Influence in Minnesota Public Schools," paper delivered at the Role of Religion in Public Education conference, University of Minnesota, Jan. 26–27, 1967, Minnesota Civil Liberties Union (MCLU) Records, MHS: *Minneapolis Star*, Dec. 22, 1978, p. 1A; Matthew Stark, interviews with author, Minneapolis, Aug. 4, 1988, Mar. 20, Aug. 11, 12, 19, 20, Dec. 7, 1992, Oct. 2, 1993, notes in author's possession; Mrs. Henry Kramer to Samuel Scheiner, Apr. 23, 1957, and Minneapolis School System, Statement on Christmas Programs, Dec. 1956, both on file at Jewish Community Relations Council of Minnesota (JCRCM), Minneapolis. All JCRCM correspondence cited hereafter is from this collection.

⁸ *American Jewish World*, Dec. 28, 1951, p. 4, Jan. 25, 1952, p. 8, Feb. 15, 1952, p. 8, June 17, 1955, p. 5, Dec. 2, 1960, p. 1; Ruth S. Bernards, "Xmas in the Public Schools," *Hadassah Newsletter*, Dec. [?] 1961, p. 9, 16.

⁹ *American Jewish World*, Feb. 1, 1952, p. 8.

¹⁰ Irwin Lee Glatstein to Louis Frisch, Sept. 8, 1952, JCRCM files.



Minnesota's public schools held baccalaureate services in connection with graduation ceremonies. 80 percent of them in the school building. Little controversy appeared at first because student attendance was optional and because of the programs' apparent interdenominational character. Then, in 1955, Catholic leaders protested what seemed to them a Protestant service when Dr. Morris C. Robinson, a Presbyterian minister and secretary of the Minneapolis Board of Education, conducted a baccalaureate at the city's Southwest High School. Catholics did not object to religion *per se* in public school classrooms: nondenominational prayers, Christmas celebrations, the posting of the Ten Commandments, and biblical literacy were entirely welcome. Protestant teachings were another matter.¹¹

That same spring witnessed several other controversies. In rural Beardsley (Big Stone County), Harvey F. Egan, pastor of St. Mary's Catholic Church, wrote the school board that he would forbid students in his parish from attending the exercises if prayers were included: "Catholics believe that the Catholic Church is the one true church . . . we may not offer a prayer that contains a sentiment contrary to our belief. An invocation-benediction easily becomes a sermon; occasionally it becomes a religious service. Catholics do not deem it wise to become a captive audience at a program which may go contrary to their religious convictions." Upon receiving the letter, the school board canceled commencement and considered dropping its Christmas celebration. The board chairman, C. A. Hundebly, called for "a strictly academic year all year with no Christmas programs either." A third Catholic protest that year erupted in St. Louis Park, a religiously mixed suburb of Minneapolis. There, a priest objected to a Minneapolis rabbi's baccalaureate sermon, "The Best Years of Your Life." The priest reminded the school board that public schools were prohibited from providing programs in religious instruction or worship.¹²

Archbishop of St. Paul William O. Brady entered the growing controversy. The baccalaureate, he concluded in May 1957, had become little more than "religious sugar coating." But the answer to schools already "denuded of religion" did not lie in a half-hearted dose of spirituality administered at the graduation ceremony. He warned school officials not to remedy secularism with sectarianism by transferring the baccalaureate to local churches: "If such should ever be done, our priests will have no part in such matters. They will not attend. Neither will our people attend."¹³

As a result of such frayed religious feelings, some Twin Cities school principals substituted "rededication programs" for the traditional baccalaureate. The new services usually featured judges, lawyers, and civic leaders as speakers. Their point, according to the Robbinsdale assistant superintendent, was "to inspire graduating youth to commit their lives to such moral

and spiritual values as respect for the worth of the individual, justice, brotherhood, and all that constitutes good citizenship in a democratic society of free people." At Minneapolis's Washburn High School, seniors discussed and voted for the switch; the pleased principal commented that religious programs "rightfully" belonged in the churches. Many Protestant clergymen disagreed and protested. This issue continued to simmer for a decade, when a legal ruling finally declared such programming unconstitutional.¹⁴

Another common postwar religious practice in Minnesota public schools was Bible distribution. Forty percent of the schools in 1958 allowed local chapters of the Gideons to hand out New Testaments (King James version) to interested fourth, fifth, and sixth graders. This long-standing custom was sanctioned at least implicitly by the state's attorneys general and education commissioners, who had avoided criticizing it. The Protestant businessmen who funded the Gideons to "win men and women for the Lord Jesus Christ" received the "wholehearted support" of local Protestant clergy in approaching school officials. One scholar reported that the distribution was "widespread" outside of the Twin Cities metropolitan area, noting persistent activity in South St. Paul (after 1940), Park Rapids in the north, and in Washington County.¹⁵

¹¹ Here and below, see Dierenfield, "God and Caesar," 10; *Catholic Bulletin* (St. Paul), Jan. 19, 1952, p. 1, Nov. 22, 1952, p. 1; *Wanderer* (St. Paul), Dec. 26, 1957, p. 7, Nov. 20, 1958, p. 4; *Minneapolis Star*, May 19, 1955, p. 1, June 2, 1955, p. 1; Scheiner memorandum, July 15, 1955, JCRCM files.

¹² *St. Paul Pioneer Press*, June 4, 1955, p. 1; Eugene J. Lipman and Albert Vorspan, *A Tale of Ten Cities: The Triple Ghetto in American Religious Life* (New York: Union of American Hebrew Congregations, 1962), 270-71.

¹³ William O. Brady, "The Archbishop's Observations," *Wanderer*, May 2, 1957, p. 1.

¹⁴ Lipman and Vorspan, *Tale of Ten Cities*, 271-72; Samuel L. Scheiner to Caroline K. Barron and to Carl W. Anderson, Mar. 13, 1958; Anderson to Scheiner, Mar. 27, 1958; F. C. Gamelin, address to the Minnesota Citizens Committee on Public Education, Feb. 14, 1962—all JCRCM files.

¹⁵ T. J. Berning to L. H. Dominick, May 16, 1946; William F. H. Brosvick to Berning, Oct. 20, 1950; Berning to Brosvick, Oct. 23, 1950—all in Education Records; Donald G. Paterson to Louis Jough, May 29, 1957; Paterson to Paul J. Steffenson, May 27, 1957; Margaret R. Huneigs to Samuel L. Scheiner, Apr. 3, 1959, May 4, 1961; Scheiner to LeRoy V. Norsted, May 25, 1962; Scheiner to Quinn Roller, Jan. 28, 1972—all JCRCM files; Dierenfield, "God and Caesar," 10.

Minnesota Jews and Catholics objected to the distribution of Gideon Bibles, although *Catholic Bulletin* editor Bernard Casserly endorsed the ongoing work to devise a Protestant-Catholic Bible for distribution; see *Catholic Bulletin*, Mar. 9, 1962, p. 4.

By the late 1950s, the Minnesota Civil Liberties Union (MCLU), which would become one of the most aggressive units of the American Civil Liberties Union, took on the issue of Bible distribution. In 1957 it formed an ecumenical church-state committee to consider and work toward eliminating religious practices in the schools. This committee asked Minnesota attorney general Miles Lord to issue an opinion outlawing Gideon Bibles in the schools. When Lord ignored the request, the MCLU in 1958 sent a memorandum to all of the state's school superintendents, protesting the use of "school machinery" to assist the Gideons' evangelizing efforts. The MCLU cited the New Jersey Supreme Court case that banned Bible distribution in that state in 1953 (*Tudor v. Board of Education*). Some districts such as Rochester's took heed and stopped the Gideons from operating on school grounds.¹⁶

This series of events marked an early victory in the postwar struggle to oust religion from Minnesota's public schools. In the face of state acquiescence, private organizations such as the MCLU took the lead. Eventually, the state's education department would close ranks with these groups.

Other religious organizations also muscled into Minnesota public schools in the 1950s, where they remained officially unchallenged for three decades despite some community protests. Youth for Christ (YFC), which had set up Bible clubs in 2,500 high schools in forty-two states, established at least eighteen affiliates in Twin Cities schools. The group's regional director for Minnesota and the Dakotas, the Reverend Mel Johnson, told a reporter that educators had been "most cooperative." Typically, clubs met in the school building after hours and studied the Bible. Members practiced for regional, national, and international competitions testing their biblical knowledge. In Minneapolis's Southwest High School, YFC sponsored the Christian Fellowship group, which held regular meetings in the school. Prompted by a Jewish resident's complaint, the Jewish Community Relations Council of

Minnesota asked several rabbis to raise the issue with the Minneapolis superintendent at an upcoming meeting, but no change in policy occurred.¹⁷

A YFC offshoot moved beyond Bible study to recruitment in the public schools. The Hi-Crusader clubs promised "a Christian witness in the high schools" of Minneapolis. Citywide president Steve Osterhus reported in January 1959 that witnessing, or making public testimonies of faith, proceeded in thirty-eight city schools. Enrollment reached ninety students in suburban Robbinsdale alone. A \$13,000 budget funded special events, such as retreats, skating parties, banquets, and musicals; workshops on witnessing; and Bible-knowledge contests. Osterhus asked members to "pray that God may raise up leaders in each school to reap the rich harvest of high school kids." At least one senior-high-school yearbook included a picture of a Hi-Crusader club, expressing official approval of the religious group.¹⁸

Holiday observances and school calendars continued to spark unresolved controversy into the 1960s, especially when school boards attempted to schedule school breaks that did not coincide with the Christian calendar. In 1962, for example, the St. Louis Park school board provided for a spring, rather than an Easter, vacation. Board member Mrs. John P. Northcott explained, "It's a logical break from intensive school work with uninterrupted nine-week periods. Our intention was to strengthen our educational programs." But the change provoked a "tidal wave" of opposing telephone calls and letters from ministers and church members, leading Superintendent Harold R. Enestvedt to declare, "In my fourteen years as an administrator, there have not been as many calls and letters as on this one issue." He also learned that his teachers approved of an Easter vacation by a three-to-one majority. In the face of such public sentiment, the board retreated and reinstated Easter break for 1963. Privately, Rabbi Moses B. Sachs of B'nai Abraham Synagogue thought the issue "brings into the open a lot of covert anti-Semitism in the community" because Jews were blamed for the initial calendar switch. In a brief note to Samuel L. Scheiner, the JCRCM's executive director, he suggested that the St. Louis Park Jewish community might, nevertheless, be better off taking its licks silently.¹⁹

Minnesota school conflicts over religion were temporarily overtaken by a judicial bombshell detonated by the U. S. Supreme Court. The American Civil Liberties Union had sued a Long Island, New York, school for having its students recite a state-fashioned, twenty-two-word prayer. On June 25, 1962, in *Engel v. Vitale*, the Court struck down the prayer. Justice Hugo Black, writing for the majority, held that the prayer was "an establishment of religion" forbidden by the First Amendment. He dismissed the claim of

¹⁶ Stark interviews; Lipman and Vorspan, *Tale of Ten Cities*, 282–83; Miles Lord to Dean M. Schweickhard, Mar. 26, 1957; Paterson to Steffenson, May 27, 1957; MCLU memorandum to public school superintendents, Mar. 1958—all JCRCM files; *Rochester Post-Bulletin*, Oct. 31, 1963, p. 12.

¹⁷ Louis K. Weiss and Samuel L. Scheiner memorandum, June 17, 1957, JCRCM files.

¹⁸ Steve Osterhus to Hi-Crusader Clubs of Minneapolis, Jan. 1959; Carl H. Olson to Samuel Scheiner, Mar. 16, 1959; Samuel Scheiner to Rabbi Bernard Raskas, Mar. 20, 1959—all JCRCM files.

¹⁹ *St. Louis Park Dispatch*, May 10, 1962, p. 1; Sachs to Scheiner, May 10, 1962, JCRCM files.



Editorial cartoon captioned "Not A Prayer!" Rochester Post-Bulletin, June 30, 1962

school officials that the prayer was inoffensive because it was supposedly nondenominational and noncompulsory. The establishment clause, in Black's opinion, barred the enactment of laws that support religion, even if the devotion was nondenominational or optional.²⁰

The decision caused little stir in Minnesota public schools, in large measure because local educators did not believe it applied to them. For example, Rochester superintendent James V. Moon, who observed that school children had since 1954 legally recited "under God" every day in the Pledge of Allegiance, noted that the district prescribed no official prayer. Left to the teacher's discretion was the utterance of "a simple, nondenominational prayer." Before milk and cookies, most city and area kindergarten children said a four-line grace that ended "Thank you, God, for everything." This practice, Christmas programs, and other moral or spiritual exercises had never prompted a complaint, according to two Rochester school principals. One of them promised, "Should [a parent complain] the parent has only to send a note and we will see that a suitable activity is found for that child so as not to embarrass or make him feel he is left out." Superintendent Moon called for using "good judgment," but maintained, "We don't want Godless schools."²¹

Editorial response throughout the state generally supported the Court. The *Bemidji Daily Pioneer* reflected, "It is hard to see how this one decision itself could be that far reaching. If the religious faith of the American people is no stronger than that, then the country is in big trouble." The *New Ulm Daily Journal*

printed a powerful editorial that probably captured the reaction of many Minnesotans:

The U. S. Supreme Court ruling that they couldn't open public schools in New York State with prayer caught us by surprise. We didn't know it was being done. Can't recall that we had prayer in our public school days. The children in the family say it isn't done here.

President Kennedy's comment was adequate. He said that the ruling against prayer in school should stimulate parents to lead more prayer periods with their children in the home.

But don't expect the school to fulfill that function. Prayer is a personal thing. You can't be legislated into it, and we can't get worked up to an objection over the High Court's decision.

But the *Rochester Post-Bulletin* "could not see that such an innocuous little prayer is any threat at all to religious freedom." The editor reminded his readers that the Supreme Court and the Congress open their sessions with prayer: the president assumes office asking the protection and help of God; and the national currency, anthem, and Pledge of Allegiance proclaim American trust in God.²²

Almost exactly one year after the *Engel* decision, the Supreme Court struck down Bible reading in the U. S. public schools. In Pennsylvania, the state legislature had enacted a statute requiring public school teachers to read at least ten Bible verses at the beginning of the day. A Unitarian couple, Edward and Sidney Schempp, sued the Abington school district to stop the devotional program. In a companion case, Madalyn E. Murray, a self-described atheist, and her son William challenged the Baltimore city school district's daily Bible reading and recitation of the Lord's Prayer. Justice Tom C. Clark's opinion supported the plaintiffs, affirming that "the First Amendment's purpose was not to strike merely at the official establishment of a single religion. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion." The Court declared that teachers and pupils could pray on an individual or voluntary basis, and it also found room for the academic study of the Bible in history and literature courses.²³

²⁰ *Engel v. Vitale*, 370 U.S. 421 (1962); *New York Times*, June 26, 1962, p. 1, 16.

²¹ *Rochester Post-Bulletin*, June 27, 1962, p. 17.

²² *Bemidji Daily Pioneer*, July 6, 1962, p. 8; *New Ulm Daily Journal*, June 29, 1962, p. 2; *Rochester Post-Bulletin*, June 30, 1962, p. 14.

²³ *Abington School District v. Schempp*, and *Murray v. Curlett*, 374 U.S. 203 (1963); *Rochester Post-Bulletin*, June 17, 1963, p. 1.

Reaction among Minnesota clergymen was mixed. Bishop Leonard P. Crowley of the Catholic archdiocese of St. Paul commented, "I cannot see what possible triumph there is in a decision that, in effect, will diminish the volume of prayer." Edward A. Fitzgerald, bishop of the Winona diocese, also opposed the ruling but recommended that children be sent to parochial schools "in order that religion may be presented . . . in its proper context of life." The Protestant Minnesota Council of Churches executive director Hayden L. Straight criticized the Court: "We are supposedly a Christian nation." Conversely, the Lutheran Church in America (LCA), to which many Minnesotans belonged, generally supported the decision: "From a religious point of view not much is lost as a result of the decisions. . . . Recitation of prayers when prescribed by public authority easily becomes a formal, mechanical exercise that neither reflects nor contributes to genuine religious piety and reverence." The LCA recognized that these practices "belong to a particular religious tradition," thus inviting "the risk of sectarian divisiveness." A Rochester representative of the Jewish B'nai B'rith Center approached the prayer issue from a practical perspective. He thought that the growing diversity of faiths, especially Islam and Buddhism, made satisfying all groups an impossibility.²⁴

While clergymen divided on the place of religion in the schools, the Minnesota Congress of Parents and Teachers came out foursquare against school devotions. As the group's president, Mrs. Charles Huffman of Hopkins, declared: "We feel definitely in our state that religion should not be taught in the public schools. I personally think prayers in the classroom could be dangerous. If this is necessary to start the day, then it should be done by the child at home with his parents."²⁵

Governor Karl F. Rolvaag's response showed another measure of Minnesota's attitudes toward the Court's decisions. Unlike most other governors, the Minnesota Democrat made no public statement at the time. He stepped forward instead at the governors' 1963 summer conference in Miami, the only chief executive to oppose a motion endorsing the reinstatement of voluntary school prayer and Bible reading, which he took to be "a



Samuel L. Scheiner, executive director of the JCRCM

statement of censure of our Supreme Court." Responding to a constituent letter, he made several points that reflected Minnesota attitudes and beliefs about government and religious freedom: the U. S. Supreme Court is "the final interpreter of the meaning of the law"; and the development of young people rested on the "basic" tripod of social institutions—"the home and family, the church, the school." He did "not believe the public schools should emphasize one faith over another" because of "the diversity of our people" and the "deep-seated conviction" of freedom to worship.²⁶

In October 1963 Red Wing became the first Minnesota school district to devise a comprehensive policy on religion after the Supreme Court's prayer and Bible decisions. Red Wing school board members represented a cross section of the community; the three Methodists, three Presbyterians, and one Lutheran included professionals, businessmen, a laborer, and a homemaker. The group's president, Gordon Lee, said no complaints had been received but the board felt "it was time to define our policy." The new policy explained, "Recent decisions of the U. S. Supreme Court made it clear that it is not the province of a public school to support or discourage religious beliefs or practices." By a six-to-one vote, board members outlawed religious elements from graduation exercises and holiday concerts, dramatization of Bible stories, and Gideon Bible distribution. Music, henceforth, would be "chosen on merit alone."²⁷

²⁴ *Rochester Post-Bulletin*, June 18, 1963, p. 1; "Prayer and Bible Reading in the Public Schools," Social Statements, Lutheran Church in America, July 1964, MCLU Records.

²⁵ *Rochester Post-Bulletin*, June 20, 1963, p. 21.

²⁶ *Wall Street Journal*, Apr. 22, 1964, p. 1; Karl F. Rolvaag to Mr. and Mrs. Carl Nelson, Nov. 19, 1963; Robert B. Gelston to Rolvaag, Apr. 24, 1964, both in Governors' Records, Karl F. Rolvaag, General Files, State Archives, MHS.

²⁷ Here and below, see *Rochester Post-Bulletin*, Oct. 31, p. 12, Nov. 4, p. 18, and Letters to the Editor, Nov. 7, p. 18, Nov. 8, p. 10, Nov. 11, p. 16, Nov. 12, p. 12—all 1963; Scheiner to *Rochester Post-Bulletin*, Nov. 12, 1963, JCRCM files.

This action immediately led to a furor. The *Rochester Post-Bulletin* called the new policy a "STUPID [and] shocking display of misguided thoughtlessness in what is after all a Christian country." Some area residents joined the chorus, claiming the school board had gone to "a ridiculous extreme in the name of protecting the minority." Letter writers railed against the board's demagoguery, constitutional ignorance, and "repulsive and sinister" sophistry and suggested that anyone objecting to religion simply ask to be excused from the exercise. But others defended the Red Wing school board. A Unitarian Universalist pastor thanked it for having done "us all a favor" in demonstrating that religion also belonged to the minority, that watered-down religion became boring and irrelevant to children, and that the First Amendment's establishment clause meant what it said. Samuel Scheiner dispatched a confidential letter to the *Post-Bulletin* editor in which he labeled religious programs in public schools as unadulterated "indoctrination" that had no place in a pluralistic society. Not only did such programs violate the First Amendment, he claimed, but they contributed to juvenile delinquency by teaching children that "law and order is something that need not concern them as long as they can get away with what they are doing."

After the debate over Red Wing's religion policy receded, there was an uneasy truce for several years between the proponents and foes of secular schools. Then, in the spring of 1967, the Minnesota Civil Liberties Union set the wheels in motion for the first major statewide confrontation over religion in the public schools. Matthew Stark, the outspoken new MCLU president, led the organization's board to repudiate its traditional accommodationist position on the issue. First, Stark stood toe-to-toe with *Catholic Bulletin* editor Bernard Casserly, an accommodationist, and demanded a vote on the issue of baccalaureate ceremonies. There were volleys of angry words, but in the end the board took a stand against the practice. The matter was resolved permanently: the MCLU joined the front ranks of separationists. For the next quarter of a century, Stark, who was "greatly inspired" by the JCRCM's Samuel Scheiner, was the undisputed leader of that movement in Minnesota.²⁸

The MCLU believed that school-sponsored baccalaureates were as widespread as they were unconstitutional. When the organization received a complaint from Rochester, it prepared to make that city a test case. In a letter to the Rochester school board in 1967, the MCLU maintained that baccalaureate services under school sponsorship were unconstitutional. These services could be held legally off public property or even on school grounds as long as they were conducted after hours, tax monies were not used, and staff and students were not required to attend. The school board's attorney quickly asked the state attorney general, Douglas M.

Head, to issue an opinion. Head, in turn, solicited advice from various groups, including the MCLU and JCRCM, both of which responded with legal briefs opposing the practice. Head's thirty-page opinion, issued in February 1968, dramatically affected the place of religion in Minnesota schools. Drawing on *Engel v. Vitale*, he reversed a 1939 attorney general's opinion and declared that Rochester's baccalaureate was indeed unconstitutional. He pronounced three types of such services legal: secular exercises sponsored by schools; sectarian exercises put on by churches and synagogues; and interfaith services sponsored privately by religious groups, the graduating class, or parents. The latter could be held in school after class hours, provided no public monies were used and attendance was optional.²⁹

The decision received generally strong support from the metropolitan newspapers. The *Minneapolis Star* called the opinion "really no surprise," since it followed the trend of recent Supreme Court decisions. Reaction outside of the Twin Cities ranged from grudging acceptance to opposition. The *Mankato Free Press* "mourn[ed] this further eroding of the role of religion in public education" but discerned a positive angle: Baccalaureate services could still be held in Mankato schools if those involved "want it deeply enough." The Willmar paper roundly condemned Head's opinion as another sign of how "ridiculous" society had become in requiring no absolute standards, in bending to the wishes of a tiny minority, and in spurning God in favor of government subsidies. The editor asked, "Are we in the age when neither God or man is feared?"³⁰

Some clergy welcomed the opinion. In St. Louis Park, the local ministerial association had tried to "minimize mention of Christ" in the school baccalaureates in deference to the Jewish students who attended. Spokesman Father Cecil Houle lauded the decision: "Since it is no longer a school function, we should make it a real Christian religious service." For his part, Rabbi Sachs of B'nai Abraham was "delighted" with the change. His synagogue had for years recognized Jewish graduates in a Friday evening service, and he thought that the previous interfaith baccalaureate was "empty of symbols, ideas, and meanings."³¹

²⁸ Stark interviews.

²⁹ Stark interviews; Scheiner office memorandum, Feb. 21, 1968, JCRCM files; *Minneapolis Tribune*, May 28, 1967, p. 4B, Feb. 20, 1968, p. 1A; *Minnesota Education Report*, Mar. 1968, p. 6. Lynn S. Castner wrote the MCLU brief.

³⁰ *Minneapolis Star*, Feb. 27, 1968, p. 6A; *West Central Daily Tribune* (Willmar), Feb. 29, 1968, p. 4; *Austin Daily Herald*, Feb. 26, 1968, p. 4; *Mankato Free Press*, Feb. 24, 1968, p. 5; *Minneapolis Tribune*, Feb. 23, 1968, p. 4; *Rochester Post-Bulletin*, Feb. 23, 1968, p. 4.

³¹ *St. Louis Park Sun*, Mar. 7, 1968, p. 14A.

Even before Head's definitive opinion, about 5 percent of the state's districts had abandoned the practice of holding school-sponsored baccalaureates, including such large ones as Minneapolis, Red Wing, St. Cloud, St. Paul, and Wayzata. While exact figures are unavailable, many other school districts reconsidered their policy permitting on-grounds baccalaureates when notified of the attorney general's opinion. In southwest Minnesota, Mountain Lake's superintendent, Henry Drewes, typified the reaction of many education officials: "We just have to accept the decision." School officials in southern towns such as Blue Earth, Fairmont, Windom, and Winnebago, in the northern towns of Sauk Rapids, Cloquet, and Virginia, and in suburban Hopkins all met quickly to change their policies. Mankato superintendent William Nigg agreed that it was "impossible" for schools to hold baccalaureate services. Seniors in all four Duluth public high schools voted to continue baccalaureate services in the schools under church sponsorship.³²

When graduation arrived in 1968, most Minnesota public schools complied with Head's ruling because it had the force of law. Many schools, like those in southern Sleepy Eye, the southwestern town of Russell, Mankato, and Rochester held ecumenical or denomination-sponsored programs. A few districts, including the northern towns of Fergus Falls and Detroit Lakes, publicized their independent course, pledging "no change in policy on baccalaureates at this time."³³

At the same time that school-sponsored baccalaureates were coming under attack, Twin Cities Jews protested public school involvement in St. Paul's annual Christmas choral pageant. This massive event, which brought capacity crowds to the city's civic auditorium, drew its performers from area churches, public and parochial schools, businesses, colleges and universities, and civic and fraternal organizations. The Jewish Community Relations Council of Minnesota regarded public school participation as "a distinct violation of the principle of separation of church and state." In September 1967, Israel Krawetz, president of that organization's St. Paul Committee, called for concerted action before the Christmas season began in order to



Cross and torch bearers from Christ Episcopal Church, marching in St. Paul's Christmas choral pageant, 1961

³² Dierenfield, "God and Caesar," 10; *Minneapolis Star*, Feb. 20, 1968, p. 1, Mar. 13, 1968, p. 8B; *St. Cloud Daily Times*, Feb. 20, 1968, p. 6; *Suburban Life* (Hopkins), June 5, 1967, p. 3; *Duluth Herald*, Feb. 20, 1968, p. 1, Feb. 23, 1968, p. 9, Mar. 13, 1968, p. 19; *Mankato Free Press*, Feb. 21, 1968, p. 25; *Cloquet Pine Knot*, Mar. 14, 1968, p. 1.

³³ See, for example, *Mankato Free Press*, Mar. 19, p. 6, May 18, p. 2, June 4, p. 10—all 1968; *Minneapolis Tribune*, June 2, 1968, p. 3B; *Fergus Falls Daily Journal*, Mar. 13, 1968, p. 1; *Rochester Post-Bulletin*, Feb. 21, 1968, p. 42, June 3, 1968, p. 12.

address the matter in a “cool” atmosphere. Director Scheiner met with Donald W. Duncan, the city’s school superintendent, and laid out a compromise proposal: student rehearsals would be acceptable as long as they were held after school and school funds did not pay the choral director. In addition, the schools were not to sponsor or lend their names to the pageant. For years, the JCRCM’s lobbying efforts against pageants had failed, and they would continue to do so. Not until the early 1970s did the pageants cease under the weight of public protest.³⁴

In the late 1960s the JCRCM also tackled the issue of Christmas observances in Twin Cities schools. Many complaints surfaced in St. Paul’s Highland Park, where half of the senior-high-school population was Jewish. Students objected to pictures of the manger scene, the three wise men, angels, and stained-glass windows. Beginning in 1968, Scheiner sent a committee to visit schools having high Jewish enrollment. This group experienced “some real success” in reducing “some of the Christian content” by speaking to principals and teachers. At Highland Park, for example, the crèche scene disappeared. The JCRCM also called on rabbis to send congregants to public school and school board meetings when policies of neutrality toward religious holidays were on the agenda.³⁵

Stung by Jewish complaints, the state’s education department finally confronted the emotion-charged issue of school Christmas celebrations. In late November 1970, Farley D. Bright, deputy education commissioner, sent all public school administrators a memorandum that contained nonbinding guidelines for observances. He argued that Christmas in the schools should be a civic exercise that encouraged charitable work in the community. The racial and religious diversity of most school districts and the state constitution, Bright forcefully wrote, compelled administrators to present religiously inoffensive programs: “No child should have to absent himself from a classroom or assembly in order to refrain from participating in a religious program.”³⁶

A few school districts moved to adopt policies consistent with the new state guidelines. In the spring of 1972, the Rochester school board wrote a “Principles of Awareness of Religious Observances” policy. Superintendent Jack Kinder explained that Christmas should not be used in the schools as “a vehicle of public worship or of religious instruction.” Rumors swept through the city that the board had removed Christ, Santa Claus, and tree decorations from Rochester schools. In fact, each principal set his or her own holiday policy. In Minneapolis in September 1973, the school board outlawed any practice that “contravenes the constitutional principle of the separation of church and state,” including religiously based Christmas festivities. These examples notwithstanding, Bright’s memo-



Students at Mattocks Elementary School, St. Paul, rehearsing a performance of their Christmas play for the Parent-Teacher Association, 1955

randum was poorly observed across the state for many years. The religious and cultural hold of Christmas was simply too strong.³⁷

To replace the proscribed devotions, state education department officials in the 1970s advocated the study of religion in the public schools. The department saw this as a legal and progressive approach that would be acceptable to most Minnesotans. It particularly promoted St. Louis Park’s world religions program, part of the social studies curriculum, developed and taught by Lee H. Smith and Wesley Bodin with the help of state funds. The course’s goal was “to help students understand and respect the beliefs and practices of others.” Pupils studied religious expression as a sociological concept and explored the Buddhist, Christian, Hindu, Islamic, and Jewish faiths. In association with

³⁴ Israel Krawetz memoranda, Sept. 12, Oct. 26, 1967; Scheiner memoranda, Sept. 19, 1967, Sept. 29, 1969, Feb. 9, 1970; Scheiner to Krawetz, Oct. 19, 1967; Linn Firestone memorandum, Nov. 21, 1968, Sept. 10, 1969; Firestone to Donald W. Duncan, Dec. 3, 1968; Scheiner to John Lackner, June 23, 1969, Nov. 10, 1969—all JCRCM files.

³⁵ Michael K. Fefferman to St. Paul Board of Education, Nov. 7, 1968; Firestone memorandum, Sept. 10, 1969; Scheiner memoranda, Oct. 7, 1969, Dec. 8, 1971—all JCRCM files.

³⁶ Farley D. Bright to public school administrators, Nov. 20, 1970, Education Records.

³⁷ *Rochester Post-Bulletin*, Dec. 6, 1972, p. 35–36; Minneapolis Public Schools, *Newsletter*, Dec. 6, 1974, copy in MCLU Records.

the Minnesota Committee on Religion and Education and area churches, the education department organized workshops that brought Smith, Bodin, other teachers, and the head of the Minnesota Council of Churches to public schools throughout the state. Led by Roger Wangen, an education-department specialist in social studies, these workshops considered legal issues and units on the academic study of religion. This course quickly drew national attention and was widely imitated.³⁸

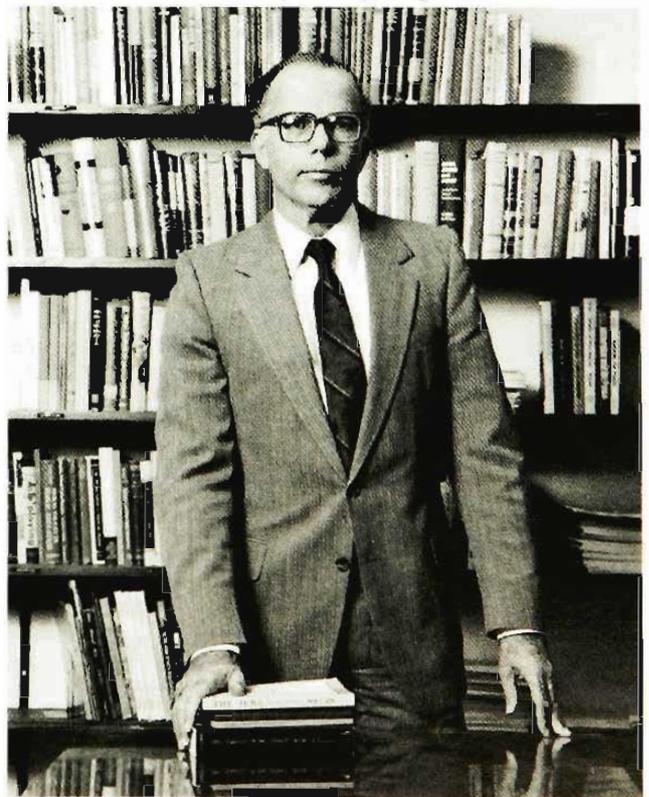
During these years the state legislature assisted the education department's drive for secular schools. From World War II to the present, the majority of legislators voted down every attempt to include religion in the public schools. Since 1965 bills that would require "patriotic exercises" with religious overtones, commend federal legislation for voluntary prayer in public buildings, and mandate instruction in the history of religion have gone nowhere in the House of Representatives. When four legislators proposed a measure for "a minute of classroom silence" in 1973, approximately 80 percent of the House approved the measure, only to see it be interred by Senate inaction. The state's newspapers ignored the bill.³⁹

Just as Christmas celebrations would not cease, Bible distribution in the schools flowered again in the early 1970s. Several large metropolitan districts, including Anoka-Hennepin, Bloomington, Columbia Heights, and Richfield, adopted new policies allowing the persistent Gideons to distribute the New Testament to willing students. Five times an attorney from the Minnesota Civil Liberties Union denounced this "clear" violation of the First Amendment to the local superintendents and to Minnesota's education commissioner, Howard B. Casmev. Threatening legal action, the organization demanded the State Board of Education "take appropriate steps" to inform school districts and force compliance with the law. Samuel Scheiner urged the MCLU to stop Bible distribution once and for all by asking Warren Spannaus, the new state attorney general and a liberal Democrat, for a ruling or, failing that, by suing recalcitrant school districts. Spannaus took no action,

however, and not until 1981 did the board of education bar Bible distribution.⁴⁰

This issue was the last for Scheiner in his role as JCRCM executive director. In 1975 he retired and the position passed to Morton W. Ryweck, who preferred a less confrontational approach that avoided publicity. Among other activities, Ryweck served on advisory committees that wrote school guidelines on religion. He set up and led training sessions to "sensitize" teachers to accept religiously neutral schools. In March 1976 Ryweck conducted an informal survey of Jewish youth aged twelve to eighteen in thirty-seven Twin Cities public high schools. Of the 230 questionnaires returned, nearly a quarter reported "no religious displays or holiday observances on an all-school basis" and almost half had no religious rituals in their classrooms. One student in St. Louis Park commented: "I have seen my school district change a lot in the past five years. I now see only individual teachers creating a few problems." But 54 percent of the respondents complained about religious music, especially in choir. At Henry Sibley High School in suburban St. Paul, for example, several members of the renowned choir found the heavily Christian selections objectionable, particularly the Christmas program. One student reported, "I spoke to the principal and was told we were 'causing trouble.' The principal and choir director have admitted that they cannot even under-

Morton W. Ryweck of the JCRCM



³⁸ *Minnesota Education Report*, Jan. 1968, p. 4-5, Mar. 1969, p. 10; Minnesota Department of Education, *Education Update*, Feb.-Mar. 1975, p. 4, May 1976, p. 13, May 1978, p. 15, Sept. 1978, p. 5-6, Feb. 1980, p. 6; "Teacher Consultation on Teaching About Religions in High Schools," Apr. 14, 1977, on file at public school administration building, Rochester.

³⁹ State of Minnesota, *Journal of the House*, 1965, 799, 1969, 1602, 1774, 1973, 723, 2299-2301, 2399-2400; State of Minnesota, *Journal of the Senate*, 1969, 1036.

⁴⁰ R. Michael Wetherbee to Howard B. Casmev, May 16, 1972, and Scheiner to Stark, May 8, 1974, both JCRCM files; MCLU press release, May 10, 1974, MCLU Records.

stand our position." Continuing complaints and the threat of a JCRCM lawsuit paid off eventually: as the superintendent told the popular choir director to change the Christmas concert format or be fired. In 1982 the director resigned.⁴¹

Into the late 1970s, a sampling of incidents that Ryweck characterized as the "most flagrant" in the metropolitan area showed that despite workshops, civil-libertarian lobbying, and education-department guidelines, religion continued to impinge on public school life. The football coach in St. Louis Park punished Jewish players who missed practice to observe Yom Kippur. The Hopkins senior prom was scheduled during Passover, which went against the newly established school policy of avoiding conflicts with religious holidays. In suburban Coon Rapids the school permitted church announcements over its public-address system, allowed the Fellowship of Christian Athletes to appear on school grounds, and displayed religious symbols. A seventh-grade science and health teacher in Plymouth played a cassette tape that told the students to "write down all bad things about yourself, then tear up and burn it and then pray to Jesus and God." The Gideons were distributing Bibles in Hopkins. In every case, Ryweck insisted that the school superintendent quash the offending practice. Most did.⁴²

Continuing controversies and incidents prodded the State Board of Education into action once more. In July 1977 the department prepared a new set of guidelines on religion in the public schools that superseded those Farley Bright had handed down seven years earlier. When Commissioner Casmey informed school superintendents of the board's action, he reminded them that Minnesota's education system "operates in accord with constitutional standards." Casmey called on the superintendents to ferret out discriminatory practices and follow the board's guidelines—and "do it now." Later that year he distributed sample policies that could serve as models for a religiously neutral calendar.⁴³

Casmey's directive quickly yielded results in the Twin Cities. While not all Minnesota schools entirely removed Christ from Christmas, the *Minneapolis Star* found that "most have dropped clearly religious programs and decorative symbols. Nativity plays, biblical lore and Christian symbols have all but disappeared."⁴⁴

This change did not sit well with many conservative Christian parents. In 1978, when school district officials in suburban Mounds View announced the "enlightened policy" Casmey had called for, protest erupted. The mother of a six-year-old girl was angered by the ban on religious symbols, Santa Claus, and gift exchanges: "I have always thought I was very liberal, politically, and every other way. And all of a sudden the minority rule is scaring me." Another homemaker, Sandy Clark of North

Oaks, described the Christmas policy as "repression of traditional cultural freedom" because of the "tyranny of the minority." In her mind, wreaths and trees were "not a religious thing." She organized emotion-charged meetings at several district schools, one of which drew four hundred people, and collected two thousand names on a petition urging that the religiously neutral policy be rescinded. At the March 1979 school board meeting, activists packed the room and urged the members to "admit you're wrong and start over." Only one board member took up their cause; the rest voted instead for a slight modification of the policy. The new wording read: "The role of the school is to educate, not to advocate particular religious viewpoints nor to celebrate particular religious events."

Encouraged by the education department's renewed stand for secular schools and alarmed by the resurgence of fundamentalist Christians intent on restoring religion to the schools, the MCLU accelerated its efforts in the late 1970s and early 1980s. The newsletter *Civil Liberties News* urged readers to report "the fullest possible details" of violations of the First Amendment's establishment clause, including school Bible-study and prayer groups, evangelist groups, worship services, and summer Bible camps promoted by school officials, Bible distribution on school property, and school choirs performing during church services. The MCLU presented its cause in the general-circulation papers as well. Staff members wrote and rebutted letters to the editor and issued press releases on the illegality of sectarian influences in public schools.⁴⁵

In addition, Matthew Stark visited various groups and localities, a kind of Johnny Appleseed spreading the message of public school neutrality. The information he gathered from listeners and letter writers often became the basis for MCLU action. The key, he believed, remained compelling school administrators to develop

⁴¹ Stark to Scheiner, Jan. 28, 1976, MCLU Records; Morton W. Ryweck, interview with author, Minneapolis, Aug. 8, 1988, notes in author's possession; Ryweck memorandum, May 11, 1976, JCRCM files.

⁴² Ryweck to Al Edstrom, May 31, June 21, July 22, 1977, Mar. 2, 1978; JCRCM memoranda, Feb. 3, 1977, Sept. 7, 1979; Stephen L. Zuckerman to Ryweck, Jan. 20, 1978; Ryweck to Michael Hickey, Mar. 9, July 25, 1978; Ryweck to Howard B. Casmey, Sept. 1, 1979; Harvey S. Leviton to Robert Olson, Sept. 1, 1979—all JCRCM files.

⁴³ *Minneapolis Tribune*, July 12, 1977, p. 3B; Howard B. Casmey to public school superintendents, July 13, Nov. 23, 1977, MCLU Records.

⁴⁴ Here and below, see *Minneapolis Star*, Dec. 22, 1978, p. 5A, Mar. 12, 1979, p. 13A; *St. Paul Dispatch*, North ed., Mar. 20, 1979, p. 1N-2N.

⁴⁵ Stark interviews; *Civil Liberties News*, June 1976, p. 3, Mar. 1983, p. 3.



Johnson High School Christmas carolers, St. Paul, 1951

written policy, which would force the district to adhere to its own regulations grounded in law.⁴⁶

In a celebrated episode, the MCLU locked horns with the Bloomington school district in the spring of 1980 over prayers at commencement. The parents of graduating seniors at Kennedy High School claimed responsibility for the entire program, from renting the Metropolitan Sports Center and band uniforms to the ceremony itself. Parents had approached Superintendent John Bennion about including an invocation and benediction, marking a reversal of the previous year's policy. After the school board's attorney concluded that prayers were legal in an optional commence-

ment, Bennion gave cautious approval for a "very general" prayer even though he personally thought that prayers at graduation are "a clear violation of the First Amendment of the U. S. Constitution and the State Constitution."⁴⁷

An uproar ensued. At a May 15 meeting, three hundred people vented their deeply held feelings, which reprised the past half-century's debate on the issue. The controversy quickly spilled over into the letters-to-the-editor page of the suburban newspaper.⁴⁸

The MCLU knew that it could not get all of Minnesota's schools to remove religious practices, but Stark believed that the large metropolitan districts would cooperate. With Minneapolis and Robbinsdale already banning graduation prayer, he hoped to pressure the other large school districts—Anoka-Hennepin, Bloomington, and St. Paul—into compliance. He questioned Bloomington school officials, their secretaries, the choir director, the school-newspaper editor, the senior-class president, and the sports-hall manager arranging the ceremony about the extent of school involvement. Had school personnel approved the program's content? Had the school collected funds for the program? Will diplomas be given out? Will the school chorus or band be participating? Satisfied that the school had breached the wall of separation despite its

⁴⁶ Stark interviews; *Civil Liberties News*, Oct. 1980, p. 3, June 1981, p. 4, Sept. 1981, p. 6, Dec. 1981, p. 2; Stark to William Sumner, Dec. 27, 1978, and to John Finnegan, Jan. 2, 1979, MCLU Records.

⁴⁷ Stark to Raymond G. Arveson, Feb. 12, 1979, and to A. E. Rosinski, Feb. 16, 1979, both MCLU Records; *Bloomington Sun*, Apr. 30, 1980, p. 1A, May 14, 1980, p. 5A; Dan Schluter, "Graduation Prayers," *The Torch: The Kennedy Newsmagazine*, Oct. 10, 1980, p. 4.

⁴⁸ See, for example, *Bloomington Sun*, May 21, 1980, p. 1A, 3A, June 4, 1980, p. 4A, 6A.

claims to the contrary, Stark ordered the MCLU to file a lawsuit blocking Bloomington's commencement ceremonies. It was the first time the organization had used the courts to challenge religion in the public schools.⁴⁹

In the end, the Bloomington commencement included prayers. A federal judge allowed them because invocations had been said for a hundred years and because the plaintiff, Matthew Stark, was neither a resident of the school district nor a parent and therefore had no standing before the court. The MCLU rushed to higher federal courts to secure a restraining order, but the judges refused. When Assemblies of God pastor Arvid Kingsriter stepped to the microphone to offer his prayer at the Kennedy commencement, many of the six thousand people in attendance applauded, including his graduating daughter. He closed his invocation with "in the name of the savior, Jesus Christ." School-board attorney Kingsley Holman described the whole dispute as "a tempest in a teapot" whipped up by the media.⁵⁰

But Holman had underestimated the community's opposition. After graduation, several angry Bloomington residents wrote letters to the local newspaper, con-

demning the "insensitivity" and "appalling" judgment of the school district and parents in charge. Others complained directly to school officials and encouraged the MCLU to pursue the matter until devotions were removed from graduation.⁵¹

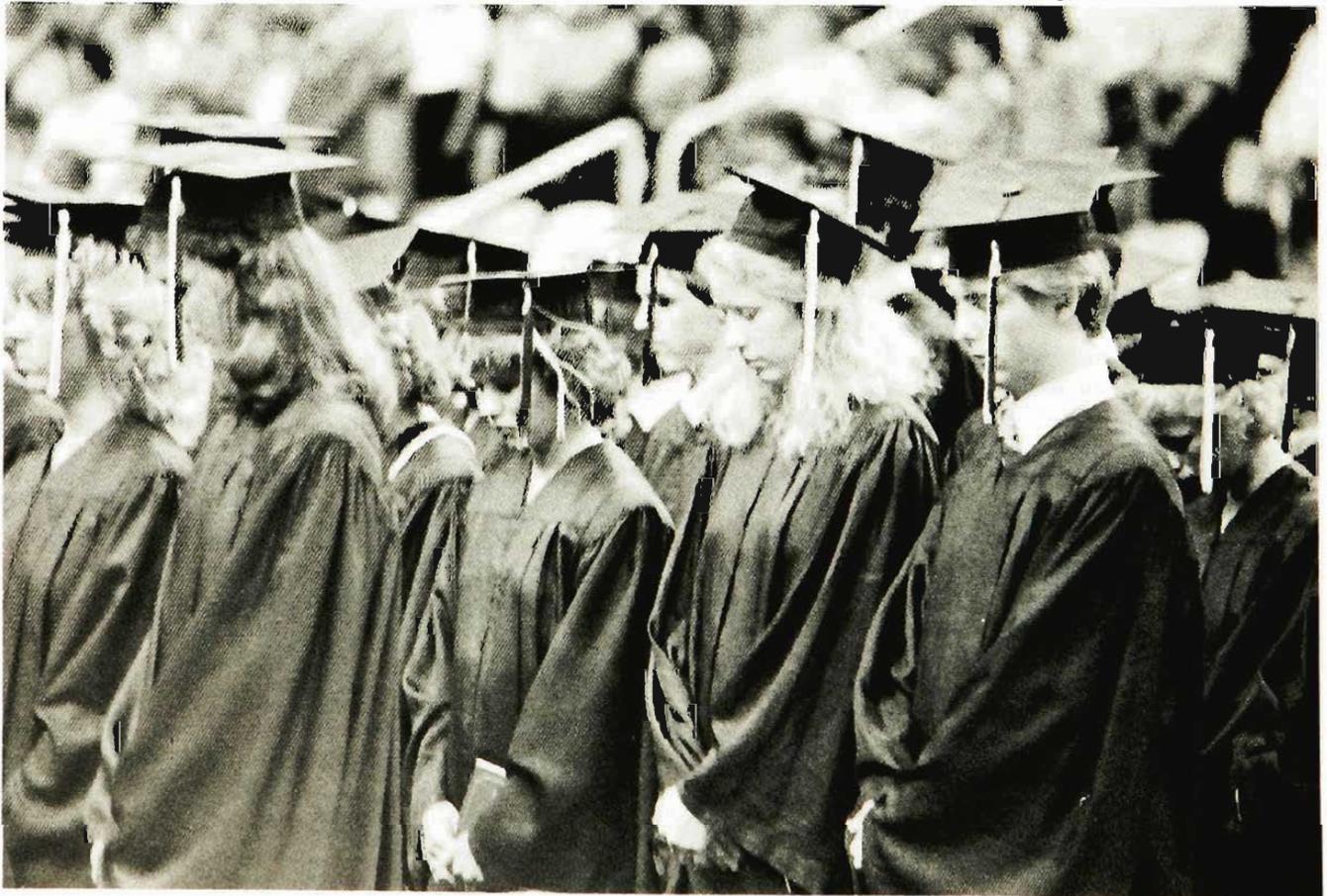
The outpouring of criticism helped the MCLU regroup in Bloomington. Within a week of the contested graduation, the organization's staff had found eight volunteers who would be suitable plaintiffs. This time, the plaintiffs would challenge "the constitutionality of

⁴⁹ Stark interviews; Stark memoranda, May 1980, MCLU Records; *St. Paul Dispatch*, May 29, 1980, p. 3A, June 2, 1980, p. 1B-2B.

⁵⁰ *Bloomington Sun*, June 4, p. 1A, June 11, p. 1A, 3A, 6A, June 18, p. 1A—all 1980; *Minneapolis Tribune*, June 3, 1980, p. 1A, 6A.

⁵¹ *Bloomington Sun*, June 11, 1980, p. 4A, 6A; Nancy E. Wiggins to Stark, June 5, 1980; Wiggins to Dr. Hilborn and Dr. Bennion, June 6, 1980; Bill Shepard to Stark, June 6, 1980; Keith Markwardt to Robert Bruno, June 6, 1980—all MCLU Records.

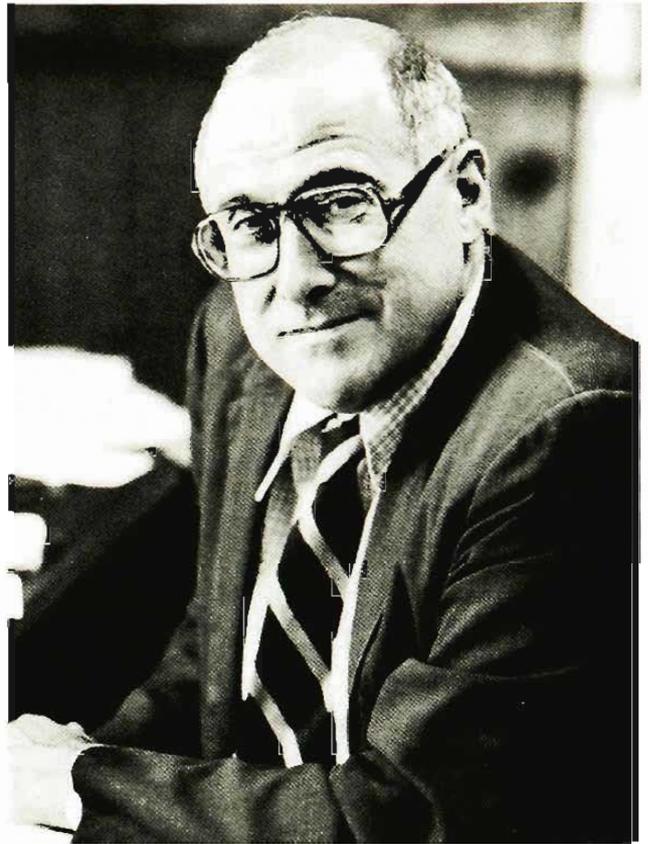
Bowed heads during the invocation, Kennedy High School commencement, Bloomington, 1980



the *practice* of prayer in graduation ceremonies" to avoid the issue of standing before the court. As it happened, the MCLU's plans for a second lawsuit melted the school board's opposition.⁵²

The Bloomington school board set up an ad hoc committee to revise school policy. No doubt the 1980 U. S. Supreme Court rulings against posting the Ten Commandments in public school classrooms and student groups praying in public schools also influenced the board. By late December 1980 the committee recommended that there be "no formal prayers or calls to prayer during commencement ceremonies in the Bloomington Public Schools." It proposed a silent period that would "provide individuals the opportunity to contemplate, pray or reflect in a manner which represents their personal beliefs and ideals." As the board considered the policy change in an open session, prayer advocates picketed outside, singing Christmas carols and carrying signs reading "Silence—bah, humbug" and "The grinch stole our graduation prayer." Most of the 250 people at the meeting favored spoken prayer. Even Santa Claus showed up, brandishing a prayer petition for the board to examine. Stark spoke to the constitutional issue, assuring everyone that the Minnesota Civil Liberties Union "is not against prayer," only the government "forcing religion on us." The board subsequently voted six-to-one in favor of the proposed period of silence, thus repairing Bloomington's wall of separation. In the next school board election, the one proponent of graduation prayer went down to defeat.⁵³

This incident-by-incident approach to removing religion from the state's public schools required vigilance by interested parties and promised extended delay. To short-circuit the lengthy and costly procedure, the MCLU looked to the state education department yet again to reinform and discipline public school officials in order to enforce rigorously the First



Matthew Stark of the MCLU, 1984

Amendment ban on religious establishment. When in 1981 the education department announced the formation of an advisory committee to develop state guidelines on religion, Stark was invited to join.⁵⁴

In June of that year the board of education adopted the committee's report, in what was the most important statewide action to root out devotions from Minnesota's public schools. Among the twenty-two "Don'ts" and "Do's" (in that order) for all schools to follow, the board explicitly barred religious devotions, Bible distribution, proselytizing, Christmas concerts, and choral groups performing in church services. Education Commissioner John J. Feda recommended that schools include academic study about religions, which would protect religious freedoms and "dispel stereotypes." The MCLU urged its membership to encourage school superintendents to implement their own policies that met the state-prepared guidelines. To help the process along, Stark distributed fifty thousand copies to school teachers, the Minnesota Education Association, the Minnesota Federation of Teachers, principals, parent-teacher associations, and the American Association of University Women. While not binding, the new guidelines did exert considerable influence. Twice as many school districts formulated constitutional policies on religion after the board's recommendations than in all

⁵² Stark interviews; Linda Ojala file memorandum, June 11, 1980; undated MCLU list of potential complainants; Stark to Jack Gilbert, Sept. 9, 1980; Stark file memoranda, Sept. 11, 15, 1980; Stark to Don Heinzman, Dec. 29, 1980—all MCLU Records.

⁵³ *St. Paul Pioneer Press*, Nov. 18, 1980, p. 3; *St. Cloud Visitor*, Nov. 20, 1980, p. 3; *Bloomington Sun*, Dec. 10, 24, 1980, both p. 1A.

⁵⁴ Here and below, see Stark interviews; Roger Wangen, Jim Sauter, Wayne Erickson, interviews with author, St. Paul, Aug. 1, 1988, notes in author's possession; *Civil Liberties News*, Dec. 1981, p. 2; *Rochester Post-Bulletin*, Dec. 21, 1991, p. 4A; *Education Update*, Sept. 1981, p. 1, Nov. 1982, p. 12; author-conducted survey of Minnesota public school superintendents, Spring 1988, in author's possession; *North Hennepin Post*, Nov. 4, 1982, p. 8.

the years before, including, for example, Cambridge-Isanti, Convik-Trail, North St. Paul, Pelican Rapids, Stillwater, Trimont, and Twin Valley.

But even these guidelines required vigilance. Districts that had adopted religiously neutral policies reported violations, and the growing conservative movement that coincided with the Reagan presidency in the 1980s led to a resurgence of school-religion issues. There were attempts to censor books in school libraries and renewed efforts to integrate religious practices into the public schools. A short MCLU questionnaire sent to school superintendents in late 1982 asked once again about devotional exercises, Bible distribution, evangelizing groups, religious displays, religious choral concerts, and whether districts had a written policy on religious activities. The returns showed that fewer than 20 percent of the state's 434 districts had written policies that satisfied the state education department's guidelines. Despite the rulings and recommendations of years gone by, problems remained. Accordingly, the MCLU planned to "increase its lobbying, its public education, and its litigation efforts."⁵⁵

The organization's third and last major Twin Cities battle of the early 1980s came in response to the concerns of a teacher in the large Anoka-Hennepin school district. The predominant complaint concerned Student Life, an evangelistic group that promoted Christian witnessing. At the Anoka, Blaine, and Coon Rapids senior-high schools, representatives of the group talked to pupils during the lunch hour and before and after classes. "Individual students," MCLU attorney Linda Ojala reported, "have complained about their 'pushy and aggressive' tactics." At Blaine, Student Life used a library conference room for prayer meetings before classes began. Occasionally, a minister came to the library to speak. Collegiate wrestlers gave talks "on how their relationship with the Lord influenced them in wrestling." Student Life had become so entrenched at Blaine that the administration provided a mailbox for the group alongside the teachers'. The school superintendent acknowledged that "youth pastors" had been recruiting students.⁵⁶

As had become routine, Stark collected many complaints from students and teachers not in the Student Life camp. He brought these before the Anoka Education Association, which took up the MCLU position. The association conducted a study of other districts' religion policies, circulated a questionnaire to Anoka-Hennepin teachers on the extent of proselytizing and other practices, and implored its members to keep religion out of the classroom. In August 1983, at an open school-board meeting attended by more than two hundred, district superintendent Lewis Finch admitted: "Frankly, regardless of how I feel about it . . . the courts have conclusively said that they (religious groups) are not to be on the campuses of your schools. The school

board has a moral, legal, and ethical responsibility to enforce that." Student Life was banned.⁵⁷

Stark's last and most difficult crusade to remove religion from Minnesota public schools involved religious music, most often performed during the Christmas season. The issue had lingered unresolved for years. In 1983 he finally succeeded in setting up an informal Coalition on Religious Music in Public Schools, which included the state's Department of Education, the Minnesota Education Association, the Minnesota Federation of Teachers, the Minnesota Music Education Association, the American Choral Directors Association, the National Conference of Christians and Jews, and the Jewish Community Relations Council of Minnesota. Most music teachers were initially opposed to developing a balanced music program to replace the well-known and readily available religious music. Nor were they trained in nonwestern music, which was rarely sold at music stores. Guidelines were prepared in 1983 and distributed throughout the state, and the MCLU lobbied hard for a curriculum that taught a range of world music. Since then, metropolitan districts have redesigned and renamed their holiday concerts, and the MCLU has filed no lawsuits against performances of religious music.⁵⁸

By the 1990s, civil libertarians, various religious groups, and the state education department had succeeded in removing many, though not all, religious practices from Minnesota's public schools.

⁵⁵ MCLU news release, Feb. 27, 1982; Stark to LeRoy Norsted et al., Sept. 30, 1982, Kenneth E. Lundgren to Stark, Oct. 19, 1982; Norsted to Stark, Jan. 10, 1983; *Rochester Post-Bulletin*, Mar. 1983; MCLU office memorandum and questionnaire, both Dec. 21, 1982—MCLU Records; *North Hennepin Post*, Nov. 4, 1982, p. 8; *Brooklyn Park Post*, Dec. 16, 1982, p. 1-2; *Civil Liberties News*, June 1983, p. 4, Dec. 1983, p. 3; Stark interviews; *Minneapolis Tribune*, Dec. 27, 1982, p. 1B.

⁵⁶ Stark interviews; Linda Ojala to Julia Hampton, undated but probably early 1983, and confidential correspondence between Stark and a Coon Rapids high-school senior, undated (probably Fall 1979), Jan. 7, 1980, MCLU Records; *Worldwide Challenge*, Sept.-Oct. 1983, p. 38-40; *Minneapolis Star & Tribune*, Mar. 10, 1983, p. 6B, Sept. 26, 1983, p. 1B; *St. Paul Dispatch*, Sept. 9, 1983, p. 1A, 4A.

⁵⁷ Stark interviews; *Anoka County Union*, Aug. 26, 1983, p. 16A; *Minneapolis Star & Tribune*, Sept. 14, 1983, p. 14A; *Civil Liberties News*, Mar. 1984, p. 6.

⁵⁸ Stark interviews; Coalition on Music from a Sacred Tradition in Public Schools memoranda, Apr. 1983 (draft version), Oct. 31, 1983; Stark to Susan Vaughan Kamla et al., Oct. 13, 1983; Stark to Diane Leland et al., Feb. 10, Mar. 14, 1984—all MCLU Records; telephone interview with Susan Vaughan, Nov. 24, 1992.

Outside of the Twin Cities, such practices were not unknown. But the repeated calls for school policies on religion had convinced the largest urban districts to draft formal statements. Approximately 70 percent of Minnesota's students in the 1990s attended public schools that had defined the place of religion in the classroom.⁵⁹

The struggle over religion in Minnesota's public schools revolved around basic constitutional principles and the emotional issues of majority-minority rights. In the postwar era, several organizations and conditions converged. Most Minnesotans, including school officials, regarded themselves as law abiding. When the U. S. Supreme Court struck down school-sponsored prayer and Bible reading and the state's attorney general ruled on baccalaureate ceremonies, most parents and superintendents went along, regardless of their personal convictions. But when the MCLU, JCRCM, and ultimately the state education department pursued the issue of celebrating Christmas, which was deeply embedded in American secular culture, citizens protested. To many parents, principals, administrators, and observers, illegal religious practices did not extend to the observance of Christ's birth. The songs and symbols seemed so benign and the message of peace and good-

⁵⁹ Stark interviews; author's 1988 survey of Minnesota school superintendents.

⁶⁰ Author's 1988 survey; Stark interviews, *Rochester Post-Bulletin*, Dec. 21, 1991, p. 1A, 4A.

will so innocent and inoffensive. Religion preservationists took refuge in the simple democratic principle of majority rule. Civil libertarians, Jews, and education department officials reminded proponents of Christmas and other forms of religion that the First Amendment also safeguarded the rights of religious minorities.

In religiously and ethnically diverse metropolitan school districts, including the Twin Cities, Duluth, and Rochester, superintendents eventually prepared policies consistent with education department guidelines separating church and state. In rural areas, however, little pressure built for secular schools. Sometimes, just the opposite prevailed. For example, in one northwestern district the superintendent observed in 1988, "This is a 'one-religion' school district with thirteen Lutheran churches within its boundaries, so people have to find something else to argue about." In small towns, tradition often dictates that the school—usually the primary community focus—incorporate some common religious practices. Nevertheless, by 1991 most Minnesota public school students were covered by policies that complied with the state's guidelines. As Matthew Stark had observed, the fight was over in the North Star State; the wall of separation was firmly in place. "Minnesotans," he said, "want to do the right thing."⁶⁰

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