

Wallace v. Jaffree (1985)

I. Facts

Ishmael Jaffree, an Alabama resident with three children in public schools, filed a complaint against the Mobile school board and his children's teachers for using a law which authorized a period of silence "for meditation or voluntary prayer" to engage in school prayer. Alabama already had a statute that established a period of silence "for meditation," but the state legislature had recently passed a law with the only change being the addition of the voluntary prayer language. In addition a third statute was passed that enabled for the public school teachers to lead willing students in a prescribed prayer to "Almighty God... the Creator and Supreme Judge of the world." The court found the first statute to be legal and the third to be patently unconstitutional and thus invalidated.

II. Issue

Is the second statute that authorizes a period of silence "for meditation or voluntary prayer" a law respecting the establishment of religion within the meaning of the First Amendment?

III. Holding

Yes. The state law was found to be unconstitutional by the First Amendment via the Fourteenth Amendment.

IV. Reasoning

The majority found that the statute did not pass the first prong of the *Lemon* test, namely that the law was not passed for a secular purpose. The statute was clearly an attempt on behalf of the Alabama state legislature to endorse school prayer as made evident by the minor adjustment to the statute from the previous version as well as numerous public pronouncements by state legislators. While the court may have considered similar legislation in a different context to be constitutional, the act by the state legislature was passed in clear defiance of earlier rulings by the court.

V. Concurring Opinion

Justice O'Connor wrote to make special note that most moment of silent statutes are constitutional and that this ruling was based solely on the obvious attempt of the Alabama legislature to push school prayer. She also rejects Justice Rehnquist's dissent that there is a historical precedent in the passing of the First Amendment that nullifies that secular purpose requirement of the *Lemon* test. O'Connor believes that the intent of the framers was to separate the state from church matters entirely rather than just exhibiting nonpreferentialism.

VI. Dissenting Opinion

Justice Rehnquist argued that James Madison did not intend for the First Amendment to require the government to be neutral in religious affairs and that the objective of the amendment was merely to prevent against the establishment of a national religion or prejudice against any religion. He cites the many states that had official state sponsored religions at their inception as well as the many references to a monotheistic god found throughout the government to assert that the state has always been allowed to pass non-secular legislation so long as it did not exhibit a targeted bias against other religions. This philosophy, which we are calling nonpreferentialism, is frequently cited by those that see no textual evidence for the modern reading to build a wall of separation between church and state.

VII. Significance

This decision continued the strong precedent of the court to see school prayer as in violation of the First Amendment and to read the Free Exercise Clause as a restriction against any non-secular government action.