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Courts still debating constitutionality of school prayer

"Congress shall make no law respecting an establishment of religion," declares the Establishment Clause of the First Amendment to the U.S. Constitution.

Later in the same amendment, the Free-Exercise Clause proclaims that Congress shall make no law "prohibiting the free exercise" of religion.

Together, these two phrases bar the government from becoming involved in religious affairs — either on behalf of or in opposition to religious activity.

But what happens when a group invokes the Free Exercise Clause while simultaneously violating the Establishment Clause? Or, in other words, how should government respond to some citizens' desire to practice prayer in public schools?

This dilemma, which frequently confronts the nation's courts, is confounded by the absence of a clear definition of which actions do or do not constitute "school prayer."

While reading from the Bible or reciting a litany easily can be identified as "prayer," it is more difficult to define such actions as using hymns at assemblies, making religious references during graduation ceremonies or reciting the Pledge of Allegiance.

Are such actions permissible under the Free Exercise Clause, or illegal under the Establishment Clause?

A recent Supreme Court ruling reflected this conflict. In a decision rendered June 24, 1992, the court declared that a rabbi's invocation and Benediction at a middle-school graduation ceremony in Providence, R.I., were potentially coercive and could be interpreted as government endorsement of religion.

Yet the 5-4 decision in this case pointed up division among the high court's justices.

Justice Anthony M. Kennedy, who wrote the majority opinion banning all types of prayer at graduation ceremonies, explained that the religious beliefs of a high school student could, potentially, lead the student to skip the ceremony in protest.

Writing for the dissent, however, Justice Antonin Scalia

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