



PROTECTING TEXAS SCHOOLCHILDREN'S RIGHT TO A "MOMENT OF SILENCE"

by Texas Attorney General Greg Abbott

YOUNG TEXANS RETURNING TO SCHOOL this fall will begin each day by pledging their allegiance to our state and to our nation, before observing a minute of silence. During this quiet moment, they may engage in thoughtful contemplation, including prayer, before beginning another exciting school day.

Unfortunately, a North Texas couple is suing the State of Texas in an attempt to stop young Texans from observing a brief moment of reflection.

As the State's lawyer, I am committed to vigorously defending Texas students' constitutional rights and religious freedoms. So far, we have been

successful: In January, a federal district judge rejected the couple's attempt to prohibit students from observing the "moment of silence".

In 2003, the Texas Legislature revised the moment of silence law to instruct teachers to begin each day with the recitation of the state and national pledge, followed by a minute of silence. The law also now makes it clear that students may "pray" during this time. Legislators also amended the law to allow "any other silent activity that is not likely to interfere with or distract another student."

By providing a patriotic and

contemplative context for the minute of silence, Senate Bill 83 is plainly constitutional. The purpose of these exercises is simple – to foster patriotism and provide an opportunity for students to engage in thoughtful contemplation before beginning another busy day.

The federal court held that "the addition of the word 'pray' directly furthers the purpose of encouraging students to engage in individual contemplative activity." Such "thoughtful contemplation," the court held, serves a "valid secular purpose." Importantly, the court found that "the primary effect of the statute is to

institute a moment of silence, not to advance or inhibit religion."

The plaintiffs' lawsuit turns the First Amendment on its head. They argue that a law protecting students' right to pray somehow violates the Constitution. Their reasoning would condemn any law that prevents religious discrimination – and would invalidate numerous federal and state laws that protect students from religious hostility. But the Free Exercise Clause of the First Amendment protects students' rights to observe any silent, non-disruptive activity of their choice, including prayer.