

8. Excessive Religious Zeal

When musket fire broke out at the Nanny Goat Market in Philadelphia on Monday, May 6, 1844, George Schiffler was hit immediately. The eighteen-year-old apprentice leather worker died from his wound. About three thousand Protestants had been listening to anti-Catholic speeches in the middle of an Irish Catholic neighborhood. Now they ran from the market or hid behind the long line of food stalls, trying to avoid the rain of Catholic fire coming from houses all along Cadwalader Street. Joseph Cox had sought shelter by a food stall when he was mortally wounded. Two other men were also shot.¹

A three-day religious war had broken out, brought on by hatred between Catholics and Protestants and ignited by conflict over Bible reading in Philadelphia's public schools. For a few days, violence gripped the city where the framers had written the Constitution and Bill of Rights, not far from where Edward Schempp would build his suburban home a little more than a century later. This violence was, in the most graphic of terms, a reminder that denominational control of the schools carried with it the excessive Old World religious zeal that the framers had tried so hard to avoid. Even in a school system where most sectarian practices had been banished, Bible reading alone released passions fraught with death. The question of whose Bible should be used reached deep into religious sensitivities.

For those willing to listen, this week of violence in Philadelphia provided graphic evidence that Horace Mann's concept of a common religion for the common school—put in place that same decade in

Massachusetts—was unlikely to work for very long in a religious culture that was becoming increasingly diverse. Other ugly incidents would also follow—a Catholic priest was tarred and feathered in Maine, and a student was beaten by a teacher in Massachusetts—as Protestant sects in some communities tried to continue their dominance in the schools against those who argued for their own right of conscience. Catholics saw common religion for what it was—a common Protestantism. They didn't want their children reading the King James Version, and even Bible reading without comment offended them. Catholics, after all, were not free to read even their own Douay Version without textual interpretation supplied by Rome. For their part, Protestants couldn't imagine their children reading the Catholic Douay. Meanwhile, non-Christians wanted no part of either tradition. Religion historian Robert Michaelson wrote: "By now Protestantism itself, with its King James Bible, its prayers, and its hymn singing, had become sectarian—particular, distinctive, different from Catholicism or Judaism or unbelief."²

By 1844, the year of the riots that started at the Nanny Goat Market, immigration from Ireland had pushed the number of Irish in Philadelphia to about 10 percent of the population. In a largely Protestant city, even one built on religious freedom, old animosities returned with a fury. In his book *The Philadelphia Riots of 1844*, historian Michael Feldberg recounted that nativist groups gained strength, railing against all immigrants—who tended to be poor and badly educated—but especially against the Catholics. A severe economic downturn in the late 1830s only exacerbated animosity between the groups, as they both tried to protect their jobs. Religion in the schools, though, provided the spark that set off mob violence.

Protestants controlled the public schools in Philadelphia and required that schoolchildren begin each day with Protestant prayers and hymns. Students took their reading lessons from the King James Bible. Some of the textbooks contained strongly anti-Catholic passages.³ The Catholic bishop of Philadelphia, Francis Patrick Kenrick, objected to the Protestant flavor of the schools, fearing that impressionable Catholic children would learn principles antithetical

to their faith. A Catholic teacher was dismissed in 1842 for refusing to read from the King James Version. Then the school board compromised by allowing Catholic children to excuse themselves from the Bible exercises. That ruling incensed nativist Protestants, who rallied in support of their own King James Version.⁴

The school board's excusal of Catholic children foreshadowed a strategy that Protestants would follow for the next century in an attempt to save the presence of their devotionals in the public schools. As America became more religiously diverse, Protestants would have trouble holding on to their devotionals in the face of dissenters of other faiths who found these exercises offensive. Even when cases—like *Schempp*—were litigated to the U.S. Supreme Court, those defending devotional exercises would argue that excusal provisions saved the devotionals from constitutional attack because they erased any coercive state action against children of minority faiths.

The skirmish at the Nanny Goat Market on May 6, 1844, marked only the opening of broader violence in the city. The next day, nativists again marched to Kensington and came under musket fire. John Wesley Rhinedollar, an apprentice cordwainer (shoemaker), died immediately. Then a ship carpenter, a marble mason, and a rope maker were killed. Eleven others were wounded. Striking back, nativist gangs set fire to the Cadwalader Street houses from which the Irish Catholics had been firing, then they shot at people as they tried to escape the flames. Finally, militia companies arrived and stopped the rioting.⁵

The nativist gangs returned the next morning, and the third day of violence began. Having found their best weapon in arson, they torched St. Michael's Church and stayed to cheer as the steeple collapsed, bringing a cross to the ground with it. Then they burned the seminary of the Sisters of Charity and sacked homes and stores, making a bonfire of books in the street. Later that day, Mayor John M. Scott stood atop the steps at another church, St. Augustine's, and asked the crowd to disperse. A nativist answered with a stone that hit him in the chest. A fire broke out as people attended to the mayor.

With firemen afraid to intervene, the church burned to the ground in half an hour. Finally, the militia enforced martial law, and the violence subsided.⁶

Tensions rose again with the coming of the July 4 holiday, two months after the school skirmish. Fearing more violence, Catholics stored muskets in a church in the Southwark section of the city. As the situation deteriorated over the coming days, the militia took position in front of the church. Once again, violence flared. The militia opened fire on an angry crowd, killing two people and wounding four others. Nativists commandeered two cannons and set them up on Christian Street at two corners, firing up the street and killing two people. The militia fired back with a cannon of its own. For hours, cannon and musket fire echoed throughout a city at war over what version of the Bible to read to schoolchildren. Before it was all over, there were two dead and twenty-three wounded militiamen and about ten dead and twenty wounded nativists. To keep order, two thousand troops occupied Philadelphia. Feeling that Protestant control of the schools could not be resolved any time soon, Bishop Kenrick began building a new system of Catholic parochial schools.⁷



A decade later, violence marred the quiet city of Ellsworth, Maine. There, the school committee selected the King James Version for its schoolchildren to read. In 1854, John Bapst, the Jesuit priest for the local parish, recommended that Catholic parents refuse to cooperate and instead litigate. The Donahoe family agreed; fifteen-year-old Bridget refused to participate in Bible reading and received a suspension.⁸

Bridget said that she would read the Catholic Douay but not the King James Bible. Her lawyer said that the school required her “to take part in a religious exercise from which her conscience shrunk, because, as she believed, God’s word was perverted in its meaning.”⁹

The Maine Supreme Judicial Court acknowledged that Catholics disputed the King James Version, that Protestants denied the Douay, and that various other Protestant sects disliked both. But the court refused to follow its observation to its logical conclusion—that Bridget was required by the school to participate in a sectarian exercise. The court ruled instead that the school committee had the power to choose any version it wanted and that its choice of the King James Version did not constitute a preference for Protestantism that would violate the Maine Constitution. The court said that the sect representing the majority of citizens in any school district could choose its own religious texts. “The choice is left entirely to the popular will,” said the court. “One set of town officers may make one selection, and another may make an entirely different one.”¹⁰ Meanwhile, a mob of Protestants attacked Father Bapst one evening as he heard confessions. The mob tarred and feathered him, but none of the perpetrators were arrested.¹¹

Five years later, things weren’t much better for Thomas Wall in Massachusetts. He was only eleven years old when he refused to read the Lord’s Prayer and the Ten Commandments in class during the weekly exercises on March 14, 1859—in a protest similar to the one that Ellery Schempp would make ninety-seven years later. Wall’s teacher, McLaurin F. Cooke, whipped Wall’s hands with a rattan stick that was three feet long and three-eighths of an inch thick, pausing from time to time to see if Wall would begin his recitations. The beating continued for thirty minutes, until Wall finally agreed to cooperate.

A Massachusetts law required the daily reading of the Protestant Bible. In addition, Boston school regulations recommended that students recite the Lord’s Prayer and the Ten Commandments. Both Wall’s father and his priest had pushed young Thomas, a Roman Catholic, into his protest. According to the Boston court that heard the case, Wall’s father had “told him for his life” not to repeat the Ten Commandments from the Protestant Bible. The priest threatened embarrassment to Thomas and nine hundred other Catholic

children. Admonishing them “not to be cowards to their religion, and not to read or repeat the Commandments in school,” he threatened that “if they did he would read their names from the altar.”¹²

Wall's protest on March 14 emboldened sixty of his classmates to join him. The Wall family lodged a criminal complaint against Cooke for the beating, and the matter landed in Boston's police court, where the case was decided a month after the incident. The court was not impressed with the Catholic family's assertion that Cooke had violated Thomas's religious liberty. The judge said that the Bible exercises had been placed in the schools to teach, among other things, “humanity, and a universal benevolence, sobriety, moderation and temperance”—he evidently saw no conflict between those values and the thirty minutes that the teacher had spent hitting a child. “To read the Bible in school for these and like purposes, or to require it to be read without sectarian explanations, is no interference with religious liberty,” he ruled.¹³ Oblivious to the fact that the devotional exercises came from the Protestant tradition, the judge blamed the Wall family for making trouble by requesting that the Catholic Douay Bible be used in school. He said that such a specific request, if granted, would bind church and state in a sectarian alliance. The judge concluded that it was the boy's fault that Cooke's blows with the stick lasted thirty minutes; after all, young Thomas had it “in his power to make every one the last.” The judge discharged Cooke from the complaint.¹⁴



Controversies in New York and Cincinnati showed the futility of the Protestants' hope that they could indefinitely continue to require their own devotional exercises in the public schools. In both cities, protests against Protestant practices in the schools brought new measures that eroded Mann's ideal of a common religion. In New York, Bishop John Hughes put armed guards around Catholic churches when he heard about the violence in Philadelphia, but the situation in New York remained calm.¹⁵ By then, Hughes had been

fighting Bible-reading exercises for several years. The Catholic population of New York had been growing steadily since the turn of the century, from only about 1,300 out of 60,000 New Yorkers in 1800 to as many as 80,000 out of 312,710 by 1840.¹⁶

With that growth came increasing restiveness regarding the public schools, which had a heavy Protestant accent and an anti-Catholic bias. Bishop Hughes actually preferred to leave the Protestant-dominated schools entirely and create a system of Catholic parochial schools. So he lobbied hard for the distribution of tax money to fund Catholic parochial education. After all, in his view, tax money paid by Catholics was going to public schools that were openly hostile to the Catholic faith. In a formal petition for tax money, he complained that textbooks used by children in public schools contained insulting references to Catholicism.¹⁷ In 1842, the state legislature tried to resolve the impasse by creating a new board of education for New York City and prohibiting sectarian exercises. Even so, the first superintendent under the new board, William Stone, ruled that Bible reading would continue. Political compromise, though, had moved the public schools another step away from outright sectarian practice, a gradual process that would continue in New York for the next century.¹⁸

In Cincinnati, meanwhile, political negotiation over several decades resulted in the school board voluntarily ending Bible reading in the schools. Some Protestant clergy served as school examiners and even principals, positions from which they tested the children on the religious lessons they learned, judged the competence of the teachers, and set school policy.¹⁹ As a result, the public schools utilized Protestant prayers and hymns as well as the King James Bible. Many teachers were Protestant ministers or former ministers.²⁰ As the *Catholic Telegraph*, the weekly paper for the diocese, railed against Protestantism in the schools, Archbishop John B. Purcell set about building a Catholic parochial school system. Purcell argued: “[T]he fountains of spiritual life are poisoned and those unsuspecting children have tracts placed in their hands, insinuating the vilest and most malicious slanders of our real principles and thus literally

received, for bread, a serpent. Knowledge purchased at so dear a rate reminds us of the price first paid for it in Eden."²¹

Bishop Purcell raised his concerns before the school board in 1842. In response, the board passed a resolution allowing children to be excused from the Bible exercises, but teachers routinely ignored it, and the Bible practices continued.²² Inevitably, tensions continued to mount over the next few decades, as Cincinnati was growing into one of the most religiously diverse cities in the country. Its population by 1869 stood at about a quarter of a million, with all major Protestant denominations represented alongside Catholics, Jews, and free-thinkers. Roman Catholics constituted the largest denomination in the city. The school board was just as religiously diverse: among forty members were eighteen Protestants, ten Catholics, two Jews, and ten people of unidentified religion.²³

The fate of the schools became a consuming issue in the late 1860s, nearly a century before Ellery Schempp's protest. As the controversy grew and Archbishop Purcell argued in favor of taxpayer support of the parochial school system, one of the school board members suggested a solution: he submitted a proposal to end the reading of the Bible, other religious texts, and religious hymns in the public schools. That proposal set the ground shaking in Cincinnati. Thousands of people signed petitions against the proposal, and ministers railed against taking the Bible and Protestantism out of the schools. Others talked darkly of an alliance of Catholics and nonbelievers against common spiritual and moral values. In the end, though, the school board passed the resolution on November 1, 1869, with a vote of twenty-two to fifteen.²⁴

Immediately, a group of citizens sued the school board in the Cincinnati Superior Court. In a two-to-one decision, the court issued an injunction against the school board's plan. Judge Alphonso Taft, the father of future president and chief justice William Howard Taft, wrote a dissenting opinion arguing that sectarian teaching in the public schools violated religious freedom. "No sect can, because it includes a majority of a community or a majority of the citizens of the State, claim any preference whatever," he wrote. "It can not claim

that its mode of worship or its religion shall prevail in the common schools.”²⁵ Taft argued that the schools of Cincinnati did not practice the required neutrality: “I cannot doubt . . . that the use of the Bible with appropriate singing, provided for by the old rule, and as practiced under it, was and is sectarian. It is Protestant worship. And its use is a symbol of Protestant supremacy in the schools, and as such offensive to Catholics and to Jews.”²⁶

Several years later, in 1872, the Ohio Supreme Court agreed with Taft’s dissent and backed the school board. The court said that if the board wanted to eliminate Bible reading, the judges had no right to interfere.²⁷ In Ohio, at least, church and state were separate. “The great bulk of human affairs and human interests is left by any free government to individual enterprise and individual action,” the court said. “Religion is eminently one of these interests, lying outside the true and legitimate province of government.”²⁸ The court went on to dispute the contention—made then and continually for the next century—that schools that taught no religion were, by that very reason, in the control of people hostile to religion. “This is by no means so,” said the court. “To teach the doctrines of infidelity, and thereby teach that Christianity is false, is one thing; and to give no instructions on the subject is quite another thing.”²⁹

The 1872 resolution of the Cincinnati dispute was certainly one of the most significant developments up to that time concerning religion in the schools. In a very public way, the city, through its school board, had used the processes of representative government to remove devotional exercises from the schools, in recognition of the diversity of religious practice in the community. The Ohio Supreme Court’s ruling that devotional exercises in the schools violated religious freedom was the first major judicial ruling in that direction and would ring even louder in the years ahead.



The Cincinnati experience in removing religion from the schools proved a harbinger of the future. Many school officials around the

country agreed to compromise on Pan-Protestantism under the intense pressure of religious pluralism. Compromise brought about increased secularization of the schools, but not enough to keep Catholics from vigorously building their own system of parochial schools to avoid the King James Bible.

Although they were in the minority, even some Protestant religious leaders of the day supported reducing religious practices in the public schools. Some said it was possible to separate the teaching of morality from the teaching of religion, and some opposed even the reading of any version of the Bible. Henry Ward Beecher, one of the most famous Protestant preachers of the nineteenth century, argued that Bible reading should be stopped in schools where religious pluralism made it impossible for people to agree on a version.³⁰

With immigration increasing diversity, the pressure to ease common school Protestantism was felt in school districts throughout the country. "In some communities," wrote school historian Carl F. Kaestle, "there was a process of give-and-take that softened the native Protestant emphasis of common schooling during the critical mid-nineteenth century decades of immigration." Kaestle explained, "As part of this process, nineteenth-century schoolmen sometimes made concessions, allowing scriptural choice, restricting prayer, or expurgating offensive religious and ethnic slurs from textbooks."³¹

Education officials of the day noticed that many local school boards within their state were shedding the trappings of religious practice. William Dunn, a historian of the public schools, examined reports released in 1861 by state superintendents and local education officials for eight of the original thirteen states in the Union. Most of these officials declared the importance of religious teaching in the schools, and many then lamented the absence of the religious content they thought was needed. As the education commissioner in one New Hampshire county wrote: "The great want in our schools is moral and religious training—not in any sectarian sense—but a real and thorough training in those duties which pertain to a Christian citizen. We must, if we would succeed, give the Bible a prominent place among the textbooks in our schools, and allow it to remain

clothed with the sanctions of the Divine Authority.”³² A school official from Melrose, Massachusetts, wrote: “If there exists any important error in the education of the present day, it seems to be found in a lack of systematic, moral and Christian training.”³³

By then, religious pluralism was not the only force pushing religion from the schools. By the second half of the nineteenth century, Americans promoted different goals for their schools than they had when the Puritan fires burned hot. In a sense, public schools began taking on a different “religion”—that of American nationhood, democracy, and capitalism. Most everyone agreed that the common schools had to educate children in American values of self-governance. To accomplish this goal, lawmakers enacted compulsory attendance laws and, in many states, required the teaching of certain subjects, such as history. A critical task was creating a sense of community amid a hodgepodge of cultures. In thirty-seven large cities, almost 58 percent of schoolchildren had been born of new arrivals, posing the severe challenge of bringing into the mainstream millions of kids with a wide variety of customs and languages.³⁴ At the same time, factories of all kinds were opening like daffodils in May. They required that workers have higher levels of literacy and discipline, in order to run newfangled machinery that turned out everything from textiles to timber products. An educated workforce was a key ingredient for the growth of the nation’s economy.

As the sun rose on the twentieth century, America’s public schools had entered a new era. Far behind them, barely visible now on the receding horizon, were the schools of old, in which teachers taught from the Bible, drilled students in the catechism, and read from textbooks full of sectarian religious doctrine. The nation’s religious pluralism had made it impossible to continue this regime of sectarian teaching, and even Horace Mann’s compromise of teaching a common religion was in retreat.

Textbooks clearly signaled the change. In the second half of the nineteenth century, editors dropped virtually all of the old religious materials, to make room for literary writings and other content. Historian R. R. Robinson, who studied more than fourteen hundred

readers used in schoolrooms from colonial times through 1925, found that religious content declined precipitously after the colonial period. Religious content consumed 85 percent of all the material in readers in the period ending in 1775. In fact, Robinson found of that period that "it would have been altogether impossible to find a school reader in which the religious element did not predominate."³⁵

The decline of religious material came quickly. From 1775 to 1825, it comprised only 22 percent of all material in readers.³⁶ Then religious content plunged to 7.5 percent in readers published from 1825 to 1875. Whereas ministers sometimes doubled as authors during the earlier periods, Robinson found not a single minister who edited a reader by the end of this period.³⁷

From that point forward, religion all but vanished from the readers—it comprised just 1.5 percent of content from 1875 through 1915. Robinson found that the readers contained an increase of literary content, material culled from the works of prominent writers.³⁸ Finally, the period from 1915 to 1926 showed no appreciable change, with religious content remaining at 1.5 percent.³⁹

Religious content left the popular McGuffey readers as well. It comprised 31 percent of the content of McGuffey's *Fourth Reader* in 1837 but fell to about 3 percent in 1901.⁴⁰ The *Fifth Reader* carried less than 8 percent religious content in 1901, down from 22 percent in 1857.⁴¹ Religion evaporated from a wide variety of textbooks, too.

Historian William Dunn concluded that aside from readings from the Bible, "there was little in the textbook content by the time of the Civil War to give the public school child an understanding of natural theology, and even less of Christianity itself."⁴² Dunn said that "a child in the school of 1861 knew nothing of the doctrinal instruction and little or nothing of the religious formation which were part and parcel of his grandfather's and, to a great degree, his father's curriculum."⁴³



The pluralism that had come to define America in so many ways, forever changing its schools and communities, only increased late in

the nineteenth century. From the early 1880s to 1930, about twenty-seven million immigrants entered the United States, mostly from southern and eastern Europe. Italians and Poles came in large numbers, escaping economic deprivation. More than two million Jews arrived from eastern Europe, the vast majority of them from Russia. There were also plenty of Greeks, Czechs, Basques, Portuguese, Armenians, Japanese, and Magyars. Arabs arrived from Syria and Lebanon.⁴⁴ Meanwhile, from 1925 to 1930, the country welcomed half a million Canadians and a quarter million Mexicans.⁴⁵

Immigration dropped sharply during the Depression and world wars but then picked up again. In time, massive immigration from many Asian nations and countries south of the border broadened American diversity well beyond the traditional European stock. Citizens of Spanish origin numbered around 14.6 million in 1980.⁴⁶ The numbers of Hispanics reached 21.9 million in 1990 and 35.2 million in 2000.⁴⁷ Meanwhile, immigration from Asia skyrocketed. In the 1940s, only 3 percent of immigrants came from Asia; that percentage increased to almost half in the eighties.⁴⁸ By 2000, 11.9 million people identified themselves as Asian, with the most recent immigrants coming from Laos, Vietnam, and Cambodia.⁴⁹

All these new Americans brought with them religious faiths that, in many instances, had been relatively rare in the United States until then. Early in the twenty-first century, Muslims in the United States outnumbered the country's Episcopalians and Presbyterians. Buddhists counted as many as four million members.⁵⁰ Sikhs and Jains arrived, as did Hindus and Zoroastrians. Merely putting a census number to a particular faith does an injustice to the true extent of diversity, for adherents of the same faith from different cultures often brought their own particular traditions. In her book *A New Religious America*, Harvard religion professor Diana L. Eck writes:

The face of American Christianity has also changed with large Latino, Filipino, and Vietnamese Catholic communities; Chinese, Haitian, and Brazilian Pentecostal communities; Korean Presbyterians, Indian Mar Thomas, and Egyptian Copts. In every city in the

land church signboards display the meeting times of Korean or Latino congregations that nest within the walls of old urban Protestant and Catholic churches.⁵¹

As religious pluralism continued its growth, those who still wanted faith observed in the public schools clung to the remnants of practices from earlier centuries. In the twentieth century, about all that was left of daily classroom religious practice was a devotional exercise not more than a few minutes long at the beginning of the day. In most places, a short daily reading of Scripture and perhaps the Lord's Prayer—as Ellery Schempp experienced in Abington—marked the extent of religious exercises. In many schools, there was a celebration of Christmas and Easter, typically with hymn singing and holiday decorations.

To make sure they kept at least that much religion, some states passed statutes permitting or requiring Bible reading. Massachusetts in 1855 became the first state—and the only one before the end of the nineteenth century—to enact a law that required public schools to conduct Bible-reading exercises.⁵² In 1913 Pennsylvania passed a law requiring that ten verses of the Bible be read to children in the public schools each day. At the time, 89.7 percent of the public schools in the state reported that they engaged in Bible reading. A widespread practice in Pennsylvania since colonial days, Bible reading was on an upswing even in the absence of any legal requirement. In 1861, 60.2 percent of the public schools reported that they had Bible readings, a number that rose to 80.2 percent in 1871 and 84.5 percent in 1881. In Montgomery County, which included Abington Township, 96 percent of the public schools reported that they provided Bible reading in 1865, and that percentage remained nearly the same until 1913.⁵³

That trend pleased James Wickersham, who became the state's superintendent of public instruction in 1866. "I would like to have a copy of the Bible upon the desk of every teacher, in the sight of all the children in the land," he wrote in one of his annual reports. "If never opened, it would still be God's book, ever teaching its silent lessons and imposing something of self-reflection and reverence for

the sacred things upon the character of youth . . .”⁵⁴ Nearly a century later at the *Schempp* trial, contrary to Wickersham’s focus on the sacred, the state and the Abington schools would defend Bible reading by arguing that it imparted only moral and not religious lessons.

Bible proponents in Pennsylvania fought to preserve at least this last remnant of religion in the schools against the tide of immigrants from eastern and southern Europe, many of whom were Catholics and Jews. The backers of the 1913 bill were six patriotic societies whose members, fearing loss of both jobs and Protestant hegemony, were anti-Catholic, anti-Jewish, and anti-immigrant.⁵⁵ The only major religious group pushing for the law was the National Reform Association, a Protestant organization that was anti-Catholic and anti-Jewish and favored a constitutional amendment that would declare the United States a Christian nation with allegiance to Jesus Christ.⁵⁶

When a version of the bill came up before the Pennsylvania House in 1911, Representative David Speer argued that he “cannot possibly think for a moment that we could close the doors in Christian America against this book [the Bible] in the public schools where our children are to read the wisdom and guidance of a Higher Power.”⁵⁷ Opposing the bill, perhaps recalling the Philadelphia riots of the prior century, Representative A. C. Stein argued that requiring Bible reading “can do absolutely no good at all, but will work injury and harm throughout this Commonwealth—differences that have been sleeping for hundreds of years and years. Why arouse them?”⁵⁸ There was no great enthusiasm for the Bible law in Pennsylvania, and it would not have passed without heavy lobbying by the patriotic societies and the National Reform Association.⁵⁹ In 1913, the bill became law and the relatively few Pennsylvania public schools that did not offer Bible reading fell into line. The Bible provision was incorporated into a revised school code in 1949.

After Pennsylvania passed its Bible-reading law, many other states followed the same path, attempting to enshrine the practice in law before local school boards could do away with it under the pressure of religious diversity. By 1962, twelve states and the District of

Columbia had enacted laws requiring Bible reading in the public schools, and twenty-five others either permitted it by law or court decision or allowed it to go on through official silence on the subject. Eleven states had prohibited Bible reading entirely. (Alaska and Hawaii are not included in this analysis.)⁶⁰

In surveys of major cities in 1896 and 1903, the U.S. Office of Education found that about 75 percent of the public schools engaged in Bible reading.⁶¹ But that percentage dropped sharply from then until Ellery Schempp's day. In 1962, an education professor from Macalester College, Richard B. Dierenfield, published a comprehensive study that provided a clear view of religious practices in the public schools at the time of Ellery's protest. By the middle of the twentieth century, what religious practices remained in the public schools were concentrated in the South and the Northeast and were relatively rare elsewhere. Reading of Scripture took place in almost 42 percent of the nation's school systems but varied dramatically by region. About 77 percent of school systems in the South and 68 percent of systems in the Northeast conducted readings, compared to only 18 percent in the Midwest and 11 percent in the West. The King James Version clearly predominated, adopted by 71 percent of school systems. Sixty percent did not allow excusal of students who preferred not to participate.⁶²

As Dierenfield pointed out, Bible reading was often part of a broader devotional service, typically short in duration and held at the beginning of the day. The service might also include prayer, devotional talks, and the singing of hymns. In a separate survey of these practices, he found that about half of all school districts in the country held devotional services in all or some of their schools. Unsurprisingly, the pattern looked the same as for Bible reading. About 80 percent of school districts in the East and 89 percent in the South held devotionals in some or all of their schools. In the rest of the country, devotional practices were less frequent. Only 26 percent of school districts in the Midwest and 9 percent in the West held them in the classroom.⁶³



The Abington school district was among those that had retained devotional practices in the schools, required to do so by Pennsylvania law. Two devotional practices—Bible reading and the Lord's Prayer—were about all that were left of the expansive school religion of years past, but both exercises lived at the very core of Christianity. So, when Ellery Schempp brought his protest against these exercises to the U.S. district court, both Abington and the state of Pennsylvania were preparing a vigorous fight to keep them.