Madison's failure to keep pace with his principles in the face of congressional pressure cannot erase the principles. He admitted to backsliding, and explained that he had made the content of his wartime proclamations inconsequential enough to mitigate much of their impropriety. See ibid.; see also Letter from J. Madison to E. Livingston (July 10, 1822), in 5 The Founders' Constitution, at 105. While his writings suggest mild variations in his interpretation of the Establishment Clause, Madison was no different in that respect from the rest of his political generation. That he expressed so much doubt about the constitutionality of religious proclamations, however, suggests a brand of separationism stronger even than that embodied in our traditional jurisprudence. So too does his characterization of public subsidies for legislative and military chaplains as unconstitutional -establishments,- see supra, at 16-17, and n. 6, for the federal courts, however expansive their general view of the Establishment Clause, have upheld both practices. See Marsh v. Chambers, 463 U. S. 783 (1983) (legislative chaplains); Katcoff v. Marsh, 755 F. 2d 223 (CA2 1985) (military chaplains).

To be sure, the leaders of the young Republic engaged in some of the practices that separationists like Jefferson and Madison criticized. The First Congress did hire institutional chaplains, see Marsh v. Chambers, supra, at 788, and Presidents Washington and Adams unapologetically marked days of "public thanksgiving and prayer," see R. Cord, Separation of Church and State 53 (1988). Yet in the face of the separationist dissent, those practices prove, at best, that the Framers simply did not share a common understanding of the Establishment Clause, and, at worst, that they, like other politicians, could raise constitutional ideals one day and turn their backs on them the next. "Indeed, by 1787 the provisions of the state bills of rights had become what Madison called mere `paper parchments' expressions of the most laudable sentiments, observed as much in the breach as in practice." Kurland, The Origins of the Religion Clauses of the Constitution, 27 Wm. & Mary L. Rev. 839, 852 (1986) (footnote omitted). Sometimes the National Constitution fared no better. Ten years after proposing the First Amendment, Congress passed the Alien and Sedition Acts, measures patently unconstitutional by modern standards. If the early Congress's political actions were determinative, and not merely relevant, evidence of constitutional meaning, we would have to gut our current First Amendment doctrine to make room for political censorship.

While we may be unable to know for certain what the Framers meant by the Clause, we do know that, around the time of its ratification, a respectable body of opinion supported a considerably broader reading than petitioners urge upon us. This consistency with the textual considerations is enough to preclude fundamentally reexamining our settled law, and I am accordingly left with the task of considering whether the state practice at issue here violates our traditional understanding of the Clause's proscriptions.

III

While the Establishment Clause's concept of neutrality is not self-revealing, our recent cases have invested it with specific content: the state may not favor or endorse either religion generally over nonreligion or one religion over others. See, e.g., Allegheny County, 492 U. S., at 589-594, 598-602; Texas Monthly, 489 U. S., at 17 (plurality opinion); id., at 28 (Blackmun, J., concurring in judgment); Edwards v. Aguillard, 482 U. S., at 593; School Dist. of Grand Rapids, 473 U. S., at 389-392; Wallace v. Jaffree, 472 U. S., at 61; see also Laycock, Formal,

Substantive, and Disaggregated Neutrality Toward Religion, 39 De Paul L. Rev. 993 (1990); cf. Lemon v. Kurtzman, 403 U. S. 602, 612-613 (1971). This principle against favoritism and endorsement has become the foundation of Establishment Clause jurisprudence, ensuring that religious belief is irrelevant to every citizen's standing in the political community, see Allegheny County, supra, at 594; J. Madison, Memorial and Remonstrance Against Religious Assessments (1785), in 5 The Founders' Constitution, at 82-83, and protecting religion from the demeaning effects of any governmental embrace, see id., at 83. Now, as in the early Republic, "religion & Govt. will both exist in greater purity, the less they are mixed together." Letter from J. Madison to E. Livingston (10 July 1822), in 5 The Founders' Constitution, at 106. Our aspiration to religious liberty, embodied in the First Amendment, permits no other standard.

A

That government must remain neutral in matters of religion does not foreclose it from ever taking religion into account. The State may -accommodate- the free exercise of religion by relieving people from generally applicable rules that interfere with their religious callings. See, e.g., Corporation of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints v. Amos, 483 U. S. 327 (1987); see also Sherbert v. Verner, 374 U. S. 398 (1963). Contrary to the views of some, such accommodation does not necessarily signify an official endorsement of religious observance over disbelief.

In everyday life, we routinely accommodate religious beliefs that we do not share. A Christian inviting an Orthodox Jew to lunch might take pains to choose a kosher restaurant; an atheist in a hurry might yield the right of way to an Amish man steering a horse-drawn carriage. In so acting, we express respect for, but not endorsement of, the fundamental values of others. We act without expressing a position on the theological merit of those values or of religious belief in general, and no one perceives us to have taken such a position.

The government may act likewise. Most religions encourage devotional practices that are at once crucial to the lives of believers and idiosyncratic in the eyes of nonadherents. By definition, secular rules of general application are drawn from the nonadherent's vantage and, consequently, fail to take such practices into account. Yet when enforcement of such rules cuts across religious sensibilities, as it often does, it puts those affected to the choice of taking sides between God and government. In such circumstances, accommodating religion reveals nothing beyond a recognition that general rules can unnecessarily offend the religious conscience when they offend the conscience of secular society not at all. Cf. Welsh v. United States, 398 U. S. 333, 340 (1970) (plurality opinion). Thus, in freeing the Native American Church from federal laws forbidding peyote use, see Drug Enforcement Administration Miscellaneous Exemptions, 21 C. F. R. 1307.31 (1991), the government conveys no endorsement of peyote rituals, the Church, or religion as such; it simply respects the centrality of peyote to the lives of certain Americans. See Note, The Free Exercise Boundaries of Permissible Accommodation Under the Establishment Clause, 99 Yale L. J. 1127, 1135-1136 (1990).

B

Whatever else may define the scope of accommodation permissible under the Establishment Clause, one requirement is clear: accommodation must lift a discernible burden on the free

exercise of religion. See Allegheny County, supra, at 601, n. 51; id., at 631-632 (opinion of O'Connor, J.); Corporation of Presiding Bishop, supra, at 348 (O'Connor, J., concurring in judgment); see also Texas Monthly, supra, at 18, 18-19, n. 8 (plurality opinion); Wallace v. Jaffree, 472 U. S., at 57-58, n. 45. But see Allegheny County, supra, at 663, n. 2 (opinion of Kennedy, J.). Concern for the position of religious individuals in the modern regulatory state cannot justify official solicitude for a religious practice unburdened by general rules; such gratuitous largesse would effectively favor religion over disbelief. By these lights one easily sees that, in sponsoring the graduation prayers at issue here, the State has crossed the line from permissible accommodation to unconstitutional establishment.

Religious students cannot complain that omitting prayers from their graduation ceremony would, in any realistic sense, -burden- their spiritual callings. To be sure, many of them invest this rite of passage with spiritual significance, but they may express their religious feelings about it before and after the ceremony. They may even organize a privately sponsored baccalaureate if they desire the company of likeminded students. Because they accordingly have no need for the machinery of the State to affirm their beliefs, the government's sponsorship of prayer at the graduation ceremony is most reasonably understood as an official endorsement of religion and, in this instance, of Theistic religion. One may fairly say, as one commentator has suggested, that the government brought prayer into the ceremony "precisely because some people want a symbolic affirmation that government approves and endorses their religion, and because many of the people who want this affirmation place little or no value on the costs to religious minorities." Laycock, Summary and Synthesis: The Crisis in Religious Liberty, 60 Geo. Wash. L. Rev. 841, 844 (1992).

Petitioners would deflect this conclusion by arguing that graduation prayers are no different from presidential religious proclamations and similar official -acknowledgments- of religion in public life. But religious invocations in Thanksgiving Day addresses and the like, rarely noticed, ignored without effort, conveyed over an impersonal medium, and directed at no one in particular, inhabit a pallid zone worlds apart from official prayers delivered to a captive audience of public school students and their families. Madison himself respected the difference between the trivial and the serious in constitutional practice. Realizing that his contemporaries were unlikely to take the Establishment Clause seriously enough to forgo a legislative chaplainship, he suggested that -[r]ather than let this step beyond the landmarks of power have the effect of a legitimate precedent, it will be better to apply to it the legal aphorism de minimis non curat lex . . . .- Madison's -Detached Memoranda- 559; see also Letter from J. Madi- son to E. Livingston, 10 July 1822, in 5 The Founders' Constitution, at 105. But that logic permits no winking at the practice in question here. When public school officials, armed with the State's authority, convey an endorsement of religion to their students, they strike near the core of the Establishment Clause. However -ceremonial- their messages may be, they are flatly unconstitutional.

Justice Scalia, with whom The Chief Justice, Justice White, and Justice Thomas join, dissenting.

Three Terms ago, I joined an opinion recognizing that the Establishment Clause must be construed in light of the "[g]overnment policies of accommodation, acknowledgment, and support for religion [that] are an accepted part of our political and cultural heritage." That opinion affirmed that -the meaning of the Clause is to be determined by reference to historical practices and understandings.- It said that -[a] test for implementing the protections of the

Establishment Clause that, if applied with consistency, would invalidate longstanding traditions cannot be a proper reading of the Clause.- Allegheny County v. Greater Pittsburgh ACLU, 492 U. S. 573, 657, 670 (1989) (Kennedy, J., concurring in judgment in part and dissenting in part).

These views of course prevent me from joining today's opinion, which is conspicuously bereft of any reference to history. In holding that the Establishment Clause prohibits invocations and benedictions at public-school graduation ceremonies, the Court-with nary a mention that it is doing so-lays waste a tradition that is as old as public-school graduation ceremonies themselves, and that is a component of an even more longstanding American tradition of nonsectarian prayer to God at public celebrations generally. As its instrument of destruction, the bulldozer of its social engineering, the Court invents a boundless, and boundlessly manipulable, test of psychological coercion, which promises to do for the Establishment Clause what the Durham rule did for the insanity defense. See Durham v. United States, 94 U. S. App. D. C. 228, 214 F. 2d 862 (1954). Today's opinion shows more forcefully than volumes of argumentation why our Nation's protection, that fortress which is our Constitution, cannot possibly rest upon the changeable philosophical predilections of the Justices of this Court, but must have deep foundations in the historic practices of our people.

I

Justice Holmes' aphorism that "a page of history is worth a volume of logic," New York Trust Co. v. Eisner, 256 U. S. 345, 349 (1921), applies with particular force to our Establishment Clause jurisprudence. As we have recognized, our interpretation of the Establishment Clause should "compor[t] with what history reveals was the contemporaneous understanding of its guarantees." Lynch v. Donnelly, 465 U.S. 668, 673 (1984). "[T]he line we must draw between the permissible and the impermissible is one which accords with history and faithfully reflects the understanding of the Founding Fathers." Abington School District v. Schempp, 374 U. S. 203, 294 (1963) (Brennan, J., concurring). "[H]istorical evidence sheds light not only on what the draftsmen intended the Establishment Clause to mean, but also on how they thought that Clause applied- to contemporaneous practices." Marsh v. Chambers, 463 U. S. 783, 790 (1983). Thus, "[t]he existence from the beginning of the Nation's life of a practice, [while] not conclusive of its constitutionality . . . , is a fact of considerable import in the interpretation- of the Establishment Clause." Walz v. Tax Comm'n of New York City, 397 U. S. 664, 681 (1970) (Brennan, J., concurring).

The history and tradition of our Nation are replete with public ceremonies featuring prayers of thanksgiving and petition. Illustrations of this point have been amply provided in our prior opinions, see, e.g., Lynch, supra, at 674-678; Marsh, supra, at 786-788; see also Wallace v. Jaffree, 472 U. S. 38, 100-103 (1985) (Rehnquist, J., dissenting); Engel v. Vitale, 370 U. S. 421, 446-450, and n. 3 (1962) (Stewart, J., dissenting), but since the Court is so oblivious to our history as to suggest that the Constitution restricts -preservation and transmission of religious beliefs . . . to the private sphere,- ante, at 10, it appears necessary to provide another brief account.

From our Nation's origin, prayer has been a prominent part of governmental ceremonies and proclamations. The Declaration of Independence, the document marking our birth as a separate

people, -appeal[ed] to the Supreme Judge of the world for the rectitude of our intentions- and avowed -a firm reliance on the protection of divine Providence.- In his first inaugural address, after swearing his oath of office on a Bible, George Washington deliberately made a prayer a part of his first official act as President: "it would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes." Inaugural Addresses of the Presidents of the United States 2 (1989).

Such supplications have been a characteristic feature of inaugural addresses ever since. Thomas Jefferson, for example, prayed in his first inaugural address: "may that Infinite Power which rules the destinies of the universe lead our councils to what is best, and give them a favorable issue for your peace and prosperity." Id., at 17. In his second inaugural address, Jefferson acknowledged his need for divine guidance and invited his audience to join his prayer:

> I shall need, too, the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessaries and comforts of life; who has covered our infancy with His providence and our riper years with His wisdom and power, and to whose goodness I ask you to join in supplications with me that He will so enlighten the minds of your servants, guide their councils, and prosper their measures that whatsoever they do shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations. Id., at 22-23.

Similarly, James Madison, in his first inaugural address, placed his confidence

"in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising Republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future." Id., at 28. Most recently, President Bush, continuing the tradition established by President Washington, asked those attending his inauguration to bow their heads, and made a prayer his first official act as President. Id., at 346.

Our national celebration of Thanksgiving likewise dates back to President Washington. As we recounted in Lynch,

-The day after the First Amendment was proposed, Congress urged President Washington to proclaim `a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favours of Almighty God.' President Washington proclaimed November 26, 1789, a day of thanksgiving to `offe[r] our prayers and supplications to the Great Lord and Ruler of Nations, and beseech him to pardon our national and other transgressions . . . .'- 465 U. S., at 675, n. 2 (citations omitted). This tradition of Thanksgiving Proclamations-with their religious theme of prayerful gratitude to God-has been adhered to by almost every President. Id., at 675, and nn. 2 and 3; Wallace v. Jaffree, supra, at 100-103 (Rehnquist, J., dissenting).

The other two branches of the Federal Government also have a long-established practice of prayer at public events. As we detailed in Marsh, Congressional sessions have opened with a chaplain's prayer ever since the First Congress. 463 U. S., at 787-788. And this Court's own sessions have opened with the invocation -God save the United States and this Honorable Court since the days of Chief Justice Marshall. 1 C. Warren, The Supreme Court in United States History 469 (1922).

/* However, this does not address the issue of forcing school children to pray. Obviously once a person reaches the status of US Supreme Court Judge, he or she will be willing to object or ignore religious features which are annoying or repulsive to them. */

In addition to this general tradition of prayer at public ceremonies, there exists a more specific tradition of invoca- tions and benedictions at public-school graduation exercises. By one account, the first public-high-school graduation ceremony took place in Connecticut in July 1868-the very month, as it happens, that the Fourteenth Amendment (the vehicle by which the Establishment Clause has been applied against the States) was ratified-when -15 seniors from the Norwich Free Academy marched in their best Sunday suits and dresses into a church hall and waited through majestic music and long prayers.- Brodinsky, Commencement Rites Obsolete? Not At All, A 10-Week Study Shows, Updating School Board Policies, Vol. 10, p. 3 (Apr. 1979). As the Court obliquely acknowledges in describing the -customary features- of high school graduations, ante, at 3-4, and as respondents do not contest, the invocation and benediction have long been recognized to be "as traditional as any other parts of the [school] graduation program and are widely established." H. McKown, Commencement Activities 56 (1931); see also Brodinsky, supra, at 5.

II

The Court presumably would separate graduation invocations and benedictions from other instances of public -preservation and transmission of religious beliefs- on the ground that they involve -psychological coercion.- I find it a sufficient embarrassment that our Establishment Clause jurisprudence regarding holiday displays, see Allegheny County v. Greater Pittsburgh ACLU, 492 U. S. 573 (1989), has come to -requir[e] scrutiny more commonly associated with interior decorators than with the judiciary.- American Jewish Congress v. Chicago, 827 F. 2d 120, 129 (Easterbrook, J., dissenting). But interior decorating is a rock-hard science compared to psychology practiced by amateurs. A few citations of -[r]esearch in psychology- that have no particular bearing upon the precise issue here, ante, at 14, cannot disguise the fact that the Court has gone beyond the realm where judges know what they are doing. The Court's argument that state officials have -coerced- students to take part in the invocation and benediction at graduation ceremonies is, not to put too fine a point on it, incoherent.

The Court identifies two -dominant facts- that it says dictate its ruling that invocations and benedictions at public-school graduation ceremonies violate the Establish- ment Clause. Ante, at 7. Neither of them is in any relevant sense true.

A

The Court declares that students' -attendance and participation in the [invocation and benediction] are in a fair and real sense obligatory.- Ibid. But what exactly is this -fair and real sense-? According to the Court, students at graduation who want -to avoid the fact or appearance of participation,- ante, at 8, in the invocation and benediction are psychologically obligated by -public pressure, as well as peer pressure, . . . to stand as a group or, at least, maintain respectful silence- during those prayers. Ante, at 13. This assertion-the very linchpin of the Court's opinion-is almost as intriguing for what it does not say as for what it says. It does not say, for example, that students are psychologically coerced to bow their heads, place their hands in a prayer like position, pay attention to the prayers, utter -Amen,- or in fact pray. (Perhaps further intensive psychological research remains to be done on these matters.) It claims only that students are psychologically coerced -to stand . . . or, at least, maintain respectful silence.- Ibid. (emphasis added). Both halves of this disjunctive (both of which must amount to the fact or appearance of participation in prayer if the Court's analysis is to survive on its own terms) merit particular attention.

To begin with the latter: The Court's notion that a student who simply sits in -respectful silence- during the invocation and benediction (when all others are standing) has somehow joined- or would somehow be perceived as having joined-in the prayers is nothing short of ludicrous. We indeed live in a vulgar age. But surely -our social conventions,- ibid., have not coarsened to the point that anyone who does not stand on his chair and shout obscenities can reasonably be deemed to have assented to everything said in his presence. Since the Court does not dispute that students exposed to prayer at graduation ceremonies retain (despite -subtle coercive pressures,- ante, at 8) the free will to sit, cf. ante, at 14, there is absolutely no basis for the Court's decision. It is fanciful enough to say that -a reasonable dissenter,- standing head erect in a class of bowed heads, -could believe that the group exercise signified her own participation or approval of it,- ibid. It is beyond the absurd to say that she could entertain such a belief while pointedly declining to rise.

But let us assume the very worst, that the nonparticipating graduate is -subtly coerced- . . . to stand! Even that half of the disjunctive does not remotely establish a -participation- (or an -appearance of participation-) in a religious exercise. The Court acknowledges that "in our culture standing . . . can signify adherence to a view or simple respect for the views of others." Ante, at 13. (Much more often the latter than the former, I think, except perhaps in the proverbial town meeting, where one votes by standing.) But if it is a permissible inference that one who is standing is doing so simply out of respect for the prayers of others that are in progress, then how can it possibly be said that a -reasonable dissenter . . . could believe that the group exercise signified her own participation or approval-? Quite obviously, it cannot. I may add, moreover, that maintaining respect for the religious observances of others is a fundamental civic virtue that government (including the public schools) can and should cultivate- so that even if it were the case that the displaying of such respect might be mistaken for taking part in the prayer, I would deny that the dissenter's interest in avoiding even the false appearance of participation constitutionally trumps the government's interest in fostering respect for religion generally.

The opinion manifests that the Court itself has not given careful consideration to its test of psychological coercion. For if it had, how could it observe, with no hint of concern or disapproval, that students stood for the Pledge of Allegiance, which immediately preceded Rabbi

Gutterman's invocation? Ante, at 4. The government can, of course, no more coerce political orthodoxy than religious orthodoxy. West Virginia Board of Education v. Barnette, 319 U. S. 624, 642 (1943). Moreover, since the Pledge of Allegiance has been revised since Barnette to include the phrase -under God,- recital of the Pledge would appear to raise the same Establishment Clause issue as the invocation and benediction. If students were psychologically coerced to remain standing during the invocation, they must also have been psychologically coerced, moments before, to stand for (and thereby, in the Court's view, take part in or appear to take part in) the Pledge. Must the Pledge therefore be barred from the public schools (both from graduation ceremonies and from the classroom)? In Barnette we held that a public-school student could not be compelled to recite the Pledge; we did not even hint that she could not be compelled to observe respectful silence-indeed, even to stand in respectful silence-when those who wished to recite it did so. Logically, that ought to be the next project for the Court's bulldozer.

I also find it odd that the Court concludes that high school graduates may not be subjected to this supposed psychological coercion, yet refrains from addressing whether -mature adults- may. Ante, at 14. I had thought that the reason graduation from high school is regarded as so significant an event is that it is generally associated with transition from adolescence to young adulthood. Many graduating seniors, of course, are old enough to vote. Why, then, does the Court treat them as though they were first- graders? Will we soon have a jurisprudence that distinguishes between mature and immature adults?

/* Compare this with the comments of Justice White in Casey. */

B

The other -dominant fac[t]- identified by the Court is that -[s]tate officials direct the performance of a formal religious exercise- at school graduation ceremonies. Ante, at 7. -Direct[ing] the performance of a formal religious exercise- has a sound of liturgy to it, summoning up images of the principal directing acolytes where to carry the cross, or showing the rabbi where to unroll the Torah. A Court professing to be engaged in a -delicate and fact-sensitive- line-drawing, ante, at 18, would better describe what it means as -prescribing the content of an invocation and benediction.- But even that would be false. All the record shows is that principals of the Providence public schools, acting within their delegated authority, have invited clergy to deliver invocations and benedictions at graduations; and that Principal Lee invited Rabbi Gutterman, provided him a two-page flyer, prepared by the National Conference of Christians and Jews, giving general advice on inclusive prayer for civic occasions, and advised him that his prayers at graduation should be nonsectarian. How these facts can fairly be transformed into the charges that Principal Lee -directed and controlled the content of [Rabbi Gutterman's] prayer,- ante, at 9, that school officials -monitor prayer,- ante, at 10, and attempted to -`compose official prayers,'- ante, at 9, and that the -government involvement with religious activity in this case is pervasive,- ante, at 7, is difficult to fathom. The Court identifies nothing in the record remotely suggesting that school officials have ever drafted, edited, screened or censored graduation prayers, or that Rabbi Gutterman was a mouthpiece of the school officials.

These distortions of the record are, of course, not harmless error: without them the Court's solemn assertion that the school officials could reasonably be perceived to be -enforc[ing] a

religious orthodoxy,- ante, at 13, would ring as hollow as it ought.

III

The deeper flaw in the Court's opinion does not lie in its wrong answer to the question whether there was state- induced -peer-pressure- coercion; it lies, rather, in the Court's making violation of the Establishment Clause hinge on such a precious question. The coercion that was a hallmark of historical establishments of religion was coercion of religious orthodoxy and of financial support by force of law and threat of penalty. Typically, attendance at the state church was required; only clergy of the official church could lawfully perform sacraments; and dissenters, if tolerated, faced an array of civil disabilities. L. Levy, The Establishment Clause 4 (1986). Thus, for example, in the colony of Virginia, where the Church of England had been established, ministers were required by law to conform to the doctrine and rites of the Church of England; and all persons were required to attend church and observe the Sabbath, were tithed for the public support of Anglican ministers, and were taxed for the costs of building and repairing churches. Id., at 3-4.

The Establishment Clause was adopted to prohibit such an establishment of religion at the federal level (and to protect state establishments of religion from federal interference). I will further acknowledge for the sake of argument that, as some scholars have argued, by 1790 the term -establishment- had acquired an additional meaning--financial support of religion generally, by public taxation--that reflected the development of -general or multiple- establishments, not limited to a single church. Id., at 8-9. But that would still be an establishment coerced by force of law. And I will further concede that our constitutional tradition, from the Declaration of Independence and the first inaugural address of Washington, quoted earlier, down to the present day, has, with a few aberrations, see Holy Trinity Church v. United States, 143 U.S. 457 (1892), ruled out of order government-sponsored endorsement of religion-even when no legal coercion is present, and indeed even when no ersatz, -peer-pressure- psycho-coercion is present-where the endorsement is sectarian, in the sense of specifying details upon which men and women who believe in a benevolent, omnipotent Creator and Ruler of the world, are known to differ (for example, the divinity of Christ). But there is simply no support for the proposition that the officially sponsored nondenominational invocation and benediction read by Rabbi Gutterman-with no one legally coerced to recite them-violated the Constitution of the United States. To the contrary, they are so characteristically American they could have come from the pen of George Washington or Abraham Lincoln himself.

Thus, while I have no quarrel with the Court's general proposition that the Establishment Clause -guarantees that government may not coerce anyone to support or participate in religion or its exercise,- ante, at 8, I see no warrant for expanding the concept of coercion beyond acts backed by threat of penalty-a brand of coercion that, happily, is readily discernible to those of us who have made a career of reading the disciples of Blackstone rather than of Freud. The Framers were indeed opposed to coercion of religious worship by the National Government; but, as their own sponsorship of nonsectarian prayer in public events demonstrates, they understood that -[s]peech is not coercive; the listener may do as he likes.- American Jewish Congress v. Chicago, 827 F. 2d, at 132 (Easterbrook, J., dissenting).

This historical discussion places in revealing perspective the Court's extravagant claim that the

State has -for all practical purposes,- ante, at 9, and -in every practical sense,- ante, at 18, compelled students to participate in prayers at graduation. Beyond the fact, stipulated to by the parties, that attendance at graduation is voluntary, there
is nothing in the record to indicate that failure of attending students to take part in the invocation or benediction was subject to any penalty or discipline. Contrast this with, for example, the facts of Barnette: Schoolchildren were required by law to recite the Pledge of Allegiance; failure to do so resulted in expulsion, threatened the expelled child with the prospect of being sent to a reformatory for criminally inclined juveniles, and subjected his parents to prosecution (and incarceration) for causing delinquency. 319 U. S., at 629-630. To characterize the -subtle coercive pressures,- ante, at 8, allegedly present here as the -practical- equiva- lent of the legal sanctions in Barnette is . . . well, let me just say it is not a -delicate and fact-sensitive- analysis.

The Court relies on our -school prayer- cases, Engel v. Vitale, 370 U. S. 421 (1962), and Abington School District
v. Schempp, 374 U. S. 203 (1963). Ante, at 13. But whatever the merit of those cases, they do not support, much less compel, the Court's psycho-journey. In the first place, Engel and Schempp do not constitute an exception to the rule, distilled from historical practice, that public ceremonies may include prayer, see supra, at 3-6; rather, they simply do not fall within the scope of the rule (for the obvious reason that school instruction is not a public ceremony). Second, we have made clear our understanding that school prayer occurs within a framework in which legal coercion to attend school (i. e., coercion under threat of penalty) provides the ultimate backdrop. In Schempp, for example, we emphasized that the prayers were -prescribed as part of the curricular activities of students who are required by law to attend school.- 374 U. S., at 223 (emphasis added). Engel's suggestion that the school-prayer program at issue there-which permitted students -to remain silent or be excused from the room,- 370 U. S., at 430-involved -indirect coercive pressure,- id., at 431, should be understood against this backdrop of legal coercion. The question whether the opt-out procedure in Engel sufficed to dispel the coercion resulting from the mandatory attendance requirement is quite different from the question whether forbidden coercion exists in an environment utterly devoid of legal compulsion. And finally, our school-prayer cases turn in part on the fact that the classroom is inherently an instructional setting, and daily prayer there-where parents are not present to counter -the students' emulation of teachers as role models and the children's susceptibility to peer pressure,- Edwards v. Aguillard, 482 U. S. 578, 584 (1987)-might be thought to raise special concerns regarding state interference with the liberty of parents to direct the religious upbringing of their children: -Families entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.- Ibid.; see Pierce v. Society of Sisters, 268 U. S. 510, 534-535 (1925). Voluntary prayer at graduation-a one-time ceremony at which parents, friends and relatives are present-can hardly be thought to raise the same concerns.

IV

Our religion-clause jurisprudence has become bedeviled (so to speak) by reliance on formulaic abstractions that are not derived from, but positively conflict with, our long- accepted constitutional traditions. Foremost among these has been the so-called Lemon test, see Lemon v. Kurtzman, 403 U. S. 602, 612-613 (1971), which has received well- earned criticism from many

members of this Court. See, e.g., Allegheny County, 492 U. S., at 655-656 (opinion of Kennedy, J.); Edwards v. Aguillard, supra, at 636-640 (1987) (Scalia, J., dissenting); Wallace v. Jaffree, 472 U. S. at 108-112 (Rehnquist, J., dissenting); Aguilar v. Felton, 473 U. S. 402, 426-430 (1985) (O'Connor, J., dissenting); Roemer v. Maryland Bd. of Public Works, 426 U. S. 736, 768-769 (1976) (White, J., concurring in judgment). The Court today demonstrates the irrelevance of Lemon by essentially ignoring it, see ante, at 7, and the interment of that case may be the one happy byproduct of the Court's otherwise lamentable decision. Unfortunately, however, the Court has replaced Lemon with its psycho-coercion test, which suffers the double disability of having no roots whatever in our people's historic practice, and being as infinitely expandable as the reasons for psychotherapy itself.

Another happy aspect of the case is that it is only a jurisprudential disaster and not a practical one. Given the odd basis for the Court's decision, invocations and benedic- tions will be able to be given at public-school graduations next June, as they have for the past century and a half, so long as school authorities make clear that anyone who abstains from screaming in protest does not necessarily participate in the prayers. All that is seemingly needed is an announcement, or perhaps a written insertion at the beginning of the graduation Program, to the effect that, while all are asked to rise for the invocation and benediction, none is compelled to join in them, nor will be assumed, by rising, to have done so. That obvious fact recited, the graduates and their parents may proceed to thank God, as Americans have always done, for the blessings He has generously bestowed on them and on their country.

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The reader has been told much in this case about the personal interest of Mr. Weisman and his daughter, and very little about the personal interests on the other side. They are not inconsequential. Church and state would not be such a difficult subject if religion were, as the Court apparently thinks it to be, some purely personal avocation that can be indulged entirely in secret, like pornography, in the privacy of one's room. For most believers it is not that, and has never been. Religious men and women of almost all denominations have felt it necessary to acknowledge and beseech the blessing of God as a people, and not just as individuals, because they believe in the -protection of divine Providence,- as the Declaration of Independence put it, not just for individuals but for societies; because they believe God to be, as Washington's first Thanksgiving Proclamation put it, the -Great Lord and Ruler of Nations.- One can believe in the effectiveness of such public worship, or one can deprecate and deride it. But the longstanding American tradition of prayer at official ceremonies displays with unmistakable clarity that the Establishment Clause does not forbid the government to accommodate it.

The narrow context of the present case involves a community's celebration of one of the milestones in its
young citizens' lives, and it is a bold step for this Court to seek to banish from that occasion, and from thousands of similar celebrations throughout this land, the expression of gratitude to God that a majority of the community wishes to make. The issue before us today is not the abstract philosophical question whether the alternative of frustrating this desire of a religious majority is to be preferred over the alternative of imposing -psychological coercion,- or a feeling of exclusion, upon nonbelievers. Rather, the question is whether a mandatory choice in favor of the former has been imposed by the United States Constitution. As the age-old practices of our

people show, the answer to that question is not at all in doubt.

I must add one final observation: The founders of our Republic knew the fearsome potential of sectarian religious belief to generate civil dissension and civil strife. And they also knew that nothing, absolutely nothing, is so inclined to foster among religious believers of various faiths a toleration-no, an affection-for one another than voluntarily joining in prayer together, to the God whom they all worship and seek. Needless to say, no one should be compelled to do that, but it is a shame to deprive our public culture of the opportunity, and indeed the encouragement, for people to do it voluntarily. The Baptist or Catholic who heard and joined in the simple and inspiring prayers of Rabbi Gutterman on this official and patriotic occasion was inoculated from religious bigotry and prejudice in a manner that can not be replicated. To deprive our society of that important unifying mechanism, in order to spare the nonbeliever what seems to me the minimal inconvenience
of standing or even sitting in respectful nonparticipation, is as senseless in policy as it is unsupported in law.

For the foregoing reasons, I dissent.