

**HISTORY BEHIND THE FIRST
AMENDMENT'S ESTABLISHMENT
CLAUSE AS IT APPLIES TO
PUBLIC AND PRIVATE SCHOOLS:
HAS THE HIGHEST COURT
INADVERTENTLY MOVED
TOWARD NOT RESPECTING THE
ESTABLISHMENT CLAUSE?**

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This Article discusses how the U.S. Supreme Court has inadvertently strayed from the Establishment Clause's intent. This Article explores and explains the application of the Establishment Clause within public and private schools.

First, this article analyzes major U.S. Supreme Court decisions regarding the Establishment Clause, and shows how the movement by the U.S. Supreme Court has neglected the struggle waged by Thomas Jefferson and James Madison; the Court is not respecting the separation of church and State and the purpose of the Establishment Clause. The following cases will be analyzed to illustrate the trend toward judicial activism and away from framer's intent: *Everson v. Board of Education* (1947), *McCullum*

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v. Board of Education (1948), *Zorach v. Clauson* (1952), *Epperson v. Arkansas* (1968), *Stone v. Graham* (1990), *Mueller v. Allen* (1983), *Wallace v. Jaffree* (1985), *Witters v. Washington Dept. of Servs. for Blind* (1986), *Lee v. Weisman* (1992), *Zobrest v. Catalina Foothill School Dist.* (1993), *Mitchell v. Helms* (2000), *Santa Fe Independent School Dist. v. Doe* (2000), *Good News Club v. Milford Central School* (2001), and *Zelman v. Simmons-Harris* (2002).

A QUANDARY OF THE

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