

JUNE 27, 1957

HONORABLE FREDERICK M. RAUBINGER  
*Commissioner of Education*  
 175 West State Street  
 Trenton, New Jersey

## MEMORANDUM OPINION—P-24

DEAR COMMISSIONER :

You have requested our opinion as to whether it is lawful for a Board of Education to sanction the oral and collective saying of Grace by the school children before lunch. You have appended several forms of table Grace which have been used in a particular school district within the State.

We view R.S. 18:14-78 as decisive. That section of the School Law prohibits religious services or exercises in public schools except the reading of the Bible and the repeating of the Lord's Prayer. *Doremus v. Board of Education of Hawthorne*, 5 N.J. 435 (1950), upheld the constitutionality of R.S. 18:14-78, as well as the constitutionality of R.S. 18:14-77 which requires the reading of at least five verses of the Old Testament, without comment, in each public school classroom at the opening of the school day. According to the Supreme Court in the *Doremus* case, the Old Testament and the Lord's Prayer are not sectarian or religiously controversial.

Grace invokes the Divine Blessing before a meal. As a religious exercise, it is barred in the public schools of this State under R.S. 18:14-78. There can be no legal or constitutional objection, however, to the reading of passages from the Old Testament or the repeating of the Lord's Prayer immediately prior to the noon meal. We point out that the sample Graces which you have supplied are not drawn from the Bible.

Our further opinion is that an interval of silence understood by the school children to be set aside for the saying of Grace to themselves, if they choose, would constitute a religious exercise subject to the prohibition of R.S. 18:14-78. An interval of silence at lunchtime without any understanding that the school children are to repeat Grace to themselves, if they choose, meets no constitutional or statutory prohibition.

Very truly yours,

GROVER C. RICHMAN, JR.  
*Attorney General*

By: DAVID D. FURMAN  
*Deputy Attorney General*

JULY 10, 1957

HONORABLE JOSEPH E. McLEAN  
*Commissioner of the Department of  
 Conservation and Economic Development*  
 State House Annex  
 Trenton, New Jersey

## MEMORANDUM OPINION—P-25

DEAR COMMISSIONER McLEAN :

You have asked our opinion as to whether the State of New Jersey has title to submerged lands, formerly islands, situated in the tidewaters of the State.