

and the happiness of mankind, schools and the means of education shall forever be encouraged." The document has been described as "second only in importance to the Bill of Rights of the Constitution as a guarantee of religious freedom." The Northwest Ordinance was re-enacted August 7, 1789 by the first session of the First Congress,¹⁰ the same Congress to which a few weeks later, on September 26, 1789, the Conference Committee report proposed the final draft of the first amendment. It was later praised in the highest terms by Webster¹¹ and by Lincoln.¹² The Southwest Ordinance, passed by the First Congress in 1790, applying to Tennessee and eventually to the entire Mississippi Territory, contained the same provision.

Nor did the new education movement launched by Horace Mann in the 1830's seek the abolition of religion in the schools. To the contrary, it was definitely intended that the new schools should provide knowledge of religion along with traditional moral training. While Mann desired sectarianism kept out of the public school curriculum—what he called "special and peculiar instructions respecting theology"—he defined education to include moral and religious upbringing. He concluded his lecture in 1838 on "The Necessity of Education in a Republican Government" by stating:

And, finally, by the term education I mean such a culture of our moral affections and religious sensibilities, as in the course of nature and Providence shall lead to a subjection and conformity of all our appetites, propensities, and sentiments to the Will of Heaven.¹³

Similar expressions from American educational leaders are to be found in abundance over the remaining decades of the nineteenth century and, indeed, down to the present.

There is no purpose here to suggest criticism of the reasons why public school education in America became to a considerable extent secular rather than religious, nor is it suggested that it is inevitably true that certain trends toward sterilizing the public schools of any minimal efforts to acquaint children with God or the Commandments or prayer will continue.¹⁴ It is, on the other hand, merely pointed out that it can-

¹⁰ 1 Stat. 549.

¹¹ Quoted in 1 Am. Hist. Ass'n Rep. 56 (1896).

¹² Speech in Columbus, Ohio, Sept. 16, 1859, in 1 Complete Works of Abraham Lincoln 549 (ed. Nicolay-Hay 1894).

¹³ 2 Life and Works of Horace Mann 144 (1891).

¹⁴ See *Resnick v. Dade County Bd. of Pub. Instruction*, No. 59C 4928 and No. 59C 8873, Cir. Ct. of 11th Judicial Cir., Fla., May, 1961; *Murray v. Curlett*, No. 64708, Balti-