

2. The Making of a Rebel

Ellery Schempp's act of civil disobedience was extraordinary, a teenager challenging the authority of school administrators on a matter as serious as religious exercises in the classroom. During the 1950s, such behavior was shocking, even mystifying. It upset the natural order of things, as if the earth had tired of the sun and had gone off to circle a different star.

Protest and youthful rebellion—in fact, rebellion of any kind by anyone—never gained any footing in the fifties. It would be another ten years before society would roil with Vietnam War protests and the civil rights movement, with changing roles and opportunities for women, and with challenges to prevailing norms on sex, drugs, and grooming. The conformist fifties during which Ellery was in school brought the silent generation and its pursuit of normalcy after the exhaustion of World War II and the Korean War. The priorities of the broad middle swath of Americans were clear enough: buy a house in a suburban subdivision and achieve financial security inside a big corporation. No bigger issues bothered them.

Two fictional members of the silent generation had attempted to do exactly that. Tom and Betsy Rath, the protagonists in Sloan Wilson's novel *The Man in the Gray Flannel Suit*, brought the struggle against conformity into sharper focus for Ellery.¹ The Rathes had three kids and strived for the good life offered by an increasingly consumer society. Tom Rath, thirty-three years old, commuted from the suburbs into Manhattan every day to work for a foundation. His

salary of seven thousand dollars was good for a man at his stage of his career, but of course not nearly enough to fulfill his aspirations.

In fact, the Rathes were in debt. Betsy stayed home, as wives in the fifties did, raising the kids and deciding which bills to pay each month so that the bank wouldn't cut off their credit. What did they most desire? They wanted a bigger house, a more upscale neighborhood, and a new car. How could they feel even remotely successful if the moving vans kept taking their neighbors away to fancier digs, leaving them behind? "I don't know what's the matter with us," Betsy said to Tom. "Your job is plenty good enough. We've got three nice kids, and lots of people would be glad to have a house like this. We shouldn't be so *discontented* all the time."² But discontented they were.

Two other iconic fictional characters of the time, Ozzie and Harriet Nelson, displayed on their television series all the antiseptic qualities of the idealized fifties family. There was no serious dissent within this household. How could there be? Mom and Dad loved each other and never seriously disagreed. Children were well behaved and respectful of their elders. In this America, nobody divorced, nobody drank too much, and nobody slept wrapped in blankets on the sidewalk. In fact, nobody seemed to seriously disagree with anyone else about anything. Historian William Manchester characterized the silent generation as follows: "Its members could not be disillusioned because they had no illusions. They kept their mouths shut, avoided serious discussions, and eschewed reformers as 'bleeding hearts.' In the conflict between independence and the system, they came down hard on the side of the system."³

That was true enough, but the 1960s would not be long in arriving, a hurricane ripping and rearranging a placid landscape. For those who were watching closely, however, there were signs even in the fifties of what was to come. Most noticeable was the civil rights movement, beginning its legal confrontation with segregated facilities around the country. The U.S. Supreme Court threw out segregation by law in its 1954 decision *Brown v. Board of Education*, but

change came slowly or not at all. On September 23, 1957, nine black youths tried to integrate Little Rock Central High School and were met by an angry white mob. It took more than one thousand soldiers to enforce an order from President Eisenhower himself to enroll the children. Meanwhile, Rosa Parks, who worked as a seamstress in a department store in Montgomery, Alabama, refused to give up her seat in a whites-only section of a public bus and was arrested.

While tempers flared in Montgomery, a small group of writers, led by Jack Kerouac and Allen Ginsberg, started a bohemian movement on the West Coast that spread eastward. The beatniks were not revolutionaries, though they certainly were different enough in their rejection of the materialism of the era and their embrace of marijuana, folk ballads, and Oriental mysticism. Perhaps the worst nightmare for fifties parents was for their son or daughter to slide into the beatnik lifestyle. "Eisenhower's America was horrified," wrote Manchester.⁴

If fifties society did not want its young to become beatniks, neither did it want its women to step outside the narrow circle that defined their role. A woman's role in the fifties was to take care of the children—to make sure they did not become beatniks, presumably—and to support their husbands as they jockeyed for the best corporate jobs that provided the fattest paychecks. Women who were consigned to day after day at home were avid consumers for the washers, dryers, refrigerators, televisions, and newfangled cleaning supplies and cooking equipment that America's factories churned out. The message for women with higher aspirations was obvious: just keep baking brownies and helping the kids with their homework.

Change, however, was coming to the woman's role, too. In 1957, Betty Friedan, then a little-known writer, began researching an article on the fifteenth college reunion of the Smith College class of 1942. She discovered a group of women who, once fired by intellectual challenges as college students, now felt despair at not having a meaningful life outside the home. Her book *The Feminine Mystique*, published in 1963, was the seminal work that helped launch the feminist movement and a complete rethinking of women's role in society.⁵

In Washington, meanwhile, a conservative U.S. Supreme Court began its migration toward a far more protective stance on the rights and liberties guaranteed to all Americans by the Constitution. President Dwight D. Eisenhower, a conservative Republican, appointed Earl Warren as chief justice in 1953 and William J. Brennan, Jr., as associate justice in 1956. Both men would play key roles as Ellery Schempp's protest reached the Supreme Court.

Protesting a perceived wrong was certainly not part of the teenage subculture of the fifties, at Abington Senior High School or elsewhere. If conformity was highly prized in society at large, it was the same or more so in the schools. Dress codes tightly regulated student attire and produced a universal clean-cut look. Only decades later would many schools give casual acceptance to cutoff jeans, low-cut blouses, and long scruffy hair.

In Ellery's time, curly hair was in for girls, achieved with a perm or through time-consuming pin curling and rolling. Boys typically sported a crew cut or a flattop. The Abington schools banned the ducktail haircut—also known as the DA (i.e., “duck's ass”) cut, because of the way the hair was swept to the back of the head and then parted in the middle. Without blow-dryers to help, it took a lot of grease to hold the DA in place. Girls wore dresses, boys slacks and a shirt. Ellery remembers that Abington also prohibited students from wearing peg pants, which tapered to a tight fit around the ankles. “Everything was black and white,” says Ellery. “If you wore peg pants, then by definition you were evil. You probably took drugs. You were unchristian, chewed gum, smoked in the restrooms. [The principal, W. Eugene Stull,] categorized people: there were the good people and there were the bad people. He was clearly against the bad people. And you could identify the bad people. Clearly they had DA haircuts and peg pants. These were banned as a symbol of all that was evil.” His father kidded Ellery about it: “As my father would say, if you wore peg pants you would spit in church,” says Ellery.⁶

Peg pants and ducktail haircuts marked the frontiers of rebellion, but a tamer way for teenagers to show their differences with the adult world was with their own idiom. “Cool” now meant something

pretty neat. You certainly didn't want to be a "spaz," or even a "drag," because that would make you "bad news." Some "nice threads" were more than okay, but they might cost a "cat" a lot of "bread."

"Square" was one term that teenagers would certainly never use to describe Elvis Presley, who burst onto the scene in the midfifties and soon became the king of rock. He took the stage with a raw sexuality that shocked adults but sent teenagers into an ecstasy of screaming and fainting. Had he performed in the Azores in August, his gyrating hips would have stirred the air enough to cause a tropical depression.

For the first time, in a nation of sharply increasing wealth, teenagers had the wherewithal to embrace music as part of their own separate culture. Technology was on their side, with record players and small transistor radios enabling the newest in pop culture to spread quickly. David Halberstam observed: "The young formed their own community. For the first time in American life they were becoming a separate, defined part of the culture: As they had money, they were a market, and as they were a market they were listened to and catered to."⁷

Centrifugal forces would soon begin to spin the nation's youth into an orbit farther from traditional authority. But this process was only just beginning. As with Elvis's gyrating hips, its context was more cultural than political. There was not yet a direct challenge that reverberated through society's power structure. For most people, any outright challenge to authority still lay a decade away.

But this was not true for Ellery. His home life was far from most of the stereotypes of the fifties. The lessons he absorbed at home taught him that questioning authority was an honorable thing to do. In fact, the Abington school officials found that the Schempps were not a family to easily shrug off a perceived injustice.



For Ellery Schempp, life in the suburb of Abington Township was already splintering from its moorings. His home was far from the Tom and Betsy Rath model of middle-class ennui. The strongest

influence in his life was his father, Edward, a small, wiry man with the punch of a prizefighter when it came to the issues he passionately believed in. Ed was born in Philadelphia in 1908 to German immigrant parents. He worked in the family business, the Schempp Brothers Hardware Store in the Kensington section of Philadelphia, which was run by his father and uncles. When Ed was nineteen, his father died, and Ed inherited an ownership stake in the store. He had to assume much of the responsibility of caring for his family.⁸

Ed grew up in the Lutheran Church and, as a young man, rebelled against its teachings. What troubled him was “the endless sermons about the blood of the Lamb. It sounded dreadfully gory,” Ellery explains. “We were supposed to be talking about goodness and decency. But this went on and on about being washed in the blood of the Lamb, the terrible sufferings of Christ on the cross.”⁹ Ed preferred to believe in a merciful God who encouraged human goodness without threats or acts of vengeance. He very early concluded that he should look beyond the Bible—to other religious traditions, to moral philosophers, to a variety of thinkers—for ideas about religion. “The idea that the Bible should be taken literally as the sole authority in human life was for him an unacceptable point of view,” says Ellery.¹⁰

Ed’s view of the Bible as conveying inappropriate moral lessons became one of his core beliefs. Years later, it became critical to his son’s legal case challenging morning devotionals in the public schools. When Ellery challenged the practice of Bible reading at Abington Senior High, Ed cited the bloody stories of the Bible as representative of the kind of religious doctrine to which he didn’t want his children exposed.

Because he could no longer tolerate thunderous pronouncements from the pulpit about human sin and redemption, it was inevitable that Ed would leave the Lutheran Church for something different. “I think the big break,” says Ellery, “came when he was traveling on the West Coast and ran into my mom [Sidney], who had been raised a freethinker.” Born in Oregon and raised in several cities on the West Coast, Sidney had grown up without strong ties to any denomina-

tion. "I think that's part of why they hit it off," says Ellery. "Dad was questioning to what degree he had already made a break with traditional upbringing. My mom was a kindred spirit in this regard. It was one of the bonds that led to their initial attraction."¹¹

After he and Sidney married, Ed determined that it was time to break from the family hardware store. Young, without children, and free of any pressing responsibilities, the newlyweds decided to take an extended trip out West. Unable to afford hotel bills, they bought a Dodge truck and built living quarters atop the flatbed chassis in the back. It was a kind of hobbyist forerunner of today's recreational vehicle. For about five years in the 1930s, they traveled throughout the West, living in the back of the truck and earning their spending money by selling advertising space in small-town newspapers. "It was the Depression years," says Ellery. "Dad would go in and say, 'I'd like to buy four pages of advertising.' The editor would of course faint dead away. He hadn't sold four pages of advertising in the last month." Ed and Sidney would then subdivide the space and sell the pieces to local businesses, in turn filling the space with advertising articles extolling each company's product or service. "They'd make enough money to move on to the next town and repeat it," Ellery says.¹²

When Ed and Sidney returned to Philadelphia, it was time to start a family. Ellery was born in 1940, followed by Roger in 1943 and Donna in 1945. Ed had resumed his work at Schempp Hardware, but it was long past time for a change. He had been an electronics hobbyist throughout his life, reading electronics magazines and teaching himself about tubes and circuits. He built ham radios from parts he picked up here and there. Leaving the hardware store, he got a job at RCA and, during World War II, worked on electronics for radar systems.

The family lived in a row house in Philadelphia. Ed opened an electronics surplus store in 1946 and sold communications equipment and parts to other hobbyists. The business flourished there, and by the time he sold out two years later, he had enough money to build a house in the suburbs without the burden of a mortgage. Ed wanted nothing to do with the builders who were just then beginning to buy

up large farms and convert them into housing developments, so he purchased a parcel of land across from a cemetery in the Roslyn section of Abington Township. He found some published blueprints and handed them over to a builder. The house went up as unadorned and as beautifully efficient as the electronic circuits that he loved. Ed just didn't care much about the aesthetics. He covered his house with an aluminum roof because he heard that it would last longer than one made of shingles. It didn't matter to him that others in town might think a metal roof belonged on a warehouse.

Upon moving to Abington, Ed started working for an electronics company that soon became part of Sylvania Electric Products, Inc. During the day, he worked with Sylvania's equipment that tested vacuum tubes before shipment. At night, he ran his own electronics company out of his garage. Two or three men would come by around six every evening during the week, and for the next three or four hours, Ed and his helpers would build electronic testing equipment by hand for a variety of corporate customers throughout the United States.

Ed found stability in his spiritual life as well. There was no going back to the Lutheran Church. Uncomfortable with traditional Christian theology, Ed and Sidney joined the Unitarian Church—later to become the Unitarian Universalist Church, in 1961—one of the most theologically liberal of all the Protestant denominations. Unitarian Universalists believe in no creed; they look to no book or institution to carry one acceptable vision of religious truth but, rather, seek it through the continuous unfolding of ideas from many sources. Their congregations govern themselves rather than answering to a hierarchy, and they typically emphasize social action and service to the community.

This orientation appealed to the Schempps, for religious dogma was as foreign as some Paleolithic language. The idea of social action and the encouragement of thinking for oneself profoundly affected Ellery as he grew up. His parents “set a tone in which you were free to question,” says Ellery. “If one of my mates at school told me that Jesus died for my sins and I'd say, ‘What does this mean?’ and it

didn't make any sense, Dad would say, 'Well, it never made any sense to me either.' They emphasized that it was perfectly all right if you did your own thinking and came to your own conclusions if you could support them. If you want to believe in little green men hiding under your bed, the question would be, 'We're not sure if your belief is right or wrong, but do you have some evidence to back it up?' That same attitude would come towards conventional religious ideas: 'Do you want to believe that God listens to every prayer and doesn't have anything better to do with the universe? Fine, but maybe you ought to think if that's a basis for building a life faith on. Maybe there are some alternative possibilities.' So the idea was that you could think things through and you weren't going to be condemned for coming up with an idea that was unconventional."¹³

Every Sunday morning, the five Schempps went off to the Unitarian church on Lincoln drive in the Germantown section of Philadelphia. An imposing gray stone building, it held a particular fascination for Ellery because major intellectual figures showed up there on a regular basis to deliver the sermon. Even as a preteen, he listened intently to Reinhold Niebuhr, Norman Thomas, and Paul Tillich, as well as a raft of rabbis and ministers, each of them there to challenge the congregants on a broad array of issues. Ellery remembered years later that the underlying context of all their talks was the need to make a difference in this life, not positioning oneself for the hereafter. For Ellery, already encouraged at home to think for himself, the Sunday sermons provided ways to look at the world through many different—and at times unconventional—prisms.

Apart from involvement in Sunday services and religious school, the Schempps showed little interest in religious observance at home. They celebrated all the holidays, but Ellery remembers Christmas and Easter as primarily family-oriented holidays rather than times of spiritual commitment. In fact, there was little religious tradition in the Schempp household, but much talk—in fact, constant talk—of religion and of issues surrounding it.

The Schempps often discussed these concerns around the dinner table. When religion came up, it was often in the context of Ed's

increasingly intense belief in the separation of church and state. He did not believe in religious dogma, and he believed fiercely that the government had no business supporting any particular religion or religious idea. Ellery sometimes brought up some Bible passages they had listened to in school that day. Ed didn't think it right that Christian teachings be forced on children in public school.

Around the dinner table, the Schempps also discussed religion in the Unitarian tradition of social activism. "There was a liberal intellectual political bent that was part of the family," says Ellery. "It was closely tied to the social justice concepts of the Unitarian Church. You were expected to care about equal rights for blacks and minorities. You were expected to care about First Amendment freedoms. So these things meshed together in a seamless fashion." While neither Ed nor Sidney had gone to college, Ed had become self-educated on the social and political issues of the day through his extensive reading. He felt strongly enough about individual rights and liberties to join the American Civil Liberties Union, and he closely read the ACLU publications that came to the house. He also subscribed to the *New Republic*, the weekly political journal. Ellery read all of these materials himself. "My father was the dominant member of our household, no doubt about it," says Ellery. "He defined—intellectually and, to a large degree, emotionally—the character of the family."¹⁴

Although Sidney deferred to her husband on the political issues he served up at the dinner table, she was not uninterested in them. "She was not a crusader," says Ellery. "She would never have gone out and started a war, but she was prepared to realize when a war was worthwhile, and she also had a strong sense of social justice. I don't think she had an antiauthority or antiauthoritarian attitude the same as my dad's, but she went along with it."¹⁵ Ellery's younger siblings, Donna and Roger, showed interest in the political issues but never approached either Ellery's intensity of feeling or his increasing commitment to aggressively protest what he found wrong.

One morning when he was in eighth grade, Ellery's homeroom teacher, Irvin A. Karam, who also served as the assistant principal,

was lecturing the students on obeying school regulations. Ellery remembers: "He was making some peroration in homeroom one morning after Bible reading about showing respect and following the school rules. And [he was saying] that you kids are in charge of your own destiny. I sat there smirking, thinking to myself, we know perfectly well that the kids don't have any authority here, and that these edicts come down from above. He became very offended by my smirk. He said, and pointed to me, 'Hey there you, with that smile on your face. You're a leech and a parasite. You don't participate in any of the school activities. You don't wear the school colors on football days.' It was a little bit shocking to be singled out like that."¹⁶

Incensed at this attack on his son, Ed Schempp wrote a letter to the school demanding an apology. Both Eugene Stull, the principal, and Karam came out to the house. "Dad was adamant and said, look, if you guys don't give an apology, there's going to be a lawsuit here," says Ellery. A few days later, Karam apologized. "That kind of incident may have in some vague way influenced later things," Ellery remembers. "I certainly got the idea that you could protest something the school did and live to tell the tale."¹⁷

Ellery got into some mild trouble once more. Clothes were occasionally a sore point in the Schempp household (as they tend to be in many homes), because Ellery didn't always agree with what his mother brought home from the store. "My mother wasn't always good at this," he says. "I didn't want to stand out. But I remember once she bought me pants that were chartreuse." Apparently unaware of the school dress code, she also bought him a pair of peg pants, and he wore them to school. "It wasn't long before I got into trouble for breaking the school rules," Ellery says. "But they didn't know what to do with me, because I hadn't been in trouble with them before. I wasn't a disruptive student and therefore didn't fit the model." He was told not to wear the peg pants again but was not suspended.

"We had a student council," says Ellery. "I thought, why doesn't the student council take some position on this in terms of individual freedoms? Why do these guys have the right to send out an edict like

this? I quickly learned that the student council were a bunch of mice and wouldn't stand up to the school administration. That was a big disappointment to me. At that time, I was full of fervor. This is a democracy, and [remember] Thomas Paine and Thomas Jefferson! To the battlefronts! I do remember typing up, with carbon paper in those days, a passage from Thomas Jefferson to the effect . . . 'I have sworn eternal hostility against every form of tyranny over the mind of man.' I typed [it] seven times on a piece of paper, carbon paper, and cut each one out on little slips and left them around in various classrooms."¹⁸

If that small protest seemed sophomoric, it was nonetheless important in moving Ellery toward a position where he could more openly stand up to authority. His junior year, which began in the fall of 1956, coincided with the opening of Abington's new high school on fifty-seven acres of land off Highland Avenue in the center of the township. Built for just under six million dollars, the school served a burgeoning suburban population.¹⁹ Between 1950 and 1958, the student population of the Abington school district exploded from 4,700 to 9,033,²⁰ with the new high school serving 1,830 students.²¹

The new high school's two senior administrators were familiar to Ellery. W. Eugene Stull, the new high school principal, had been promoted at every major step along Ellery's path through Abington's secondary schools, serving as principal of the elementary school and then of the junior high school where Ellery was a student. Irvin A. Karam, the assistant principal, had held the same position at the junior high while Ellery was there. Both men knew the Schempps from their disagreement a few years earlier over Karam's criticisms of Ellery in class.²² That squabble was nothing, however, compared to what was soon to transpire.



The Schempps spent the summer of 1956 touring the country by car, visiting the national parks and sleeping in campgrounds. When Ellery returned to Abington Senior High for his junior year in the

fall, he looked forward to his final two years of school and the process of applying for college. Though a serious student, there was time for some fun, too.

Ellery often went over to one of his friends' houses to talk or play games. He was sixteen and driving now, freeing him to go with his friends to a local drive-in, the popular car restaurants of the fifties. He also could drive a girlfriend under cover of darkness to a hot spot in town for necking—the huge cemetery across Susquehanna Road from the Schempp house. Like a lot of other kids in town, Ellery would drive down one of the winding cemetery roads and pull over on the side. Given the surroundings, practical jokes were irresistible. He and his friends would occasionally climb atop a mausoleum in the dark and scare a couple kissing in a car below. Once, he and his friends rigged a contraption that made a ghost figure pop up when a car tripped a string held taut across the road. “We scared bloody hell out of people,” he says.²³

Back at home, he did his math homework while watching *I Love Lucy*, and on some nights, he skipped down to the garage to help his father and his employees assemble electronic equipment. Unlike most other kids, he wasn't a great fan of Elvis or of rock and roll, favoring instead symphonic music that he heard on a local classical station or that he brought home on forty-five records or on reel-to-reel tapes. One of his great loves arrived late every fall, when he unpacked his Lionel trains and took over the living room, setting up the tracks and scenery on four-by-eight plywood boards mounted on sawhorses. It was never finished until Christmas Eve.²⁴

Ellery was all business in school, and his junior year provided him with the most formative of all his school experiences. An excellent student, he took the high school's most advanced classes in English, math, and science, and his circle of friends comprised about twenty-five other students from these classes. Ellery ran on the track team, but he was not a particularly gifted athlete and took his self-identity from his academic prowess.

His honors English class with Allan Glatthorn helped provide the

intellectual framework for what had until then been a somewhat scattered sense of youthful rebellion. Glatthorn, who would later become principal of the high school and then a professor at East Carolina University, required his students to hand in a five-hundred-word essay every Monday, an exercise that disciplined Ellery's thinking. Glatthorn demanded that students argue logically and be able to find flaws and weaknesses in their own and others' analyses.²⁵ Readings included Plato's dialogues, Emerson's "Self-Reliance," and Thoreau's "Civil Disobedience." "As Thoreau indicated, a person needs to take a stand at a certain point, even in opposition to the state," says Glatthorn. "In contrast, Plato's point of view, through Socrates, was the state was supreme and you had to kowtow when necessary to what the state wanted. Ellery was very much on the side of those who rebelled and challenged and questioned."²⁶

Glatthorn provided another, even more important forum in which his students could learn. On Thursday nights, he invited all the students from his honors English class to join him at his house for refreshments and an extended discussion of issues that concerned them. "I just saw a need to build some sense of an intellectual community with the students, and the school hampered that in some ways, so we found a way to extend it by coming to my house and being more informal, with light refreshments and student leadership," says Glatthorn.²⁷

After a while, Glatthorn mostly dropped out, and the two-hour sessions rotated to the students' homes. About half of the honors English students—about ten or so—became regulars at the sessions. Royal Brown, who would later become a professor of music at the City University of New York, was then one of Ellery's closest friends. Like Ellery, he felt that the class and the evening sessions were critical in providing what the high school generally lacked—an atmosphere of intellectual questioning. "I really think that Allan Glatthorn gave me my mind," says Brown. "Not that I didn't think before that. But to be able to think in those kinds of ways and to write in those kinds of ways, to not be humiliated for mistakes, was

just a whole different experience. We'd discuss everything from the existence of God to the existence of conscience to the political situation. So they were bull sessions, but sophisticated bull sessions."²⁸

Ellery adds: "It was very stimulating. You'd throw out an idea and find it attacked. It made you go home and think about it." Ellery was thinking particularly about the strictures that the school placed on students. He had absorbed his father's questioning attitude toward authority. Now, such works as Thoreau's essay on civil disobedience stimulated him to think about his own role in accepting what the school authorities dished out. "It led," he remembers, "to lots and lots of questions about the role of individuals in our society, where their social rights begin and end, where individual rights begin and end, and [whether] it [is] true that one man with courage makes a majority."²⁹ These were large, exciting questions for a boy of sixteen, questions that provided a way to probe and understand better his own conflicts with authority. It also enabled him to see more clearly where the small, petty conflicts over peg pants differed from truly major challenges to an individual's conscience.



It was in the Thursday night sessions that Ellery began discussing with his classmates a practice that increasingly bothered him—the school's requirement that everyone participate in morning devotionals comprising both Bible reading and recitation of the Lord's Prayer. Following a long tradition in Pennsylvania, the state legislature directed, through a law enacted in 1949, that the public schools provide children with a Bible-reading exercise each day. The Abington school district conveyed this requirement to its teachers through a publication, the "Employees' Handbook and Administrative Guide," that was distributed to all employees. On page 37, under "Teachers—Professional Obligations," the handbook specified: "No. 1. Comply with the state regulation in reading at least ten verses of Scripture each morning without comment. This is to be followed by the Lord's Prayer."³⁰ Recitation of the Lord's Prayer was not required

by law, as was Bible reading, but school administrators had added this requirement to the handbook. All throughout the years, the only Bible purchased with school funds was the King James Version, accepted by most Protestant denominations. Public funds were never used to buy the Catholic Douay Version or the Jewish Old Testament, although students who led the readings sometimes brought in their own Bible from home.³¹

The morning devotionals, as they were called in school, assumed a slightly different form throughout the school district. At the high school, where Ellery was studying, the devotionals emanated from the radio and television room and were broadcast over the public address system to the entire school, beginning at 8:15 a.m. The program started with a few bars of music to attract everyone's attention. The Bible reading and Lord's Prayer recitation took five minutes or less and was followed by the flag salute and school announcements. William Young, the radio and television teacher, ran the program and utilized his thirty students to perform the broadcast, with each student taking up to five turns throughout the year. Students could read ten Bible verses of their own choosing. About half of them, however, chose verses based on suggestions contained in a roll book that Young made available to the students. The roll book, whose main function was for the recording of student grades, also contained a section titled "Suggested Scripture Selections for Use in Public Schools." The roll book was not supplied by the state of Pennsylvania; rather, it was purchased directly from the publisher, Alva M. Squibb, of McKeesport, Pennsylvania.³²

Morning devotionals were different in the district's other schools, none of which had a public address system at the time. At Huntingdon Junior High School, where Ellery's siblings were among the one thousand students, each teacher conducted a devotional period during the eight-minute homeroom session. Teachers read the verses themselves in some homeroom classes. In others, students either volunteered to read or took turns through a system of moving up and down the rows of desks until everyone had an opportunity. Readers chose any passages they fancied most.³³

Reading the Bible and reciting the Lord's Prayer in school seemed wrong to Ellery. He felt that he was forced to participate in a religious ceremony that was foreign to his own beliefs. Although he had never formally studied First Amendment law, he had read related articles in magazines, such as the *New Republic*, and had seen his father's materials from the American Civil Liberties Union. He understood that the Constitution prohibited the federal and state governments from establishing a religion or interfering with an individual's practice of religion. The school's requirement that everyone listen to readings from the Bible—in practice, virtually always the Protestant King James Version—and engage in a Christian prayer certainly felt to him like state sponsorship of religion. Every student was required to participate, no matter their religious affiliation or whether they even believed in God. Although, as a Unitarian, Ellery was himself a member of a Protestant denomination, the King James Bible contained many ideas that were foreign to what he had been taught. "Traditionally, although it's very hard to speak for all Unitarians because there's no creed, traditionally Unitarians do not take the Bible literally," he explained to a CBS interviewer in 1963. "Many Unitarians do not take Jesus as divinity. So these points, and perhaps the concept of an anthropomorphic God as revealed in the Old Testament, were at particular odds, but by no means were all the objections that I had."³⁴

Ellery looked beyond his own objections to the King James Bible. If its teachings were objectionable to him, a Protestant, they must be worse still for Catholic students, whose Bible was the Douay Version, and they must be particularly unacceptable for the non-Christians in the school. "It was the establishment of the Christian religion or the Judeo-Christian religion," he says.

That was not the only religion in the world. There were Buddhists, Muslims, freethinkers, and whatever else, and so to my mind it was crystal clear.

I had a very keen sense of the position of minorities. I sort of rooted for the underdog. I was aware that a number of my friends

were Jewish and I had in my imagination sort of elevated them to an oppressed minority. I thought that there was something very unfair about the majority using its power in this way, running roughshod over the interests of minority groups.

I also had the unwritten assumption in my mind that to some degree this whole thing must have been some silly mistake. The Bible-reading exercise and the First Amendment were so obviously in conflict that it must have happened more or less by inadvertence rather than deliberately, and that if I only pointed out the error of their ways, they would see that the First Amendment took precedence.³⁵

Four or five friends in the Thursday night group agreed with Ellery's ideas on Bible reading and loosely agreed to join him in some kind of protest. "We didn't want to have people ramming religion, patriotism, anything down our throats," says Royal Brown. "It was a homogenized spirituality that was being rammed down our throats."³⁶

Nobody knew in the beginning how to show their opposition to the morning devotionals. "We tried to work out some way to make a protest or to object," says Ellery. "Some of the ideas from Thoreau's essay on civil disobedience were floating around in the air because we'd read it. Some of the ideas of the founding fathers, they were all floating in this mix. It was a rich soup."³⁷ In the fifties, there were few contemporary models for student protest. "It was not an era of protest," says Brown. "The thought of organizing a mass protest against this never occurred to us."³⁸ As Ellery saw it, simply complaining to the school authorities was too weak and would yield nothing positive. They certainly wouldn't listen. After all, state law required the Bible-reading exercise, and although the law did not require recitation of the Lord's Prayer, it had long been part of the morning devotionals; how could anyone imagine Eugene Stull simply acquiescing to a request to end these practices? Disruption was also not an option; it was impossible to defend as a strategy and would enable school authorities to focus on the tactics and not the message.

Ellery thought a quiet protest during the devotionals themselves seemed much more powerful. "I suggested some civil disobedience," Ellery recalls. "I wasn't sure what it would be, like refusing to come into the classroom until the verses were over, or getting up and walking out."³⁹ As he and his buddies discussed the options during that fall of 1956, however, support for an active protest slowly vanished. Some of his friends were concerned about getting into trouble, either with their parents or with the school. Ellery knew of one student who had been punished for inattention during recitation of the Lord's Prayer, having to stay after school one day to write the prayer fifty times as penance.⁴⁰ But some of the students in Ellery's group feared consequences considerably worse. "The school authorities had enormous authority, more then than even now," says Ellery. "They were pretty terrifying. [One student] raised the issue, what would happen about college applications? They were legitimate concerns."⁴¹

Ellery wasn't worried that a protest against morning devotionals would hurt his college aspirations. "All of my classmates were very worried about what this would mean in terms of college," he says. "I wasn't very worried about that. I knew I was going to go to college. It was all a bit of an abstraction in my family because my parents had not gone to college. Also, I was very confident. I had good grades. I had As and couldn't imagine there would be no college that would accept me. It wasn't something I was scared about. I wasn't fearing punishment, because what kind of punishment would have been appropriate for this sort of thing? They didn't know either, as it turned out."⁴² Ellery added, "The school emphasized, in terms of behavior, not chewing gum, not smoking, not talking in class. I wasn't guilty of any of these sins. In many ways, I didn't think the school had anything to hold against me. I think I'd only been to detention once in my life as a punishment."⁴³

To his buddies, however, a protest that must have sounded noble and heroic in the beginning started looking distinctly fraught with peril. "As soon as we came down to some practicalities, I discovered that my comrades in arms were considerably less enthusiastic," he says. "Within a fairly short time, I came to realize that if there was

ever going to be a protest, it was going to be me and no one else.” The prospect of protesting alone never was a major deterrent to going forward. “It was first of all something that affected me directly, and it was also something I felt confident I could make a difference about,” he says. “I felt articulate on this topic. I felt confident that I could defend myself on this. I had tested my ideas against my peers.”⁴⁴

Glatthorn remembers agreeing with Ellery that the morning devotionals were divisive and inappropriate for a public school. Though he provided Ellery with many of the intellectual tools as well as the forum for testing his ideas, he declined to back his student in any public way. Years later, he regretted that decision. “I do recall one evening receiving a call from his attorney, who asked me if I would join in Ellery’s suit,” says Glatthorn. “The attorney said, ‘I should warn you, if you do you’ll be targeted by the conservatives, and there will be a backlash against you, and you might even lose your job.’ After much thought and discussion with my family I decided not to. I think I made a very bad decision in doing so. It was a concern that I might lose my job. At the time, I was trying to provide for a family of five kids. But as I said, I think I should have had more guts and stood there with him.”⁴⁵ Ellery was alone.



By late November, Ellery felt ready to act. The four-day Thanksgiving holiday arrived, a short breather before the monthlong sprint to the end-of-year vacation time. On Thanksgiving Day, November 22, the whole family had dinner at Ellery’s grandmother’s house in the Olney section of Philadelphia. On the way home, while sitting in the back of the car, Ellery brought up his plans to protest the school’s reading of the Bible and the Lord’s Prayer. He still didn’t know exactly what form his protest would take. But he explained to his parents his belief that the morning devotionals violated his religious freedom. It was a short discussion—the general matter had come up before—and Ed Schempp agreed with Ellery that the schools

shouldn't be sponsoring what Ed and Ellery agreed were religious ceremonies. "I got the clear message that my parents weren't going to object to my protest," he remembers. "Nobody told me, 'Don't do that.' So to my mind, I had a green light."⁴⁶

Ellery spent the next day thinking about it. By Saturday, he knew how he would protest the morning devotionals. He drove to the house of a friend, George Tappert, who was a member of Glatthorn's class. Ellery borrowed a copy of the Koran from George's father's library. "This was my particular way," he says, "of showing that there is another religious tradition and another holy book that is respected by zillions of people around the world, and it has equal status in the global perspective with the Christian Bible."⁴⁷

On Sunday, Ellery mentioned to his parents that he planned to read the Koran the next morning during the devotionals. Ellery remembers that there wasn't much discussion at that point. "I don't think they had thought through what all this might mean," he says.⁴⁸ Indeed, they had not. For Ed Schempp, it was a matter of some pride that his son was challenging what he regarded as the wrongful teaching of religious doctrine. "Ellery was forced to listen to a religious ceremony that was antithetical to what he had been taught in his own home," he said.⁴⁹

When Ellery went off to school the next morning, there wasn't much time to worry about his plan. He reported to his homeroom, where he sat in the middle of the class, and the exercises started immediately. The order came from Elmer Carroll, the homeroom teacher, for all students to clear their desks—there were to be no distractions during morning devotionals. Ellery took the Koran out of his book bag just a moment before he heard a student's voice over the public address system reading the first of ten verses of the Bible. He opened up the Koran to a random place and began reading silently. "I couldn't possibly tell you what I read," he says. "My mind was racing."⁵⁰

The Bible reading was finished in a few minutes and everyone rose for recitation of the Lord's Prayer—everyone, that is, except Ellery. "That was very noticeable," he says. The prayer was over in a moment, and Ellery then jumped to his feet for the Pledge of Alle-

giance. When that was done, Carroll beckoned him to the side of the room. “He said, ‘This [participation in the devotionals] is a school rule.’ I said, well, I’d been thinking about it, and I could no longer in conscience participate. That left him gasping for words. I think he said, ‘Are you going to obey the rule in the future?’ I repeated that as a matter of conscience I couldn’t. So then he decided he had a disciplinary problem on his hands and sent me to the principal.”⁵¹

Ellery walked alone down the long corridors to the front of the new high school building. Eugene Stull was not in his office, so Ellery sat with Irvin Karam, the assistant principal. “He saw the whole matter as one of respect,” Ellery says. “With a sweep of his hand he could point to a whole wing of the building and say, ‘All those other students, thousand, three thousand students, they’re all doing it, and why can’t you?’ I said it was a matter of religious freedom.”⁵² After fifteen minutes or so and without making any progress with Ellery, Karam sent him off to see Evelyn W. Brehm, a guidance counselor. The two of them had what Ellery remembers as a pleasant conversation for almost an hour. Brehm tried to understand Ellery’s objections, says Ellery, “as well as to satisfy herself that I wasn’t psychologically disturbed, at least not in a socially threatening way.” Ellery thought that she was friendly and perhaps even vaguely sympathetic to what he had done—at least that was the impression she left with him: “I thought that if she was in a different context she might have said, ‘Good for you.’ But she wouldn’t dare say it.” Finally, the two of them discussed what Ellery planned to do the next day. Would he continue his protest by reading from the Koran during the morning devotionals, or had he made his point, and was he ready to cooperate? “I repeated that this was religious conscience, and I don’t believe this, and I don’t think I should be forced to believe it,” Ellery says.⁵³ After their discussion, he went to class.

Later in the day, Ellery was called back to Brehm’s office for another talk. By then, Brehm had apparently conferred with others in the administration. “She said, ‘Well, what you should do tomorrow morning is go to your homeroom, check in for attendance purposes, and then come down and sit here, and we’ll talk again,’” Ellery

remembers. "And that's what we should continue doing for the next period of time, which was undefined. I'm pretty sure that she and others thought that, well, Schempp will do this for a couple weeks and then give it up and the problem will go away."⁵⁴

The problem for the Abington school district did not, of course, go away. Back at home that evening, Ellery decided to carry his protest to the American Civil Liberties Union; he was familiar with the organization through his father's membership. He took a piece of stationary from his father's home business—it had "*Research Electronics* LABORATORY" centered at the top—and typed out a message addressed to "Gentlemen" at the ACLU's Philadelphia office. He signed the letter "Ellory F. Schempp," using a spelling of his first name that he would change to "Ellery" in adulthood. The letter read in full:

As a student in my junior year at Abington Senior High School, I would very greatly appreciate any information that you might send regarding possible Union action and/or aid in testing the constitutionality of Pennsylvania law which arbitrarily (and seemingly unrighteously and unconstitutionally) compels the Bible to be read in our public school system. I thank you for any help you might offer in freeing American youth in Pennsylvania from this gross violation of their religious rights as guaranteed in the first and foremost Amendment in our United States' Constitution.⁵⁵

When he mailed off the letter the next day, including with it a small donation by check, Ellery had no idea what lay ahead. "I didn't have the vaguest notion that this would result in a Supreme Court decision," he says. "I just didn't have the vaguest notion."⁵⁶