

A pioneer figure in church-state rulings: Woman who filed landmark lawsuit in 1945 dies

by [John Dart](#) in the [September 19, 2006](#) issue

When Justice Hugo Black wrote in 1948 for the majority on the U.S. Supreme Court, “The First Amendment has erected a wall between the church and the state which must be kept high and impregnable,” he was acting to bar required religious classes from public schools, in a case called *McCollum v. Board of Education*.

The high court would subsequently prohibit state-sponsored prayers in schools in a New York case (1962) and then rule against devotional Bible readings in classrooms (1963). The latter case involved, in part, objections by Madalyn Murray on behalf of her son.

Murray, who after remarrying took the name Madalyn Murray O’Hair, became the major figure held responsible (by her opponents) for “taking God out of the schools”—an epithet she welcomed while leading a controversial atheist organization.

But defenders of church-state separation point out that years before, another homemaker and mother, Vashti Cromwell McCollum of Illinois, played a key role in legal history.

McCollum died August 20 at an assisted-living facility near Champaign, Illinois, at the age of 93. She had been in declining health in recent years, said James McCollum, the first of her three sons and the one who was required to take religious classes during the regular school day in Champaign.

James McCollum said in an interview with the *Los Angeles Times* that he tolerated the religion classes in the fourth grade but decided in the fifth that he did not want to continue, and his parents supported him. Rebuffed by school officials, his mother sued the city school board in July 1945 with the help of a Unitarian minister and a

group of Jewish businesspeople in Chicago.

The religious instruction was upheld by a circuit court and the Illinois Supreme Court, but the U.S. Supreme Court ruled 8 to 1 that the classes violated the First Amendment clause barring the “establishment of religion.”

In reflecting upon Vashti McCollum’s death, J. Brent Walker, executive director of the Baptist Joint Committee for Religious Liberty, told the Century: “The 1948 case that bears her name set the tone for the Supreme Court’s view on the proper relationship between church and state in public schools.”

Walker noted that the Court would later permit religious instruction that was voluntary and held off-campus—distinguishing that from required religious teaching in classes during the school day. “These lines continue to protect students’ rights,” he said.

The McCollum case occasioned one of the first amicus briefs by the Baptist Joint Committee, which supported McCollum’s position. “J. M. Dawson, the then-executive director of the BJC, took no little grief for filing that brief. It was not a popular position in Baptist life in those days, but it was the right position.”

(Another Baptist—Joseph R. Bryson, a member of Congress from South Carolina—wrote in the Century for June 30, 1948, that the McCollum decision “is a victory for freedom of thought and freedom of conscience—two principles which lie at the base of all religious freedoms. We must not allow our religious fervor to blind us to the essential fact that no religious faith is secure when it meshes its authority with that of the state. Separation is not relative. It is absolute, or it is nonexistent. Protestants have more reason to cheer than to fear the Supreme Court decision in the McCollum case.” The Century earlier had editorialized in much the same vein, expressing delight that “the First Amendment has teeth!”)

Coincidentally, in late August, BJC’s Walker issued a statement critical of Representative Katherine Harris (R., Fla.) for published remarks that church-state separation is a “lie” and that only Christians should be elected to office.

Walker said the Constitution is a secular document that never mentions Christianity and specifically bans a religious test for public office. Because the U.S. has not allowed government to take sides in matters of religion, Americans have avoided the kind of religious conflicts that plague much of the world, he said.

When McCollum brought her suit against the Champaign school board, however, Protestant perspectives dominated public life and institutions. "It was traumatic and expensive," McCollum told the *St. Louis Post-Dispatch* much later. "But we had a happy home life and were sufficient unto ourselves and not dependent on others," she said.

She lost a part-time job as a dance instructor at the University of Illinois campus, but her husband kept his faculty position because he had tenure. The family received phone threats, and the family cat was killed. Son James was sent to live with his mother's parents in New York state for a while.

Years later, Champaign evidently made peace with the McCollums, electing son Dannel as mayor for three terms. He said he was the first atheist to serve as mayor of the city.

Vashti McCollum always said she was a humanist, not an atheist, and she served as president of the American Humanist Association for two terms.

In her book *One Woman's Fight*, published by the Freedom from Religion Foundation, she said she was sure that "I fought not only for what I earnestly believed to be right, but for the truest kind of religious freedom intended by the First Amendment, the complete separation of church and state." - *Dean Peerman also contributed to this article.*