

MAINE STATE LEGISLATURE

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Education
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Gerham State College students; College's Request of Religious Information.

FACTS:

Once a student has been accepted at the reference college, he is requested (not required) to complete a form which is headed "student profile." The form requests that the student give his class; whether he is married or single; whether or not he will reside on campus; his church membership and the name of the pastor; his denominational preference; his special program interests, i.e., Bible study, seminar in theology, etc.; and concludes by asking whether he would like to sing in a choir, or teach in a church school.

The president of the reference college has asked that the Attorney General "rule on the legality of requesting information such as appeared "on the "student profile." The president informs us that "the information would be referred to interested clergy in town or nearby churches who are interested in the spiritual life of students."

QUESTION:

Whether the reference inquiry violates the principle of separation of church and state?

ANSWER:

See REASON.

REASON:

Our examination of the recent cases decided by the United States Supreme Court involving the principle of the separation of church and state fails to reveal that the reference decisions prohibit Gerham State College from requesting (not requiring) that students complete the subject "student profile", wherein they give information of their religious preferences, etc. However, the college might well consider whether the requested information is to be used by the institution for the purpose of administration, or whether the information is requested solely for the purpose of assisting local churches (as is indicated in your memorandum). The college should not take upon itself the role of a clearing house for the local churches. As was said by Mr. Justice

Black in Engel v. Vitale, 370 U. S. 421, it is best to "leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance."

In conclusion, it does not appear that all of the information requested of the student is necessary to the administration of the college. For example, inquiries made for the purpose of determining whether a student has a religion, whether he has a pastor, or whether he wishes to sing in a choir or teach in a Sunday school class do not appear to have a bearing upon the administration of the institution. Since the practice does not serve an administrative purpose, the college officials should consider its abolishment. The practice does not appear to fall within the purposes set forth in 20 N.H.S.A. § 230A.

John W. Benoit
Assistant Attorney General

JWA/eh