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THE WHITE HOUSE

WASHINGTON

July 23, 1982

MEMORANDUM FOR ELIZABETH H. DOLE

THRU: DIANA LOZANA

FROM: MORTON C. BLACKWELL 

SUBJECT: Membership on Board of Directors,
American Conservative Union

Attached is correspondence from Don Todd, Executive Director of the American Conservative Union, informing me that I have been elected to the Board of Directors of that organization.

I am grateful for the honor and would like to serve, but I told Don Todd that I would have to check out the matter here first.

Although I know the Hatch Act does not forbid me to participate in most political affairs, I think it appropriate that I not accept membership on the Board without your approval.

The American Conservative Union

38 Ivy Street, S.E.
Washington, DC 20003
(202) 546-6555

OFFICERS

CHAIRMAN
Congressman Mickey Edwards
Oklahoma City, Oklahoma

FIRST VICE CHAIRMAN
Thomas S. Winter
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Dear
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Donald J. Devine
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Daniel Oliver
Greenwich, Connecticut

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Los Altos, California

Senator Steve Symms
Caldwell, Idaho

Lewis K. Uhler
Loomis, California

EXECUTIVE DIRECTOR

Morton Blackwell
The White House
Washington D.C. 20500

July 13, 1982

Dear Morton,

Congratulations on your election to the Board of Directors of the American Conservative Union.

As you know, ACU is America's oldest and largest conservative organization of its kind. We are organized as a 501(c)(3) non-profit corporation.

I am enclosing a copy of our corporate by-laws for your information.

Best regards,



Don Todd
Executive Director

enclosure
DT/nhs

THE WHITE HOUSE

WASHINGTON

July 22, 1982

MEMORANDUM FOR ED HARPER

FROM: MORTON C. BLACKWELL 

SUBJECT: Dr. Dennis Cuddy

Dr. Dennis Cuddy has asked me to forward his Personal Qualifications Statement and materials on forced busing to you.

I have met with Dennis, and he is a bright and interesting fellow. He has worked very hard to develop these alternatives to forced busing.

If you are looking for a person who is knowledgeable on the busing issue, Dr. Cuddy may be able to fill that need.

THE WHITE HOUSE

WASHINGTON

July 22, 1982

MEMORANDUM FOR KEN DUBERSTEIN

VIA: ELIZABETH H. DOLE

FROM: MORTON C. BLACKWELL 

Thank you for copying me on your memo to Anne Higgins of July 20, attached.

The reason why I believe it appropriate to write a special letter to Senator Helms is that the Senator has signed a very effective direct mail letter in behalf of the balanced budget amendment. While it is not appropriate for us to engender grassroots activity in behalf of proposals of the President, it is very nice for us to appropriately thank our friends when they take special action which is helpful.

Letters of thanks, such as I proposed for Senator Helms, can then be used with great effect to encourage greater efforts favorable to the President's legislative program.

Thus a letter of thanks from the President can have enormously greater favorable impact than verbal thanks or a White House invitation.

I hope you will reconsider approving this proposed letter.

cc: Anne Higgins

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

July 20, 1982

TO: ANNE HIGGINS

FROM: KEN DUBERSTEIN

SUBJECT: Letter to Senator Helms re: Balanced Budget
Amendment

Senator Helms was the President's guest last week at a luncheon on the Constitutional Amendment for a Balanced Budget and has been a party to two public ceremonies with the President on this subject. Senator Helms has been thanked personally for his efforts by the President.

I think, therefore, the attached letter need no longer be sent.

As to the letter to Ms Rountree, I leave that the Mrs. Dole's judgment.

cc: Morton Blackwell

THE WHITE HOUSE

WASHINGTON

July 22, 1982

MEMORANDUM FOR CHARLES WICK
International Communication Agency

FROM: MORTON C. BLACKWELL 

SUBJECT: Annette Roush

First let me thank you for personally looking into the matter of Sam Walker whose father, Bob Walker, was a top assistant to the President when he was Governor of California.

Let's try again. Attached is a resume and references for Annette Roush who is now in Presidential Personnel here at the White House.

I have known Annette for a couple of years. She has been working to obtain the release of the "Siberian Seven" and solicited assistance from me while I was Policy Director for Senator Gordon Humphrey in the last Congress.

She is a very persistent, hard working, dedicated person. She has previous ICA experience and a record of Reagan affiliation.

Her current job at the White House has proved to be more secretarial than she or her employer had anticipated. She has good secretarial skills but has interests and talents in policy areas as well.

I hope that you might be able to find a suitable spot for her.

ANNETTE WILLIAMS ROUSH
203 Yoakum Parkway
Alexandria, VA 22304
(H) 703-370-5868
(O) 202-456-7146

OBJECTIVE

Position in the Reagan Administration in any area where creative thinking, wide experience, good communication skills, and proven abilities in interpersonal relations are requisite. Former employment in the areas of Congressional affairs, education, media relations, public relations and international affairs.

EXPERIENCE

Presently at Presidential Personnel, The White House, Washington, D.C.
(Staff Assistant to Associate Director)

Federal Energy Regulatory Commission, Washington, D.C.
(Confidential Assistant to Director, Congressional, Intergovernmental, and Public Affairs)

Reagan/Bush National Campaign Headquarters, Arlington, Va.
(Assistant to Director of Religious Affairs)

United States Embassy, Moscow, USSR
(Administrative Assistant in Office of Press and Culture, International Communication Agency)

United States Embassy, Moscow, USSR
(Media Specialist for the Foreign Broadcast Information Service)

Embassy of France, Moscow, USSR
(Teacher of English Language and American Culture)

Private and Public Schools in Virginia
(Teacher of English)

US Army Library, Ft. Sill, Oklahoma
(Library Assistant)

Bell Telephone Company of Pennsylvania, Wilkes-Barre, Pennsylvania (Accounting clerk and assistant in Public Relations)

In addition, many years of volunteer service in youth and women's groups and religious organizations. Frequent speaker on Soviet Affairs (including Soviet media and propaganda) and women's issues.

EDUCATION

Bachelor's degree in Education, State College,
Bloomsburg, Pennsylvania (Honors in English and Spanish)

Graduate and undergraduate courses:

University of Hawaii
University of Oklahoma
American University
University of Virginia

Access 12 Course for College Graduates
Washington School for Secretaries

Graduate with honors in Russian Language
Defense Language Institute, Monterey, California

Attended Congressional Quarterly Seminars:
Understanding Congress
Congress and the Legislative Process

SPECIAL QUALIFICATIONS

Positive experience working with people from varied
backgrounds and many countries.

Experience working long hours and under extreme stress.

Widely traveled (approximately 35 trips to over 25
Soviet cities, plus many areas of Europe and Asia).

Conversational Russian language ability.

Experience in dealing with international diplomatic
protocol.

Ability to deal with highly confidential material in
a discreet manner.

PERSONAL

Married to Col. Paul E. Roush (Ph.D.), USMC
Sons, John and Edward
Health, excellent

REFERENCES ON REQUEST



EMBASSY OF THE
UNITED STATES OF AMERICA

Moscow, U.S.S.R.

May 30, 1980

To Whom It May Concern:

Annette Roush was employed by the Press and Cultural Section of the Embassy of the United States of America, Moscow, U.S.S.R. from January 1978 through May 1980. Mrs. Roush's duties as the Distribution and Records System Assistant included the creation, maintenance and verification of records on Soviet institutions and individuals for the purposes of periodical distribution and personal contact by Embassy officers.

Throughout her period of employment, Mrs. Roush performed her duties in an exemplary fashion. The meticulous record keeping and the accuracy of her work was of a very high standard. She often made suggestions to improve efficiency and demonstrated a level of conscientiousness and initiative in her daily work that will be difficult to find in a successor. Mrs. Roush cheerfully took on additional duties when required and assisted other employees whenever her busy schedule permitted.

Because of her detailed knowledge of the work, her excellent performance and calm, intelligent and cheerful demeanor, even under pressure, Mrs. Roush will be sorely missed. We wish her much success and can recommend her highly for any similar position with complete assurance.

Sincerely,

A handwritten signature in black ink that reads "Wallace W. Littell". The signature is written in a cursive style with a prominent "W" and "L".

Wallace W. Littell
Counselor for Press and Cultural Affairs

FOREIGN BROADCAST INFORMATION SERVICE

P. O. Box 2604

Washington, D. C. 20013

11 AUG 1980

Mrs. Annette Roush
203 Yoakum Parkway Apt. 1017
Alexandria, VA 22304


Dear Mrs. Roush:

I would like to thank you personally and on behalf of the Foreign Broadcast Information Service for the excellent service you provided during the more than two years that you served as FBIS contract television monitor at your recent overseas post. Your efforts undoubtedly were a major factor in the success of this operation whose product has become increasingly used and valued by our consumers.

FBIS is known throughout Government and in the academic community for the scope and quality of its product; and it is the concern for quality by employees such as you and your dedication to seeing the job through, even at the cost of personal inconvenience, that forms the solid basis of that reputation. During your tenure you satisfied all regular and ad hoc requirements and displayed commendable initiative in recording additional programs which you felt might be of value. The fact that your selection on these occasions was almost always on the mark must be attributed to your keen interest in current events and international affairs and your familiarity with the local language. The fact that you maintained a constant flow of timely materials to our London Bureau for processing throughout the two years despite numerous obstacles, not the least of which was the aging equipment with which you had to work, is indeed a tribute to your determination and dedication.

Once again, our sincere thanks.

Sincerely,


John D. Chandlee
Acting Director

THE WHITE HOUSE

WASHINGTON

July 2, 1982

Dear Phyllis:

It is my understanding that Mrs. Annette Roush is interested in pursuing a non-career policy position at the Voice of America.

While I have not known Annette for long, I did come to know her during my work in the Office of Presidential Personnel. Initially, my office handled her clearance and in that respect did some background checks on her. Her background was very impressive and I wondered at that time why she had not pursued something at the State Department or ICA. When one of our associate directors was looking for a staff assistant, I recommended that he consider Annette because I knew of her commitment to the President and her solid background. She was hired for the job. Clearly, she has outgrown that position, and in fact, I probably should have steered her to the State Department and ICA instead of to the Personnel Office here at the White House so that better use could have been made of her abilities and knowledge.

It is my judgement that she has performed admirably. However, having served for over a year in Personnel myself, I can understand her sense of frustration and her interest in moving on to a new challenge.

I would strongly urge that you talk with her regarding a position at the Voice of America and would recommend her for a position.

Sincerely,

1s/

Becky Norton Dunlop
Special Assistant to the President
Director, Office of the Cabinet

Mrs. Phyllis Kaminsky
Voice of America
1750 Pennsylvania Avenue, N.W.
Suite 1019
Washington, D.C. 20547

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

DATE: June 14, 1982
TO: Phyllis Kaminsky
FROM: Wendy Borchardt
SUBJECT: Annette Roush

I interviewed Annette Roush last week and found her to be a very personable and gracious woman. In looking over her resume, I felt that perhaps you might be able to utilize her skills if you had a position open at ICA. Therefore, I am directing her resume to your attention. It is my hope that you will have an opportunity to interview her.

Thank you very much, Phyllis.

THE WHITE HOUSE

WASHINGTON

July 22, 1982

ISSUE FORECAST -- July 22, 1982

MORTON C. BLACKWELL

"A"

Tuition Tax Credits
Voluntary School Prayer Amendment
Balanced Budget Amendment
Right to Life

"B"

Hobbs Act Reform
Anti-busing Initiatives
Stopping privatization of V.A. Medical Care
Funding of advocacy groups.
Support of Taiwan
Trade with Soviet Bloc
McClure-Volkmer Gun Control Reform
ERA
IRS reform
Getting rid of Education Department
Getting rid of Energy Department
Flat Rate Tax
Natural gas deregulation
Transportation deregulation, particularly trucking
Nuclear Freeze

"C"

Affirmative action for Minorities over Competence
Federalism
Block Grants
B-1 Bomber

THE WHITE HOUSE

WASHINGTON

July 22, 1982

MEMORANDUM FOR ELIZABETH H. DOLE

THRU: DIANA LOZANO

FROM: MORTON C. BLACKWELL 

SUBJECT: July 22 Testimony of Ted Olson, Assistant Attorney General, Office of Legal Counsel

Thanks to an alert by Red Cavaney, I obtained the July 19 draft of Ted Olson's testimony on S-951, the Senate-passed anti-busing bill, about 15 minutes before he gave his testimony today to a subcommittee of the House Judiciary Committee.

This testimony could have been expected from the Justice Department during the Ford and Carter Administrations. It is keenly disappointing from the Reagan Administration.

Foes of forced busing can only conclude upon reading Ted Olson's testimony that absolutely no leadership against forced busing will be forthcoming from this administration.

Olson maximizes every opportunity to argue for limits to the effectiveness of this bill. He selectively extracts from the Senate debate portions of the legislative history which do not mention limiting the jurisdiction of the Supreme Court and argues that therefore the bill could only apply to inferior courts. He grasps at the failure of the bill specifically to cite the Constitution's "exceptions" clause which does grant to Congress authority over Supreme Court jurisdiction.

Not until Page 45, the final paragraph of the final page, does Olson's testimony include any serious critique of forced busing. Even then he does not attack the concept and only endorses "reasonable limits" on "such attempted solutions..."


Olson makes it clear that the policy of our Administration is not to upset existing forced busing orders. These orders now embitter millions of people. He suggests misleadingly that the current widespread practice of forced school busing is an old wound which is healing and must be left alone. A more accurate analogy for busing is a painful boil which cries out for treatment.

THE WHITE HOUSE

WASHINGTON

July 14, 1982

MEMORANDUM FOR JUDY POND

FROM: MORTON C. BLACKWELL 

SUBJECT: After-Action Report - Idaho Speech

Attached is a copy of the speech which I gave as the keynote address at the Republican State Convention in Couer d'Alene, Idaho, June 25, 1982. -

Also attached is a copy of a clipping from a local paper commenting on my speech which was very well received with frequent applause.

THE WHITE HOUSE

WASHINGTON

July 13, 1982

MEMORANDUM FOR MORTON BLACKWELL

FROM: JUDY POND, Director, Speakers Bureau

SUBJECT: After-Action Report

I have not yet received your after-action report on the speech you delivered on June 25, 1982.

Please send it to me as soon as you can. Thank you for your cooperation.

THE WHITE HOUSE

WASHINGTON

July 13, 1982

MEMORANDUM FOR THELMA DUGGIN

FROM: MORTON BLACKWELL 
SUBJECT: Speaker Request New York '82

We have checked into this group and it seems a real ecumenical meeting of many churches with the goal of inspiring revival in New York City. Age group will be 13 - 25 with 400 churches participating.

They are eager to do what they can to promote the President's Voluntary Prayer in School Amendment. I recommend Bill Barr be sent as a surrogate speaker.

In the memo of July 12, to Elizabeth
H. Dole on Tuition Tax Credit Bill
Testimony, please note the change
on page 2, paragraph 3. "Rose
was uncooperative ..." should read
"Olson was uncooperative..."

CPL
11/22/82
10/2

THE WHITE HOUSE

WASHINGTON

July 12, 1982

MEMORANDUM FOR ELIZABETH H. DOLE

THRU: DIANA LOZANO

FROM: MORTON C. BLACKWELL

SUBJECT: Tuition Tax Credit Bill Testimony

I understand that Buck Chapotin is scheduled to give testimony before the Senate Finance Committee on Friday on our tuition tax credit bill. This could be the source of serious problems.

You may recall that Chapotin gave us considerable grief in the early stages of our coalition on tuition tax credits. At first he insisted that we somehow incorporate in the tuition tax credit bill the same prohibitions contained in the Treasury Department's doomed tax exempt status bill. Fortunately strong, explicit messages from Mr. Meese convinced Chapotin he did not have a veto power over the President's tuition tax credit legislation.

The Treasury Department did, however, have people at our marathon meeting when we drafted the bill. They were not constructive influences. The drafting group developed a bill which could be supported by all of the major supporters of tuition tax credits. Throughout the process, Chapotin's representatives threatened us that Chapotin would not testify in behalf of any bill which did not have anti-discrimination language "as strong as the Bob Jones bill".

Just last Friday Kevin Hopkins and I had a spirited conversation with Greg Ballentine of Treasury Department over the wording of our White House Issue Update on tuition tax credits.

At issue in the conversation with Ballentine was whether or not the Issue Update would include an explicit rejection of the "tax expenditure" argument which is raised frequently by Senator Kennedy and others.

The President has repeatedly, explicitly rejected the tax expenditure argument to the effect that the government has a prior claim to all personal income and that tax cuts or tax credits are "tax expenditures" of federal funds. Ballentine said that Chapotin wanted the criticism of the tax expenditure argument deleted from the Issue Update.

Because opponents of tuition tax credits will surely be using this tax expenditure argument, I insisted that Administration spokesmen and other supporters of tuition tax credits needed to have in the Issue Update a clear answer to the tax expenditure argument. Finally, Kevin Hopkins and I agreed to only minor modifications in the Issue Update text, which Ballentine said he and Chapotin could then support.

You will recall my previous memorandum with respect to Education Undersecretary Gary Jones' questionable role on tuition tax credits. I think it is absolutely vital that any testimony coming out of the Administration on tuition tax credits be cleared through the normal processes here at the White House. Otherwise, I consider it a certainty that Chapotin, Gary Jones, or perhaps someone in the Justice Department will give testimony so out of line with what the tuition tax credit supporters expect that we will blow apart our coalition.

Senator Dole may very well want to have someone to give testimony on the antidiscrimination sections. In this case, it is vital that such testimony be given by Jonathan Rose of the Justice Department Office of Policy Development or Brad Reynolds of their Civil Rights Division, not by Ted Olson, office of Legal Counsel. ^{Olson}~~Rose~~ was uncooperative in both the school prayer amendment drafting and the tuition tax credit drafting. Bill Barr of OPD should clear all Administration testimony on antidiscrimination language in this bill.

As you know, many Catholic and Protestant political activists interested in tuition tax credits are wary. They suspect officials of the Reagan Administration have put forward this tuition tax credit bill as a ploy rather than as a serious effort to enact legislation. At the U.S.C.C., particularly, there are liberal staffers ready to leap at any opportunity to charge the Administration with lack of good faith on this issue.

We have a very strong coalition, most of which is actively diverting resources to the tuition tax credit battle on the strength of our representations to them. It would be foolish in the extreme to allow any Administration spokesman to give testimony on this important bill without fully clearing it through our White House system.

THE WHITE HOUSE

WASHINGTON

July 12, 1982

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We have a very strong coalition, most of which is actively diverting resources to the tuition tax credit battle on the strength of our representations to them. It would be foolish in the extreme to allow any Administration spokesman to give testimony on this important bill without fully clearing it through our White House system.

The majority of blacks as well as whites oppose forced busing. The opposition is very intense.

The opponents of busing worked hard to elect President Reagan and surely have reason to expect some leadership from his Administration in their behalf. Instead, what they are getting is worse than neutrality. The Administration spokesman today is clearly doing everything he can to limit the effectiveness of the Congressional initiative against forced busing.

There is an irony here, though. The majority of Olson's testimony will come to naught because of the legislative situation. The Senate-passed bill is going nowhere in the House.

I understand Senator Helms intends to submit his version of this bill as an amendment to the "must pass" debt limit bill. No doubt all of Olson's sophistical arguments attempting to draw limitations from the text of the bill and its previous legislative history will be invalidated. Senator Helms, in his initiative, will surely cite all of the constitutional provisions applicable and will surely get into the legislative history all that is necessary to maximize the legal effect of this bill.

The only lasting effect of Ted Olson's testimony today will be its use as evidence by busing foes that the Reagan Administration did all it could to limit the impact of Congressional initiatives against forced busing.

Despite Olson's testimony, the professional "civil rights" extremists will still call us racists, and the great majority of blacks and whites, who oppose forced school busing, will conclude that we are of no use to them on this politically potent issue.

As to action now, there is little to be done, aside from a wholesale personnel replacement at the Justice Department.

It would be helpful to insist that all future congressional testimony, from the Justice Department especially, be cleared well in advance through the Office of Public Liaison. Even if this policy were instituted, I believe we would find that only rarely would action favorable to the President's winning coalition be pried out of that department as now constituted.

As to the reaction from the outside groups, we can expect the anti-busing leaders to become more vocal in expressing their opinion that they wasted their time working precincts for Ronald Reagan. The President's correspondence files already contain ample evidence of their bitter disappointment.

At lunch today I learned that some minor changes were probably made in the July 19 draft of Olson's remarks. Nothing less than major surgery and a new direction could have made these remarks serve the President's interest.

THE WHITE HOUSE

WASHINGTON

July 22, 1982

MEMORANDUM FOR ELIZABETH H. DOLE

THRU: DIANA LOZANO

FROM: MORTON C. BLACKWELL 

SUBJECT: Tuition Tax Credits Legislative Strategy

I am pleased that the Senior Staff meeting this morning decided to act along the lines I suggested in my memorandum to you yesterday.

I must emphasize that time is of the essence if we are to take advantage of the remaining chances for legislative success for tuition tax credits. For instance, today the House Ways and Means Committee is marking up their version of the revenue bill.

The organizations committed to tuition tax credits are not political novices. They have been working for this legislation in some cases for a generation. They closely follow the legislative process. They know that any chance of Presidential action convincing Congressman Rostenkowski to include tuition tax credits in the revenue bill is slipping through our fingers.

It is of the utmost importance that we knock heads together, establish a precise strategy for winning, and expend significant efforts toward implementing that strategy.

The supporters of tuition tax credits, particularly the Catholic community, are on the verge of exploding against us.

THE WHITE HOUSE

WASHINGTON

July 22, 1982

MEMORANDUM FOR JAMES BUCKLEY

FROM: MORTON C. BLACKWELL 

SUBJECT: Annette Roush

Attached is a resume and references for Annette Roush who is now in Presidential Personnel here at the white House.

I have known Annette for a couple of years. She was working to obtain the release of the "Siberian Seven" and solicited assistance from me while I was Policy Director for Senator Gordon Humphrey in the last Congress.

She is a very persistent, hard working, dedicated person. She has previous foreign affairs experience and a record of Reagan affiliation.

Her current job at the White House has proved to be more secretarial than she or her employer had anticipated. She has good secretarial skills but has interests and talents in policy areas as well.

I hope that you might be able to find a suitable spot for her.

THE WHITE HOUSE

WASHINGTON

July 22, 1982

MEMORANDUM FOR CHARLES WICK
International Communication Agency

FROM: MORTON C. BLACKWELL 

SUBJECT: Annette Roush

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I hope that you might be able to find a suitable spot for her.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 12, 1982

FOR: MORTON C. BLACKWELL
SPECIAL ASSISTANT TO THE PRESIDENT
FOR PUBLIC LIAISON

FROM: FRED F. FIELDING
COUNSEL TO THE ~~PRESIDENT~~

SUBJECT: Fundraising Letter Being Used by
the "Foundation to Rebuild America"

Attached is a copy of the letter I have sent to Mr. Henry C. Schriever of the "Foundation to Rebuild America."

I appreciate your calling this matter to my attention.

Attachment

THE WHITE HOUSE

WASHINGTON

July 12, 1982

Dear Mr. Schriefer:

The fundraising letter you have been sending on behalf of the "Foundation to Rebuild America," which solicits money to aid the President in his supposedly "desperate" desire to declare a National Day of Prayer and Fasting, has recently been called to my attention. A copy of this letter is enclosed.

Regardless of whether the President may agree or disagree with the various statements in the letter on particular issues, we must insist in the strongest terms that you cease to use it. The letter virtually states, without justification or authorization, that the President has endorsed the Foundation, its positions and its fundraising drive -- none of which, as you know, is true. Further, the central premise of the letter is simply false, since the President did declare a National Day of Prayer in both 1981 and 1982 -- a practice that has not met significant opposition and will no doubt continue in the future. Given these misrepresentations and the fact that they were used in solicitation of money, we must also insist that you send a follow-up mailing to recipients of the initial letter, stating that the President is not affiliated with the Foundation, has not endorsed its fundraising efforts, and did declare National Days of Prayer in 1981 and 1982 and intends to continue doing so.

I will appreciate being advised by return mail of your compliance with the requests stated above, and receiving a copy of your follow-up mailing; otherwise, we will have to consider other appropriate action. I can understand your desire to support the President and his policies; I trust you can understand why we cannot countenance unauthorized use of the President's name, particularly in private fundraising efforts.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Henry C. Schriefer
Foundation to Rebuild America
Post Office Box 17403
Washington, D.C. 20041

Enclosure


bc: Morton C. Blackwell

THE WHITE HOUSE

WASHINGTON

July 12, 1982

MEMORANDUM FOR KEVIN R. HOPKINS

FROM: MORTON C. BLACKWELL 

SUBJECT: School Prayer Issue Update

I have a number of suggested changes in the Issue Update Draft of July 10. They are:

1. On Page 3, paragraph 3, inserting the words "voluntary expression of". It is expression of religious belief, not religious belief, which the courts are proscribing.
2. On Page 3, paragraph 3, striking the words "the exercise of". This is a tightening of the language.
3. On Page 3, paragraph 4, deleting the sentence suggesting other freedoms of expression are endangered. Unless we are prepared to enumerate, upon questioning, other endangered freedoms of expression, we should omit this sentence.
4. On Page 3, paragraph 5, insert the word "voluntary". This is a stronger construction.
5. On Page 3, paragraph 5, delete the words "to be practiced only at certain times and places" and replace them with "not to be countenanced in public institutions." This change makes the sentence more to the point regarding rights denied.
6. On Page 4, paragraph 1, substitute the word "unquestionably" for "effectively". This is a very important change. We must be very careful not to offend the many school prayer activists who have heretofore been working to pass legislation designed to limit the jurisdiction of the Federal courts in this matter. These people are a major element in the coalition favoring school prayer. There is no need to imply that the remedy they previously concentrated on would not be effective. Because the efficacy of limiting future court jurisdiction has been questioned, supporters of the remedy will not be offended if the wording is changed as I suggest here.

7. On Page 4, paragraph 2, replace the word "conditions" with the word "decisions". What we want to emphasize is local self government. Thus the word decisions. We should not introduce the concept of local conditions because this plays into the hands of those who create horror stories about theoretical, conceivable abuses in areas where one denomination or another predominates.
8. On Page 4, paragraph 3, I strongly suggest that we print the entire text of the amendment, set off in reduced margins in the Issue Update. This will make the Issue Update more useful as a reference for our friends.
9. On Page 4, paragraph 3, insert the word "at". This addition will make the sentence end a little more smoothly.
10. On Page 5, paragraph 1, this paragraph should be changed to read "Furthermore, while the amendment does not require school authorities to permit, to conduct, or to lead prayer, it permits them to choose. If they decide to permit prayer, the selection of the particular circumstances would be left to the judgment". The issue of government sponsored prayers is adequately discussed later in the Issue Update. The original text of this paragraph would be seized upon by opponents of the amendment who are looking for ways to suggest great danger of sectarian abuses in the designation of authorized prayers.
11. On Page 5, paragraph 3, insert the word "voluntary". Again, the construction "voluntary prayer" is stronger.
12. On Page 5, paragraph 4, strike the words "a coerced vow to" and replace with "any expression of". I suspect this may have originally been intended to refer to a "vow". In any case, we should not insert the negative term "coerced" into our paper. Far better to refer to "protected expressions".
13. On Page 5, paragraph 5, replace the word "infringed" with the word "abridged". What is at issue here is not an encroachment but a prohibition. Abridged is a stronger word.
14. On Page 6, paragraph 4, replace the word "pass" with words "go to". As we say two paragraphs later, it is not necessary for the amendment to pass the House Judiciary Committee. We could conceivably bring this matter to a vote in both Houses without prior Committee passage.

15. On Page 7, paragraph 1, insert "(S. J. Res. 199)". It is important that readers of the Update have at hand the bill numbers in both Houses.
16. On Page 7, paragraph 2, change the first sentence to read: In the House, the prime sponsors of the amendment (H. J. Res. 493) is ". Same reason as above.
17. On Page 7, paragraph 2, insert "Representative" before "Peter Rodino". We owe Congressman Rodino the same courtesy we gave Congressman Kindness in the previous sentence.

THE WHITE HOUSE
WASHINGTON

July 10, 1982

Ken 191

MEMORANDUM FOR CLEARANCE
FROM: KEVIN R. HOPKINS *KRH*
SUBJECT: SCHOOL PRAYER ISSUE UPDATE

Attached is a draft copy of the OPI Issue Update on the President's proposed school prayer amendment. We need your comments by 5 p.m. on Tuesday, July 13.

If I do not hear from you by then, we will assume the draft meets with your approval.

Thanks much.

TO: Roger Porter
Bill Barr
Gary Bauer
✓ Morton Blackwell
Ann Fairbanks
Mike Uhlmann

School Prayer - Constitutional Amendment

On May 17, 1982 the President sent to Congress a proposed amendment to the Constitution which would restore the freedom of our citizens to pray in public schools. This paper, prepared by the White House Office of Policy Information, examines the policy considerations behind the proposal.

The President's goal

The President's goal is to remove the prohibition against school prayer perceived by the Supreme Court to be part of the Constitution. The President believes that individuals should be allowed to decide for themselves whether to participate in such prayers.

Judicial rulings restricting prayer

As a result of Supreme Court rulings in 1962 and 1963, prayer has been prohibited in our nation's public schools for nearly two decades on the premise that allowing such prayer violates the Constitutional separation between Church and State.

In writing the Constitution, the Founding Fathers were anxious to ensure that freedom of religion would be guaranteed, thus avoiding the religious persecution that had led a large number of American colonists to leave their European homelands. At the same time they sought to prevent the establishment of a "State religion" -- as existed in many European countries during the 1700s -- which could compel non-adherents to worship or contribute to a religion not of their own choosing.

For a century and three-quarters, the American judicial system maintained this careful balance between "freedom to worship" and "freedom from (compulsory) worship." However, the 1962 and 1963 Supreme Court rulings tilted sharply toward concerns about "freedom from," going well beyond the Founding Fathers' intent to protect citizens from establishment of a State religion.

In the process, the Supreme Court severely restricted Americans' freedom to worship by denying public school students the right to pray. The Court reasoned that even voluntary prayer in the public schools subjected students who did not wish to pray to intolerable peer pressure, and thus constituted government compulsion to pray.

Insert
Text
here

Subsequently, judicial rulings based on these principles removed virtually all forms of voluntary worship from our nation's public schools. In one case, for example, the courts upheld a school principal's order forbidding kindergarten students from saying grace -- on their own initiative -- before meals. In another case, the Supreme Court approved the striking down of a school board policy permitting students, upon request and with their parents' consent, to participate in a one-minute prayer meditation at the start of the school day.

The courts have gone so far as to forbid the accommodation of students' desire to pray on school property even outside regular class hours. For instance, a court held that a school system's decision to permit students to conduct voluntary meetings for "educational, religious, moral or ethical purposes" on school property before or after class hours violated the Constitution. Likewise, a State court forbade the reading of prayers from the Congressional Record in a high school gymnasium before the beginning of school.

While it is true, that despite these decisions, some vestiges of the right to pray survive in scattered public school systems, these remnants of voluntary prayer continue to be under systematic and successful attack in the courts. This trend directly contradicts the original intent of the framers of the first amendment. For as long as the government requires its citizens to attend school, then those citizens' freedom to worship as they please should be protected by the Constitution. It is this right which the President is seeking to affirm and guarantee with his proposed school prayer amendment.

Our nation's history

Freedom of expression is a cherished American tradition, and religious expression has especially deep roots in America's heritage. Since the birth of the United States, public prayer and the acknowledgement of a Supreme Being have been an important part of American life.

Numerous examples demonstrate the religious nature of the American people. One of our fundamental documents, the Declaration of Independence, states that "all men...are endowed by their Creator with certain unalienable rights..." Our national pledge of allegiance proclaims us as "one nation, under God." Our coins are inscribed with the words "In God We Trust." And many of our major public events and ceremonies begin with prayer. In fact, even the Supreme Court, in an earlier day, observed that "We are a religious people whose institutions presuppose a Supreme Being."

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② By banning school prayer the government not only negates this religious heritage, but actually promotes a new orthodoxy contrary to the nation's history by tilting in favor of an "official line" that ^{voluntary expression of} religious belief is somehow unacceptable and illegal. This is tantamount to placing ~~the~~ ~~exercise of~~ school prayer on the same level as drinking, smoking or using illicit drugs in the public schools.

③ In the end, the historical case for the school prayer amendment transcends even these religious issues, for prayer is essentially but one of many forms of public expression. In singling out public school prayer for prohibition, however, the Court rulings of 1962 and 1963 established a serious departure from America's tradition of protecting and upholding its citizens' civil liberties. If the prohibition of freedom of religious expression is allowed to remain, then a precedent exists for other freedoms of expression to become endangered as well. Moreover, the ban on school prayer is a glaring contradiction in a society which allows freedom of expression in political and philosophical discussion in public schools, but not in its religious forms.

Why we need an amendment

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⑤ Under these circumstances, a constitutional amendment is needed to reaffirm America's heritage of allowing those who wish to worship to be able to do so, while simultaneously preserving the freedom of those who do not wish to pray. In contrast to the current ban on ^{voluntary} school prayer, which relegates the right to pray to the status of a "second-class freedom," ~~to be practiced only at certain times and places,~~ ^{not to be countenanced in public institutions,} the proposed constitutional amendment would afford the freedom to pray the highest constitutional protection.

As in any case where constitutional changes are contemplated, legislative remedies remain the preferred solution. But since legislation intended to re-establish the right to pray in public schools has been consistently struck down by the courts as unconstitutional, it is now apparent that only a clearly-worded constitutional amendment will *unquestionably* ~~effectively~~ protect the right to pray.

A second requirement for protecting this right is to return decision-making on school prayer issues, as the amendment would do, to the States and localities. For more than 170 years the public decisions regarding school prayer reflected, as they should have, the desires and beliefs of the parents and children who were directly affected. This is far more appropriate than having rules imposed on a nationwide basis with little regard for differing local ~~conditions~~ *decisions*.

Analysis of the proposed amendment

The President's proposed amendment states that "nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer." This language makes clear that the First Amendment cannot be construed to permit the courts to ban individual or group prayer in public schools. Thus, school authorities would be allowed to accommodate individual or group prayer at appropriate times, such as before class or meals.

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amendment should be set off

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Furthermore, while the amendment does not require school authorities to conduct or lead prayer, it permits ~~them to do so if they desire.~~ ^{to permit,} ~~In such cases,~~ ^{to} ~~the selection~~ ^{if they decide to permit prayer} of the particular ~~prayer~~ ^{circumstances} would be left to the judgment of local communities based on a consideration of such factors as the desires of parents, students, teachers and other community interests. ~~than to choose.~~

The amendment does not limit the types of prayers that are constitutionally permissible. In particular, the amendment is not limited to "non-denominational prayer." Such a limitation might be construed by the Federal courts to rule out virtually any prayer except one practically devoid of religious content. Given current court decisions, any reference to God or a Supreme Being could be viewed as "denominational." The President wants to avoid that possibility.

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The amendment would also prevent the establishment of a uniform national rule on the conduct of ^{voluntary} prayer. It would instead allow State and local authorities to decide the appropriate manner in which school prayer should be conducted.

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The second sentence of the proposed amendment assures that no one will have to make ^{any expression of} ~~any statement~~ of religious beliefs he or she does not hold, and that no person would be required, by any State or the federal government, to participate in prayer, thus protecting the rights of all Americans.

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At the same time, the existence of one or more students who do not wish to participate in prayer would no longer deny the remainder of the students the right to pray. The freedom to pray -- even in public places -- is one of America's most essential liberties. Where there is no constitutionally overriding harm from the exercise of this particular freedom -- as there clearly is not in this case -- the freedom to pray must not be ~~infringed~~ ^{abridged}.

Concerns about the amendment

Opponents to a constitutional amendment allowing voluntary school prayer often claim that voluntary prayer is available to students at any time during the school day. In reality the right American school children now have is similar to the right Soviet school children have: They can pray as long as they are not caught at it. Surely public expressions of prayer should have more legitimacy in the United States than that which exists in an officially atheistic and totalitarian country.

Opponents also claim that the amendment will impose "government-sponsored prayers," but past experience has shown that this claim is unwarranted. Local school authorities are far more likely to allow one or more of the following expressions of prayer: Permitting a brief period of silent prayer at the start of the school day; permitting students to say their prayers before lunch; or allowing students to organize prayer groups which could meet at school before or after classes or during recess.

All of these activities are voluntary, and in no way infringe upon the rights of those who do not wish to participate; yet each of these activities have been forbidden as a result of the Supreme Court decisions.

Although it is true that some local authorities might draft prayers, as some did before the 1962 Supreme Court decision, such action would not constitute a rights violation because the proposed amendment prohibits anyone from being required to participate in prayer.

The status of the amendment

In order to become part of the Constitution, the amendment must first ~~pass~~ pass the House and Senate Judiciary Committees, and then be approved by two thirds of the members of both houses. The next stage in the ratification process is for three-quarters of the State legislatures to approve the amendment, at which time it becomes part of the Constitution.

(S.J. Res. 199)

The two sponsors of the amendment in the Senate are Strom Thurmond, chairman of the Senate Judiciary Committee, and Orrin Hatch, a member of that committee. Hearings before the committee are scheduled for the last week in July, with mark-up and a final vote tentatively scheduled for August. If that schedule is adhered to, it is possible the amendment could come to a vote in the full Senate by this fall.

of the amendment (H.J. Res. 493)

(1)

In the House, the prime ~~amendment~~ sponsor is Rep. Tom Kindness, who has secured 35 co-sponsors for the amendment. No hearings or mark-ups are scheduled in the House Judiciary Committee, and the chairman of that committee -- Peter Rodino -- is not expected to allow the amendment to come to a vote. In this case, the only alternative for reaching a full House vote is through a discharge petition requiring 218 signatures.

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Conclusion

In the President's May 17 letter to Congress introducing the school prayer amendment, the President said, "The amendment will allow...individuals to decide for themselves whether they wish to participate in prayer."

Thus, the fundamental issue is whether or not a free people, under their Constitution, will be entitled to exercise the freedom to express their religious faith in the form of prayer. This long cherished liberty -- so deeply imbedded in the history and traditions of the United States -- is one which the President is committed to restoring.


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THE WHITE HOUSE

WASHINGTON

July 8, 1982

MEMORANDUM FOR GREG FOSSEDAL

FROM: MORTON C. BLACKWELL 

SUBJECT: The President's Voluntary Prayer in School
Amendment

I very much enjoyed getting to meet you, having heard so much good about you and your campus journalistic efforts.

Enclosed is a copy of the School Prayer packet which we distributed to the major national religious leaders. It contains a lengthy memorandum from the Justice Department's Office of Legal Policy which includes the case citations which you requested. If you need additional information, please let me know.

I would like to get together with you and ask that you call my staff to set up a mutually convenient appointment here.

Thanks for your interest.

Enclosure

THE WHITE HOUSE

WASHINGTON

July 6, 1982

MEMORANDUM FOR RED CAVANEY

THRU: DIANA LOZANO

FROM: MORTON C. BLACKWELL 

SUBJECT: Scheduling Recommendation
Naytahwaush Indian School children

The first Presidential meeting with American Indians should be held with tribal leadership. We have a pending schedule proposal.

This event does not have the required stature for Presidential participation.

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memos*

THE WHITE HOUSE
WASHINGTON

July 1, 1982

MEMORANDUM FOR RED CAVANEY

THRU: DIANA LOZANO

FROM: MORTON C. BLACKWELL *MB*

With the elevation of Thelma and Henry to slots as Special Assistants to the President I would hope that we would now have available for Maiselle Shortley the membership in the Executive Dining Room in the Old Executive Office Building which I have requested earlier for her.