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THE WHITE HOUSE

WASHINGTON

June 29, 1982

MEMORANDUM FOR EDWIN J. GRAY

FROM: MORTON C. BLACKWELL

SUBJECT: ISSUE UPDATE - TUITION TAX CREDITS

Attached are my suggested changes to the issue update on tuition tax credits. I made a number of changes, most of which are simplifications. I think it advisable that we use where possible an economy of language.

One significant change is to limit the discussion of 501(c)(3) status. That is generally regarded as an ignominious chapter in our policy development, and the less said about it the better.

All in all it is a fine document and will be very useful in expressing to all concerned the merits of the President's tuition tax credit bill.

THE WHITE HOUSE

WASHINGTON

June 28, 1982

MEMORANDUM FOR DISTRIBUTION

FROM: EDWIN J. GRAY

SUBJECT: Issue Update-Tuition Tax Credits

Please review the attached draft Issue Update on Tuition Tax Credits.

Please contact me directly with suggested revisions by 5 P.M., Tuesday, June 29, 1982. Failing hearing from you by that time, I will assume you are satisfied with the paper and that you have no revisions or suggestions.

DISTRIBUTION:

Edwin L. Harper
James E. Jenkins
Michael Horowitz
Kenneth Cribb
Robert Carleson
Ann Fairbanks
Morton Blackwell
Gary Bauer

Gary Jones, Dept. of Education

Washington, D.C. June 28, 1982

This paper, prepared by the White House Office of Policy Information for Reagan Administration officials, articulates the philosophical underpinnings of the President's Tuition Tax Credit legislation.

TUITION TAX CREDITS

On June 22, 1982, President Reagan submitted to Congress proposed legislation entitled "The Educational Opportunity and Equity Act of 1982" which would provide tuition tax credits to parents whose children attend private elementary and secondary schools. While all presidents since 1969 have expressed support for the tuition tax credit concept, President Reagan is the first to actually offer legislation, thus fulfilling a pledge he made during the 1980 campaign.

In submitting the bill to Congress, the President declared: "In order to promote diversity in education and the freedom of individuals to take advantage of it, and to nurture the pluralism in American society which this diversity offers, I am transmitting to Congress today a draft bill which provides federal tax credits for the tuition expenses of children attending nonpublic primary and secondary schools."

The proposal

The President's bill would permit individual taxpayers to receive a credit against their income taxes of 50% of the cost of tuition and fees for each child in non-public elementary and secondary schools up to a maximum amount established in the legislation. As proposed, the maximum credit would be phased in over a three-year period, rising from $100 in 1983, to $300 in 1984, and ultimately to $500 in 1985.

For taxpayers with adjusted gross incomes over $50,000, the amount of credit would be proportionately reduced; for families with incomes of $75,000 and above, the credit would not be available.

Taxpayers could qualify for tuition tax credits only if the school their children attend is a not-for-profit tax exempt institution, provides a full-time elementary or secondary school program for eligible students, and does not discriminate on the grounds of race or national origin.

The need for tuition tax credits

Americans have ~~just~~ good reason ~~for being~~ to be proud of a public and private educational system unrivaled in the history of civilization. The enormous accomplishments of our people in their 206-year history as a nation is a tribute, in large measure, to the quality and diversity of educational opportunity available to them.

But, increasingly in the past few decades, ~~especially the most recent one,~~ the quality and diversity of our educational system have become threatened. In ~~large numbers of~~ many schools, educational performance has steadily declined, in-school crime and similar disturbances have increased, and costs have continued to climb -- often beyond what inflation and enrollment levels would seem to justify.

The result is that growing numbers of Americans want a greater choice in education, but many -- middle-income Americans as well as low-income families -- cannot afford to make a choice. In particular, parents who desire private alternatives to public education are faced with a worsening double burden of paying State and local taxes to support public schools in addition to the rising tuition payments required for their children who attend private schools.

Unless these problems are corrected, the quality and diversity which have been a hallmark of the American education system may further erode. To prevent that from happening, ~~it is essential that~~ we must increase educational freedom of choice, improve tax equity, and provide greater competitive incentives for improving school quality. Tuition tax credits are an extremely effective means of helping achieve these objectives.

Promoting educational freedom of choice

Tuition tax credits would help give parents the financial means to make a genuine choice in deciding what kind of education they wish to provide their children -- to restore, in the words of the President, "the traditional right of parents to direct the education of their children."

At present, many parents' choice is limited by the combination of high State and local tax payments (used to finance local public schools) and the similarly high costs of private tuition. Given the constraints on most families' budgets, the extra burden of sending a child to private

school -- in terms of other family necessities they would have to forego -- is often simply too great, even though the parents may prefer that their children receive a private education. Thus, the typical low- or middle-income family may have no real option but to send its children to the local public school.

While we know, of course, that many public schools are doing a fine job of educating their students, parents who are not satisfied should be able to send their children to school elsewhere. The ability to make this choice should be widely available, and not an option open just to the wealthy.

A tuition tax credit would help expand this choice by ~~permitting a working family to keep more of the income they earn to devote to their childrens' education~~ giving some tax relief to families who devote part of their net income to tuition and fees for their children's education. This tax savings would allow the family to consider not only the local public school, but various non-public schools as well. The family could then evaluate each one and select the school which would provide the best quality education for their children, without cost being such ~~an overriding~~ a limiting factor.

Such a tax credit would provide the greatest benefit to those who need it most -- low- and middle-income families. Clearly, a fixed-dollar credit is of greater proportional value to someone with a relatively lower income. Assuming, for example, that all families spend 5% of their income on education, an additional $500 savings doubles the education budget of a $10,000 per year family, and increases by 40% the budget of a $25,000 per year family, while by contrast it increases by only 20% the education budget of a $50,000 per year family devoting the same percentage of its finances to education.

Moreover, lower- and middle-income families are the most significant users of non-public schools, even with the financial constraints. In 1979, fully 54% of the students in private schools came from families with incomes below $25,000.

Members of minority groups and the disadvantaged would also benefit significantly. One survey, for instance, showed that 18.6% of the students in Catholic schools -- the nation's largest private school system -- were minority group members, compared to a 1980 nationwide school age population ratio for minorities of 18.1%.

Essentially, then, it is those students who have received fewer educational advantages in the past who would gain the most. That is why economist Thomas Sowell has concurred with educational economist E. G. West's evaluation that tuition tax credits are "a crucial event in the history of education" with a "revolutionary potential for low-income groups." The proposal, Sowell maintains, is "most important

to those who are mentioned least: the poor [and] the working class..."

Tax equity

The proposal is important to working Americans in another way: it would promote greater equity in taxation. Tax equity would be justified in any case, but it is especially called for where government policies impose a special burden, such as the requirement that all citizens pay taxes to support the public schools, whether or not they use them. Such policies should be constructed, as those in this proposal are, so as to minimize any penalizing effect.

Present school tax policies, however, are obviously not constructed that way. Low- and middle-income families who choose to -- and are able to -- send their children to private schools not only pay for the education of their own children, but through their taxes pay for the education of the children of other families -- including the wealthy.

Patrons of the public school system benefit ~~greatly~~ from Federal programs. Parents who choose public schools receive an average of more than $600 per pupil in direct and indirect Federal aid -- a total of as much as $25 billion.

By contrast, children who attend private schools receive very little assistance from the Federal government. For example, public school students constitute 90% of the nation's student population, and represent nearly 97% of the Title I recipients. Private school students, who constitute 10% of total student enrollment, represent only 3.5% of the Title I recipients.

Tax credits will go a long way toward reducing the unfairness inherent in this double burden faced by parents who send their children to private schools. Of course, these parents should not -- and will not -- be exempt from supporting their local public schools, since as members of the community they indirectly benefit from the schools whether or not their children attend them. At the same time, the parents should receive some financial relief from, in effect, having to "pay twice" -- relief which the tax credits would provide.

Constraining the cost of education

The credits, moreover, are appropriate compensation for parents even beyond equity considerations. Parents who send their children to private schools relieve the public schools of the costs of educating their children -- without depriving the schools of the parents' tax payments. Not only can this constrain the rise in taxes needed to finance the public schools, but it can make more money per pupil available in the public systems.

The savings can be significant. In Louisiana, for example, non-public schools educated 152,000 students in 1980-81, thereby reducing the cost of operating public schools in that State by $300 million. Tax credits will ensure that these kinds of savings will continue and even increase.

Without the credits, however, the ability of private schools to continue to educate students while saving taxpayer dollars in the process could be in jeopardy. If increasing numbers of parents became unable to afford private education, private schools could suffer drastically lowered attendance, and thus reduced income; their educational offerings would decline as a result.

Public schools could suffer as well through the influx of large numbers of former private school students. For instance, if only one tenth of the private school population of nearly five million students shifted to public schools, the cost to the public school system could increase by almost one billion dollars. It is doubtful whether most public schools could absorb such a cost increase and continue to maintain their current educational standards.

Restoring competition in our educational system

By contrast, tuition tax credits would promote higher educational standards in both systems by maintaining a public-private balance and -- in addition -- by stimulating a healthy competition between public and private schools systems.

The vital role competition has played in our society, in providing quality goods and services at affordable prices, is well known. This economic principle applies in the provision of education as forcefully as it does to any other product or service. If a school has little or no competition, it may lack the incentive to improve its educational quality since its students, as virtual "captives," have to attend the school regardless of its educational standards.

If, however, the students have additional options, the school would face the choice of either suffering an undesired drain on its enrollment to other institutions, or upgrading its standards in order to retain or increase its student attendance.

Even some opponents of tax credits have begun to recognize these beneficial effects of competition. A recent New York Times editorial, for example, observed that "the threat of tax credits served to jolt public education out of its lethargy. In New York and other places public schools now show encouraging signs of improvement."

This improvement in quality through competition would provide the greatest help to those very poor families who, even with tax credits, would have no choice but to send their children to the public schools. In fact, the prospect of improving the quality of education available to low-income minority youth through incentives in this manner was one of the prime motives in leading the President to support tax credits. Since these youth face considerable barriers in their quest for upward financial mobility, the better education that competition will produce will be an important step in helping them to secure a job after they leave school, and eventually in helping them to leave the cycle of poverty.

Not surprisingly, therefore, many leaders among minority groups have begun to recognize the advantages tuition tax credits can provide for their constituents. In 1978, for example, the Congress of Racial Equality observed that "even just the potential of parents being able to reject a school that is not doing its job, can work great changes in the public schools."

Anti-discrimination provisions of the bill

~~At the same time~~ As the President's bill offers these educational and economic benefits, the proposed legislation provides several protections to ensure that tuition tax credits cannot be abused. The bill, for instance, contains strong provisions to ensure that no credits will be permitted to taxpayers who enroll their children in schools that discriminate on the basis of race or national origin.

A credit cannot be claimed unless the school is tax exempt under section 501(c)(3) of the IRS code. In the event the Supreme Court finds that the IRS does not currently have authority to enforce anti-discrimination requirements under 501(c)(3), the Administration is already committed to providing statutory basis for enforcemtns of the provisions.

In addition, the bill contains its own strong enforcement mechanism.

First, any school that wishes the parents of its students to be eligible for a tuition tax credit must file a statement with the Treasury Department each year attesting that it has not followed a racially discriminatory policy. If a school does discriminate after filing such a statement, school officials would be subject to prosecution for perjury.

Second, the bill authorizes the Attorney General, upon complaint by a person who believes he has been discriminated against by a school, to bring a law suit against the school.

the Federal court then finds the school racially discriminatory,

If ~~the U.S. prevails~~, tax credits claimed for those attending the school are automatically taken away for three years, retroactive to the year the discrimination suit was filed.

While providing these powerful protections against racial discrimination, the legislation also protects the legitimate interests of private schools. A school cannot be found racially discriminatory merely because it fails to pursue or achieve racial quotas. In addition, a school is free not to file ~~such a~~ an annual non-discrimination statement if it does not wish the parents of its students to be eligible for tuition tax credits. In that case, the enforcement mechanism would not be applicable.

Moreover, the Attorney General cannot bring an action against a school until it has had an opportunity to comment on allegations made against it. This provision will enable the Attorney General to prevent frivolous or malicious complaints from reaching the courts. The Attorney General must also give the school a chance to show that it has abandoned a racially discriminatory policy. Finally, tax credits cannot be disallowed until all court appeals have been exhausted.

Safeguards against additional federal interference

The President's bill also prevents any increases in Federal interference in the operation of private schools. In the past, Federal aid to schools has all too frequently been used as a means of infringing, either directly or indirectly, on the operation of local schools in areas which should properly be of no concern to the Federal government.

These Federal dictates -- the "bureaucracy's intrusive reach into the nation's classrooms," as the Administration's 1981 year-end report described them -- have not improved the quality of education, but they have done a great deal to undermine local autonomy and promote a stifling conformity which impairs educational quality.

The President's legislation specifically precludes an increase in such interference by affirming that since the tax credits are provided as tax relief to individuals rather than as aid institutions, they are not to be construed as Federal ~~aid~~ assistance to schools. The bill will thus eliminate the danger of further Federal intrusion into private ~~school's~~ schools' operations.

The constitutionality of tax credits

The bill preserves, as well, the constitutional separation between Church and State. ~~The fact that~~ the ~~tax credits will benefit~~ bill will give tax relief to students, ~~and their~~ families, ~~directly, rather than the~~ educational institutions, and ~~that~~ the bill

No Federal payments will be made to

specifies that no student for whom a tuition tax credit is claimed will be considered a recipient of Federal financial assistance, ~~provides~~ adequate protections to meet the relevant constitutional tests.

Indeed, while the Supreme Court has not ruled on tuition tax credits, an article in the 1979 Harvard Law Review indicated that the credits would ~~most likely~~ be constitutional.

There are, moreover, constitutionally-agreeable precedents for this form of aid. For example, since the proposed tax credits would be equally available for use at sectarian and non-sectarian schools alike, they would be similar to the tax deductions approved in the Walz case in 1970.

The proposed credits are also similar to the aid provided under the G.I. Bill of Rights, which granted military veterans an allowance for education regardless of the type of school they attended.

The tax expenditure argument

Finally, there is the concern expressed by some that tax credits are a tax expenditure rather than tax relief and thus an unfair benefit to private schools at a time when the growth in Federal aid to public schools is being slowed. This line of reasoning stems from the notion that the government has a prior claim to a taxpayer's earnings, and that whenever the government permits him to keep a little more of his earnings through a tax credit it is providing a "tax giveaway".

What is really at issue here is who has the primary right to the earnings of an individual -- the individual or the State. The President believes that the individual has first claim, and that the government can tax its citizens only with the express consent of the governed. Given that principle, tax credits should properly be regarded as an instrument of tax relief rather than as a "tax expenditure."

And such tax relief, especially when it has as many beneficial effects as the tuition tax credit proposal does, is well-justified. As the President has pointed out, inflation-induced bracket creep, coupled with Social Security tax increases, left most Americans paying more in Federal taxes in 1982 than they did in 1981. Tax credits, therefore, will permit working Americans to keep a well-deserved extra portion of what they earn, to be used for the worthwhile purpose of educating their children.

Conclusion

Tuition tax credits thus offer an important opportunity for restoring the quality and diversity of an educational system which has such a long-standing and valued tradition in our society. In addition, the credits promise greater educational choice, improved tax equity, and a much needed measure of tax relief for over-taxed Americans.

The credits will, in the words of President Reagan, be the means by which our society will be better able to "provide the learning, shape the understanding and encourage the spirit each generation will need to discover, to create and to improve the lot of man."

#

Dictated from Couer d'Alene, Idaho and forwarded before my return.

THE WHITE HOUSE

WASHINGTON

June 25, 1982

MEMORANDUM FOR ELIZABETH H. DOLE

THRU: DIANA LOZANO

FROM: MORTON C. BLACKWELL mcb/cs

SUBJECT: Meharry Medical College - Staffing Memorandum Requesting Comments by 3:00 6/23; Received this Office 6/24 at 3:25 p.m.

While the changes recommended are not as sweeping as the veterans organizations feared, or the civil rights organizations wanted, there is no doubt that the veterans organizations will be upset by the changes proposed.

The veterans organizations and the Vanderbilt Medical School facility feel that a deterioration in the quality of the service at the V. A. Hospital would ensue if any but the most gradual steps were taken now to increase the role of Meharry at the V. A. Hospital.

At a time when the veterans organizations are crying for the head of the Veterans Administration's Administrator, it is unwise for us to throw more fuel on the fire. Whatever we do, we should defer announcement or action until after the veterans organizations' criticisms of Administrator Nimmo have been resolved or at least toned down.

THE WHITE HOUSE

WASHINGTON

July 6, 1982

MEMORANDUM FOR SVEN KRAEMER

FROM: MORTON C. BLACKWELL

SUBJECT: National Day of Prayer for Nuclear Disarmament

Attached is correspondence I have received from Dr. Ralph A. Bohlmann, President of the Missouri Synod Lutheran Church.

I would very much appreciate your suggesting a draft response for me to Dr. Bohlmann, a very constructive and supportive individual.

Attachment

THE WHITE HOUSE

WASHINGTON

July 2, 1982

MEMORANDUM FOR ELIZABETH H. DOLE

THRU. DIANA LOZANO

FROM: MORTON C. BLACKWELL

SUBJECT: Viet Nam Veterans Memorial Fund, Inc.

I suggest the President and Mrs. Reagan accept the Co-Chairmanship of this event.

This is the successful culmination of an effort in which we played a significant role.

THE WHITE HOUSE

WASHINGTON

July 1, 1982

MEMORANDUM FOR HELENE VON DAMM

FROM: MORTON C. BLACKWELL

SUBJECT: Deputy Director of the Peace Corps

Now that we are about to have a vacancy caused by Everett Alvarez's resignation as Deputy Administrator of Veterans Affairs, I urge you to promote Rick Abell to that vacancy.

There are several reasons why I think this would be a good move.

1. Abell is a returned Peace Corps volunteer who none the less has a strong record of support for Reagan for President for many years.

2. Loret Ruppe has been under justifiable fire for failure to bring Reagan people into the Peace Corps. Recently, I arranged for her at Peace Corps a meeting with a variety of conservative leaders. The meeting was very unsatisfactory. See the attached column by John Lofton.

3. Although I know of no study of this subject, many Reaganites perceive that promotions within this Administration have gone disproportionately to people who did not support the nomination of the President. The elevation of the competent and well known Abell will give high visibility to the promotion of a Reagan loyalist.

Washington TIMES, June 30, 1982

JOHN LOFTON'S JOURNAL

Foot firmly placed on a banana peel

Ex-George Bush supporter Loret Ruppe, who heads the Peace Corps, has kicked a sleeping dog. It bit her.

Mrs. Ruppe tells me she wanted to meet with a group of us Reaganite conservatives June 22 because she thinks "It's important to have an exchange of information." Well, fine. But still, from her point of view, the timing of this get-together made no sense.

Last year, Ruppe was catching flak from a variety of directions. "Human Events," the national conservative weekly, blasted the Peace Corps' 20th anniversary celebration in June, calling it a forum for "virtually every anti-Reagan freak around." This article described the corps as a "dangerously anti-Reagan instrument."

In a meeting with Ruppe at the White House, members of the Office of Presidential Personnel called her on the carpet and chewed her out for not getting rid of Carter holdovers and for not politically clearing some of the people she hired.

And, in an appearance on Capitol Hill, Ruppe angered House Republicans when she lobbied against an amendment opposing the separation of the Peace Corps from the ACTION agency. This amendment to a foreign aid bill was supported by the Reagan administration. As its sponsor, Rep. Dan Lungren, R-Calif., explained it to me:

"What it came down to was that Ruppe was lobbying for the separation of the Peace Corps from ACTION. She finally apologized to me for doing this."

OK. All of this was months ago. Since then, conservative criticism of Ruppe had died down — that is, until the June 22 meeting. What stirred up the Reaganites at this gathering was Ruppe's revelation that she has not been obeying the law. The specific law in question is Section 8 (c) of the Peace Corps Act, which mandates that training for corps volunteers "shall include instruction in the philosophy, strategy, tactics and menace of communism."

According to Ruppe, since she has headed the corps for the past 13 months, the overwhelming majority of the 2,600 volunteers sent into the field have received no anti-communist training. Ruppe says no such training has been conducted since 1969. When pressed as to why this part of the Peace Corps law has been ignored, Ruppe replied: "Well, what we've done is talk a lot about President Reagan's development philosophy."

In an interview, Peace Corps General Counsel Alexander Cook told me he guesses that Ruppe "probably" has violated the law. He says when the word "shall" is used in a statute this is mandatory language. Cook says the law that requires anti-communist training must be developed in a "careful way" so that it's a "meaningful something" or "you know this kind of thing could turn off a lot of people." When I tell him that I and a lot of other Reaganites and probably Congress will be turned off by the absence of a lawfully mandated anti-communist program for corps volunteers, Cook replies: "Well."

As a start to bring the Peace Corps into compliance with the law, a contract was awarded to a former foreign service officer, and a supposedly anti-communist videotape was made. When I asked Ruppe what she thought of this presentation, she said:

"I really wanted to keep it in all the stagings (the training period before corps volunteers ship out to their host countries) because I figured they should see it and we should get their feedback and evaluations. But it was the considered opinion of others that it just wasn't up to snuff, it just wasn't worth having out there."

Well, I'm not sure who all these "others" are, but they are obviously people who know a real turkey when they see one. I have viewed this videotape, and it is appalling. The talking head who hosts this abomination talks about the "extremes of Marxism" and "irresponsible capitalism" and "many of our friends (unnamed) who are Marxists." He imparts such invaluable advice as this: "You can only communicate with another human if your message is in the experience of another person."

Twelve minutes into this vacuous videotape, I am praying for the intrusion of a commercial. The narrator notes that in any culture the vicious cutthroat revolutionary terrorist Lenin "would have been an executive in a corporation or a GS-17 or a high military officer or an honored (!) professor." Urging corps members not to "pass judgment" but instead "keep their hearts and minds open" to the "hostile competition" in the world, the host of this travesty finally gets around to the menace of communism — sort of. He says:

"There is a menace, in a sense, of forces that would tear down the kinds of relations and stimulations that help the Peace Corps develop these programs that build a foundation for peace and interrelation in this fantastic inter-dependent world."

Near the end of the videotape, we are told: "The best anti-anything is a positive alternative." Indeed. But, this film ain't it. It is an absurdity which doesn't even fulfill the law. The "menace of communism" isn't even addressed.

In an article in the New York Times in February this year, Sargent Shriver, the liberal Democrat who used to head the Peace Corps, inadvertently put his finger on why Loret Ruppe is not the ideal person for the job she holds. Said Shriver: "She's the kind of Republican we tried to recruit into management when we first sarted out."

Well, I don't doubt that Sargent Shriver would have picked Loret Ruppe. But a lot of Reaganite conservatives are puzzled as to why she was recruited by Ronald Reagan.

Footnote: The horrible videotape presentation I've described here has been scrapped. A hunt is now on for a new anti-communist training program. And the man who hosted this monstrosity has told me George Bush was his first choice to be the 1980 GOP presidential nominee and his wife is a "militant Democrat." Surprise!

THE WHITE HOUSE

WASHINGTON

June 29, 1982

MEMORANDUM FOR KEN CRIBB

FROM: MORTON C. BLACKWELL

SUBJECT: President's Remarks on Voting Rights Act

The enactment of the "extension" of the Voting Rights Act will undoubtedly cause a proliferation of litigation attempting to impose proportional representation by race in legislative districts.

This approximation of a national quota system seems virtually certain to accelerate the drive toward creation of segregated election districts. Clearly this is not desirable.

Under the circumstances there appears to be little which can be done to ameliorate the effects of the stampede. One thing which can be done, I am advised, is to make sure that the President's remarks reinforce those remarks on Capitol Hill regarding this legislation which attempted to preclude the courts using this bill to impose proportional representation.

A friend of mine on Capitol Hill has drafted the attached remarks with a view toward providing rational judges with a "legislative history" justification for doing minimum violence to states rights and local self government.

I know it is late to do anything about the President's remarks, but here this is in case it is of use.

Enclosure

Draft Remarks on the Voting Rights Act

The two most important matters at issue in the Congressional debates over the amendment of the Voting Rights Act were the definition of the substantive test for violation of the Act under Section 2 and the proper remedies to be applied once such violations have been established. Through the untiring efforts of Senators and Congressmen from both parties, a satisfactory resolution of these two issues has finally been achieved.

I expressed concern that the original wording of the Act as passed by the House of Representatives might be read to require or to permit federal imposition of proportional representation by race. Leaders of both parties in the Senate and also in the House took my concerns seriously and worked diligently to clarify the meaning of the new law. In the report of the Senate Judiciary Subcommittee on the Constitution, Senators DeConcini and Leahy made their intentions quite clear: "The minority joins the majority in rejecting proportional representation as either an appropriate standard for complying with the Act or as a proper method of remedying ajudicated violations." With the minority thus in agreement with the majority on the essential issue, it became possible for satisfactory language to be devised at the committee level. Despite fears that courts might disregard the revised language of the Act and impose proportional representation as a remedy for other voting rights violations, the majority report of Judiciary Committee reiterated the "basic principle of equity that the remedy fashioned must be commensurate with the right that has been violated." This same formulation of words was later used by the most forceful proponents of the bill in both the Senate and House. Because the language of the Act itself makes clear that there is no right to proportional representation, it is my understanding of the plain intent of the compromise language that the imposition of proportional representation would not be an appropriate remedy because it is not commensurate with any legitimate legal right. I therefore fully agree with the statement in the Senate Judiciary Committee report that the compromise "puts to rest any concerns that have been voiced about racial quotas."

My second concern with the bill as passed by the House was that the new results test was not defined with sufficient specificity to give adequate guidance to courts and to state and local governments. I fully understand the concerns of those who believe that the Supreme Court applied too stringent a version of the intent test in its decision in City of Mobile v. Bolden. Nevertheless, it was my fear that the removal of all vestiges of an intent requirement would grant to the federal courts unbridled license to interfere in state and local governing structures. This concern, too, was conscientiously addressed by members of both parties in both the Senate and the House. All parties were able to agree that they preferred the formulation devised by the Supreme Court in the case of White v. Regester. Unfortunately, there is still significant division as to the meaning of that test. Many proponents of the Act argue that the new language forcloses any consideration of

intent. I agree with other proponents of the Act, such as Senator Orrin Hatch and Congressman Henry Hyde, who made clear that they believe the White test requires a finding of intent. Ultimately, only the Supreme Court can determine the meaning of these words which it formulated years ago. While Congress has thus been unable to resolve all the ambiguity in Section 2, Congress has established a test with which the courts have a long working acquaintance. I am satisfied to permit the courts to continue their elaboration of this standard now endorsed by the Congress.

THE WHITE HOUSE

WASHINGTON

June 29, 1982

MEMORANDUM FOR EDWIN J. GRAY

FROM: MORTON C. BLACKWELL

SUBJECT: School Prayer Amendment Draft Issue Update

Attached is my marked copy of the voluntary school prayer issue update.

The only changes that I suggest are in the final paragraph on Page 4.

This is a strong statement which will have many uses for supporters of the President's proposal to restore voluntary school prayer.

Thank you for the opportunity to suggest material which is incorporated in the pending draft.

Enclosure

THE WHITE HOUSE

WASHINGTON

June 28, 1982

MEMORANDUM FOR DISTRIBUTION

FROM: EDWIN J. GRAY ESG

SUBJECT: School Prayer Amendment Draft Issue Update

I would like you to review for for clarity, accuracy and appropriateness the attached draft Issue Update on the School Prayer Amendment. I need your comments, suggested revisions and any additions you believe would improve the draft by 5 P.M., ~~July~~ June 30, 1982.

Failing to hear from you by that time, I will assume that the draft is satisfactory to you.

As you know, Issue Updates prepared by the Office of Policy Information go to Reagan Administration officials, but a limited number of copies also are made available to interested parties outside the Administration.

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Dana Rohrbacher

ISSUE UPDATE

SCHOOL PRAYER - CONSTITUTIONAL AMENDMENT

On May 17, 1982, the President sent to the Congress his proposed amendment to the Constitution which would restore the freedom of our citizens to offer prayer in our public schools and institutions. 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 communities should determine for themselves whether prayer should be permitted in their public schools and that such individuals should be allowed to decide for themselves whether to participate in such prayers.

Our Nation's History

The President's proposed school prayer amendment is not a radical departure from our history but rather a reaffirmation of the religious heritage of our nation. Since the birth of the United States, public prayer and the acknowledgment of a Supreme Being have been a foundation of American life.

In his Farewell Address, President Washington urged, "Let us with caution indulge the supposition, that morality can be maintained without religion. . . . ." The nation over the years has taken his advice. We have imprinted "In God We Trust" on our coins since 1864, and in 1956 that phrase was made the national motto. In 1954 the words "under God" were added to the Pledge of Allegiance in order to acknowledge our religious heritage. Most recently, the House of Representatives adopted by a unanimous vote a resolution reaffirming its practice of retaining a chaplain to begin its sessions with prayer. As the Supreme Court

once said, in an earlier day, "We are a religious people whose institutions presuppose a Supreme Being."

Not only are we a religious people but, more specifically, we have a long tradition of including some form of prayer in the public schools, a practice stretching back to the inception of such schools. As early as 1789, for example, the Boston school committee required schoolmasters to begin the day with prayer and a reading from the Bible. The commission which established the New York public school system in 1812 reported to the state legislature that "morality and religion are the foundation of all that is truly great and good. . . ." It was not until 1962 and 1963, more than 170 years after the adoption of the United States Constitution, that the Supreme Court suddenly located a prohibition against school prayer in the interstices of the Constitution.

Judicial Rulings Restricting School Prayer

Although the major Supreme Court cases in 1962 and 1963 which prohibited school prayer have received the most attention, few Americans realize the extent to which the federal courts have attempted to remove the practice of all religion from our nation's schools.

In one case, for example, a school principal's order forbidding kindergarten students from saying grace on their own initiative before meals was upheld. Recently, the Supreme Court affirmed a lower court decision striking down a school board policy of permitting students, upon request and with their parents' consent, to participate in a one-minute prayer or meditation at the start of the school day.

The principles established in the 1962 and 1963 cases have been extended to forbid the accomodation or even toleration of students' desire to pray on school property even outside regular class hours. In one case, 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 Establishment Clause of 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.

The President, along with millions of other Americans, has been troubled by these decisions which seem to have as their common theme, if unintentionally, a hostility to the expression of religious belief. The constitutional amendment proposed by the President is intended to correct this judicial drift away from the nation's religious moorings.

Why We Need An Amendment

A constitutional amendment allowing school prayer would more accurately reflect the original intent of the First Amendment than do the current judicial interpretations. For rather than safeguarding religious freedoms, the current mandatory exclusion of prayer from the daily routine of students casts an unjustified stigma on the right to pray, in effect converting this right, and thereby the free exercise of one's religion, into a "second-class freedom", to be indulged only at certain times and places. The proposed constitutional amendment, by contrast, would recognize the fundamental importance to our citizenry of the freedom to pray by affording it the highest constitutional protection, while simultaneously preserving the freedom not to pray, and thus fulfilling the proscriptions of the Establishment Clause.

The amendment would, in addition, restore decision-making on school prayer issues to the proper levels of government by permitting educational and religious decisions of essentially local concern to be made by the states and localities rather than the federal judiciary. For more than 170 years, this is the path we followed: school prayer issues were resolved at the state and local levels by the residents of the affected communities; their choices regarding school prayer reflected, as they should have, the desires and beliefs of the parents and children who were directly and substantially affected. This is a far more appropriate formula than having decisions of uniform and nationwide application being made, often with little regard for differing local conditions, at the federal level.

One unfortunate and unpopular result of the changes mandated by the Supreme Court's anti-prayer decision is the negative implication inevitably given to school children.

The great majority of American children in their formative years from six to 18 go to public schools. There they cannot fail to get the strong implication that prayerful expression of religious faith is somehow illicit, somehow unacceptable, somehow illegal. This is not neutrality. Surely the framers of our Constitution did not intend such a result.

It is true that in some public schools across our country aspects of free exercise of religion survive. Some public school authorities wink at students saying grace before meals and even at student prayer groups meeting before, between, or after classes on the school grounds. Many school districts still permit prayers to be said at school on special occasions such as graduation ceremonies. But these surviving remnants of voluntary prayer in schools are under systematic and successful attack in the courts by militants determined to stamp out all vestiges of school prayer.

Children are compelled by law to be in school. Voluntary prayer should not have the same status for students as pornography, liquor, or smoking: something illicit which the state must vigilantly protect them against. The many public opinion polls on this subject offer convincing proof that the American people believe court rulings have gone overboard in restricting the free exercise of religion by school children.

Sponsors of a constitutional amendment to remove the court-imposed prohibition on voluntary school prayer often suggest that voluntary prayer is available to students at any time during the school day. In fact, the right American public 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 our country than in an officially atheistic country.

Finally, the amendment process would make certain the protection of school prayer in a way that other methods could not. In particular, legislation re-establishing the right to prayer ~~could easily~~ be interpreted by the Supreme Court contrary to the original legislative intent, or even be ruled unconstitutional. Only a clearly-worded constitutional amendment would guarantee the preservation of this right to pray.

Analysis of the Proposed Amendment

The proposed amendment the President has sent to Congress (See Appendix A) provides that "nothing in this Constitution shall be construed to prohibit individual or group prayer. . . ." This language is intended to make clear that the Establishment Clause of the First Amendment cannot be construed to prohibit the government's facilitation of individual or group prayer in public schools.

In addition, the amendment implicitly prevents construction of the Free Exercise Clause of the First Amendment to forbid group prayer by rejecting the theory advanced by the court that any group prayer by consenting students has a coercive effect upon dissenting students in violation of their free exercise of religion.

The proposed amendment does not require school authorities to conduct or lead prayer, but permits them to do so if they desire. Group prayers could be led by teachers or students. Alternatively, if the school authorities decided not to conduct a group prayer, they would still be free to accomodatee prayer at appropriate nondisruptive times, such as brief prayers at the start of class or grace before meals.

If school authorities choose to lead a group prayer, the selection of the particular prayer -- subject, of course, to the rights of those not wishing to participate -- would be left to the judgment of local communities based on a consideration of such factors as the desires of parents, students and teachers and other community interests consistent with applicable state law. The amendment does not limit the types of prayers that are constitutionally permissible.

In particular, the amendment is not limited to "nondenominational 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 outcome.

The determination of the appropriate type of prayer is a decision which should properly be made by state and local authorities. This has been the practice throughout most of this nation's history. The proposed amendment is not intended to establish a uniform national rule on prayer, but to allow the diversity of state and local approaches to govern, free of federal constitutional constraints.

No person would be required, by any state or the federal government, to participate in prayer. Those persons who do not wish to participate could sit quietly, occupy themselves with other matters, or leave the room. Reasonable accomodation of this right not to participate in prayer would have to be made by the school or other public authorities. The exercise of the right to refrain from participating in the prayer could not be penalized or burdened.

The second sentence of the proposed amendment assures that students and others will never have to make a coerced vow to religious beliefs they do not hold.

However, the existence of one or more students who do not wish to participate in prayer should not be permitted to deny the remainder of the students the ability to pray. The freedom to pray -- even in public places -- is one of America's most cherished liberties. Where there is no constitutionally overriding harm from the exercise of this particular freedom -- and there clearly is not in this case -- the freedom of prayer must not be infringed.

Opposition to the Amendment

The principal argument advanced against the President's proposed constitutional amendment is that school authorities will impose "government-sponsored prayers".

Past experience makes it totally unwarranted to conclude that most school authorities will draft prayers or that government-sponsored prayers will be universal or even very widespread. Here are more likely decisions local authorities could make:

1. Permit a brief period of silent prayer at the start of the school day.

2. Permit students around a school lunch table to join in asking God's blessing on their meal.

3. Permit students to organize voluntary prayer groups which could meet at school before or after classes or during recess.

4. Permit individual students to alternate each morning, leading those who wish to participate in a short prayer or reading from the Bible or other religious or inspirational work chosen by the individual.

All of these are voluntary activities which a growing majority of school authorities now forbid as a result of the Supreme Court decisions.

It is true that some local authorities might draft prayers, as some did before the 1962 Supreme Court decision, but the proposed amendment prohibits anyone being required to participate in any prayer. Many Americans might urge their school authorities not to draft prayers. Very similarly, many Americans have strong preferences about sex education, foreign language instruction, science curriculum, phonics, proper school discipline, etc. Local decisions on these matters are in the American tradition and greatly preferable to national mandates by the federal courts.

Summary

President Reagan is committed to the passage of this constitutional amendment. In his May 17 letter to Congress, the President said, "Just as Benjamin Franklin believed it was beneficial for the Constitutional Convention to begin each day's work with a prayer, I believe that it would be beneficial for our children to have an opportunity to begin each school day in the same manner. Since the law has been construed to prohibit this, I believe that the law should be changed. It is time for the people, through their Congress and the State legislatures, to act, using the means afforded them by the Constitution."

THE WHITE HOUSE

WASHINGTON

June 28, 1982

MEMORANDUM FOR ELIZABETH H. DOLE

THRU: DIANA LOZANO

FROM: MORTON C. BLACKWELL

SUBJECT: Draft Proclamation Designating Week of June 28, 1982, as National NCO/Petty Officer Week

I have reviewed the draft proclamation and have no suggestions for changes.

THE WHITE HOUSE

WASHINGTON

June 23, 1982

MEMORANDUM FOR ELIZABETH H. DOLE

THRU: DIANA LOZANO

FROM: MORTON C. BLACKWELL

SUBJECT: Presidential Event-Tuition Tax Credit Supporters

We did not have Tuesday afternoon any explanatory materials on the President's proposed tuition tax credit bill to give our meeting of 25 key national leaders. This was a shocking display of organizational incompetence. We sent our best tuition tax credit leaders away without any analysis of the bill we expect them to fight for.

Ed Gray's deputy, Kevin Hopkins, drafted an issue update paper. Ed Gray put that draft into circulation on Monday with a request for comments by COB Monday.

Recipients were in general agreement on the high quality of the draft. Most people made few, if any, corrections.

The only serious objections were raised by Gary Jones, newly designated Under Secretary of Education. Jones suggested deleting large sections of the update, primarily on the ground that the paper exaggerated the problems of public schools.

To deal with Gary Jones' criticisms, Ed Gray convened a meeting Monday evening in his office including himself, Ann Fairbanks, Kevin Hopkins, Gary Bauer, Ken Cribb, and me. Gray got Jones on the speaker-phone. We made a point-by-point review of Jones's suggested changes. We modified the language to soften it in many places. We accepted many of his deletions.

In some cases, after discussion, Jones agreed to O.K. the original language of the draft. Finally, all wording problems were resolved to the satisfaction of all participating in the discussions, including Jones. The only remaining points in question were the documentation of a few statistics in the draft.

Ed Gray arranged for a 9:00 a.m. meeting Tuesday at which Jones and Kevin Hopkins were to make sure all the agreed-upon changes were made and to nail down the sources of some of the statistics which Jones questioned.

We left Ed Gray's office Monday evening close to 8:00 p.m., confident that we had reached a consensus on the language of this important document.

Tuesday morning at his meeting with Kevin Hopkins, Gary Jones quickly reached agreement with Kevin on the numerical data which he had questioned on Monday.

Incredibly, Jones then refused to "sign off" on the document. Jones made it clear he would not be prepared to defend this document, primarily on the ground that it would antagonize supporters of the public school system. The previous evening he had raised the same argument, causing us to edit the update paper with him, point-by-point, until he was satisfied.

Of course the time to raise those objections and to request further changes in the Issue Update was Monday evening, not mid-morning Tuesday. His behavior Tuesday morning was an outrageous, non-professional repudiation of the consensus we took pains to reach with him on Monday.

Tuesday morning I spoke with Jones and expressed my diappointment at his conduct. He had agreed point-by-point as we modified the document at his request Monday, but Tuesday he announced he would hold himself aloof from this badly needed document. My criticism peeled off a little of his composure. He expressed great bitterness that he had not been involved for eight weeks in the consensus process which resulted in the wording of the President's bill. I mentioned that Mike Uhlmann had included the Education Department's General Counsel, Dan Oliver, in our working group which drafted the bill. This in no way lessened Jones' anger at not being included himself. Jones also bitterly complained he had only been given six hours to review the proposed paper, as if he had been singled out for persecution.

As a result of Jones' behavior, the strongest supporters of tuition tax credits left the White House Tuesday afternoon without any background analysis of the particulars of the President's proposed bill. As the news media go to the friends and foes of this important bill, our foes have their arguments ready. As a result of Gary Jones' last minute objections, we have sent out unarmed our best allies.

Our Roosevelt Room meeting was heartwarming for our visitors. Both the President and the Vice President made good impressions on the invited tuition tax credit leaders. The meeting was like a Chinese meal, though. Almost immediately afterwards, participants became hungry, in this case for more useful information.

It happens that Gary Jones, who had blocked our White House analysis, had scheduled his own media briefing on the tuition tax credit bill at the Education Department after our White House meeting adjourned. There he presented a fact sheet and his views, which to the best of my knowledge had not been cleared by the White House OPD. Those present at his briefing tell me his was a performance with no sign of pleasure or vigor.

I take the time to put this all down for you because you and I hope this bill will come to a vote in each house this year. If there is serious congressional consideration of our tuition tax credit bill, Gary Jones must not be this Administration's negotiatior. I have no confidence at all in him for this role.

Jones, like Secretary Bell, is primarily attached to the public schools. No doubt his future lies in public school administration. He is not liked or trusted by many Protestant Christian school leaders. Jones was often reported last year to lack enthusiasm for tuition tax credits, although now he presents himself as spear carrier for this bill.

If he understands the importance of holding together the solid coalition we have built behind the President's tuition tax credit bill, he has yet to show it by his actions. Does Gary Jones know or care about the political benefits which can flow to the President and our congressional candidates? I doubt it. Millions of people, historically locked into the Democratic Party, would see the President championing this cause so vital to them.

If scuttling this bill is what it takes to keep his skirts clean with the militant public school crowd, don't count on Gary Jones to bleed for the President's bill. If we surrender any vital point in the bill our tuition tax credit coalition has so strongly endorsed, the coalition would promptly fly apart with vicious recriminations directed from all sides, not at Jones, but at the Reagan Administration.

Thus, in conclusion, I urge you to make sure that those who put this coalition together, your office and Office of Policy Development, be locked into the process before anyone, expecially Gary Jones, starts to tamper with this carefully balanced bill.

THE WHITE HOUSE
WASHINGTON

23 June 1982

John Meyer (H) 298-7248
(W) 653-9233

Office of Community Services.
1200 19th. St. N.W.
Washington, DC 20506

Denny —
272-4020

9:30

2602 N. Wad Blvd
Cleveland. corner

Send copy to John Meyer at & ask him to draft a response for Wayne Valis' sig. who worked at Commodore & now [illegible].

THE WHITE HOUSE
WASHINGTON

23 June 1982

MEMORANDUM FOR JOHN MEYER

FROM: MORTON C. BLACKWELL

I receive the attached letter which greatly concerns me. I would appreciate it if you would write a response to the letter for Wayne Valis' signature.

If you have any questions in regard to the letter, please do not hesitate to call me at 456-2657, or Wayne at 456-6737.

Thanks so much for your help.

Morton

Morton C. Blackwell
Special Assistant to the Preside
for Public Liaison

MORTON Blackwell

What do we do about these damn things?

WW

Home Builders Association
OF WASHINGTON STATE

Post Office Box 1909
Olympia, Washington 98507
(206) 352-7800

May 26, 1982

The Honorable Ronald Reagen
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

We are writing to express our concerns about misuse of valuable tax dollars. Specifically, we are writing about nearly $300,000 of federal tax funds being spent by a few people who identify themselves as the Peoples Organization for Washington Energy Resources (POWER). POWER is financed by a grant from the Federal Community Services Administration. The named grantee is the Metropolitan Development Council (MDC) located in Tacoma. The MDC/POWER grant is administered through the Washington State Planning & Community Affairs Agency.

POWER is run by a handful of anti-housing elitists. It engages in frivolous and unsuccessful, but expensive, administrative and judicial actions designed to harass public and private organizations charged with making energy policy or providing energy, primarily electricity, for Washington's citizens. POWER's actions prolong energy decision making and cause higher energy costs. POWER is using it's federal funding in ways that would substantially increase the cost of new housing or, worse yet, in some cases, stop most new housing designed for low-to-moderate income consumers.

POWER has no members. It is run by a six person board which names its successors. Board positions are often vacant; thus, a broad majority of two or three determines how the tax money is spent. Under the broad and vague terms of it's grant, POWER's two or three person control group can spend the grant money on any energy related cause it desires to pursue.

We have recently been invloved in several energy actions in which we have seen POWER waste valuable grant funds. We know the monies were wasted because POWER was totally unsuccessful.

In the first action, POWER joined with others in an attempt to deny electric heating to new homeowners in Western Washington. POWER claimed electric power sources were inadequate. The courts disagreed. Similar proposals were rejected by the Legislature. Subsequently,

two of Washington's new nuclear power plants then under construction, were abandoned, in part because demand was inadequate.

Having lost the electric heat moratorium case in Western Washington, POWER went to Eastern Washington in an effort to convince the Washington Utilities & Transportation Commission (WUTC) to impose a high hook-up charge for new electric heating consumers. The WUTC declined. A short time later, POWER went back to Western Washington to propose the identical high hook-up charge to the WUTC in another case. The action was totally frivolous. It failed.

Now, POWER is pursuing the issue again in court. POWER persists in its action even in the face of a recent, very strong unanimous state Supreme Court decision. The Court held the POWER proposal (POWER proposed a $50 per kw charge in Idaho and a $200 per kw charge in Washington) to be unlawful and discriminatory.

POWER is supposed to represent the interests of low income consumers. Our low income citizens have greater housing needs than any other income group. Yet, POWER proposals would halt virtually all publically and privately funded housing for the low income and elderly. In one of the POWER cases before the WUTC, the Directors of the King County Housing Authority said the POWER proposals would mean an end to all new low income, elderly housing projects.

POWER refuses to listen to anyone. It is literally squandering tax money hiring experts and lawyers to prove unsure, unlawful, discriminatory ideas that hurt everyone, especially those in need of low and moderately priced housing. In addition, POWER pulls lawyers from the seriously understaffed legal services offices in both Seattle and Spokane. Thus, POWER wastes even more thinly stretched tax dollars.

We do feel that low income consumers should be represented in energy policy and rate making forums. Washington's law assures such representation. An assistant attorney general is hired solely to represent the public interests in all rate cases before the WUTC. Low income consumers are ably represented.

You should know that POWER is a very small, uncontrolled myopic clique. In our opinion, POWER's actions described above violate the letter and spirit of its grant. We ask for a prompt review and termination of the grant. We ask your assurance that POWER will not be refunded.

Sincerely yours,

Joseph A. Martineau
Executive Vice President

JAM/gt

cc: Governor John Spellman
Karen Rahm, Dir., PCAA
David Stockman, Dir., OMB
Wa. State Congressional Delegation
Bob Bannister, NAHB

THE WHITE HOUSE

WASHINGTON

June 23, 1982

MEMORANDUM FOR JIM JENKINS

FROM: MORTON C. BLACKWELL mcb/cs

SUBJECT: Meeting with Veterans Groups

As you know, the three top veterans organizations have urgently requested a meeting with Mr. Meese. They are the organizations' D. C. staffers: American Legion - Mylio Kraja, Veterans of Foreign Wars - Cooper Holt, and Disabled American Veterans - Gabby Hartnett. I understand you are handling this matter.

Cooper Holt called me this afternoon saying the situation with the Veterans Administration's Administrator is worse now than at any other time in the nineteen years he has been in Washington. Holt said for three weeks his VFW National Commander has been urging him to apologize to the VFW membership for endorsing President Reagan in the 1980 election.

Holt says that all three veterans groups leaders will be available almost any time next week "from 5:00 a.m. to midnight". We have held these people in our coalition for a year and a half. They actively worked for the President's legislative programs last year.

I urge you to set up the meeting they have requested with Mr. Meese.

THE WHITE HOUSE

WASHINGTON

June 21, 1982

MEMORANDUM FOR ED GRAY

FROM: MORTON C. BLACKWELL

SUBJECT: Issue Up-date on School Prayer - Constitutional Amendment

I suggest the following additions to the draft you sent me on Friday. Add on Page 3 before the last paragraph:

1. One unfortunate and unpopular result of the changes mandated by the Supreme Court's anti-prayer decision is the negative implication inevitably given to school children.

The great majority of American children in their formative years from six to 18 go to public schools. There they cannot fail to get the strong implication that prayerful expression of religious faith is somehow illicit, somehow unacceptable, somehow illegal. This is not neutrality. Surely the framers of our Constitution did not intend such a result.

It is true that in some public schools across our country aspects of free exercise of religion survive. Some public school authorities wink at students saying grace before meals and even at student prayer groups meeting before, between, or after classes on the school grounds. Many school districts still permit prayers to be said at school on special occasions such as graduation ceremonies. But these surviving remnants of voluntary prayer in schools are under systematic and successful attack in the courts by militants determined to stamp out all vestiges of school prayer.

Children are compelled by law to be in school. Voluntary prayer should not have the same status for students as pornography, liquor, or smoking: something illicit which the state must vigilantly protect them against. The many public opinion polls on this subject offer convincing proof that the American people believe court rulings have gone overboard in restricting the free exercise of religion by school children.

Sponsors of a constitutional amendment to remove the court-imposed prohibition on voluntary school prayer often suggest that voluntary prayer is available to students at any time during the school day. In fact the right American public 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 our country than in an officially atheistic country.

2. My second suggested addition would be a new section to be added immediately prior to the summary on Page 5:

OPPOSITION TO THE AMENDMENT

The principal argument advanced against the President's proposed constitutional amendment is that school authorities will impose "government-sponsored prayers".

Past experience makes it totally unwarranted to conclude that most school authorities will draft prayers or that government-sponsored prayers will be universal or even very widespread. Here are more likely decisions local authorities could make:

1. Permit a brief period of silent prayer at the start of the school day.

2. Permit students around a school lunch table to join in asking God's blessing on their meal.

3. Permit students to organize voluntary prayer groups which could meet at school before or after classes or during recess.

4. Permit individual students to alternate each morning, leading those who wish to participate in a short prayer or reading from the Bible or other religious or inspirational work chosen by the individual.

All of these are voluntary activities which a growing majority of school authorities now forbid as a result of the Supreme Court decisions.

It is true that some local authorities might draft prayers, as some did before the 1962 Supreme Court decision, but the proposed amendment prohibits anyone being required to participate in any prayer. Many Americans might urge their school authorities not to draft prayers. Very similarly, many Americans have strong preferences about sex education, foreign language instruction, science curriculum, phonics, proper school discipline, etc. Local decisions on these matters are in the American tradition and greatly preferable to national mandates by the federal courts.

THE WHITE HOUSE

WASHINGTON

June 18, 1982

MEMORANDUM FOR FLO RANDOLPH

FROM: MORTON BLACKWELL

SUBJECT: Meeting of Veterans Groups with Mr. Meese

The executive directors of the three largest veterans groups have requested a meeting with Ed Meese regarding their dissatisfaction with the Administration's handling of veterans' affairs. They are Mylio Kraja, American Legion; Cooper Holt, Veterans of Foreign Wars; Gabby Hartnett, Disabled American Veterans

I understand the coming week is impossible but would appreciate having them scheduled as soon as possible. They represent large constituencies which have been largely supportive of the President.

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1	MEMO MORTON BLACKWELL TO FRED FIELDING RE. FINANCIAL DISCLOSURE REPORT	1	6/18/1982	B6

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]
B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE

WASHINGTON

June 17, 1982

TO WHOM IT MAY CONCERN:

I understand that you are considering Mr. Jay Young for the position with the New Yorker's for Lew Lehrman. I became associated with Jay through my work with the Reagan-Bush campaign and can recommend his dedication and perseverance to you wholeheartedly.

Jay served as the Chairman of the Youth for Reagan for the State of New York during the fall of 1980. Jay devoted incredible portions of his time and personal resources to the campaign and made very significant personal sacrifices for the cause. He was quite successful in organizing a very large number of campuses in New York and conducting many activities of the Youth for Reagan there.

I hope you will look upon his application favorably for I believe he would be a great asset to your campaign.

Sincerely,

Morton C. Blackwell

Morton C. Blackwell
Special Assistant to the President
for Public Liaison

THE WHITE HOUSE

WASHINGTON

June 15, 1982

MEMORANDUM FOR ED ROLLINS

THRU: ELIZABETH H. DOLE

FROM: MORTON C. BLACKWELL

SUBJECT: Presidential Appointment for State Representative Louis "Woody" Jenkins

I believe we have solved the problems you and I discussed yesterday.

Clearly someone gave you very bad information to the effect that the Louisiana Congressional delegation and Governor Treen opposed any Presidential appointment for Woody Jenkins, who is one of only half a dozen conservative leaders whom Mrs. Dole has proposed to receive advisory committee appointments.

Some weeks ago, Presidential Personnel called Jenkins and asked if he would accept an appointment to the Advisory Committee on Trade Negotiations. He said he would be pleased to serve in that capacity. His name, I understand, has been cleared by the "Big Three" and was sent to the F.B.I. for checking. Then false information caused the appointment to be put on hold.

The information with respect to the two Congressmen and Governor Treen is completely incorrect.

This morning I spoke to Congressman Livingston, who has been a strong supporter of Jenkins. He agreed to call you in support of his appointment to this advisory committee.

The other Republican Congressman from Louisiana, Henson Moore, called Mike Farrell in Presidential Personnel and told him specifically, while he did not favor a PAS position for Jenkins, he would O.K. a PA position for him.

This morning I also spoke to John Cade, 1980 Reagan State Chairman and now a top aide to Governor Treen, regarding the report that the Governor opposed this Presidential appointment for Jenkins. Cade denied that report in the strongest terms and said that he would call you immediately to set the record straight. Treen will most definitely not oppose this appointment for Jenkins.