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SCHOOL PRAYER

Deism: "The family that prays together stays together." Remember that? Well, today I want to talk about one segment of our society that doesn't have the right to pray under certain circumstances. For more than 20 years our children have been denied the right to pray out loud in school.

Our nation was founded on Biblical principles of government. In fact, from the first settlement on these shores in 1607, to the founding of a nation in 1776, until 1963, there has existed throughout our national and local life a profound belief in God. From 1963 until the present, a small minority has forced through the Federal Court system a tortured view of the establishment of religion clause of the First Amendment which bears no resemblance to the views of the founding fathers of this nation nor to the past 375 years of our history and custom.

We are faced with contradictions in our public policy which cry out for resolution.

Here are some examples of how we have departed from clearly defined norms of Constitutional interpretation:

- o The University of Missouri allowed students to meet on campus to advocate communism and homosexuality, but denied the same right to Christian students who wanted to meet on campus to pray. (Widmar v. Vincent, 1981) The Supreme Court set this particular problem straight, but high schools

and junior highs across the country are still free to discriminate against religious speech and meetings of students.

- o High school students in Guilderland, New York were refused the right to participate in voluntary religious activities before school. A Federal Court of Appeals said it would violate the Constitution if they were allowed to meet. (Brandon v. Board of Education, U.S. 2d Circuit, 1981)
- o In Lubbock, Texas another Court of Appeals ruled that it was unconstitutional for a school district to give equal treatment to religious and student groups, even when the groups were not meeting during school hours. (Lubbock Civil Liberties Union v. Lubbock Independent School District, U.S. 5th Circuit, 1982)
- o A Court of Appeals ordered a kindergarten class reciting a verse referring to God before their meal to cease and desist because they were supposedly violating the Constitution. (DeSpain v. DeKalb County Community School District, 1967 -- also Stein v. Oshinsky, 2nd Circuit, 1965)
- o Several Federal courts have ruled that school observations of Christmas, Hanukkah, or Easter are unconstitutional. In fact, in Chamberlain v. Dade County Board of Public Instruction, a Federal court ruled that showing films depicting various historical religious events in the history of our nation was unconstitutional. For example, students

- could not view the landing at Jamestown because a cross was planted there, or the First Thanksgiving because the Pilgrims thanked God, or George Washington kneeling in prayer at Valley Forge, or the Virginia Patriots praying at Bruton Parish Church in Williamsburg. (See Ruling from Florida Commission on Education, October 25, 1977)
- o High school football teams have been enjoined not to engage in prayer prior to their games. (The Battle for Religious Liberty, Lynn R. Buzzard, Samuel Ericsson, 1982) These court rulings have resulted in confusion and an erosion of the First Amendment guarantees of freedom of religion.
 - o The U.S. Supreme Court opens its sessions with the phrase, "God save this honorable Court". Yet that would be considered unconstitutional in the public school classroom.
 - o The Ten Commandments are engraved on the walls of the Supreme Court's chamber, and yet that very court has ruled against the placement of those same commandments on school walls in Kentucky -- the Court's opinion raised the spectre that students might read the Commandments and be influenced by them.
 - o The Chief Justice of the Supreme Court holds a Bible for the swearing in ceremony of the President of the United States at the inauguration, yet it is unconstitutional for teachers or students to read from the Bible in class.
 - o The President designates a holiday for Thanksgiving to God; yet no school child could legally thank God on that day if school were in session.

- o The Congress and the President designate a day of prayer each year; yet school cannot acknowledge such joint legislative and executive branch action.
- o 1983 was designated as the Year of the Bible by President Reagan, and yet our children cannot meet on public school property for Bible study.

The American people overwhelmingly want a reversal of the anti-religion court rulings of the past twenty years and the restoration of the right to prayer in our schools.

According to George Gallup, Jr., 94 percent of the American people believe in God, and nearly 80 percent want voluntary, vocal prayer returned to our public schools.

President Reagan agrees and has sent to Congress a School Prayer Amendment. It was introduced into the Senate as Joint Resolution No. 73 by Senator Thurmond. The President has asked for speedy passage of his Constitutional Amendment.

Today we have White House Chief of Staff, James Baker III, with us to discuss the present status of S.J.Res. 73 and what the Reagan Administration is doing to see it pass the Congress this spring.

Jim, it's great to have you with us. Can you tell us specifically what S.J.Res. 73 says and where it stands now?

Mr. Baker: Thank you Jim, for giving me the opportunity to talk with you about this important Constitutional Amendment. President Reagan has supported ~~the~~ *a*

Voluntary Prayer Amendment for many years, and we are all committed to its passage as soon as possible.

The Amendment reads ^{*this way:*} ~~as follows:~~

① "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. ② No person shall be required by the United States or by any State to participate in prayer. ③ Neither the United States nor any State shall compose the words of any prayer to be said in public schools."

Senator Baker has agreed to call for a vote early in March. We will be working with the Senate leadership and expect a very close vote. For a constitutional amendment, a two-thirds majority vote is required for passage rather than a simple majority, *so every vote is important.*

Dr. Dobson: Jim, many people may not understand why this amendment is so necessary, and some may believe that "separation of church and state" is at stake. How do you respond?

Mr. Baker: Actually, the passage of an oral voluntary prayer amendment would restore a proper balance to our judicial rulings on prayers in our schools. It would be consistent with the

original purpose of the First Amendment. For 170 years after the adoption of the First Amendment, prayer was permitted in the public schools.

In 1963 the Supreme Court ruled that government could not provide a time for prayers to be offered by students in the public schools, or for students to read from the Bible. That ruling has resulted in school prayer being eliminated from our public schools nationwide. Lower courts have taken this ban so far that they will not allow students to pray together even on a voluntary club basis before or after school.

Dr. Dobson: How would S.J.Res. 73 change all that?

Mr. Baker: The President's Prayer Amendment would:

Restore the right of students to pray vocally while preserving the right of objecting students not to pray.

Dr. Dobson: Could the State compose a prayer and require all students to participate?

Mr. Baker: No. In fact, the Prayer Amendment specifically prohibits the Federal Government, or the State government, from composing the words of any prayer offered in public schools.

Dr. Dobson: National polls have shown that the overwhelming majority of the American people want the right to have voluntary, vocal prayer returned to our public schools.

Do you think after twenty years of trying to restore a proper balance to the Court interpretation of allowing prayer in our schools that now is the time?

Mr. Baker: Yes, I believe the time is now. The President ~~and~~ ^{is} ~~I are~~ committed to an all out effort to see this Amendment passed by both Houses of Congress, after which ratification by three-fourths of the states is required.

(Handwritten note: This is the only way to get the Amendment passed. It is the only way to get the Amendment passed.)

The fundamental issue is whether or not a free people, under their Constitution, will be able to exercise the freedom to express their religious faith in the form of vocal prayer in public

schools. This long cherished liberty -- so deeply imbedded in the history and tradition of the United States -- is one which the President is committed to restoring.

Dr. Dobson: Jim, I can't tell you how much it has meant to us to have you on our program. We are so thankful for a President who has the courage and conviction to speak out fearlessly for what is right. And we're also grateful for men like you who are willing to stand with him. You are in our prayers every day. Thank you so very much for being with us today. God bless you!

I believe that passage of the Prayer Amendment this year would provide renewed determination by all Americans to insure the preservation of all our religious liberties. We are, after all, a nation under God.

Here is the President speaking to the Congress and the American people in the State of the Union Message on January 25, 1984:

"And while I'm on this subject, each day your members observe a 200-year-old tradition meant to

signify America is one nation under God. I must ask, if you can begin your day with a member of the clergy standing right here leading you in prayer, then why can't freedom to acknowledge God be enjoyed again by children in every school room across the land?

"America was founded by people who believed that God was their rock of safety. He is our¹. I recognize we must be cautious in claiming that God is on our side, but I think it's all right to keep asking if we're on his side."

Wrap-up by Dr. Dobson.

February 13, 1984

Questions and Answers on the President's School Prayer Amendment

1. What is the wording of the President's amendment?

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. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.

2. What is the basic objective of this amendment?

A: To reverse the situation the federal courts have created over the past twenty years, in which vocal prayer and religion are systematically excluded from the public schools, and kept from being a part of students' lives during that part of the day when they are in school.

3. How did this situation come about?

A: In the early 1960s the Supreme Court came down with two landmark decisions that prevented schools from having the traditional time for prayer at the beginning of the school day.

In 1962, the Supreme Court struck down the New York State Regents prayer, a prayer that had been agreed upon by a committee of Christians and Jews, to be recited at the beginning of the school day.

In 1963, the Supreme Court struck down school prayer in Pennsylvania and Maryland, where students prayed the Lord's Prayer at the beginning of the school day and read from scripture over the school public address system. The Maryland case, by the way, was brought by Madeleine Murray O'Hair. The Court's decision effectively banned school prayer, as we traditionally knew it, from public schools across the country.

4. Has the Supreme Court ruled that no prayer of any kind is allowed in the public schools?

A: No, the Supreme Court has only ruled that public school authorities can not do anything to provide a time for vocal prayer. But in fact, lower federal courts have now gone

much further than the Supreme Court in striking down all forms of student prayer even the most voluntary forms of prayer.

For example, when a group of high school students in upstate New York requested permission to meet together in a vacant room before school to prayer together, a United States Court of Appeals ruled that this would violate the Constitution. The judges actually said that it would be "dangerous" if fellow students saw the captain of the football team, or the leading actress in a school play, or a student government leader going into a prayer meeting -- the court was terribly worried that they might be influenced to think that prayer was a good thing.

It happened again in Lubbock, Texas, just a couple years ago, when the ACLU filed suit against the Lubbock schools, because they allowed student groups to meet on their own time for any educational, moral, ethical, or religious purpose. One group of students was meeting during their own time for prayer and Bible study -- this time another U.S. Court of Appeals ruled that the school's policy was unconstitutional, because it allowed religion into the public schools. This court repeated the language about it being "dangerous" for students to see their peers going into prayer meetings.

The result is that we now have discrimination against religious speech in our public schools. Students are allowed to get together for all types of clubs in many, many high schools and junior highs. They can meet for chess club, history club, drama club, basket weaving club -- but as soon as they start to say things with religious content the ACLU can find a federal judge to slap them down. We've even had cases of students being prevented from saying grace before meals. (Stein v. Oshinski, 2nd Circuit, 1965).

5. Hasn't the Supreme Court said that government must be neutral toward religion?

A: It certainly has, and that's the most ironic aspect of these lower federal court decisions. What they have imposed on the schools is a policy not of neutrality, but of hostility to religion. Every student knows it. Students know they can get together for every type of group, except religious groups. Courts have even required school authorities to let students meet for controversial, radical political clubs. Students are being told the only form of speech they are not allowed to engage in within the school halls is religious speech.

The obvious implication to any student is that religious speech has second class status, and that religious students are second class citizens while they are in the school. I think it is time to recognize that for government to be truly neutral, we need to give students a chance to express their faith in God at some point during the school day. Neutrality means that we don't try to impose any one person's faith on any other person, or put the force of the state behind religion. It does not mean that we have to put a muzzle on students who have religious convictions. We need an amendment to restore real neutrality.

5. What would be the effect of the President's amendment if it is adopted?

A: It would have a clear cut effect in at least two different types of situations. First, it would allow the traditional setting aside of time at the beginning of the school day, or any other time in the school day, for prayer.

There are many ways that people in a local area and authorities in local public schools can arrange a prayer time so that it is truly voluntary and neutral. A teacher could lead students in a prayer such as the Lord's Prayer. A teacher could call on student volunteers to offer a prayer at the beginning of the day, and rotate each day to a different volunteer. Schools could ask for student volunteers to offer a prayer over the public address system at the beginning of the day. There are many legitimate and good ways to conduct school prayer. Our amendment does guarantee that the prayers will not be composed by the state, because we believe that prayer should be a reflection of the faith of individuals in God, not a rote recitation of a prayer imposed by government.

Second, the President's amendment will make it clear that student groups can meet for prayer just as they can for any other type of speech or activity. The amendment would end discrimination against religious speech by students, and would end the second class citizen status for religious students. This would set straight some of the cases such as the one in Lubbock, Texas, and the one in upstate New York, where students are prevented from getting together for prayer and Bible study on their own time.

6. Will teachers be able to make up a prayer and offer it at the beginning of the day?

A: Our amendment says that the states may not compose the prayers, and that holds true for any employee of the

state, including teachers. We really do believe that prayer should reflect the faith of the students, and we believe if students get the chance to offer prayers in class, and they have the opportunity to talk with their parents at home about what prayer they might want to say, that would be a very healthy process. I have a great deal of respect for school teachers, but we really don't want to put teachers or the state in a position of dictating religious beliefs and prayers.

7. What is the strongest argument you expect to be raised against this amendment, and how would you answer it?

I think that opponents of school prayer are always trying to argue that school prayer will put pressure on non-believing students or students who don't want to participate for whatever reason. I think that argument is wrong for two reasons.

First, if we are talking about pressure and intimidation, let's look at what has happened to believing students over the last twenty years. They've been told that their beliefs have no place in the classroom, that for them to express their faith in God openly is something that is reserved to their private homes and churches. Some people would like to make faith in God a matter of purely private piety, and the New York Times even used this argument to say the President was wrong to express his faith before an audience of Christian broadcasters. That's is a spurious argument, and it's time to make that clear. It's no business of government to force students or any one else to divide their lives into a religious part and a public part. For those of us that really believe in a personal God, He is a part of our whole life, and can't be kept in a closet. That's certainly very clearly true in the life of this President, and he knows it is true for a vast number of American citizens and students as well.

Second, it is easy to arrange ways of having prayer in the schools without imposing pressure on non-believing students. The first thing to recognize is that in the general climate of today, the student who is likely to get flack from his peers is the one who volunteers to pray, not the one who objects to prayer. When a student does get up and pray, that's no pressure at all on the other students. It is simply a reflection of that student's personal faith in God. If a child gets up and says a distinctively Jewish prayer, there is no reason why that should offend Christian students. They don't have to participate in or assent to the prayer; the prayer is simply an expression of another student's faith. If a student wants to be excused from the room, the President's amendment guarantees that

he will be allowed this accommodation. No one can be required to participate in prayer.

8. Why is the President pushing for the amendment at this particular point in time?

A: The President has been pushing hard for this amendment since almost two years ago when he sent it up to Congress. It just happens that now we have a commitment from the majority leader in the Senate, Howard Baker, to bring this amendment to a vote the week of February 27. We are really excited that we now have a chance to pass this amendment through the Senate, get it through the House, and then have it ratified by the states.

I think anyone who has heard the President talk about this subject knows that he wants the schools open to prayer again not only because he believes that is what the Constitution really was intended to do, but also because he believes that prayer really is an important part in the lives of the American people, just as it is an important part of his own life.

9. You mentioned the cases of discrimination against religious student clubs in the high schools. Couldn't this problem be solved by an equal access statute rather than an amendment?

A: The fact is the President has called for legislation to guarantee equal treatment for religious and non-religious student groups. The President supports both a Constitutional amendment and an Equal Access Bill. Both of them will help to solve the problem of discrimination against religious student groups.

The fact is that right now we have a chance for a vote on the School Prayer Amendment, and that is by far the more important, because it solves all these problems across the board. Once we get an amendment, it might be helpful to pass an Equal Access Bill as well, to guarantee equal treatment for religious student groups right away, while the amendment is taking a couple of years to be ratified in the states. But an Equal Access Bill has to be a supplement to a School Prayer Amendment, not a substitute for it.

9. How about Senator Hatch's Silent Prayer Amendment?

A: The President has spoken directly to that amendment. He has said that we already have the right to remain silent. And that's right; we don't need an amendment for silent prayer, because the Supreme Court has never said that silent prayer is unconstitutional. This amendment is simply a distraction from the real fight

for vocal prayer. You might know that the Silent Prayer Amendment has an equal access sentence also. Here again, we don't need an amendment because the Supreme Court has never said that giving fair and equal treatment to religious student groups is unconstitutional. The Silent Prayer Amendment is simply trying to reverse Supreme Court decisions that haven't happened. We need an amendment for vocal prayer, an amendment that will really have some meaning.

10. Hasn't Senator Baker introduced an amendment himself?

A: Yes he did, just a couple of weeks ago. Originally, his amendment would have allowed non-denominational prayer. We talked that over with him, because non-denominational prayer would be a big problem. Federal judges probably would not allow any prayers except the most watered down prayers, those that wouldn't have any real meaning.

Just recently, Senator Baker changed his amendment from non-denominational prayer to voluntary prayer. That's an improvement. But we are all talking together to agree on just one amendment that will come up for a vote. And we are pushing all out for the President's amendment, because we think it is the best. I can guarantee that if any other amendment comes up for a vote, it will be one that accomplishes basically the same things that the President's amendment accomplishes. We are not going to let some diversionary tactic derail this movement.

11. Do we really have any chance of getting this through the House?

A: We sure do. I know the chairman of the House Judiciary Committee, Peter Rodino from New Jersey, has been bottling up the President's amendment for almost two years now, and he doesn't seem eager to let any prayer measure come up for a vote on the floor of the House. But there is a procedure in the House called a discharge petition. When an amendment has enough popular support behind it, people can ask their Representatives to sign a petition, and when the necessary number of Congressmen have signed that petition, the amendment has to be brought up to a vote on the House floor. That's automatic; no one can stop it. I think the school prayer amendment presents us with an excellent opportunity to use the discharge petition and make sure we get a vote on the House floor.

12. One final question about the legislative process: How can people make their views known to their Congressman?

A: It's not our job in the Executive Branch to encourage people to lobby their Congressmen. But we can certainly describe the process. Senators look very closely at the mail from their constituents; whether it's letters, telegrams, or phone calls. And when they are home in their own districts, as they are until the 21st of this month, they like to make themselves open to hear personally from their constituents in their home offices. So there are some very effective ways for anyone to let his or her views be known to Senators on this issue. And the members of the House of Representatives might be interested in hearing constituent views also.

President's School Prayer Amendment

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. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.

This amendment would, in effect, reverse the Supreme Court's misinterpretations of the First Amendment in 1963, which created a federal prohibition against voluntary prayer in schools. The amendment would thereby:

- o End the demotion of the right to pray to a second class right;
- o Stop the harassment and discrimination against students who are forbidden from exercising religious free speech while fellow students freely exercise other forms of free speech;
- o Return authority over school prayer to state and local authorities, from the federal judiciary;
- o Restore a sensible balance between the rights of willing students to pray and objecting students not to pray;
- o Reassert America's heritage as a nation "under God;"
- o Redirect the federal government from inhibiting to safeguarding the constitutionally guaranteed exercise of religion; and
- o Respect the public opinion of the vast majority of Americans of every region and party affiliation.

Additional Points with Respect to the Amendment

- o The issue of school prayer has become not just one of freedom of religion, but a matter of censorship and freedom of speech as well.
- o A legal preference for the "secular" does inhibit religion.
- o There is no neutral position in this issue, because in not allowing children to pray together audibly in school, the Supreme Court has given preference to those with agnostic or atheistic beliefs.
- o If under "free speech" the Nazis can advocate their views in Skokie, Illinois, how can this society censor children from voluntarily praying on public school property?
- o The Amendment leaves decisions regarding prayers to state or local school authorities, and to individuals.
- o It would establish no uniform national prayer rule, but would allow a diversity of state and local approaches free of federal interference.
- o Consistent with our national heritage, public schools have included some form of prayer from the outset, and for 170 years after the adoption of the First Amendment, prayer was not only permitted but also encouraged in the public schools.
- o Of informed Americans (those who have both heard or read about the President's amendment and can offer arguments pro and con), 79% favor, only 16% oppose.

Why Not School Prayer?

If students can collectively say audibly, "Teacher, please help us," in the name of "free speech," how can our society deny those same students the "freedom of speech" collectively to say audibly, "God, please help us?"

Dr. Dennis Cuddy, Senior Associate, National Institute of Education, column published in Fort Worth Star Telegram, January 6, 1984.

Court Decisions

- o The Supreme Court ruled in Engel v. Vitale (1962) that government could not compose prayers or require them to be recited by public school students.
- o In Abington v. Schempp (1963) the Court ruled that government could not prescribe or supervise prayer in public schools.
- o In the case of Stein v. Oshinski (1965), the Supreme Court allowed to stand a U.S. Appeals Court ruling that children could not even voluntarily say grace before lunch in public school.
- o Yet, in Tinker v. Des Moines (1969), the Supreme Court ruled that it was the right of students under "freedom of speech" to wear black armbands to protest the Vietnam War regardless of whether other students in the school objected to having to witness this "speech." The Court said it could not be argued "that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."
- o The Court upheld the right of free speech in Widmar v. Vincent (1981), where it ruled that students' access to state university facilities could not be denied simply because of the religious content of their speech or meetings. This decision was recently applied to high schools (5/12/83) in Bender v. Williamsport Area School District by a U.S. District Court in Pennsylvania, but other federal courts have said that public schools are not allowed to let religious student clubs meet on their own time.

February 9, 1984

PRESIDENT REAGAN'S REMARKS ON SCHOOL PRAYER

- o To National Prayer Breakfast, Feb. 2, 1984:
I wonder if we have ever thought about the greatest tool that we have, that power of prayer and God's help. If you could add together the power of prayer of the people just in this room, what would be its mega-tonnage.
- o To Congress, in State of the Union Message, Jan. 25, 1984:
And while I'm on this subject, each day your members observe a 200-year-old tradition meant to signify America is one nation under God. I must ask, if you can begin your day with a member of the clergy standing right here leading you in prayer, then why can't freedom to acknowledge God be enjoyed again by children in every school room across the land?
- o To Congress, in State of the Union Message, Jan. 25, 1984:
America was founded by people who believed that God was their rock of safety. He is ours. I recognize we must be cautious in claiming that God is on our side, but I think it's all right to keep asking if we're on his side.
- o To National Religious Broadcasters, Jan. 30, 1984:
I know one thing I'm sure most of us agree on: God, source of all knowledge, should never have been expelled from our children's classrooms. The great majority of our people support voluntary prayer in schools.
- o To National Religious Broadcasters, Jan. 30, 1984:
We hear of cases where courts say it is dangerous to allow students to meet in Bible study or prayer clubs; and then there was the case of that kindergarten class reciting a verse before their milk and cookies. They said, "We thank you for the flowers so sweet. We thank you for the food we eat. We thank you for the birds that sing. We thank you God, for everything." A Court of Appeals ordered them to stop. They were supposedly violating the Constitution of the United States.
- o To National Religious Broadcasters, Jan. 30, 1984:
Teddy Roosevelt told us, "The American people are slow to wrath, but when their wrath is once kindled, it burns like a consuming flame." I think Americans are getting angry. I think they have a message and Congress better listen: We are a Government of, by, and for the people. And people want a constitutional amendment making it unequivocally clear our children can hold voluntary prayer in every school across this land. And if we could get God and discipline back in our schools, maybe we could get drugs and violence out.

- o To National Religious Broadcasters, Jan. 30, 1984:
We need a new amendment to restore the rights that were taken from us. Senator Baker has assured us we will get a vote on our amendment. With your help, we can win and that will be a great victory for our children.

- o To National Association of Evangelicals, Mar. 8, 1983:
The Declaration of Independence mentions the Supreme Being no less than four times. "In God We Trust" is engraved on our coinage. The Supreme Court opens its proceedings with a religious invocation. And the Members of Congress open their sessions with a prayer. I just happen to believe the schoolchildren of the United States are entitled to the same privileges as Supreme Court Justices and Congressmen.

- o To National Association of Evangelicals, Mar. 8, 1983:
Perhaps some of you read recently about the Lubbock school case where a judge actually ruled that it was unconstitutional for a school district to give equal treatment to religious and nonreligious student groups, even when the group meetings were being held during the students' own time. The First Amendment never intended to require government to discriminate against religious speech.

- o To National Forum on Excellence in Education, Dec. 8, 1983:
I just have to believe that the loving God who has blessed this land should never have been expelled from America's classrooms. When we open ourselves to Him, we gain not only moral courage, but intellectual strength.

- o To P.T.A. 87th Annual Convention, June 15, 1983:
But ours is a Judeo-Christian heritage -- and ours is a loving and living God, the fountain of truth and knowledge. I can't help but believe that He, who has so blessed this land and made us a good and caring people, should never have been expelled from our classrooms.

- o To P.T.A. 87th Annual Convention, June 15, 1983:
The First Amendment was never written to exclude religion from our schools. It says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Those words could not be more plain. George Washington warned us that, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports." He added, "Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

- o To Seton Hall University Commencement, May 21, 1983:
I can't help but believe that voluntary prayer and the spiritual values that have shaped our civilization and made us the good and caring society we are deserve a place again in our nation's classrooms.

- o To National Religious Broadcasters, Jan. 31, 1983:
I happen to believe that one way to promote, indeed to preserve, those traditional values we share is by permitting our children to begin their days the same way the Members of the United States Congress do -- with prayer. The public expression of our faith in God through prayer is fundamental -- as a part of our American heritage and a privilege which should not be excluded from our schools.

February 9, 1984

THE WHITE HOUSE
WASHINGTON

February 13, 1984

MEMORANDUM FOR JIM BAKER

FROM: M. B. OGLESBY, JR. *bo*

SUBJECT: Update on School Prayer

The President's school prayer amendment, S.J. Res. 73, and Senator Hatch's silent prayer amendment, S.J. Res. 212, were reported to the Senate calendar on January 24, 1984. These amendments were reported by voice vote by the Senate Judiciary Committee. Senator Baker has introduced his own amendment, S.J. Res. 218. Senator Helms has joined him as a cosponsor (attached is the Baker press release quoting both himself and Senator Helms).

The Baker/Helms amendment was referred automatically to the Senate Judiciary Committee. Baker requested that it be reported to the Senate Calendar. Senator Thurmond attempted to poll S.J. Res. 218, but a minority member objected. Thurmond now has asked Senator Biden to join him in sending a letter to the Majority Leader urging that the Committee be discharged from further consideration of S.J. Res. 218. Assuming Biden signs this letter, Senator Baker then would attempt to get unanimous consent to discharge the Committee thereby placing S.J. Res. 218 on the Senate calendar.

Baker clearly wants to have available a vehicle for debate and has indicated a willingness to negotiate on some aspects of the language. After hearing some of our concerns, Baker agreed to modify S.J. Res. 218 by deleting the word "non-denominational" and substitute in lieu thereof "voluntary." Baker made this modification by gaining unanimous consent for a star print of S.J. Res. 218.

The coalition has shared two vote counts with us. The Christian Voice indicates 55 yeas for S.J. Res. 73, 27 opposed, with the rest either for Senator Hatch's silent prayer amendment or undecided.

The Moral Majority vote count lists 47 yeas for the President's amendment, 7 for Hatch, 18 undecided and 28 opposed.

It is our judgement that there are roughly 50 votes for an oral prayer amendment. In addition, there is a hard core 28 opponents with the remaining votes either undecided or leaning towards Hatch. Assuming all 100 Senators vote, we need to have 67 votes in favor of an oral prayer amendment. This means we need to pick up virtually all the undecided votes.

A significant threat to the ultimate success of an oral prayer amendment is the Hatch silent prayer amendment. Hatch remains convinced that his is the only school prayer amendment that could pass the Senate. Should he offer his amendment as a substitute, it would likely receive substantial support from those who oppose any school prayer as well as those who are uncomfortable with an oral prayer amendment. The school prayer opponents know that the coalition will not do what is necessary to enact the silent prayer amendment should it pass the Senate.

We are publicly stating that we expect a vote early in March. Privately we are working with Senator Baker to schedule the vote the week of the President's speech (March 6) to the National Association of Evangelicals.

In the House, the proposed constitutional amendment providing for voluntary school prayer remains bottled up in the House Judiciary Committee. It is our hope that early Senate action would pressure the House Democrats to allow a vote.

Various Republican Members have been embarrassing the Democrats by attempting to make unanimous consent requests to bring up the amendment for consideration. The Chair has ruled that clearance by both the majority and minority leadership is necessary before the unanimous consent request can be made. The majority leadership has, of course, refused to clear these requests.

Attached is a comparison of the amendments.

COMPARISON OF PRAYER AMENDMENTS

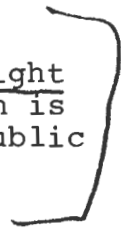
President's Amendment -- S.J. Res. 73

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. Neither the United States nor any State shall ~~compose~~ the words of any prayer to be said in public schools.

prescribe

Baker's Amendment -- S.J. Res. 218 (Star Print)

Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer.



Hatch Amendment -- S.J. Res. 212

Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or meditation in public schools. Neither the United States nor any State shall require any person to participate in such prayer or meditation, nor shall they encourage any particular form of prayer or meditation.

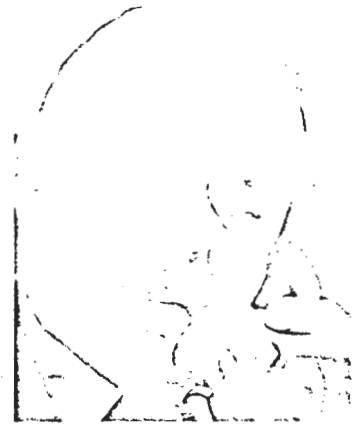
Nothing in this Constitution shall be construed to prohibit equal access to the use of public school facilities by all voluntary student groups.

Dirksen Amendment

Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer.

U.S. Senator
HOWARD BAKER

of Tennessee



522 Hart Bldg.

Washington, D.C. 20510

202-224-9684
202-224-7771

For Release: Immediate

February 8, 1984

WASHINGTON---Senate Majority Leader Howard Baker and Senator Jesse Helms have jointly sponsored a constitutional amendment to restore voluntary prayer in the public schools.

Coming on the heels of Senate Judiciary Committee action on two other prayer amendments and President Reagan's making prayer a key campaign issue, the Baker-Helms proposal may be the compromise many prayer advocates have been seeking.

In introducing the amendment on January 27 Baker said, "I believe that being able to pray in schools is a fundamental right that should be enjoyed by all children. I do not wish to force anyone to hold my religious beliefs or participate in prayer if they choose not to - I only seek to allow those children to pray who wish to."

Helms, a longtime proponent of voluntary school prayer, said today, "Because of Supreme Court rulings in the early 1960's, the American people have been denied a basic liberty -- the right to pray in schools--for over two decades. It is time for Congress to act on this issue without delay."

The Baker-Helms amendment gives individuals a constitutional right to pray in schools. Denial of the right would form the

THE WHITE HOUSE
WASHINGTON

15 Feb. 1984

TO: JAB III

Attached is a good short
analysis by FF's office
of the school prayer issue.

The arguments in support of
the amendment are probably
the most helpful part of
the memo.

JC

THE WHITE HOUSE

WASHINGTON

February 13, 1984

MEMORANDUM FOR JAMES A. BAKER, III
CHIEF OF STAFF
AND ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: Briefing Information on School Prayer

In response to Jim Cicconi's request for briefing materials on the President's school prayer proposal for your upcoming appearance on "The 700 Club", we have set forth below a brief legal history of the school prayer issue and a summary of the Administration's arguments in support of such amendment.

I. Summary of Judicial Decisions Regarding School Prayer

The President's proposed Constitutional amendment on school prayer is intended to reverse the effect of two decisions of the Supreme Court, Engel v. Vitale, 370 U.S. 421 (1962) and Abington School District v. Schempp, 374 U.S. 203 (1963), which held that it is an impermissible "establishment of religion" in violation of the First Amendment for a state to foster group prayer or Bible readings by students in public schools.

In Engel v. Vitale, the Court embraced an interpretation of the First Amendment that prohibited recitation of the New York State Regents' prayer in the public schools. Although it was clear that students were not required to participate in the prayer, the Court determined that state sponsorship and endorsement of a particular prayer violated the Amendment's proscription against an establishment of religion. In Abington School District v. Schempp, the Court struck down Pennsylvania and Maryland laws requiring that public schools begin each day with readings, without comment, from the Bible. Although the states' practices furthered secular purposes and excused unwilling students from participation, the Court found them to violate the Establishment Clause. Emphasizing the strict separation between church and state adopted in its previous constructions of the First Amendment, the Court concluded that the Establishment Clause precluded the government from favoring religion as against non-believers.

This prohibition against favoring religion as against non-believers, some have argued, would appear to preclude any action by the states or the federal government affirming a

belief in God. Thus, in the view of many Americans, the one provision of the Constitution expressly intended to protect the religious liberty of the people has instead been construed to prevent them from expressing their religious beliefs through prayer.

In the years following Engel v. Vitale and Abington School District v. Schempp, the courts have increasingly restricted the states from incorporating religious observances into the daily schedule of students in public schools. In one case, for example, a school principal's order forbidding kindergarten students from saying grace before meals on their own initiative was upheld. In another case, 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.

II. Arguments in Support of the President's Proposal

KNOW
Against the background of the decisions discussed above, the President has proposed a constitutional amendment that will, in his words, "restore the simple freedom of our citizens to offer prayer in our public schools and institutions." The pressing need for this amendment is apparent from numerous considerations.

First, in reversing the two principal Supreme Court decisions foreclosing prayer in public schools, the Administration's proposed amendment would restore prayer to a place in public life consistent with the Nation's heritage and, in our view, would accurately reflect the historical background of the Establishment Clause. The Administration's analysis of the proposed amendment demonstrates that the Establishment Clause was not intended to prohibit governmental references to or affirmations of belief in God.

Second, this amendment reflects and reinforces this country's long history of recognizing the existence of a deity to whom humility and thanksgiving are due. For over 170 years, prayers or Bible readings were a familiar part of the school day for American children, and were viewed as an appropriate expression of humility and gratitude for the blessings which had been bestowed upon this nation and its people.

Our country's most important public documents and occasions have traditionally been marked by a recognition of our dependence on a Supreme Being. For example, references to God can be found in the Mayflower Compact of 1620, the Declaration of Independence, the Pledge of Allegiance, and the National Anthem; on the Liberty Bell, the American Seal, our legal

tender, monuments such as the Tomb of the Unknown Soldier, the Washington Monument, and the Lincoln and Jefferson Memorials; and in the oath of office taken by federal employees (including the President, all federal judges and members of Congress) and witnesses in judicial and legislative proceedings. American institutions have continued to reflect these religious beliefs as evidenced by the employment of chaplains in the legislatures and the armed forces, the proclamations and Inaugural Addresses made by almost every President, and the public recognition of Thanksgiving Day as a time set aside to express gratitude to a Supreme Being.

Third, and closely related to the second point, this amendment is needed because the free expression of prayer is of such fundamental importance to our citizenry that it should not be proscribed from public places. The overwhelming majority of Americans have repeatedly made it clear that they favor a restoration of voluntary prayer to the public schools. Prayer in the public schools has long been considered a desirable and proper means of imparting constructive moral and social values to school children, while generally encouraging in them a practice of self-reflection and meditation. Conversely, the exclusion of prayer from the daily routine of students could convey the misguided message that religion is not of high importance in our society.

Fourth, by prohibiting student's voluntary prayers before meals, periods of meditation before class, and student prayer meetings in school buildings outside of class hours, the courts' concern with the Establishment Clause has overshadowed the First Amendment right of students to free exercise of religion. As Justice Stewart has stated, "there is involved in these cases a substantial free exercise claim on the part of those who affirmatively desire to have their children's school day open with the reading of passages from the Bible." */ Although some may argue that those parents could pay to send their children to private or parochial schools, the Supreme Court has stated that "[f]reedom of speech, freedom of the press, freedom of religion are available to all, not merely to those who can pay their own way."

Fifth, the unintended but inevitable result of current judicial interpretations of the Establishment clause is not state neutrality but a complete exclusion of religion which is, in effect, state discouragement of religion. The governmental "neutrality" mandated by the Supreme Court on matters of religion has proven in fact to be unachievable.

*/ Abington School District v. Schempp, 374 U.S. 203, 312 (1963) (Stewart, J., dissenting).

Finally, the amendment is needed because it would allow decisions of essentially local concern to be made by states and localities rather than the federal judiciary. For over 170 years, school prayer issues were resolved at the state and local levels by the residents of the affected communities. Their choices regarding school prayer reflected the desires and beliefs of the parents and children who were directly and substantially affected.

PRESIDENT REAGAN'S REMARKS ON SCHOOL PRAYER

- o To National Prayer Breakfast, Feb. 2, 1984:
I wonder if we have ever thought about the greatest tool that we have, that power of prayer and God's help. If you could add together the power of prayer of the people just in this room, what would be its mega-tonnage.

- o To Congress, in State of the Union Message, Jan. 25, 1984:
And while I'm on this subject, each day your members observe a 200-year-old tradition meant to signify America is one nation under God. I must ask, if you can begin your day with a member of the clergy standing right here leading you in prayer, then why can't freedom to acknowledge God be enjoyed again by children in every school room across the land?

- o To Congress, in State of the Union Message, Jan. 25, 1984:
America was founded by people who believed that God was their rock of safety. He is ours. I recognize we must be cautious in claiming that God is on our side, but I think it's all right to keep asking if we're on his side.

- o To National Religious Broadcasters, Jan. 30, 1984:
I know one thing I'm sure most of us agree on: God, source of all knowledge, should never have been expelled from our children's classrooms. The great majority of our people support voluntary prayer in schools.

- o To National Religious Broadcasters, Jan. 30, 1984:
We hear of cases where courts say it is dangerous to allow students to meet in Bible study or prayer clubs; and then there was the case of that kindergarten class reciting a verse before their milk and cookies. They said, "We thank you for the flowers so sweet. We thank you for the food we eat. We thank you for the birds that sing. We thank you God, for everything." A Court of Appeals ordered them to stop. They were supposedly violating the Constitution of the United States.

- o To National Religious Broadcasters, Jan. 30, 1984:
Teddy Roosevelt told us, "The American people are slow to wrath, but when their wrath is once kindled, it burns like a consuming flame." I think Americans are getting angry. I think they have a message and Congress better listen: We are a Government of, by, and for the people. And people want a constitutional amendment making it unequivocally clear our children can hold voluntary prayer in every school across this land. And if we could get God and discipline back in our schools, maybe we could get drugs and violence out.

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- o To National Religious Broadcasters, Jan. 30, 1984:
We need a new amendment to restore the rights that were taken from us. Senator Baker has assured us we will get a vote on our amendment. With your help, we can win and that will be a great victory for our children.
- o To National Association of Evangelicals, Mar. 8, 1983:
The Declaration of Independence mentions the Supreme Being no less than four times. "In God We Trust" is engraved on our coinage. The Supreme Court opens its proceedings with a religious invocation. And the Members of Congress open their sessions with a prayer. I just happen to believe the schoolchildren of the United States are entitled to the same privileges as Supreme Court Justices and Congressmen.
- o To National Association of Evangelicals, Mar. 8, 1983:
Perhaps some of you read recently about the Lubbock school case where a judge actually ruled that it was unconstitutional for a school district to give equal treatment to religious and nonreligious student groups, even when the group meetings were being held during the students' own time. The First Amendment never intended to require government to discriminate against religious speech.
- o To National Forum on Excellence in Education, Dec. 8, 1983:
I just have to believe that the loving God who has blessed this land should never have been expelled from America's classrooms. When we open ourselves to Him, we gain not only moral courage, but intellectual strength.
- o To P.T.A. 87th Annual Convention, June 15, 1983:
But ours is a Judeo-Christian heritage -- and ours is a loving and living God, the fountain of truth and knowledge. I can't help but believe that He, who has so blessed this land and made us a good and caring people, should never have been expelled from our classrooms.
- o To P.T.A. 87th Annual Convention, June 15, 1983:
The First Amendment was never written to exclude religion from our schools. It says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Those words could not be more plain. George Washington warned us that, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports." He added, "Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

- o To Seton Hall University Commencement, May 21, 1983:
I can't help but believe that voluntary prayer and the spiritual values that have shaped our civilization and made us the good and caring society we are deserve a place again in our nation's classrooms.

- o To National Religious Broadcasters, Jan. 31, 1983:
I happen to believe that one way to promote, indeed to preserve, those traditional values we share is by permitting our children to begin their days the same way the Members of the United States Congress do -- with prayer. The public expression of our faith in God through prayer is fundamental -- as a part of our American heritage and a privilege which should not be excluded from our schools.

February 9, 1984

DRAFT

THE WHITE HOUSE

Office of the Press Secretary

INTERVIEW OF JAMES A. BAKER III
BY
USA TODAY

January 27, 1984

Mr. Baker's Office

11:02 A.M. EST

Q Oh, you have a --

MR. BAKER: Hi. Well, I'll tell you what happened. Let me tell you why we're doing this.

Q I thought it's because I'd -- asked.

MR. BAKER: No, I'll tell you why we, I did. When these interviews were all arranged, one of the first ones was with one of the television networks, and we went through the whole thing and I said: By the way, I'd like to have a copy of the transcript of this. And they said, Oh, I don't think we can do that. It's against our rules. I'm not sure you could. And I said: You mean I should have asked WACA to come in here and I just forgot, and you won't give me a copy of the transcript? And they said, yes. So we've just automatically arranged for every subsequent one to be taped.

You don't care, do you? You've got your own recorder.

Q No.

MR. BAKER: Okay.

Q But, before we start -- I want --

MR. BAKER: What are the ground rules?

Q This is -- on the record?

MR. BAKER: Yes.

Q Word for word?

MR. BAKER: Okay. That's what I want to make sure about --

Q However, to get it -- for USA Today it's going to be -- it'll be compressed -- I mean, they take our 'ers' and 'ahs' and all that sort of stuff.

MR. BAKER: Sure. But do they do any substantive editing?

Q They haven't -- I don't think. But they might, like, drop some parts of it. But they, I think they wanted -- put this in, like, Monday or Tuesday. I'll talk to them about, like, sending a copy over here for --

MR. BAKER: If you would. If they're going to drop anything, for instance, that would change the meaning --

Q Oh, they wouldn't do that. But I'll take a look at it myself and -- and --

MORE

MR. BAKER: Okay. Why don't you do this -- maybe the good thing to do, if you could -- Let me enlist Roussel to do that for me. And if you'd give him a transcript, a full transcript, and then the edited copy that you want to print -- just let him approve it, okay?

Q Okay.

MR. BAKER: You're going to have to tell him to do it, because I haven't spoken to him about it.

Q I'll write myself a note.

MR. BAKER: Okay.

Q Okay. You know, in talking to a lot of campaign people? They seem almost cocky these days about the President's re-election campaign, as if there's no chance that he's going to lose? What -- do you share that view?

MR. BAKER: Absolutely not, in terms of -- I mean, I'm sort of surprised to hear you say that, because I've talked to -- I talk daily to --

Q They insist they're not being cocky, but that's the theme that comes through.

MORE

MR. BAKER: I see. I talk daily to the leadership of the campaign and I -- it's my view and I think it's their view also that while the President is, we think, reasonably well-positioned in terms of his re-election effort, we should not and cannot be sanguine about it because the job approval rating that he now enjoys he hasn't always enjoyed during his presidency. Witness, 1982. And these presidential elections, as you well know, having followed several of them as I have, have a way of closing up and getting tight. So I think the last thing in the world that we are over here is overconfident or cocky. And we are anticipating, as I've said before, a very tough, close race and we're preparing for a tough, close race.

Q It's true, though, isn't it, that he, in your own polls, leads in all but five or six states now?

MR. BAKER: You mean in head to heads?

Q Yes.

MR. BAKER: Yes, I suppose that's correct. But I could show you a time not too long ago when that -- when probably the reverse was true.

Q Back in 1980 -- I'm sure you remember this because you campaigned -- made use of it -- Jimmy Carter said that a Reagan presidency would divide the country, particularly black against white. A number of recent studies show that blacks, in fact, have not improved. In some ways -- their economic condition, in particular, has gotten worse.

An Urban League study, for example, shows their unemployment rate at nearly 18 percent right now, and the Urban League says there's no recovery for blacks. And a number of civil rights groups believe that you've reversed the trend on civil rights enforcement.

Wasn't Jimmy Carter, in fact, somewhat prophetic in saying that Reagan is dividing the country, at least on economic levels?

MR. BAKER: No, I don't think so. I think that the level or degree -- again, you referred to polls, so I'll refer to them -- if you look at the polls, I think you'll see that the level of black support for ~~this~~ President and this administration is essentially the same as it was in 1980. Not substantial by any means, but I don't think that you will see a substantial deterioration in the numbers.

But beyond that, I think that the fact that you have inflation at 3.8 percent for the better part of a year as opposed to 12.4 percent means that economically, those blacks that are working are indeed better off in terms of purchasing power, in terms of disposable income.

Now, it's true that black unemployment hangs up there at 18 percent and that's tragic and we view it that way and want to do something about it. The President has -- you know, the opposition accuses the President of being unconcerned about black concerns, and yet, this President has increased, in the midst of all of the federal spending reductions that we have sought, this President has increased the budget for minority business enterprise. He has increased aid -- substantially aid to black colleges. He has supported changes in fair housing that would be designed -- fair housing legislation that would be designed to assist blacks. He has supported the concept of enterprise zones, again, which would, to a large degree, benefit blacks.

So I don't think that Jimmy Carter was prophetic in saying that Ronald Reagan would divide the nation.

Q Referring back to the polls that you cite, and you say that there's been no essential change --

MR. BAKER: Substantial, I think I said.

Q Okay. Well, President Reagan got -- what was it? -- about 10 percent of the black vote or less?

MR. BAKER: I think, 8 -- 8 to 10 percent. And I think --

Q And your own polls now show that he would -- or the polls I've seen -- would not get any more than that.

MR. BAKER: Roughly the same.

Q If 90 percent of the black population would not vote for Ronald Reagan, isn't that some indication there's a division in this country?

MR. BAKER: The question you asked me was whether or not Jimmy Carter was right when he said a Reagan presidency would divide, and my point is, no. I think there has been -- there is -- there has been no more division, perhaps, than there was before the Reagan presidency starts. That's the point I'm making. So you can't say that the Reagan presidency has divided the nation.

Q Well, how -- let me alter the question. Shouldn't the presidency bring -- help heal some of those divisions?

MR. BAKER: Sure. And that's what this President is trying to do by virtue of the initiatives I've just recited for you.

Q Let me shift to another -- well, one more question in that area. In light of the changes in the Civil Rights Commission, both its membership and its -- the way it operates, and in light of the administration's early decision to grant tax exemptions to academies that segregate, and early reluctance to push the Voting Rights Act, although, eventually, you did endorse and push it, do you think that is a good civil rights record?

MR. BAKER: I think that -- I think that this administration has supported the longest extension of the Voting Rights Act in the history of this country. And the fact that the administration's position on that was not developed as early as some would like, I don't think should be taken as an indication of a lesser commitment in that regard.

Now, let's see. You also mentioned --

Q The schools.

MR. BAKER: You also mentioned schools, but you mentioned one other thing that --

Q The Civil Rights Commission.

MR. BAKER: Yes. On the Civil Rights Commission, let me make this point on that. Ronald Reagan campaigned across this country in 1980 on the basis of, in part, opposition to quotas and opposition to busing. And when he became President, he was faced with the Civil Rights Commission whose members supported both of those goals.

Ronald Reagan was elected overwhelmingly and there are large numbers of blacks -- and I can't give you the exact percentage -- who likewise do not believe in quotas or in busing. Many believing that quotas, in fact, result in reverse discrimination. So the President's appointments to the Civil Rights Commission were designed to replace people who disagreed with those fundamental principles by people who believed in those fundamental principles. And I don't think that simple fact should be taken as an indication of a lack of commitment to civil rights. It simply isn't. It's a question of how you best get there.

Q And the school segregation issue?

MR. BAKER: Well, the school thing, I think the administration ended up changing its position on that, did it not?

Q That's -- yes --

MR. BAKER: Yes.

Q That's correct but the sum of all of these things --

MR. BAKER: Well, but I think you have to look at where it came down -- where the fine -- what was the final result with respect to the school situation.

Q Okay. On another issue, on women and the final result.

MR. BAKER: Yes.

Q Does the administration plan to enter the west coast pay comparability case at this point?

MR. BAKER: I can't answer that. I don't know what the Justice Department is planning with respect to that case.

Q I asked if the administration --

MR. BAKER: Well, until we know --

Q I mean, don't you have a role in deciding whether they answer it or not?

MR. BAKER: The White House would not get involved in that until -- under our normal practice, we would not get involved in that until there was a recommendation from Justice one way or the other. We don't have that yet.

Q Do you expect to get it soon?

MR. BAKER: I really don't know. I think that that case presents some very, very difficult questions. It's a case, as I understand it, and I don't pretend to be knowledgeable with respect to all the nuances there, but as I understand it, it is not a case that involves equal pay for equal work, which is a principle that the President is committed to. And it is misunderstood -- that fact is misunderstood by a lot of people. Period.

MORE

Memorandum 1/25/26 -

Hold FF - tell Brad - just don't be talking publicly about the case. And that's all FF said. Myralls told FF - haven't even got a recommendation yet.

Q Can President Reagan get re-elected if the U.S. Marines are in Lebanon in November?

MR. BAKER: The President is doing in Lebanon what he thinks is important in terms of our national security interests. He's doing what he thinks is fundamentally right, at the same time recognizing that it's not politically expedient in terms of his own personal re-election interests.

And he's going to continue to do what's right without regard to his personal re-election interests. So, I'm not going to answer what I perceive to be a hypothetical question beyond telling you what I've just told you.

Q A lot of Democrats and even some Republicans have been saying in the last two days that the deficit plan -- deficit downpayment plan that the President announced in the State of the Union this week is really a political ploy of -- sort of fig leaf to cover the embarrassing deficits. Why not submit a budget that reduces the deficits rather than throw this to a commission?

MR. BAKER: Number one, the President's not throwing it to a commission. What he has suggested is that the leadership in the Congress get together with administration representatives, not a commission, to negotiate a downpayment, recognizing that the entire deficit problem, while serious, is not something that is going to be cured in 1984. It's certainly not a political ploy. Let me read you from what -- let me quote --

Q I heard the President this morning.

MR. BAKER: Were you in there this morning? Okay. Then, you know, and he is very serious about this, and we are very serious about believing that there is room here on some of these less contentious items to negotiate a package of roughly \$100 billion over three years in deficit reduction.

Now, you say, "Why don't you just send those up then as measures, proposals?" My answer to you on that would be some of these things we have sent up before, some of them two times before, and they have been rejected by the Congress.

The only way that these things that have been turned down before are going to be enacted into law so as to reduce the deficit is if the administration and the opposition put politics aside and sit down and actively negotiate this out. It's not going to be accomplished by this administration simply sending them up and having the opposition sharpshoot them in a political year.

Q If you were, in fact -- if you are as you say actively interested in negotiating, why rule out as Donald Regan did yesterday, as the President did yesterday any real cuts in a defense budget or any alteration really in the tax reduction program?

MR. BAKER: I won't --

Q Are you not ruling out the basis for any serious negotiation?

MR. BAKER: No. And I don't think that those things -- I think the point here is that we're talking about ruling in those areas that are the less contentious areas, where we can reasonably expect to make some real progress. But, again, let me read to you what the President said this morning. These are his own words: "I am not ruling anything out as beyond the

bounds of legitimate debate, but I do think we should try to concentrate on less contentious issues." Now, that's the proposal he advanced in the State of the Union.

And if the Democrats will sit down with us, the President is saying right here he's not going to rule out debate on anything. But if we expect to make progress on a downpayment, it's probably in this area of the lesser contentious issues. Some of the domestic spending cuts that we have sent up before, some of the Grace Commission recommendations to the extent that they don't

MORE

adversely impact our national security interest. And some of the loophole-closing revenue measures that the Treasury Department has already approved. These are areas that are not as contentious as some of the areas you mentioned and with respect to which we might expect to make progress.

Q Shift gears slightly. Well, back to that issue. This is now -- You are adamant in saying this is not a commission, although the Democrats involved say it is and one of them said the President called it that --

MR. BAKER: Well, call it what you want.

Q Okay. Okay.

MR. BAKER: My point is this, it's --

Q My point is --

MR. BAKER: It's not a group of -- Okay. It's not like the Central American Commission or the MX Commission, in the sense that it's a group of outsiders brought in to treat with this problem. It is composed of the actual players who have to deal with it governmentally. All these people that will be negotiating, if there is a negotiation, if the Democrats will negotiate with us, are government employees. In that sense, it's not a commission, if you understand what I mean.

Q I understand what you're trying to say, yes.

MR. BAKER: The Social Security Commission also had members from outside on it, in addition to governmental people.

Q Well, but when you talk about the Presidency recently, you frequently say that one of the great successes of this President is that he is a leader and has proved that the Presidency is a job that -- in which there can be leaders and the country can be governed.

MR. BAKER: That's correct.

Q Isn't this a sign of a failure in leadership when outside commissions and/or inside commissions, one right after another, have to be appointed by this administration to handle problems it can't handle on its own?

MR. BAKER: No, because the problems are solved and that's clear evidence of his leadership ability. Instead of letting the problems remain unsolved, some of the toughest problems we've faced, like Social Security, instead of just letting those remain unsolved, because of legislative gridlock or something, the President is sufficiently a leader to involve other people and get the problem solved and get an answer and get legislation.

Q Well, the last --

MR. BAKER: And that's what we're seeking here.

Q The last time you tried this with the budget, the Gang of 17, the problems were not solved. The budget problem has not been solved, has it?

MR. BAKER: Well, we didn't reach final closure with the Gang of 17. That's correct. We got close. We made some progress. You're not going to succeed every time you try and negotiate out these sticky problems, every time the Republican leadership, in effect, in government and the Democratic leadership in government

sit down and try and negotiate out these problems. But if you don't sit down, you don't even have a chance that you might succeed.

Q Let me shift to something else for a second. How do you answer the conservatives who say that the departure of Clark and now Ed Meese means that they've lost their last voice in the White House?

MR. BAKER: Well, I would answer that, I suppose, by saying that the most important voice is that of Ronald Reagan and they certainly can't argue that they've lost that. And, furthermore, that the fact that you have defense policy, that you have all of these -- that you will have all of the legal policy, civil rights, antitrust, everything else involving the Justice Department, the fact that you have environmental policy at the Interior Department, the fact that you have other policies now being determined by these people who have left the White House to run these Cabinet departments I think argues strongly against the point that you say some conservatives are making. It's not as if the Attorney General of the United States is in Siberia as far as the President is concerned.

MORE

Q But on the staff --

MR. BAKER: Or the Interior's Secretary. Or others.

Q One last question in that area --

MR. BAKER: And, furthermore, let me make -- and let me elaborate on that answer by saying, in addition to that, the White House, the White House office of 322 people, or whatever it is, still contains many, many people who, I think, would be recognized as ardent and staunch conservatives.

I happen to think that all of us in here are conservative.

Q Including yourself?

MR. BAKER: Obviously. I'm a Texas Republican. But even if you accept the premise of your question, there are still a very large number of ardent and staunch conservatives on this White House staff.

Q There have also been a lot of departures from the White House recently. What -- and they're -- and you have said publicly, I believe, in Texas recently that you're not interested in being Chief of Staff after this campaign. What is the public to make of the number of people leaving Ronald Reagan in the last few months? What's the reason?

MR. BAKER: I wouldn't -- I don't think the public should make anything of that. I think there's normally a fairly high turnover in these White House positions because of the nature of the job, the hours that are demanded, and that sort of thing. And I think if you go back and look at other administrations, you might see the same thing.

Q You say the President is not going to engage in a Rose Garden -- or maybe you don't -- others have said that the President is not going to engage in a Rose Garden type strategy. Do you expect him to do a lot of direct campaigning between now and September?

MR. BAKER: Well, between now and September, you've got to recognize that the President is an unopposed incumbent President. And unopposed or not, the best way for any incumbent to run for President is to be a good President, as I have said before. And, therefore, it means the best way to run is to spend your time performing the fairly -- the very arduous tasks involved in being President.

At the same time, you've got to do a sufficient -- you've got to do enough campaigning to make sure that you're building a good organization for the general election and that you're firing your troops up, and that sort of thing.

You will not see him out there campaigning as much as you would see -- as much, for instance, as Jimmy Carter had to in 1980 with the Kennedy challenge, or as much as Jerry Ford had to in 1976 with the Reagan challenge.

Q Will you see him out there campaigning between September and November every day?

MR. BAKER: I think quite -- well, I don't think you'll see him out there every day, but you'll see him out there quite a bit because Ronald Reagan is at his best when he's on the offense. And he enjoys campaigning and he's good at it. And he's -- everyone knows how effective he is as a communicator. So I would expect that during the general, you would see him out there quite a bit.

When did you stop beating your wife? That's the only question she's got left.

Q I'm prepping you for television so you're prepared.

MR. BAKER: Good. I like the questions. That's why I got her in here so I can have a transcript. (Laughter.)

Q I think I've hit everything I want to ask you on the record.

MR. BAKER: Okay. Thank you very much.

END

11:29 A.M. EST

WORDING FOR THE CONSTITUTIONAL AMENDMENT ON SCHOOL PRAYER

(1) Nothing in this Constitution shall be construed to prohibit individual or group, vocal or silent 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. Neither the United States nor any state shall compose or mandate the words of any prayer to be said in public schools.

(2) The authorization by the United States or any state of equal access to the use of public facilities by voluntary religious groups shall not constitute an establishment of religion.