FAITH BULLETIN

Faith Ministries • P. O. Box 28725 • Dallas, Texas 75228

File School prayer 83

"... Nor height, nor depth, nor any other creature, shall be able to separate us from the love of God, which is in Christ Jesus our Lord." Romans 8:39

AUGUST, 1983

PRAYER AMENDMENT CHANGE

By William Murray

President Reagan announced in July he was changing the wording of the amendment to the constitution which would return prayer to our schools.

Previously the amendent had read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-third of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

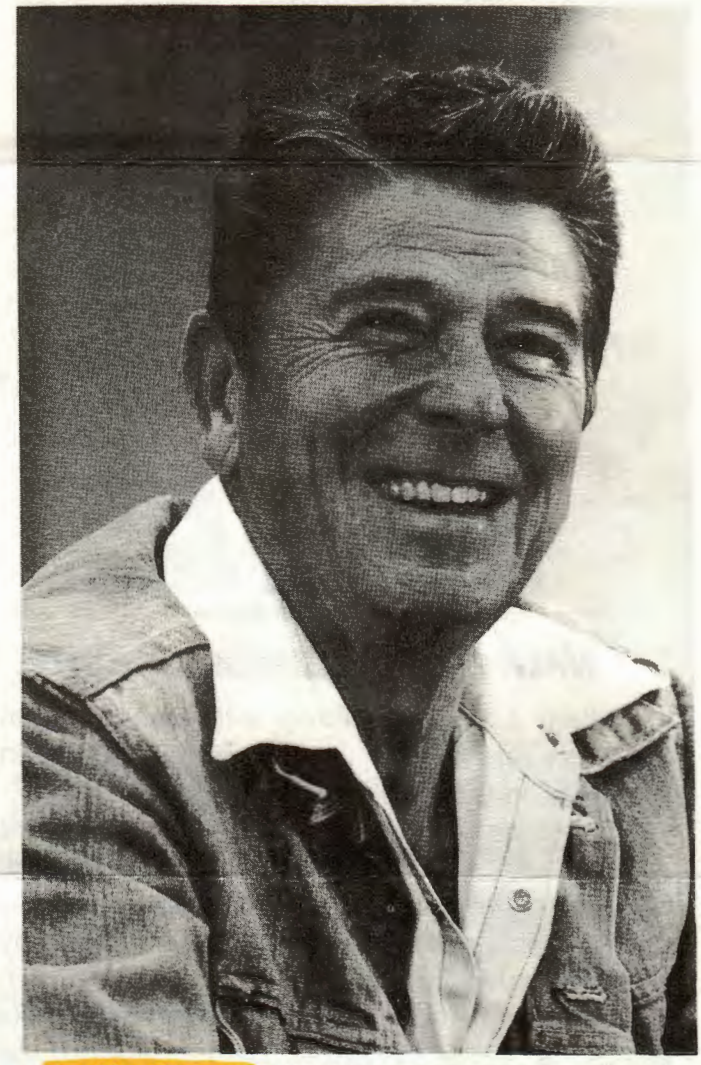
"Section 1. Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or meditation in public schools. Neither the United States nor any State shall require any person to participate in prayer or meditation, nor shall they encourage any particular form of prayer or meditation.

"Section 2. Nothing in this Constitution shall be construed to prohibit equal access to the use of public school facilities by all voluntary student groups."

The President has proposed a change in the amendent because some critics said it would lead to a state authorized prayer.

The article has been changed to read:

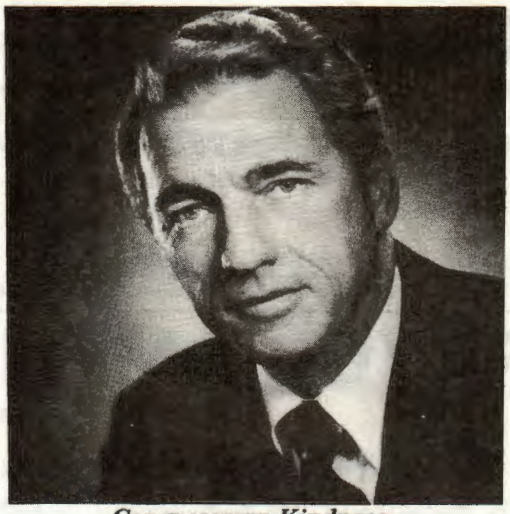
"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. **Nor shall the United States or any State compose the words of any prayer to be said in public schools."**



President Reagan announces new prayer amendment

President Reagan believes this change will end the fears of those who believe that the federal government would compose the words to a prayer used in the schools.

William J. Murray



Congressman Kindness

Senator Helms

Senator Hatch

Murray, Kindness, Helms, Hatch — Meet in Washington

William J. Murray, along with Congressman Kindness and Senator Helms and Hatch, met in Washington D.C. the last week of June.

All of these men whose lives are devoted to God met to review a half-hour T.V. special titled, **School Prayer, Now or Never.** All four men worked on the special which was prepared for viewing by the Leadership Foundation.

(A second half-hour special concerning school prayer is currently under production for the William J. Murray Faith Ministries. The special should be ready for broadcast by mid-fall.)

The special vividly displayed the differences between a life af atheism and a life with Christ.

The atheists were shown as they picketed the White House during Easter carrying signs that read:

"God created cancer & birth defects"

Others read "Christians are stupid"

One sign addressed to God said, "Hey, stupid, are you up there?"

Some cannot be reprinted.

In contrast, young children praying and God being uplifted during a service conducted by William J. Murray, was shown.

This special as well as the one containing much of this same material being prepared for this ministry must be broadcast nationwide.

William Murray and Senator Helms have discussed, on many occasions, the need to return America to a nation of faith. During a Washington news conference Senator Helms congratulated Mr. Murray for his hard work to make America aware of the dangers that lie ahead if we follow a secular path without God.

Anyone wishing to help pay for production or broadcast of the Faith Ministry special should send their contribution directly to **Faith Ministries, P.O. Box 28725, Dallas, TX 75228.**

NEW SAN FRANCISCO VIOLENCE

During our crusade in San Francisco this ministry made many friends of individuals and groups. Our stay during the atheist convention in that city was not always pleasant, however.

On one occasion the mayor sent riot control police to intimidate us as we sang and praised God in front of the atheist headquarters. We were armed only with Bibles and tracts.

As I preached the gospel in the homosexual area I was spat upon.

Now we get word that the atheists and homosexuals have burned a church because the pastor fired an organist who is a homosexual.

One of the groups which helped us during the crusade in San Francisco was *His Way Ministries*. They give us this report.

"The Orthodox Presbyterian Church building and parsonage were set on fire a few weeks ago and suffered $18,000 worth of damage. Two charred one-gallon gas cans were found in a nearby alley. For months this San Francisco church has been vandalized and the pastor's family harassed with rocks and paint thrown at the building and men knocking on windows at night.

These attacks started after Pastor Charles McIlhenny gained attention in the press for firing the church's organist, who refused to repent from his homosexual activity. The church was sued under a city ordinance banning discrimination in employment "based on sexual preference." The church, however, won the suit when the trial judge cited the First Amendment's freedom of religion clause as the more important right to protect.

But this pastor's family's civil rights have not been protected adequately. These vicious personal attacks add more stress to a church of under 100 members who have had to raise thousands of dollars for legal fees. We don't know who is exploiting the situation, but this harassment must stop!

To show our support for this church, HIS WAY's director, Jim Robinson, phoned fellow pastors to set up a Reward Fund for the arrest and conviction of whoever is responsible for this arson. Several San Francisco churches have donated to raise a $2,000 reward: First Covenant, First Baptist, Hamilton Square Baptist, Parkside Community, and Open Bible.

Would you pray with us, that we stand united for integrity and for the sake of the Gospel? Pray for the redemption of the arsonist(s). Contact us if you'd like to contribute."

If you would like to contact *HIS WAY*. Write to P.O.Box 27247, San Francisco, CA 94127.

Wayne Stayskal/Chicago Tribune

MORE COME TO CHRIST

By William Murray

This nation is set to embark upon a great revival. Anyone who preaches the gospel of Jesus Christ can feel the working of God upon America. That hand can be seen moving upon our youth.

On July 14th and 15th of this year, I preached at the Jesus Northwest Festival at the Clark County Fairgrounds near Vancouver, Washington. The first night of the Festival was July 14th, a Thursday night. Over six thousand (yes, 6,000) young people came to sit on the grass and hear the gospel in both words and song.

When it came time for me to give the invitation to the Lord **I could feel His presence.**

As the invitation was begun some came forward to give their lives to Christ. Then more came.

Counselors had been prepared for about 50 decisions for Christ each night. This night 50 came forward, and then another 50.

In all 153 **young** men and women came forward to the foot of the cross to accept Jesus Christ as Lord of their lives — FOR THE FIRST TIME.

These were important decisions in the lives of these young men and women. Now they know where they will spend all of eternity. They know **who** they will spend eternity with.

As I led this group of over 150 in a salvation prayer I almost cried in joy. Thirty-three years I spent without Christ and in sin. But these would not have to endure those long years of suffering without Christ as I did.

That, in total, is my ministry. I praise God that he has shown me a path to lead others to Him.

If you have a prayer request, please send it to us. Each request is raised up before God individually during our devotional each day. Send your prayer request to us. Also, be our prayer partner. Pray daily for this ministry and its work to share the gospel of Christ Jesus.

TRACTS BY WILLIAM J. MURRAY WHICH ARE NOW AVAILABLE.

1. ***If . . .***
2. ***Values Clarifications and the Christian***
3. ***What Atheism Is***
4. ***What Is Secular Humanism?***

All are FREE in small quantities. If large numbers are needed, please write for a quote on cost of printing.

Note This!

PLEASE, PLEASE, PLEASE

Send any newspaper clippings regarding activities of atheists, humanists and satanists in your area. Many times atheists are bringing law suits and tearing away religious freedom in communities and we know nothing of it in this office. We cannot combat what we are not aware of. We need your help in gathering this information. Send articles to:

FAITH MINISTRIES
P.O. Box 28725
Dallas, Texas 75228

There are now three cassette tapes available by Bill Murray. All of these are a must for the home tape library.

LIFE WITHOUT GOD. This 50 minute cassette tape is Bill's testimony as he gives it at gatherings around the country. He dramatically shows the devastating life style of atheism and how he came to know Jesus Christ as Lord and Savior.

ON HUMANISM. A 40 minute cassette tape in which Bill Murray exposes Humanism generally. He examines why it is actually organized self worship.

WHAT IS SECULAR HUMANISM? In this 45 minute cassette Bill Murray very calmly takes on the HUMANIST MANIFESTO item by item. He explains why the Humanists demand separation of Church and State and where that concept came from.

These tapes are $5.00 each. The proceeds go to further the work of the ministry. Please include 55 cents for postage and handling with each order.

Family Protection Report

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5/k School Prayer

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SCHOOL PRAYER SUPPORTERS CLASH WITH HATCH APPROACH

The Voluntary School Prayer Amendment (VSPA) was crafted in the spring and summer of 1982 (see FPR, May, June, and October 1982) and reintroduced early in the 98th Congress. Early in this Congress, a survey of the Senate by Gary Jarmin of Christian Voice found 52 firm votes for the Reagan VSPA. For a time, there was widespread optimism the Amendment could secure substantial support if it reached the floor. Now, however, there are doubts the proposal will get past the Senate Judiciary Committee.

Early this spring, representatives of pro-family groups met with Steve Markman, a staffer for Senator Orrin Hatch's Constitution Subcommittee, to plan strategy for consideration of the VSPA by the subcommittee and, eventually, the full Judiciary Committee. According to pro-family activists who attended those meetings, a consensus emerged that "silent prayer" for school children was not an acceptable compromise on the prayer issue. The "outside groups" supporting the President's amendment were asked to help prepare the Committee Report on the VSPA. Sources say Markman agreed to consult with those present before moving toward any compromises on the school prayer issue.

As this was happening, Senator Jeremiah Denton (R-AL) and other supporters of religious freedom were proceeding on other fronts. Denton developed an "equal access" statute which would allow religious organizations the same use of school facilities enjoyed by non-religious organizations. There were discussions among pro-family leaders about proceeding to back both the President's amendment and the Denton equal access legislative approach. This was deemed acceptable because there were signs that such "equal success" legislation would prove acceptable even to the federal judiciary. (The latest such signal came in mid-May, when Judge William J. Nealon ruled, in a Pennsylvania case, that students could form voluntary religious organizations and meet during school hours and on school property, much as other student groups are allowed access to school facilities.) However, the American Civil Liberties Union (ACLU) and other opponents of school prayer have condemned equal access, saying that even that approach is a violation of the Constitution.

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"The *Report* will be made available upon request to any individual or organization which makes a contribution of $25 or more to the Free Congress Foundation"

As spring moved toward summer, President Reagan continued to provide public expressions of support for his own amendment. However, the staff of White House Lobbyist Ken Duberstein did not seek to persuade members of the Senate Judiciary Committee to support the President's proposal. This left a legislative vacuum into which Senator Hatch moved, seeking to forge a compromise acceptable to some marginal senators who were uncomfortable with the Reagan VSPA. One Hill staffer told FPR, "Hatch is not entirely to blame for what transpired. In many ways, he crafted a classic legislative compromise. The fact is that the White House did nothing to promote its own school prayer amendment until the last minute."

The Hatch Compromise

The compromise Hatch forged -- many observers say it was the work of his aide, Markman -- converted the equal access concept into a constitutional amendment and added a silent prayer component. One observer, normally sympathetic to Hatch, told FPR, "Putting equal access and silent prayer into an amendment concedes the issue to the ACLU, which claims we need to amend the Constitution before children can even have Bible study groups at their schools." In any case, those pro-family groups represented at meetings with Markman earlier this year erupted in anger when Hatch revealed his new constitutional amendment on May 19. They felt betrayed because the proposal had been crafted without the input of either the White House or the "outside groups" in the pro-family coalition. Further, they argued that even if they could support such a "compromise," grass roots supporters of school prayer would never accept the silent prayer compromise.

In any event, amidst considerable criticism from organizations normally aligned with Hatch, the Constitution Subcommitte on May 26 decided -- under some pressure from the White House -- to send both constitutional amendments to the full Judiciary Committee. In a June 6 letter to Senator Strom Thurmond (R-SC), Chairman of the Committee, President Reagan again endorsed his own amendment and indicated sympathy for the statutory approach to the equal access question.

Supporters of school prayer, meanwhile, began to express more and more uneasiness with the Hatch equal access/silent prayer amendment. Beyond what they viewed as its political deficiencies, these activists argued the amendment might be interpreted to forbid verbal expressions of religious sentiment by elected public officials.

In any case, it continued to appear, until late in June, that a vote would be held in the full Judiciary Committee at some point before the Fourth of July recess. Observers felt that, given the choice between the Reagan and Hatch Amendments, many members of the Committee would choose what supporters of school prayer regarded as the weaker of the two, the Hatch measure.

At June 27 hearings on the Hatch Amendment, Deputy Attorney General Edward Schmults argued against the Utah Senator's proposal, saying, "After this long fight to amend the Constitution, to settle for a period of silent meditation is not really enough." Schmults argued, further, that on the equal access issue a simple act of Congress was the best approach to take because there is not a body of judicial precedent weighing against it (the contrary is true of outright school prayer). He noted there was "a relatively good chance" the Supreme Court would permit equal access. Senator Mark Hatfield, one of the sponsors of the equal access/silent prayer amendment as well as a supporter of the same concept in its legislative form, criticized the High Court during the June 27 hearings. Hatfield said that the courts argued it was alright to set up systems "by which students may voluntarily associate to establish a camera club, music club or an athletic club or a philosophy club--to discuss Karl Marx or Hegel-- but once they cross that boundary and begin to study Isaiah or Jesus Christ,

then that becomes illegal. Under the freedoms of speech, to assemble and to exercise their religious rights, the courts are in violation of the Constitution."

Even before the June 27 hearings, a combination of grass roots pressures and the beginnings of substantive White House action on the Reagan VSPA had led Senate leaders to decide not to vote on either constitutional amendment in the Committee prior to the July 4 recess.

Pro-Family Supporters Say Reagan VSPA Deserves A Vote

Pro-family supporters of school prayer argue that the Reagan VSPA, which enjoys the broadest support among organizations concerned about this issue, has never had a fair hearing nor the opportunity for an up or down vote on the Senate floor. On the other side, supporters of the Hatch approach say his is the only politically achievable measure. Still others, for example Senator Howard Metzenbaum (D-OH), argue against either the Hatch or Reagan approach, saying neither has merit.

Although the Hatch proposal probably enjoys majority support in the Judiciary Committee at the present time, if it is reported to the Senate floor pro-family observers fear a divisive confrontation between individuals normally allied with one another. Greg Butler of Coalitions for America told FPR, "If the silent prayer/equal access amendment is reported out of committee, we need to roll up our sleeves and square off with them and try to defeat that amendment on the floor. We must make it clear to all concerned that this is not a vote for school prayer."

Supporters of the Reagan VSPA are asking for the opportunity to demonstrate support for the President's amendment and hope for a straight vote on the proposal at some point. For now, they have gained a little time to argue for their position. When the Senate returns on July 11, this is one social justice issue which will still be very much on the agenda.

THE POLOVCHAK CASE: FREEDOM AND PARENTAL RIGHTS

Three years ago a 12 year old boy, Walter Polovchak, decided he would stay in the United States and enjoy freedom and liberty rather than return to the Soviet Union where he believed he would be subjected to harrassment and persecution. His parents, on a temporary visit to the U.S., wanted Walter to return to the Ukraine with them, but Walter, fearing harrassment, persecution, and even incarceration in a mental institution, chose not to return to the communist way of life.

In July, 1980, Walter's parents initiated an action in the Juvenile Court of Cook County, Illinois, demanding that Walter go back to the U.S.S.R. Although Walter was granted permanent residency status in the U.S. in July, 1981, his future here remains in doubt because of an Illinois Supreme Court decision in May. In that decision, the Court granted custody of Walter to his parents if they return to the U.S. to reclaim him.

An Issue of Freedom

While some have argued that Walter stayed in the U.S. to get away from his parents, Walter says he stayed only to escape slavery in a communist state. Julian Kulas, Walters's attorney, told Family Protection Report it is unfortunate that this has been perceived as a custody case in which the issue of family integrity has overshadowed Walter's right to freedom. Because they believe this is a freedom

issue, Kulas and Professor Henry Mark Holzer have handled this complex legal case pro bono; that is, without charging legal fees. Kulas recently wrote that "In order to save Walter Polovchak's life, to stand up to the Soviets and the ACLU, to send an unmistakable signal to the whole world that America is a bastion of freedom and mankind's last hope, my associate and I are in for the duration."

Similarly, Patrick B. McGuigan, Director of the Judicial Reform Project of the Free Congress Foundation, sees this as a freedom case. He told FPR, "The Walter Polovchak case is not a parents' rights case anymore than the Dred Scott case was a property rights case. Dred Scott was the infamous case from the 1850s in which the Supreme Court decided that a black slave who made it to free territories was still merely the property of his owner down south. We're not talking about the right of parents to raise their children as they see fit. We're talking about a case in which there is absolutely no doubt what would happen if this young man were returned to the Soviet Union. He would be enslaved and/or subjected to communist re-education. This is a case of freedom versus slavery and there is only one side for us to be on: the side of freedom.

Walter knows what real communism and lack of freedom means. Kulas tells the story of the day Walter and his cousin were driving down the expressway and at the sight of the toll plaza Walter exclaimed that he had forgotten his passport. Walter had said that in the Ukraine when you leave a city you sign out with the police. When informed that this was not a police blockade, but only a toll booth, Walter was relieved and reminded of the difference between the U.S. and the Soviet Union.

On June 15, when Walter, now 15, received his eighth grade diploma from William P. Gray Elementary School in Chicago, the principal, Robert Kellberg said Walter's choice was between freedom and a police state, and he would have done exactly the same thing Walter did.

ACLU Backs Walter's Parents

The American Civil Liberties Union (ACLU), which has advocated the rights of minors for years, now seems very interested in the integrity of the family. The ACLU has fought for the rights of minor girls to obtain abortions and contraceptives without parental consent. The ACLU has fought for the rights of school children to be "free" from voluntary school prayer. But in this case, the civil libertarians are arguing that "the integrity of the family" requires that Walter be returned to the Soviet Union against his will. As Tony Schlesinger of the ACLU of Illinois told Family Protection Report after the Illinois High Court's decision in this case, "The integrity of the family is restored."

Walter is in the United States for now, but the complex legal case goes on. While the Supreme Court of Illinois held that Walter's parents could have custody if they came back to the U.S. to get him, there are federal suits pending which, if successful, would guarantee Walter permanent residency in the U.S. Meanwhile, if the matter drags on long enough Walter's age will make the case "moot." Once Walter turns 18 he will unquestionably be free to stay in America. Walter's attorney, Julian Kulas, says the ACLU will not give up, so neither will he. The address of the Walter Polovchak Defense Fund is 2236 W. Chicago Avenue, Chicago, Illinois 60622. Kulas says that any assistance, direct or indirect, "will be greatly appreciated."

ECONOMIC EQUITY ACT: FEMINISTS' LATEST FOCUS

Although feminists and others concerned about equal rights for women still are hoping for passage of the Equal Rights Amendment, the road to enactment of the ERA has proven

to be long and treacherous. In the meantime, feminists are turning their attention to the Economic Equity Act, a wide ranging package of legislation which is aimed at reducing economic discrimination against women.

The format of the Economic Equity Act (EEA) is similar to that of the Family Protection Act, a pro-family measure introduced in the 96th and 97th Congresses, and the Children's Survival Bill, a bill primarily supported by the left-wing Children's Defense Fund, calling for increases in funding for children's programs and decreases in funding for some military programs (see FPR, March 1983).

The Economic Equity Act has been endorsed by the Congressional Caucus for Women's Issues, composed of 125 Members of Congress, and the Leadership Conference on Civil Rights, a coalition of 165 national organizations, including the League of Women Voters, the Women's Equity Action League, the American Association of University Women, the National Federation of Business and Professional Women's Clubs, Inc., and the National Organization for Women. Pro-family groups have refused to give a blanket endorsement of the EEA, pointing out what they consider good, bad and debatable sections of the Act.

The Non-Discrimination in Insurance Act

Only two provisions of the Economic Equity Act have thus far made much progress through Congress. One is Title III, dealing with non-discrimination in insurance. This bill sponsored by Cong. John Dingell (D-MI) would prohibit discrimination on the basis of race, color, religion, sex or national origin in insurance and annuities.

Proponents of the Non-Discrimination in Insurance Act argue that gender-based insurance policies minimize the availability and range of insurance benefits to women and maximize women's rates. According to the Congressional Caucus on Women's Issues, "Recent investigations have demonstrated that some employer-sponsored life insurance plans ignore sex differences when they help women. These plans charge women more for pension coverage on the assumption they will live longer, but charge them as much as men for life insurance."

Opponents of the Non-Discrimination Act maintain that it would drastically raise the automobile insurance rates for young married females, while lowering rates for comparable men, and that it would require companies to include abortion coverage. Insurance companies have also opposed insurance non-discrimination because of the extra cost the insurance industry would have to bear in losing an easy method of differentiating rates.

Both the House and Senate have held hearings on the Non-Discrimination in Insurance Act, with markup in the Senate delayed until a General Accounting Office report on the costs of the bill is completed.

The other provision of the EEA which has received attention is pension reform. The provisions of the Economic Equity Act would

* Require payment of the survivor annuity to spouse of a worker who has fully vested, even if that worker dies before the annuity starting date.
* Require written consent of both participant and spouse to waive survivor annuity option.
* Permit assignment of pension benefits by state divorce courts in cases related to alimony, child support, and marital property rights.
* Lower the minimum age for participation in a pension plan from 25 to 21.
* Modify break-in-service rules to give twenty hours per week credit for up to

one year of employer-approved maternity or paternity leave, provided worker returns to his or her job.

* Abolish ERISA (Employee Retirement Income Security Act) provision allowing plans to deny widow's benefits if an otherwise qualified spouse dies within two years of choosing survivor benefits (if death is from natural causes).

Senator Robert Dole has offered a bill on pension reform which differs from the EEA on employer approval of maternity and paternity leave, and on several other matters. Dole's Finance Committee held hearings on pension reform June 20 and 21.

Other Provisions of the EEA

Other provisions of the EEA would

* Make employers who hire displaced homemakers eligible for tax credit of $3,000 in the first year and $1,500 in the second year.
* Entitle the divorced spouse of a civil service member or retiree, married 10 years or more, to a pro rata share of the civil service retirement annuity and survivor's benefits, subject to court review, modification, or rejection.
* Require the written consent of the spouse (or former spouse, if any) before the retiree can waive survivor's benefits.
* Revise the Federal Income Tax Rate to allow single heads-of-households to a zero bracket amount equal to that allowed on joint returns.
* Establish a federal grant program to provide "seed money" to community based clearinghouses for child care information and referral.
* Codify the Presidential directive of August 26, 1977, requiring all executive departments and agencies to identify rules, regulations, guidelines, programs, and policies of the agency which result in different treatment based on gender.
* Create an automatic assignment of federal civilian employee's wages when child support is ordered, modified, or enforced by states.

Senator William Armstrong (R-CO) has introduced S. 960, which is aimed at assisting women in making career choices in the home or in the labor force. S. 960 would permit a homemaker with no earnings or lesser earnings of her own to contribute to a spousal as much as the earning husband may contribute. The maximum deduction permitted each spouse under S. 960 would be $2,000 per year. This measure is also part of the EEA sponsored by Cong. Geraldine Ferraro (D-NY). With a broad base of support among progressives and conservatives, the IRA for homemakers is believed to be one of the EEA proposals with the best chance of passage, although no formal action has yet been taken on it.

Supporters of EEA claim that all sections are important. The EEA is "all together as a package," Mary Ann Dever, aide to Sen. Mark Hatfield (R-OR), commented to FPR. Nevertheless, she noted that supporters are "not closed-minded" and will be willing to compromise if necessary. Anne Radigan, Administrative Assistant to the Congressional Caucus for Women's Issues, stated that there has been no intention among EEA backers to push certain sections before others, noting that the section on child support enforcement was particularly significant.

For further information on the Economic Equity Act, contact the Congressional Caucus for Women's Issues, Washington, DC 20515. For a pro-family critique of the EEA, contact Elaine Donnelly, 17525 Fairway Drive, Livonia, Michigan 48152.

REAGAN AND EDUCATION: Fooling All Of The People, Some Of The Time

--by Greg Humphrey

(Editor's note: Last month, FPR carried an article by Reagan Administration official Gary Bauer on the President's record on education. This month, as promised, we have a response to the Bauer essay from an official of the American Federation of Teachers.)

In recent weeks it has become clear that the President of the United States considers education as one of his highest priorities -- for political haymaking. The most recent polling results show that by a 2 - 1 margin the American people believe that President Reagan has, on balance, done more good than harm on behalf of the education of our nation's children. This perception may indeed be accurate, but only because most of the President's legislative initiatives have been blocked by the Congress, saving Mr. Reagan the trouble of explaining how his program of a 50% cut in federal aid, the abolition of the Department of Education and a massive new spending program for private schools through tuition tax credits would work to improve the quality of our nation's schools.

After riding into office on a platform demanding a change in our educational direction, the plan the President sent to Congress was to withdraw the federal government from support of public education and instead open up new sources of federal funding for private schools. In his first two years in office the President's activities on behalf of private education were in sharp contrast to his assault on public education. Mr. Reagan made two trips to Providence St. Mel's; a semi-parochial high school in the Chicago area; a second appearance before the convention of the National Catholic Education Association, and advocacy in two State of the Union addresses and numerous radio speeches for tuition tax credits. It was as if the President chose not to notice that 90% of our children relied on the financial health and availability of quality public schools for their education. By sharp contrast to his support for private education is Mr. Reagan's program for public schools. During his first months in office, when the President sought a rescission of $1.2 billion in education funds that had already been appropriated, the Congress gave him almost $900 million of his request. In fiscal year 1982, the first budget submitted by the Reagan Administration called for a cut of more than 30% below the already Reagan reduced budget of the previous year. For fiscal year 1983 draconian cuts of $1.3 billion were sought for ESEA Title I alone. Title I is a program of verified effectiveness, though it serves only 5 million children of the 11 million educationally disadvantaged children who are eligible for aid under its provisions. These cuts were greatly reduced by Congress and other cuts were also moderated with the result that 12%, not 30%, was cut from the federal education budget. Truly disastrous results of the full Reagan plan were avoided, but damage is cumulative and 1 million children who were receiving Title I aid when Reagan took office are now without assistance.

The Role of Money in Educational Quality

But is money really an answer? If we examine every other aspect of Reaganomics we see that monetary rewards are indeed the President's main tool toward increasing achievement and productivity. The Kemp-Roth tax cuts, the program of tuition tax credits and vouchers for private and parochial schools, and the roll back of regulations in many areas are supposedly designed to subsidize activity from which the entire nation will benefit.

By continuing to stump hard for tuition tax credits and vouchers, it is clear that the President believes that money is an important educational factor -- but only for private schools. For public schools the FY 1984 budget sought most of the same old

cutbacks and retrenchments although 50 million new dollars were offered for a math-science initiative.

The President's contribution to education has been limited to raising education as a major issue in our national political debate. In doing this he performs a service that will in the long run work to improve education for all our children. The current attention being paid to education is greatly needed and long overdue. Maybe some good will result from all this presidential attention; having opened the debate on education the President may find that the electorate cares less for the finer points of federalism than it does for somebody (anybody!) doing something to improve the quality of education that their children receive. The great educational debate may also have the effect of re-orienting the President's opponents toward the realization that they must include quality as a goal to be equally pursued alongside access and equity. The President and his antagonists such as the National Education Association each cling to half of the solution to our educational problems. The President seeks quality and higher standards but he refuses to commit the federal government to that end. The NEA and some Democrats seek financial support for public schools but refuse to address the need for higher standards. A politician who can combine these two elements may be the one who truly serves the public interest in this debate and advances his own fortunes, as well.

(Greg Humphrey is Director of Legislation for the American Federation of Teachers.)

DRUG REHAB GROUP AIMS TO KEEP FAMILIES STRAIGHT

--by David Becker

SPRINGFIELD, VIRGINIA -- The girl told about her stealing, her fights with her parents, even her abortions. The parents mentioned how they were disappointed in her, but that they loved her.

Where was this taking place? At an open meeting of the Greater Washington Area Straight, Inc., a controversial new drug rehabilitation group which has had success in freeing youths of the drug habit.

Due to a bitter and somewhat sensationalistic trial, Straight has taken its lumps in the general media. Critics of Straight contend that the organization stifles freedom and borders on being a cult. Many parents and many children involved in Straight are wildly enthusiastic about the program, however.

The unique thing about Straight is the extent to which parents are involved in the program. Many other drug programs have little if any parental involvement, which is undoubtedly a key factor in why their success rate is low in many instances.

Straight is different. Straight will not accept youths from families which will not become involved. Straight is not a program where a parent can dump the child for several months and then expect to have a drug-free child as a result. Parents must show that they care about the troubled child. Parents must also reevaluate their own lives to see that they have not made drugs a habit (Straight also considers alcohol to be a drug).

Many parents are almost evangelistic in their praise for the Straight program. Jonathan Chaves, who has two children in Straight, stated, "It is no exaggeration to say that Straight has saved my children's lives. In addition, it has made possible a rebirth in my own personal life and has reinvigorated my marriage. It has brought my family together." When a colleague at work saw a picture of Chaves' daughter and

noted that the daughter was smiling, he was surprised because a year ago the daughter was a very withdrawn and and unhappy individual. "The difference between then and now is Straight," says Chaves.

Straight's Open Meetings

Straight, Inc., holds "open meetings" each Monday and Friday evening. These meetings are not open to the general public. Any guests who attend have to register in advance and need to have a reason for coming. The reason for Straight's strictness about attendees is to protect the confidentiality of those at the meetings. Straight forbids its attendees to disclose the identities of those active in Straight. This reporter attended one of the open meetings earlier this year in Springfield, Virginia.

The meeting begins with around 150 girls and boys sitting on opposite sides of the gymnasium-type room. They are singing songs like Zippity-Doo-Dah, You're a Grand Old Flag, and I am Straight (sung to the tune of I Am Woman). The singing is loud, in unison, and the Straight initiates appear well-mannered.

Then the boys and girls who are the most recent inductees into Straight tell their stories. They tell what drugs they have taken and announce, "I am a druggie." They also tell some of the horrible things they have done in the past and what their short and long term goals are. After each teenager tells his story, the group responds by barking out the drug addict's name. This is designed to be a type of positive reinforcement for the troubled youth.

Then some parents speak and disclose how they have neglected their children. If the child has earned the right to speak to his parents, then the parents will directly address the child with their disappointments, but will always close that they love him.

The last part of the open meeting is not open to the public. Visitors leave and see a video presentation on Straight, while a Straight official answers questions afterwards.

One is most struck by the enthusiasm of the parents at the open meeting. These parents have been at weekend "raps" where the parents apparently "let it all hang out," regarding problems they have had in the past. Parents wind up close knit and appear emotionally exalted as a result of these sessions.

Mary Kidd, executive director of the Washington drug abuse council, is not impressed by the apparent joy of the parents. Kidd told the Arlington Journal that Straight is "regimented and very rigid...If a person is involuntarily put in the program, it can be a shattering experience." According to Phil Hirschkop, Straight preys on parents' fears of marijuana and other drugs and convinces them that without Straight, their children will die. "They become such zealots," Hirschkop said.

Started in St. Petersburg, Florida

Straight began in 1976 as a grass roots parents organization. Concerned about their own children's drug use, several parents believed that there had to be a better way than what current programs were doing. Straight mushroomed from its beginning in 1976 in St. Petersburg, Florida with a staff of 9, to a staff of 35 with 450 children in 1981. Straight branched out from St. Petersburg to Sarasota, Cincinnati, Atlanta, and in October 1982, the greater Washington D.C. area. And Straight's expansion

plans are not complete yet. As more people want to join the program, Straight intends to meet the demand.

Straight, Inc., started with government assistance, but it is now fully privately funded. The cost of the Straight program is $4000, but scholarships are available and no child has ever been turned away on account of need, according to Straight officials. The program normally lasts roughly a year, but can last as long as necessary. Of course, Straight makes no guarantees as to the recovery rate of the program, but the latest statistics show that 85% of those who start the program complete it and that 95% of those who complete the Straight program remain drug free afterwards. Straight's success rate has steadily grown from 50%, which Straight officials credit to a perfecting of their techniques.

There are five phases to the Straight program. In the early stages, the "druggies" are granted absolutely no freedom -- no phone calls, no TV, no letter writing, no time alone. The newcomer spends time in the homes of "oldcomers," that is, those who have progressed to at least phase 3 of the program.

The young people have "raps" where the youth are forced to tell about the bad things they have done in the past. If the "druggie" is shy and will not speak up, the kids will tell the newcomer that he or she is not being honest. Sooner or later the "druggie" has to confess their drug abuse, or he will not be promoted to the next stage.

Eventually the Straight initiate earns the privilege to go home and return to school. If he or she slips back and runs away from the program, for instance, the "druggie" will have to start over.

According to Straight's advocates, once someone leaves the Straight program, he typically has more confidence and is prepared to achieve in school and utilize his talents. He feels good about himself and no longer wants to go along with the drug crowd. Straight's counter-peer pressure approach produces a change of philosophy in many cases.

Many of the children in Straight are "good," relatively speaking. Most appear to come from rather affluent backgrounds. If a drug addict does not come from a family background, he could have grandparents or other relatives who serve as his "family." However, he must have someone to relate to, because the family concept is essential to Straight, Inc.

Straight uses a seven-point morality system which is designed to point teens on the right track. Among the statements in the system are "Make a decision to turn our will and our lives to the care of God as we understand Him," and "Make a searching and fearless moral inventory of ourselves."

Found Guilty of False Imprisonment

Straight maintains that curing children of the drug habit often requires severity. The organization is known as one of the toughest drug prevention programs in the country. Many observers believe that despite good intentions, Straight goes too far in its methods.

In May, Fred Collins III, a sophomore at Virginia Tech University, was awarded $220,000 in damages from Straight after a federal jury decided that Collins was held in the program against his will for 133 days. Straight was found guilty of false imprisonment in the Collins case, but not of mental and physical abuse.

Fred Collins entered Straight after his 16-year-old brother George was in the program and benefitted from it. Since Straight has a "sibling policy," Fred had to be admitted into Straight if he had a drug problem or else George would not be allowed to continue in Straight. Both Fred and George have admitted using marijuana and other drugs, though Fred says he was never a heavy drug user.

In the trial of the Collins lawsuit, Straight's unusual tactics came into light. Straight foster parents admitted routinely locking patients in their care in their bedrooms and locking their clothes in closets to keep the patients from leaving during the night. The parents also installed door alarms with heat sensors that would go off if touched by a human hand, placed extra locks on doors and put microphones in rooms to eavesdrop on conversations. Straight parents testified that they were told to report any patient who asked to leave the program to Straight officials and that those they did report had more restrictions placed on their movement. Straight said a practice known as "marathoning" -- in which troublesome patients were not permitted to sleep for up to 72 hours -- had been discontinued. Straight officials defended their stringent disciplinary approach. "Straight is tough but Straight is loving," said attorney John Brandt.

Straight admitted that it would have to change some of its procedures in light of the large award to Fred Collins, but said it would appeal the award. The fear among Straight supporters is that the Collins award will keep drug addicts over 18 from being helped. Bill and Vonne Klevin, parents of 17-year-old Lora Klevin, strongly support the program, commenting, "They're saying I can't stop my kids from taking drugs. We thank God that our children are under the age of 18."

NORML Criticizes "Brainwashing Techniques"

Kevin Zeese, chief counsel for the National Organization for the Reform of Marijuana Laws (NORML), told FPR that NORML opposed Straight's "brainwashing techniques," which he termed "dishonest." Zeese said that Straight does not differentiate between use and abuse of drugs and asserted that marijuana use does not cause problems in 90% of those who smoke the drug. Zeese also criticized Straight's alleged involvement in politics in backing laws against drug paraphernalia.

Phil Hirschkop, Collins' attorney, alleged among other things that Straight's rigid disciplinary approach violates the code of ethics of the National Organization of Therapeutic Programs and that Straight sometimes kidnaps participants, a point upheld in the Collins trial. Hirschkop also argued to FPR that many of the Straight counselors have "no background in drug abuse counselling" and that Florida social service agencies have advised Straight not to violate the law.

Collins and Hirschkop both insist that they do not want Straight to be disbanded; both profess to be concerned about the problem of drug abuse. But as Hirschkop noted in his closing arguments, "Protect us, not from the ravages of drug abuse, but from those who go to excess to correct it."

Some Straight supporters find Hirschkop's concern about drug abuse difficult to believe, noting that Hirschkop's law firm has employed Keith Stroup, founder of NORML. Stroup was quoted in High In America, published in 1981 by Viking Press, as defending accused drug dealers and smugglers. Hirschkop, however, denied any connection with NORML, explaining that he does not know who NORML's current director is and that Stroup no longer works for him. "If you say that we are financed by NORML, we will file a libel suit against you," Hirschkop told FPR.

Drug Abuse Prevention Leaders Commend Straight

In spite of its controversial methods, Straight has received the endorsement of veterans in the fight against drug abuse. Bill Burns, Special Assistant to the Director of Drug Abuse Policy at the White House, conducted an in-depth report on Straight as a result of questions raised about the program. Burns characterized Straight as a "high intensity, highly disciplined [program which] demands the total involvement of the family." The White House official praised Straight for not perpetuating dependency on the program; once someone graduates from Straight, he is done, unlike with some other self-help programs. Burns admitted to FPR that Straight is "far from being perfect" and that it borrows its concepts from many other programs, but that it is the "best" in many respects.

Dr. Andrew Malcolm, formerly the Senior Psychiatrist at the Addiction Research Foundation, made a formal 32 page evaluation of Straight in 1981 and faulted Straight for bias in favor of white children; otherwise, Malcolm's report was almost completely favorable.

As previously observed, Straight is tough. Mel Riddile, Director of the Greater Washington Straight program, was asked what would happen if a Straight initiate announced at an open meeting that he hated his parents, still enjoyed drugs and so on. Riddile said that the youth might have the microphone thrown at him, but more likely he would be rebuked for trying to draw attention to himself.

Such tactics make many potential supporters of Straight uneasy. Straight is trying to tone down its methods, as it will have to, particularly for legal adults, without curbing its effectiveness in helping drug addicts. Lawsuits against Straight by those who claim kidnapping figure to trouble Straight for some time.

But for those parents who are trying to rid their children of the drug habit and to heal their families generally, Straight seems to have helped in many cases. And effective drug prevention programs are certainly needed; "The issue of drugs cuts across liberal-conservative lines," says Jonathan Chaves. The question is whether Straight goes too far. Experts disagree, but many parents involved think Straight is great.

For more information on Straight, Inc., contact:

Straight, Inc.
Box 792
Springfield, VA 22150
(703) 642-1980

CETERA

The Greek Orthodox Diocese of Chicago is "disappointed" in the Church Federation of Greater Chicago for allowing three congregations of the Universal Fellowship of Metropolitan Community Churches into the ecumenical agency. "Our membership will probably not be active," stated a Greek Orthodox Church spokesman, commenting on an 18-12 vote June 15 to admit the predominantly homosexual UFMCC into the Church Federation...The June 29 Supreme Court decision in Mueller v. Allen (see FPR, March 1983) was a victory for the Free Congress Foundation, which had joined in an amicus brief supporting the validity of Minnesota's deduction for education expenses...The Foundation has just published a Family Policy Insights on Sexual Exploitation of Children, available for $1.

Jewish Spectator
Fall 1982

SCHOOL PRAYERS — YES!

By SEYMOUR SIEGEL

THE HUMAN being is the only creature who prays. In prayer, we acknowledge our dependence on a Power greater than our own. We perfect our character; establish a relationship between heaven and earth. It is prayer that makes us human. In the words of a great teacher of modern Judaism: "Prayer may not save us. It can make us worthy to be saved." From a religious point of view it is inconceivable that education be considered complete without being taught how to pray. A man may master all of science, literature, and history, if he does not know how to establish a dialogue with God, if he has not learned how to revere life and life's Creator—he has not fully developed his humanity. An educational institution which neglects training in prayer has overlooked an indispensable aspect of human growth and development. It is because of this, that as far as I know, no educational system until relatively recent times did not include religious worship as part of its activities and curriculum.

In the United States most public events begin with prayer. The Senate and the House of Representatives began their deliberations this morning with prayer. Inaugurations, sessions of the Supreme Court, thanksgiving declarations, all invoke God's presence and ask for His guidance. President Reagan, in calling for the passage of the proposed amendment quoted the words of Benjamin Franklin to the Constitutional Convention:

> I beg leave to move—that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business.

It hardly seems logical that the very convention that was responsible for the Constitution would have viewed with favor the elimination of prayer from public schools when it ordained that its own sessions commence each day with a request for Divine assistance and blessings. Whatever the meaning of the First Amendment which prohibits the *establishment* of a state religion, it certainly did not mean the separation of religion from public institutions and functions. If we are endowed by our *Creator* with certain inalienable rights, we are bidden to acknowledge our Creator in the pursuit of deepening our understanding and practice of these rights.

It is frequently argued that religion is a private matter which should be limited in its expression in homes, churches and synagogues. Those who argue this way do not, I suggest, properly understand the basis of our Judeo-Christian religious tradition. Religion is not a *Privatsache*, reserved for sacred space. Biblical religion, if anything, demands to be acknowledged in all aspects of life; *When thou sittest in thy house, when thou walkest by the way, when thou sittest down and when thou risest up.* A religion which is limited by the walls of houses of worship or in the seclusion of one's own home is less than a religion. Where else but in the places where the character of the next generation is formed; where the laws that govern the land are crafted; and where the decisions which decide the fate of nations are made should the fact that we are a nation "under God" be concretely acknowledged?

THERE has been a long tradition of including some form of public prayer in the public schools ever since their inception. The most striking evidence of this is the fact that the Massachusetts Board of Education, headed by Horace Mann, removed sectarian instruction from the schools, but prescribed a program of "daily Bible readings, devotional exercises and the constant inculcation of the precepts of morality." Thus the very founder of the American public school system favored the inclusion of religious devotions into the curriculum of the institutions. For 170 years after the adoption of the First Amendment, prayer was permitted in the public schools.

In our own epoch, when we have given over to the public schools many functions that were once the province of home and other institutions, we cannot in good conscience see the schools as places

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Rabbi Siegel is Professor of Ethics and Theology at the Jewish Theological Seminary of America. This "Testimony" was given by him at a Hearing of the Senate Judiciary Committee on July 29, 1982. Rabbi Siegel's is a minority opinion in the Jewish community. While we do not support the "Political Right" with which Rabbi Siegel is associated, we share the view that *non-denominational* acknowledgment of "our dependence on a Power greater than our own" belongs in American classrooms.

only for the imparting of information. Schools, where most children spend a good part of their day, are crucial in the formation of character as well as the inculcation of ideals, world views and moral values. There can be no education without the imparting of a more basic outlook on the nature of things. If any positive expression of religion is banned from the schools on the grounds of First Amendment guarantees, the public schools will become (as they already have become in many parts of our nation) proponents of a secular point of view. Just as nature abhors a vacuum, so the human soul cannot remain empty of spiritual values. If it is not nurtured by our traditional religious teachings, substitute faiths, formal and informal, will rush in. When people stop believing in *something*, observed G. K. Chesterton, it is not that they believe in *nothing*. It means that they believe in *anything*.

More and more American parents are being convinced that public schools which are given the task of driver education, sex education, and family education should also be concerned with the skill indispensable to human growth: the art of prayer.

I am convinced by those constitutional scholars who affirm that the intention of the First Amendment to the Constitution was to forbid the establishment of one religion over the other. It did not intend to remove religion altogether from our public life.

Those of us who wish to make possible the reintroduction of religious devotions in public schools, if desired by the parents, realize that no great civilization can flourish unless it is built around a central idea—a core affirmation about life and the universe.

Martin Buber, perhaps the greatest Jewish thinker of our century, has written:

> To recognize the nature of what we call a great civilization, we must consider the great historical civilizations. We shall see that each of them can be understood only as a life-system. In distinction to a thought system, which illuminates and elucidates the spheres of being from a central idea, a life-system is the real unit in which again and again the spheres of existence of a historical group build up around a supreme principle. Its fundamental character is always a religious and normative one; because it always implies an attachment of human life to the absolute. (*At the Turning*, p. 11)

The public school is the central educational institution of our civilization. It has the awesome responsibility of educating the next generation to carry on the great ideas and structures of the American civilization. It cannot, at its peril and ours, neglect to articulate and promote "our supreme principle." I believe that the decisions of the Supreme Court barring religious expression has weakened our public schools as well as our culture. We have, therefore, no recourse except the amendment before us.

To summarize therefore, we believe that there can be no true education without religious nurture. The American political system acknowledges the importance of prayer in providing for it in our great national events. The education of children must include religious expression. This was acknowledged from the very beginnings of our history. The First Amendment bars the establishment of one particular religion, not the elimination from public expression of religion. We need a constitutional amendment to make possible the religious freedom available to the American people before the ill-advised decisions of the Supreme Court which prohibited voluntary prayer in the public schools. Therefore, the current proposed amendment should be supported.

What I have said is the view of many Jewish citizens. However, it would be misleading (and you will hear from others very soon) to deny that the majority of Jewish organizations oppose this Amendment. I believe these views to be misguided. They are based on the view that Jews, a small minority of the American people, will be coerced into participating in religious exercises in the framework of religious traditions they do not accept. Though there is some merit in this apprehension, I believe it is not enough to oppose the intent of the framers of this Amendment.

First of all, the proposed Amendment expressly eschews coercion of anyone to pray. If Jewish parents or atheist or Catholic parents do not wish to permit their children to join in school prayers, they are protected under this Amendment.

Secondly, the courts have decided to protect those students whose religious convictions make it impossible to recite the Pledge of Allegiance. We should and do respect such rights of conscience. We do not on that basis prohibit the recitation of the Pledge of Allegiance. We would hope that school boards around the country should be encouraged and assisted in formulating prayers which could be recited by the vast majority of the children. These kinds of prayers should be crafted so as to take into consideration the feelings and beliefs of Jewish schoolchildren as well as other minorities of the population. We should recognize

that the strengthening of the religious sentiment in our culture is of such great importance to all of us that the impossibility of some of us, because of reasons of conscience to participate, should not be used as a reason to deny to the others their opportunities to exercise their conscience. As the Supreme Court has stated: "We are a religious people whose institutions presuppose a Supreme Being." That, of course, applies to all of us: Protestants, Catholics and Jews. We should make every attempt to infuse our public institutions with religious sentiment which is common to our various traditions. If we cannot do so, we must realize that solutions will not satisfy everybody, but in a democratic society, the great Reinhold Niebuhr pointed out, we try to find provisional solutions to insoluble problems.

Forty years ago, a visitor to our country observed the American system and wrote: "Men will more and more realize that there is no meaning in democracy if there is no meaning in anything, and there is no meaning in anything if the universe has not a center of significance and an authority that is the author of our rights. There is truth in every ancient fable, and there is here something of fancy that finds the symbol of the Republic in the bird that bore the bolts of Jove. Owls and bats may wander where they will in darkness and for them as for the skeptics, the universe may have no center . . . but it was far back in the land of legends, where instincts find their true images, that the cry went forth that freedom is an eagle, whose glory is gazing at the sun." What this Amendment attempts, is to make possible this continued gazing at the sun by our future citizens as they learn that which will enable them to carry on the traditions of American freedom.

ARTICLE

"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. Nor shall the United States or any State compose the words of any prayer to be said in public schools."

Text of President Reagan's
Revised Voluntary Prayer Amendment

Vonette Bright

August 10, 1983

File
School
Prayer

Dear Morton,

Enclosed is a copy of a talk on Prayer in Schools, which I gave last September. I believe I mentioned that I would send you a copy when I saw you in Washington.

Let me know if you have any suggestions.

Sincerely,

Vonette

Mr. Morton Blackwell
191 Old Executive Office Building
Washington, D.C. 20500

Arrowhead Springs, San Bernardino, California 92414

PRAYER IN SCHOOLS

An address given by Vonette Bright to prayer groups in Austin, TX.

Sept. 26, 1982

THE ISSUE: PRAYER IN SCHOOLS

On May 6, 1982, President Reagan announced his proposed constitutional amendment regarding prayer in schools. This proposed amendment reads: "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."

President Reagan wanted to make it clear that the federal government was not forbidding voluntary prayer in public schools. He also stated, "No one will ever convince me that a moment of voluntary will harm a child or threaten a school or state. But I think it can strengthen our faith in a Creator who, alone, has the power to bless America."

God alone has the power to bless America. That is why it is crucially important for us to be a nation which is, as the Pledge of Allegiance states, a "nation under God."

Most Americans would agree that being a nation under God was an extremely important goal for the early United States of America. Americans, today, are basically a people who do care about being a nation under God. And yet, in many ways, it appears that the United States is becoming a nation moving away from God, especially in our public schools.

LEGAL HISTORY

It is often a difficult task to remain informed of the activities of our community. It becomes increasingly difficult on a national level. The average American today would be startled to learn how some of the major court decisions of the last 20 years have affected public education. Here is a brief overview:

1962 Engle vs. Vitale: The U.S. Supreme Court forbade recitation of the New York State Regents' prayer in New York public schools. The prayer, worked out with Christian and Jewish leaders said: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

1963 Abingdon School District vs. Schempp: The Supreme Court struck down a Pennsylvania law requiring that public schools begin each day with reading--without comment--from the Bible.

1965 Stein vs. Oshinsky: A federal court upheld a school principal's order forbidding kindergarten students to say grace before meals on their own initiative.

1980 Kent vs. Commissioner of Education: Massachusetts courts struck down a school board policy 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 decision was upheld by the Supreme Court in 1982.

Stone vs. Graham: The Supreme Court ruled that a Kentucky law requiring the posting of the Ten Commandments on classroom walls in public schools was unconstitutional.

1981 The Supreme Court upheld lower court rulings that prevented students at a New York state public high school near Albany from using an unused classroom before the start of classes each day to get together to pray. Other student groups were routinely given permission for such unsupervised meetings.

In other situations, one court stopped the Lubbock, Texas, school system from allowing students to conduct voluntary meetings for "educational, religious, moral or ethical purposes" on school property before or after class, and another state court prohibited the reading of prayers from the Congressional Record in a high school gymnasium before the beginning of the school day.

The American Civil Liberties Union announced in May that it would assign five lawyers to bring suit against a new Tennessee state law allowing a minute of silent prayer or meditation at the start of each public school day. Students have the right to participate or not to participate in the silent minute. Also, in Tennessee, the state attorney general gave an official opinion that it was unconstitutional for coaches or players to lead prayer before high school football games.

It is hard to conceive that in the United States of America our courts can be doing these things. The real tragedy is that state repression of school prayer is happening without most of us realizing it.

These cases only reflect part of the problem. State opposition to prayer in school bears resemblence to an iceberg--most of it is below the surface of the water, below eye level. As we look deeper we see that these court rulings have inspired fear in the hearts of school administrators and teachers. The result is that, in many schools across the country, the element of spiritual or moral values has simply disappeared silently as educators face the possibility of lawsuits.

THE OPPOSITION'S AMMUNITION

Those who won such court cases, and who have been successful in driving a spiritual or moral emphasis out of the schools, typically use the First Amendment to the U.S. Constitution as the basis for their position. The First Amendment states: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech."

The weight of evidence, though, does not support the argument that the First Amendment was intended to drive God out of the public schools. On the contrary, the weight of evidence shows that since our earliest years as a nation, our leaders have understood and openly acknowledged that God is in many ways the very Author of the United States and of the freedoms we enjoy.

OUR NATIONAL HERITAGE

The Declaration of Independence itself refers to God and names Him as the source of man's "inalienable rights" and more than once during the Revolutionay War, the Continental Congress called national days of fasting and prayer. During the Constitutional Convention of 1787, the delegates turned to prayer in a moment of great crisis. Congress has always opened each business day with prayer.

"In God We Trust" is stamped on our coins. Our Pledge of Allegience proclaims us to be "one nation under God." It is rare that any public meeting--federal, state or local--opens without prayer. The words "Almighty God" are contained in 34 state constitutions, and every state constitution acknowledges dependence on God in some way.

There is strong evidence to support the view that what Congress meant to do in the First Amendment was simply to prevent the establishment of a state religion, similar to what colonial Americans saw in the Europe of their day. (And similar even to some of the American colonies in the 1700s which were based on the English model.)

The same Congress that adopted the First Amendment also appointed a chaplain and called for a National Day of Prayer and Thanksgiving to God. Almost every president since Washington has proclaimed a National Day of Prayer. Even Thomas Jefferson, a deist who believed in the supremacy of human reason, recognized the American people's dependence on God. He stated: "And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God?"

The truth is that our heritage is rooted in God. Can it be out of line with this national heritage, or the intentions of our founding fathers, to acknowledge Almighty God in our nation's public schools?

The desperate problem we face on the issue of prayer in the public schools is that the rising generations will grow to adulthood without understanding our true heritage. The problem and the challenge are even more serious in light of the fact that more and more we are becoming a nation of many highly diverse cultures. Hundreds of thousands of people are coming to live in America from throughout the rest of the world and, under present conditions, there is every likelihood that a great many of them will never have a real chance to learn about our national roots.

For thousands of years, the home, the church or other religious institutions and schools have been the primary means by which the heritage and values of the civilizations were passed along to the next generation. The family and the church play a crucial role in

this process. In America, the public schools have always played a vital part in that transmission of heritage and values, but with a few exceptions this is no longer true.

THE SITUATION IS URGENT

A precious torch has been handed to us by our founding fathers, and from even previous generations.

We are already paying a heavy price for what we have allowed to happen. That price is showing up in the decline of moral and spiritual values throughout American society, but it is nowhere more evident than in the schools themselves.

A recent comparison of student behavior puts this into proper perspective. In 1940, the top offenses by public school students were:

talking in class
chewing gum
running in the halls
making noise at the wrong times
wearing improper clothing
getting out of turn in line

Today, however, as story after story in all of our communities bears witness, the list of offenses includes:

rape
robbery
assault
personal theft
burglary
drug abuse
bombings
alcohol abuse
arson
carrying weapons
absenteeism
murder
extortion
gang warfare
vandalism
pregnancies
abortions
venereal disease
suicide

A study conducted at Wayne State University and the University of Massachusetts a few years ago reported that 15 percent of the students had attempted suicide. During the past two decades, the suicide rate for young people has nearly tripled.

The erosion in the spiritual and moral aspects of public school education is not the only factor to blame for this change. Can there be any doubt, however, that the dramatic turnaround in what young people hear in the public schools has played a significant role in what has taken place? The result is undeniable and absolutely tragic.

It is not even essential that the schools oppose spiritual and moral values. It is sufficient for those who provide leadership in the schools simply to take a totally neutral position about that whole area of life. The effect of that kind of neutrality is to trivialize the role of values, or even worse, to influence students toward actual unbelief.

Twenty years ago, when he dissented from the Supreme Court's decision in the Engle vs. Vitale case, Justice Potter Stewart wrote: "A compulsory state education system so structures a child's life that if religious exercises are held to be an impermissible activity

in schools, religion is place at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism."

ISSUES STILL CONFUSING

There is broad public support for finding a way for God to be acknowledged in public schools. The Gallup organization has found that approximately 75 percent of Americans, Protestants and Catholics alike, are in favor of their children being allowed to pray and to worship God in appropriate ways in the public schools.

Still, it is complex issue. There is disagreement even among committed Christians about what is the best way to deal with the serious situation in the schools and in the country. Much of this disagreement, where it exists, can be traced to a lack of understanding about the issue.

The major obstacle in blocking efforts to insure voluntary school prayer is the First Amendment argument mentioned earlier.

Another point of opposition is the objection to the government's shaping a prayer for schools. It is understandable that Christians would be opposed to that. However, as the proposed amendment is presently worded, such prayer composed by a school board or by a state agency, as in the New York case in 1962, would be permissible, but not obligatory.

The key factor to bear in mind is that the decisions would be made at the local and state levels, where the decision-makers are closest to the people they represent. The decisions made at the local level, in the overwhelming majority of cases, will be truly representative of the people in each area. This was the approach used for more than 150 years. At least the federal government itself will not be outlawing prayer, which would be wrong.

A third issue is whether the rights of those who chose not to take part in some prayer-related activity would be adequately protected. Here again, it would be unrealistic to believe that there would never be any hurt feelings. However, in the proposed amendment, the President has taken pains to guarantee that no one would ever have to take part in a prayer against his or her conscience. In addition to that, teachers generally are very aware of how to handle such situations with sensitivity.

This is a situation where majority rights have to be considered as well as those of minorities. Important issues for the entire society are at stake. In most cases there would be no difficulty for anyone concerned. At times it might be necessary for a student to exclude himself or herself from a prayer, but in all probability it would not produce serious problems for the students involved.

There does not seem to be serious damage to the spirit of a child from a conservative Prostestant family who declines to take part in folk dancing, or a Roman Catholic who chooses not to eat meat in the school cafeteria on Fridays, or a Jewish child who avoids pork for the same reason, or a child who for religious reasons stands quietly during the Pledge of Allegiance rather than reciting the pledge. These situations have been in the schools for decades and have dealt with in a fair and sensitive way. Why cannot the prayer issue be handled in the same manner?

Some Christians raise yet another objection to the proposed prayer amendment. They believe if there is a widely acceptable way of having prayer it would have to be so watered down that the outcome would be worse than if there were no prayer at all.

While it is true that reasonable compromises among various groups would have to be made, at the very least, students would be learning that there are those who believe there is a God who created us and that we are responsible to Him.

Ideally, this experience would be enriched in the child's home, church or synagogue or in other ways. But if a brief prayer to an almighty Father was all that a particular child received, in the long run that would count for something positive and worthwhile. We know the results of a system in which there is no such presence at all, and thus no sense of moral or spiritual responsibility beyond oneself. This is a subtle way of saying man is the final authority in his own life, determining his own value system and destiny--secular humanism, which the Supreme Court has already defined as a religion.

OUR RESPONSE AS CHRISTIANS

What, then, can we do?

One suggestion would be to make a genuine effort to understand our American heritage and the vital role that God and the entire Judeo-Christian value system have played in our nation since the earliest days of settlement. We must not let ourselves be bullied on this issue simply because we do not have the facts.

Second, Christians should support prayer in schools by whatever means will be most effective as the opportunity arises.

Third, we need to learn what present laws and court rulings do allow--it's more than many parents, teachers and administrators think. Some teachers have investigated their rights and, quite legally, are bringing the Bible and spiritual values into various kinds of classes as one point of view.

The first step, however, is to become personally concerned about what is happening, and what the implications are for us today and for the next generation. The very survival of our nation as a free society depends on whether our young people grow up understanding not just their academic subjects, but the spiritual and moral basis upon which our country has been built and on which its future depends.

Our culture, our heritage and the basic freedoms we hold dear are dependent upon our view of God and how we, as Americans, transmit that view to others.

(For further information on Supreme Court rulings, you may wish to write the Christian Legal Society, P.O. Box 2069, Oak Park, IL 60303, or The Washington Legal Foundation.)

JARL WAHLSTRÖM
GENERAL

JOHN D. NEEDHAM
NATIONAL COMMANDER

FOUNDED 1865

THE SALVATION ARMY

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NATIONAL HEADQUARTERS
799 BLOOMFIELD AVENUE
VERONA, N.J. 07044

OFFICE OF
THE NATIONAL COMMANDER

201-239-0606

June 7, 1982

Elizabeth H. Dole
Assistant to the President
for Public Liaison
The White House
Washington, DC

Dear Ms. Dole:

This will acknowledge with thanks the material you sent under the date of May 21st with regard to the President's proposed amendment to the Constitution which would restore the freedom of our citizens to offer prayer in our public schools and institutions.

Obviously we support our young people coming to know more about God and His Will for people and I, personally, support prayers being permitted in the public schools, on a voluntary basis, as is the case in many parts of the world.

Warmest and best wishes. God bless you.

Sincerely yours,

John D. Needham
COMMISSIONER

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

COPIES OF GROVER REES' ARTICLE SENT TO

Gary Bauer
Kevin Hopkins
Ed Gray
Bill Barr
Ken Cribb
Dole
Dianna Lozano
Jack Burgess

Reverend Jim Baker
Dr. Bill Bright
David Buttram
Dick Cizik
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THE WALL STREET JOURNAL, THURSDAY, JULY 22, 1982, EDITORIAL PAGE

Defending the School Prayer Amendment . . .

By Grover Rees III

Recently I attended a state college graduation ceremony that began with an invocation by a rabbi and ended with a benediction by a Catholic priest. On the way home I heard a radio commentator denounce President Reagan's proposed constitutional amendment on school prayer. The amendment, the man said, is a radical assault on one of our oldest and most fundamental constitutional principles, the "wall of separation" between government and religion.

The wall of separation is a myth. The record of the debate in Congress on the First Amendment ban against "establishment of religion" clearly indicates that its framers intended only to prohibit the *federal* government from designating a *particular* church to which all citizens must give their allegiance and their financial support. For 200 years the participants in the American constitutional consensus have understood the difference between establishing a church and saying a prayer.

They have invoked the aid of God in their legislative sessions, on their coins, in their national anthem, in their courts and—from the very beginning—in their public schools.

In 1962 six justices of the Supreme Court reversed the settled understanding of the meaning of the First Amendment, holding that it was unconstitutional for a school district to permit students to join in a brief nondenominational morning prayer. The Reagan amendment would simply reverse that decision and its progeny. The amendment would not require that prayers be said in public schools, but the decision would be made (as the framers of the Constitution intended it to be made) in local communities rather than in federal courts.

Will Choice Offend People?

The arguments advanced by critics of the amendment are the same arguments that convinced the justices in 1962. They tend to show not that school prayer violates the constitution, but that it might be a bad idea.

The central problem with saying prayers in school is that somebody must choose the prayer. If the choice is left to local school authorities, they are free to choose prayers that could offend people. Christian prayers may offend Jewish students; Protestant prayers may offend Catholics. Indeed, any prayer directed to a "personal" God may offend a student who believes that the Supreme Being is a "life-force," or that there is no God.

Alternatively, school boards may take it upon themselves to write their own prayers in an effort to avoid offending anyone. Such bureaucratic productions might be bland affirmations of reliance upon a lowest-common-denominator sort of God, a God with no attributes. To parents who wish their children to grow up loving and respecting a real God who is not at all boring, a meaningless prayer or an ugly prayer might be worse than no prayer at all.

Nor do critics of the amendment believe that school prayer will be truly voluntary. Although the Reagan amendment provides that no student may be forced to participate in any prayer to which he objects for any reason, they fear that students will be subliminally coerced into praying, or that they will be forced to listen to prayers with which they do not agree.

In the 200 years during which prayers were said in our public schools, they were not typically used as instruments of sectarian oppression.

To decide whether there ought to be a constitutional rule against prayer in the schools, however, one should consider not only the worst that might happen if prayer is permitted, but also the possible consequences of its prohibition. I am not sure that it is ever possible for an institution to be neutral about a question of fact or value. When the institution is a school and the question is what attitude students will have toward God, it is not at all clear that neutrality is achieved by never mentioning God except in discussions of speculative philosophy and medieval history.

It is frequently observed that schools neither are nor should be merely places where facts are disseminated. Rather, a good school shapes the whole person; it prepares him for life in the world. Between the ages of six and 18—the years in which most of us develop attitudes about religion that will form the matrix for all future experiences and observations—our lives are built around the schools we attend. These schools treat Julius Caesar, Shakespeare, Nietzsche, Washington, Reagan and Brezhnev as real persons whose ideas and actions matter; only God is hypothetical and contingent. Among the values that are fundamental to our civilization, the public schools attempt more or less successfully to inculcate in their students the love of freedom, of equality and of their fellow human beings. The love of God is conspicuous in its absence.

Neutrality toward God, in other words, is another myth. I know because I've tried it. I have doubts about God, and my doubts sometimes rise (or descend) to the level of disbelief. But I know that if God exists He is the most important thing in the universe and in my life. When I try to conduct any part of my life without regard to God I am not standing still but turning away.

God is also too important to be left out of the institution that seeks to prepare my child for life in the world. Like most Americans, I cannot afford private schools. The public schools will present my child with a set of facts and values that either includes or excludes God. I believe neither option to be neutral, so I hope his school day will include prayer, which is the affirmation of the love of God.

School is not, of course, the only influence in the lives of our children. Parents can teach their children how to pray. Parents can also teach their children patriotism and sex education. There is at least as good a chance that a child will be adversely affected by a teacher with idiosyncratic ideas about sex as by one who says the wrong prayer, but even the most fervent opponents of sex education seek only to persuade their school boards to omit it from the curriculum. Nobody thinks that the Supreme Court should declare it unconstitutional.

The observation that the Reagan amendment would not mandate school prayer but merely take power over the decision away from courts and give it back to school boards, goes a long way toward answering the horror stories advanced by opponents of the amendment. Any power is subject to abuse, but the possibility of abuse is seldom a sufficient argument against a power that can also be wielded beneficially.

The American political tradition is one of respect for minority opinions: In the 200 years during which prayers were said in our public schools, they were not typically used as instruments of sectarian oppression, and there is no reason to believe that Americans would use prayer as a way to offend their friends and neighbors after the passage of the amendment.

Some people would be offended. Some people are offended by the Christmas tree across from the White House, and some people were probably offended by the rabbi and the priest at the graduation I attended. Some people take religious objection to the Pledge of Allegiance to the flag, and the Supreme Court has held that their children need not participate in the pledge. The Reagan amendment provides the same guarantee with regard to prayer.

Government Is Not Being Neutral

I hope that school boards can find prayers that offend as few people as possible. Though my child is a Catholic, there are many beautiful prayers in the legacy of King David and of King James that would enhance his faith and brighten his days. In some communities it may be more appropriate for children of various faiths to compose their own prayers, or to engage in a minute of silent prayer or meditation. Other communities would almost certainly choose to have no prayer at all. But the communities should decide.

Against the hypothetical abuses of school prayer by local authorities if the Reagan amendment passes should be arrayed the absurd lengths to which the federal courts have carried their constitutional rule against prayer. The courts have banned not only "official" prayers but also Bible reading, posting of the Ten Commandments on classroom walls, prayer meetings voluntarily initiated by students after class at times when other student groups were allowed to meet and school policies that allowed students to engage in a minute of silent meditation. One court even upheld a school principal's order forbidding kindergarten students to say grace before meals.

The continued enforcement of a nationwide rule against school prayer, and the erection by judges of higher and wider walls of separation between school children and God, is no way for the government to be neutral about religion. Ratification of the voluntary school prayer amendment would restore the spirit of the First Amendment, whose framers intended it to guarantee freedom *of* religion, not to impose a regime of freedom *from* religion in community life.

Mr. Rees is a law professor at the University of Texas.

May 11, 1982

To: Kenneth Cribb, Assistant Counsellor to the President

From: Grover Rees, Assistant Professor of Law, The University of Texas

Re: Proposed Language for School Prayer Amendment

This memorandum is to reiterate the importance of using proper language in the proposed amendment in order to minimize the political and jurisprudential problems that will result from any constitutional amendment. In my view, the language that I understand was approved by Mr. Meese and by the Attorney General prior to last Thursday's announcement by the President is excellent. I have heard rumors of certain proposed modifications which could have disastrous political and legal effects, and I urge prompt approval of the current language or something very close to it.

BACKGROUND

On March 30, 1982, at the request of Gary Bauer of the Office of Policy Development, I drafted the following language for a school prayer amendment:

> Nothing in this Constitution shall be construed to prohibit prayer in any school or in any other place or institution, whether public or private; provided that no person shall be required by the United States or by any of the several States to participate in prayer or in any religious exercise.

I also submitted a memorandum, a copy of which is attached, emphasizing the essential facets of any prayer amendment language: (1) use of a "no person shall be required" formula rather than the word "voluntary," so as to minimize the

possibility of judicial misconstruction of "voluntariness" to limit drastically the opportunities for prayer in schools; (2) the absence of any "nondenominationality" requirement, which would put the federal courts rather than local communities in the business of choosing prayers; (3) phrasing the amendment so as to make it clear that a constitutional prohibition against prayer is being removed, but that communities are not being forced to have prayer in their schools if they do not wish it.

About May 1 the Office of Legal Policy at the Justice Department (Jonathan Rose's office) submitted a draft amendment that modified my language in several respects:

> Nothing in this Constitution shall prohibit prayer or other expression of religious belief in public schools or other places or institutions supported in whole or in part through the expenditure of public funds. Provided, that no person shall be required by the United States or by any State to praticipate in any prayer or religious exercise.

One change in this language was, in my view, an improvement over my original draft: the inclusion of "or other expression of religious belief" eliminates the possibility that the courts will hold, for instance, the posting of the Ten Commandments to be not a "prayer" and thus not covered by the amendment, and yet at the same time sufficiently "prayer-like" to be forbidden by the Establishment Clause. This is an unlikely judicial construction, since the very things that make something objectionable under the Court's Establishment Clause holdings ought also to make it a "prayer" within the meaning of a school prayer amendment. But it's best to be safe.

The Justice Department language also differed from my original draft in the way it handled the problem of private institutions receiving public funds. In my view the language "supported in whole or in part through the expenditure of public funds" is not as elegant as "in any place or institution, whether public or private," and the two versions would have the same effect, since there is no constitutional problem at all with prayer in private institutions that do not receive public funds. But this is a minor point, and the original Justice Department language would have been excellent. On May 4 Rose's office produced a lucid and scholarly memorandum explaining the reasons for its choice of language.

Also on May 4, however, the Office of Legal Counsel in the Justice Department (Ted Olson's office) produced a shorter memorandum which seemed to misunderstand the purpose of the school prayer amendment. Based on some faulty premises about what we were trying to do, the Olson memorandum quite rightly concluded that the Justice Department language did not do these things, and generated a parade of hypothetical horribles. I will briefly address these arguments later; in my opinion, however they were also adequately dealt with in both the Rose memorandum and in my attached March 30 memorandum.

On May 6, the day before the announcement, it is my understanding that Mr. Meese and the Attorney General approved the following language:

> 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.

The Meese language, like my language and the Rose language, resolves every important question --- voluntariness, denominationality, and community option --- in a way that will be pleasing to the President's supporters on this issue and that will minimize the possibility of judicial misconstruction that would defeat the amendment's purposes. The addition of the words "individual or group" is an improvement. The Meese language does not deal at all with the question of private institutions receiving government funds; in all probability this will make no difference, since the courts are currently pretty reasonable with regard to such institutions, and the logic of permitting prayer in public institutions should also apply to private institutions that receive government funds. In sum, the Meese language could have been announced by the President last Thursday with a minimum risk of resulting political or jurisprudential problems.

PROBLEMS RAISED BY THE OLSON MEMORANDUM

The Olson memorandum seems in some places to assume that we are trying to create a positive right to pray in schools, rather than just to overrule the Supreme Court's holdings that the Constitution prohibits communities from having prayer in schools even if they want it. The memorandum then correctly perceives the host of problems that would result from this unprecedented affirmative right: Could, for instance, Catholics in a predominantly Protestant school district have their own prayers at the conclusion of the "official" prayer? (Could Moonies? Could Satanists? Yes, they all could, if there were an affirmative right to pray.) Could school districts regulate

the times, places and manners of prayer in public buildings including schools? Probably, but the extent to which they could do so would be decided by the courts.

Later, however, the Olson memorandum recognizes that no affirmative right is intended, and that the police power of states and communities could be used to restrict, "even to the point of outright prohibition," such prayer. The tone of this observation seems to suggest that this is a problem; but (as was stated in my March 30 memorandum and in the Rose memorandum) this is precisely what the drafters intended. We avoided the "affirmative right" construction for the very reasons that the Olson memorandum suggests. Points 3, 6, 7 and 8 of the Olson memorandum should, in other words, be regarded as cancelling each other out.

Points 1 and 2 of the Olson memorandum deal with the problem of other institutions besides public institutions. These objections are dealt with in the Rose memorandum; in any case, they apply only to the Justice Department language, since the words to which objection is taken do not appear either in my original draft or in the Meese language.

Points 4 and 5 of the Olson memorandum deal with perceived conflicts between "prayer," "religious expression," and "religious exercise." I believe the Rose memorandum answers these objections perfectly well: "Prayer" is one sort of "religious expression," and the disjunctive was used by the Justice Department out of an abundance of caution, as in "sell, devise and convey." "Exercise" is broader than "expression," and we simply want to make it clear that <u>nothing</u> of a religious nature shall be required of anybody.

The language to which the Olson memorandum takes objection, however, does not appear in the Meese language, so these points present no obstacle to approval of this language.

Point 9 in the Olson memorandum proposes, in my view, an improvement over the Justice Department language. The time limit for ratification should be placed in the resolving clause rather than in the text of the amendment itself, where it will clutter up the Constitution for all time. Most constitutional scholars agree that a time limit in the resolving clause is just as effective as a time limit in the text, at least absent any evidence that the framers of the amendment intended a difference. In my view the ERA extension was unconstitutional for this reason; but the worst that could result from putting the time limit in the resolving clause is that, if the school prayer amendment has not been ratified after seven years, proponents can seek to extend it as the ERA was extended. Let the opponents of the amendment worry about that unlikely possibility; a time limit in the resolving clause is more elegant as well as more constitutionally appropriate.

Point 8 in the Olson memorandum raises, although it does not directly address, what I fear will be one of the major political objections to the President's proposal as it now stands: the amendment leaves to local communities the power to choose the prayers that will be said in their schools. Although countless horror stories can be generated on this point, the problem is that <u>somebody</u> has to make that choice. There are only two alternatives to letting communities choose the prayers:

(1) creating an affirmative individual right to say prayers of one's choice while in school, with the attendant problems seen by the Olson memorandum; (2) inserting a requirement of "nondenominationality," thus putting the federal courts into the business of choosing, censoring or perhaps writing prayers.

It would be bad, both politically and juridically, to make either of these changes. We seek only to reverse the Supreme Court holdings that made morning prayers unconstitutional. The "affirmative individual right" language would be more likely to turn the neighborhood school into a cross between a Quaker meeting house and the United Nations General Assembly. Opponents of the school prayer concept would make fun of the picture of students rising to pray in the middle of English class --- or, alternatively, of the uncertain scope of "reasonable times, places and manners" restrictions, which, depending on their interpretation by the very federal courts that gave us the school prayer problem in the first place, could either emasculate the new individual right or put school authorities in roughly the same position that airport administrators now occupy vis-a-vis Moonies and Hare Krishnas who wish to solicit in their lobbies. This is not the way it was between 1791 and 1962, when community school authorities chose the prayers for their local schools, and it is certainly not what the President's supporters on this issue have in mind.

Nor do we want to give the federal courts the opportunity to construe a requirement of "nondemonimationality" so as to eliminate the Bible, the Lord's Prayer, the Ten Commandments and anything else that might offend members of some denomination.

The current draft provides that nobody can be required to say any prayer to which he objects for any reason. To the extent that listening to prayers with which one disagrees might be offensive (or subliminally coercive), parents would have recourse to the political process within their communities to seek either inoffensive prayers or the right to have their children leave the room during any prayers. The Meese language (like my original language and the Justice Department language) reflects a decision to trust communities more than federal courts when it comes to choosing the content of prayers. This is the best decision from the standpoint of policy as well as that of politics.

CONCLUSION

The Meese language, or something very close to it, ought to be approved. Although the President will be criticized for letting local communities choose prayers that some people will not like, the alternatives are all worse. A change that imposed a "nondenominationality" requirement, or that imposed on school authorities an obligation to let people pray in public institutions, would open the President up to different but equally strong criticism. The current language is favored by the President's supporters on this issue, and it is supported by the excellent Justice Department Office of Legal Policy memorandum. This was also the language on which the "fact sheet" and "questions and answers" given to the press and to those present in the Rose Garden last Thursday was based. The current language should be approved and released promptly.

dictated by phone 4/6 Vol. Prayer

TO: Morton C. Blackwell

FROM: Professor Grover Rees, University of Texas Law School

SUBJECT: Changes in Prayer Amendment Proposed by Christian Voice

1. "Non-sectarian"

This keeps the federal courts in the business of judging which prayers are permissible and which are not. Ultimately, somebody has got to chose any prayers that will be set in schools. The decision can be left to state and local governments, as it was for roughly 175 years after the adoption of the Constitution and prior to the Supreme Court's decision abolishing school prayer; or it can be given to the federal courts. I agree truly sectarian prayers should not be said in public schools, and I will so advise my school board if the amendment passes. If the power is given to the federal courts instead, they will find traces of "sectarian" influence in every prayer.

2. "Nor shall the Executive or Legislative branch of any state have the authority to draft or influence the content of prayer in public schools."

There are three problems with this proposal.

First, it would give the federal courts the power to decide whether the state legislature or the executive had somehow "influence" decisions by local governmental bodies. Since local govenment has always been regarded as a mere creature of the state whose actions are state actions, the tendency to find such influence would probably be quite strong.

Second, the proposal does not really answer the objection it is designed to answer. As I understand the objection to "governments writing prayer," it goes not to the level of government, but to the prospect of any government involvement in the drafting (and, in some versions of the complaint, even in the selection) of prayers. Frankly, I don't think that the people who make this argument understand the nature of the problem. If government does not select prayers, the only alternative is to allow all individual students the power to select whatever prayers they like. This effectively makes group prayer unconstitutional, and would also require "equal time" in the public schools for anyone who wishes to inflict on his classmates a prayer to Reason, to Haile Selassie, or to Satan. Whoever drafted this proposal obviously understands this problem, but he has not dealt with it. The proposal not only allows local governments to select prayers; it also contemplates that they will write them. Incidentally, the only thing that makes it at all likely that a government body would want to commission a new prayer is the

desire for "non-sectarianism."

Finally, the sentence would probably harm the chances of the amendment by giving opponents something new to make fun of. It would be an unprecedented establishment of "local government sovereignty" in the constitution. Opponents of school prayer would argue that this contravenes the principle of federalism, under which state governments can decide how to allocate authority among political subdivisions and other state agencies.

Those of us who worked on the drafting of the Reagan language were aware of the political problems that might result from the omission of the word "non-sectarian" and also from the objection that government at some level might be involved in the drafting of prayers. I emphasize that these two obejctions are contradictory. The only existing "non-sectarian" prayer I know is "Now I lay me down to sleep," and I am not sure Justice Brennan couldn't find some impermissible Judeo-Christian dogmatism lurking even there. The best of a number of politically unattractive solutions is to emphasize that the Reagan amendment is that someone might have to <u>listen</u> to a prayer with which he disagrees. Nobody can be <u>forced</u> to participate.

3. The last sentence.

I have no objection to this, although I think its result is already implicit in the Reagan amendment. If school prayer could no longer be regarded as an establishment of religion, then school boards would not have "compelling interest" necessary to justify an abridgement of free exercise, or a content-based discrimination against some kinds of speech.

THE WHITE HOUSE

WASHINGTON

February 23, 1983

Mr. George P. McDonnell
The Viguerie Company
7777 Leesburg Pike
Falls Church, VA 22043

Dear George:

I am catching up now on past correspondence. Thank you for sending me the article from Christianity Today regarding the President's proposed voluntary school prayer amendment. The amendments which they suggest would actually be killer amendments. If we inserted the prohibition of government officials influencing the form or content of any prayer or other religious activity, this would endanger many current practices.

For instance, if a Presbyterian is hired to be Chaplain of the Senate, does that not clearly influence the form or content of the prayers? If a rabbi is hired as an Army chaplain, doesn't that influence the form or content of the prayers? The former would be unlikely to say Hail Marys. The latter would surely not pray in the name of our Lord Jesus Christ.

In short, Christianity Today and Senator Hatfield, who is the source of this proposed change, are making it possible for government to become more intrusive rather than less intrusive in matters relating to prayer. This problem would surely kill any amendment which contained the language suggested by Christianity Today.

We still have a problem in the issue that the President's amendment would permit the school authorities to "draft prayers". Most jurisdictions would surely not compose prayers. What the President's amendment would do would be to restore the situation existing before the enforcement decisions of twenty years ago.

Another promising approach is being put forward by Senator Denton, who would prohibit all Federal aid to any school district which discriminates in the use of its facilities against any organization based on the religious content of the organization. Thus we would change the debate from establishment of religion to freedom of association and freedom of expression. That is where the debate belongs.

Cordially,

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

The Viguerie Company

A Direct Mail Advertising Agency

7777 Leesburg Pike, Falls Church, Virginia 22043, (703) 356-0440

October 29, 1982

Mr. Morton Blackwell
The White House
Washington, DC

Dear Morton:

The attached article from CHRISTIANITY TODAY makes a strong case for alternative wording of the President's proposed Prayer Amendment.

I thought you might want to take a look at it.

Sincerely,

George McDonnell

George P. McDonnell
Vice President

GPM:jhm

Enclosure

Does Religion Belong in School?

The Prayer Amendment has major implications for how our Constitution is understood.

"ASTONISHINGLY TRIVIAL!" So a liberal opponent decried the proposal for the School Prayer Amendment. The whole matter, he insists, is so inconsequential that no sensible person will waste his time arguing for or against it. The only justification for fighting it, he suggests cynically, is to "keep right-wingers pinned down on the Prayer Amendment battle for a number of years so they won't be able to cause trouble on more important fronts."

There is a piece of truth in what he says. The Prayer Amendment is certainly no panacea for the moral ills of our society. The evangelist who blamed the Supreme Court ban on school prayers for "crime, racial conflict, drug abuse, political assassination, the Vietnam war, sexual promiscuity, and the demise of American family life" is living in a dream world. Passing the Prayer Amendment will not result in an automatic upsurge of good laws for the relief of the poor, the downtrodden, and the disenfranchised. It will not roll back the materialism and secularism dominating higher echelons of our culture. And, above all, there are other great issues before our nation. Evangelicals must not allow themselves to be sidetracked by a concern for the School Prayer Amendment, making it into an issue out of all proportion to its true significance.

Why the Prayer Amendment Is Important

Nonetheless, our liberal friend labors under a very serious misconception. The issue over the Prayer Amendment is not trivial. It is a symbol of the fact that America for 200 years has labeled itself a nation under God. Secularists are struggling valiantly to try to pull our nation out from under its conscious submission to a supreme moral ruler. They are trying to make the United States into a pagan nation. While few, if any, defend their opposition to this amendment on the grounds that they wish to make America a pagan nation, that is nonetheless the heart of the issue.

We are not an obedient nation, nor are we a righteous nation. But in our national motto, in our Pledge of Allegiance, and in countless other ways, we have consciously chosen to be a nation that recognizes God as the Supreme Ruler and the Guarantor of our basic ethical values. The Prayer Amendment, for good or ill, has become the symbol of whether or not America still has the will to claim itself to be a nation under God.

Moreover, no one should ever think that evangelicals will remain satisfied with securing merely the symbol of our national recognition of God. If this amendment or some other action makes it possible for Americans to give public recognition to God, it will have far-reaching effects. It will prove to all that this nation has not drifted so far from its heritage as some have thought. The American people still want to commit this nation to God, however vague and hesitant that desire may be.

Therefore, God-fearing people everywhere will be encouraged. Evangelicals will gain a greater sense of their responsibility to act politically as Christians. They must not, and they will not, stop until they have reasserted their right to the full practice of their evangelical faith and its application in ways that are appropriate to a pluralistic society. They will certainly press for the right to provide meaningful instruction for their children in Christian doctrine and biblical ethics, however this can be justly safeguarded in our pluralistic society. No large segment of society has ever been willing to turn its children over to an educational process that undermines or neglects as irrelevant its basic values. On the current scene, this rests heavily as a major social problem and, as we shall see, is directly related to the issue of the Prayer Amendment.

This proposed amendment also has significant implications for the whole understanding of our American Constitution and how it works in practice. Over the last few decades, the Supreme Court has chosen to "interpret" our Constitution in ways that almost every student of the American system recognizes are really not interpretations in the usual sense of the word. They are instead adaptations of it to fit what the Supreme Court feels is good for the American people at the moment. In this process, most evangelicals are convinced that while the court has protected many basic human rights, it has also jeopardized other rights built into the original Bill of Rights. Passage of the

Prayer Amendment would seek to reassert some of this precious heritage without endangering political and social freedoms the American people have gained in other areas.

Evangelicals Defend Religious Freedom

But some lament: "This is just the danger signaled by the Prayer Amendment. Fundamentalists and evangelicals wish to reinstate a theocracy and will not stop short of religious persecution if they have their way." Far from it! Evangelicals are among the strongest proponents of freedom and relief from government intervention and control to be found on planet Earth. They know that they must protest any attempt to force a particular religion down the throats of the American people. They do not wish to destroy the child of the atheist or the antireligious person. Evangelicals, too, have been a minority; they know what it means to function in a school system that is unfavorable to the flourishing of their religion.

History illustrates the evangelical commitment to freedom. The nations historically dominated by evangelical Protestants were the leaders in the modern development of human freedom. The culture of the United States has been dominated by evangelical religion as few other nations in the world, and this nation has been at the forefront in the battles for human freedom.

Not that our record is unsullied. Liberty is a fragile treasure that we preserve only at the price of eternal vigilance. Yet for all their failures, Protestant evangelicals have fought for human liberty (not just their own) as no other major religious group. Evangelicals today need to be reminded of that part of their heritage, too.

Evangelical faith by its essential nature is committed to human freedom, and, in spite of a few lamentable exceptions, its history demonstrates how it has taken the lead in this area. Evangelicals, therefore, are wholly committed to freedom from governmental control. They stand firmly for the First Amendment of the Bill of Rights, which protects its citizens from laws that will in any way seek to impose upon them either a religion that is not their own or any religion at all. But they are also concerned about freedom *for* religion and its free practice. The second half of the First Amendment guarantees the free exercise of religion and protects the freedom of American citizens to acknowledge God in every area of their lives.

Proponents of the Prayer Amendment, incidentally, are not really seeking to introduce anything new. They are rather restoring rights they believe the Constitution already guarantees to them but which have been eroded in recent years. In poll after poll, 70 to 85 percent of Americans make clear that they wish to acknowledge God, and for their children to be free to pray and worship God in the public schools. It is a shame, or so it seems to most Americans, that soldiers can have a chaplain minister to them, that our Senate has a chaplain who leads in daily prayer, but that our school children are not allowed to acknowledge the Divine existence or that theirs is a nation under God.

Religious Freedom in Public Schools

The First Amendment prohibited Congress from establishing any particular religion as the law of the land, and it guaranteed the people their right to worship freely as they wished. The Fourteenth Amendment has been interpreted (many think wrongly) to mean that these same rules apply to each of the 50 states and local governments. Immediately after World War II, however, a series of Supreme Court decisions upset the balance between these two principles of (1) freedom from governmental prescription of religion, and (2) freedom from government interference in the free exercise of religion.

•The famous *McCullum* case ruled out released time (for Bible classes).

•In *Engle* v. *Vitale*, the Supreme Court struck down a 22-word prayer prepared by the New York Board of Regents for voluntary use.

•In *Murray* v. *Curlett*, Bible reading and the Lord's Prayer were forbidden in school exercises.

Although the Court decisions were not so clear-cut with respect to voluntary religious exercises as some have thought, the courts have made abundantly clear that: (1) any legislated practice must have a secular purpose, (2) its primary effect must not be to aid or inhibit religion, and (3) it must not significantly entangle the government in religion. Even more important than this set of tests has been the effect of the Court's decision upon the practice of our public schools. In order to avoid litigation and to "be on the safe side," school officials across our nation have pretty much eliminated voluntary prayer or Bible reading or religious exercises of any kind.

The cumulative effect of this upon our nation is disastrous. In the first place, it has deprived religious people of sharing with their children the basic structure of their own religious and moral commitments. Moreover, it has deprived our nation of communicating its religious heritage to its citizens. And finally, it has, in effect, established a religion of secularism.

As Supreme Court Justice Stewart noted in his 1964 minority report (*Abington* v. *Schempp*): "[A] compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism."

The dilemma before the American people is simply this: How can we adequately protect the right of our people not to have an alien religion forced upon them by government but at the same time allow them the free exercise of their

own religion in a way that will be appropriate with the nature of their deep religious commitment? In a pluralistic society like ours, how can these two basic freedoms be preserved in appropriate balance?

Is the Prayer Amendment a Solution?

We believe that the amendment proposed by the Senate (S.J. Res. 199) and sponsored by President Reagan will go a long way towards the preservation of both of these freedoms and secure the desired balance. The resolution reads: "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or in public institutions. No person shall be required by the United States or by any state to participate in prayer."

The slightly revised version also under consideration is, we think, an even better form, although we would support either. The revised form would read: "Nothing in this Constitution shall be construed to prohibit prayer *or other religious activity* in public schools or other public institutions. Neither the United States nor any state shall require any person to participate in prayer or other religious activity or *influence the form or content of any prayer or other religious activity.*" Either form of amendment would significantly extend the freedom to exercise religion in the public school. The second form has the added feature that it would not permit simply voluntary prayer, but also the voluntary exercise of religion in debates, private meditation, Bible study, moral instruction, Bible reading, or religious clubs as long as these did not infringe upon the freedom of the nonparticipant.

Both readings also protect the student's right not to have a religion he does not want crammed down his throat. The amended form again is stronger. It not only prohibits the government from requiring anyone to participate in prayer or any other religious activity, it also forbids the government from influencing the form or content of the prayer or religious activity. That is, the government would not be permitted to prescribe a particular form even for voluntary use. In this way it could not indirectly foster a particular religion by preparing sectarian prayers or forms of worship and making them readily available. More important by far to all evangelicals, it could not in the interests of peace and harmony prepare "harmless" prayers with all distinctively evangelical convictions safely removed from them.

Would This Foster One Freedom to Destroy Another?

In one sense, of course, by providing an environment in which those who wish to pray will be permitted to do so, some will be influenced toward religion and even a particular religion. Army chaplains, for example, sometimes influence a soldier toward a particular religion. But it is not the government's aim in providing the chaplain to influence a soldier in the direction of a particular religion. Just so, if the government creates an opportunity for prayer or Bible study, its aim is not to influence anyone toward a particular religion, though that may sometimes happen. Its aim is to provide freedom for those who wish to exercise their religion to do so while retaining safeguards against unduly embarrassing or pressuring any students to participate in an unwanted religious exercise.

Of course, some insist that merely creating opportunity for prayer is in itself a dangerous push in the direction of fostering religion. Yet, in a pluralistic society we must retain a balance of both principles—freedom to exercise and freedom against compulsion. Most Americans believe in God and hold that belief in a wise and just Supreme Ruler is important to the moral fiber of the nation. Therefore, it is appropriate for our government to provide a favorable environment for the fostering of religion so long as it adheres to the Golden Rule and safeguards to the best of its ability the freedom for irreligion (applying the Golden Rule to others).

This is precisely what we now do with our Pledge of Allegiance. We gladly acknowledge that we are a nation under God. But we do not force the atheist or Jehovah's Witness to repeat a religious commitment that runs against his conscience. Accordingly, teachers could pray if they wished, but they could not be forced to pray and they could not directly teach their students to pray. And if a teacher or student chose to pray, the government could not prescribe a prayer to shape their religious exercise.

Would It Destroy Genuine Religion?

Some object that such holding of religious exercises would be divisive, setting the religious against the irreligious. Not at all! It would be far more likely to lead to a greater understanding by each student of the other person's religious values or of his lack of religious values. In most cases it would lead to a greater respect for religion. But it would also provide a marvelous laboratory in which children could learn mutual respect for diverse religious views and how those with very deep, but also very different, commitments can function effectively in a pluralistic society.

Again, Christians often object that the watered-down sort of religious exercise acceptable to the vast majority of American citizens could only be an impoverished civil religion offensive to any evangelical who bases his religion on the Bible. Evangelicals have no desire to "establish" a false deistic religion and promulgate it in our schools. But this is not what the amendment proposes or even allows for. The fact is, by the complete elimination of religion from the schools, we now have the establishment of a secular religion. We are not asking that this be replaced by an anemic, vaguely theistic, civil religion. Certainly we are not asking for a theology-free prayer or religious exercise. Rather, we desire freedom for each person to carry out his or her own religious convictions within the public school. The public schools of America are too determinative for

OTHERS SAY

Should a Computer Do All It Can?

THE ELECTRONICS REVOLUTION . . . will profoundly alter the way people interact with one another. Social interaction will more and more be done by means of the audio-visual media. This will diminish direct personal contact in favor of an artificial and machine-dominated environment. Opportunities for manipulation and fraud will increase enormously. . . .

[This highlights] the need for critically evaluating the new possibilities with a view toward a restrained application of the new technology, rather than assuming that every technical innovation is good because it is possible.

The most worrisome aspect of this development is that it is led by scientists and technicians, many of whom are victims of an uncritical attitude toward science. Some of them are anxiously looking forward to the day when they are able to reproduce human intelligence. This is what makes them utter statements such as ". . . men and computers are merely two different species of a more abstract genus called 'information processing systems.' " Or, "what does a judge (or a psychiatrist) know that we cannot tell a computer?" . . .

That not all scientists are thus minded is encouraging. . . . Joseph Weizenbaum [writes in *Computer Power and Human Reason: From Judgment to Calculation*]: "There have been many debates on computers and mind. What I conclude here is that the relevant issues are neither technological nor even mathematical; they are ethical. They cannot be settled by asking questions beginning with 'can.' The limits of the applicability of computers are ultimately statable only in terms of oughts. What emerges as the most elementary insight is that, since we do not now have any ways of making computers wise, we ought not now to give computers tasks that demand wisdom."

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our entire cultural heritage to allow them to become an irreligious preserve or to promulgate a religion of secularism. We are, in short, insisting—and the amendment as revised would certainly require this—that the religion students would be free to exercise should be their own.

Finally, we need to examine the often-repeated theme that religion is really a matter for the home and church. With this we certainly agree. By no means do we wish the school to replace the church and the home as the primary source of religious instruction to the young. But no one denies that the American public school plays a decisive role in transmitting culture in our society. It is to the degree a person thinks religion is important that he will be unwilling for this crucial influence upon the young of our nation to be totally divorced from religious influence.

Moreover, we dare not teach our youngsters that religion is a purely private affair that does not affect public life. Religion deals with one's ultimate commitments and, if genuine, affects every area of life. It is important, therefore, to see that the state is not the highest authority. Like every other aspect of human life, the state, too, is subject to a higher divine law of righteousness and justice.

Pluralism in America does not mean or require that our government must root out every vestige of religion from public life. In recent years, even religious people have at times defended singing "Silent Night" or repeating a prayer as really not religion at all so as to keep it within the bounds of what has been decreed permissible by our courts. But these are, and should be acknowledged as, religious practices. America claims to be a nation under God. Indirectly, it may foster religion and even a practice of a certain kind. But we are not defending permitting religious exercises in our public schools for that reason. We are defending them because of the inalienable freedoms that are ours as human beings—freedoms no government has a right to take from us. It is our aim to permit U.S. citizens the free exercise of their own religion. And we believe this can be done without foisting their religious convictions upon all or coercing our citizens to adopt a particular religion.

The Sum of the Matter: What Should Evangelicals Do?

In a pluralistic society such as ours, no solution is ideal or without problems. But the present situation has become more and more unjust. All too often it now foists upon us and our children a secular religion. Invariably it prevents the free exercise of religion. Accordingly, we stand forthrightly upon the Bill of Rights and the American freedoms we have uniformly honored in name, if not in reality, through our 200-year history. We insist upon freedom from undue coercion so that no citizen and certainly no child will have an unwanted religion forced upon him. We also insist on freedom for the full exercise of religion as essential to the life of our nation. We believe this amendment—particularly in its revised form—will protect both of these freedoms. We can thus become one nation, under God, as we have time and again indicated that we wish to be.

Therefore, we urge all concerned Christians to support the Prayer Amendment, particularly in its revised form. At the same time we urge evangelicals to remember that if this should be passed, it will lay a greater burden on every Christian to work as never before to secure just laws in our nation. We will have proved that our nation can, by earnest and prayerful effort of God's people, be moved in a right direction. We dare not rest on our laurels over any meager victory of the Prayer Amendment if it should become law. Rather, we must struggle to secure just laws that will truly reflect the goodness and justice of our God. □

GUIDANCE ON PRAYER IN SCHOOLS CLF 5/6/82--11:55

The President will state at today's National Day of Prayer Observance in the Rose Garden the following"

"...I am particularly pleased to be able to tell you today that this Administration will soon submit to the United States Congress a proposal to amend our Constitution to allow our children to pray in school."

Guidance following the meeting should include the following points:

1. We intend to have the precise language for the Constitutional amendment prepared prior to the end of next week (May 14, 1982).

2. There are two principals that should be contained in the amendment:

   a. The federal government and the Constitution will not prohibit individual or group prayer in public schools or other public institutions.

   b. No one will be required to participate in prayer.

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