NATIONAL ASSOCIATION OF
EVANGELICALS
OFFICE OF PUBLIC AFFAIRS/1430 K STREET NW/WASHINGTON DC 20005/(202) 628-7911

May 2, 1983 Statement of
ROBERT P. DUGAN, JR.
Director, Office of Public Affairs
NATIONAL ASSOCIATION OF EVANGELICALS
before the
SUBCOMMITTEE ON THE CONSTITUTION
of the
SENATE JUDICIARY COMMITTEE
re:
S.J.Res. 73

Mr. Chairman and Members of the Committee:

The National Association of Evangelicals appreciates this opportunity to contribute our thoughts to the school prayer dialogue. We want to acknowledge with gratitude the continuing support of the President who recognizes the need to address a problem the country has been wrestling with, off and on, for some two decades. Mr. Chairman, the school prayer controversy is not going to evaporate. It will remain as long as millions of Americans, of many different faiths, want to see some acknowledgment of God returned to our public schools.

The values we treasure are passed down from generation to generation in our public schools, where 90% of future Americans acquire a basic education and an understanding of the society in which we live. Those must not be wholly secular values. We are here today not so much to urge specific relief, though we do have some thoughts in that area we will express, but to urge this Committee, and the Congress, to come to grips with this school prayer controversy.

Surely men and women of goodwill can agree that the First Amendment to the Constitution does not bar governmental efforts to accommodate free speech and free exercise of religion. From that basic premise, Congress should be able to formulate some relief that will be acceptable to the vast majority of Americans. No measure, of course, is going to be acceptable to those who cry crocodile tears over what they characterize as an attack on the First Amendment. They want the present warped Establishment Clause analysis, which is so much in fashion in the federal courts, to be extended until every vestige of religious free speech is banned from the public school classroom. Evangelicals aren't the only ones becoming increasingly aware of the judge-made threat to the religious freedom of their children. Americans, 97% of whom profess some belief in God, are not going to acquiesce in the affront to religious liberty perpetuated by our federal courts in the name of religious liberty.

In effect, First Amendment analysis proceeds along the following lines. Students enjoy constitutional rights like other Americans. But if they meet on the school grounds for religious reasons there is necessarily a "symbolic inference" of state sponsorship. That symbolic inference, said the Brandon court, is "too dangerous to permit." Therefore students must be denied equal protection of the laws; they must be denied free speech; they must be denied free exercise of religion. Unencumbered by the mental gymnastics and judicial hocus-pocus the courts have employed to reach such a patently absurd result, those Americans familiar with cases such as Brandon and Lubbock are demanding action to end repression of the religious liberty of their children.

You may think I have been too critical of the courts. Let me explain why the criticisms, in my view, are fully justified:

(1) The Establishment Clause was originally intended to serve two basic functions. First, to prevent the establishment of a national religion. Second, to prevent Congress from interfering with those states which had

established churches of their own. See, generally, Malbin, Religion and Politics, the Intentions of the Authors of the First Amendment, American Enterprise Institute (1978), and authorities cited therein. That clause was intended to secure religious liberty, not to be an instrument to suppress religious free speech.

(2) The courts in cases such as Brandon and Lubbock have dismally failed to distinguish between state-composed prayer and state-sponsored religious devotions, and student-initiated and student-sponsored religious activity. However, those impressionable young high school students who are studying foreign languages, conducting laboratory experiments, writing essays, and so forth, are fully capable of distinguishing between activities the school sponsors and extra-curricular activities the students initiate on their own.

(3) The courts in both Brandon and Lubbock rely on Harvard professor of law Lawrence H. Tribe's constitutional law treatise in support of their decisions. But on April 11, 1983, professor Tribe wrote a letter to the Senate Judiciary Committee, for inclusion in the record, firmly stating that the decisions in Brandon and Lubbock were wrong as a matter of law.

S.J. Res. 73 would constructively amend the Constitution by adding an Article reading as follows:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer.

This amendment steers a wise course by not conferring an affirmative right to prayer in the public school. It would simply remove any constitutional obstacle to voluntary prayer.

The President's proposed amendment recognizes the need to return to the original meaning of the First Amendment by restoring a balance between

the Establishment and Free Exercise Clauses. Those clauses — in tandem — were meant to secure the blessings of religious liberty. Obviously neither was meant to subordinate the other, our Federal courts to the contrary notwithstanding.

Since this proposed amendment was first considered last July, the Supreme Court has declined to review the Lubbock case, despite an amicus curiae brief filed on behalf of Senator Mark Hatfield and 23 of his colleagues. (Other amicus briefs, including that of the NAE, were also filed, but to no avail.) Senator Denton and Senator Hatfield have since introduced "equal access" bills which would recognize the right of students to meet for religious purposes on the public school campus during noninstructional periods on the same basis as other student groups. In light of these developments, we suggest some consideration be given to incorporating an "equal access" element in the proposed constitutional amendment. (Because the Supreme Court has intimated that a dichotomy of constitutional dimensions exists between the "open forum" at the college level and the closed public school campus, we have no assurance that the free speech rationale of Widmar v. Vincent will be extended to the public schools.)

In testifying on July 28, 1982, we expressed before the full Committee our adverse view of government influence on the form or content of any prayer or other religious activity. (Senator Hatfield's bill (S. 815) specifically addresses that concern in section 4.) Our concern remains for the reasons I discussed at that time.

Sadly, there are those who would turn their back on the God who has blessed us richly. There are those who ardently want America's public schools to be wholly secular as a vital step to the secularization of all our institutions. The Constitution is a secular document, but it does not follow that America was founded as a secular nation. Indeed, its charter of freedom repeatedly acknowledges the blessings of Divine Providence. Our Founding Fathers did not ignore God; nor should we.

Have we become so divided as a people that we cannot respect the beliefs of others? Can we not freely acknowledge our religious pluralism?

Cannot religious pluralism be preserved without leaping to a Godless solution? Must we continue to instill in future generations of Americans the idea that something is so wrong with religious speech that it is not entitled to the protection afforded all other forms of speech? As the dissenting judges pointedly asked in the Lubbock case (680 F.2d 424, 426): "Is neutrality still the objective or is it the fashion now to make the state the adversary of religious belief?"

In Walz v. Tax Commission, 397 U.S. 664, 66;9 (1970), Chief Justice Burger, speaking for the Court, said: "[T]here is room for play in the joints [of the First Amendment] productive of a benevolent neutrality which will permit religious exercise to exist without sponsorship and without interference." But government neutrality today is a myth. The students in Brandon stated they were not seeking faculty supervision or other government involvement. They sought not sponsorship; they asked only to meet undisturbed.

We see in the decisions of our federal courts a callous indifference to religion, notwithstanding the hollow rhetoric about our treasured religious liberty. When there is a usurpation of power, we the people, who established the Constitution, have the right — and the responsibility — to act to restore the status quo. You represent us. We respectfully ask you to act, and act now, to end the present suppression of religious liberty. America's rich religious heritage must be preserved.

THE MORAL MAJORITY, INC.
OF WASHINGTON, D.C.

TESTIMONY BY MR. RICHARD B. DINGMAN, LEGISLATIVE DIRECTOR, MORAL MAJORITY, INC., ON S. J. RES. 73 - THE VOLUNTARY SCHOOL PRAYER AMENDMENT BEFORE THE COMMITTEE ON JUDICIARY U. S. SENATE, MAY 2, 1983

I WOULD LIKE TO COMMEND THE COMMITTEE FOR THEIR QUICK ACTION ON THE SCHOOL PRAYER AMENDMENT, S. J. RES. 73. AS A FORMER TOWN COUNCILMAN IN VIENNA, VIRGINIA, AND AS THE EXECUTIVE DIRECTOR OF THE HOUSE REPUBLICAN STUDY COMMITTEE I HAVE HAD MANY OPPORTUNITIES TO REVIEW THE CONCEPT OF VOLUNTARY SCHOOL PRAYER. NOW, AS THE LEGISLATIVE DIRECTOR OF THE MORAL MAJORITY, I WISH TO ENDORSE THIS LEGISLATION ON BEHALF OF OVER 4½ MILLION MEMBERS NATIONWIDE.

THE ISSUE OF VOLUNTARY SCHOOL PRAYER IS CERTAINLY NOT A NEW CONCEPT TO THE AMERICAN PUBLIC. AMERICANS OVERWHELMINGLY SUPPORT VOLUNTARY PRAYER IN PUBLIC SCHOOLS. NEARLY EVERY PUBLIC OPINION POLL COMPILED ON THE ISSUE GIVES CREDENCE TO THIS STATEMENT.

FOR EXAMPLE, A JUNE 10, 1982, GALLUP POLL ASKED THE QUESTION, "DO YOU FAVOR OR OPPOSE THE PRESIDENT'S VOLUNTARY SCHOOL PRAYER AMENDMENT?". OF THOSE POLLED, 79% WERE IN FAVOR, 5% HAD NO OPINION AND ONLY 16% SAID THEY OPPOSED THE AMENDMENT. AN NBC/AP POLL ON MAY 24, 1982, INDICATED THAT TWO-THIRDS OF THE PUBLIC FAVOR ENACTMENT OF AN AMENDMENT TO PERMIT ORGANIZED PRAYER IN PUBLIC SCHOOLS. ON MAY 6, 1982, A CBS/NEW YORK TIMES POLL SAID THAT RANK AND FILE DEMOCRATS SUPPORT SCHOOL PRAYER AT LEAST AS STRONGLY AS REPUBLICANS, 74% OF DEMOCRATS WERE IN FAVOR AS COMPARED TO 73% OF REPUBLICANS. ACCORDING TO A MARCH 10, 1982, ABC/WASHINGTON POST POLL, ELDERLY INDIVIDUALS, OVER THE AGE OF 62, FAVORED SCHOOL PRAYER BY A MARGIN OF 77%. FINALLY, ACCORDING TO AN OCTOBER 4, 1981, L. A. TIMES POLL, WOMEN APPROVE OF SCHOOL PRAYER EVEN MORE STRONGLY THAN MEN BY A MARGIN OF 81% TO 73%.

TESTIMONY BY MR. RICHARD B. DINGMAN, LEGISLATIVE DIRECTOR, MORAL MAJORITY INC., S. J. RES. 73, U.S. SENATE, MAY 2, 1983

THE FACT OF THE MATTER IS THAT A GREAT DEAL OF PUBLIC SUPPORT EXISTS FOR VOLUNTARY SCHOOL PRAYER. AS A FORMER CONGRESSIONAL STAFF MEMBER FOR OVER 12 YEARS, I SPEAK FROM EXPERIENCE IN SAYING THAT SUPPORT FOR PRAYER IN PUBLIC SCHOOLS HAS BEEN CONSTANT OVER THE YEARS. I, FRANKLY, CAN'T HELP BUT ASK, "HOW LONG CAN CONGRESS CONTINUE TO REFUSE PUBLIC DEMANDS FOR VOLUNTARY SCHOOL PRAYER?"

RELIGIOUS VALUES, PRINCIPLES AND PRACTICE HAVE ALWAYS BEEN A VITAL ASPECT OF AMERICAN PUBLIC EDUCATION. SINCE THEIR BEGINNING, PUBLIC SCHOOLS HAVE INCLUDED SOME FORM OF PRAYER, AND FOR 170 YEARS AFTER THE ADOPTION OF THE FIRST AMENDMENT, PUBLIC PRAYERS WERE NOT ONLY PERMITTED BUT ENCOURAGED WITHIN THE PUBLIC SCHOOL SYSTEM.

HORACE MANN, WHO IS GENERALLY CREDITED WITH BEING THE FATHER OF MODERN PUBLIC EDUCATION IN AMERICA, IS A NOTABLE EXAMPLE OF THE IMPORTANCE OF RELIGIOUS TRADITION IN PUBLIC EDUCATION. MANN SERVED AS SECRETARY OF THE MASSACHUSETTS BOARD OF EDUCATION AND UNDER HIS DIRECTION A MANDATED PROGRAM OF DAILY BIBLE READINGS AND DEVOTIONAL EXERCISES WAS IMPLEMENTED STATEWIDE.

MANN SAID THAT HE WAS IN FAVOR OF RELIGIOUS INSTRUCTION "TO THE EXTREMIST VERGE TO WHICH IT CAN BE CARRIED WITHOUT INVADING THOSE RIGHTS OF CONSCIENCE WHICH ARE ESTABLISHED BY THE LAWS OF GOD, AND GUARANTEED TO US BY THE CONSTITUTION."

I AGREE WHOLEHEARTEDLY WITH MANN'S STATEMENT THAT A CAREFUL BALANCE MUST BE REACHED BETWEEN ALLOWING RELIGIOUS EXPRESSION AND PROTECTING THE RIGHTS OF THOSE INDIVIDUALS NOT WANTING TO PARTICIPATE. I BELIEVE S.J. RES. 73 ADDRESSES THIS PROBLEM ADEQUATELY.

EVEN THOMAS JEFFERSON, WHO WAS OFTEN QUOTED BY THE LATE SUPREME COURT JUSTICE HUGO BLACK ON THE "ABSOLUTE WALLS OF SEPARATION BETWEEN CHURCH AND STATE," ADVOCATED A RELATIONSHIP BETWEEN RELIGION AND EDUCATION.

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IN HIS PLAN FOR THE UNIVERSITY OF VIRGINIA, JEFFERSON PROPOSED A PROFESSORSHIP IN ETHICS, THE DUTIES OF WHICH INCLUDED TEACHING PROOFS OF THE EXISTENCE OF GOD. FURTHERMORE, JEFFERSON SET ASIDE A ROOM IN THE ROTUNDA OF THE UNIVERSITY FOR PRAYER AND MEDITATION.

AS A CLEAR DEMONSTRATION OF HIS VIEWPOINT ON THIS MATTER, JEFFERSON PROPOSED THAT STUDENTS AT NEARBY RELIGIOUS SEMINARIES BE GIVEN THE PRIVILEGE OF USING UNIVERSITY FACILITIES, A FREEDOM WHICH RELIGIOUS STUDENTS ARE NO LONGER ENTITLED TO ENJOY.

JEFFERSON'S PLAN COMBINED THE EXERCISE OF RELIGION AND PUBLIC EDUCATION IN A WAY THAT CONTRADICTS CURRENT INTERPRETATION OF THE SUPREME COURT'S DECISIONS ON SCHOOL PRAYER IN THE 1960'S.

PRESIDENT REAGAN MAY HAVE BEST DESCRIBED THE PROBLEM OF SUPREME COURT MISINTERPRETATIONS OF THE CONSTITUTION AT LAST YEAR'S NATIONAL DAY OF PRAYER ON MAY 6, 1982, WHEN HE SAID, "THE MORALITY AND VALUES SUCH FAITH IMPLIES ARE DEEPLY EMBEDDED IN OUR NATIONAL CHARACTER. OUR COUNTRY EMBRACES THOSE PRINCIPLES BY DESIGN, AND WE ABANDON THEM AT OUR PERIL. YET IN RECENT YEARS WELL-MEANING AMERICANS IN THE NAME OF FREEDOM HAVE TAKEN FREEDOM AWAY. FOR THE SAKE OF RELIGIOUS TOLERANCE, THEY'VE FORBIDDEN RELIGIOUS PRACTICE IN OUR PUBLIC CLASSROOMS. THE LAW OF THIS LAND HAS EFFECTIVELY REMOVED PRAYER FROM OUR CLASSROOMS....THOMAS JEFFERSON ONCE SAID, "ALMIGHTY GOD CREATED THE MIND FREE." BUT CURRENT INTERPRETATION OF OUR CONSTITUTION HOLDS THAT THE MINDS OF OUR CHILDREN CANNOT BE FREE TO PRAY TO GOD IN PUBLIC SCHOOLS. NO ONE WILL EVER CONVINCE ME THAT A MOMENT OF VOLUNTARY PRAYER 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." I BELIEVE IT IS THE RESPONSIBILITY OF THIS COMMITTEE, UNDER THE AUSPICES OF GOVERNMENTAL CHECKS AND BALANCES, TO CORRECT THIS CURRENT DISTORTION OF THE CONSTITUTION.

TESTIMONY BY MR. RICHARD B. DINGMAN, LEGISLATIVE DIRECTOR, MORAL MAJORITY, INC., S. J. RES. 73, U.S. SENATE, MAY 2, 1983

THE FOUNDERS OF OUR NATION AND THE FRAMERS OF THE FIRST AMENDMENT DID NOT INTEND TO PRECLUDE PRAYER FROM OUR PUBLIC SCHOOLS AND INSTITUTIONS. NEARLY EVERY PRESIDENT SINCE WASHINGTON HAS PROCLAIMED A DAY OF PUBLIC PRAYER AND THANKSGIVING TO ACKNOWLEDGE THE FAVORS OF ALMIGHTY GOD. WE HAVE RECOGNIZED GOD'S EXISTENCE IN OUR COINAGE, IN OUR NATIONAL ANTHEM, AND IN THE PLEDGE OF ALLEGIANCE. THE SUPREME COURT IN 1952 STATED: "WE ARE A RELIGIOUS PEOPLE WHOSE INSTITUTIONS PRESUPPOSE A SUPREME BEING." SESSIONS OF CONGRESS AND MANY OF THE STATE LEGISLATURES OPEN WITH PRAYER. EACH OF THE BRANCHES OF THE U.S. MILITARY RETAINS CHAPLAINS AND MAINTAINS CHAPELS AND HYMNBOOKS FOR USE BY SERVICE MEN AND WOMEN. THE PRESIDENT, AS WELL AS GOVERNORS AND MAYORS OR MANY OF OUR STATES AND CITIES, PRESIDE OVER ANNUAL PRAYER BREAKFASTS. THE PRESIDENT-ELECT TAKES THE OATH OF OFFICE WITH HIS HAND ON THE BIBLE. THE STANDARD FOR OATHS FOR SWORN TESTIMONY IN U.S. COURTS CONTAINS THE PHRASE "SO HELP ME GOD." AND EACH NEW SESSION OF THE SUPREME COURT OPENS WITH THE DECLARATION "GOD SAVE THE UNITED STATES AND THIS HONORABLE COURT."

BY BANNING SCHOOL PRAYER, THE SUPREME COURT WAS NOT ONLY OUT OF STEP WITH THE ORIGINAL INTENTIONS AND TRADITIONS OF OUR FOUNDING FATHERS, BUT WAS ACTUALLY PROMOTING A NEW "OFFICIAL LINE" BY SAYING THAT VOLUNTARY EXPRESSION OF RELIGIOUS BELIEF WAS UNACCEPTABLE AND ILLEGAL. IN THESE DECISIONS THE COURT PLACED SCHOOL PRAYER ON THE SAME LEVEL AS STEALING, DRINKING OR USING ILLICIT DRUGS ON PUBLIC SCHOOL GROUNDS - ALL FORBIDDEN ACTIVITIES. UNDER THESE CIRCUMSTANCES, A CONSTITUTIONAL AMENDMENT IS NEEDED TO REAFFIRM AMERICA'S HERITAGE OF ALLOWING THOSE WHO WISH TO EXPRESS THEIR RELIGIOUS BELIEFS, WHILE SIMULTANEOUSLY SAFEGUARDING THE FREEDOM OF THOSE WHO DO NOT WISH TO PARTICIPATE.

OPPONENTS OF THE VOLUNTARY SCHOOL PRAYER AMENDMENT CONTEND THAT THERE IS NO METHOD FOR PREVENTING SCHOOL DISTRICTS FROM IMPOSING RELIGION ON THEIR STUDENTS. THIS ARGUMENT IS COMPLETELY UNFOUNDED. THE AMENDMENT POSSESSES TWO MAJOR QUALITIES WHICH

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PROTECT AGAINST THE IMPOSITION OF SECTARIAN BELIEF.

FIRST, THE AMERICAN TRADITION IS ONE OF RESPECT FOR DIVERSITY AND FOR FREEDOM OF RELIGIOUS EXPRESSION. I AM AWARE OF NO HISTORICAL OR STATISTICAL EVIDENCE TO PROVE THAT ANY STATE HAS EVER IMPOSED A RELIGIOUS DOCTRINE THROUGH A SCHOOL PRAYER THAT RENDERED SCHOOL CHILDREN EMOTIONALLY OR PSYCHOLOGICALLY DISTURBED. THE FACT OF THE MATTER IS THAT LOCAL SCHOOL DISTRICTS HAVE RARELY EVER SOUGHT TO STIFLE DIVERSITY OR TO OFFEND THOSE WHO HOLD MINORITY RELIGIOUS VIEWS.

SECOND, THE AMENDMENT ABSOLUTELY FORBIDS PUBLIC SCHOOLS FROM REQUIRING ANYONE TO PARTICIPATE IN ANY PRAYER OR RELIGIOUS EXERCISE. THE STUDENT'S RIGHT TO REFUSE TO PARTICIPATE WILL SERVE AS AN ABSOLUTE SAFEGUARD AGAINST THE IMPOSITION OF SCHOOL PRAYERS.

IN CONCLUSION, THE ARGUMENTS THAT I HAVE PRESENTED TODAY ARE NOT NEW. WE HAVE BEEN DISCUSSING THIS ISSUE FOR OVER TWENTY YEARS NOW, HEAVY LADEN WITH HYPOTHETICALS AND TECHNICALITIES. DURING THOSE TWENTY YEARS, WHILE GOD HAS BEEN EXPELLED FROM SCHOOL, WE HAVE SEEN A MAJOR BREAKDOWN OF CLASSROOM DISCIPLINE AND A MAJOR RISE IN CLASSROOM ASSAULTS. POSSIBLY - JUST POSSIBLY - BEGINNING THE DAY IN AN ATMOSPHERE OF REVERENCE AND SERIOUS REFLECTION WOULD HELP RESTORE CLASSROOM CIVILITY. OTHER MEASURES HAVE LARGELY FAILED. IT'S CERTAINLY WORTH A TRY.

THE BOTTOM LINE IS THAT THE AMERICAN PEOPLE WANT VOLUNTARY PRAYER RETURNED. THEY FEEL IT IS PROPER AND NECESSARY. I BELIEVE THAT FOR EVERY PERSON DISTRAUGHT OVER RETURNING PRAYER TO CLASSROOMS, MANY WILL BE DELIGHTED. THE POLLS BEAR RECORD OF THIS FACT AND I BELIEVE IT IS TIME THAT THE REPRESENTATIVES OF THE PEOPLE BRING THEIR VIEWS INTO LINE WITH PUBLIC DEMAND AND HISTORICAL PRECEDENT.

NATIONAL EDUCATION ASSOCIATION • 1201 16th St., N.W., Washington, D C 20036 • (202) 833-4000
WILLARD H. McGUIRE, President
BERNIE FREITAG, Vice President
MARY HATWOOD FUTRELL, Secretary-Treasurer
TERRY HERNDON, Executive Director

STATEMENT

OF THE

NATIONAL EDUCATION ASSOCIATION

ON

THE VOLUNTARY SCHOOL PRAYER AMENDMENT, S.J. Res. 73

TO THE

SENATE COMMITTEE ON THE JUDICIARY

PRESENTED BY

Bernie Freitag, Vice-President

May 2, 1983

Mr. Chairman and Members of the Committee, my name is Bernie Freitag, and I am the Vice-President of the National Education Association (NEA). The NEA represents 1.7 million teachers and educational support personnel throughout these United States.

I thank you for this opportunity to present the NEA's views on this most significant subject of prayer in the nation's schools. We are especially pleased to be able to voice our opinion on school prayer, since it is the public school teachers among our members who will be at the center of activity if this amendment were added to the Constitution. If S.J. Res. 73 passes the Congress and is ratified by the states, public school teachers would become the leaders of daily prayer exercises in the classrooms of America. Mr. Chairman, it is the mandate of NEA members that we express their strong objections to this constitutional amendment mandating voluntary prayer in the schools.

At the most recent meeting of NEA's highest governing body, our Representative Assembly, the more than 7,500 elected delegates reaffirmed a resolution first passed by that body in 1978 and reaffirmed each year since then. It states:

> "The National Education Association believes that the constitutional provisions on the establishment of and the free exercise of religion in the First Amendment require that there be no sectarian practices in the public school program.
>
> "The Association opposes the imposition of sectarian practices in the public school program and urges its affiliates to do the same."

<u>NEA objects to state sponsorship of prayer</u>

The NEA supports the 1962 Supreme Court decision in <u>Engle</u> v. <u>Vitale</u>

on prayer in the public schools, a ruling that prohibited neither prayer nor Bible reading in the schools. What the decision did prohibit was the state sponsorship of prayer in the schools, or, to put it more bluntly, mandatory "voluntary" prayer.

That 1962 Supreme Court decision, and numerous lower federal court rulings since then, have underscored the separation of church and state in this country, one of the founding principles on which this great nation has been built. Indeed, the very first words of the Constitution's First Amendment are emphatic: "Congress shall make no law respecting an establishment of religion." The Fourteenth Amendment carries the same restriction to state and local governments. And the Supreme Court has consistently and unequivocally upheld this wall of separation between church and state. It is clear, then, that these interpretations mean that the state, through its schools, must not sponsor religion.

We believe therefore that this amendment cannot remove the First Amendment rights of Americans.

NEA opposes mandating social policy

The current attempt to pass an amendment to the Constitution mandating "voluntary" prayer in the schools is part of a larger move to change social policy--a move I might add, supported predominantly by the right wing.

Moves to alter the U.S. Constitution in the past have mainly been attempts to expand individual rights and to increase the efficiency of the operation of government. Now, however, it appears that changes in this most precious of human documents are being sought to dictate social policy. It may be remembered that these same forces pushing for social change through

the Constitution have for years had a hands-off attitude toward the judicial interpretation of law, denouncing it as a means to "dictate" social policy. Now, however, "dictating" their social policy through changes in the Constitution is suddenly an acceptable practice. The NEA believes this is a dangerous--not to mention hypocritical--threat to the foundation of our government.

NEA asks, "Who's prayer will be used?"

Another key point on which the NEA opposes the adoption of a constitutional amendment on school prayer rests in its strong belief in the diversity of America--a diversity preserved by our Bill of Rights. Now all students are free to silently worship in whatever form they choose in the classroom. Certain commentators have noted that as long as there are tests in school there will be voluntary prayers. Whether the students belong to the Buddhist, Jewish, Hindu, or Muslem faiths, or any other number of religious minority groups in the country, their rights to their own prayer are not infringed upon in any way. If so-called "voluntary" group (essentially mandatory) prayer becomes the law of the land, what becomes of this diversity? Who chooses what prayers shall be recited? What happens to the current freedom to worship through one's own chosen prayer?

Conservative columnist James Kilpatrick put it succinctly in the Baltimore Sun, and syndicated widely:

> "... one problem with institutional prayer parallels the problem one often encountered with institutional food. The group prayers that would be sanctioned by this amendment would be canned peas--bland, innocuous, inoffensive recitations, perfunctory rituals devoid of spiritual meaning. Heartfelt prayer demands something more."

A column written by Samuel Shaffer, retired chief Congressional correspondent for Newsweek magazine, published in the Washington Post, underscores many of the important points made by Mr. Kilpatrick. (Both columns are attached to the statement.)

The group prayer might be innocuous to some and offensive to others. We ask Congress to realize that it is our members who will be required to lead the prayer. I might note that I'm quite certain that if public school teachers were removed from the nation's Sunday schools and synagogue schools each week, we would find literally hundreds of thousands of empty seats in places of worship throughout the land.

But asking these same deeply religious people to stand at the head of a classroom to lead a prayer chosen by others is an infringement of their religious rights. In addition, as with students, teachers who choose not to pray are put into a precarious position. If they choose to exercise their constitutional rights and leave the classroom during prayer, there will most likely be a price to pay. Under current prevailing school codes this could be treated as insubordination? And it could also result in an evaluation rating of unsatisfactory--which could lead to dismissal.

The NEA asks why there is a need to put students' and teachers' principles on the line when schools:

- may use the Bible or other religious books as source books in religion classes;
- may offer a course in the Bible as literature and history;
- may offer instruction in comparative religion;
- may be rented in off-hours to religious groups.

In addition, under current law, students:

- may be allowed to leave school premises to receive religious instruction, and
- may study the history of religion and its role in civilization.

In closing, I urge this Committee to reject the constitutional amendment on school prayer, and by doing so it will preserve a basic American right for children and their teachers--the right to pray voluntarily without taint of government mandate or peer pressure.

Thank you so much for this opportunity to be here today.

Attachment A

Resolution first adopted by the NEA 1978 Representative Assembly and reaffirmed in 1979, 1980, 1981 and 1982

The National Education Association believes that the constitutional provisions on the establishment of and the free exercise of religion in the First Amendment require that there be no sectarian practices in the public school program.

The Association opposes the imposition of sectarian practices in the public school program and urges its affiliates to do the same. (78, 79)

Attachment B

Baltimore Sun
5/26/82

First, a Moment of Silence

Prayer in School

By James J. Kilpatrick

Washington.

PRESIDENT REAGAN has just sent to Capitol Hill his proposed constitutional amendment on prayer in public schools. If wisdom and prudence prevail, the resolution will be quietly buried in the judiciary committees.

Sad to say, wisdom and prudence seldom prevail in an election year. This resolution will be a tough one to vote against. Mr. Reagan would write into the Constitution this provision:

"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."

Several things are wrong with this proposition. For one thing, "individual prayer" never has been prohibited by any court at any time. Nothing on earth prevents a school child from bowing his head over his desk and saying a silent prayer whenever he feels so disposed.

Neither have the courts had a word to say about prayer in "other public institutions." Over the years, various atheistic petitioners have complained of prayer in the houses of Congress, in state legislatures and at military installations. Sessions of the Supreme Court itself are opened with prayer: "God save this honorable Court!" To the extent that the amendment seeks to authorize a custom that is no-

The issue involves one subject only: group prayer in public schools. That is what we are talking about, and it is all we are talking about. Let me argue a case against it.

☐ First, on this matter of "voluntarism." The Reagan draft says, in effect, that no child shall be required to participate in a group prayer. As a practical matter, the saving sentence has no meaning. Attendance at a public school is compulsory; the child has to be there. Few children ever would risk the conspicuous embarrassment of refusing to do what the teacher and other children are doing. Saying that classroom prayer is voluntary cannot make it so.

☐ Second, the amendment's protection of "group prayer" plainly implies a structured, organized service of some kind. But what kind? Are state boards of education to provide an official prayer for use statewide? Is every local board to compose its own? Is the group to be led by individual teachers or pupils? Once we embrace the idea of "group prayer," we embrace laws respecting an establishment of religion. The First Amendment has prohibited such laws for nearly 200 years. Do we truly want to cast that long experience aside?

☐ Third, one problem with institutional prayer parallels the problem often encountered with institutional food. The group prayers that would be sanctioned by this amendment would be canned peas —bland, innocuous, inoffensive recitations, perfunctory rituals devoid of spiritual meaning. Heartfelt prayer demands something more.

Mr. Reagan is quite in error in his view of the present state of the law. He says that the high court "has effectively removed prayer from our classrooms," but it is only institutionalized prayer that the court has condemned. The president says his amendment "will restore the right to pray," but so far as the individual child is concerned, that right never has been

In his statement of May 6, the president asked a rhetorical question: "How can we hope to retain our freedom through the generations if we fail to teach our young that our liberty springs from an abiding faith in our Creator?" Some of us might respond by suggesting that our liberty springs from something else entirely. Our free institutions may have been divinely inspired, but they are rooted in mortal instruments—the rule of law, the common defense, a written Constitution. Faith in our Creator is a thing apart, a matter of personal conviction, not of public policy.

Before we drift toward some quasi-state-sanctioned establishment of religion, let us have a long moment of meditative silence.

Attachment C

Washington Post 8/12/82

Samuel Shaffer

When They Prayed in School

The continuing controversy about restoring public school prayers brings back memories of religion in the public schools of the District of Columbia in the 1920s, when I was attending grammar and high school here.

This was the compulsory procedure in the schoolroom before instruction began: first, we had to extend the right arm and hand, in a gesture afterwards adopted by Benito Mussolini, and pledge allegiance to the flag.

Then came the religious part of the morning's activities. Whether it was due to a rider on a D.C. appropriations bill slipped through Congress or a ruling by the D.C. school board was never explained to us.

First, the teacher had to lead the class in a recitation of the Lord's Prayer. This resulted in tension between the Protestant and Catholic children because the latter refused to say the concluding words: "For Thine is the kingdom and the power and the glory, forever and ever, Amen." After class, this led to taunts and occasional fistfights.

The first sentence of the prayer presented a curious difficulty for some of us who said, in our blessed ignorance: "Our Father who art in Heaven, Harold be thy name." It wasn't until years later, when I discovered H.L. Mencken, that I learned the Creator's name was Yahweh, not Harold, and that I should have said "hallowed."

This was followed by a reading from the Bible. The teacher could select any passage, but that passage had to be an entire chapter.

My section chief in high school was Carlos Blume, a German teacher, who, incidentally, was never seen to eat anything for lunch but cold fried-egg sandwiches that he brought from his boarding house.

By his own admission, made privately to some favored students, Carlos Blume was "a village atheist." And so day after day he read the same chapter —Chapter 5 of the Book of Genesis —thus obeying the letter of the law while utterly violating its sp

My memory is still haunted by some of verses: "And Seth lived a hundred and five y and begat Enos: and Seth lived after he begat E eight hundred and seven years and begat sons daughters: and all the days of Seth were nine h dred and five years: and he died."

And so we learned about the extraordinary expectancy and conjugal vigor of Cainan (v began Mahalaleel) and Jared and Enoch (v begat Methusaleh). Always there came the dy fall: "And then he died."

We knew when those words would come a spontaneously with Carlos Blume, we chimed in

Thus inspired, we faced our scholarly tasks w renewed vigor and hope.

The writer is the retired chief congr sional correspondent for Newsweek mag zine.

TESTIMONY OF GARY L. JARMIN
Prepared for the Senate Subcommittee on the Constitution
May 2, 1983

Mr. Chairman and other distinguished members of the Senate Subcommittee on the Constitution, I thank you for the opportunity to appear today to testify on S.J. Res. 73, which would restore the right of voluntary prayer in our nation's public schools. I submit my testimony on behalf of two organizations: (1) Christian Voice, a national lobbby with a membership of over 300,000 evangelical Christians, including more than 40,000 ministers representing approximately 47 different denominations and independent churches; and (2) the Project Prayer Coalition, for which I serve as Co-Chairman, an ad-hoc coalition representing 126 national organizations and leaders in support of S.J. Res. 73. We enthusiastically endorse the school prayer amendment initiated by President Reagan and we congratulate the President for his leadership and commitment to restoring voluntary prayer in public schools.

My testimony will primarily address some of the key arguments opponents of this proposed Constitutional Amendment have made and, in conclusion, will suggest alternative language which we believe overcomes some of the most serious objections to S.J. Res. 73 while accomplishing the goal of restoring voluntary prayer in public schools.

Establishment of Religion

The key argument which needs to be most clearly exposed as fraudulent is the proposition that prayer in public schools is an unconstitutional "establishment of religion".

We believe this assumption is a classic case of constitutional revisionism which ignores the true meaning of the First Amendment clause and the intent of our founding fathers on drafting this Amendment. This is glaringly evident when considering the opinions of the Court which tried to justify its holdings, that school prayers violated the establishment clause of the First Amendment, never went to the sources of the Constitution to find the true meaning of this important clause..

This negligence by the court is accurately described in a document prepared by Hermine Herta Meyer, formerly an attorney with the Department of justice, which was prepared as an amicus curiae brief in the case of Treen v. Karen B..*

The brief states:

The debates in the First Congress leave no doubt as to the meaning and purpose of the religion clause. Its first version was introduced to the House by Madison on June 8, 1789, as follows:

> "The civil rights of none shall be abridged on account of religious belief or worship, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed." (1 Annals of Cong. 434).

The amendment was referred to a committee of eleven which reported back the following version:

> "No religion shall be established by law nor shall the equal rights of conscience be infringed." (id. 729)

It was considered by the House on August 15, 1789, acting as a Committee of the Whole. Mr. Sylvester objected to it.

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*This brief could not be filed because on January 25, 1982, the Supreme court summarily affirmed the judgement of the U.S. Fifth Circuit Court of Appeals which held the Louisiana Law, La. R.S. 17:2115, unconstitutional.

"He apprehended that it was liable to a construction different from what had been made by the committee. He feared it might be thought to have a tendency to abolish religion altogether." (Id.)

Mr. Gerry said,

"It would read better if it was, that no religious doctrine shall be established by law." (ID. 730).

Mr. Sherman thought the amendment unnecessary because Congress had no authority whatever delegated to it by the Constitution to make religious establishments.

Madison then said:

"He apprehended the meaning of the words to be, that Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience. Whether the words are necessary or not, he did not mean to say, but they had been required by some of the State Conventions, who seemed to entertain an opinion that under the clause of the Constitution, which gave power to Congress to make all laws necessary and proper to carry into execution the Constitution, and the laws made under it, enabled them to make laws of such a nature as might infringe the rights of conscience, and establish a national religion; to prevent these effects he presumed the amendment was intended, and he thought it as well expressed as the nature of the language would admit." (Id. 730).

Mr. Huntington feared, "that the words might be taken in such latitude as to be extremely hurtful to the cause of religion." For instance, "a support of ministers or building of places of worship might be construed into a religious establishment." "He hoped, therefore, the amendment would be made in such a way as to secure the rights of conscience, and a free exercise of the rights of religion, but not to patronize those who professed no religion at all." (Id. 730-731).

Madison then suggested to insert the word "national" before religion.

"He believed that the people feared one sect might obtain a pre-eminence, or two combine together, and establish a religion to which they would compel others to conform. He thought if the word "national" was introduced, it would point the amendment directly to the object it was intended to prevent." (Id. 731).

But there was objection to the word "national". The reason is explained by what happened at the Federal Convention of 1787. The so-called Virginia Plan, on the basis of which the Convention began its work, had proposed to establish a "national government", and to make the laws of the States dependent on the approval of the National Legislature and a Council of Revision composed of the National Executive and judges of the National Supreme Court. In short, the Virginia Plan would have reduced the proud States to little more than administrative provinces. (1 Farrand 20-23).

When the delegates of some States woke up to what was happening, Mr. Patterson of New Jersey submitted to the Convention the so-called New Jersey Plan which proposed to delegate to "the United States in Congress" additional enumerated powers, and under which the States would retain full power to make laws in all matters not delegated to "the United States in Congress," without any control by any central authority. (Id. 242-245).

While the new Constitution did create a central government, it left, however, to the States a residual sovereignty free from any federal control. In order to indicate that the new government was to be a "federal" and not a "national" government, the word "national" was removed from the final constitutional plan and replaced with "the United States." (Id. 334-335).

This hatred of the word "national" made its appearance in the First Congress and influenced the religion clause. This was unfortunate, because Madison's suggestion, "no national religion shall be established by law," expressed much clearer what the States intended to prevent, than the clause which finally went into the Constitution, viz.:

> "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

It was adopted by the House on September 24, 1789, by the Senate on September 25, 1789. (1 Annals of Cong. 913).

During the entire debates, not one word was said which might have indicated that the Framers intended to provide for a separation of State and church. On the contrary, when the version was suggested: "no religion shall be established by law," it was immediately objected to because "it might be thought to have a tendency to abolish religion." (1 Annals of Cong. 729). Furthermore, the fact that the same First Congress that drafted the First Amendment with its religion clause appointed two Chaplains of different denominations, one in April 1789 for the Senate, one in May 1789 for the House (1 Annals of Cong. 18, 19, 24, 233), and empowered the President to appoint a Chaplain for the Military Establishment and provided for his payment, (First Cong., 3d Sess., Ch. 28, Secs. 5 and 6, 1 Stat. 223, March 23, 1791) ought to dispel any idea that Congress intended to forbid "every form of public aid or support for religion," as the Supreme Court said, (374 U.S., at 217).

From the foregoing, it ought to be clear that "establishment of religion" was merely a replacement for "national church" which could not be used because the word "national" had become anathema for people anxious to preserve the federal system. It is also clear that the First Amendment was requested by the States and that the purpose of its religion clause was to make sure that the federal government would not interfere with the States in matters of religion (end of brief).

As Dr. Meyer has correctly observed, any objective analysis of the debate by the framers of the Constitution clearly indicates that their purpose was to prevent the establishment of a "national church", not the complete segregation of religious activity from public life.

Further evidence of this lack of historical perspective is provided by an admirer of Chief Justice Earl Warren (1953-1969), under whose Court most of the key decisions affecting school prayer were made. In a 1966 article for the New York Times, law professor Fred Rodell of Yale praised Warren for being a Supreme Court Justice who "brushed off pedantic impediments to the results he felt were right." He was not a "look-it-up-in-the-library" intellectual, and was "almost unique" in his "off-hand" dismissal of legal and historical research from both sides and in [his] pragmatic dependence on the present day results...". Rodell concludes, "Warren was quite unworried that legislative history, dug from a library might not support his reading." Thus, the ignorance-is-bliss mentality of the Court set the foundation for the so-called modern day revisionist interpretation of the First Amendment.

Even if one were to assume that the Court's reasoning was correct, taken to its logical extreme any reference to or acknowledgement of God should be eliminated from public life. The chaplains in the Congress or even the military would be unconstitutional and therefore have to be abolished. American coinage engraved with "In God we trust" would be unconstitutional and therefore have to be changed. Ironically, the very body that has outlawed voluntary school prayer, the Supreme Court, continues to begin each session with a prayer, yet this practice too would have to be stopped because it also would be unconstitutional.

Proponents of this revisionist interpretation are also fond of quoting Thomas Jefferson's "wall of separation of church and state" as high and impregnable to justify their position. But, while Jefferson's statement is "a powerful way of summarizing the effect of the First Amendment, it is clearly neither a complete statement nor a substitute for the words of the amendment itself". GRISWOLD, Absolute is in the Dark-- A Discussion of the Approach of the Supreme Court to Constitutional Questions, 8 Utah L. Rev. 167, 174 (1963).

Jefferson correctly understood that this "wall of separation" was limited only to the Federal government's infringement on the free exercise of religion and to prevent the establishment of a national church. In his second Inaugural Address, Jefferson said, "In matters of religion I have considered that its free exercise is placed by the Constitution independent of the powers of General (federal) government. I have therefore undertaken on no occasion to prescribe the religious exercises suited to it, but have left them, as the Constitution found them, under the direction and discipline of the church or state authorities acknowledged by the several religious societies."

Moreover, those who use Jefferson's statement so often to argue against school prayer, totally ignore that he did not favor the exclusion of religious education from public schools. Jefferson was instrumental in the adoption of the Regulations of October 4, 1824, of the University of Virginia, a State University which he founded, to extend invitations to the religious sects of the State to establish schools for religious instruction "within or adjacent to the precincts of the University." 3 Randall, Life of Thomas Jefferson (1858), 471. He commented in a letter to Dr. Thomas Cooper, of November 2, 1822:

> "by bringing the sects together, and mixing them with the mass of other students, we shall soften their asperities, liberalize and neutralize their prejudices, and make the general religion a religion of peace, reason and morality." 12 Ford, The Works of Thomas Jefferson (Fed. ed. 1905) 272.

Disallowing Prayer is an Unconstitutional Infringement on the Free Exercise of Religion.

Opponents to school prayer focus their attention on the establishment clause issue, but the real issue at the heart of the school prayer Amendment is the issue of the right to the free exercise of religion. Since 1947, the Supreme Court decisions have overshadowed this issue. Today it is illegal for students to say grace before meals at school. Federal courts have ruled it is illegal to organize or participate in a voluntary school prayer group that meets during non-instructional periods on school premises. Clearly two or three cannot gather in His Name. Current judicial decrees are in direct violation to students' rights to the free exercise of religion. While it is true that any student may take a few moments and offer a silent prayer to God any time during the school day, this no more a "right" than that shared by the students in the Soviet Union.

As President Reagan has stated, "public expressions of prayer should have more legitimacy in the United States than that which exists in an officially atheistic and totalitarian country."

Not only is the prevention of prayer in public schools an unconstitutional infringement against the free exercise of religion and free speech, it is equally hypocritical. Opponents of school prayer are fond of the Voltarian principle to "defend to the death" one's right to say anything no matter how much we may disagree. Unfortunately, that principle appears not to apply when the content of the speech is religious. We wonder why the ACLU and others are so determinded to defend platitudes of Marxism being freely expressed in our public schools while viciously opposing any reference to God? It appears to us that these people are ushering in a new form of bigotry. All is allowed to be spoken, unless you are a believer wishing to acknowledge God. Marx is okay, but God is not. It is indeed a good thing that the ACLU did not exist at the time the Declaration of Independence was ratified by the Continental Congress for it most assuredly would have been offended by the language acknowledging our "inalienable rights" are endowed by our Creator.

Freedom From Religion

In addition to their gross misinterpretation of the establishment clause school prayer opponents also tried to invent an entirely new constitutional right: namely, that one has the right to be protected from being "forced" to hear a prayer or any religious reference to God. Their argument goes something like this:

Public school attendance is compulsory, therefore, a child is either: (a) forced to be in the presence of a prayer being said;

or (b) is subjected to peer pressure to participate (even if they don't wish to); or (c) embarassed if they choose to walk out of the room while the prayer is being recited.

This argument falls apart on a number of counts:

First, as previously explained the purpose of the First Amendment was to protect people from being subjected to a national church and to guarantee total freedom of religious expression. There is nothing in the First Amendment to suggest that a person has a constitutional right from being "exposed" to a religious sentiment. Assuming this line of reasoning is correct, one could conclude that it is unconstitutional for a person to have to use currency inscribed with the motto "In God We Trust". After all, it is compulsory for one to use the United States' legal tender as means of exchange. I'm certain Madeline Murray O'Hair doesn't particularly like the fact she must use and carry in her wallet currency engraved with a religious expression. The First Amendment was intended to protect freedom for religion, not freedom from religion.

Second, this argument implies that a state of "neutrality" must exist-- that the State should not show preference for or against religion. The neutrality argument is a myth. By not allowing religious expression the State is directly demonstrating a bias for a humanist doctrine as opposed to a religious doctrine. Justice Tom Clark in the Supreme Court's 1963 Bible-reading decision stated that "the State may not establish a 'religion of secularism' in the sense of affirmatively showing hostility to religion, thus 'preferring those who believe in no religion over those who do believe'."

However, by prohibiting religious expression in the classroom, the Supreme Court is stating that the "rights" of non'believers take precedence over those who do believe. This is not neutrality, but simply discrimination against those who believe in God.

Sir Walter Moberly in The Crisis in the University comments on the religiously "neutral" British universities:

> "On the fundamental religious issue, the modern university tends to be, and supposes it is, neutral, but it is not. Certainly it neither inculcates nor expressly repudiates belief in God. But it does what is far more deadly than open rejection; it ignores Him.... It is in this sense that the university today is atheistic.... It is a fallacy to suppose thay by omitting a subject you teach nothing about it. On the contrary, you teach that it is to be omitted, and that it is therefore a matter of secondary importance. And you teach this not openly and explicitly, which would invite criticism; you simply take it for granted and thereby insinuate it silently, insidiously, and all but irresistibly.

Finally, the lamentations about "peer pressure" or "embarassment" are at best, overstated and, at worst, specious. The case of Jehovah's Witnesses not having to say the pledge of allegiance is a good example. Adherents of this faith simply remain silent while their fellow students recite this oath. Do we hear a hue and cry throughout the land by their parents protesting "peer pressure" or "embarassment"? Of course, we don't. And it is terribly unlikely the results will be any different once group prayer is allowed.

Were the issue of prayer not so serious, the argument by those who fear "peer pressure" is almost laughable. They seem to suggest that the worst fate that could befall a child in public schools is to be "pressured" to demonstrate an attitude of reverence for God. This would have a devastating impact emotionally and psychologically on the child they contend. What they ignore is that school children are constantly subjected to a myriad of pressures by their peers--most of them negative.

Children are being forever pressured to have pre-marital sex, engage in drug, alcohol abuse, and a plethora of other immoral and illegal activities. (A massive wave of piety is hardly the "in thing" engulfing our public schools these days). Yet, to suggest taking one minute to pray would somehow do severe damage to the sensitive psyche of a young child is about as inane an argument as has an even been uttered. There is no convincing evidence to prove that anyone has ever been "harmed" by being in the presence of prayer.

In fact, being in the presence of prayer could have the very positive effect of in inculcating religious tolerance on the part of a non-believer. It is amusing to observe the constant preaching of liberals in favor of "tolerance" except when it applies to believers. These days we are constantly asked to be "tolerant" and "open minded" to almost every humanist banality which exists. We can all agree, at least, that it is highly desirable for people to be tolerant of differing religious beliefs and that religious bigotry and prejudice have no place in our society. We couldn't agree more. Likewise, it should not be too much to ask for atheists and agnostics to demonstrate the same attitude towards believers. Prohibition of school prayer is demonstrating <u>officially</u> sanctioned intolerance towards believers. Conversely, the restoration of school prayer will, hopefully, have the desirable consequence of restoring an atmosphere of tolerance and respect for those who worship God by those who do not.

<u>Rote Prayer is Meaningless</u>

Some opponents argue that school prayer is not desirable because the prayer (in order to not be offensive) will likely be a watered down, compromise prayer which is meaningless.

Therefore, better no prayer at all. They also state it is not the business of schools to instruct children in how to pray. This argument, however, totally ignores the real value and purpose of prayer in schools.

We would agree that the school is not the place where one should be taught to pray. This should be done in the home and church. But the purpose of school prayer is not to teach children how to pray, or what is a meaningful prayer. The purpose of school prayer is to reinforce an attitude of reverence for God and to invoke His guidance during the school day. Consequently, the prayer offered does not necessarily have to be deep and spiritually uplifting to accomplish this goal.

Establishing an attitude of reverence or piety is the real issue. In addition to academic learning, public school education also helps to reinforce basic values that we in society share and wish to see inculcated in our children. Discipline and respect for authority, for example, are values which virtually every parent wishes to see encouraged in our public schools. Discipline and respect for authority are imperative in creating the necessary environment training conducive for learning. Likewise, reverence for God is another widely shared value which the vast majority of parents wish to see acknowledged and reinforced in our schools.

It is the act of supplication to God which fulfills this highly desired value. Whether it is accomplished by a rote or "meaningful" prayer is not ultimately important. Even reduced to its most common denominator, any prayer, i.e., acknowledgement of God and that He does rule in our lives, provides a valuable and positive motivation of conscience.

Especially when the philosophy of the education establishment is overwhelmed by instruction in humanist precepts, the act of prayer offers a counterweight balance and reinforcement of spiritual values.

In conclusion, we believe one of the most important reasons for restoring school prayer is because the people want it. Nationwide Gallup Polls in 1974 and 1980 showed that 77 and 76 percent respectively of those surveyed favored the return of prayers in public schools (Washington Post, May 16, 1980). For over 20 years the American people have been waiting for Congress to remedy this problem. We hope the Congress will act with dispatch to favorably adopt S.J.Res. 73.