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OUR SCHOOLS
NEED PRAYER

PRAYER: A QUESTION OF HERITAGE

Our country was founded on Christian principles, but in 1962 we expelled God from our public schools.

That was a year of debate when issues seemed cloudy at best. A question was raised which challenged our right to pray in public schools and institutions.

The late Justice Black handed down the opinion of the Supreme Court in 1962 that states could not author an official prayer and require it to be said. His statement did not seem to outlaw all prayer.

However, in a concurring opinion, Justice Douglas, issued a statement that could be interpreted to mean we cannot have prayers of any sort in public schools.

As a result many school boards and local administrators have been swept up in confusion. Uncertain of the Court's direction and fearful of possible judicial reprisals, they ordered the discontinuance of any public prayers.

Today's Christian cannot help but wonder at this response. Prayer is as much a part of our American heritage as is the flag.

For instance:

- Both House and Senate begin their daily sessions with prayer.
- Our Supreme Court, since John Marshall served, has opened each day's deliberations with the supplication, "God, save the United States and this Honorable Court,"
- The President enters office after taking an oath with his hand upon the Holy Bible.
- Our money all carries the words, "In God We Trust."
- The oaths taken by naturalized citizens, by public officials, and by witnesses in our courts, end with the words, "So help me God."

The recognition and supplication of God is evident in almost every phase of our public life, and has been from the beginning.

When the Constitutional Congress was deadlocked, Benjamin Franklin asked his fellow delegates to pause in their deliberations and offer prayer for divine guidance.

Our founding fathers looked to God for leadership as have many others since then.

It is in the spirit of this tradition that President Reagan announced, during the observance of our National Day of Prayer, that the Administration would "soon submit to the United States Congress a proposal to amend our Constitution to allow our children to pray in school."

The President's proposed amendment simply states:

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.

Our country survived against incredible odds. Yet, even when our forefathers had little for which to be thankful—except that they were alive and the fields had yielded harvest for the winter—they proclaimed a day of public thanksgiving.

Perhaps we, with many times more for which to be thankful, should follow their example.

BUT WHAT ABOUT “SEPARATION OF CHURCH AND STATE”?

The right to pray in school and other public buildings goes straight to the heart of this question, and we would do well to examine it for a moment.

It was on the basis of “separation of church and state” that prayer in schools was prohibited. But what does the Constitution say?

The first amendment directs that:

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

What this means is that Congress and state legislatures cannot establish a single, “official” church or creed.

Our Constitution guarantees that there will be no religious examination as a prerequisite for citizenship, for voting, or for holding office. Protestant, Catholic, Jew, Hindu, Buddhist, atheist are all equally entitled under the law to their individual beliefs and to the equal protection of our laws.

The first amendment, however, does not mean that there is to be no religion, prayer or religious expression in public places.

Jefferson, Madison, and the other founding fathers fought for freedom of religion, not for its prohibition. Lincoln called us a “Nation under God.”

We must, as Christian citizens, respect and protect the rights of all who disagree with us, and while we must never require the minority to embrace the opinion of the majority, the fact remains that this Nation was founded on a devout belief in God and that most of our people still hold to that belief. The majority must respect the rights of the minority, but the minority must also respect the rights of the majority.

A GOVERNMENT OF THE PEOPLE

The United States is a Constitutional Republic. We have a "representative" form of government. That means the men and women we elect to public office should represent our views, not impose their own on us.

Our legislators need to know how we feel about issues, like prayer in school. And we have a responsibility to communicate with them.

If we want to make any impact on the way our legislators vote, we must be aware of the facts.

Our Senators and Representatives listen to what we say and frequently encourage the public to WRITE. This is an effective way to express our opinion, but we need to keep a few rules in mind:

1. Keep to one subject and if you are interested in a particular bill, give its name and number.
2. Be factual and brief. Don't threaten but instead give intelligent reasons for your views.
3. Identify yourself with name and address, and always be courteous. Your letter will receive more attention if it is personal, rather than a form letter coming from a group.

You might also consider CALLING your Senator or Representative. You can send a Personal Opinion Mailgram (POM) to the President and request that copies be sent to those representing you on Capitol Hill.

The telephone number to call for a POM is 1-800-325-5300.

The POM is a Western Union Telegram and costs \$4.95 for a maximum of twenty (20) words.

You can also CALL the White House Opinion Number at 1-202-456-7639 and express your views on a given subject. This number is answered from 8:00 a.m. to 5:00 p.m. (EST), or 7:00 a.m. to 4:00 p.m. (CST).

Unquestionably, the time is now for us, as Christians, as Americans, to do whatever we can to strengthen the moral fiber of this great nation.

AMERICA'S COVENANT WITH GOD

Know therefore that the Lord thy God, He is God, the faithful God, which keepeth covenant and mercy with them that love Him and keep His commandments to a thousand generations.

Deuteronomy 7:9

In the winter of 1620, off the coast of New England, our forefathers drew up the Mayflower Compact. This was a covenant with their God to form a nation which would glorify Him and spread His gospel. Out of that agreement, in a day of hope, a Christian Republic was born.

Today our Republic is in serious trouble as all around us strife and confusion rage. At this critical hour, righteous men and women need to remind God's people of our dependence on the Almighty. In a spirit of humility, we must return, both individually and nationally, to our God "who keepeth covenant and mercy with them that love Him."

**RELIGION
IN THE
PUBLIC SCHOOL
CLASSROOM**



The Court's ruling that this type of religious exercise in the public schools was an unconstitutional establishment of religion did not turn on the wording of the prayer but rather on the following facts:

- Government wrote the prayer.
- Government required that the prayer be a part of the regular school program under the direct supervision of an agent of the government—a classroom teacher.
- Government determined the place where the required prayer would be recited.
- Government determined the time when the required prayer would be recited.
- Prayer is a religious exercise and government, by requiring and participating in prayer, established the religious beliefs embodied in these exercises.



If parents objected to having their children participate in government sponsored prayers, the children were excused. However, the Court said that this did not satisfy the constitutional restraints because, "When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain."

In the *Schempp* decision the Court spoke to the constitutionality of government required Bible reading and recitation of the Lord's Prayer in public schools. In Pennsylvania, the law required that at least ten verses from the Bible be read, without comment, at the opening of each school day in every public school. In Maryland, the Board of School Commissioners of Baltimore City required opening exercises in the city schools. These consisted primarily of "... reading, without comment, a chapter in the Holy Bible and/or the use of the Lord's Prayer." In both states provisions were made to excuse children from the opening exercises if their parents requested.

The Court held that such exercises were unconstitutional under the establishment clause of the First Amendment. Freedom of religion as guaranteed by the Constitution denies to courts the power to decide non-legal matters such as the value to students of prayer and Bible reading. The Court was within its powers when it declared that government is required by the Constitution to be neutral in its relationship to religion and must neither advance nor be hostile toward religion. In this case government's required neutrality was violated because:

- Government required these religious exercises and made them a part of the public school curriculum under the direction and control of teachers who are agents of the states.
- Government, through compulsory attendance laws, required that students be present in the schools at the time of services.

What The Court Specifically Prohibited

In these two landmark cases, *Engel v. Vitale* and *Abington School District v. Schempp*, the Court held that:

- “. . . it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government.” *Engel* at 425.

- “. . . the State may not establish a ‘religion of secularism’ in the sense of affirmatively opposing or showing hostility to religion, thus ‘preferring those who believe in no religion over those who do believe.’ ” *Schempp* at 225.

- Religious exercises—such as prayer or reading from the Bible—if they are sponsored or provided for by the state or its agents have no place in the public schools. *Engel* and *Schempp passim*.



What The Court Specifically Permitted

The Court ruled that the establishment clause of the First Amendment permits a variety of curricular uses of religion and religious materials.

- The Bible may be used as a reference for the teaching of secular subjects. *Schempp* at 225.

- The Bible may be studied for its literary and historic qualities. *Schempp* at 225.

- The study of comparative religion or the history of religion and its relationship to the advancement of civilization has a legitimate role in public education. *Schempp* at 225.

- The recitation of historical documents which contain references to the Deity is permissible. *Engel* at 435.

- Officially approved anthems which include the composer's professions of faith in a Supreme Being may be sung. *Engel* at 435.

- “. . . It seems clear . . . from the opinions in the present and past cases that the Court would recognize the propriety . . . of the teaching *about* religion, as distinguished from the teaching *of* religion, in the public schools.” *Schempp* at 306.

What Has Not Been Done

People of various religious beliefs who are committed to the theological principle of religious liberty and to the constitutional separation of church and state have had mixed emotions about these decisions. Baptists generally agree that government has no competence in the field of religion and object to governmentally required or sponsored religion. Yet, Baptists believe in the right of the individual to pray and to read holy scripture.



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Many critics of the Court's decisions assume that all prayer and all use of the Bible have been banned from the public schools and that, as a result, a form of "secular humanism" has been established in their place. These critics insist that religion and God have been excluded.

This is an incorrect reading of the decisions. In *Engel* and *Schempp* the Court limited governmental power through its interpretation of the establishment clause. The free exercise clause was not at issue in these cases and the decisions did not apply to the free exercise of religion by individuals. Any attempt to construe the decisions otherwise is in error. Only the power of government was curtailed; personal religious liberty was expanded.

God was not excluded from the public schools—no court, government, or group of people has the power to do that. The Court was clear throughout its decisions that it had not made any attempt to do so.

Similarly, prayer was not and could not be excluded from the public schools. Prayers which were governmentally written, approved, sponsored, or required were excluded. Individual personal prayers were not at issue in these cases.

Bibles and other sacred writings have not been barred from the public schools. Students may have them and read them, alone or in groups, subject only to the school's regulations about extracurricular reading. Bibles may be included in school libraries and may be used as required reading in secular courses, as will be shown below. But government may not require Bible reading as part of a religious exercise.

The key to the problem of the proper place of prayer and the Bible in public schools is the understanding that no part of the school day or of the curriculum should be made the vehicle for either the advancement or the inhibition of religion. One of the traps which we as Baptists must avoid in our concern for Christian witnessing is that of seeking to use the power of government or public authority for the advancement of our faith. The avoidance of this is, in fact, the essence of the *Engel* and *Schempp* decisions.

What May Be Done?

Many groups in the nation are attempting to work out ways and means of *teaching about* religion in the public schools within the bounds of the Constitution and in keeping with the principle of religious liberty. Two basic approaches have achieved a legitimate place in the curriculum of many schools: (1) teaching about religion and religious literature as a part of already established courses, and (2) development of new courses which provide for an objective study of religion. Examples of both methods follow:

Teaching about religion and religious literature as a part of already established courses:

- In English and American literature courses, study of biblical passages, incidents and characters used or alluded to by the authors assigned (e.g., readings from the Bible related to allusions and characters such as Ishmael and Ahab in Herman Melville's *Moby Dick*; assignment of the book of Job in conjunction with Robert Frost's "The Masque of Reason" and Archibald MacLeish's *J.B.*).

- In the study of non-Western literature, the examination of Buddhism, Hinduism, and Islam.

- In social studies, units on the religions of the world (e.g., the development of Judaism, the rise and spread of Islam, and the spread of Christianity and the tenets of its different branches).

- In world history, assignments in primary sources (e.g., readings in John Calvin's *Institutes of the Christian Religion* to assist in understanding the development of modern industrial society; excerpts from the Koran which were basic to Islamic unity and culture; readings in Catholic theology to help explain the drive of the Catholic church in the development of the New World; selections from sermons and writings of religious spokesmen such as Isaac Backus, John Witherspoon, and John Carroll which were a factor in the development of the Bill of Rights; or readings from the Jewish scriptures to understand better the continuing longing of the Jewish people to return to Israel).

- In any relevant class, holidays which have both religious and secular bases may be taught *about* and programs which explain the nature of the holiday may be presented. Under certain circumstances religious symbols—a menorah or a crèche, for example—may be used as teaching tools [See, *Florey v. Sioux Falls School District*, 619 F.2d 1311, cert. denied, 449 U.S. 987 (1980)].

Development of new courses which provide for an objective study of religion:

- The study of religious writings as literature (e.g., reading portions of the Psalms and the book of Ruth as examples of Hebrew poetry and short stories and the Hindu Bhagavad Gita as an example of an epic poem).

- A study of both Western and non-Western religions.

- The study of the history of religion (e.g., courses titled "The History of Religion in the United States," and "The History of Religion in the Non-Western World").

No establishment
of religion...
free exercise
of religion

—First Amendment, U.S. Constitution



- The study of philosophies—including religious philosophy—through their literary expressions (e.g., the book of Job and Arthur Koestler's *Darkness At Noon*).

- A study of the ways religion has shaped cultural and social development (e.g., the practice of Hinduism and the rise of India's caste system, the Reformation and the rise of nationalism, and American Protestantism and the emphasis on "rugged individualism").

- A study of the role of religious law, including the Ten Commandments, in influencing the development of Western secular law. [In *Stone v. Graham*, 449 U.S. 39 (1980), the Court only held that a state law requiring the posting of the Commandments in every public school classroom was unconstitutional.]

These are a few ways in which individual teachers or entire school systems may handle *teaching about* religion. However, confusion still exists among some public school board members, administrators, teachers, and parents as to what is the proper role of religion in the public schools. Some of these groups have overreacted to *Engel* and *Schempp* and have banned from the public schools not only religious exercises but also the mention of religion in regular courses or the use of any religious writings in any aspect of the school program. Others have ignored the Court's decisions and have continued to sponsor religious exercises in the schools. Neither of these approaches squares with the Supreme Court's decisions.

Overturing Supreme Court Decisions

Most of those who favor overturning the Supreme Court's decisions on religious exercises in the public schools do so from mistaken assumptions. They feel that *Engel* and *Schempp* are directly responsible for many of the ills of today's society; that the Court prohibited Bible reading and prayer in any form in the public schools; and/or that government shows hostility toward religion when it does not use its power and facilities to promote the religion of the majority of the people within a given jurisdiction.

A second group of supporters of change has acted on a more pragmatic basis. They see a possibility of sectarian gain if governments can legally support, provide for, or require a variety of religious exercises or activities in the public schools.

Two methods of overturning a constitutional interpretation of the Supreme Court are traditional: (1) after vacancies on the Court have been filled by new justices the issue in dispute may be raised again; (2) action may be undertaken to amend the Constitution.

A constitutionally dubious legislative device to thwart the Court involves Congress, acting under Art. III, sec. 2 of the Constitution, limiting the jurisdiction of the federal courts to keep them from hearing any new cases dealing with a particular subject.

Raising the issue again

Seven of the nine Supreme Court justices are new to the Court since the *Engel* and *Schempp* decisions, and since 1962-63 several establishment clause cases have reached the Supreme Court. Even with new justices, the Court has not retreated from a strict interpretation of the establishment clause. Apparently a Court decision altering the *Engel* and *Schempp* precedents would require waiting for even more extensive changes in the Court's make-up.

Amending the Constitution

Objections to the decisions in *Engel* and *Schempp* have resulted in the proposal of several amendments to the Constitution. The most commonly proposed wording is, "Nothing contained in this Constitution

shall abridge the right of persons lawfully assembled . . . to participate in voluntary prayer." Truly voluntary *individual* prayer exists in the public schools presently. The proposed amendments would add government to the religious mix in that their effect would be to authorize state and local governments to *provide* for religious services, to *require* "voluntary" and/or "nondenominational" prayers, and to *determine* the content of prayers, the time the prayers are said, and the place where they are said. One of the proposals declares that students have a constitutional right to have religious instruction provided for them in public schools.

Proponents of these several amendments, in their zeal to get some kind of state sponsored religious instruction, group prayer or Bible reading back into the public schools, often do not seem to be aware of the false premises on which they are acting. Those premises appear to be: (1) that truly voluntary prayer can be forced into the public school classroom by governmental edict; (2) that it is possible to compose a "nondenominational" prayer in a pluralistic nation composed of Protestant, Catholic, Jewish, Muslim, Mormon, Buddhist, *etc.* believers as well as many nonbelievers; and (3) that religious instruction can be introduced into the public school classroom without violating the separation of church and state.

If adopted, these proposed amendments would alter not only the "no establishment" clause, as their proponents intend, but also would automatically alter the "free exercise" clause so closely interrelated with it. The religion clauses have been argued before the courts for years and the applicable legal precedents are clear. Any change in the First Amendment would lead to much new litigation and many new decisions. It is quite conceivable that religious liberty as we have known it could be circumscribed by new precedents. The First Amendment has adequately protected religious liberty in the past and there are real dangers in tampering with it. The proposed amendment which declares a right to religious instruction in the public schools would probably serve as a basis for a valid claim for aid to parochial schools. The grounds on which the courts have ruled against financial aid to parochial schools have been that such aid unconstitutionally supported religion.

Adoption of proposed amendments additionally would pose a serious threat to the other freedoms protected by the Bill of Rights. A successful frontal assault on the Bill of Rights in such a sensitive area

as religious belief and practice could open the doors to altering the other rights which have protected us from governmental action.

Limiting court jurisdiction

Article III, sec. 2 of the Constitution seems to allow Congress to pass a law which would prohibit the federal courts from hearing cases involving basic rights guaranteed by the Constitution. Is it possible that a part of the original Constitution is unconstitutional? In essence, each amendment to a specific part of the Constitution makes the part it amends unconstitutional. For example, Article I, sec. 3 provides for election of Senators by each state legislature, but the 17th Amendment requires that they be popularly elected. It would be unconstitutional now for the state legislatures to elect Senators.

It seems clear that the Bill of Rights, which includes the religion clauses of the First Amendment, amended the entire Constitution—including the power of Congress under Article III, sec. 2 to deny federal judicial remedies for state violations of religious liberty. Despite the apparent unconstitutionality of "court stripping" bills, Congress continues to give them serious consideration.

Passage of such a bill would leave each state court system to determine whether its constitution allows government sponsored religious exercises and, if it does, which variety of religion is preferred. The resulting hodgepodge—perhaps Protestantism in Mississippi, Mormonism in Utah, Catholicism in Massachusetts, and Buddhism in Hawaii—would limit rather than expand religious liberty.

Congressional limitation of court jurisdiction to overturn a Supreme Court decision would have all of the undesirable effects of the proposed constitutional amendments but would have an additional far-reaching undesirable potential. It would set a precedent which could lead to the total dismantling of the no establishment and free exercise of religion clauses of the First Amendment as well as the rest of the Bill of Rights. A legal maxim is, "Where there is no remedy there is no right." To deny individuals, churches, or denominations access to the federal courts when government has intruded into their religious affairs would negate First Amendment guarantees against such intrusion.

Constitutional amendments or laws limiting the jurisdiction of the federal courts are unnecessary for the proper handling of religion in public education. As a major element in our heritage and our culture, religion can and should be a part of the public school curriculum. As a personal expression of a relationship to God, religion should not be tampered with or supported by the government. The Constitution, Court decisions, and the principle of religious liberty mandate a separation of church and state.

What A Citizen Can Do

Not all public schools, in their handling of religion, have established this proper, constitutional relationship between religion and public education. If your local school has not, approach your school authorities to see why the situation exists and what can be done about it. For religion to obtain its proper place in the public school curriculum, educators, parents and other concerned citizens need to inform themselves and work together in a cooperative spirit.

On the national level, citizens should keep informed on how their Senators and Representatives vote on religious liberty issues. Further, they should inform the President as well as members of Congress of their desire that religious liberty be carefully protected and the separation of church and state be maintained. Specifically, from time to time they should write their legislators repeating their opposition to proposed constitutional amendments which would return government required, sponsored, or permitted prayer to the public schools and their objection to proposed laws which would strip the federal courts of jurisdiction over cases arising from any aspect of the religion clauses of the First Amendment.

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Substitute prayer bill readied by Sen. Hatch

BY A WASHINGTON TIMES STAFF WRITER

A White House-proposed constitutional amendment to permit prayer in the nation's public schools goes before a key Senate subcommittee today, with Jerry Falwell of the Moral Majority and other conservative and Christian fundamentalist spokesmen warning against efforts to water down the measure.

Sen. Orrin Hatch, R-Utah, chairman of the Senate Judiciary subcommittee on the Constitution, has prepared a substitute constitutional amendment that would permit only silent prayer in the classroom, along with guaranteeing students "equal access" to schoolrooms for religious activities during non-class hours.

The White House has not remained silent about its opposition to the Hatch approach.

A recent survey by the School Prayer Coalition reported wide support for President Reagan's proposal. Results of the survey were presented to Hatch and others on Capitol Hill in anticipation of today's markup session.

Falwell said silent prayer is not good enough and that he would not support such a limited approach to put prayer back in school until a good-faith effort is made in Congress to pass the president's amendment.

Sen. Strom Thurmond, R-S.C., chairman of the full Judiciary Commit-

A recent survey by the School Prayer Coalition reported wide support for President Reagan's proposal.

tee, is among school prayer supporters who question whether the Hatch language might have a better chance of passage than the more sweeping, White House approach.

Among those responding to the survey was Paul M. Weyrich, executive director of the Committee for the Survival of a Free Congress: "Silent prayer gives weak sisters an opportunity to squish out on school prayer."

Howard Phillips of the Conservative Caucus said he supports the president's amendment, and that he would prefer to limit federal court jurisdiction over the issue, while Jimmy Swaggert, a television evangelist, said he would support silent prayer only if efforts fail to permit vocal prayer.

Pat Robertson said he would use his Christian Broadcasting Network to oppose the silent-prayer amendment.

John Beckett of the Intercessors for America said a silent-prayer amendment would rule out the predominant and traditional form of Judeo-Christian prayer.

Gary Jarmin of Christian Voice said the silent-prayer amendment may not stand any better chance of passage than the president's language because opponents will correctly condemn it as being unnecessary.

Phyllis Schlafly of Eagle Forum said her organization "stands with the president's school prayer amendment. Our polls show that his school prayer amendment is supported by the overwhelming majority of the American people."

Hatch last week abruptly adjourned a markup session on the school prayer issue after a heated discussion behind closed doors with White House representatives.

PRAYER IN SCHOOLS

*Address given by Seattle Bright to
300 women in prayer groups
in Austin, Texas -*

THE ISSUE: PRAYER IN SCHOOLS

On May 6, 1982, President Reagan announced his proposed Amendment regarding prayer in schools. The proposed Amendment 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."

President Reagan wanted to make it clear that the federal government was not forbidding voluntary prayer in public schools. He also stated that "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."

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 the 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 Abington 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 from saying 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 said 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 of participating or not participating 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 resemblance 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." More than once during the Revolutionary 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 Allegiance 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 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 passed to us, coming down from our founding fathers and even from people before. Our generation is not handing that torch on to the next one.

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

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 lineage is undeniable and absolutely tragic.

It is not 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 placed 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 a 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 possible, 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 objection is the issue of 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 Protestant 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 along with the prayer issue can be dealt with in a fair and sensitive way.

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 the proposed prayer amendment 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 leagally, 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.

REAGAN ENDORSES VOLUNTARY PRAYER

Plans Amendment That Would Allow Religious Expression in Nation's Classrooms

By HOWELL RAINES
Special to The New York Times

WASHINGTON, May 6 — President Reagan, saying that he wanted to foster "faith in a Creator who alone has the power to bless America," announced today that he would propose a constitutional amendment to allow "voluntary prayer" in public schools.

"No one must ever be forced or coerced or pressured to take part in any religious exercise, but neither should the Government forbid religious practice," Mr. Reagan told about 120 religious and conservative political leaders at a gathering in the White House Rose Garden this afternoon.

The Supreme Court ruling of 1962 did not outlaw voluntary, private prayer by individuals. But it did have the practical effect of ending organized group prayer in schools, whether the prayer was voluntary or compulsory.

The President asserted that the Supreme Court ruling had been brought about by "well-meaning Americans" who encouraged what he described as a misguided interpretation of the First Amendment. "I have never believed that the oft-quoted amendment was supposed to protect us from religion," he said. "It was to protect religion from government tyranny."

Legal Debate Over Wording

The First Amendment says, in part, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Some representatives of conservative religious groups who attended expressed disappointment that Mr. Reagan did not tell them today the exact wording of the amendment he would propose.

White House officials and legal sources said that drafting of the amendment had been delayed by legal debate within the Administration over its language. Lawyers for some church groups are warning that inclusion of the words "nondenominational" and "voluntary" will leave the amendment open to legal challenge by raising the issues of sect and compulsion.

For example, Federal courts in the past have suggested that school prayer cannot be truly voluntary because students might feel subtle pressure from their peers to participate.

White House officials regard Mr. Reagan's stand on school prayer as the most politically popular of his positions on such so-called "social issues" as school prayer, abortion and busing. Republican polls are said to show a 75 percent to 85 percent approval rating of voluntary prayer in the classroom.

In a New York Times/CBS News Poll conducted last March, 69 percent of those interviewed said they thought



The New York Times/Teresa Zabela
President Reagan and his wife, Nancy, in a moment of prayer at a ceremony yesterday afternoon in the Rose Garden at the White House.

"organized prayer" in public schools should be permitted while 19 percent said it should be forbidden.

Reaction today among religious and civil liberties spokesmen was sharply divided.

The Rev. Jerry Falwell, leader of Moral Majority, a church-based conservative political action group, said the President's stand on the issue was correct, both in principle and in political strategy.

"Obviously, the purpose of the constitutional amendment is to circumvent the Supreme Court and to put it out of their reach," added Mr. Falwell, who was invited to the White House for the announcement. "In my opinion, it will be passed because the people want it, and I doubt any Congressman or state legislator could oppose religious liberty for the children today when that's what the people want them to have."

Threat to Constitution Seen

Representative of the opposite pole of opinion was the statement of Normen Dorsen of the New York University Law School, who is president of the American Civil Liberties Union. "Apparently dissatisfied with his destructive impact on the economy," Mr. Dorsen said, "the President is now moving to destroy the Constitution."

He termed Mr. Reagan's proposal "antithetical to fundamental principles of civil liberty, as the Supreme Court recognized 20 years ago."

Most major religious denominations have gone on record in opposition to efforts to restore organized prayer in public schools. The opposition arises from a belief that such action violates the principle of the separation of church and state. Among those that do not favor the

President's proposal is the Southern Baptist Convention, the nation's largest Protestant denomination.

Most groups contend that voluntary prayer, rather than supporting religion, muddies the issue by prescribing no religion in particular. In addition, spokesmen for these groups often express fear that voluntary prayer can be used in subtle ways to promote particular ends.

Weather Foreca

Metropolitan Forecast

Partly sunny skies and warm temperatures are politan area today. A slow moving cold front cause variable cloudiness over the region to near enough to cause a chance of showers to

Regional Forecast

New York City

Today: Partly sunny. High: 78-83; cooler near the shore. Southerly winds at 10 to 20 miles per hour. Tonight: Variable cloudiness. Low: 55-60. Southerly to southwesterly winds at 10 m.p.h. Tomorrow: Chance of showers developing. High in the 70's. Westerly to southwesterly winds at 10 to 15 m.p.h.

Long Island

Today: Partly sunny. High: 75-80; cooler near the shore. Southerly winds at 10 to 20

New Jersey

Today: Partly sunny. High: 83. Southerly winds at 10 m.p.h. Tonight: Variable cloudiness. Low in the 50's. Southerly to southwesterly winds at 10 m.p.h. Tomorrow: Chance of showers developing. High in the 70's. Westerly to southwesterly winds at 10 m.p.h.

Connecticut

Today: Partly sunny. High: 83. Southerly winds at 10 m.p.h. Tonight: Variable cloudiness. Low in the 50's.

Reagan's Remarks on Prayer

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May 6, 1982

BACKGROUND PAPER ON
VOLUNTARY SCHOOL PRAYER

At the National Day of Prayer observance in the Rose Garden today, President Reagan announced that the Administration "will soon submit to the United States Congress a proposal to amend our Constitution to allow our children to pray in school."

The President added that he has directed the Department of Justice to have the precise language of a proposed constitutional amendment prepared by the end of next week.

BACKGROUND

- The President seeks only a return to the situation before 1962 when voluntary prayer wasn't thought to conflict with the First Amendment.
- The proposed amendment would provide two simple guarantees:
 - The federal government and the Constitution will not prohibit individual or group prayer in public schools or other public institutions;
 - the rights of those who choose not to participate in school prayer will be guaranteed and no one will be required to participate.
- The Founding Fathers did not intend the First Amendment to protect people from religion. They intended that it protect religious values from government dictate or interference.
- The purpose of the First Amendment was to enhance, not restrict, the opportunities of Americans to make religious observances in the course of their daily lives.
- The Founders certainly never meant the First Amendment to preclude prayer in public schools. It was, in fact, a widespread practice for 170 years before the 1962 Supreme Court decision prohibited it.
- This is a nation under God. We proclaim it in our Pledge of Allegiance. We engrave it on our coins. The Congress and the Supreme Court acknowledge it at the opening of every session.
- President Reagan is only seeking to allow children who wish to, to make similar acknowledgement in their classrooms.

NOTE: The language of the proposed amendment, and detailed briefing materials will be available by the end of next week. Questions relating to the legal and Constitutional history of this issue should be directed to the Office of Legal Policy at the Department of Justice (633-3824).

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AUG 11 REC'D MB



Reagan Pushes for
School Prayer Amendment

WASHINGTON, D.C. -- MAY 17, 1982

In the White House Rose Garden, Moral Majority leader Jerry Falwell and New Right Senator Jesse Helms planned their strategy for a constitutional amendment that would impose voluntary prayer in public schools and on the public ...

Dear Friend,

NO MATTER WHAT THE PRESIDENT, JERRY FALWELL, OR JESSE HELMS TELLS YOU ...

... prayers in public schools, supervised by teachers at scheduled times, are in no way voluntary. Because they would cruelly focus the spotlight of "being different" on any child who does not wish to take part in them, they become compulsory prayers.

And because the introduction of compulsory prayers into public schools poses one of the greatest threats to religious freedoms guaranteed in our Bill of Rights, we at PEOPLE FOR THE AMERICAN WAY are launching an all-out campaign to stop this proposed amendment before it goes any further!

The hypocrisy of this supposedly "voluntary" amendment is really frightening. We already have real voluntary prayer in our schools -- a fact noted by many religious leaders as well as the Supreme Court. And no one would ever be against it, or against silent prayer, or against individual prayer.

How often have we seen a football player cross himself as he enters the game? How often have we ourselves said a silent prayer before starting a crucial test in high school or college? These are all perfectly acceptable in our public schools. And no one would think of challenging them. We need no constitutional amendment to permit truly voluntary prayer in public schools. Rev. Falwell knows that. Senator Jesse Helms knows it too.

What Thomas Jefferson and our Founders gave us, Falwell and Helms want to take away.

The "voluntary" prayer amendment they so zealously support is not what it claims to be.

Behind its seemingly benign words are the greatest threat to our right of religious freedom.

(over, please)

Here are the facts, which PEOPLE FOR THE AMERICAN WAY intends to set forth in a media campaign, in special speakers' bureaus, in newspaper editorials, and in testimony before Congress.

The government prayer amendment will:

- Amend the Bill of Rights, which has served us well for almost 200 years.
- Put the government squarely between parents and children -- prayercrats and some teachers will use it as a mandate to interfere in molding children's most personal religious beliefs -- regardless of parents' wishes.
- Strip children of the religious freedom they now enjoy. Think of Mormons in New York, Protestants in Baltimore, Jews in Dallas, non-Mormons in Salt Lake City. Kids will have their personal religious beliefs contradicted at worst, and trivialized at best.
- Provoke endless legal turmoil as law suits and countersuits are filed over the definitions of "prayer" and "voluntary." Scarce school funds will be wasted on high legal fees.
- Virtually mandate prayers that are not spontaneous. Prayer sessions will be organized. Taxpayer-supported, government employee-teachers will lead the prayers.
- Mean that prayers will be selected from specific religious denominations -- Catholic, Protestant, Jewish, Hindu, the Unification Church of Rev. Moon -- or be written by federal, state, and local official prayer-writing bureaucracies.

Of course, Radical Right leaders don't openly say the proposed amendment will undo the Bill of Rights. They are too smart for that. But one TV minister who heads a "Christian Broadcast Network" with 2,900 members does say that "non-Christian people" are using the "Constitution of the United States" to "destroy the very foundation of our society."

They certainly don't admit that they want to undermine the separation of church and state, religion and government, in America. But this TV minister calls for special protection for Christians -- "over and above the First Amendment." Another national Radical Right leader proclaims he wants to "Christianize" America, while Falwell declares:

"If a person is not a Christian, he is inherently a failure." (Falwell's message is carried on more than 240 TV stations and 400 radio stations.)

And of course they don't say that they want the government to force teachers to lead millions of school children in prayers each morning.

Instead, they say they are for "voluntary" prayer in the public schools.

After all, polls show that more than 60% of Americans favor "voluntary" prayer. And those not in favor of altering the Constitution -- particularly those in public office -- hesitate to oppose "voluntary prayer." They keep quiet.

With the possible exceptions of "motherhood" and "apple pie," what sounds more American than "voluntary"? And what politician wants to be labeled "anti-prayer"?

Well, to put it bluntly, the Radical Right's proposal for "voluntary prayer" is a sham. A lie. A deceit.

You can do something to stop it by joining me in PEOPLE FOR THE AMERICAN WAY.

PEOPLE FOR THE AMERICAN WAY was launched in the fall of 1980 by writer-producer Norman Lear, Congresswoman Barbara Jordan, Notre Dame University President Father Theodore Hesburgh, national Baptist leader James Dunn, Rabbi Marc Tanenbaum of the American Jewish Committee, national Lutheran leader Rev. Charles Bergstrom, and other respected leaders. PEOPLE FOR THE AMERICAN WAY was founded to counter the threats posed by the Radical Right to our constitutional freedoms of thought and speech, religious liberty, and majority rule.

When you join PEOPLE FOR THE AMERICAN WAY, you will be joining more than 75,000 other Americans in a vital effort to protect our constitutional freedoms. You will be helping to ensure that, in America, we teach children how to think, not what to think.

The real issue at stake in this battle is government religion. Not "voluntary" prayer.

The question is whether other people will be able to use your tax dollars to promote their religious beliefs. The question is whether we are going to see the beginning of the end of our First Amendment guarantee of personal religious freedom.

That's why you and I must begin now to educate the American people and to stop the extremists.

That's why PEOPLE FOR THE AMERICAN WAY is launching this unprecedented campaign to explain the real facts to citizens all across America.

Only with your help can we stop this amendment. We must stop the amendment.

And we cannot let the extremists cynically use the emotional prayer issue to intimidate politicians this year. We need only to recall the disturbing developments since 1980 to realize why -- this time -- our elected officials must also hear the voices of tolerance and freedom.

(over, please)

Many people who share a belief in prayer abhor this use of their precious personal religious freedom to advance the political agendas of a small group of demagogic right-wingers.

In the past few weeks, PEOPLE FOR THE AMERICAN WAY has received offers of assistance, on a voluntary basis, from many of America's leading clergy ... media figures ... writers ... and media producers. Already, we are putting together special speakers' bureaus, organizing meetings with newspaper editors, and preparing testimony for Congress.

And among the religious groups standing together against the government prayer amendment are the United Church of Christ, the United Presbyterian Church, the Lutheran Council, the Union of American Hebrew Congregations, the Friends United Meeting, and the Episcopal Church.

Together we can launch this critical campaign and expose the threat posed by the Radical Right ... if we can raise the funds needed to buy television time not only in Los Angeles, Boston, Houston, New York, and Washington, D.C., but also in Hartford, Conn., Charlotte, N.C., Cleveland, Ohio, Pittsburgh, Pa., and all across America.

We have titled this unprecedented effort THE JEFFERSON PROJECT TO PROTECT RELIGIOUS LIBERTY. Thomas Jefferson, the author of our Declaration of Independence, wrote the Virginia statute on religious freedom, which I have enclosed with this letter.

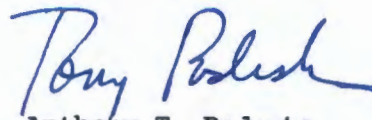
You and I can keep Jefferson's vision of religious tolerance alive in our time by working together. Indeed, we need each other if we are to stop Jerry Falwell and Senator Jesse Helms from yet another conquest.

When you join PEOPLE FOR THE AMERICAN WAY, you will be joining with more than 75,000 other Americans in this battle to keep America's most basic constitutional right in force.

Now, more than ever, people like you and me need each other. We need PEOPLE FOR THE AMERICAN WAY.

Please join with me today with your membership gift of of \$20, \$25, \$35, or as much as you can give. Time is short. We must begin now to reassert our traditions of freedom and diversity before they are lost.

Sincerely,



Anthony T. Podesta
Executive Director

P.S. When you join PEOPLE FOR THE AMERICAN WAY and help launch THE JEFFERSON PROJECT -- you will receive the timely and acclaimed Report from Washington, packed with information on the activities on the Radical Right and what PEOPLE FOR THE AMERICAN WAY is doing to counter them.

5
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LEGISLATIVE DIRECTOR
Gary Jermin

Christian Voice

RECEIVED

JUN 27 1983

SCHEDULING OFFICE

June 16, 1983

Hon. Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President :

For over the past year we have enthusiastically supported your Constitutional Amendment, S.J. Res. 73 and H.J. Res. 100, to restore the right of voluntary prayer in our public schools. Unfortunately, we believe that any Constitutional Amendment to restore school prayer is in jeopardy due to the current stalemate that exists between your language and the silent prayer alternative advocated by Senators Thurmond and Hatch.

We believe that a no-win situation confronts us. Your language is suffering from defections due to the silent prayer alternative. Conversely, most of us believe that silent prayer is an undesirable compromise and that it will also lose. Furthermore, regardless of which Amendment may prevail in the Senate Judiciary Committee, we fear there will likely be a fratricidal warfare which will leave pro-school prayer forces badly divided and our opponents cheering the spectacle of our internal bloodletting. Whatever else may be said about the current situation, clearly the body is divided.

We are convinced, however, that the goal of a school prayer Amendment can be realized provided that both sides seek to negotiate an alternative Constitutional Amendment which all can enthusiastically support. Such reconciliation is not only highly desirable but is sorely needed at this critical time. We sincerely believe that a third alternative Amendment can be negotiated which will accomplish our objectives. Christian Voice is committed to pursuing this alternative (see enclosed memorandum).

6/27
This letter should have come to us.
Refer to White House's office.
JML

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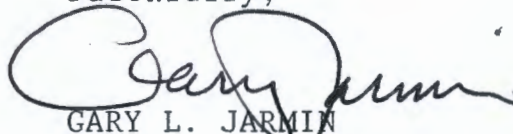
President Reagan
June 16, 1983
page two

We are extremely grateful for your outstanding leadership on this crucial issue. All of us in the school prayer movement are deeply indebted for all that you have done. Clearly, there would probably not be a Constitutional Amendment on prayer seriously considered had it not been for your personal intervention. Likewise, it is unlikely our goal of restoring prayer in schools will succeed without, once again, your personal intercession and superintendence to resolve our current dilemma.

Therefore, we urge you to meet with key Judiciary Committee leaders and initiate a unity meeting with the goal of negotiating an alternative Constitutional Amendment. Even if such discussions fail to achieve a mutually acceptable agreement, we cannot see how such an outcome could make the situation any less desirable than presently exists. Should these negotiations result in a successful compromise, the American people and the pro-school prayer movement would applaud and rejoice in this act of statesmanship. It is our earnest prayer and hope that, at the very least, you will give this proposal your thoughtful consideration.

Again, we thank you for your exceptional leadership and noble efforts made on behalf of this extremely important cause. Praying that our Lord will continue to bless you with His wisdom, courage and love, I remain

Faithfully,



GARY L. JAMIN
Legislative Director

GLJ/mfh

enclosures

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June 15, 1983

MEMORANDUM

TO: Pro School Prayer Members of the Senate
Judiciary Committee, et. al.
FROM: Gary L. Jarmin, Legislative Director
RE: Alternative Amendments

Unfortunately, it appears that pro-school prayer supporters are badly divided over what kind of Constitutional Amendment on school prayer should be reported out of the Judiciary Committee. We seem to have reached an impass on the language and are dangerously close to having a fratricidal battle amongst each other. It is the opinion of Christian Voice that support for both the President's language and the silent prayer alternative is rapidly deteriorating. As we have been recommending for the past two months, we firmly believe that there can and should be a third compromise draft reported out of the Committee which all of us can enthusiastically support.

Enclosed are some draft amendments which Christian Voice and the National Association of Evangelicals recommend for your consideration. These drafts are intended to overcome the chief objections to the President's language while still retaining the option for vocal prayer in public schools. Obviously, these changes may need to be "wordsmithed" to make them suitable for a Constitutional Amendment. It should be pointed out that we have "bounced" this language off several "swing" vote Senators and have received very positive reactions.

The objections to the President's language that these drafts intend to overcome are as follows:

1. Sectarian Prayers- Some have objected to S.J.Res. 73 on the grounds that it would allow for States or school districts to prescribe a sectarian prayer which would be offensive to religious minorities. To remedy this problem we have proposed two alternative phrases: (1) defining prayer as nonsectarian; or (b) making certain that prayer is conducted in a nondiscriminatory manner.

Nonsectarian simply means that the prayer offered could not explicitly reflect only one religion or religious viewpoint. For example, the Lord's Prayer could not be recited since it is a Christian prayer. In addition, the history of prayer shows us that most prayers offered in classrooms were usually nonsectarian such as the Board of Regents prayer in New York and, more recently, the Alabama prayer which is currently being challenged in the courts.

On the other hand, conducting prayers in a nondiscriminatory manner would allow for sectarian prayers to be offered so long as all other religious groups are allowed to be represented if they so desire. This would insure that minority religious groups would be allowed the equal opportunity in having their prayers offered.

2. Local Decision- In addition to stating no person shall be required to participate in prayer, we have also included any unit of government or school. This would prevent a State legislature from requiring all of its school districts or schools to have prayers offered in the classroom. Also, a State drafted or required prayer would not take into account the desires of parents at the local level. For example, the majority of parents in Beverly Hills may not want school prayer whereas the majority in San Diego do. One school district may prefer vocal prayer whereas another may prefer silent prayer. Even the content of the vocal prayer will likely vary from school district to school district depending on the religious composition of students.

We can also anticipate that some school districts may wish to experiment with different types or forms of prayer before settling on the one they find the most satisfactory. State drafted or mandated prayers would make this important experimental process extremely difficult, if not impossible.

This language also guarantees the right of each school the option to not participate if it so chooses or to use a different prayer than that approved by the local school board.

June 15, 1983

page three

3. State Drafting of Prayers- We have also stated that no state (including school boards) can draft the content of prayers. Many conservative evangelicals do not like the idea of "Caesar" drafting prayers. We agree. However, this language would not prevent a school board from approving a prayer drafted by an interfaith commission of parents and/or clergymen. This also puts the burden on the community to initiate some type of prayer if there is going to be any at all in their schools.

4. Equal Access- Both the Christian Voice and National Association of Evangelicals drafts solve the "equal access" problem (this is also in the Thurmond-Hatch prayer alternative). We think this is a wise decision. If Congress is going to amend the Constitution to resolve the prayer problem, it only makes sense that it should resolve the equal access problem at the same time. This will also guarantee the equal access right by giving it the weight of Constitutional law rather than a statute which would be subject to different judicial interpretations.

In conclusion, we offer these alternative drafts with the hope they may lead to a compromise settlement of the current problem. We deeply believe that neither the President's language nor the silent prayer alternative stands any real chance of passage, especially if we remain divided internally and no unanimity or reconciliation develops. That you will give the above proposal your urgent and thoughtful consideration is our most earnest prayer. We would also deeply appreciate it if you could revert to us with your comments, suggestions, criticisms, etc. at some time in the near future. Thanks again.

Christian Voice Proposal #1

Section 1- Nothing in this Constitution shall be construed to prohibit individual or group nonsectarian prayer in public schools. No person, unit of government or school shall be required by the United States or any State to participate in such prayer. Nor shall the United States or any State draft the content of such prayer.

Section 2- Nothing in this Constitution shall be construed to prohibit equal access to the use of public school facilities by voluntary student groups based on the religious content of speech.

Christian Voice Proposal #2

Section 1. Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions provided that:

- a) No person shall be required by the United States or any State to participate in prayer.
- b) The opportunities for and conduct of prayer is done in a nondiscriminatory manner (or nonexclusive).
- c) No unit of government or school shall be required by the U.S. or any State to conduct or implement prayer exercises.

Section 2. Nothing in this Constitution shall be construed to prohibit equal access to the use of public school facilities by voluntary student groups based on the religious content of speech.

Christian Voice Proposal #3

The right of the several states to decide what forms of religious expression should be allowed in its public schools or other public institutions is secured by this Constitution provided that:

- a) No person, unit of government or school is required by the United States or any State to participate in any such form of religious expression;
- b) Such expression is done in a nondiscriminatory manner; and
- c) The United States or any State does not adopt any specific religious doctrine or mode of worship as its own.

National Association of Evangelical's Draft

Nothing in this Constitution shall be construed to prohibit prayer or other religious activity in public schools. Neither the United States nor any State shall require any person to participate in prayer or other religious activity, or prescribe the content of any prayer or other religious activity.

Comment: The chief problem with this language is that it would prohibit a school board from choosing or authorizing that a particular prayer be recited in a classroom. I think the language could be improved if the last phrase read:

"or draft the content of any such prayer or other religious activity."

This would prevent school boards from drafting prayers but still allow them the option to implement a prayer composed by parents or an interfaith panel of clergymen.

In the town of Livermore, California, three students at the local high school objected to the traditional reading of an invocation at the graduation ceremony. Their objection was based on their claim that the reading of an invocation would be a violation of the separation of church and state.

They took their case through the school's grievance policy, and the school's principal upheld the invocation. The three appealed the principal's decision to the School Board, where the invocation was again upheld. They appealed the decision of the School Board to the Superintendent of Schools, who also upheld the invocation.

The next day, the American Civil Liberties Union, on behalf of the three students, took the case to the Alameda County Superior Court. There, Judge Raymond Marsh ruled with the ACLU (against the invocation) and issued a preliminary injunction affecting the three county high schools.

The Livermore School District on June 9, 1983, appealed Judge Marsh's decision to the California Court of Appeals. The Court of Appeals on that day upheld the decision against the invocation, by a 3-2 vote, without comment. The School District appealed to the California Supreme Court on the next day (June 10, 1983), which was the day of the graduation ceremony, but the Supreme Court refused to hear the case. The ceremony was held without the invocation, and the student who had originally been selected to read the invocation read a poem instead.

However, during the ceremony, a plane flew over the ceremony, trailing behind it a banner which read: "God Bless The Graduates". No one has discovered to date the person responsible for the banner, and no one has come forward to take credit for it.

The ACLU has indicated that it will seek a permanent injunction concerning future incidents of school ceremony invocations in the fall.

Students protest invocation

By David Boltano
Staff writer

LIVERMORE — Three Granada High school students have protested a planned invocation at the school's June 10 graduation, and Principal Jack Snodgrass said Wednesday he hasn't decided whether to allow the traditional prayer.

Also on Wednesday, seniors attending a special meeting voted 30-11 to allow Todd Ferro to deliver the invocation. But the final decision rests with Snodgrass.

"What happens at Granada High School is my responsibility," the principal said.

Students Leslie Bennett, Diane Brown and Ellen Lenbergs said use of the invocation during a school ceremony violates constitutional principles of separa-

tion of church and state.

They say they will take their case to the American Civil Liberties Union, though union officials haven't decided whether they will take the case.

The students said it is impossible to have an invocation that is non-denominational in nature. If an invocation must be read, all the world's religions should be represented, Miss Lenbergs said.

The students are not protesting against Ferro, Miss Lenbergs said, but are objecting to the invocation on constitutional grounds.

"It's nothing against Todd but against the invocation itself," she said.

Most of the students at Wednesday's meeting felt that eliminating the prayer would be a violation of their rights, Miss

Lenbergs said.

Members of an ad hoc senior graduation committee chose Ferro to deliver the invocation four months ago, he said. The protesting students said they only learned about the invocation this week.

Class adviser Claude Cameron said all Granada seniors had a chance to give input on the graduation program while the committee was making decisions.

Cameron, a civics teacher who has been advising seniors for 14 years, said including an invocation at graduation has never been questioned.

"It's never been a biggie," he said.

Ferro said he wasn't sure why he was chosen to speak, though committee members may have selected him for his "strong Christian beliefs"

Though he hasn't written the invocation, Ferro said the prayer will give thanks for the students four years in high school and will ask God to watch over the graduates as they go on to a new life.

The prayer, he said will not favor any given religion.

"I don't think prayer itself is denominational," he said.

Ferro is son of Bob Ferro, the Granada parent who protested use of Evan Hunter's novel "The Chisholms" in the school library two years ago.

The elder Ferro objected to the use of what he considered sexually explicit passages in the book. Snodgrass ordered the book removed from the library, but Superintendent Leo Croce reversed the decision on the recommendation of a district committee.

Principal told to cut graduation prayer

By David Boltano
Staff writer

LIVERMORE — Attorneys for the Livermore School District have advised principal Jack Snodgrass to cancel a planned invocation at the school's graduation ceremony June 10.

Snodgrass said lawyers in the Alameda County Counsel's office have issued a preliminary opinion that use of the invocation during a public school ceremony violates the constitutional guarantees of separation of church and state.

Because the invocation issue has never been tested in court, the principal said the county counsel's office has urged dropping the prayer.

Snodgrass said he hasn't decided whether to allow the ceremony. Some-

time within the next week he will make a recommendation to Assistant Superintendent Walt Capri.

"This is an important decision and I am not of a mind to rush," he said.

Three Granada seniors have protested plans to have invocation be delivered by student Todd Ferro during the commencement.

The students said it is impossible for an invocation prayer to be non-denominational, though Ferro has said his presentation will not favor any particular religion.

Although graduation day is fast approaching, Snodgrass said the invocation could be cancelled even if it is listed on the graduation program.

"Just because it is printed doesn't mean it has to happen," he said.

Meanwhile, an official of the American Civil Liberties Union in San Francisco might intervene in the case if asked to by the protesting students.

"We are interested in it," said Margaret Crosby, staff attorney for the union "We would investigate."

Though the courts have not ruled on whether commencement invocations are unconstitutional, Ms. Crosby said she feels the invocation might be thrown out based on similar legal decisions in state and federal courts.

For example, she said federal judges have ruled against schools that hold graduations in churches.

On another occasion, the California Supreme Court has forbidden students to gather in a vacant school room to discuss

the Bible on their own time.

"They (previous cases) point to a holding that this is impermissible," she said.

In another item, Snodgrass said that a school discipline committee is considering whether students should be allowed to wear shorts on campus.

Last month, some of Granada's male students protested a total ban on shorts by wearing skirts to school. The skirts were meant to symbolize the boys' anger at a rule allowing girls to wear mini skirts on hot days.

Snodgrass said the students have proposed a compromise that would allow students to wear shorts if the pants reached the mid thigh.

Snodgrass said the committee will make a decision before the fall and he will abide by the committee's decision.

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concerts, books and festivals

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The Herald

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Granada panel votes to keep prayer

MUN 4 1983

By David Boltano
Staff writer

LIVERMORE — Granada High School's grievance committee voted unanimously Friday to allow a planned invocation at the school's June 10 graduation ceremony.

But Margaret Crosby, a staff attorney with the American Civil Liberties Union, said the ACLU will seek a temporary restraining order if school district trustees do not cancel the prayer.

"We hope it won't come to that but we will go to court," she said.

The five-member panel of two students, two teachers and an administrator makes recommendations on student complaints.

ACLU vows fight if invocation stays

The final decision could rest with the Livermore Valley Unified School District board, which may take up the matter at its Tuesday night meeting, according to Superintendent Leo Croce.

Principal Jack Snodgrass will decide Monday whether to allow the invocation. Supporters or opponents of the prayer can appeal his decision to Croce and Livermore trustees.

Three Granada students protested the planned invocation by student Todd Ferro on constitutional

grounds. Seniors planning the commencement voted 30-11 this week to keep the prayer, but the three girls appealed to the grievance committee.

Committee members voted for the invocation because the students should have made their objections sooner, said Assistant Principal Dennis Berger. The committee also felt the invocation is a tradition that should be respected, Berger said.

"We felt uncomfortable with a last-minute protest," he said.

The ACLU objects to the invocation because it would violate state and federal guarantees of separation of church and state, Ms. Crosby said.

The state constitution, she said, provides for free exercise of religion without showing preference for any religious denomination. It would be impossible to deliver any invocation that wouldn't favor one religion over another, she said.

Federal district courts have upheld invocations because attendance at graduation exercises is voluntary, though the issue has not been considered by the U.S. Supreme Court.

The federal courts in the past have overturned voluntary prayers in public schools, she said. Students

Continued back of section, col. 3

Granada panel votes to keep invocation

Continued from page 1

who oppose invocations are, in a sense, coerced into taking part because graduation is a major event in their lives, Ms. Crosby maintained. Failure to attend for constitutional reasons could leave the students isolated.

Superintendent Croce said Friday that graduation ceremonies at both Granada and Livermore high schools would be affected by any decision trustees make.

The Alameda County counsel's office has tentatively advised against allowing the invocation but hasn't written an opinion, Croce said. Lawyers there could not be

reached for comment Friday.

Meanwhile, supporters of the invocation said they plan to demonstrate on campus Monday for retaining the prayer.

"So many people want it, it's a tradition," said Shelly Marshbank, chairman of the graduation committee. "It's not right to stop it."

Leslie Bennett, one of the students who protested the invocation, said tradition is not the issue.

"I don't feel tradition is important if it's wrong," she said. "It's not right because you do it a lot."

Ms. Bennett said she will support taking the issue to court if necessary.

"If the ACLU is willing to fight for me, I'm willing to fight for me," she said.

Ms. Bennett said she did vote to have the Granada students sing the "Hallelujah" chorus from Handel's "Messiah." She said she voted for the religious music because it was "something that I liked."

She said she would agree with anyone who protested use of the choral piece for similar reasons.

Other valley high schools including Foothill, Amador and Dublin high schools will have invocations at their graduation ceremonies this year. So far there have been no protests.

California High School in San Ramon does not have an invocation planned for its June 17 graduation.

Assistant Principal John Morrison said Monte Vista High School in Danville will continue its recent practice of having both an invocation and benediction. There have been no complaints from parents or students about the practice, he said.

San Ramon Valley High School in Danville traditionally has not had an invocation, according to a school official, but one was added this year at the request of the two students who planned most of the graduation ceremony.

Tr. Valley Herald

JUN 8 1983

votes 3-2 to allow invocation

Legal challenge of graduation prayer expected

ee Granada students, Diane
n, Leslie Bennett and Ellen
rgs, had protested the invoc-
n the grounds that prayer
a public school function vio-
constitutional guarantees of
tion of church and state.
d members rejected a pro-
y Trustee Joyce Wycoff to
ute an inspirational poem or
resentation and allow those
ant to pray a moment of
afterward.

Voting for the invocation were
Trustees Lynne Stein, Manuel
Prado and board President Betty
Carrell. Opposing the recommen-
dation were Mrs. Wycoff and
Trustee Joyce Brown.

Mrs. Carrell said she did not want
to cancel the invocation because
doing so might amount to
censorship.

Prado said the invocation would
not violate the Constitution because
the graduation is not a worship

service.

Trustees made their decision
before a sometimes emotional
crowd of more than 150 people.

A large number of speakers testi-
fied both for and against allowing
the invocation.

Miss Brown told the board that
the U.S. Supreme Court has ruled
that officially sponsored prayers
don't belong in public school
classrooms.

"Prayers of thanks belong in the

privacy of one's heart or one's
home but no one has the right to
pray aloud to all present at the
same ceremony," she said, "thus
implying all share the same form of
worship."

The protesting students contend
that the invocation to be delivered
by student/Todd Ferro cannot be
non-denominational.

The invocation question should be
determined on the legal issue and
not simply the wishes of the majori-

ty, said student Steve Bradley.

"Constitutional law has been
questioned here," he said. "At no
time in history has constitutional
law been decided by majority be-
lief."

The invocation was approved at a
recent meeting of Granada seniors
by a vote of 35-11. Most of the
speakers Tuesday night seemed to
favor the invocation. Teri Ryan,
Granada student body president,
told the trustees that supporters
had gathered 77 signatures.

Attorneys in the Alameda County
Counsel's office have advised the
school district that the invocation
would not be unconstitutional.



dated

Judge blocks Livermore invocations

JUN 10 1983

County lawyers to appeal ruling this morning

By David Boitano
Staff writer

LIVERMORE — An Alameda County Superior Court judge Thursday issued a preliminary injunction to block the controversial invocation at tonight's Granada High School graduation.

But lawyers for the Livermore School District will appear at the state Court of Appeal in San Francisco this morning to challenge Judge Raymond Marsh's order. They filed an appeal Thursday afternoon.

Meanwhile, invocation supporters say they will pray at the ceremony despite the court order.

"We'll have the prayer one way or another,"

- Panel approves school prayer bills, Page 6
- Reagan plugs teacher merit pay, Page 3

said Todd Ferro, the senior who agreed two months ago to give the invocation.

"It will be quiet and reverent," added the blond, blue-eyed youth. "It won't be done in a rebellious way."

Ferro said students who want to pray will break away from the main group of graduates and join hands in a circle while he offers up a 90-second thanksgiving.

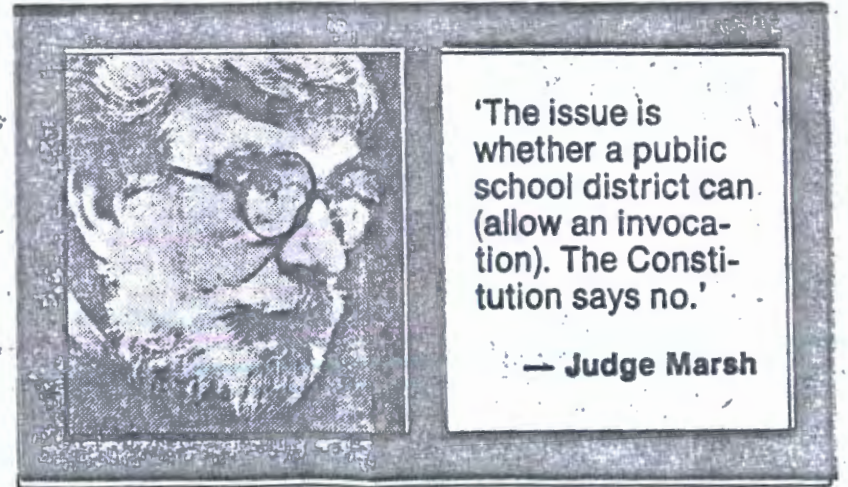
"I just want to thank God for helping us through four years. I hope it touches people."

The injunction also applies to a planned invocation at Livermore High School, though it does not affect invocations at other Bay Area high schools, said Bill Rundstrom, senior deputy in the Alameda County Counsel's office.

In issuing his order, Marsh agreed with lawyers for the American Civil Liberties Union, who argued that the invocation violated the constitutional guarantee separating church and state.

The ACLU went to court on behalf of Leslie Bennett, one of three students who protested the prayer on constitutional grounds. The other students were Ellen Lenbergs and Diane Brown.

Continued back of section, col. 1



No invocations for Livermore

JUN 1 1983

Court ruling stands

JUN 1 1983

By Phil LaVelle
Staff writer

SAN FRANCISCO — The state Supreme Court took no action Friday after being asked to lift a ban on prayer at graduation ceremonies at two Livermore public high schools.

An appeals court earlier Friday voted 2-1 to uphold a lower court's ruling barring prayer at ceremonies scheduled for Friday night at Granada and Livermore high schools.

No reason was given for the Supreme Court not answering a petition from the Alameda County counsel.

An hour before Granada High's ceremony began, the court clerk's office said the high court had taken no action.
Continued back of section, col. 6

By David Boitano
Staff writer

LIVERMORE — "God Bless the Graduates."

A biplane toting that message circled overhead in gray skies Friday night as Granada and Livermore high school graduates heard poems instead of invocations.

Someone commissioned the plane to fly over the schools' graduation ceremonies, barred by court order from including the traditional prayer.

But Livermore High School's student body president offered a "personal prayer" to fellow graduates during his scheduled speech.

"I would like to offer a personal prayer to all my classmates, that they may have a long, happy and successful life. God bless you."

Steven Sandholtz, who will attend Brigham Young University in fall, later said he didn't feel he was violating Superior Court Judge Raymond Marsh's order.

"It said we weren't allowed to have an invocation as part of the ceremony and this was a personal prayer. I said that — it was part of my speech."

Todd Ferro and Celeste Rose, the scheduled invocation speakers at Granada and Livermore, both read poems.
Continued back of section, col. 2



Granada High seniors cheer as a plane bearing the message 'God Bless the Graduates' flies over.

Religion vs. diversity issue divides educators

Hayward High School Principal Howard Moffitt calls himself a "practicing religionist" and says he prays often. But he does not favor prayer in public schools.

"Why parade something that's reverent and sacred before others to whom it isn't?" Moffitt asked. "It's almost like the biblical injunction that says 'Don't cast your pearls before swine.'"

Few public school educators interviewed on the subject think prayer should be part of the school day.

There are the exceptions, like Guinn Boggs, a basketball coach at Fremont's Washington High School who says his life revolves around his faith in Jesus Christ.

"I don't break my life into sections. When I teach I hope the message of Christ comes through in my attitude," said Boggs, who is convinced the 1963 U.S. Supreme Court decision barring school prayer was wrong.

"I would do anything I could —

sign petitions, whatever it takes — to get prayer back into school," he said. "The battle lines are being drawn. As time goes on Christians will become more visible in their protest of laws that are anti-Bible and anti-God."

Robert Coney, Alameda County superintendent of schools, recalls a time when communities had no difficulty imposing elaborate religious standards.

"When I was growing up back in the Midwest there were communities that were very religious and they wanted prayer in their schools," he said. "The public schools were seen as an adjunct to the religious life of the community.

"But that changed as we became multiracial, multicultural, multi-ethnic, multilingual and multi-religious and . . . so this makes for a conflict."

Although he thinks communities should be allowed to have some kind of "non-denominational prayer or expression of religious

belief," the schools "should not be in the prayer business."

Bringing back school prayer would not restore homogeneity to communities, according to Ronald Stewart, Contra Costa County superintendent of schools.

In the 1940s, said Stewart, there was a national, if unstated, policy concerning the role of education in society: The schools reinforced the teachings of the church and the family.

Merely reintroducing school prayer would not recreate that situation, he said.

But religion is not banned from all schools.

Lawrence Fischer, a teacher at American High School in Fremont, protested to administrators earlier this year when he observed students passing out Bibles on campus. He found that the Fremont Unified School District allows religious groups to distribute literature as long as they don't try to win converts.

"I'm very much against having religion encouraged by the schools because even silent prayer subtly turns into 'you are supposed to pray,' and I don't think kids, especially elementary kids, would be too vocal about complaining," he said.

"We've got kids who pray in non-traditional ways — facing west, using a mat, on their knees — and I don't think teachers would tolerate that," he said. Prayer "would be just another way to get Christianity into the schools.

Don French, a Christian and a teacher at Washington High School in Fremont, disagrees. In the past he has supervised a before-school prayer session and he often talks to student members of his Christian youth fellowship group about religion on campus. He said students were very respectful when others were praying.

"If people study what went on back when this was brought up I think they'll find that it was in-

tended not to protect the state the church but to protect church from the state," French said. "I tend to get that backward think."

Nevertheless, French would want to devote precious school to prayer. "But I don't see any wrong with prayer before or school if kids want to get together," he said.

Even without prayer, M says, schools deliver important moral messages.

"We try to teach respect for fellow human beings and to teach them honesty," he said "not from the structure of religion."

Staff writers Dav Boitano, Richard Colvin, Michael Collier, Lo Eickmann, John Olive, Rosanne Pagano and James Rainey contribute to these stories.

School prayer

County history of issue

Continued from page 1

School district attorneys argued graduation was voluntary and that no church-state issue was involved because the event happened outside school hours.

Not every complaint reaches court.

A man, who said he had read about the Livermore invocation case, called to complain about commencement prayers to San Ramon Valley School District Superintendent Allan Petersdorf this month, and Petersdorf simply and firmly said it was too late to change things. "I told him I appreciated his concern, but that the plans were established," said Petersdorf.

"A majority of the population here feels it is all right," Petersdorf said. "We rotate the duty among different ministers and priests. It would not be a popular thing to challenge."

The issue of holding baccalaureate at school was raised in Southern Alameda County in 1963, when teachers wondered if it was permissible to hold a ceremony with prayer on school grounds. Then state Attorney General Stanley Mosk wrote that such programs are attended because of their "religious purpose" and as such, may not take place at school without violating the U.S. Constitution.

Shortly after the 1963 decision, the state Department of Education attempted to end the worry that the ruling meant the classrooms were open to the teaching of secularism or atheism.

Leaders in the department wrote that "our schools should have no hesitancy in teaching about religion. We want the children of California to be aware of the spiritual principles and faith which undergird our way of life."

A 1980 case involved the Rev. Larry Beckmann, who had assured school officials his talk before a high school student assembly in San Leandro would not be religious. When Beckmann took the platform, however, officials said he began promoting Christianity as the only religion.

The issue prompted Alameda County schools Superintendent Robert Coney to write a memo alerting principals of Beckmann's previous religious speech at a public school.

Religious leaders' views range from pro-prayer to separatism

There is a schism among area religious leaders over whether prayer should be recited in public classrooms.

Clerics swing from the fervently pro-prayer stance of Hayward's Rev. Elliott Paulsen to the separatist views of San Leandro Rabbi Ira Book and Union City Buddhist leader Hoshu Yoshida Matsubayashi.

For Paulsen, founder of the American Heritage Christian Schools in Hayward, the June court decision prohibiting graduation prayers at Granada High School in

Livermore "strikes at our constitutional freedoms."

"The courts should be as responsive to those who want prayer as to those who don't," added Paulsen, now retired as pastor of Fairway Park Baptist Church.

"The Declaration of Independence proclaimed life, liberty and the pursuit of happiness. Whenever you order Christians not to pray, you're not making them happy. Christians everywhere in the Livermore Unified School District are guaranteed the right to pray silent-

ly."

Rabbi Book of Temple Beth Shalom says prayers have no place in public schools' everyday curriculum, but doesn't object to graduation invocations.

"Graduations are celebrations," said Book, "and invocations are a message of congratulations for human accomplishment and the human spirit."

The classroom prayer issue is altogether different, he added. "Just what *is* a classroom prayer? A Moslem or a Jewish child in a

classroom where there is a Christian prayer will feel very out of place.

"The lesson of Granada is that the children got a sense of using the American political system to express themselves," Book said. "It's better that way than by evangelism or graffiti."

The Rev. Matsubayashi of the Southern Alameda County Buddhist Church in Union City took the Granada High ruling very seriously.

"I was asked to give the invocation at the adult education school

graduation of the New Haven Unified School District," he said. "Because of the court decision, I turned down the request."

Matsubayashi added he thinks religious offerings in public schools are unconstitutional.

But Dr. William Whitaker, pastor of First Baptist Church of Dublin-San Ramon, says that religious freedom is at stake.

"I feel that this (invocation issue) is just another attack against our religious freedom. We're seeing it

all over the country.

"I see a move toward religious suppression."

Joe Schofield, associate pastor of Neighborhood Church in Castro Valley, said he'd like to see prayers in school, but would much rather see families praying together at home.

Students should be given the choice of praying at school, Schofield said. But he added: "If you pray at home, it's not as devastating not to have (school) prayer as a lot of people think."

East Bay delegation sees 'a dead issue'

Call it silent dedication, devotion or whatever you like, but East Bay representatives say there is not a prayer that Congress will pass a constitutional amendment allowing school religious activities.

"A dead issue" is how it is described by Rep. Don Edwards, D-San Jose. "There will be very little movement in the House for a constitutional amendment to allow prayer in the public schools."

Such amendments are now before Congress. They would require a two-thirds vote for passage. Legislatures of two-thirds of the states would then have to approve the amendment before it would be added to the Constitution.

As a member of the House Subcommittee on Civil and Constitutional Rights, Edwards has been a central figure in the school prayer debate.

"This argument has gone back to the beginning of the history of this country. Patrick Henry was for prayer in the schools and Thomas Jefferson and others opposed it because they thought it would ruin the schools," he said. "It violates the First Amendment. It's as open and shut as that."

Rep. George Miller, D-Martinez, calls prayer in the schools "a phony issue."

He claims President Reagan's announcement last year of his support for a school prayer amendment did a "serious disservice to the American people."

The proposal gave people a false sense of hope because political realities in Congress dictate that an amendment cannot pass, Miller said.

Rep. Fortney Stark, D-Oakland, shares his East Bay colleagues' opposition to school prayer.

"If you could allow (prayer), then you would allow Congress to prescribe the prayer," he said. "That would strike fear into many people's hearts — if Congressmen went around writing prayers."

Stark said he was "fairly impressed" with the students of Granada High School in Livermore who sued in June to keep an invocation out of their graduation ceremony. "That's democracy at work," he said.

But Stark said when there are no objections from participants, invocations might continue to be delivered. "The invocation in itself is not of such tremendous consequence that the Constitution will come crashing down if an invocation is given."

The American Civil Liberties Union, which came to the aid of the students in the Livermore case, has put limited effort into fighting the school prayer proposals.

"I think there are people who are very serious about it," said Margaret Crosby, ACLU Northern California staff attorney. "But with all the other priorities, there really isn't much threat (of passage of an amendment) right now."



Len Cook — staff photo

LuWana DeYoung and her daughter Tam, 9, oppose prayer in school.

Moment of silence: Can it substitute?

Can a moment of silence substitute for prayer at graduation ceremonies and in the classroom?

Helen Boyer of Fremont, president-elect of the Kennedy High School parents' club, thinks it can.

"We need some type of personal meditation to begin the day," said Mrs. Boyer.

Granada High School graduate Darren Dickman, 18, of Livermore, said he regrets that a judge banned the invocation at his school's commencement exercises this month. Dickman, who said religion is important to him, added that a few silent moments would have been a good alternative.

"I would want to pray," he said. "But those people shouldn't have to hear it if they don't believe."

But Dickman's girlfriend, Laura Halpin, who was senior class president at Granada, doesn't see silence as an acceptable compromise.

"I don't think you can compromise God," she said. "What about the freedom of speech for those of us who want to pray? It just seems like God is not available anymore to anybody."

Marilyn Bolingbroke, president of the San Ramon Valley High School parent club, agreed. She opposes prayer in the classroom because "there should be a separation of church and state," but prefers a prayer rather than a moment of silence at graduations because it is traditional and the commencement

"is not a classroom situation."

Cindy Bolingbroke, 15, who will be a junior at the high school next year, said, "At our ceremony this year, we had (an invocation), and it was really nice. It sets the mood."

Indeed, most parents and students questioned said prayer should be part of school activities in some instances. But most were more favorable toward graduation invocations than prayer in the classroom.

Bob Moore, whose son, Tim, attends Tennyson High School in Hayward, said he saw nothing wrong with having an invocation at commencement ceremonies because "we have them at baseball games and conventions. It doesn't hurt anybody."

LuWana DeYoung, president of the Marshall Elementary School parent club in Castro Valley, said prayer doesn't belong in the classroom, but argued that graduation ceremonies are "more family-oriented" than educational.

What about the constitutional separation of church and state?

"Church and state are so intermingled already," she said. "Public schools loan books to private schools, they rent closed (public) schools to private ones. Are they going to take 'In God We Trust' off of coins?"

Mrs. DeYoung's daughter, 9-year-old Tam, also said prayer shouldn't be allowed in school because "I work in school. It should be in a church."



White House Office of Policy Information

ISSUE UPDATE

Washington, D.C.

July 22, 1982

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

Constitutional Amendment to Restore School Prayer

The President's goal

The President wants to restore Americans' right to participate in voluntary school prayer, a right which is now prohibited by Supreme Court interpretations of the U.S. Constitution. He believes that individuals should be allowed to decide for themselves whether to join in such prayers.

As the President has stated, "The First Amendment was written not to protect the people and their laws from religious values but to protect those values from government tyranny."

Judicial rulings restricting prayer,

The Supreme Court did not see it this way. Its 1962 and 1963 rulings have prohibited prayer in our nation's public schools for nearly two decades on the premise that allowing such prayer violates the Constitutional separation between Church and State.

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

For a century and three-quarters, the American judicial system maintained this careful balance between "freedom to worship" and "freedom from (compulsory) worship." However,

the 1962 and 1963 Supreme Court rulings tilted sharply toward concerns about "freedom from," going well beyond the Founding Fathers' intent to protect citizens from establishment of a State religion.

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

Subsequently, judicial rulings based on these principles removed virtually all forms of voluntary worship from our nation's public schools. In one case, for example, the courts went so far as to uphold a school principal's order forbidding kindergarten students from saying grace -- on their own initiative -- before meals. The Supreme Court also approved a lower court decision which barred students -- from participating -- upon their own request and with their parents' consent, in a one-minute prayer meditation at the start of the school day.

The courts further forbade the accommodation of students' desire to join in prayer or religious study on school property even outside regular class hours. For instance, one court held that permitting students to conduct voluntary meetings for "educational, religious, moral or ethical purposes" under these conditions violated the Constitution. Likewise, a State court prohibited the reading of prayers from the Congressional Record in a high school gymnasium before the beginning of school.

Despite these and other decisions, some vestiges of the right to pray do survive in scattered public school systems throughout the nation, but these remnants of voluntary prayer continue to be under systematic and successful attack in the courts.

The trend thus established by these decisions directly contradicts the intent of the framers of the First Amendment, and places a discriminatory restriction on students in the exercise of their religious beliefs. For as long as the government requires its citizens to attend school, then schools should not be prohibited from accommodating those citizens' freedom to worship as they please. The President's proposed amendment would affirm and ~~guarantee~~ State and local authorities' ability to honor the place of prayer in people's lives.

Our nation's history

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

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

Prayer also remains an integral part of many government functions and institutions. 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 servicemen and women. The President, as well as governors and mayors of many of our States and cities, preside over annual prayer breakfasts. The President-elect takes the oath of office with his hand upon the Bible. The standard form 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 government is thus not only inconsistent with American religious heritage and practices, but is actually promoting a new orthodoxy contrary to the nation's history by tilting in favor of an "official line" that voluntary expression of religious belief is somehow unacceptable and illegal. The government thereby places school prayer on the same level as drinking, smoking or using illicit drugs on public school grounds -- all forbidden activities.

In the end, however, the historical case for the school prayer amendment transcends even these religious issues, for prayer is but one of many forms of public expression. In singling out public school prayer for prohibition, the Court rulings of 1962 and 1963 departed from America's tradition of making no distinctions on the basis of the content of its citizens' speech. Moreover, the ban on school prayer is a glaring contradiction in a society which allows freedom of expression in political and philosophical discussion in public schools, but not in its religious forms.

Why we need an amendment

Under these circumstances, a constitutional amendment is needed to reaffirm America's heritage of allowing those who wish to worship to be able to do so, while simultaneously preserving the freedom of those who do not wish to pray. In contrast to the current ban on voluntary school prayer, which relegates the right to pray to the status of a "second-class freedom," not to be countenanced

in public institutions, the proposed constitutional amendment would afford voluntary school prayer the highest constitutional legitimacy.

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

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

Analysis of the proposed amendment

The President's proposed constitutional amendment states that:

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

This language makes clear that the First Amendment cannot be construed to permit the courts to ban individual or group prayer in public schools. Thus, school authorities would be allowed to accommodate individual or group prayer at appropriate times, such as prior to class or before meals.

Furthermore, while the amendment does not require school authorities to conduct or lead prayer, it permits them to choose. Moreover, the selection of the particular circumstances for prayer would be left to the judgment of local communities based on a consideration of such factors as the preferences of parents, students, teachers, as well as other community interests.

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

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

The second sentence of the proposed amendment assures that no one need make any expression of religious beliefs which he or she does not hold, and that no person would be required, by any State or the Federal government, to participate in prayer. The right not to pray is thus protected as well.

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

Concerns about the amendment

Opponents to a constitutional amendment allowing voluntary school prayer often claim that voluntary prayer is available to students at any time during the school day. But these critics fail to recognize that many of the world's great religions consider prayer at times a communal activity. To exercise their religion fully, many persons believe they should join in prayer. Opposing this right is itself a form of intolerance, relegating children to surreptitious private expressions of faith instead of accomodating their legitimate religious interest in joining together in prayer.

What these critics are really saying is that voluntary school prayer must be hidden and in silence. But this right to prayer, which American school children now have, is similar to the freedom Soviet school children have: They can pray as long as they are not caught at it. Surely public expressions of prayer should have more legitimacy in the United States than that which exists in an officially atheistic and totalitarian country.

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

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

Although it is true that some local authorities might draft prayers, as some did before the 1962 Supreme Court decision, such action would not violate the rights of others, because the proposed amendment protects all persons from being required to participate in prayer.

The status of the amendment

In order to become part of the Constitution, the amendment must first go to the House and Senate Judiciary Committees, and then be approved by two thirds of the members of both houses.

The two Senate sponsors of the amendment (S.J. Res. 199) are Strom Thurmond, chairman of the Senate Judiciary Committee, and Orrin Hatch, a member of that committee. Hearings before the committee are scheduled for the last week in July, with mark-up and a final vote tentatively planned for August. If that schedule is adhered to, it is possible that the amendment could come to a vote in the full Senate by this fall.

In the House, the prime sponsor of the amendment (H.J. Res. 493) is Rep. Tom Kindness, who has secured 35 co-sponsors for the amendment. The chairman of the House Judiciary Committee -- Rep. Peter Rodino -- has failed to schedule any hearings or mark-ups, and apparently intends to block the amendment from even coming to a vote in the Committee.

The only way to circumvent the House Judiciary Committee is to secure 218 signatures of House members on what is called a "discharge petition" which Rep. Kindness plans to file. If successful, the petition would bring the amendment to the House floor, where a vote could then be taken.

The final stage in the ratification process is for three-quarters of the State legislatures to approve the amendment, at which time it would become part of the Constitution.

Unlike other legislation, constitutional amendments, once passed by Congress, do not come to the President for his signature. However, President Reagan wants the Congress to approve the amendment expeditiously.

Conclusion

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

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

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MEMORANDUM

THE WHITE HOUSE
WASHINGTON

December 21, 1982

FOR: MORTON C. BLACKWELL
FROM: STEPHEN H. GALEBACH *Steve*
SUBJECT: Lubbock School Prayer Case

I thought you might like to see the list of Senators who have just filed an amicus brief in the Lubbock case. To have 24 Senators join in an amicus brief is virtually unprecedented, and the number of moderates and liberals who have joined the conservatives on this brief is remarkable as well.

Although we decided not to file a brief in support of the petition for certiorari in this case, we will still have a chance to file one on the merits should the Supreme Court grant certiorari. It will probably take at least a month or two for the Supreme Court to decide whether to hear the case.

I can make a copy of the Senators' amicus brief should you like to see their specific arguments.

IN THE
Supreme Court of the United States

OCTOBER TERM, 1982

No. 82-805

LUBBOCK INDEPENDENT SCHOOL DISTRICT, *et al.*,
Petitioners,

v.

LUBBOCK CIVIL LIBERTIES UNION,
Respondent.

**MOTION OF SENATOR MARK O. HATFIELD, SENATOR
PAUL LAXALT, SENATOR JENNINGS RANDOLPH,
SENATOR JAKE GARN, SENATOR PETE V. DOMENICI,
SENATOR JEREMIAH DENTON, SENATOR DONALD L.
NICKLES, SENATOR SLADE GORTON, SENATOR
JESSE A. HELMS, SENATOR S. I. HAYAKAWA,
SENATOR JAMES ABDNOR, SENATOR DAVID L.
BOREN, SENATOR DENNIS DeCONCINI, SENATOR
WILLIAM PROXMIRE, SENATOR ALAN K. SIMPSON,
SENATOR ORRIN G. HATCH, SENATOR ROGER W.
JEPSEN, SENATOR PAULA HAWKINS, SENATOR
WILLIAM L. ARMSTRONG, SENATOR SAM NUNN,
SENATOR ROBERT J. DOLE, SENATOR MAX S.
BAUCUS, SENATOR HOWELL HEFLIN, AND
SENATOR J. BENNETT JOHNSTON, MEMBERS
OF THE UNITED STATES CONGRESS, FOR LEAVE
TO FILE BRIEF AS AMICI CURIAE IN SUPPORT
OF THE PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Senators Mark O. Hatfield, Paul Laxalt,
Jennings Randolph, Jake Garn, Pete V. Domenici, Jere-
miah Denton, Donald L. Nickles, Slade Gorton, Jesse A.