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RELEASE: JUNE 29, 1982

REAGAN'S PRAYER AMENDMENT

President Reagan has proposed a constitutional amendment to restore our right to pray in public schools -- a right which was taken away from the American people by the U.S. Supreme Court 20 years ago. All polls ever taken on this issue show the overwhelming majority of Americans to be on Reagan's side and, with his help, it could become the twenty-seventh amendment to the Constitution.

The proposed prayer amendment is simple and non-coercive. It reads: "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer."

With all the illegal drug use, immoral sex, and vandalism that go on daily in public schools, it is hard to see how anybody could be upset about kids saying a prayer.

The U.S. Supreme Court overturned centuries of law, custom, tradition, and educational practice when it censored prayer and Bible reading out of the public schools. The Court simply rewrote the First Amendment in Engel v. Vitale (1962) and Abington v. Schempp (1963) to require an absolutist banning of religion that could not be justified by the text of the Constitution, the intent of the Founding Fathers, or American history.

However, those bad Supreme Court decisions are only part of the problem. Some lower federal court judges have taken the High Court's decisions as a cue for even more extremist decisions. Here are a few examples:

In Stein v. Oshinsky (1965), a U.S. Circuit Court upheld a school principal's order forbidding kindergarten students from saying grace before meals on their own initiative. In DeSpain v. DeKalb County Community School Dist. (1967), another U.S. Circuit Court ruled that the recitation of a similar verse before meals -- even though it made no reference to "God" -- was a prayer in violation of the First Amendment.

In Karen B. v. Treen (1982), the Supreme Court affirmed a lower court decision striking down a school board policy of permitting students, on their own request and with

their parents' consent, to participate in a one-minute prayer or meditation at the start of the school day. The lower court had ruled that such prayers violate the "absolute governmental neutrality" demanded by the First Amendment.

In Stone v. Graham (1980), the U.S. Supreme Court held that the posting of the Ten Commandments on classroom walls in public schools is unconstitutional.

In Lubbock Civil Liberties Union. v. Lubbock Independent School District (1982), a U.S. Circuit Court held that the First Amendment prohibits students from conducting voluntary meetings for "educational, religious, moral, or ethical purposes" on school property even before or after class hours. In State Board of Education v. Board of Education (1970), a state court forbade the reading of prayers from the Congressional Record in a high school gymnasium before the beginning of school.

In Collins v. Chandler Unified School Dist. (1981), another U.S. Circuit Court prohibited student-initiated prayer at school assemblies that were wholly voluntary and not supervised by teachers. In each of these cases, the court found no constitutional difference between the students initiating voluntary prayer and the active organization of prayer or Bible readings by school authorities.

The U.S. Court of Appeals for the District of Columbia recently even ruled that atheists have standing to challenge the practice of the Congress in retaining Chaplains to open Senate and House sessions with a prayer (Murray v. Buchanan, 1982). It's anybody's guess whether ~~or not~~ the court will find that constitutional or not.

It is the Reagan Administration's view that these extremist decisions by activist federal courts are completely uncalled for by the First Amendment, and have overshadowed the First Amendment right of students to free exercise of their religion. As Justice Stewart pointed out in his dissent in the original anti-Bible-reading case (Abington School District v. Schempp, 1963), the result is not state neutrality but an aggressive discouragement of religion.

"For a compulsory state educational system so structures a child's life that, if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. ... And a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism..."