



Congressional Research Service  
The Library of Congress

Washington, D.C. 20540

SCHOOL PRAYER  
IP0086S

Since the early 1960s, when the Supreme Court ruled that State-required school prayer was in conflict with the first amendment, this issue has remained a highly publicized and controversial one. A number of court decisions since that time have kept the issue in the public eye. Periodically, legislation has been introduced which would limit the jurisdiction of the Supreme Court and transfer authority to individual States. In May, President Reagan sent a constitutional amendment to Congress which, if ratified, would permit school prayer.

This Info Pack provides comprehensive coverage of Supreme Court decisions and legislation on the school prayer issue from 1962 to the present.

Additional information on this topic, primarily in periodicals and newspapers, may be found in a local library through the use of indexes such as the Readers' Guide to Periodical Literature, Public Affairs Information Service Bulletin (PAIS), and the New York Times Index.

We hope this information will be useful.

Congressional Reference  
Division

# Hill Gets Reagan's Prayer Amendment

By Lou Cannon  
Washington Post Staff Writer

President Reagan yesterday sent Congress a 37-word proposed constitutional amendment that would permit voluntary prayer in school.

The wording of the amendment represented what one White House aide called the "maximum defensible position" on school prayer and rejected the suggestions of some aides who favored creating "an affirmative right to prayer."

The proposed wording 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."

Essentially, the amendment would restore the law to what it was before the Supreme Court struck down school-sponsored prayer in classrooms two decades ago. Speaking to advocates of the amendment in the White House Rose Garden on May 6, Reagan urged a reawakening of "America's religious and moral heart" and protection of religion from "government tyranny."

His advocacy of the amendment was a gesture to conservative evangelicals to whom Reagan had promised during the 1980 presidential campaign support for a school prayer amendment.

But in settling on its wording, in language favored by presidential counselor Edwin Meese III and the Justice Department, the president opted for something less than the "affirmative right to prayer" that some of the most militant conservatives advocated.

Theoretically, the amendment proposed yesterday would allow states the option of outlawing school prayers. Reagan opted for a position that an aide described as "getting the federal government out of the business of protecting or invalidating prayer."

Morton Blackwell, a special assistant to the president who is liaison to conservative groups, predicted speedy approval of the amendment by Congress and prompt ratification by the states. Blackwell, who helped draft the proposal, observed that polls showed that three-fourths of Americans supported the amendment despite opposition from a number of religious groups.

"The public expression through prayer of our faith in God is a fundamental part of our American heritage and a privilege which should not be excluded by law from any American school, public or private," Reagan said in a message accompanying the proposed amendment.

PROPOSED CONSTITUTIONAL  
AMENDMENT ON SCHOOL  
PRAYER—MESSAGE FROM THE  
PRESIDENT—PM 137

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on the Judiciary:

*To the Congress of the United States:*

I have attached for your consideration a proposed constitutional amendment to restore the simple freedom of our citizens to offer prayer in our public schools and institutions. The public expression through prayer of our faith in God is a fundamental part of our American heritage and a privilege which should not be excluded by law from any American school, public or private.

One hundred fifty years ago, Alexis de Tocqueville found that all Americans believed that religious faith was indispensable to the maintenance of their republican institutions. I de Tocqueville, *Democracy in America* 316 (Vintage ed. 1945). Today, I join with the people of this Nation in acknowledging this basic truth, that our liberty springs from and depends upon an abiding faith in God. This has been clear from the time of George Washington, who stated in his farewell address:

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. . . . And let us with caution indulge the supposition that morality can be maintained without religion. . . . (R)eason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." 35 *The Writings of George Washington* 229 (J. Fitzpatrick ed. 1940).

Nearly every President since Washington has proclaimed a day of public prayer and thanksgiving to acknowledge the many favors of Almighty God. We have acknowledged God's guidance on our coinage, in our national anthem, and in the Pledge of Allegiance. As the Supreme Court has stated: "We are a religious people whose institutions presuppose a Supreme Being." *Zorach v. Clauson*, 343 U.S. 306, 313 (1952).

The founders of our nation and the framers of the First Amendment did not intend to forbid public prayer. On the contrary, prayer has been part of our public assemblies since Benjamin Franklin's eloquent request that prayer be observed by the Constitutional Convention:

"I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. . . . I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel: We shall be divided by our little partial local interests; our projects will be confounded, and we

ourselves shall become a reproach and by word down to future ages. . . .

"I therefore beg leave to move—that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business. . . ." 1 *The Records of the Federal Convention of 1787*, 451-52 (M. Farrand ed. 1966).

Just as Benjamin Franklin believed it was beneficial for the Constitutional Convention to begin each day's work with a prayer, I believe that it would be beneficial for our children to have an opportunity to begin each school day in the same manner. Since the law has been construed to prohibit this, I believe that the law should be changed. It is time for the people, through their Congress and the state legislatures, to act, using the means afforded them by the Constitution.

The amendment I propose will remove the bar to school prayer established by the Supreme Court and allow prayer back in our schools. However, the amendment also expressly affirms the right of anyone to refrain from prayer. The amendment will allow communities to determine for themselves whether prayer should be permitted in their public schools and to allow individuals to decide for themselves whether they wish to participate in prayer.

I am confident that such an amendment will be quickly adopted, for the vast majority of our people believe there is a need for prayer in our public schools and institutions. I look forward to working with Congress to achieve the passage of this amendment.

RONALD REAGAN.

THE WHITE HOUSE, May 17, 1982.

# School Prayer Conflict Appears Headed for New, Tougher Round

By George W. Cornell  
Associated Press

Conflict over the U.S. Supreme Court's ban on formally sponsored prayers or Bible reading in the public schools has been one of the most politically charged and emotion-packed struggles of the past 20 years, and it now seems headed for a new, tougher round.

President Reagan, to meet commitments to some religious backers, is putting the power of the nation's highest office behind an effort to win approval of a constitutional amendment that would allow "voluntary" prayer in public schools.

In announcing his support for such an amendment on Thursday, Reagan stressed that, under the measure the Justice Department is drafting, children or school districts that chose not to pray could not be forced to do so.

Over the years, various state attempts to

allow voluntary prayer have been struck down by lower courts, although voluntary prayer wasn't at issue in the landmark 1962-63 Supreme Court rulings. Those prohibited only official, school-sponsored devotionals.

As a result, the legal lines have remained clouded, and repeated congressional and state legislative attempts have been made to formulate approaches outside the ban, but without success.

A succession of lower court interpretations have broadened the Supreme Court's prohibition to bar virtually any sort of religious interlude in schools, such as silent prayer or prayers by volunteers.

For instance, the Massachusetts Supreme Court in 1980 declared unconstitutional a law requiring teachers to open classes each day by announcing a student volunteer could lead a "period of prayer."

Students not wishing to take part could be

excused. But the court said it would amount to giving prayer "official sanction."

Similar plans, in Louisiana and a New Jersey district, allowing student volunteers to pray, and in a Florida district, allowing a "period of meditation" in which volunteers might pray or read the Bible, have been ruled out.

In 1980, a federal appeals court upheld a decision of school authorities at Guilderson High School near Albany, N.Y., barring students from holding prayer meetings in empty classrooms before the school day began.

It would create "an improper appearance of official support" for religion, the court ruled.

The students had argued that the ban favored "nonreligion" since nonreligious groups were allowed to use classrooms.

Taking a somewhat different tack, the Supreme Court in 1981 struck down a Uni-

versity of Missouri rule barring a student religious group from meeting on campus premises, noting that nonreligious groups were allowed such privileges.

On the other hand, the Supreme Court in 1980 ruled unconstitutional a Kentucky state law requiring posting of copies of the Ten Commandments in public school classrooms. In 1981, the Supreme Court refused to allow North Carolina to print a prayer on its state highway maps.

While most major church and Jewish organizations have opposed official state-mandated devotionals in public schools, many church sectors either have favored voluntary prayer, or said little about it because of its ambiguities.

However, a succession of polls indicate an overwhelming majority of the public favors prayer in the schools. A nationwide 1980 Gallup survey found 76 percent of the people

favor a constitutional amendment permitting school prayers.

That kind of majority has persisted almost steadily ever since the 1962-63 Supreme Court bans.

Although surveys indicate a few schools, around 10 percent, continue daily devotionals despite the bans, school administrators generally have steered clear of school religious manifestations to avoid litigation.

Few schools have sought to develop public school courses "about" religion and the Bible, something the Supreme Court in banning school prayers had specifically encouraged, saying:

"One's education is incomplete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization."