

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Counsel Office

Series/Staff Member: Nisha Rodrigo

Subseries:

OA/ID Number: 18218

FolderID:

Folder Title:

Briefing Book on the Helms School Prayer Amendment [1]

Stack:

S

Row:

114

Section:

1

Shelf:

9

Position:

3



**PEOPLE FOR
THE AMERICAN WAY
ACTION FUND**

Your Voice Against Intolerance

BRIEFING MATERIALS ON

HELMS SCHOOL PRAYER AMENDMENT

2000 M Street NW
Suite 400
Washington DC 20036

202 467 4999
202 293 2672 / Fax



TABLE OF CONTENTS

A. PROLOGUE

1. List of Organizations Opposing the Helms School Prayer Amendment
2. Letter From 28 National Organizations Urging Opposition to the Helms School Prayer Amendment, June 3, 1994.

B. THE EFFECTS OF THE HELMS SCHOOL PRAYER AMENDMENT: A LEGAL ANALYSIS

1. Introduction: The Helms School Prayer Amendment
2. The Helms Amendment Would Impose an Extreme and Virtually Impossible Burden on School Authorities by Forcing Them to Navigate a Complex Area of Constitutional Law Under Penalty of Losing All Federal Funding
3. Proponents of the Helms Amendment Have Failed to Make the Factual or Legal Case for the Extreme Sanction of a Funds Cut-Off
4. The Helms Amendment Would Risk Serious Harm to Students and Intrusion into the Operations of Local School Districts

C. LETTER FROM 600 CLERGY ACROSS THE NATION OPPOSING "VOLUNTARY" GROUP PRAYER IN PUBLIC SCHOOLS

D. EDITORIALS AND OP-EDS OPPOSING THE HELMS AMENDMENT AND EXPANDED PRAYER IN PUBLIC SCHOOLS

1. *The Myth of Voluntary School Prayer*, N.Y. Times, Nov. 11, 1993.
2. S. Chapman, *School-Prayer Issue Returns to Senate With a New Twist*, Chicago Tribune, March 10, 1994.
3. A. Washington, *School-Prayer Proposals Pose Problems*, Washington Times, March 22, 1994.
4. *Legislators Should Butt Out of School-Prayer Issue*, USA Today, March 23, 1994.

5. *Mr. Helms vs. the Education Bill*, N.Y. Times, March 25, 1994.
6. D. Bandow, *Why Our Schools Shouldn't Have a Prayer*, Washington Post, March 3, 1994.
7. M. Clingenpeel, "Guest Views," Report From The Capital.
8. Pastor D. Bagby, "Guest Views," Report From The Capital.

E. MATERIALS ILLUSTRATING ACTIVIST GROUPS' TACTICS TO PRESSURE SCHOOL DISTRICTS ON SCHOOL PRAYER AND HOW THEY MAY ABUSE THE HELMS AMENDMENT

1. *Robertson Trying Again To Put Prayer In Schools*, N.Y. Times, April 16, 1993.
2. American Center For Law & Justice press release, Feb. 16, 1994.
3. Letter of Therold Farmer, Esq. to ACLJ counsel Stuart Roth regarding ACLJ tactics, Nov. 4, 1994.
4. National School Boards Association press release and letter of NSBA General Counsel August Steinhilber to ACLJ Chief Counsel Jay Sekulow regarding ACLJ tactics, March 2, 1994.
5. American Center For Law & Justice press release supporting the Helms amendment, Feb. 4, 1994.
6. Remarks of ACLJ Chief Counsel Jay Sekulow regarding the Helms amendment, Feb. 16, 1994.
7. Remarks of ACLJ Chief Counsel Jay Sekulow on the television program "A Call To Action," March 28, 1994, regarding the Helms amendment, March 28, 1994.
8. Demand letter of The Rutherford Institute to Timothy Morrell, Johnstown, New York Superintendent of Schools threatening loss of federal funding under the Goals 2000 bill's school prayer provision, May 19, 1994.
9. J. Sekulow, *Governmental Encroachment on the Church*, Charisma and Christian Life, Sept. 1990.

F. EXAMPLES OF VIOLATIONS OF THE ESTABLISHMENT CLAUSE RIGHTS OF STUDENTS IN PUBLIC SCHOOLS

1. *Despite Legal Questions, Some Students Hold Prayer Before Games*, Birmingham News, Sept. 22, 1993.
 2. J. Crittenden, *Holiday Cheer Stretches Thin*, Boston Herald, Dec. 24, 1993.
 3. J. Nixon, *Warrior Run's Bible Readings Violate First Amendment Rights*, Bloomsberg Press-Enterprise, Oct. 1993.
 4. Minnesota Civil Liberties Union press release regarding punishment of first-grader at Wilder Elementary in Minneapolis, Minnesota, Feb. 9, 1994.
 5. B. Blackledge and P. Holmes, *Finding a Proper Role: The Struggle Continues at America's Public Schools*, Mobile Register, March 13, 1994.
 6. B. Blackledge, *Illegal Religious Activity Continues*, Mobile Register, March 13, 1994.
 7. L. Barber, *Prayer at Public School: A Survey*, Phi Delta Kappan, Oct. 1993.
- G. EVIDENCE REBUTTING ALLEGATIONS IN THE CONGRESSIONAL RECORD CONCERNING SEVEN LAWSUITS ALLEGEDLY FILED CLAIMING DENIAL OF THE CONSTITUTIONAL RIGHT TO PRAY IN SCHOOL.
1. Affidavit of Anne Green, Legal Intern for People For the American Way, June 3, 1994.
 2. 140 Cong. Rec. S. 3870 (daily ed. March 25, 1994) (statement of Sen. Coats regarding filing of seven lawsuits alleging denial of the right to pray in school).
 3. Confirming letter of Anne Green to Ralph Dingus, Principal of Adams Middle School in Prestonsburg, Kentucky, June 3, 1994.
 4. Letter of Arlene Blank, Assistant Superintendent for Support Services of Champaign, Illinois Community Schools, May 3, 1994, and related news articles.
 5. Confirming letter of Anne Green to Paul Reece, Principal of West Grand Elementary in Kremmling, Colorado, June 1, 1994.
 6. Confirming letter of Anne Green to Gail Tatum, Assistant to Director of School Community Services of North Penn School District of Hatfield, Pennsylvania, June 1, 1994.

7. Confirming letter of Anne Green to Ronnie Cash, Principal of Rockcastle County High School in Brodhead, Kentucky, June 3, 1994.
8. Letter of Charles DiCenso, Principal of Derby High School in Derby, Connecticut, May 10, 1994.
9. Letter of Jim Hughes, Assistant Superintendent of Bay District Schools, Panama City, Florida, June 3, 1994.

H. ADDITIONAL BACKGROUND MATERIAL

1. School Prayer Fact Sheet
2. Americans United for Separation of Church and State, *Why Faith Groups Oppose Government Sponsored Prayers In Public Schools.*
3. Americans United for Separation of Church and State, *God and the Public Schools.*

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

A

Divider Title: _____

NATIONAL ORGANIZATIONS OPPOSED TO THE HELMS SCHOOL PRAYER AMENDMENT

**American Association of School Administrators
American Baptist Churches
American Civil Liberties Union
American Federation of School Administrators, AFL-CIO
American Jewish Committee
American Jewish Congress
Americans For Religious Liberty
Americans United for Separation of Church and State
Anti-Defamation League
Baptist Joint Committee on Public Affairs
Central Conference of American Rabbis
Church of the Brethren, Washington Office
Council of Chief State School Officers
Council of the Great City Schools
The Episcopal Church
Friends Committee on National Legislation
General Conference of Seventh-day Adventists
National Association of Elementary School Principals
National Coalition for Public Education & Religious Liberty
National Council of Churches
National Council of Jewish Women
National Education Association
National Jewish Community Relations Advisory Council
National Jewish Democratic Council
National P.T.A.
National School Boards Association
People For The American Way Action Fund
Presbyterian Church (USA), Washington Office
Union of American Hebrew Congregations
Unitarian Universalist Association of Congregations
United Church of Christ
United Methodist Church, General Board of Church & Society
United Synagogues of Conservative Judaism**

June 3, 1994

Dear Senator,

As educational organizations, religious and faith communities, and organizations devoted to religious and civil liberty, we write to urge that you **oppose** the Helms school prayer amendment which will be offered when the Senate considers S. 1513, the Elementary & Secondary Education Authorization Act. The Helms amendment would terminate all Department of Education funding to any state or local educational agency which "has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis."

Together, we serve millions of students and parents, thousands of school administrators and school boards, teachers and child advocates, as well as millions of Americans of many religious faiths. We are firmly convinced, for the many reasons outlined below and explained more fully in the attached memorandum, that the Helms amendment would undermine local control of education, would needlessly interfere with the task of running our public schools, would undermine religious liberty, and should be rejected by the Senate:

- The amendment places an unfair burden on school authorities by forcing them to navigate an exceedingly complex and sometimes contradictory area of constitutional law under penalty of forfeiting all federal funding.
- The amendment is draconian, withholding precious educational resources even for actions which unintentionally, indirectly or unforeseeably interfere with prayer in schools.
- The amendment would significantly expand federal bureaucratic intrusion into decisions by state and local educational officials.
- The amendment would invite widespread threats and litigation against school officials by activists seeking to force group prayer into the public schools.
- Although seemingly phrased in constitutionally neutral language, the amendment would actually encourage widespread violations of the First Amendment's Establishment Clause, and would thereby foster even more litigation against our schools.
- Finally, the Helms amendment is wholly unnecessary in light of the availability of ordinary legal remedies for violations of the constitutional right to pray and the very sparse record of judicial decisions finding violations of students' constitutional rights to pray in school.

For the sake of our schools, local control of education, and our Constitution, we urge you to reject the Helms amendment to ESEA.

American Association of School Administrators

American Federation of School Administrators, AFL-CIO
American Jewish Committee
American Jewish Congress
Americans For Religious Liberty
Americans United for Separation of Church and State
Anti-Defamation League
Baptist Joint Committee on Public Affairs
Central Conference of American Rabbis
Church of the Brethren, Washington Office
Council of Chief State School Officers
Council of the Great City Schools
The Episcopal Church
Friends Committee on National Legislation
General Conference of Seventh-day Adventists
National Coalition for Public Education & Religious Liberty
National Council of Churches
National Council of Jewish Women
National Education Association
National Jewish Community Relations Advisory Council
National Jewish Democratic Council
National P.T.A.
National School Boards Association
People For The American Way Action Fund
Presbyterian Church (USA), Washington Office
Union of American Hebrew Congregations
Unitarian Universalist Association of Congregations
United Synagogues of Conservative Judaism

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

B

Divider Title: _____



PEOPLE FOR THE AMERICAN WAY ACTION FUND

Your Voice Against Intolerance

THE EFFECTS OF THE HELMS SCHOOL

PRAYER AMENDMENT: A LEGAL ANALYSIS

2000 M Street NW
Suite 400
Washington DC 20036

202 467 4999
202 293 2672 / Fax



Table of Contents

I.	INTRODUCTION: THE HELMS SCHOOL PRAYER AMENDMENT.....	1
II.	THE HELMS AMENDMENT WOULD IMPOSE AN EXTREME AND VIRTUALLY IMPOSSIBLE BURDEN ON SCHOOL AUTHORITIES BY FORCING THEM TO NAVIGATE A COMPLEX AREA OF CONSTITUTIONAL LAW UNDER PENALTY OF LOSING ALL FEDERAL FUNDS.....	4
III.	PROPOSERS OF THE HELMS AMENDMENT HAVE FAILED TO MAKE THE FACTUAL OR LEGAL CASE FOR THE EXTREME SANCTION OF A FUNDS CUT-OFF.....	9
A.	Congress Has Reserved the Enforcement Mechanism of Terminating Funds For Situations When Traditional Legal Remedies Have Failed or Did Not Exist.....	9
B.	Existing Remedies Adequately Protect a Student's Right to Pray, and Proponents of the Helms Amendment Have Presented an Inaccurate and Inadequate Factual Record.....	12
C.	Supreme Court Precedent Confirms That, in the Case of Prayer in the Public Schools, Public Officials Have Tended to Overstep Constitutional Limits, Not Inhibit Constitutionally-Protected Activity.....	15
D.	Under Similar Circumstances, Congress Rejected a Funds Cut-Off When It Passed the Equal Access Act Because It Recognized That Such a Draconian Penalty Would Injure Schoolchildren.....	18
IV.	THE HELMS AMENDMENT WOULD SEVERELY DAMAGE THE NATION'S SCHOOL DISTRICTS AND SCHOOLCHILDREN.....	21
A.	The Amendment Would Risk Serious Harm to Students and Intrusion into the Operations of Local School Districts....	21
B.	The Amendment Would Subject School Districts to Additional Threats From Ideological Pressure Groups and to Costly and Divisive Litigation Based on Such Threats.....	23
C.	The Helms Amendment Would Lead School Districts to Allow Prayer That is Constitutionally Prohibited Rather Than Risk a Funds Cut-Off, and Would Thereby Cause Violations of Students' First Amendment Rights.....	27
1.	The loss of federal funding would be devastating for a school board, making it likely that education authorities would be "blackmailed" into allowing prayer that is constitutionally prohibited.....	27
2.	Prayer in the public schools in circumstances that are constitutionally prohibited would violate the First Amendment rights of schoolchildren, subject them to harassment and ridicule on the basis of their religious beliefs, and generate even more litigation.....	29

I. INTRODUCTION: THE HELMS SCHOOL PRAYER AMENDMENT

When the Senate considers S. 1513, the Elementary & Secondary Education Authorization bill ("ESEA"), a school prayer amendment is expected to be offered that would unnecessarily and dangerously expose school boards to threats, litigation and federal funding cut-offs. The amendment -- identical to one offered by Sen. Jesse Helms (R-NC) on the "Goals 2000" legislation (hereinafter the "Helms Amendment") -- would terminate all federal education funding

to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionally-protected prayer in public schools by individuals on a voluntary basis.

The Helms amendment would impose a deceptively broad, confusing, and harmful federal mandate upon state and local education authorities that would endanger both public education and religious liberty. A broad range of educational, religious, and other organizations, such as the National Council of Churches, the Baptist Joint Committee on Public Affairs, the National School Boards Association, the Council of Chief State School Officers, and the Central Conference of American Rabbis, have joined in vigorously opposing the amendment. As these and many other organizations recently wrote to the Senate, the Helms Amendment would "undermine local control of education, would needlessly interfere with the task of running our public schools, would undermine religious liberty, and should be rejected by the

Senate."¹

The Senate previously approved the Helms amendment on February 3, 1994, during debate on the "Goals 2000" education bill after a modification in the final minutes of consideration limiting the amendment's coverage to "constitutionally-protected" prayer. At the time, the Senate heard almost no debate on the effect of the modified Helms amendment. Upon closer examination of the Helms amendment's breadth and harsh effect on schools, however, many Senators who initially supported the amendment, including Labor Committee Chairman Edward Kennedy (D-MA), now firmly oppose the provision.²

This memorandum analyzes in detail the serious problems posed by the Helms amendment. It begins by demonstrating that the amendment would place school boards in an untenable position because the precise meaning of the phrase "constitutionally-protected" prayer is unclear. It then explains that the Helms amendment's funds cut-off penalty is a rare and extreme sanction that is totally unwarranted in light of the protection already afforded to students' First Amendment rights. The memorandum next shows that the Helms amendment would needlessly harm school districts and their students and subject school boards to threats and costly and divisive litigation over school prayer. The

¹ Letter of June 3, 1994 (included in Enclosure A-2). A complete list of the religious and faith communities and other organizations opposing the Helms Amendment is included in Enclosure A-1.

² 140 Cong. Rec. at S3866 (Mar. 25, 1994) (remarks of Sen. Kennedy).

memorandum concludes by examining the risk that the Helms amendment, despite its ostensible purpose, would actually produce widespread violations of the First Amendment rights of students.

II. THE HELMS AMENDMENT WOULD IMPOSE AN EXTREME AND VIRTUALLY IMPOSSIBLE BURDEN ON SCHOOL AUTHORITIES BY FORCING THEM TO NAVIGATE A COMPLEX AREA OF CONSTITUTIONAL LAW UNDER PENALTY OF LOSING ALL FEDERAL FUNDS

The Helms amendment would cut off all federal funds to any school district that prevents "constitutionally-protected prayer in public schools by individuals on a voluntary basis." The notion of penalizing a public body for violating or interfering with "constitutionally-protected" rights may have superficial appeal. However, the concept simply does not work in this context because even the courts cannot agree on such critical questions as what student prayer is "constitutionally-protected" under all circumstances, placing school districts in an impossible situation.

In particular:

- No Supreme Court decision has delineated the precise boundaries of "constitutionally-protected" prayer. The issue of graduation prayer alone is the subject of several contradictory decisions by the lower federal courts, despite a recent Supreme Court decision on the subject. School authorities would find it difficult or impossible to know what the amendment required of them.

- "Voluntary" prayer has likewise not been defined by the federal courts. Significantly, this term has been interpreted extremely broadly by the very activists and litigators who would use the Helms amendment to demand that school districts allow prayer. They insist that group prayer is "voluntary" so long as

a majority of students present want the prayer -- regardless of whether 49% of students object and claim that it violates their rights to religious liberty.

- The amendment applies to prayer by any "individuals." This open-ended term could cover prayer initiated and led not only by individual students, but also by groups or by school authorities such as teachers, principals and coaches.

- The amendment covers any action attributable to a state or local education agency that "effectively prevents" protected prayer. Good faith attempts to comply with the law do not protect school authorities and the children in their care from the amendment's funds cut-off. Even actions that have the unintentional, indirect, or unforeseeable effect of preventing such prayer would trigger a complete loss of federal funding.

These problems are best illustrated by the continuing confusion over the issue of prayer at high school graduations. In the 1992 case of Lee v. Weisman, 112 S. Ct. 2649, the Supreme Court held that prayer at a secondary school graduation is unconstitutional when school officials authorize or impose it. In Lee, the graduation prayer was delivered by a clergy member invited by school officials. Since then, a number of federal courts, drawing on the First Amendment principles articulated in Lee and in other Supreme Court cases striking down organized school prayer, have held that such prayer is unconstitutional even if "student-initiated" and student-led.

For example, the Third Circuit Court of Appeals, in ACLU v.

Blackhorse Pike Regional Board of Education, No. 93-5368 (3d Cir., June 25, 1993), last spring enjoined a school board from conducting any school-sponsored graduation ceremony that included organized prayer, even if student-initiated. Similarly, a federal district court in Virginia recently struck down student-initiated, student-led high school graduation prayer and held, in the case of Gearon v. Loudoun County School Board, 1993 WL 595198 *2 (E.D. Va., Dec. 22, 1993), that "a constitutional violation inherently occurs" when organized prayer is offered at a high school graduation, "regardless of who makes the decision that the prayer will be given." And a federal district court in Iowa, in Friedmann v. Sheldon Community School District, No. C93-4052 (N.D. Iowa, May 28, 1993), also enjoined a school district from permitting student-initiated and student-led graduation prayers.³

By contrast, the Fifth Circuit has permitted non-sectarian, non-proselytizing student-initiated high school graduation prayer, upholding a school district policy allowing such prayer in Jones v. Clear Creek Independent School District, 977 F.2d 963 (5th Cir. 1992), cert. denied, 113 S. Ct. 2950 (1993). A federal district court in Idaho has also permitted such prayer. That case, Harris v. Joint School District No. 241, 821 F. Supp. 638 (D. Idaho 1993), is now on appeal before the Ninth Circuit.

The cases permitting graduation prayer raise an additional

³That decision was later vacated on standing grounds by the Eighth Circuit, 995 F.2d 802 (8th Cir. 1993).

question as to the meaning of "constitutionally-protected" student prayer. While those decisions stand for the proposition that such prayer is constitutionally permissible in that the courts refused to prohibit schools from allowing such prayer at graduation, they did not address the question of whether such prayer is constitutionally required -- in other words, whether schools must allow it. It is therefore unclear even from those decisions whether those courts would consider such prayer to be "constitutionally-protected." Even a Supreme Court decision resolving the conflict between Jones and Blackhorse could well leave open such questions.

In addition, these cases leave unresolved serious questions as to the meaning of "voluntary" student prayer in the public school setting, another term used in the Helms amendment. While a student who chooses to give a prayer may do so "voluntarily," another student who does not desire to participate in that religious observance yet who is compelled by law to attend school cannot be said to be a "voluntary" participant.

Given the conflicting lower court decisions and sharply contrasting views of legal advocates regarding student prayer, the Helms amendment would put school officials in the untenable position of having to choose among them, with a loss of federal funds as the penalty for making the wrong "choice." Congress cannot properly put public officials in such an impossible position. Moreover, given the split in judicial authority, the proposed federal funds cut-off would probably not even be applied

consistently across the country; some school districts may lose federal funds while others would not, even though they followed the exact same policies regarding student prayer. As the Supreme Court has explained in another context, if Congress wishes to impose a condition on federal funds, "it must do so unambiguously." Pennhurst State School and Hospital v. Halderman, 451 U.S. 1, 17 (1981). The fundamental, inherent ambiguities of the Helms amendment clearly warrant its rejection by the Senate.

III. PROPOSERS OF THE HELMS AMENDMENT HAVE FAILED TO MAKE THE
FACTUAL OR LEGAL CASE FOR THE EXTREME SANCTION OF A FUNDS
CUT-OFF

A. Congress Has Reserved the Enforcement Mechanism of
Terminating Funds For Situations When Traditional Legal
Remedies Have Failed or Did Not Exist

Congress has considered the termination of funds to recipients as a tool to be employed only where necessary to provide remedies in extreme cases. For example, Title VI of the Civil Rights Act of 1964 authorizes agencies to terminate funding to any program or activity which does not meet departmental regulations prohibiting discrimination based on race, color or national origin. 42 U.S.C. §2000d. In 1964, a decade after the Supreme Court's landmark decision in Brown v. Board of Education, 347 U.S. 483 (1954), desegregation in schools and other areas of public life was clearly not proceeding with "all deliberate speed." Congress had before it ample evidence that existing legal remedies requiring case-by-case litigation had failed to accomplish desegregation in many areas. Congress created the discretionary funds cut-off mechanism of Title VI only in the face of years of "massive resistance" to executive orders and court injunctions calling for desegregation.

Beyond school desegregation, Congress found numerous examples of widespread racial discrimination warranting enactment of Title VI. In 1963, the U.S. Commission on Civil Rights documented continued civil rights violations in vocational

training programs and hospital admissions.⁴ Congress heard extensive evidence of widespread racial discrimination in federally supported programs, ranging from health care to vocational rehabilitation to school lunch programs.⁵ Title VI supporter Sen. Pastore specifically explained the need for the legislation in light of the refusal of health care facilities in North Carolina to desegregate despite a federal court decision in Simkins v. Moses H. Cone Memorial Hospital, 323 F.2d 959 (4th Cir.), cert. denied, 376 U.S. 438 (1964), which ordered two hospitals in Greensboro to admit patients and doctors without regard to race:

[D]espite the effort of the court of appeals to strike down discrimination in the Simkins case, the same court was forced last week to rule again in a Wilmington, N.C. suit that a private hospital operated with public funds must desist from barring Negro physicians from staff membership.

[This] is why we need Title VI....⁶

Nothing in the current record regarding school prayer indicates any history even remotely like that which prompted Title VI or other funds cut-off provisions.⁷ Before enacting

⁴ U.S. Commission on Civil Rights Report (Sept. 30, 1963).

⁵ See H. Rep. No. 914 part 2, 88th Cong., 1st Sess. (Dec. 2, 1963) (additional views on H.R. 7152 of Hon. William M. McCulloch et al.), reprinted in 1964 U.S.C.C.A.N. 2510-12.

⁶ 110 Cong. Rec. S7054 (1964).

⁷ Funds cut-off mechanisms modeled on Title VI were included in Title IX of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. Prior to the enactment of these statutes, no remedies existed to protect individuals covered by Title IX from gender discrimination in education or those

that law, Congress required extensive documentation concerning defiance by state and local authorities of court orders in Brown, Simkins and other cases. By contrast, there is no evidence of defiance of court orders regarding school prayer, nor is there any suggestion that traditional judicial remedies are inadequate or nonexistent. Indeed, as explained in section III B below, students' First Amendment rights to freely exercise their religions are already well protected, and proponents of the Helms amendment have simply failed to demonstrate the need for an extraordinary funds cut-off remedy.

shielded by Section 504 from discrimination based on disability. While there was thus no history demonstrating the failure of legal remedies to secure those rights, the record clearly established through extensive hearings and investigations that the discrimination addressed in these statutes was widespread, warranting Congressional action to create effective remedies to address those problems. See, e.g., Hearings on S.7 Before the Subcommittee on the Handicapped of the Senate Committee on Labor and Public Welfare, 93rd Cong., 1st Sess. (1973) (Section 504); Hearings on Section 805 of H.R.16098 before the Special Subcommittee on Education of the House Committee on Education and Labor, 91st Cong., 2nd Sess. (1970) (Title IX).

B. Existing Remedies Adequately Protect a Student's Right to Pray, and Proponents of the Helms Amendment Have Presented an Inaccurate and Inadequate Factual Record

As explained in Section II above, the lower courts remain divided on such complex constitutional issues as organized student prayer at graduation. It is clear, however, that individual students do have the constitutional right to pray on their own time in a nondisruptive manner in school, whether silently before a math test or quietly in the cafeteria. Yet there is not a single reported judicial case of an individual student being prevented from exercising this right in school.

In individual cases where students believe that school authorities have failed to respect this right, a clearly defined judicial remedy exists -- a lawsuit under 42 U.S.C. § 1983 for injunctive relief or damages for violation of the First Amendment. Particularly where complex issues are presented, such as whether and when student religious groups can meet on campus, judicial remedies have sometimes been necessary and may also be obtained under the Equal Access Act. Unlike the situation that gave rise to Title VI, however, there has been no pattern of defiance of court orders or pervasive pattern of violations necessitating a funds cut-off remedy. Indeed, as discussed in Section III D below, Congress specifically rejected a funds cut-off remedy when it adopted the Equal Access Act in 1984.

Proponents of the Helms amendment have nevertheless repeatedly alleged that schools regularly violate students'

individual rights to pray. A careful review of their allegations reveals, however, that these claims are plainly wrong.

For example, on the Senate floor on March 25, 1994, Sen. Coats read a list of "cases that are now in the courts brought by students who have been denied their right to free expression of their faith."⁸ But subsequent investigation reveals that the description of all seven cited incidents are clearly inaccurate, and that not a single one has even led to a lawsuit.

For instance, it was claimed that Becky Renshaw of Kremmling, Colorado, had been ordered not to mention the word "Jesus" in school.⁹ But according to the principal of West Grand Elementary, Paul Reece, the situation was quite different. Becky Renshaw is a parent, not a student, in the district. As Mr. Reece explained, the school had never sought to stop Ms. Renshaw's son Devin from saying "Jesus". Instead, Devin had been aggressively proselytizing other kindergartners, claiming that they would go to hell if they did not believe in Jesus. In response to complaints from other parents whose children were disturbed by this conduct, school officials simply asked Devin's parents to stop their son from scaring other children with such statements. No lawsuit has ever been filed. See Enclosures G-1 and G-5.

Similarly, Congress was told that a ". . . case was brought"

⁸ 140 Cong. Rec. S3870 (daily ed. March 25, 1994 (statement of Sen. Coats) (emphasis added)).

⁹ 140 Cong. Rec. S3871 (daily ed. Mar. 25, 1994) (statement of Sen. Coats).

when an individual middle school student in Champaign, Illinois was allegedly improperly denied the right to participate in a "See You at the Pole" group prayer activity.¹⁰ But a spokeswoman for the school, Arlene Blank, has explained that this was simply not the case. No lawsuit was ever brought against the school. After several meetings with members of the community, the District's Board of Education reaffirmed its existing policy providing that the area around the school flagpole is not considered an open forum for group speech activities, whether religious or otherwise, so that in fact, no violation of rights ever took place.¹¹ The factual predicate offered by the proponents of the Helms amendment is plainly inaccurate and does not justify the draconian measure of a federal funds cut-off.

¹⁰ Id.

¹¹ See Enclosures G-1 and G-4. The other five "cases" referred to by Senator Coats are also discussed in Enclosure G.

C. Supreme Court Precedent Confirms That, in the Case Of Prayer in the Public Schools, Public Officials Have Tended to Overstep Constitutional Limits, Not Inhibit Constitutionally-Protected Activity

As discussed above, the extreme sanction of a federal funds cut-off has generally been reserved by Congress for egregious situations in which recalcitrant parties have repeatedly failed to comply with clearly applicable law or court orders. That is not the situation here. Indeed, when the issue of the constitutionality of prayer in the public schools has reached the Supreme Court, it is usually because public officials have gone too far in permitting or requiring organized prayer in the public schools, and not because they have prevented or inhibited prayer by students in any situation protected by the Constitution.

For example, in Engel v. Vitale, 370 U.S. 421 (1962), the Court held that voluntary, nondenominational prayers recited at the beginning of each day in public schools were unconstitutional. In School District of Abington Township v. Schempp, 374 U.S. 203 (1963), the Court held that the recitation of the Lord's Prayer at the beginning of the day in public schools was unconstitutional. In Karen B. v. Treen, 455 U.S. 913 (1982), the Court unanimously and summarily affirmed a decision of the Fifth Circuit, 653 F.2d 897 (1981), invalidating a Louisiana statute authorizing students or teachers to offer a prayer at the beginning of class. In Wallace v. Jaffree, 472 U.S. 38 (1985), the Court struck down an Alabama statute providing that teachers could allow a moment of silence for "meditation or voluntary prayer" before class. Most recently,

and as noted above, the Court in Lee v. Weisman, 112 S. Ct. 2649 (1992), held that prayer incorporated into the official program and led by clergy at secondary school graduations is unconstitutional.¹² In sharp contrast, there is not a single Supreme Court case holding that a student was denied his or her constitutional right to pray in public school.

More importantly, as shown above, there is clearly no body of case law in any way indicating that public school students have been prohibited on any widespread or systematic basis from exercising the "constitutionally-protected" right to pray in school. To the contrary, existing constitutional jurisprudence regarding school prayer demonstrates the absence of a problem that would warrant the extreme sanction of a funds cut-off.

Moreover, as the Supreme Court has recognized, while government-endorsed religious observance is constitutionally problematic in any setting, it creates particular First Amendment concerns in primary and secondary schools because "[s]tudents in such institutions are impressionable and their attendance is involuntary." Edwards v. Aguillard, 482 U.S. 578, 584 (1987).

The Court has therefore cautioned that:

there are heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary schools. . . [P]rayer exercises in public schools carry a particular risk of indirect coercion. . . What to most believers may seem nothing more than a reasonable request that

¹² Even more recent examples where school officials have apparently violated the Establishment Clause rights of students are discussed in Enclosure F.

the nonbeliever respect their religious practices, in a school context may appear to the nonbeliever or dissenter to be an attempt to employ the machinery of the State to enforce a religious orthodoxy.

Lee, 112 S. Ct. at 2658.

Against this legal backdrop of concern about violations of the Establishment Clause, the proposed Helms amendment is precisely the wrong response. It penalizes school officials only if they prevent prayer, not if they violate students' Establishment Clause rights by authorizing or even commanding it. Such a one-sided threat would encourage school officials to overstep constitutional limits regarding school prayer in order not to risk a cut-off of federal funds. The amendment would fly directly in the face of these significant First Amendment concerns.

D. Under Similar Circumstances, Congress Rejected a Funds Cut-Off When It Passed the Equal Access Act Because It Recognized That Such a Draconian Penalty Would Injure Schoolchildren.

In 1984, Congress considered a related issue concerning First Amendment rights of students to engage in religious activity, and adopted the Equal Access Act. The Act provides for a federal cause of action against any public secondary school receiving federal funds which allows non-curriculum related student groups or clubs to meet before or after school but refuses to allow other groups to meet ". . . on the basis of religious, political, philosophical, or other content of the speech at such meetings." 20 U.S.C. § 4071(a). One of Congress' concerns was to prevent discrimination against student religious clubs. Yet the legislative history of the Act makes clear that Congress rejected a federal funding cut-off mechanism because it recognized that other remedies were available and that school children would be unfairly punished by such a draconian penalty. As Representative Slattery explained, "This penalty would hurt students who are most in need. . . All students should not suffer because of a decision made by officials in one school."¹³

In the Senate, the bill's chief sponsor, Sen. Hatfield, successfully offered an amendment to strike a proposed federal funding cut-off mechanism in favor of a judicial remedy. When he offered the bill on the Senate floor, Sen. Hatfield stated, "the

¹³ 130 Cong. Rec. H12231 (May 15, 1984) (statement of Rep. Slattery).

House bill provided for Federal cut-off of Federal moneys. We provided here for due process and an implied judicial remedy. . . we are trying to take away the Federal cut-off of funds."¹⁴ The bill was subsequently approved by the Senate by a 88 to 11 vote.¹⁵ As enacted, the law specifically provides that it may not be construed to "authorize the United States to delay or withhold Federal financial assistance to any school."¹⁶

Unlike the current school prayer proposal, which has never had any hearings or committee consideration, the Equal Access Act was subject to full scrutiny and deliberation by Congress.¹⁷ The final exclusion of a funding cut-off as a remedy in the Equal Access Act was a carefully considered decision. In the end, Congress concluded that a funds cut-off was a dangerous idea. Congress was right then and should resist the present efforts to

¹⁴ 130 Cong. Rec. S19236 (June 27, 1984) (statement of Sen. Hatfield).

¹⁵ Id. at 19252.

¹⁶ 20 U.S.C. § 4071(e). Although the House passed a version of the bill which included a funds cut-off, it did so with the understanding that the funds cut-off would be dropped in conference and replaced with a judicial remedy. See, e.g., 130 Cong. Rec. H12230 (May 16, 1984) (statement of Rep. Stenholm) ("I, like Chairman Perkins, support the judicial remedy which would be substituted from the Senate bill during conference"), 130 Cong. Rec. H12227 (May 16, 1984) (statement of Rep. Goodling) ("[The] cutting off of Federal funds. . . will not be part of the final bill . . . [The Committee] already [has] an agreement with the Senate that it will be a judicial procedure, not a cutoff of Federal funds")

¹⁷ Not only did the Senate hold two hearings on the Equal Access Act, but the House held at least six hearings of its own. See, e.g., Hearings on H.R. 2732 Before the Subcomm. on Elem., Sec., and Voc. Educ. of the House of Representatives Comm. of Educ. and Lab., 98th Cong., 1st Sess. (1983).

retreat from its carefully considered position on this important issue.

IV. THE HELMS AMENDMENT WOULD SEVERELY DAMAGE THE NATION'S
SCHOOL DISTRICTS AND SCHOOLCHILDREN

A. The Amendment Would Risk Serious Harm to Students and
Intrusion into the Operations of Local School Districts

As discussed above, the Helms amendment would apply to any action -- intentional or unintentional, direct or indirect, systematic or confined to a single classroom -- that "effectively prevents" any "constitutionally-protected" prayer. It risks punishing all students in an entire school district with the draconian penalty of a total loss of federal funds on the basis of even a single action by a lone teacher or administrator that has even the unforeseeable, unintentional, or indirect effect of preventing prayer. It would effectively require every school administrator and teacher in the country to become a super-constitutional scholar on school prayer, able to predict unerringly what is "constitutionally-protected" student prayer in every circumstance, on pain of forfeiting all school district federal funding.

Such a cut-off would be truly devastating. It would mean the loss of an average of some 6% of a local school district's already tight budget. In poorer districts, the penalty would be even more severe. Chapter One funding for educationally disadvantaged students, school nutrition programs for needy children, and many other crucial programs would all be terminated. The words of one member of Congress in successfully arguing against such a drastic and punitive measure in another

context bear repeating. "This penalty would hurt students who are most in need. . . All students should not suffer because of a decision made by officials in one school."¹⁸

Correspondingly, the amendment would drastically increase federal intrusion into decisions by state and local school boards, and place federal bureaucrats in the position of pronouncing upon complex issues of constitutional law. Under the amendment, Department of Education officials would be effectively given the power to second-guess individual decisions by local school authorities and withhold federal funds if they did not like the results. Bureaucrats with little or no constitutional expertise would be vested with the power to pronounce upon the exceedingly complex commands of the Constitution in this sensitive area and to enforce their pronouncements with total funds cut-offs. Such an intrusion would be seriously disruptive to school districts across the country, and would significantly undermine the principle of local control over education.

¹⁸ 130 Cong. Rec. H12231 (May 15, 1984) (Statement by Rep. Slattery).

B. The Amendment Would Subject School Districts to
Additional Threats From Ideological Pressure Groups and
to Costly and Divisive Litigation Based on Such Threats

As controversy over such issues as organized prayer at graduation has increased, school districts have increasingly been subjected to threats and lawsuits by pressure groups. For example, Pat Robertson's legal organization, the American Center for Law and Justice (ACLJ), has engaged in widely-publicized efforts to threaten and intimidate school districts in order to force its brand of religious observance into the public schools. Prior to the 1993 high school graduation season, the ACLJ sent mass mailings to each school district in the U.S., announcing the formation of "legal SWAT teams" which it threatened to send into school districts around the country in order to advocate so-called student-initiated, organized prayer at graduations. New York Times (Apr. 16, 1993) (included in Enclosure E-1). At a press conference held in front of the Department of Justice in February 1994, Jay Sekulow, Chief Counsel of the ACLJ, was asked about the ACLJ's "legal SWAT teams." He responded by explaining that the organization's litigation strategy was to deploy attorneys affiliated with the ACLJ all over the country, to send demand letters to schools that had allegedly violated the law, to insist on a response within 24-48 hours, and file litigation. Focusing on the Equal Access Act, the ACLJ further stated that it had "initiated an aggressive legal campaign by filing lawsuits against offending school districts nationwide." ACLJ News Release (Feb. 16, 1994) at 1 (included in Enclosure E-2).

Such tactics have been severely criticized by school authorities. The General Counsel of the National School Boards Association recently explained that the ACLJ's latest threat to send "SWAT teams" against school districts was based on "numerous misstatements about the law" and can "only lead to more confusion at the local level." Letter of August Steinhilber to Jay Sekulow (Mar. 2, 1994) at 1 (included in Enclosure E-4). A Texas lawyer responding to one of ACLJ's threats last November complained about ACLJ's erroneous legal arguments and its "heavy-handed and confrontational tactics," which have created significant concern across the ideological spectrum, even among ACLJ's "potential allies." Letter of Therold Farmer to Stuart Roth (Nov. 4, 1993) at 3 (included in Enclosure E-3). As NSBA's General Counsel pointed out:

We are forced to spend [more] valuable time and money addressing the ACLJ's erroneous threats than we are assisting school boards in complying with the law. . . . With all of the problems facing schools--from crime and violence, to the lack of money to deal with the huge influx of immigrant students--the last thing we need is a war over religion promoted by the ACLJ.

NBSA press release (March 3, 1994) (included in Enclosure E-4).

These problems would be multiplied enormously by the Helms amendment. Indeed, the ACLJ's Sekulow has stated clearly that his organization would use the Helms amendment to force school authorities to conform to his view of "constitutionally-protected" prayer. At a press conference in Washington on February 16, 1994, Sekulow called the Helms amendment:

a very, very important weapon that we would have in this ongoing struggle for student free speech in this country Couple that with a lawsuit, and I think that we'd have a tremendous opportunity to resolve this case in the courts.

Excerpt of ACLJ Press Conference (Feb. 16, 1994) (included in Enclosure E-6) (emphasis added).

On March 28th, during a broadcast on Pat Robertson's Christian Broadcasting Network, Sekulow reiterated his intention to wield the Helms amendment as a weapon against school boards. He characterized the Helms amendment's funds cut-off penalty as

a very, very important aspect, an additional tool that will give us to really go after these school boards, in addition to law suit[s]"

Excerpt of "A Call to Action," (Mar. 29, 1994) at 1 (included in Enclosure E-6) (emphasis added).¹⁹

The potential for abuse of the Helms amendment is illustrated by a recent example in Johnstown, New York. On May 19, 1994, the Rutherford Institute, a legal organization similar to ACLJ, wrote to the Johnstown school district demanding that it permit "student-initiated" prayer at the upcoming high school graduation. Rutherford not only warned of possible litigation, but also claimed that unless the district authorized graduation prayer, it would "risk forfeiture of federal funds after July 1." Letter from Rutherford Institute to Supt. Timothy Morrell (May

¹⁹ In fact, the ACLJ has supported and worked with Sen. Helms on his prayer amendment, including supplying a legal memorandum at his request on the issue and issuing press statements in support. See Enclosure E-5; 140 Cong. Rec. S1117 (Feb. 8, 1994) (remarks of Sen. Helms).

19, 1994) at 3 (included in Enclosure E-8). This erroneous threat was based on language in the Goals 2000 bill which does not even authorize a funds cut-off, but simply provides that no federal Goals 2000 funding may be used to adopt policies preventing voluntary prayer.

If the Helms amendment were passed, the ability of groups like Rutherford and ACLJ to intimidate and disrupt school districts would increase tremendously. Merely by adding a letter of complaint to the Department of Education, they could transform each of their hundreds of threatening letters to school districts into a full-fledged federal investigation, consuming enormous federal and local resources and diverting educators' focus from their proper role of educating students. Additional costly and divisive litigation would almost surely follow, either from groups like ACLJ or from those opposed to the results of intimidation against school districts. In short, the Helms amendment would arm groups like ACLJ with a funds cut-off weapon to be held like a sword of Damocles over the heads of the nation's school districts and their students.

C. The Helms Amendment Would Lead School Districts to Allow Prayer That is Constitutionally Prohibited Rather Than Risk a Funds Cut-off, and Would Thereby Cause Violations Of Students' First Amendment Rights

Ironically, the most likely effect of the Helms amendment (which purports only to address "constitutionally-protected prayer") actually would be to encourage widespread violations of the Constitution. School prayer walks a very fine constitutional line. Of course, the Constitution requires school authorities to respect not only the Free Exercise Clause rights of students who want prayer, but also the Establishment Clause rights of other students. However, the Helms amendment terminates federal funding only for violations of the Free Exercise Clause. Its severe, alarming, one-sided penalty would distort the calculus school authorities must make in following the commands of our Constitution, causing serious harm to students' rights.

1. The loss of federal funding would be devastating for a school board, making it likely that education authorities would be "blackmailed" into allowing prayer that is constitutionally prohibited

The Helms amendment would encourage threats against schools and violations of the Establishment Clause. If the Helms amendment becomes law, school officials would be able to resist demands for prayer only at the risk of losing all federal education funding. Even if school officials believed that activists were demanding prayer that violates the Establishment Clause, they would be taking a major and unacceptable risk by refusing to succumb to the demand.

As explained above, the ACLJ has pledged to use the Helms amendment to pressure school authorities. The Rutherford Institute has already sought to misuse the language in the "Goals 2000" bill for this purpose. The Helms amendment would permit these activists to put heavy pressure on school boards without even expending the resources necessary to file a lawsuit; if they preferred, they could simply file an administrative complaint with the Department of Education. The ACLJ, the Rutherford Institute and others would use the Helms amendment to "blackmail" school boards into following their aims on school prayer.

The potent threat of a funds cut-off, coupled with the complex and sometimes confusing state of the law governing school prayer, would likely produce numerous violations of the Establishment Clause. As explained above, even with the best legal advice, in many instances school administrators could not be sure that the form of prayer demanded by activists was constitutionally protected.

The Helms amendment would enable the ACLJ, the Rutherford Institute and others to exploit this ambiguity. It would permit them to deliver a simple but powerful message to school authorities: "You may doubt our version of the law relating to the prayer we are demanding, but you would be foolish to risk all your federal funding to learn whether we are wrong." In many instances, these threats would prove irresistible.

This problem is particularly troubling in light of the overall objectives of groups like ACLJ. As ACLJ's Sekulow

proclaimed several years ago:

For too long we have separated the religious from the secular. Now we must convert the secular to the religious. Our public schools began as ministries of the church; now it is time to return them to the Lord.

Sekulow, Governmental Encroachment on the Church, Charisma and Christian Life (Sept. 1990) at 130 (included in Enclosure E-9).

In sum, the Helms amendment would facilitate and encourage disruptive threats against schools. Its one-sided funding cut-off would also encourage widespread violations of the Establishment Clause. Schools and schoolchildren would pay the price.

2. Prayer in the public schools in circumstances that are constitutionally prohibited would violate the First Amendment rights of school children, subject them to harassment and ridicule on the basis of their religious beliefs, and generate even more litigation

As discussed above, passage of the Helms amendment would have the likely effect of causing school officials to overstep constitutional limits by permitting the school prayer in circumstances that violate the Constitution, so as not to risk losing federal funds. This would not result merely in a string of harmless technicalities. Instead, as the Supreme Court has made clear, it would produce violations of the First Amendment rights of schoolchildren who do not wish to participate in the religious observance. Those children -- as a result of Congress' action on the Helms amendment -- would thus be put in the untenable position of either having to suffer in silence a

deprivation of their fundamental constitutional rights or of not participating and thus subjecting themselves to ostracism, harassment and ridicule.

The case of Walter v. West Virginia Board of Education, 610 F. Supp. 1169 (D. W. Va. 1985) is illustrative. West Virginia had amended its constitution to require a moment of silence at the beginning of the school day for "personal and private contemplation, meditation, or prayer."²⁰ An eleven-year old Jewish boy testified at trial that he declined to participate in this observance and used the time to read. As a result, he was severely harassed by his classmates. One told him that he should "be praying all the time" and maybe then he could "go to heaven with all the Christians" instead of "going down with all the other Jews." Another proclaimed that "Jews weren't worth saving because they had killed Christ." Id. at 1172. He testified that he felt angry and uncomfortable, but was afraid to even complain to his teacher for fear that the teacher either wouldn't listen or else "a big issue" would be made out of it, and he would be placed "in the limelight." Id. at 1172-73. The court held that the prayer amendment violated the First Amendment, but that ruling came too late to erase the painful harassment that he had suffered. The Helms amendment would jeopardize the rights of countless children throughout the country like the young boy in

²⁰In Wallace v. Jaffree, 472 U.S. 38 (1985), decided later that year, the Supreme Court held that a statute providing for a period of silence for "meditation or voluntary prayer" in the public schools was unconstitutional.

Walter.

The fact that some would consider prayer under the Helms amendment as "voluntary" will not mitigate such tragic results. Minnesota first-grader Michael Bristor declined to participate in "voluntary" prayer in his classroom in 1990. His teacher placed him on "time out," requiring him to sit with his head on his desk, while prayer took place each day. Michael became the butt of cruel classroom jokes. The school refused even to transfer Michael to another classroom, denied him a position on the Honor Roll, and labeled him as a "problem" child. Michael and his family eventually had to move from their lifelong Minneapolis neighborhood to escape abuse from neighbors and discrimination by their school. In 1994, Michael and his family finally received some vindication, as the school district apologized, paid a monetary settlement, made clear that organized classroom prayer is not permitted, and restored Michael to the 1990-91 Honor Roll. Minnesota Civil Liberties Union press release (Feb. 9, 1994) (included in Enclosure F-4). Even without the Helms amendment, such cases will occasionally occur. If the Helms amendment is enacted, painful tragedies like Michael's will multiply.

Such violations of constitutional rights will of course not go unchallenged in the courts. School districts will find themselves in the midst of litigation brought to protect the rights of students impermissibly subjected to organized prayer as a result of the Helms amendment. The sad irony of the Helms amendment, therefore, is that while it seeks to condition the use

of federal funds in order to protect students' rights, its passage would instead endanger the rights of students like Michael and force school districts to spend more and more of their time and money on litigation, not education.

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

C

Divider Title: _____

**AN OPEN LETTER TO SCHOOL BOARD PRESIDENTS AND SCHOOL
SUPERINTENDENTS ON FREEDOM OF RELIGION AND PRAYER IN PUBLIC
SCHOOLS**

April 1994

As efforts to reinstate organized prayer in the public schools proliferate, we write as religious leaders serving millions of Americans of faith to express our opposition to such activities, and we do so on the basis of our faith and our belief in the sanctity of prayer. In many communities, officials have passed resolutions urging that "prayer be returned to the public school systems of this nation." Elsewhere, "legal SWAT teams" have been dispatched to public school districts to advocate so-called student-led, organized prayer at public school graduations, and many school districts have already endorsed, encouraged and allowed such prayer.

While such actions may have been undertaken in an attempt to strengthen religion, they will have precisely the opposite effect. These activities not only weaken the principle of the separation of church and state that has ensured religious liberty in our country for over 200 years, they also engender conflict in our public schools and seriously erode religious freedom in America.

Both religious leaders and government officials have long recognized that the separation of church and state is essential to preserving religious freedom for all. History teaches that religious freedom and practice have flourished when government remains neutral toward religion, as in America today. By contrast, when government seeks to promote religion, as in the state-sponsored churches of Europe, pews have emptied and the free exercise of religion has suffered.

Even when the purpose is benign, government involvement in, or promotion of, religious practice inevitably politicizes religion and harms religious freedom. If the government were to sponsor or endorse a particular denomination's religious practices or prayer, for example, it would place the weight of the state behind a "preferred" religion, thereby excluding those with different religious beliefs. And if the government were to try to make state-sponsored observance "nonsectarian," the result would be to trivialize and secularize religion, insulting those who take their faith seriously. As the Supreme Court has observed, "a union of government and religion tends to destroy

government and to degrade religion." Engel v. Vitale, 370 U.S. 421, 431 (1962). A key premise of the First Amendment is that "the State is firmly committed to a position of neutrality" with respect to religion. School District of Abington Township v. Schempp, 374 U.S. 203, 226 (1963).

Two years ago, in Lee v. Weisman, 112 S. Ct. 2649 (1992), the Supreme Court held that school-sponsored graduation prayer is unconstitutional. In so holding, the Court recognized that

there are heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary schools. . . [P]rayer exercises in public schools carry a particular risk of indirect coercion. . . What to most believers may seem nothing more than a reasonable request that the nonbeliever respect their religious practices, in a school context may appear to the nonbeliever or dissenter to be an attempt to employ the machinery of the State to enforce a religious orthodoxy. 112 S. Ct. at 2658.

These dangers are no less real when public prayers spoken during school hours or at school events, such as graduations, are student-initiated or student-led. Government sponsorship is inherent at such school-sponsored events and during such hours. And even though a majority of students may vote to conduct prayer, the Constitution does not subject the rights of other students to such votes nor require that students be forced to choose between their own religious beliefs and participation in school activities.

None of this means, however, that students who desire to pray are forbidden to do so. Despite rhetoric to the contrary, the fact remains that prayer by students has never been and is not now prohibited. Nothing prevents a student from visiting a place of worship before or after school, or from praying silently in school, whether in the classroom or lunchroom, or on the playing field, or from attending prayer groups on school premises before or after classes under the Equal Access Act, just as students may attend meetings of nonreligious clubs before or after school. And students desiring to solemnize significant events such as graduations may hold private, religious baccalaureate services, where like-minded students and adults can pray, sing hymns, hear sermons, and otherwise worship as they choose. In addition, schools may teach about religion and religious issues, so long as such teaching is presented objectively as part of a secular program of education. Attempting to invoke the mechanisms or authority of government to promote religion, however, ultimately restricts religious liberty and violates constitutional principles.

As we approach public school graduations this year, we urge all people of faith to declare a permanent cease fire on this issue, and work to promote the true cause of religious liberty, including the separation of church and state. It is critical to our society and to the fundamental well-being and liberty of our children that these precepts of religious freedom be preserved, and that you, as educators, respect these principles. All of us must make every effort to prevent our public schools from becoming a battleground over religion and to promote true religious liberty.

Sincerely,

(Signatories are listed by state)

Rabbi Dr. Steven Jacobs, Temple B'nai Shalom, (Jewish), Huntsville, AL
Rabbi Jonathan Miller, Temple Emanu-El, (Jewish), Birmingham, AL
Dr. Howard W. Roberts, Auburn First Baptist, (Baptist), Auburn, AL
Dr. G. Todd Wilson, Weatherly Heights Baptist Church, (Baptist), Huntsville, AL
Rev. Doak Mansfield, Unitarian Universalist Church, (Unitarian), Huntsville, AL
Rev. Dr. Roger Lovett, Bapt. Church of the Covenant, (Baptist), Birmingham, AL
Rabbi Eugene Levy, Congregation B'nai Israel, (Jewish), Little Rock, AR
Dr. Layne E. Smith, Cooperative Baptist Fellowship, (Baptist), Fayetteville, AR
Rev. Melvin Briere, (Evan. Lutheran Church in Amer.), Sun City, AZ
Rev. Michael G. Nickerson, United Methodist, (Methodist), Phoenix, AZ
Rev. Willis F. Erickson, Evangelical Lutheran Church of America, (Lutheran), Tucson, AZ
Rev. L. Alvin Young, Presbyterian Church (USA) (Presbyterian), Phoenix, AZ
Rev. Richard L. Smith, (United Church of Christ), Tucson, AZ
Rabbi David Pinkwasser, (Jewish), Tempe, AZ
Rev. Joseph L. Carucci, ELCA, (Lutheran), Paradise Valley, AZ
Rabbi Maynard Bell, Temple Solel, (Jewish), Scottsdale, AZ
Rabbi Stephen J. Einstein, Congregation B'nai Tzedek, (Jewish), Fountain Valley, CA
Rev. Thomas Kilgore, Jr., Progressive National Baptist Convention, (Baptist), Los Angeles, CA
Rev. Sharon Delgado, (United Methodist Church), Santa Cruz, CA
Rabbi Denise L. Eger, Congregation Kol Ami, (Jewish), West Hollywood, CA
Rev. Robert Achzehner, H.W., M., (The Prosperos), Costa Mesa, CA
Rabbi Andrew Straus, (Jewish), Burlingame, CA
Rabbi Donald Goor, Temple Juda, (Jewish), Tarzana, CA
Rabbi Allen I. Freghling, University Synagogue, (Jewish), Los Angeles, CA
Rabbi Steven A. Chester, Temple Sinai, (Jewish), Oakland, CA
Rev. Dr. David J. Jamieson, Northern CA/NV Conference, (UCC), San Francisco, CA
Rev. John Simmons, Evangelical Lutheran Church, (Lutheran), Burbank, CA

Rev. Stanley E. Olson, Evangelical Lutheran Church, (Lutheran), Placerville, CA
 Rev. Lloyd Hanson, Evangelical Lutheran Church, (Lutheran), Sacramento, CA
 Rabbi Jerald Brown, Temple Ahavat Shalom, (Jewish), Northridge, CA
 Rev. Jerald Stinson, (United Church of Christ), Carlsbad, CA
 Rabbi Richard Shapiro, (Jewish), Santa Barbara, CA
 Rabbi Howard Laibson, Temple Israel, (Jewish), Long Beach, CA
 Rev. Anne Lee Kreml, (United Church of Christ), San Francisco, CA
 Rabbi Patricia Karlin-Neumann, Temple Israel, (Jewish), Alameda, CA
 Rabbi Michael Robinson, Congregation Shomrei Torah, (Jewish), Santa Rose, CA
 Rabbi Miriam Biatch, Temple Beth Solomon of the Deaf, (Jewish), Arleta, CA
 Rabbi Robert Shapiro, Congregation Beth Israel, (Jewish), San Diego, CA
 Rabbi Alan Henkin, Beth Knesset Bamidbar, (Jewish), Lancaster, CA
 Rabbi Melanie Aron, Congregation Shir Hadash, (Jewish), Los Gatos, CA
 Rabbi Michael Mayersohn, Temple Beth David, (Jewish), Westminster, CA
 Rabbi Hillel Cohn, Congregation Emanu-El, (Jewish), San Bernardino, CA
 Rev. Christine Tata, Community Congregational Church, (UCC), Tehachapi, CA
 Rev. Dr. Peter Sabey, Interfaith Counseling Service, (Presbyterian), Davis, CA
 Rev. Fred Register, (United Church of Christ), Alhambra, CA
 Rev. Anne Hess, (United Church of Christ), Monterey, CA
 Rev. Jerry Stevenson, (United Church of Christ), Bakersfield, CA
 Rev. Charles Schepel, (United Church of Christ), Cypress, CA
 Rev. Ilo J. Madden, (United Church of Christ), Escondido, CA
 Rev. Philip Price, Woodland Hills Community Church, (UCC), Woodland Hills, CA
 Rev. Dr. Peggy Betzholtz, First Congregational Church of Christ, (UCC), Eureka, CA
 Rev. Kenneth E. Lockwood, The Congregational Church, (UCC), San Luis Obispo, CA
 Rev. Gregory G. Garland, (United Church of Christ), Long Beach, CA
 Rabbi Bruce Kadden, Temple Beth El, (Jewish), Salinas, CA
 Rev. Betsy B. Bennett, (Episcopalian), Carmel, CA
 Rev. James DeLange, ELCA, (Lutheran), San Francisco, CA
 Rev. Harley Pryor, (Presbyterian), Duarte, CA
 Rev. H. Paul Schaeffer, Evangelical Lutheran Church of America, (Lutheran), Mendocino, CA
 Rev. Richard L. Schaper, St. Mark's Lutheran Church, (Lutheran), San Francisco, CA
 Rev. Dr. Davida Foy Crabtree, (United Church of Christ), Pasadena, CA
 Rev. Father James Adams, St. Sophia Greek Orthodox Cathedral, (Greek Orthodox), Los Angeles, CA
 The Rt. Rev. Frederick H. Borsch, Bishop of L.A.-Episc. Church, (Episcopalian), Los Angeles, CA
 The Rev. Dr. Marjorie N. Leaming, (Unitarian Universalist), Santa Paula, CA
 Rev. Albert H. Thelander, (Unitarian Universalist), Aroata, CA
 Rabbi Deborah R. Prine, (Jewish), Poway, CA
 Rev. C. Harold Rickard, (United Methodist), Golden, CO
 Rev. Stuart Haskins, Jr., (United Church of Christ), Littleton, CO
 Rev. Clyde Miller, (United Church of Christ), Denver, CO
 Rev. Bruce Inglis, (United Church of Christ), Denver, CO
 Father Charles Buswell, (Catholic), Pueblo, CO

Rev. Charles Archibald, (Humanist Society of Friends), Durango, CO
 Prof. Rev. Kenneth E. Morse, Phi Delta Kappa Education Society, (Baptist), Bloomfield, CT
 Rabbi Arnold H. Miller, Temple Israel, (Jewish), Waterbury, CT
 Rev. Shepard Parsons, (United Church of Christ), New Haven, CT
 Rabbi Cory A. Weiss, Congregation Beth Israel, (Jewish), West Hartford, CT
 Rabbi James Prosnit, Congregation B'nai Israel, (Jewish), Bridgeport, CT
 Rev. Peter Hammond, (United Church of Christ), Cornwall, CT
 Rev. Margaret Barron, First Congregational United Church of Christ, (UCC), Darien, CT
 Rev. Ronald Evans, First Congregational Church of Darien, (UCC), Darien, CT
 Rev. Allen Humes, Kensington Congregational United Church of Christ, (UCC), Kensington, CT
 Rabbi Howard Sommer, Temple Beth Tikvah, (Jewish), Madison, CT
 Rev. Robert C. Lane, (United Church of Christ), Windsor, CT
 Rev. Kent Siladi, (United Church of Christ), Guilford, CT
 The Rev. Dr. Robert M. Doss, (Unitarian Universalist), Wilmington, DE
 Rabbi Peter H. Grumbacher, Beth Emeth, (Jewish), Wilmington, DE
 Rev. William P. Zelazny, First Unitarian Church, (Unitarian Universalist), Wilmington, DE
 Rabbi David Saperstein, Dir. Religious Action Center of Reform Judaism, (Jewish) Washington, DC
 Rabbi Lynne Landsberg, Assoc. Dir. Religious Action Center of Reform Judaism, (Jewish), Washington, DC
 Rev. Jim Hedges, Wesminister Presbyterian Church, (Presbyterian), Washington, DC
 Rev. John Buchanan, (Baptist), Washington, DC
 Rabbi Mindy Portnoy, Temple Sinai, (Jewish), Washington, DC
 Rev. Barron B. Maberry, St. Matthew Evangelical Lutheran Church, (Lutheran), Washington, DC
 Rev. Dr. John F. Steinbruck, ELCA, (Lutheran), Washington, DC
 Rev. L. William Yolon, Presbyterian Church, (USA), Washington, DC
 Rev. James Dunn, The Baptist Joint Committee On Public Affairs, (Baptist), Washington, DC
 Rev. Elenora Giddings Ivory, Presbyterian Church, (USA), (Presbyterian), Washington, DC
 Rabbi Kenneth Weiss, Washington Hebrew Congregation, (Jewish), Washington, DC
 Rev. Brent Walker, The Baptist Joint Committee on Public Affairs, (Baptist), Washington, DC
 Rev. John Mack, First Congregational United Church of Christ, (UCC), Washington, DC
 Rev. Patricia Conover, (United Church of Christ), Washington, DC
 Rev. Tyrone Pius, Progressive National Baptist Conference, (Baptist), Washington, DC
 Rev. Wilbert Miller, Augusta Lutheran Church, (Lutheran), Washington, DC
 Rev. Jay Lintner, (United Church of Christ), Washington, DC
 Rev. Stan Haste, The Alliance of Baptists, (Baptist), Washington, DC
 Rev. Robert J. Brooks, (Episcopal), Washington, DC
 Rabbi Richard Birnholz, Congreg. Schazari Zedek, (Jewish), Tampa, FL
 Rev. J. Robert Nordlander, ELCA, (Lutheran), Sun City Center, FL
 Richard Agler, Congregation B'nai Israel, (Jewish), Boca Raton, FL
 Rabbi Fred Guttman, Congregation Ahavath Chesed, (Jewish), Jacksonville, FL
 Rabbi Ralph Kingsley, Temple Sinai of North Dade, (Jewish), North Miami Beach, FL
 Rabbi Gary M. Klein, (Jewish), Palm Harbor, FL
 Rabbi Norman Lipson, (Jewish), Hollywood, FL
 Rev. Dr. Charles L. Burns, FL Conference of United Church of Christ, (UCC), Winter Park, FL

Rev. Paul Norcross, American Baptist Churches/USA, (Baptist), Palm Harbor, FL
 Rabbi Samuel Silver, Temple Sinai, (Jewish), Delray Beach, FL
 Rev. Charles W. Bare, (Disciples of Christ), Miami, FL
 Rev. Terrell Kirk, (Episcopalian), Dunedin, FL
 Rev. Jane Goodman, Unity Church of Sarasota, Sarasota, FL
 Rev. Dr. Charles Burns, Florida Conference, (UCC), Winter Park, FL
 Rabbi Larry Halpern, (Jewish), Orlando, FL
 Rabbi William Cohen, (Jewish), Orlando, FL
 Rev. Carl Herman Voss, (United Church of Christ), Jacksonville, FL
 Rabbi Barry Friedman, Temple Israel, (Jewish), Merriu Island, FL
 Rabbi Howard R. Greenstein, Congregation Ahavat Chesed, (Jewish), Jacksonville, FL
 Rabbi Merle Singer, Temple Beth-El of Boca Raton, (Jewish), Boca Raton, FL
 Rev. David Charles Smith, Faith United Church of Christ, (UCC), Clearwater, FL
 Rev. Allan T. Dodge, (United Methodist), Bradenton, FL
 Rev. Lawrence Reimer, (United Church of Christ), Gainesville, FL
 Rev. Allen Hollis, Union Congregational Church of Christ, (UCC), West Palm Beach, FL
 Rev. Henry Strube, (Baptist), Ft Lauderdale, FL
 Rev. Howard S. Olson, E. Lutheran Church of America (Lutheran), Tampa, FL
 The Rev. Robert Reister, (Episcopal), Palm Harbor, FL
 Rev. Dr. Melvin E. Schoonover, American Baptist, (Baptist), Miami, FL
 Rabbi Mark Zimmerman, Congregation Beth Shalom, (Jewish), Atlanta, GA
 Rev. Andrew J. Young, (United Church of Christ), Atlanta, GA
 Rabbi Jordan M. Parr, Congregation Children of Israel, (Jewish), Augusta, GA
 Rev. Paul Hanna, (Methodist), Gainsville, GA
 Rabbi Stanley Davids, Temple Emanu-El, (Jewish), Atlanta, GA
 Rev. Roger Knight, (United Church of Christ), Roswell, GA
 Rabbi Vri Goren, (Jewish), Macon, GA
 Rev. Dr. Walter Brueggemann, Columbia Theological Sem., (UCC), Decatur, GA
 Rev. Tim Shirley, Virginia Highlands Baptist Church, (Baptist), Atlanta, GA
 Rev. Lanny Peters, Oakhurst Baptist Church, (Baptist), Decatur, GA
 Dr. James C. Strickland, Jr., Heritage Baptist Church, (Baptist), Cartersville, GA
 Rabbi Jeffrey R. Portman, Ayudas Action Congregation, (Jewish), Iowa City, IA
 Rev. Russell Fate, (Congregational-UCC), Iowa City, IA
 Rev. Robert Williams, (United Church of Christ), McGregor, IA
 Rabbi Steven M. Fink, (Jewish), Des Moines, IA
 Rev. Roger F. Miller, (Disciples of Christ), Muscatine, IA
 Rev. Charles Briem, (United Church of Christ), Des Moines, IA
 Rabbi Ellen Dreyfus, (Jewish), Homewood, IL
 Rev. Leslie E. Wilson, (Episcopal), Belleville, IL
 Rev. Jane E. Knowles, (United Church of Christ), Byron, IL
 Rev. Dwight E. Borden, (United Church of Christ), Byron, IL
 Bishop Robert J. Marshall, E. Lutheran Church of America, (Lutheran), Chicago, IL
 Bishop Herbert Chilstrom, E. Lutheran Church of America, (Lutheran), Chicago, IL

Rev. Dr. Donald E. Miller, (Church of the Bretheran), Elgin, IL
 Rabbi Brad Bloom, Sinad Temple, (Jewish), Champaign, IL
 Rabbi David M. Sofgian, Congregation Emanuel, (Jewish), Chicago, IL
 Rabbi Ellion Kleinman, Temple Sholom, (Jewish), Chicago, IL
 Dr. John Binder, North American Baptist Conference, (Baptist), Oakbrook Terrace, IL
 Dr. Charles Weber, North American Baptist Conference, (Baptist), Oakbrook Terrace, IL
 Rev. Gregory Skiba, (United Church of Christ), Hinsdale, IL
 Rev. Sarah S. Edwards, (United Church of Christ), Hinsdale, IL
 Rev. Dr. Richard E. Nye, (United Church of Christ), Hinsdale, IL
 Rabbi Amy Memis, Congregation BJBE, (Jewish), Glenview, IL
 Rabbi Dov Taylor, Congregation Solel, (Jewish), Highland Park, IL
 Rabbi Marc Berkson, Temple Judea Miapah, (Jewish), Skokie, IL
 Rev. J. Robert Linn, (United Church of Christ), Waukegan, IL
 Rev. Richard Wolf, (United Church of Christ), Elmhurst, IL
 Rev. Garry Oniki, (United Church of Christ), Bensenville, IL
 Rev. David Sickelka, (United Church of Christ), Highland, IL
 Rev. Fred Traut, (United Church of Christ), Chicago, IL
 Rev. Rebecca Anne Johnston, (United Church of Christ), Sheffield, IL
 Rabbi Gary S. Gerson, Oak Park Temple B'nai Abraham Zion, (Jewish), Oak Park, IL
 Rev. Clara Thompson, (Baptist), Montgomery, IL
 Rev. Wolfgang Roth, Garrett-Evangelical Seminary, (United Methodist), Evanston, IL
 Rabbi David Sofian, Congregation Emanuel, (Jewish), Chicago, IL
 Rev. J. Robert Zinn, (United Church of Christ), Waukegan, IL
 Rev. Eric S. Dale, (Disciples of Christ), Crystal Lake, IL
 Rev. Edgar Peara, (Unitarian Universalist), Park Forest, IL
 Bishop Howard Wemmes, E. Lutheran Church of America, (Lutheran), Chicago, IL
 Father Dr. John T. Paulikowski, Catholic Theological Union, (Catholic), Chicago, IL
 Sr. Marge Boyle, Sisters of Zion, R. Catholics, (Catholic), Chicago, IL
 Dr. Kenneth B. Smith, Chicago Theol. Sem., (UCC), Chicago, IL
 The Rev. Dr. David Stanford, (Episcopal), Chicago, IL
 Rabbi John G. Spiro, Moses Montefiore Temple, (Jewish), Bloomington, IL
 Dr. Dwight Jessup, Baptist Joint Committee of the Baptist General Conference, (Baptist), Upland, IN
 Rabbi Morley T. Feinstein, (Jewish), South Bend, IN
 Rev. James L. Ray, (United Methodist), Franklin, IN
 Rabbi Stanley Halpern, Temple Israel, (Jewish), Gary, IN
 Rabbi Laurence Milder, Indianapolis Hebrew Congregation, (Jewish), Indianapolis, IN
 Rev. John Morehouse, (Unitarian Universalist), South Bend, IN
 Rev. Tom Tucker, (United Church of Christ), Evansville, IN
 Rev. George Philip Hoy, (United Church of Christ), Evansville, IN
 Rev. Gordon D. Gibson, (Unitarian Universalist), Elkhart, IN
 Rabbi E Mark H. Levin, (Jewish), Prairie Village, KS
 Rev. Robert Kasper, (United Church of Christ), Tonganoxie, KS
 Rabbi Kenneth A. Emert, Temple Emanu-El, (Jewish), Wichita, KS

Rev. John Krueger, (United Church of Christ), Wichita, KS
 Father H. Paul Osborne, (Episcopal), Garrison, KY
 Rev. James E. Andrews, (Presbyterian Church USA), Louisville, KY
 Rev. James Holloday, Jr., (Southern Baptist), Louisville, KY
 Dr. John Dunaway, (Baptist), Corbin, KY
 Dr. Frances H. Fite, Louisville Presby. Theol. Sem., (Presbyterian), Louisville, KY
 Dr. Sarah Frances Anders, Baptist Joint Committee, (Baptist), Pineville, LA
 Rabbi David Kline, B'nai Israel, (Jewish), Monroe, LA
 Rev. William P. Richardson, (Episcopalian), New Orleans, LA
 Dr. Roger W. Sullivan, (Baptist), Leesville, LA
 Rev. Nancy H. McCarthy, (Episcopalian), Boca Raton, LA
 Rev. Clayton Reed, (United Church of Christ), Bass Harbor, ME
 Rev. Marshall Hughes, (United Church of Christ), Bar Harbor, ME
 Rev. William Bigelow, (United Church of Christ), Northeast Harbor, ME
 Rev. Robert Hotelling, (United Church of Christ), East Wilton, ME
 Rev. J. Mark Worth, (Unitarian Universalist), Ellsworth, ME
 Rabbi Reuben Levine, (Jewish), Gaithersburg, MD
 Rev. David Jordan, Twinbrook Baptist Church, (Baptist), Rockville, MD
 Rev. John Ewing Roberts, (Baptist), Baltimore, MD
 Rev. Jerry L. Martin, Kensington Baptist Church, (Southern Baptist), Kensington, MD
 Rev. Michael Simmons, St. Paul's United Church of Christ, (UCC), Westminster, MD
 Dr. David Albert Farmer, (Baptist), Baltimore, MD.
 Rev. Alfred Christenson, ELCA, (Lutheran), Columbia, MD
 Rev. John R. Houck, ELCA, (Lutheran), Baltimore, MD
 Rev. Dan Ivins, First Baptist Church, (Baptist), Silver Spring, MD
 Rabbi Gustav Buchdahl, Temple Emanuel, (Jewish), Baltimore, MD
 Ms. Mary Hunt, Women's All. for Thlgy., Eth., & Rit., (Catholic), Silver Spring, MD
 Rabbi Floyd L. Herman, (Jewish), Baltimore, MD
 Rabbi Mark J. Panoff, Temple Isaiah, (Jewish), Columbia, MD
 Rev. John R. Deckenback, (United Church of Christ), Baltimore, MD
 Dr. and Mrs. Bernard and Malvine Sobin, (Jewish), Silver Spring, MD
 Rev. Julian Hall, (United Church of Christ), Westminster, MD
 Rev. Paul Vali, (United Church of Christ), Riverdale, MD
 Rev. Winslow Shaw, (Presbyterian), Annapolis, MD
 Rev. Shirley B. Coll, (United Church of Christ), Potomac, MD
 Bishop George Paul Mocko, DE-MD Synod, Evang. Lutheran Church, (Lutheran), Baltimore, MD
 Rev. W. Lamar Wadsworth, Woolford Memorial Bapt. Chur., (Baptist), Baltimore, MD
 Rev. Charles Moline, ELCA, (Lutheran), Easton, MA
 The Rev. Robert L. Livingston, (United Church of Christ), Amherst, MA
 Rev. Dr. William I. Schulz, (Unitarian Universalist), Maynard, MA
 Rev. Howard Andrews, (United Church of Christ), Sterling, MA
 Rev. P.T. Calvin Johnson, E. Lutheran Church of America, (Lutheran), Marstons Mills, MA
 Rev. Gordon S. Nelson, E. Lutheran Church of America, (Lutheran), Marstons Mills, MA

Rabbi Elias Lieberman, Falmouth Jewish Congregation, (Jewish), East Falmouth, MA
 Rabbi Neil Kominsky, Temple Beth David of the South Shore, (Jewish), Brookline, MA
 Rabbi Dennis Ross, (Jewish), Pittsfield, MA
 Rev. Charles Bergstrom, ELCA, (Lutheran), West Yarmouth, MA
 Rabbi Harold Robinson, Cape Cod Synagogue, (Jewish), Hyannis, MA
 Rev. Luther Pierce, (United Church of Christ), Cummington, MA
 Rev. Denise Esslinger, (United Church of Christ), Cambridge, MA
 Rabbi Arthur Nemitoff, Temple Ohabei Shalom, (Jewish), Brookline, MA
 Rev. Kathryn Stevens, (United Church of Christ), Dorchester, MA
 Rev. Robert Gardiner, (United Church of Christ), Southampton, MA
 Rev. David Miller, (Unitarian Universalist), Holden, MA
 Dr. K. Joseph Short, (Disciples of Christ), Bradford, MA
 Rev. John A. Buchrens, (Unitarian Universalist), Boston, MA
 Rabbi Mark Dov Shapiro, Sinai Temple, (Jewish), Springfield, MA
 Bishop Herbert Skeete, United Methodist Church, (Methodist), Boston, MA
 Rev. Bennie E. Whiten, Jr., MA's Conference, (UCC), Framingham, MA
 The Rev. Charles Homeyer, (Episcopal), Ada, MI
 Rev. Robert Snyder, West Adrian United Church of Christ, (UCC), Adrian, MI
 Rabbi Paul Yedwab, Temple Israel, (Jewish), West Bloomfield, MI
 Rabbi Norman T. Roman, CCAR, (Jewish), West Bloomfield, MI
 Rev. Dr. James R. Lyons, The Ecumenical Institute, (Congregational), Southfield, MI
 Rabbi Julian I. Cook, (Jewish), Bloomfield Hills, MI
 Rabbi Amy Bigman, Temple Emanu-El, (Jewish), Oak Park, MI
 Rabbi Daniel F. Polish, Temple Beth El, (Jewish), Bloomfield Hills, MI
 Rev. Richard Rowlands, (United Church of Christ), Lowell, MI
 Rev. Robert Kittendorf, (United Church of Christ), Grand Rapids, MI
 Rev. Tom Brown II, (United Methodist), Burton, MI
 Rev. Jeffrey B. Hildebrand, (United Methodist), Detroit, MI
 The Rt. Rev. Bishop R. Stewart Wood, Jr., Episcopal Diocese of Michigan, (Episcopalian), Detroit, MI
 The Rt. Rev. Bishop John H. Burt, (Episcopalian), Marquette, MI
 Rabbi Norman Cohen, Bet Shalom Congregation, (Jewish), Hopkins, MN
 Rev. James H. Bell, (Presbyterian U.S.A.), St. Paul, MN
 Rev. J. Samuel Shelby, (United Church of Christ), Appleton, MN
 Rev. Shirley Harper Cox, First Congregational Church, (UCC), Glencoe, MN
 Rev. Margaret Strodz, (Presbyterian), Arden Hills, MN
 Rabbi Martin S. Scharf, (Jewish), Duluth, MN
 Rabbi Martin Zinkow, (Jewish), St. Paul, MN
 Rev. Glen Herrington-Hall, (United Church of Christ), St. Paul, MN
 Rev. David McMahon, (United Church of Christ), Northfield, MN
 Rabbi Max A. Shapiro, Temple Israel, (Jewish), Minneapolis, MN
 Rev. Howard B. Johnson, United Methodist Church, (Methodist), Minneapolis, MN
 Rev. David Southcomb, (Presbyterian), Canton, MS
 Rabbi Steven W. Engel, Beth Israel Congregation, (Jewish), Jackson, MS

Rabbi Susan Talve, Central Reform Congregation, (Jewish), St. Louis, MS
 Rabbi Judith Bluestein, B'nai Israel Congregation, (Jewish), Hattiesburg, MS
 Rev. Dr. Roger A. Paynter, NorthMinster Baptist Church, (Baptist), Jackson, MS
 Rev. Dr. Lee Berg, First Baptist Church, (Baptist), Meridan, MS
 Rev. Dr. Jack A. Batten, (United Church of Christ), Manchester, MO
 Rabbi Jeromw W. Grollman, United Hebrew Temple, (Jewish), St. Louis, MO
 Rabbi Charles Rabinowitz, Congregation B'nai Abraham, (Jewish), Hagerstown, MO
 Dr. J. Daniel Day, First Baptist Church, (Baptist), Columbia, MO
 Rev. Anton K. Jacobs, (United Church of Christ), Liberty, MO
 Dr. Paul D. Duke, Kirkwood Baptist Church, (Baptist), St. Louis, MO
 Rev. Dr. John Schaeffer, (United Church of Christ), Billings, MT
 Rabbi Daniel F. Polish, Temple Beth-EL, (Jewish), Bloomfield Hills, MT
 Rev. Nye O. Bond, United Methodist, (Methodist), Lincoln, NE
 Rev. Donald E. Griffith, ELCA, (Lutheran), Lincoln, NE
 Rev. Dale C. Holt, ELCA, (Lutheran), Lincoln, NE
 Rev. Lauren D. Ekdahl, Trinity United Methodist Church, (Methodist), Lincoln, NE
 Rabbi Myer Kripke, (Jewish), Omaha, NE
 Rev. Lawrence E. Doerr, Presbyterian Church of USA, (Presbyterian), Lincoln, NE
 Rev. Benjamin C.L. Crosby, NH Conf., (United Church of Christ), Concord, NH
 Rev. Edward B. Grevatt, (United Church of Christ), Gilford, NH
 Rev. T. Guthrie Speers, Jr., First Presbyterian Church, (Presbyterian), Center Sandwich, NH
 Rabbi Gary A. Mazo, Congregation Mikir Shalom, (Jewish), Cherry Hill, NJ
 Rabbi Joshua Goldstein, (Jewish), Springfield, NJ
 Rabbi Philip Berkowitz, (Jewish), Wash Tap, NJ
 Rabbi Carla Freedman, Temple Beth Israel, (Jewish), Plausbourgh, NJ
 Rabbi Daniel M. Cohen, Temple Sharey Tefilo-Israel, (Jewish), South Orange, NJ
 Rabbi Howard L. Jaffe, (Jewish), Warren, NJ
 Rabbi Eric S. Gurvis, Temple Emeth, (Jewish), Teaneck, NJ
 Rabbi Laurence Groffman, (Jewish), Short Mills, NJ
 Rabbi Charles Kroloff, Temple Emanu-El, (Jewish), Westfield, NJ
 Rabbi Sally Priesand, Monmouth Reform Temple, (Jewish), Tinton Falls, NJ
 Rabbi Stanley Yedwab, Temple Beth Am, (Jewish), Lakewood, NJ
 Rev. Robert Moore, East Brunswick Congregational Church, (Congregational), Princeton, NJ
 Rev. Horace Hunt, (Baptist), Livingston, NJ
 Rev. Elizabeth Thompson, (United Church of Christ), Haworth, NJ
 Rev. Samuel Appel, (Presbyterian), Mt. Laurel, NJ
 Rev. Kathleen J. Rusnak, ELCA, (Lutheran), Jersey City, NJ
 Rev. Edward D. Harper, Bethany Baptist Church, (Baptist), Newark, NJ
 Ms. Dorothy M. Noble, Felician College- Rel. Studies, (Catholic), Lodi, NJ
 Rabbi Bruce K. Cole, (Jewish), Newark, NJ
 Rev. Virginia Ramey Mollenkott, (Episcopalian), Hewitt, NJ
 Rabbi Cyril Stanway, (Jewish), Las Cruces, NM
 Rabbi Paul J. Citrin, (Jewish), Albuquerque, NM

Rev. Brian C. Taylor, (Episcopalian), Albuquerque, NM
 Rabbi Steven L. Mills, Congregation Albert, (Jewish), Albuquerque, NM
 Rev. Pierre Gallardo, (Unity Church), Silver City, NM
 Rabbi Gershon Schwartz, South Baldwin Jewish Center, (Jewish), Baldwin, NY
 Rabbi Charles D. Lippman, (Jewish), New York, NY
 Rev. Carolyn J. Strack, United Methodist Church of Richmond Hill, (Methodist), Richmond Hill, NY
 Rabbi Arturo Kalfus, Congregation Beth Emeth, (Jewish), Albany, NY
 Rabbi Helene Ferris, Temple Israel of N. Westchester, (Jewish), Croton-on-Hudson, NY
 Rabbi Barry L. Schwartz, Temple Sinai, (Jewish), Amherst, NY
 Rev. William H. Carey, (Pentecostal), Schenectady, NY
 Rabbi Hishel Jaffe, Temple Beth Jacob, (Jewish), Newburgh, NY
 Rabbi Peter J. Rubinstein, (Jewish), New York, NY
 Rabbi Brooks R. Susman, Temple Israel, (Jewish), Lawrence, NY
 Rabbi Sue Ann Wasserman, Brooklyn Heights Synagogue, (Jewish), Brooklyn, NY
 Rabbi David E. Fass, Temple Beth Sholom, (Jewish), New York, NY
 Rev. George W. Webber, (United Church of Christ), New York, NY
 Rabbi Daryl P. Crystal, North Shore Synagogue, (Jewish), Syosset, NY
 Rabbi Aaron Panken, Congregation Rodeph Sholom, (Jewish), New York, NY
 Rev. Dr. Judith E. Hjorth, (United Church of Christ), Syracuse, NY
 Rabbi Joshua Aaronson, Temple Beth Zion, (Jewish), Buffalo, NY
 Rabbi George Stern, Temple Beth Torah, (Jewish), Upper Nyack, NY
 Rabbi David Katz, Temple Israel, (Jewish), New York, NY
 Rev. Dr. G. Eric Pace, Universal Science of Mind, New York, NY
 Rabbi Martin Rozenberg, (Jewish), Port Washington, NY
 Rabbi Nathan Landman, (Jewish), Larchmont, NY
 Rabbi Steven Rosman, Jewish Family Congregation, (Jewish), South Salem, NY
 Rabbi Henry Bamberger, (Jewish), Utica, NY
 Rabbi Jeffrey Hoffman, Congregation Sons of Israel, (Jewish), Upper Nyack, NY
 The Rev. Dr. William Briggs, NY Conference of United Church of Christ, (UCC), Syracuse, NY
 Rev. J. William Hawk, (United Church of Christ), Canandaigua, NY
 Rev. Dr. Wesley Nielson, (United Church of Christ), Calverton, NY
 Rev. Thomas Danncy, (Reformed Church in America), Nyack, NY
 Rev. John Ekman, New England Congregational Church, (Presbyterian), Saratoga Springs, NY
 Rev. Robert Bermudes, (United Church of Christ), Rochester, NY
 Rev. Brian Krause, (United Church of Christ), Honeoye, NY
 Rev. Russell Newbeat, (Episcopalian), Buffalo, NY
 Rev. Lee Sullivan, (Presbyterian), Hartsdale, NY
 Rabbi Margaret Moers Wenig, Temple Beth Am, The People's Temple, (Jewish), New York, NY
 Rev. John Hart, Presbetry of Northern N.Y., (Presbyterian), Elizabethtown, NY
 Rev. Dr. Merrill Cadwell, (Disciples of Christ), East Aurora, NY
 Rabbi Adam D. Fischer, Temple Isaiah, (Jewish), Stony Brook, NY
 Rev. Patricia Reeberg, Exec. Dir., The Council of Churches of the City of NY, New York, NY
 Rabbi Stephen A. Klein, (Jewish), Scarsdale, NY

Rev. Canon Herbert Arrunategui, The Episcopal Church, (Episcopalian), New York, NY
 Rev. Jeanne Audrey Powers, United Methodist, (Methodist), New York, NY
 Rev. Carl E. Flemister, American Baptist Churches, USA, (Baptist), Carmel, NY
 Rabbi Lori Forman, The Amer. Jewish Committee, (Jewish), New York, NY
 Rev. Donald C. Armstrong, (United Church of Christ), Buffalo, NY
 Mr. Karl Berolzheimer, The National Conference of Christians & Jews, (Jewish), New York, NY
 Mr. Herman Harmelink III, (Reformed Church in America), Poughkeepsie, NY
 Rev. Richard B. Martin, Presbyterian Church USA, (Presbyterian), Larchmont, NY
 Rabbi Mordechai Liebling, The Amer. Jewish Committee, (Jewish), New York, NY
 Bishop Vsevolod, (Ukrainian Ortho. Church of Amer.), Jamaica, NY
 Rev. Donald W. Shriver, Jr., Presbyterian Church USA, (Presbyterian), New York, NY
 Rabbi A. James Rudin, The American Jewish Committee, (Jewish), New York, NY
 Rev. Dr. Eileen W. Lindner, Nat'l Council of Churches of Christ, New York, NY
 Rabbi Jay S. Lapidus, (Jewish), Massapequa, NY
 Rev. Dr. James Melvin Washington, Union Theo. Sem.- Amer. Bapt., (Baptist), New York, NY
 Rev. Canon William A. Johnson, Cathdr'l Chrh of St. John the Divine, (Episcopalian), New York, NY
 Rev. C. Earl Leininger, (Baptist), Weaverville, NC
 Rabbi Lucy H.F. Dinner, Temple Beth Or, (Jewish), Raleigh, NC
 Rev. S. David Knisley, (Episcopalian), Weaverville, NC
 Dr. Gerald L. Niece, (Presbyterian), Rocky Mount, NC
 Rev. Allen Laymon, (Baptist), Charlotte, NC
 Rabbi Robert Ratner, Congregation Beth HaTephila, (Jewish), Asheville, NC
 Rabbi John Friedman, (Jewish), Durham, NC
 Dr. Robert E. Albritton, Millbrook Baptist Church, (Baptist), Raleigh, NC
 Rev. Lamar Clements, (United Church of Christ), Morehead City, NC
 Rev. T. Melvin Williams, Jr., Watts Street Baptist Church, (Baptist), Durham, NC
 Dr. Carole Chase, (Presbyterian), Elon College, NC
 Rev. Dr. Jean Rodenbough, (Presbyterian), Madison, NC
 Rev. W.W. Finlator, (Baptist), Raleigh, NC
 Rev. Collins Kilburn, N.C. Council of Churches, (UCC), Raleigh, NC
 Rev. J. George Reed, (Baptist), Cary, NC
 Rev. Lloyd Pendergraft, (United Church of Christ), Mt. Pleasant, NC
 Rev. Dr. J. William Angell, (Baptist), Winston-Salem, NC
 Rev. Dr. Jack J. Seville, Jr., United Church of Christ of ND, (UCC), Bismarck, ND
 Rev. Ervin Overlund, ELCA, (Lutheran), Devils Lake, ND
 Rev. Elinor Artman, (Unitarian Universalist), Cincinnati, OH
 The Rev. Priscilla Murdock, (Unitarian Universalist), Cincinnati, OH
 Rev. Robert Walcott, (Episcopalian), North Canton, OH
 Dr. Rev. Harry F. Baker, United Methodist Church, (Methodist), Columbus, OH
 Rabbi P. Irving Bloom, Temple Israel, (Jewish), Dayton, OH
 Rabbi Howard Apothakey, (Jewish), Columbus, OH
 Rev. Betty L. Pingel, (Unitarian Universalist), Akron, OH
 Rabbi Roseette Haim, The Temple - Tifereth Israel, (Jewish), Beachwood, OH

Rabbi David J. Gelfand, Anshe Chesed Fairmount Temple, (Jewish), Beachwood, OH
 Dr. Bill Johnson Ed.D, (United Church of Christ), Cleveland, OH
 Rabbi Susan Stone, (Jewish), So. Euclid, OH
 Rabbi Daniel Roberts, Temple Emanu El, (Jewish), Cleveland, OH
 Rev. Verlyn L. Barker, (United Church of Christ), Cleveland, OH
 Pastor Daniel W. Bochers, (Evan. Lutheran Church in Amer.), Sandusky, OH
 Rabbi Mark Goldman, Rockdale Temple/K.K. Bene Israel, (Jewish), Cincinnati, OH
 Rabbi David Horowitz, Temple Israel, (Jewish), Akron, OH
 Rabbi Gerry Walter, Temple Shalom, (Jewish), Cincinnati, OH
 Rev. John Bertsch, (United Church of Christ), Hartville, OH
 Rev. Bernice Buehler, (United Church of Christ), Dover, OH
 Rev. Daniel Geslin, (Liberation United Church of Christ), Cleveland, OH
 Rev. James S. Yost, Euclid Avenue Christian Church, Cleveland Heights, OH
 Rev. Fr. Kenneth R. Irvin, Free Catholic Church International, (Catholic), Steubenville, OH
 Rev. Rick Nutt, Muskingum College, (Presbyterian), New Concord, OH
 Rev. Maria Porrata, (United Church of Christ), Cleveland, OH
 Rev. Terry Provance, (United Church of Christ), Cleveland, OH
 Rev. Craig Schaub, Pilgrim Congregational, (UCC), Cleveland, OH
 Rev. Mary Sue Gast, (United Church of Christ), Cleveland, OH
 Rev. Robert Strommen, Western Reserve Assc. of the United Church of Christ, (UCC), Lakewood, OH
 Rev. Dr. Robert Polk, (United Church of Christ), Cleveland, OH
 Rev. Mr. Lynn Garth, United Methodist Clergy, (Methodist), Doylestown, OH
 Rev. Paul Peters, (United Church of Christ), Avon Lake, OH
 Rev. Alex Elias Dandar, (United Church of Christ), Tiffin, OH
 Rev. Glenn J. Royer, (United Church of Christ), Clinton, OH
 Rev. Dale Hempen, (United Church of Christ), Canton, OH
 Ms. Doska Ross Jones, Interim Stated Clerk, (Presbyterian), Cleveland Heights, OH
 Rabbi Robert B. Barr, Congregation Beth Adam, (Jewish), Cincinnati, OH
 Rabbi Gary P. Zola, Hebrew Union College, Institute of Religion, (Jewish), Cincinnati, OH
 Rev. Paul H. Sherry, President, (United Church of Christ), Cleveland, OH
 Rev. William V. Johnson, Northwest Baptist Church, (Southern Baptist), Ardmore, OK
 Rabbi Emanuel Rose, Temple Beth Israel, (Jewish), Portland, OR
 Rev. Denise Andersen, Clackamas Christian, (United Church of Christ), Milwaukie, OR
 Rev. Nestor O. Perala, Queen of Heaven Gnostic Church, Portland, OR
 Rev. Eugene Ross, (United Church of Christ), Portland, OR
 Rev. James M. Crothers, (Presbyterian U.S.A.), East Berlin, PA
 Rev. James Shelton, ELCA, (Lutheran), Newtown Sq., PA
 Rabbi Joseph Forman, Reform Congregation Keneseth Israel, (Jewish), Elkins Park, PA
 Rabbi Robert Leib, Temple Beth Am, (Jewish), Abington, PA
 Rabbi Marjorie S. Yudkin, Temple Covenant of Peace, (Jewish), Easton, PA
 Rabbi Simeon Maslin, Congregation Keneseth Israel, (Jewish), Elkins Park, PA
 The Rev. Dr. Daniel Weiss, Gen. Sec., American Baptist Church/USA, (Baptist), Valley Forge, PA
 Rabbi Constance Golden, Old York Road Temple-Beth Am, (Jewish), Abington, PA

Rabbi Martin P. Jr. Beifield, (Jewish), Allentown, PA
 Rabbi Jeffrey J. Weisblatt, (Jewish), Harrisburg, PA
 Rabbi Michael Joseph, Temple B'nai B'rith, (Jewish), Kingston, PA
 Rev. Thomas L. Harwell, Oak Hills Christian Church, Butler, PA
 Rabbi Michael Feshbach, Temple Anshe Hesed, (Jewish), Erie, PA
 Rabbi Richard Klein, Main Line Reform Temple, (Jewish), Wynnewood, PA
 Rabbi Mayer William Solekman, (Jewish), Broomall, PA
 Rabbi James Gibson, Temple Sinai, (Jewish), Pittsburgh, PA
 Rev. Lyle Weible, Penn Central Conference Minister, (UCC), Harrisburg, PA
 Rev. Kenneth Trauger, (United Church of Christ), Lancaster, PA
 Chaplain Kenneth Burnette, (Baptist), Lancaster, PA
 Rev. Aidsand Wright-Riggins, American Baptist Churches, (Baptist), Valley Forge, PA
 Rev. Douglas Hodges, (United Church of Christ), Greencastle, PA
 Rev. Dr. Robert Jobe, (United Church of Christ), Jeannette, PA
 Rev. James Birney, (Episcopalian), West Chester, PA
 Rev. T. Chipman Day, (United Church of Christ), Waynesburg, PA
 Rev. Charloue Hull Whiting, (United Church of Christ), Lancaster, PA
 Rev. Joseph N. Carr, Jr., (United Church of Christ), Allentown, PA
 Rev. Charles W. Appel, Jr., (Episcopalian), Pittsburg, PA
 Rev. John A. Golden, Jr., (Episcopalian), Pittsburgh, PA
 Rev. John E. Strausz Clement, (Presbyterian), Pittsburg, PA
 Rev. Michael Morrill, American Baptist Churches, (Baptist), Philadelphia, PA
 Rev. Norman Hjelm, ELCA, (Lutheran), Wynnewood, PA
 Rev. J. Daniel Burke, St. Martin's Church, (Episcopalian), Providence, RI
 Rabbi George J. Astrachan, Temple Sinai, (Jewish), Cranston, RI
 Rev. Harry Sterling, (United Church of Christ), W. Warwick, RI
 Rev. Raymond Bradley, Jr., Riverside Congregational Church, (UCC), Riverside, RI
 Rabbi Leslie Y. Gutterman, Temple Beth-EL, (Jewish), Providence, RI
 Rabbi Lawrence Mahrer, Beth Israel Congregation, (Jewish), Florence, SC
 Rev. James Gunn, Richland Memorial Hospital, (Methodist), Columbia, SC
 Rev. Joseph Alley, (Methodist), Columbia, SC
 Rev. James Fields, Plymouth Congregational, (UCC), Charleston, SC
 Rev. Roy J. Schaffer, (Episcopal), Franklin, TN
 Rev. Nancy Hastings Schested, Prescott Memorial Baptist Church, (Baptist), Memphis, TN
 Rev. David More Maynard, (Unitarian Universalist), Nashville, TN
 Rev. Oswald Schrag, (United Church of Christ), Nashville, TN
 Rev. John Lackey, (United Church of Christ), Knoxville, TN
 Rabbi David E. Stern, (Jewish), Dallas, TX
 Rabbi Kenneth Roseman, Temple Shalom, (Jewish), Dallas, TX
 Rev. John L. Stanley, (Baptist), Austin, TX
 Rabbi Samuel Stahl, Temple Beth-El, (Jewish), San Antonio, TX
 Rev. Bill Hornbuckle, Highland Park Baptist Church, (Baptist), Austin, TX
 Rabbi Ralph D. Mecklenburger, Beth-El Congregation, (Jewish), Fort Worth, TX

Rabbi Stephen D. Gold, Congregation Beth-El, (Jewish), Tyler, TX
 Dr. Charles L. Isbell, Coastal Plains Area of the Christian Church, (Disciples of Christ), Houston, TX
 Rev. William D. Hall, (Disciples of Christ), Fort Worth, TX
 Rabbi Mathew D. Michaels, Congregation Emanu El, (Jewish), Houston, TX
 Rabbi Mark Goldfarb, Temple Mount Sinai, (Jewish), El Paso, TX
 Rev. Jim Collic, (Presbyterian), Bedford, TX
 Rabbi Barry Block, Temple Beth-El, (Jewish), San Antonio, TX
 Rev. Ray Flachmeier, Ascension Lutheran Church, (Lutheran), Garland, TX
 Rev. Dr. Norman A. Beck, ELCA, (Lutheran), Seguin, TX
 Rev. Dr. George A. Mason, Wilshire Baptist Church-TX, (Baptist), Dallas, TX
 Bishop Mark B. Herbener, Northern TX-LA Synod, ELCA, (Lutheran), Dallas, TX
 Rev. Dr. Charles Johnson, Second Baptist Church, (Baptist), Lubbock, TX
 Rev. Dr. David Randle, (United Church of Christ), Sandy, UT
 Rev. David J. Bort, (United Methodist), Arlington, VT
 Rev. Donald Goff, (United Church of Christ), Jericho, VT
 Dr. Frank E. Eakin, Jr., U. of Richmond- Dept. of Rel., (Episcopalian), Midlothian, VA
 Rev. Lawrence E. Matthews, Vienna Baptist Church, (Baptist), Vienna, VA
 Rev. Hunsdon Cary, Jr., (Episcopalian), Richmond, VA
 Rev. Thomas H. Britton, (United Church of Christ), Virginia Beach, VA
 Rev. Robert R. Ward, ELCA, (Lutheran), Salem, VA
 Rabbi Mark Golub, (Jewish), Newport News, VA
 Rev. Dwayne J. Westermann, ELCA, (Lutheran), Salem, VA
 Rev. Thomas G. Faulkner, Jr., (Episcopalian), Fredricksburg, VA
 Rev. Hubert Beckwith, (United Church of Christ), Annandale, VA
 Rev. Dr. L. Dean Majette, Ox Hill Baptist Church, (Baptist), Chantilly, VA
 Rev. Benjamin Axleroad, (Episcopalian), Arlington, VA
 Ms. Ruth McDonough Fitzpatrick, Women's Ordination Conference, (Catholic), Fairfax, VA
 Rabbi Howard M. Folb, (Jewish), Winchester, VA
 Rev. Woodward D. Morris, Parish of Shenandoah, (Presbyterian), Raphine, VA
 Rabbi Amy R. Perlin, (Jewish), Fairfax Station, VA
 Rev. E. Glenn Hinson, (Baptist), Richmond, VA
 Rev. Gary Schroeder, ELCA, (Lutheran), Blacksburg, VA
 Rev. Roberta Finkelstein, (Unitarian), Arlington, VA
 Rabbi Bonnie Margulis, Central Conf. of American Rabbis, (Jewish), Staunton, VA
 Rabbi Arnold G. Fink, Beth El Hebrew Congregation, (Jewish), Alexandria, VA
 Rev. Marlene Walker, (Unitarian Universalist), Harrisonburg, VA
 Rabbi Jonathan Biatch, (Jewish), Staunton, VA
 Rabbi Rosalind Gold, (Jewish), Reston, VA
 Rabbi Paul F. Cohen, Shalom Temple, (Jewish), Norfolk, VA
 Rev. Bruce Edward Wilson, (Southern Baptist), Danville, VA
 Rabbi Jonathan E. Kraus, (Jewish), Alexandria, VA
 Rabbi Amy Schwartzman, Temple Rodef Shalom, (Jewish), Falls Church, VA
 Rev. Hubert G. Locke, (Disciples of Christ), Seattle, WA

Rev. Norman G. Folkers, (Lutheran), Lynnwood, WA
Rev. William E. Jones, United Methodist Elder, (Methodist), Edmonds, WA
Rev. David J. Brown, (United Church of Christ), Wenatchee, WA
Rev. Daniel Schnabel, (United Church of Christ), Yakima, WA
Rev. John Manter, (United Church of Christ), Tacoma, WA
Rev. Dee Eisenhauer, United Church of Christ in University Place, (UCC), Tacoma, WA
Sr. Barbara A. Ferraro, (Roman Catholic), Charleston, WV
Sr. Patricia Hussey, (Roman Catholic), Charleston, WV
Rev. Peter E. Erikson, (Evan. Lutheran Church in Amer.), Webster, WI
Rev. Samuel D. Robbins, (United Church of Christ), Madison, WI
The Rev. Carl R. Simon, (Presbyterian), Milwaukee, WI
Rev. William E. Rishel, First Congregational United Church of Christ, (UCC), Plymouth, WI

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

D

Divider Title: _____

The Myth of 'Voluntary' School Prayer

Public prayer is popular in Jackson, Miss. Students at Wingfield High School voted overwhelmingly to allow one of their number to open a recent school day with a prayer over the school's intercom. When the local school board dismissed the principal for permitting the prayer, many students walked out of classes and many parents staged protest rallies. A State Senator promises to introduce a bill cutting off the school system's funding if it doesn't allow "voluntary" student prayer.

The protesting students and parents contend, mistakenly, that the Constitution allows and may even require the prayer. Fortunately for the religious liberty of all, the First Amendment does not let even huge majorities in a school require all students, whatever their faith or lack of it, to pray.

Supreme Court decisions against prayers that are state-sponsored or composed by state officials are only the clearest examples of violations of government neutrality toward religion. To avoid those rulings, some religious groups are claiming that student-generated "voluntary" prayer is different. One Federal court has allowed a short student-composed prayer at a graduation ceremony. But none have approved a prayer that is part of the schools' daily routine.

Such approval is unlikely. Courts are bound to recognize that it is still the state that hands the student the microphone. The principal, the state's

agent, knows full well that the student will lead the worship of the majority's God.

Half a century ago Justice Hugo Black announced a test that has endured many assaults on the doctrine of church-state separation:

"The establishment of religion clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another."

This test builds a high wall of protection for individual conscience. As Justice John Paul Stevens put it more recently, "Religious beliefs worthy of respect are the product of free and voluntary choice by the faithful," not the imposition of worship by a "volunteering" majority on others.

Devout students are not forbidden to pray. Federal law allows religious clubs and other organizations equal access to school rooms before or after class. They can pray silently, without microphone, to their deity.

Much more than a children's crusade is under way in Mississippi. Religious groups like Pat Robertson's American Center for Law and Justice and Donald Wildmon's American Family Association preach that religious establishment will redeem an immoral society. Better for all to learn religious tolerance than beam their particular prayers to a society of diverse faiths.

3/10/94

School-prayer issue returns to Senate with a new twist

'You can pinpoint when the decline of this country actually began," North Carolina Republican Sen. Jesse Helms informed his colleagues recently. The day Jesse Helms was elected to the Senate? No, the day the Supreme Court barred officially sponsored prayer in public schools.

Whether or not that decision put the nation on a downward slide, it did nothing to raise the level of political debate, which for 32 years has been corroded by politicians pretending to rescue the faithful from a hostile and godless government. I

Stephen Chapman

have yet to meet anyone who has been prevented by the Supreme Court from engaging in regular communications with providence, but some believers will never be content until their rituals carry a government endorsement.

The school prayer issue is back with a new twist, thanks to a 1992 Supreme Court decision that left the door open just a crack for certain expressions of religious faith in certain settings. The decision held that a school could not include a prayer led by a rabbi in a junior high school graduation ceremony.

At the time, the ruling was taken as a victory for those who believe in keeping a healthy distance between church and state. But groups on the other side thought it left some room for prayers if they were initiated by students rather than administrators and led by students rather than a cleric. And the 5th Circuit Court of Appeals agreed: If a majority of kids in a graduating class vote to include an invocation in their own commencement exercise, the court said, they're allowed to do so.

That was the opportunity for Pat Robertson's American Center for Law and Justice to send letters to 15,000 school districts around the country informing them that they had a legal duty to let students lead prayers during graduation ceremonies. It also has formed a team of lawyers to help fight school boards that disagree. Since the 5th Circuit verdict, other courts have taken a different view, but at least until the Supreme Court addresses the matter, the religious right has a useful weapon.

The Senate wants to make it even more powerful. The amendment offered by Helms would withhold federal education funds from any school district that interferes with "constitutionally protected prayer," and due partly to the help of Ted Kennedy, it passed by a 75-22 vote.

On the face of it, the measure does nothing more than say that what is allowed is allowed. In practice, it may not make any difference, since the dilemma educational administrators face is not deciding whether to permit constitutionally protected prayer but figuring out what is constitutionally protected prayer.

The Helms amendment offers no assistance in divining the inclination of the Supreme Court, which is ultimately what matters. But the amendment would tilt the scale a little. The conspicuous fact about this proposal is that it mandates no punishment for a school that allows constitutionally forbidden prayer. Helms and his fellow senators worry about only one type of misbehavior.

So if the threat achieves anything, it will induce school boards to err on the side of allowing too much prayer rather than too little. Maybe the intent is only symbolic, but the symbolism is loud and clear. Violations of free speech or religious freedom cannot be tolerated, but violations of the ban on establishment of religion can.

The real problem, though, is that many public schools habitually ignore the ban on official endorsement of religion. The Wall Street Journal reported in 1984 that such defiance is "repeated daily in many schools around the country. Religious observances include prayers read over the school loudspeakers, Gideon Bibles distributed free to students, roving students giving weekly gospel classes or evangelical youth ministers conferring locker-room blessings on school athletic teams."

In one recent case, a 12-year-old Texas girl joined the girls' basketball team at her junior high school, only to find that prayer was a regular feature of games, practices, pep rallies and bus trips. When she objected, her history teacher interrupted class to call the girl a "little atheist." In Minneapolis, a first-grader was punished for refusing to participate in daily prayers led by his teacher.

All these abuses have supposedly been stopped, but plenty of other kids no doubt suffer similar ones that go unreported and unchecked. They can expect no sympathy from the Senate, which upholds only those constitutional protections it likes.

School-prayer proposals pose problems

Some years ago, the fast-footed rapper Hammer donned a choir robe and chanted, "Pray, pray, you got to pray just to make it today."

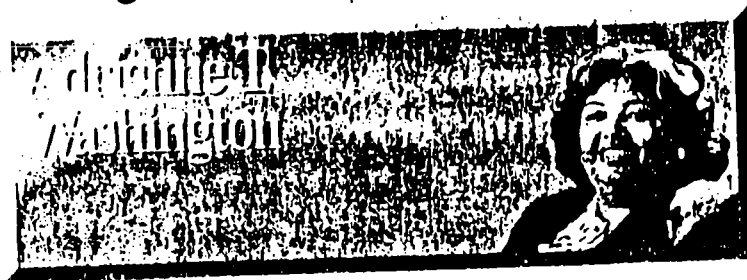
I agree. But Hammer should have noted you can pray just as long as you don't do it over the public address system of a public school.

We can't forget that the Constitution guarantees a separation of church and state — that includes school buildings.

Some well-meaning folks, however, believe that teen violence and sexuality is so rampant that children ought to be able to engage in student-led prayers during the school day, regardless of the constitutional prohibitions. They assume that the recitation of prayers will change childish, errant behavior for the better.

Who really knows? Remember, we are living with an entire generation — or two — of youth who have been raised without any religious training.

Some adults were surprised last week during a youth violence forum when far less than half the students raised their hands when asked if they believed in God or if they had ever attended a church service. It's difficult to preach personal responsibility to those who have



no idea what that means.

Virginia Gov. George Allen, the Virginia General Assembly and D.C. Council member Marion Barry are among those who would pass laws allowing state-sponsored school prayer in this violence-plagued decade.

Somehow these politicians believe this emotionally charged measure can be implemented without being offensive. Given the ethnic and religious diversity in this metropolitan region, it would take a miracle to do so. I bet Moses had an easier time parting the Red Sea with God's help.

So why is the school-prayer issue being resurrected now? Are these "new" bills just another feel-good gimmick offered by politicians who have no other concrete ideas about how to tackle the complex problems facing today's troubled youth?

I, too, wish that prayer could help restore calm and sanity, especially within schoolhouses,

but I know the solution is not that simple. In fact, the very mention of the touchy issue stirs up emotional debates that leave the participants feeling anything but peaceful or resolved.

Virginia students are already allowed "a moment of silence," ostensibly for the purpose of praying or meditation or to find out what it's like not to hear their boomboxes blasting for 60 seconds.

In the District, the Board of Education and the superintendent decided late last year that kids could pray any time they wanted as long as they initiated the religious practice themselves.

Heard a school choir or chorus lately? They often sing hymns or inspirational anthems during school-sponsored events without objection. Just listen to the world-renowned Eastern High School Choir, famous for its glorious singing.

I don't know if student-led prayers can curb student-led violence, but some would argue that it can't hurt. Exposing children to religions and spiritual development might promote discipline and tolerance. But is the public school classroom the proper place for prayer? I'm really not sure.

We are at a point in American society where we expect educators in public schools to make up for years of poor parenting. But schools are failing because society is failing. We are asking too much of our schools.

Now we expect educators to take up the slack in moral guidance. Self-discipline, for example, is being taught under the guise of "conflict resolution" in some areas.

Schools are resorting to condom distribution because far too many parents are not discussing the issues of sexuality with their offspring early enough.

Many students want to go to school early and remain as late as possible because the buildings represent a safe haven from the life-threatening environment they must face daily — even in their own homes.

In some jurisdictions, school systems now have government

social workers working side by side with teachers to address the basic human needs of so-called "at-risk" students.

The prevailing wisdom argues that schools are the one place all children must be, so while they are a captive audience, let's work out as many societal problems as we can in a six-hour day, for five days a week, 180 days a year.

This is not good, and it's just one of the many reasons why the educational program suffers so.

It now appears that we are poised to further the socialization process by including religion in the school day because many students seem to lack church-going experiences. But are we prepared to teach morals in schools when we have so many different views on what constitutes sound moral judgment and behavior in the larger society? I think not.

Prayer is such a personal thing. For some it is a daily ritual. For others it is no more than a wishful thought. Still others don't feel prayer is necessary at all.

We must be extra careful as we move down this murky road of attempting to make all schools all things to all children.

"USA TODAY hopes to serve as a forum for better understanding and unity to help make the USA truly one nation."

—Allen H. Neuharth
Founder, Sept. 15, 1982



Peter S. Prichard
Editor
Karen Jurgensen
Editor of the
Editorial Page
Thomas Carley
President and Publisher

Today's debate: PRAYING IN SCHOOL

Legislators should butt out of school-prayer issue

OUR VIEW

Lawmakers, eager to make political points, are adding to the problem, not the solution.

When constitutional rights collide, the conflict is best resolved by courts and common sense. Not by overzealous legislators, who tend to turn constitutional fender-benders into full-speed, head-on crashes.

Just such a collision looms on school prayer. Students have a constitutionally guaranteed right to pray, even on school grounds. And they clearly have a right to freedom from other people's prayers.

The Supreme Court long ago addressed the second point, ruling school-sanctioned prayer unconstitutional. But a new round of debate is emerging over voluntary public prayer led by students — the kind that might be offered in a high school valedictorian's speech or at an after-school rally.

In a 1992 Texas case, a federal appeals court said graduation prayer is OK if it's student-initiated, non-sectarian and non-proselytizing. That's now the law in Texas, Louisiana and Mississippi, where the appellate court has jurisdiction.

School-prayer advocates, seizing momentum from that ruling, are vigorously lobbying legislatures to make it law in their states, too. Prayer laws are passed or in the works in Alabama, Florida, Georgia, Louisiana, Pennsylvania, South Carolina, Virginia and Tennessee.

The fervor even has reached Congress. Both houses have voted to deny federal

funds to school districts that prohibit students from voluntarily praying.

This legislative flurry scores points with prayerful constituents, who rightly believe government should not interfere in religious choices. Unfortunately, the legislative remedy only stands to make matters worse.

As different laws with different definitions of prayer evolve in different states, school officials' confusion mounts.

Some principals, just to be safe, require graduation speakers to sign a pledge that they won't mention prayer. Mississippi principal Bishop Knox thought he was obeying the law when he allowed a student-initiated, non-sectarian prayer over the school intercom. He lost his job.

Then there's poor Dwayne Oldham, a Tennessee principal caught between a student petition demanding prayer and an ACLU threat to sue if he permitted it. He's asked a court to settle the argument.

That's where the debate belongs. In court. Well-meaning laws that permit prayer open the door for abuse by those who would impose a majority's prayers on an unwilling minority. Denying federal funds because an overzealous principal bans voluntary prayer merely punishes students.

Either abuse — tyranny of the majority or overzealous restriction of students' rights — can be corrected in court. Eventually, such a case will reach the U.S. Supreme Court and the law for all will be clear.

Until then, legislators should have the good sense to get out of the way,

Mr. Helms vs. the Education Bill

The Senate is poised to pass an important education bill as it approaches recess, but Jesse Helms is blocking the doorway. The Republican Senator from North Carolina is trying to attach a prayer amendment to legislation that would set national standards for students and pour about \$5 billion into school reform. His efforts should be rejected.

Deciding what students should know and how to help them learn has become an integral part of the national school reform movement. But since national goals were defined at an education conference in 1989, Congress has not approved legislation that would help states achieve them.

Pending before the Senate now is the most ambitious legislative attempt yet to put the promise of the 1989 conference into action. The bill would encourage states to set standards in nine basic subjects.

The Senate measure aims to help localities meet growing expectations of what all students should know, without dictating materials or methods. Beyond that it would channel nearly \$5 billion to local districts for school reform, favoring those with

large numbers of disadvantaged students. The bill also provides funds for school safety.

The House passed a conference version this week, by a broadly bipartisan vote of 307 to 120. But in the Senate, Mr. Helms staged a filibuster to push a provision denying funds to any district that prevented students from participating in constitutionally protected school prayer.

The conference bill already provides that no funds from the legislation can be used to adopt policies that prevent voluntary prayer in schools. But Mr. Helms's plan holds out the chilling prospect of squabbles in schools around the country over what constitutes "constitutionally protected" prayer, with religious groups trying to use the threat of a cutoff of Federal funds to get their way.

The Senate is rushing toward recess this weekend and the bill needs to be signed by April 1 for the first \$125 million to be released this year. If Mr. Helms doesn't care about the \$2.1 million North Carolina would lose, the rest of the Senate should put the needs of schoolchildren first. That means sustaining a vote to cut off debate and passing the conference version of the bill.

Why Our Schools Shouldn't Have a Prayer

Violence is rising in D.C. schools, and D.C. Council member Marion Barry argues that prayer is the way to curb it. "With all this violence and other problems, we need to get back to trying to allow those who want to pray to do it," he said recently, when he introduced legislation on school prayer to the council. "It may set a moral tone at the schools."

Barry isn't alone. His initiative is part of a national trend. Virginia legislators, who had previously approved allowing "a moment of silence" for students, authorized explicit prayer before going out of session. Last month, Georgia passed legislation to allow both prayer and "a moment of quiet reflection"; prayer proponent David Scott, like Barry, said he was motivated by rising school violence. The measure, he explained, would encourage students to "look inward" and get "some things in order." Tennessee and Alabama have passed similar laws, which are now under court challenge, while other states have bills pending.

Even Congress is getting in on the act, with the House voting to withhold federal education funds from schools that bar students from engaging in voluntary prayer.

Alas, the school prayer debate illustrates the failure of both our educational and political systems. People want schools that can't teach arithmetic to preach spirituality; politicians who won't take the tough steps necessary to

improve the quality of schools hope to win votes through empty symbolism.

Not that there's anything wrong with, as Barry puts it, allowing "those who want to pray to do so." But they already can and do pray. Students can pray before tests, they can pray between classes and they can pray in class while a boring teacher drones on.

Of course, what Barry wants is public prayer—over the intercom, at assemblies and the like. Some state legislators, in Mississippi, for instance, would go further and inaugurate prayer led by administrators or teachers. Why?

There's no reason to believe that nondenominational prayer led by a perhaps unbelieving teacher is going to do much good. To the contrary, such formalistic rituals teach an empty spirituality devoid of meaning. Student-led prayer for irreverent classmates, in whatever forum, is likely to be little more effective.

Moreover, such official expressions of religiosity inevitably put pressure on nonbelievers. How should Muslims respond to a Christian prayer? Will Christians share the microphone with Jews, Muslims and pantheists? Or will the prayers be so general as to appeal to even the most skeptical?

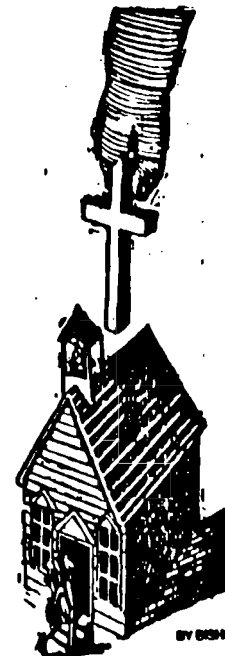
Of course, the problems that Barry and others speak of are hideous: The spread of violence, in particular, reflects a moral breakdown of frightening proportions. And prayer is

part of the answer—voluntary prayer, by those who believe in its efficacy, meant as a petition to God, not a show for man.

Thus, parents who want their kids to pray should lead them in prayer at home and take them to church. Pastors who want to rebuild a moral ethic should make their case by preaching rather than by lobbying legislators. And students who want to pray should—privately, whether on or off school grounds.

Let's not, however, ask schools that are little more than drug-infested holding pens to get in the God business. Their priority should be to provide a safe environment in which to teach kids to read and write. Until they do that, asking them to do much else, especially to lead a spiritual revival, is a fool's errand.

—Doug Bandow
is a senior fellow
at the Cato Institute.



GUEST VIEWS



**MICHAEL J.
CLINGENPEEL**

Legislative proposals to institute programs of "voluntary," student-initiated prayer in public schools are cropping up across the country. I am opposed to this type of legislation.

Not because I value prayer too lightly.

Not because I believe our public school students could not use the practice.

I am opposed because:

- Prayer legislation is unnecessary. Prayer has never been outlawed in public schools. Any student who chooses to utter a sincere prayer can do so any time he or she wishes. The human conscience has never been held captive by the state, nor can it be.

- Our Baptist mothers and fathers

fought any attempt of the state to administer private religious practices. It escapes me why people who argue that public schools have messed up our children's education want to see public schools in charge of our children's religion. Let me choose whom I want to teach my child about talking to God.

- So-called student-initiated prayers are rarely so. More often they are parental-induced attempts to return to an idealized world. The '50s may look good now, but they also brought us the John Birch Society, Joseph McCarthy, the Ku Klux Klan and Baptist churches riddled with overt racial prejudice. We had prayers in schools during those days.

- A pluralistic society must protect the rights of the minority against the majority, not vice-versa. Because majority rule is often heavy-handed, our federal Constitution protects minorities. I have lived elsewhere in the United States where Baptists and Christians are minorities, and the prospects of student-initiated prayers in those places was not pleasant for a Baptist Christian.

Prayers on the lips of zealous, majoritarian ideologues can be used to bludgeon sincere believers. A religious bully is no less a bully.

- Most prayers in the "public square" are innocuous, flaccid imitations of the real thing, often uttered for a human, not divine, audience. That goes for prayers in state legislatures and the U.S. Congress.

- Granting to one student the right to utter audible prayers violates another student's right not to listen. School prayer legislation addresses the right to pray, but ignores the right not to listen.

Most people disagree with me. Public opinion polls prove it. Lawmakers everywhere are passing this type of legislation. But that doesn't make it right, nor constitutional, nor Baptist. Δ

Michael J. Clingenpeel, editor of the Religious Herald, newsjournal of the Baptist General Association of Virginia, recently testified against school prayer proposals later approved by state lawmakers.

REPORT from the CAPITAL

James M. Dunn
Executive Director

Larry Chesser
Editor

Pam Parry
Associate Editor

J. Brent Walker
Book Reviews

REPORT (ISSN-0346-0661) is published 24 times each year by the Baptist Joint Committee.

Established in 1936

Baptist Joint Committee on Public Affairs
200 Maryland Avenue, N.E., Washington, D.C. 20002
202-544-4226

Supporting bodies: Alliance of Baptists • American Baptist Churches in the U.S.A. • Baptist General Conference • Cooperative Baptist Fellowship • National Baptist Convention of America • National Baptist Convention U.S.A. Inc. • National Missionary Baptist Convention • North American Baptist Conference • Progressive National Baptist Convention Inc. • Religious Liberty Council • Seventh Day Baptist General Conference • Southern Baptist state conventions and churches.

GUEST VIEWS



DAN BAGBY

Our concern in the religion in public schools debate is what will help our children gain a set of values that will strengthen them and this nation for the present and future challenges. Will a public prayer in school do that? I

doubt it seriously.

Why? First, because such uses of prayer are "magical" thinking, seducing people into the mistaken belief that if all our children are "prayed" over every morning, they will magically develop moral standards and high ideals.

We need to get away from a superstitious view of prayer as "covering all our sins." Rather than instill faith and affirm values, such rote exercises demean faith, rob prayer of its true meaning and teach a very shallow religious routine which betrays any biblical view of prayer.

Prayer is not magic, and its superficial parading (whether at a football game, a public gathering where it is immediately forgotten or with a crowd of people who have anything on their minds but worship) is a sacrilege.

Perhaps the greatest problem with public prayers in school, however, is the illusion they create that we have "given our children religion."

Such mistaken notions often free parents from the primary responsibility of teaching prayer and faith at home, where it rightly begins and belongs.

No public prayer in school will ever "teach" religion, and parents, educators and citizens can easily absolve themselves of the responsibility of communicating values to children when they've instituted a morning prayer in school. If that's what we're counting on to turn our children toward values — we are all in real trouble.

Parents who want prayer in school, yet rarely pray with their children, confess by their practices that they really don't believe very much in prayer. Values and beliefs are most significantly taught at homes; schools will never substitute the

home as the center for religious belief and values.

What opportunities arise out of this issue? I see these:

- Those who believe in providing values and religious direction in public schools can use the "equal access" legislation to provide student-led or church-led prayer gatherings and Bible studies in school buildings before or after school hours.

- Believers in the teaching of faith and values will be busy at home giving direction and modeling a life of values. If they go to church with their children, rather than drop them off, their lives will reflect what they claim is important.

- Church leaders and other believers who have strong convictions about the importance of instilling values in all children will spend time and energy praying for, and also becoming involved in, the lives of children and youth — at home and school.

Article is adapted from a column by Dan Bagby, pastor of Seventh and James Baptist Church, Waco, Texas, published Feb. 5 in the Waco Tribune-Herald.

REPORT from the CAPITAL

James M. Dunn
Executive Director
Larry Chesser
Editor
Pam Parry
Associate Editor
J. Brent Walker
Book Reviews

REPORT (ISSN-0346-0661) is published 24 times each year by the Baptist Joint Committee.

Established in 1936

Baptist Joint Committee on Public Affairs
200 Maryland Avenue, N.E., Washington, D.C. 20002
202-544-4226

Supporting bodies: Alliance of Baptists • American Baptist Churches in the U.S.A. • Baptist General Conference • Cooperative Baptist Fellowship • National Baptist Convention of America • National Baptist Convention U.S.A. Inc. • National Missionary Baptist Convention • North American Baptist Conference • Progressive National Baptist Convention Inc. • Religious Liberty Council • Seventh Day Baptist General Conference • Southern Baptist state conventions and churches.

ROBERTSON Reviving Again To Put Prayer in Schools

NEW YORK TIMES

APRIL 16, 1993

By MICHAEL deCOURCY HINDS

At Blue Ridge High School in Farmer City, Ill., 63 of the 66 members of the Class of 1993 recently voted to say prayers during their graduation ceremony next month.

School officials in the tiny farming community turned them down.

But Pat Robertson, the television evangelist, is hoping to use Farmer City, 90 miles southeast of Peoria, as a test case in his campaign for prayer in public schools, an effort that has put the issue back on the agenda of school officials around the country as they plan for spring graduation ceremonies.

Threats From Both Sides

No matter what they decide, many schools might be drawn into an expensive legal battle. The advocates for prayer in schools, led by Mr. Robertson, are threatening to sue boards that ban prayer at graduation ceremonies. Mr. Robertson is seeking a showdown over an apparent inconsistency in recent Federal-court decisions on the issue.

Opposing them are civil libertarians, led by the American Civil Liberties Union.

"We're really stuck in the middle," said Gwendolyn H. Gregory, deputy general counsel of the National School Boards Association in Washington.

What are school officials to do? Ms. Gregory's organization, which represents nearly all school districts, has advised members that the best way to avoid expensive litigation would be to allocate a moment of silence to "solemnize" the graduation ceremony. But Ms. Gregory said school officials must not suggest how people should use the time, as any reference to prayer would be unconstitutional.

The legal tangle that gave Mr. Robertson his opening began last June, when the United States Supreme Court ruled, in *Lee v. Weisman*, that a public school could not have a member of the clergy offer a school-approved prayer at a graduation. That, the Court ruled in a 5-4 decision, amounted to an unconstitutional endorsement of religion by the state.

Conflicting Appellate Decision

As part of that decision, the High Court vacated an appellate court ruling in a Texas case, *Jones v. Clear Creek*, that had permitted "non-sectarian, non-proselytizing" prayers initiated by students and led by students. The Supreme Court sent that case back to the appellate court for reconsideration. But the lower court, the United States Court of Appeals for the Fifth Circuit, in New Orleans, stood by its ruling.

The panel of three judges ruled unanimously last November that student-led prayer, unlike clergy-led prayer that the Supreme Court had banned, was constitutional. The decision has been appealed again to the Supreme Court. If the Court accepts the case, it would probably not issue a ruling until next year.

Several constitutional scholars said in interviews that despite the recent rulings, the Supreme Court had consistently forbidden public schools to authorize any kind of prayer. That prohibition, they said, would also prevent a school district from authorizing students to initiate a prayer at graduation ceremonies.

"The Supreme Court has taken the view for 30 years that you cannot turn any part of the activity of the school into a forum for prayer," said Stephen L. Carter, professor of law at Yale Law School and an expert on the separation of church and state.

Many religious organizations support keeping prayer out of public schools, and they were baffled by the Fifth Circuit decision permitting student-led prayer, said Douglas Laycock, a professor of law at the University of Texas Law School and a specialist in constitutional law and religious liberty.

In *Lee v. Weisman*, Professor Laycock filed a brief with the Supreme

Court opposing clergy-led prayer in schools on behalf of six major religious organizations, including the American Jewish Congress, the Baptist Joint Committee on Public Affairs and the National Council of Churches.

"It looks like the Fifth Circuit is thumbing its nose at the Supreme Court," Professor Laycock said. "It may be a bad decision, but it's a decision, and if I were Pat Robertson, I would run with it, too."

The Fifth Circuit's ruling has the force of law only in Texas, Mississippi and Louisiana.

'Misguided Zealotry'

Mr. Robertson, whose organization is based in Virginia Beach, Va., has promised to "insure that the rights of students are protected against school administrators or the misguided zealotry of the American Civil Liberties Union." The American Civil Liberties Union maintains that any school-approved prayer would be unconstitutional. "Mr. Robertson is blinded by the results he wants," said Robert S. Peck,

Reviving an issue in time for graduation.

the organization's legislative counsel in Washington.

In a mass mailing in February and March, Mr. Robertson's legal organization, the American Center for Law and Justice, distributed more than 300,000 copies of a three-page bulletin detailing the Fifth Circuit's decision regarding school prayer. Jay A. Sekulow, the center's chief counsel, said that among the recipients were the nation's 15,000 school districts.

The center, which has 13 staff lawyers and 75 affiliated lawyers around

the country, said on April 5 that it would send legal "SWAT teams" to communities around the country to inform officials that student-led prayer is a constitutional right.

Exceptions for Prayer

Mr. Peck of the civil liberties union said that students could pray in graduation ceremonies only if school officials had not been consulted beforehand. Students could pray silently, or a class valedictorian might include a prayer in his or her speech as long as the speech had not been approved by school officials. Or school officials might designate some portion of the graduation ceremony as a public forum to exercise free speech.

In Farmer City, where Mr. Robertson's group is hoping for its first test case, local religious leaders referred the students to Mr. Robertson's law center after school officials denied their request for student-led prayer. The center then dispatched two lawyers to the agricultural community population of 1,700 people, and they discussed the issue with school officials and students.

"From the materials they gave us, we gather we have the right to pray," said Chad Vance, the 18-year-old class treasurer. "They said they will support us in court if we decide to file a lawsuit. We're seeing the eroding away of our national heritage."

Lelan G. Beckley, a soybean farmer who is president of the school board, said he was sympathetic with the students' concern. "It's not what I believe in," he said, "it's the law that we have to govern ourselves by."

On Monday, the board plans to consider overruling the school officials' prayer decision.

The American Civil Liberties Union has also been in touch with the board through a letter. "It said if we have prayer, we'll be looking at a lawsuit," Mr. Beckley said.