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STATEMENT OF SENATOR ROBERT DOLE
JULY 14 - EXECUTIVE SESSION OF THE JUDICIARY COMMITTEE
SCHOOL PRAYER

MR. CHAIRMAN. PUBLIC PRAYER AND THE ACKNOWLEDGEMENT OF A SUPREME BEING HAVE ALWAYS BEEN A FUNDAMENTAL PART OF OUR NATION'S HERITAGE. THE DECLARATION OF INDEPENDENCE, ITSELF, PROCLAIMS IT SELF-EVIDENT THAT "ALL MEN ARE CREATED EQUAL, THAT THEY ARE ENDOWED BY THE CREATOR WITH CERTAIN UNALIENABLE RIGHTS." NEARLY EVERY PRESIDENT SINCE WASHINGTON HAS PROCLAIMED A NATIONAL DAY OF PRAYER AND THANKSGIVING. OUR COINS BEAR THE LEGEND "IN GOD WE TRUST" AND THIS WAS MADE THE NATIONAL MOTTO IN 1956. SIMILARLY, MANY OF OUR PATRIOTIC SONGS INVOKE THE NAME OF GOD AND ASK HIS BLESSINGS.

CONSISTENT WITH OUR HERITAGE, THERE HAD BEEN A LONG TRADITION OF INCLUDING SOME FORM OF PRAYER IN THE PUBLIC SCHOOLS. UNTIL 1962, WHEN THE SUPREME COURT INVALIDATED THE NEW YORK STATE REGENT'S PRAYER IN THE ENGEL CASE. ONE YEAR LATER, IN ABINGTON, THE COURT STRUCK DOWN A PENNSYLVANIA LAW REQUIRING THAT PUBLIC SCHOOLS BEGIN EACH DAY WITH READINGS FROM THE BIBLE. EMPHASIZING A "COMPLETE AND UNEQUIVOCAL" SEPARATION BETWEEN CHURCH AND STATE, THE COURT CONCLUDED THAT THE PENNSYLVANIA LAW ADVANCED RELIGION IN VIOLATION OF THE ESTABLISHMENT CLAUSE.

IN THE YEARS FOLLOWING ENGEL AND ABINGTON, THE COURTS HAVE INCREASINGLY RESTRICTED RELIGIOUS OBSERVANCES IN THE PUBLIC SCHOOLS. IN ONE CASE,

FOR EXAMPLE, A SCHOOL PRINCIPAL'S ORDER FORBIDDING KINDERGARTEN STUDENTS FROM SAYING GRACE BEFORE MEALS ON THEIR OWN INITIATIVE WAS UPHELD. IN ANOTHER CASE, THE RECITATION OF A SIMILAR VERSE WAS HELD TO BE A PRAYER IN VIOLATION OF THE ESTABLISHMENT CLAUSE. THE SUPREME COURT AFFIRMED A LOWER COURT DECISION STRIKING DOWN A SCHOOL BOARD POLICY OF PERMITTING STUDENTS UPON REQUEST AND WITH THEIR PARENTS' CONSENT, TO PARTICIPATE IN A ONE-MINUTE PRAYER AT THE START OF THE SCHOOL DAY.

THE PRINCIPLES ESTABLISHED IN ENGEL AND ABINGTON HAVE EVEN BEEN EXTENDED TO PROHIBIT STUDENT'S FROM PRAYING OUTSIDE REGULAR CLASS HOURS. THUS, IN THE LUBBOCK CASE, THE FIFTH CIRCUIT INVALIDATED A SCHOOL SYSTEM'S DECISION TO PERMIT STUDENTS TO CONDUCT VOLUNTARY MEETINGS FOR RELIGIOUS PURPOSES ON SCHOOL PROPERTY BEFORE OR AFTER SCHOOL HOURS, EVEN THOUGH THE SCHOOL PERMITTED STUDENTS WISHING TO MEET FOR NONRELIGIOUS PURPOSES THE OPPORTUNITY TO DO SO.

THE PRESIDENT'S PROPOSED CONSTITUTIONAL AMENDMENT ~~WILL REMOVE THE BAR TO SCHOOL PRAYER ESTABLISHED BY THE SUPREME COURT AND ALLOW PRAYER BACK IN OUR SCHOOLS. CONSISTENT WITH WHAT I BELIEVE WAS THE TRUE INTENT OF THE FOUNDING FATHERS,~~ THE AMENDMENT WOULD CLARIFY THAT THE ESTABLISHMENT CLAUSE DOES NOT PROHIBIT VOLUNTARY PRAYER IN PUBLIC SCHOOLS OR OTHER PUBLIC FACILITIES. IN ADDITION, TO ADDRESS A CONCERN EXPRESSED BY MANY, THE PROPOSAL HAS BEEN MODIFIED TO PROHIBIT GOVERNMENT FROM COMPOSING SCHOOL PRAYER.

~~I HOPE THAT THE COMMITTEE WILL ACT FAVORABLY ON THE PRESIDENT'S~~
~~PROPOSAL~~ THE VAST MAJORITY OF OUR PEOPLE BELIEVE THERE IS A NEED
FOR PRAYER IN OUR PUBLIC SCHOOLS AND INSTITUTIONS. I THINK IT'S TIME
WE RESPOND, BY PASSING THE PRESIDENT'S PROPOSED CONSTITUTIONAL AMENDMENT.