

A POLITICAL PRAYER

Last week the President said he was going to initiate a Constitutional Amendment to allow formal prayers in the schools. But he did not have the wording of such an Amendment, and therein lies a significant tale.

He did not have the wording because his staff had not yet agreed on language. Mainly, they could not yet agree whether they should use the words "voluntary" and "nondenominational" to qualify the prayers they wanted to permit in the schools. Some advisors felt that the word "voluntary" might be too vulnerable to court scrutiny. After all, a number of federal courts have already pointed out that nothing which is *organized by the schools in the schools* is quite "voluntary." The school setting and peer pressure tend to be compelling.

Just this past year the Supreme Court made a couple of relevant rulings. It upheld a lower court decision to prohibit *high school* student prayer meetings on school grounds, even before the commencement of school classes. But the same Supreme Court supported the right of students at a public *university* to have prayer meetings on *their* school grounds. The difference? The Court has consistently held that college students are not in the same compulsory climate, or as vulnerable to compulsive pressures as high school and elementary school students. That was one basis for the 1962 Supreme Court ruling which found prayers unconstitutional.

Of course the nub of the matter is that denominational religious differences are non-negotiable. That's why the President's drafters were having trouble with the word "nondenominational;" they would like to get it in there, but are afraid the courts might interpret *any* prayer as denominational.

Rabbi Malcolm Sparer has pointed out, for example, that Jews render the Commandment, "*Honor* thy mother and father;" while Christians say "*Love* thy mother and father." Jews must honor their parents even if they don't emotionally love them at some given point. That's the burden of obligation which Judaism brings -- always realistically

achievable with effort; as distinct from an emotional state. In any case, there are significant differences among the prayers of the various denominations. If the schools are to *organize* religious prayer, how are they to avoid those differences?

There are signals that the founders of the country, the shapers of the First Amendment, intended to keep religious expression out of the schools *only* when they were denominational. When Thomas Jefferson drafted the first bill for public schools in Virginia in 1779, he called for a ban *not* on all religious instruction but on religious instruction "inconsistent with the tenets of any religious sect or denomination." Even in the middle of the 19th century the "father" of American public school education, Horace Mann, inveighed *only* against religious books or instruction in the schools "which are calculated to favor any religious sect."

It was just in the last quarter of the 19th century that the idea seriously developed of keeping *all* religious expression out of the schools, denominational or not. What had happened? For one thing, America had become too heterogeneous and heterodox to make nondenominational religious expression a practical possibility. Forget the abstract legal complications; it's a *practical* problem. Either the prayers organized by the school will tend to be so denominational as to isolate some children, coerce them or make them second-class citizens (while allowing government officials to create an "official" religion); or the "prayers" will be so squeezed empty of content as to be religiously meaningless. The former is often likely.

That is why the organized Jewish community, along with the mainstream Baptist churches and others, are opposed to this proposed constitutional amendment. Note: the discussion here and the proposed amendment are *not* about a moment of individually selected and silent prayer or meditation in the schools. Many are opposed to that practice, too, as subject to abuse; but the organized Jewish community is somewhat split and it is a different matter. The amendment proposed by the President and

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some Congressmen would authorize *spoken* prayer, selected and organized by school officials. You might wish to express yourselves early on the subject to your Congressmen and congressional candidates.

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