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#6224 – Supreme Court Decision on School Prayer

Guests: Sen. John C. Stennis (D-MS) and Sen. A. Willis Robertson (D-VA)

Morphew: To Stennis, reaction to decision

Stennis: Well, Dick, first, we're delighted to be with you and frankly, I think the decision was a great error and that it was not the proper conception of the constitutional points involved, but today it's a special privilege to me to be here with one of the truly fine constitutional lawyers of the nation and one of the very best that we have in the Senate, who is also a Bible scholar and a very fine gentleman. May I pass that question over to you, Senator Robertson? Just what did this decision, recent decision, hold and what's the meaning and the main implications of it?

Robertson: Thank you, John. You have praised me beyond my just deserts, but here is one time when I wish I had the wisdom of a John Marshall and the eloquence of a Patrick Henry because it's a vital issue that confronts our nation. The Supreme Court has held that it is illegal to say a simple prayer in our schools that merely said, Almighty God, we acknowledge our dependence on Thee, We beg your blessing upon us, our parents, our teachers, and our country. Now, that prayer was prepared by what they call the Regents of New York, we call it State Board of Education in Virginia and I believe you call it that in (Stennis interrupts and agrees that Mississippi calls it the same). And, it merely said what we've always believed in this country, that is, there is a God. A very fine opinion in this by the Chief Justice of the state of New York, he said that their constitution opens with the admission that their freedom came from Almighty God. He referred to the reference in the Declaration of Independence that God created us and endowed us with certain inalienable rights and he said certainly this could be no violation of the law relating to separation of church and state. You know I'm a Baptist, John, you're a Presbyterian but we're not too different in our beliefs. We believe in this separation. You know, in Virginia, the Baptists and the Presbyterians were both persecuted. My colonial

ancestors were first members of the Church of England and then they didn't believe in taxing people to support any church and so they went with Thomas Jefferson, James Madison for separation. And Madison wrote the Bill of Rights, the first ten amendments and one of them said Congress shall make no law respecting an establishment of religion, nor prohibit the free exercise thereof.

Stennis: And that's where they really got the (unintelligible).

Robertson: That's right and he really wanted to make that apply to the states and they voted him down. Incidentally, in eighteen and seventy-five, think of this, Senator (Blaine?) offered a constitutional amendment to apply the exact language of the First Amendment to the states and wound up by saying this shall not prohibit prayers in public schools. Well, they said, we don't want to extend it to the states and in any event, it's not necessary because there's nothing in the Constitution that prohibits prayers in public schools. A prayer such as the one from New York merely admits that there is a God and asks his help. It doesn't establish a church and that's what they meant by (???) and it was voluntary. Nobody had to do it that didn't want to, they could be excepted from the proceedings.

Stennis: Now what is your idea, Senator Robertson, with reference to the position, where will the Lord's Prayer be or where will the reading of the Bible be in our public school. It seems to me from what you say that if the Court follows that recent decision, it will rule out the reading. What's your idea on that?

Robertson: They've got the very case before them now, from Maryland. Their school board, it's voluntary, they can adopt it or not, requires either a passage from the Bible or the Lord's Prayer to be read and the Lord's Prayer was read and the Supreme Court of Maryland in throwing out the petition, said in conclusion, in short, there's no violation of the Constitution and the plaintiffs have alleged that they are embarrassed, he has said that there is nothing in the Constitution that will cause a Court to keep a small minority from sometimes being embarrassed (unintelligible) Now they're facing that just right now and the Supreme Court didn't pass on that case but they will in October to prohibit the Lord's Prayer, well they said somebody prepared the New Yorker and now a man called Jesus of Nazareth prepared this one but they said no you can't read it, that would be illegal, if we don't do something.

Stennis: One other illustration. It occurs to me that even a teacher without any direction from a state board of education or anyone else teaching in the public school, under this decision, cannot phrase and lead the children in prayer nor direct and control the member in class from leading the others in the school building. Is that correct?

Robertson: It wipes out all of concept that we are a Christian nation. It wipes out the expression of Benjamin Franklin at the Philadelphia convention in Philadelphia when he said, I've lived, sir, a long time, and the longer I live, the more convincing proof I see of the fact that God governs in the affairs of men. That was basis on which our nation was founded. Now they're going to say that you can't have prayer, well we can't have

chaplains in the Senate, we can't have chaplains in the armed forces, we can't have chaplains that say to their boys before they go into battle, next day you'll be on the battlefield but God will be there with you, have faith in him. We're going to wipe it all out. I don't believe the people of this nation are going to stand for it.

Stennis: Well, under your reasoning, there, the little children could not even sing 'God Bless America,' because that is calling on a supreme being.

Robertson: We must recognize there is a God and divides us primarily from the communists? We believe in God and they don't and they would beat our brains out and nothing would please them better than to see us abandon God and see God abandon us.

Stennis: That's the main difference because from our concept comes our form of government our spiritual institutions and our spiritual life. Now the question comes in, now, what can be done about it? What can the Congress do about it, what can the people do about it?

Robertson: Well, John, you have offered a fine start, you have offered a constitutional amendment. We may need to broaden it because your's only applies to prayer in schools. We may need to protect all phases of our, well we put over our Senate door 'In God We Trust,' that was years ago, we put on our coins, 'In God We Trust'...we adopted leaders to flag, 'One God under, one nation under God,' don't you see? We may have to protect that, and then I propose, and I hope a good many senator go on with me, a resolution that I hope will go through very rapidly, saying that we disapprove of this decision.

Stennis: Well, I think your resolution, you know it will have my support, I think it will have the support of many and be rapidly passed and I want to make this point: In presenting this constitutional amendment to which you referred, I certainly don't want to stir up any strife, any bitterness, any deep, hard argument, casting the Catholic against the Protestant, or the Protestant against the Jew or any division of that kind. What we want is unanimity. We're not trying to establish a religion; we're not getting into denominationalism. This provision of mine would merely say that it shall be lawful, in effect, to have prayer in our public school.

Robertson: And it will also say that those who do not wish to participate may be excused.

Stennis: Never anything compulsory about it and acknowledging a supreme being and asking for guidance, direction and blessings.

Robertson: But John, it's inconceivable to me that this Congress won't stand up and be counted for saying, we have always been known as a nation that believed in God and we are not going to repudiate that foundation.

Stennis: Well, I certainly think that that is correct and let me emphasize again, too, that this is a matter that must be carefully handled, it's not for emotionalism. It's not for harsh words; it's not for hate. But this is a spiritual base upon which all of us can stand, and I

think your resolution is very timely and I trust that then there will be this broad, wide movement that will write into the basic law of our land that, always, it will be possible to have this public prayer in this spirit.

Robertson: Let's bear this in mind, when the Supreme Court comes back in October there is a Maryland case that involves the Lord's Prayer.

Stennis: Yeah, that's the pending case...

Robertson: That's right. That's the one that comes up next and if they knock that out, then what have we left?

Stennis: Well, there's nothing left, but as a matter of fact, the Lord's Prayer is more akin to a religion, the Christian religion as contrasted to Mohammedism or others, than is a simple little prayer, so I don't see where there is a chance. The Lord's Prayer or the reading of the Bible or anything with spiritual nature to stand up under the present ruling of the Supreme Court, unless we make some provision to the contrary. We cannot reverse the Court, but the people can amend the Constitution.

Robertson: Mr. Dooley (?) said, many, many years ago, the Supreme Court reads the election returns that is in the old days, and you can't tell me that the Supreme Court won't recognize protests that are coming now from Maine to Florida and which I hope will be echoed from both chambers of the capital of this nation.

Stennis: We must make the people understand the problem, that there is a remedy and then approach it in the same...

Robertson: And maybe out of this will come a revival. It may strike awake the consciousness of the people of this nation that while we put on our coins, 'In God We Trust,' it may have become a political shibboleth. We must make a reality of it.

Stennis: It could be a blessing to all if we respond in the right way.

Robertson: If we respond, that's right.