

Americans for Religious Liberty

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VOICE OF REASON

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The Newsletter of Americans for Religious Liberty

No. 14

Editorial

Religion and Politics, 1984

Not since a bunch of conservative preachers tried to defeat Thomas Jefferson back in 1800 has there been so much entanglement of religion and politics in a presidential election. Here are some of the highlights of this year's religio-political imbroglio.

In July Reagan reelection campaign chairman Sen. Paul Laxalt sent a letter to several hundred thousand Christian clergy seeking to involve them in a distinctly partisan voter registration drive.

Jerry Falwell's Moral Majority, the so-called Christian Voice, and other fundamentalist groups have thrown their weight into the contests behind President Reagan, Sen. Jesse Helms, and other ultraconservatives.

Some conservative Catholic bishops have apparently gone all out to support Reagan because of his anti-abortion and pro-parochial stands and his establishment of formal diplomatic relations with the headquarters of their church. That support

has taken the form of critical comment aimed at vice-presidential candidate Geraldine Ferraro on the abortion issue and Philadelphia Cardinal John Krol's campaigning for Reagan as a way to get tax aid for parochial schools.

On the other side of the coin, secular politicians have been using religion to attract votes. The Republican Convention in Dallas was opened by Radical Right preacher James Robison and closed by televangelist Jerry Falwell. In between, the convention inserted the entire New Religious Right agenda into the party platform, including a provision for an implied religious test (opposition to abortion) for Supreme Court justices and lower federal court judges. This, of course, is not new. As Sidney Blumenthal reminds us in his excellent piece on "The Righteous Empire" in *The New Republic* (Oct. 22), it was secular radicals Howard Phillips and Richard Viguerie (a Jew and a Catholic, respectively) who recruited the most visible New Religious Right guru, Jerry Falwell, and even supplied the name for the movement he was selected to head, Moral Majority.

Ronald Reagan has based a large part of his appeal on promoting school prayer and anti-abortion amendments to the Constitution, legislation to provide federal aid to sectarian private schools through tuition tax credits and vouchers, and slurs that those who disagree with this agenda are "intolerant." Reagan has continually distorted the Supreme Court's school prayer rulings by saying that the Court denied children the right to pray. He should know, he's been told often enough, that the

Con-Con Drive Stalled

Developments in Montana and Michigan have stalled the campaign to call a national constitutional convention which civil libertarians and constitutional scholars fear could do serious damage to the Constitution and Bill of Rights.

On October 1 the Montana Supreme Court ruled unconstitutional a ballot initiative designed to force the state legislature to pass a resolution requesting Congress to call a national convention. Americans for Religious Liberty was one of several organizations supporting the suit, which was filed by Montana Common Cause. In a similar action, the California Supreme Court ruled unconstitutional on August 27 an initiative in that state to force the legislature to pass a Con-Con resolution.

In Michigan the House Constitutional Revision and Women's Rights Committee voted 5 to 4 to kill the resolution on September 13. The one-vote margin for defeat was supplied by Rep. Ruth Mc-

Namee, a Republican who declared, "I realized I don't want the Constitution tampered with."

Three defeats for the Con-Con promoters in a little over a month left them reeling, though they will probably continue to try to get resolutions from two or more states. They now have 32 state resolutions. An initiative petition drive is on in Ohio to get the issue on the ballot there is 1985.

The main objection to a new constitutional convention, which Congress must call if two thirds of the state legislatures request it, is that a new convention could not be restricted to considering only the federal balanced budget for which the convention is ostensibly being sought. A spokesman for Jerry Falwell's Moral Majority, for instance, has recently acknowledged that additional amendments would be sought to outlaw abortion, to authorize government regimented group prayer in public schools, and to declare that American law is based on the Bible. ■

Court merely forbade government sponsored or regimented prayer, and left all children free to pray when, how, and if they please. Reagan has lost few opportunities to speak before fundamentalist audiences, but has generally shunned the religious mainstream.

For their part, the Democrats have hued to a Jeffersonian line. Geraldine Ferraro has taken the John Kennedy position that she does not speak for her church, nor it for her. She says she personally accepts her church's teaching on abortion, but does not believe it proper to try to impose that position on others. New York Gov. Mario Cuomo has taken a similar stance, and has suggested that pro-choice and anti-choice people work together to lessen the demand for abortion. Prominent Catholic theologians have supported the Ferraro-Cuomo position on church-state relations. And it is certainly curious that some Catholic bishops now want Catholic politicians to kow-tow to the bishops in a way that would surely work to the detriment of all Catholics in politics.

Candidate Ferraro was not above criticism in her remark that Reagan is not a very good Christian because of his policies regarding the poor.

Democratic standard bearer Walter Mondale has consistently taken the position that the Jeffersonian principle of separation of church and state has proved to be the best policy for religion and religious liberty. Mondale and his party's platform favor individual moral choice on abortion and oppose both a school prayer amendment and tuition tax credits for parochial schools.

Jesse Jackson has been criticized for campaigning in black churches. But it needs to be remembered that the special circumstance of generations of slavery and segregation left the black church as nearly

the only institution the black community had to represent it and express its views. Oppressed groups in other countries have had similar experiences. When our ethnic minorities have been fully integrated into our society and its political life, the political role of the black church will surely fade away.

To sum up, the dangerous new factor in American political life is the symbiosis between secular and sectarian Radical Rights interests. The secular and sectarian radicals do not agree on everything, but they are willing to use each other for their own ends. Their success at the polls could mean serious trouble for the religious liberty, civil liberties, and personal freedoms of all Americans.

The combined secular-sectarian Radical Right has both procedural and substantive agendas. On the procedural side, the secular radicals, many of whom care little or nothing about religion, find the sectarian radicals convenient auxiliaries for getting votes, while the latter believe that the former can give them the power to achieve their religious goals.

On the substantive side, the Radical Right agenda includes tax support for selective sectarian private schools, the right to use public schools (what might be left of them after sectarian private schools get through raiding the public treasury) to proselytize and indoctrinate (through "equal access" programs, regimented prayer, creationism in science classes, textbook censorship), the denial of equal rights to women, and the legal imposition of mandatory motherhood. The secular Radical Right agenda has mainly to do with economic and foreign policy matters, which are beyond the purview of this newsletter, but both the secular and sectarian sides of the Radical Right coin tend to support each

other's agendas.

This year's elections will be decided by voters on the basis of many factors—religious, economic, foreign policy, perceptions of leadership abilities, etc. How much the religious factors will weigh cannot be predicted. But what is certain is that the outcome will determine how difficult it will be to defend church-state separation and religious freedom. ■

The New Parochial Drive

Regardless of who wins the November elections, 1985 will see a renewed campaign to get Congress and state legislatures to provide tax aid to sectarian private schools through some combination of tuition tax credits and vouchers.

On September 12 Pope John Paul II, speaking in Newfoundland, Canada, declared that governments have a duty to provide financial support for sectarian private schools. He added that parents who prefer to separate their children in denominational private schools have "a fundamental democratic right" to have government force all taxpayers to pay for such sectarian religious institutions.

Historian Martin Marty said that it was no mere coincidence that the pope's remarks came during the U.S. presidential campaign, in which President Reagan has been appealing to sectarian and moral majoritarian bloc votes by advocating the tuition tax credit and voucher plans for massive federal aid for parochial schools. Professor James Wood, of Baylor University's Institute for Church-State Studies, agreed that the pope's remarks were carefully planned and politically motivated.

Meanwhile, in Philadelphia on September 21, the leading pressure group for parochial, the misleadingly named and predominantly fundamentalist Catholic Citizens for Educational Freedom, met to plan political strategy. Parochialer Martin Mullen, a former Pennsylvania legislator (who once told your editor that the parochial laws he had pushed through the state legislature would never have survived popular referenda), declared that a new Reagan-appointed Supreme Court would reverse the Court's rulings against all major forms of parochial.

U.S. Education Department official Charles O'Malley told the meeting that Reagan administration people will work with the parochial lobby to develop new

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Americans for Religious Liberty is a nonprofit public interest educational organization dedicated to preserving the American tradition of religious, intellectual, and personal freedom in a secular democratic state. Membership is open to all who share that purpose. Annual dues are \$15 for individuals, \$20 for families, \$5 for students.

President: Anne Lindsay; Vice-President: Donald Field; Secretary: Bruce Southworth; Treasurer: Kenneth K. Gjemre; Executive Committee includes the above Officers and Edward L. Ericson, Lynn Silverberg-Master, Sol Gordon, Sherwin T. Wine

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Books

Abortion and the Conscience of the Nation, by Ronald Reagan, Thomas Nelson Publishers, 95 pp., \$7.95. *Ronald Reagan: In God I Trust*, compiled by David R. Shepherd, Tyndale House Publishers, 148 pp., \$3.95. *Reagan Inside Out*, by Bob Slosser, Word Books, 203 pp., \$12.95.

These books would merit scant attention were the author of two and subject of the other not the president of the United States. The first is a reprint of a short essay by Reagan padded out to 95 wide-margin, large-print pages with pieces by Surgeon General C. Everett Koop and British writer Malcolm Muggeridge.

Reagan's essay is a simplistic collection of cliches, short on logic but long on emotion, directed against the constitutional freedom from compulsory pregnancy acknowledged by the Supreme Court. Reagan asserts, without explanation, that fetuses are persons and abortion should therefore be outlawed. He makes no mention of women's rights, shows no understanding of problem pregnancies, and demonstrates insensitivity to women's interests.

Koop and Muggeridge scarcely mention abortion. Koop attacks infanticide and euthanasia, with a passing comment that legal abortion leads to a devaluation of all human life, a claim inconsistent with the results of cross-cultural studies and comparisons of congressional voting records. The titles of the Koop and Muggeridge pieces, "The Slide to Auschwitz" and "The Humane Holocaust," offend survivors of the Nazi Holocaust, who see no valid comparison between the Nazi extermination of millions of acknowledged persons and the choices by women to end problem pregnancies.

Shepherd's tome is a compilation of Reagan's post-inauguration pronouncements on religion and religious liberty issues. Ranging from banal to vapid, the president's utterances display either an inexcusable ignorance of or a willingness to distort and manipulate history and facts. He claims repeatedly and falsely that the Supreme Court "expelled God" from the public schools and denied children the right to pray voluntarily, and repeatedly asserts, contrary to historical fact, that the 1787 Constitutional Convention opened its sessions with prayer. The book is useful mainly to document the president's willingness to use religion for political purposes.

Slosser's "spiritual portrait" of Reagan is aimed at fundamentalist audiences. Slosser shares the manichean delusion of the Radical Right that the world is locked in a struggle between fundamentalist Christianity and "secular humanism." To Slosser the "humanist" camp includes the "Soviet leaders" (who are persecuting, curiously, humanist Andrei Sakharov), and a large portion of journalists (whose sin is "objectivity" and who use their "enormous power" to "overwhelm and override the will of the popular majority"), academicians, and business and labor leaders. Most Christians, Slosser implies, are closer to the "humanist" camp, while Jews are simply never mentioned at all.

Slosser portrays Reagan as a devout

conservative Christian, though Reagan shuns the active church membership regarded as essential by most conservative Christians. Slosser suggests that the only people who "provided opportunities for spiritual deepening" to Reagan are Jerry Falwell, Pat Boone, Billy Graham, Campus Crusade's Bill Bright, Pat "700 Club" Robertson, Cardinal Terence Cooke, Mother Teresa, and the Rev. Donn Moomaw.

"The president is a spiritually oriented person," Slosser quotes White House counselor Ed Meese as saying, "but he has been scrupulously careful not to flaunt that or to use it in a way that would allow it to appear that he's using it for self-serving or political reasons." C'mon, gimme a break!

Significant to Slosser is an incident reported to have taken place in Sacramento in 1970. Governor and Mrs. Reagan, the Pat Boones, an aide, and evangelists George Otis and Harald Bredesen held hands and prayed. Otis says, "The Holy Spirit came upon me" and began addressing Reagan through Otis as "My son" and describing his "labor" as "pleasing." Then, "If you walk uprightly before Me, you will reside at 1600 Pennsylvania Avenue." Otis says Reagan's expression during the episode was "receptive" and that his hands shook. "I can only think," Otis says, "that the prophecy was being authenticated to the governor."

New Christian Politics, edited by David G. Bromley and Anson Shupe, Mercer University Press, 288 pp., \$23.95.

Twenty social scientists examine the New Christian Right (NCR), its origins and development, sources of support, demography,

use of the media, finances, and influences on the political process. Among their conclusions: the secular Radical Right catalyzed the development of the NCR, though they remain organically separate; the NCR exaggerates its influence and the magnitude of its support and media audiences; the NCR's support comes mainly from Protestant fundamentalists, though its agenda is far from being supported by all evangelicals and is strongly opposed within the Christian mainstream; compared to the general population, NCR supporters tend to be older, less well educated, less affluent, and less urban. Nonetheless, the NCR is not to be lightly dismissed as a growing political force. This book is an important contribution to the literature on the NCR and a good comparison to such works as ARL co-founder Edward Ericson's *American Freedom and the Radical Right*.

American Families: Responding to the Pro-Family Movement, by Bob Frishman, People for the American Way (1424 16th St. NW, Wash., DC 20036), 135 pp., \$6.95.

Drawing upon an impressive array of historical, psychological, sociological, and political arguments, Bob Frishman debunks the Radical Right's so-called "pro-family" movement as little more than camouflage for a campaign to impose an ultraconservative agenda on the country. The author shows how the moral majoritarian analysis of family problems is biased, inaccurate, and sectarian, and how imposition of its program would endanger individual and family rights. The book is an invaluable resource for journalists, scholars, politicians, and ordinary citizens.

Your Help is Needed

Regardless of how the presidential, congressional, state, and local elections come out in November, our country will be far from being out of the woods with regard to the growing attacks on religious liberty, church-state separation, and our democratic-constitutional ideal of a secular (i.e., religiously neutral) government as the best guarantor of personal and intellectual freedom. Moral majoritarian radicals and sectarian special interests will continue to seek implementation of their undemocratic agenda: tax support for sectarian schools, government regimentation of religious activities in public schools, intrusion of fundamentalist pseudoscience in science classes, censorship of textbooks and library books, imposition of a mandatory motherhood policy on all women, a constitutional convention to weaken the Bill of Rights, etc.

Americans for Religious Liberty's nationwide educational program will be more needed than ever before. But ARL, although it is growing in size and influence, is totally dependent on and urgently in need of YOUR support and concern. Here's how you can help.

Renew your annual dues or make an extra donation. (You can use the coupon on page 6. Your expiration date—month and year—is shown above your name on the address label of this newsletter.)

Order and distribute ARL literature to friends, colleagues.

Arrange with us for an expert ARL speaker to address an audience at your church, synagogue, university, school, professional association, etc.

Help ARL organize a local chapter in your community.

Send us clippings of news items, editorial, and columns on our areas of interest from your local papers.

Legislating Morality

The controversy over abortion rights often gets down to the question of whether morality should or should not be the subject of legislation. Pro-choice people sometimes argue that morality should not be legislated, while anti-choice people tend to say yes, it should, and go on to cite laws against murder, robbery, rape, etc., and insist that civil law is derived from the Ten Commandments (which, in any event, do not mention abortion).

Generally speaking, the purpose of law in a society whose government is based on the social compact idea, as ours is—the Declaration of Independence states that government must represent the people and exists to protect the equal rights of the people, while the Constitution stipulates that We the People establish a government to carry out specific secular tasks—is to protect mutually agreed upon rights, maintain order, defend against external enemies, and promote the general welfare. Morality is an individual and cultural matter of enormous importance but one that is separate from but often linked with government in very complex ways.

But down to brass tacks. Government does not prosecute murderers and rapists because they are immoral but because they have violated the law and someone's rights.

Opponents of free choice on abortion argue that if government cannot legislate against abortion, then it cannot legislate against murder, rape, arson, or robbery because that would be legislating morality. It's not that simple. We have laws against murder, rape, arson, and robbery primarily because we have a secular consensus that these activities violate the rights of people. There is also, as it happens, a consensus on the immorality of these acts so broad that it encompasses the whole religious spectrum. (Torching abortion clinics or school buses is illegal but is deemed "moral" by some of a moral majoritarian bent.) And surely these acts were regarded as wrong before Moses came down from Mount Sinai (or to whatever we owe the Ten Commandments) and in societies where the Judeo-Christian tradition was or is unknown. Morality, from whatever source derived, is clearly as important as civil law.

The trouble with the abortion question is that is that there has never been any consensus in our civilization over the notion of fetal personhood, on which the anti-abortion position rests today. Jewish tradition treated personhood as beginning

at birth. The Christian Church during most of its history frowned on abortion not because of a fetal personhood theology, which it usually did not have, but because it regarded abortion, contraception, and sterilization as a frustration of the procreative purpose of sex. (The Vatican has a hard time explaining how it tolerated the practice of castrating boys to keep their soprano voices for its choir.) In any event, abortion was generally practiced in all western countries right up to the present. Since men wrote history, and childbirth and abortion were considered only the concern of women, not much was written on this subject until quite recently. Indeed, abortion was legal and practiced in the United States during the lifetimes of the constitutional framers, becoming generally illegal under state laws late in the nineteenth century for reasons having to do mainly with the consolidation of the medical profession and for health reasons which made sense then.

In 1973 the Supreme Court simply recognized that the constitutional term "person" had never applied to fetuses, that there is no consensus as to when a fetus becomes a person, and that the constitutional right to privacy protects a woman's right to personal moral choice about continuing or discontinuing a problem pregnancy. The law simply reverted to what it was during the early generations of our republic.

We appreciate the sincerity of those generally rather conservative Catholics and Protestants who believe that fetuses are persons and that abortion is therefore wrong. We support their right to follow their beliefs and to try to persuade others to do so. But we must draw the line at attempts to enact a theology of fetal personhood into law. (We won't expand on the view of many pro-choice people that the personhood near conception theory is reductionist and materialistic, that personhood, our humanity, is acquired from our families and the wider social environment after we are born.) President Reagan and his moral majoritarian backers clearly want to legislate their particular nonconsensus, rather sectarian morality.

The words of theologian John C. Bennett in his *Christians and the State* are right on target. "No church, no matter how powerful, should bring pressure on the state to enact laws which are based upon principles that depend for their validity on

(continued on page 6)

"Equal Access" Guidelines Drafted

The Equal Access Act, passed by Congress on July 25, is so complex that the U.S. Department of Education may never complete regulations for its implementation. Meanwhile, a coalition of several private organizations, by no means inclusive, of groups that had supported and opposed the bill has drafted a set of guidelines to try to alleviate confusion.

The act itself requires secondary public schools which have a "limited open forum" policy to allow students to meet before or after the regular class day to conduct religious, philosophical, political, or other meetings. The meetings would have to be voluntary and student-initiated. Schools would have teachers or other employees present but only in a nonparticipatory capacity, and no school employee could be required to be present.

The suggested guidelines note that a school need not have a "limited open forum" policy for noncurriculum related groups and they retain authority to maintain order and prevent illegal activities. Outside adult missionaries may be allowed to participate in student initiated religious groups, though not "regularly," and they could not direct or control the groups, which could conduct worship services or denominational instruction.

ACLU representative Barry Lynn said the private groups' drafting of guidelines was unprecedented.

The American Jewish Congress, which opposed the bill and was not invited to participate in the guideline drafting, produced its own 33-page guide to the legislation to provide "as totally unbiased and helpful a guide to the Act's interpretation as it was possible to prepare, given the ambiguous phraseology and poor draftsmanship of the legislation." The American Jewish Congress's guide is available from the AJC, 15 East 84th St., New York, NY 10028.

Meanwhile, the Supreme Court may decide to accept an appeal in a Pennsylvania case where a federal appellate court has held an "equal access" plan unconstitutional.

strategies to sell both tuition tax credits and vouchers to Congress.

Pennsylvania lawyer William Ball, a long time leader of the parochial forces, insisted that parochial legislation be kept free of the government regulation that would normally be expected to accompany public funds.

Nothing is really new here. Church officials whose churches operate private schools have long sought tax support in this country and every other where they can muster the political clout to get it—Britain, France, the Netherlands, Canada, Belgium, Australia, etc.—and where there are no legal or constitutional barriers to taxing people to support religious institutions. They believe, they say, in choice. They believe that they can choose to set up private schools, choose the students they will accept, choose the sectarian dogmas they will inculcate, and then choose to impose the costs of their choices on everybody. It is the taxpayers who are left without choice.

The parochialists prefer not to think about the serious objections to any form of parochialism. Parochialism would violate every citizen's First Amendment right to support

only the religious institutions of his/her free choice. It would force all taxpayers to subsidize the creedal, class, sex, ability level, ethnic, and other forms of discrimination common in nonpublic schools. John Paul II spoke glowingly of parochialism in Canada, where it segregates children by creed, while ignoring the example of Northern Ireland, where tax aid for sectarian segregation in education is one of the reasons for the continued Protestant-Catholic strife there, or France, where the parochialism issue recently caused a government shakeup.

Parochialism would mean that taxpayers would subsidize the fundamentalist school in San Diego operated by Radical Right leader Tim LaHaye, who once fired a principal for "thinking about" hiring a Catholic teacher. It would mean tax support for Holy Angels parochial school in Chicago, where the pastor just suspended 200 pupils because their parents failed to attend Sunday mass.

Parochialism would gradually or rapidly undermine the foundations of free, democratic, pluralistic public education by draining away middle class students and political support. While only a little over

10% of our school population is enrolled in nonpublic schools, that portion is significantly more affluent and has proportionately more political influence than the majority population which supports and utilizes public schools. Parochialism would, increasingly, replace public education with private education where the goal is not pluralistic, democratic education but, largely, narrow denominational indoctrination in a homogenous and often elitist atmosphere.

Sectarian private schools are already getting a billion dollars per year in state and federal aids which have either been upheld by the courts as "minor" or "tenuous" or are of dubious constitutionality but not yet ruled out because of technical difficulties in mounting effective legal challenges.

One billion dollars is enough. It's more than enough. But blocking the powerful parochial lobby from taking us down the trail blazed by clericalist movements in other countries would require a lot of educational work by Americans for Religious Liberty and other groups, work which must be supported by you, our readers. ■

Reagan Sued on Holy See Relations

An unprecedentedly broad coalition of religious groups and individual plaintiffs filed suit in federal court in Philadelphia on September 19 challenging President Reagan's establishment of formal diplomatic relations with a religious body, the Holy See.

The suit charges that U.S. diplomatic relations with the Holy See, established by President Reagan in January 1984, "creates a formal official relationship between the United States Government and a church, prefers one religious denomination over all others, creates a special benefit for one religious organization and a corresponding detriment for all other religious organizations, provides the potential for excessive governmental entanglement between church and state and for federal government intrusion into the affairs of the Roman Catholic Church and the said church into the affairs of the United States government on a continuing basis, and results in political and religious divisiveness."

Holy See ambassador ("apostolic pronuncio") to the United States, Archbishop Pio Laghi, confirmed in a speech at Catholic University in Washington in April that the diplomatic relations are not with the sovereign Vatican City-State, but with the Catholic Church as a religious body.

The spectrum of religious group plaintiffs in the suit is probably broader than in any other suit in history. The list includes the American Baptist Churches, the American Council of Christian Churches of California, the American Humanist Association, the Church of the Brethren, the Council on Religious and Civil Liberty (Seventh-day Adventist), the Institute of Women Today (a professional women's group sponsored by Protestant, Catholic, and Jewish organizations), the National Association of Evangelicals, the National Association of (Catholic) Laity, the National Council of Churches, the National Coalition of American Nuns (Catholic), the Ohio Association for Public Education and Religious Liberty, the Presbyterian Church U.S.A., the Progressive National Baptist Convention, the Southern Baptist Convention, the Unitarian Universalist Association, Unitarian Universalists for Religious Freedom, the United Presbyterian Church. The suit is sponsored by Americans United for Separation of Church and State.

Among the 78 individual plaintiffs in the suit are 12 members of Americans for Religious Liberty, including board members David Van Strien and Kenneth Gjemre and executive director Edd Doerr.

ARL's Doerr described the suit as highly significant because it challenges the first

formal link by the U.S. government to a single church and the plaintiff organizations represent half the adult population of the U.S. ■

ARL in Action

Executive Director Edd Doerr will address college, church, and conference audiences in October and November in New York, New Jersey, Pennsylvania, Ohio, Texas, Maryland, and California.

The American Enterprise Institute has published the transcript of the "Religion and the Constitution" TV forum featuring ARL's Edd Doerr, ACLU's Barry Lynn, Rep. Henry Hyde, and economist Walter Berns. Copies are available from ARL for \$4.50 (includes postage and handling).

Letters on religious liberty issues by ARL's Edd Doerr and Maury Abraham have appeared recently in major newspapers in California, Colorado, Texas, Tennessee, Florida, Maryland, New York, and Washington, D.C.

Assistant director Maury Abraham is teaching a course on religious liberty this fall at a Unitarian church in Maryland.

News Briefs

Supreme Court to Hear Church-State Cases

At least three important church-state cases will be heard by the U.S. Supreme Court during the term just started.

In *Wallace v. Jaffree* the Court will consider an Alabama law requiring a period of silence for prayer or meditation in public schools. In *Thornton v. Calder* it will examine a Connecticut law that protects people from being compelled to work on their sabbath, a law struck down by the state supreme court for having "religious overtones."

In *Grand Rapids School District v. Ball*, a suit developed by ARL board member Jay Wabeke and ARL member and attorney Albert Dilley, the Court will look at lower federal court rulings striking down the Grand Rapids practice of furnishing public school teachers, at public expense, to an assortment of sectarian private schools. Meanwhile, the Reagan administration has asked the Court to consider with *Grand Rapids* an appeal in *Secretary of Education v. Felton*, in which a federal appeals court in New York in July ruled unconstitutional a federally funded parochial program similar to the Grand Rapids scheme.

Americans for Religious Liberty has joined in *amicus curiae* briefs before the Supreme Court in the *Jaffree* and *Grand Rapids* cases.

Some constitutional law experts, such as ACLU's Burt Neuborne and University of Virginia Law School professor A.E. Dick Howard, fear that the Burger-Rehnquist Court may move away from the Supreme Court's generally strong support for the First Amendment principle of church-state separation.

Congressional Chaplains Challenged

Although the Supreme Court upheld the constitutionality of legislative chaplaincies in 1983 in *Chambers v. Marsh*, two suits filed in federal district court in the District of Columbia in September challenge the way the congres-

sional chaplaincy is operated. Both suits were filed by Paul Kurtz, professor of philosophy at the State University of New York at Buffalo and editor of *Free Inquiry*, and Washington attorney Ronald A. Lindsay. Kurtz is a member of the ARL board of directors. Lindsay is a member of ARL.

The first suit, *Kurtz v. Barrett*, challenges the practice of using public funds to print the prayers offered at the opening of daily congressional sessions. This practice was ruled unconstitutional in the lower federal court rulings in *Chambers*, but was not addressed in the Supreme Court case.

Kurtz v. Regan, the second suit, challenges the practice of the Senate and House chaplains of refusing to include among guest chaplains representatives of nontheistic religions. Kurtz, a Humanist and prominent Humanist movement leader, had been rejected by both chaplains on his request to appear as a guest chaplain.

Religion in School

The Dallas, Texas, Independent School District has discontinued the policy of giving credits for Bible-study classes taught in churches. The move was brought about by changes in the state's graduation requirements. . . . The Michigan Board of Education filed suit in federal district court on September 20 to challenge noontime Bible classes held at two elementary schools. . . . Key Largo, Florida, elementary principal Ed Caputo was suspended in September for refusing to stop illegal religion courses he had initiated. . . . Educational, religious, and civil liberties groups in Washington State have petitioned the state superintendent of public instruction to prepare rules governing religious activities in public schools. A survey had shown that two thirds of the state's 299 school districts had no stated policy on such activities. Superintendent Frank B. Brouillet has asked the state's attorney general if his department has the jurisdiction to issue such rules.

The bishops of Colorado's three Catholic dioceses have endorsed a proposed state constitutional amendment on the November

ballot, Amendment No. 3, which would prohibit use of state funds for elective abortions. The bishops urged all priests to campaign for passage of the amendment.

The Heritage Foundation, a Radical Right think tank in Washington, has been distributing canned editorials to small town weekly newspapers around the country promoting a school prayer amendment to the Constitution. Small papers often use such canned editorials because they lack staff to do their own. Prof. William W. Wayon of Ohio State University charges that the editorials distort the prayer issue by suggesting that students are somehow denied the right to pray unless government sponsors group prayer in school. Wayon, writing in *Education Week*, suggested that attention be paid to what Jesus said on the subject in Matthew 6:5-9: "When you pray, don't be like the hypocrites who pretend piety by praying publicly on street corners and in the synagogues where everyone can see them. Truly that is all the reward they will ever get. But when you pray, go away by yourself, all alone, and shut the door behind you and pray to your Father secretly, and your Father, who knows your secrets, will reward you."

Jerry Falwell's Liberty Baptist College is setting up a Center for Creation Studies. All LBC students will be required to take the Center's "Problems of Origin" course, a creationism course to be taught by philosophy and biology professors. The Center will also offer a course on how to teach "origins" (i.e., creationism) in schools. An earlier version of the "Problems of Origin" class was dropped from the training of biology teachers as part of a deal with the Virginia Board of Education which will allow public school certification of LBC graduates in biology. Since Virginia has teacher certification reciprocity with 35 other states, LBC graduates could teach biology in all of them. All LBC professors must sign an annual statement that they believe in the literal interpretation of the Bible and reject evolution.

Legislating Morality

(continued)

its own doctrine or ethos."

There is a broad, probably universal, secular and religious consensus behind laws against murder, rape, robbery, assault, segregation, arson, and other invasions of individual rights. Most Americans support choice on abortion and a large number of religious bodies—such as the thirty Protestant, Catholic, Jewish, and other bodies in the Religious Coalition for Abortion Rights—support the right to individual moral choice in this intensely personal area. President Reagan, Jerry Falwell, and certain Catholic bishops are wrong when they seek to impose their essentially sectarian morality into law. ■

Americans for Religious Liberty

P.O. Box 6656, Silver Spring, MD 20906

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