

MORAL DEMOCRACY

Bulletin of the Moral Democracy Movement

UNITED FOR FREEDOM, TOLERANCE, AND DIVERSITY IN MORAL, RELIGIOUS AND INTELLECTUAL LIFE. PUBLISHED BY THE CENTER FOR MORAL DEMOCRACY 2 WEST 64TH ST., N.Y. 10023 (212) 874-5210 EDWARD L. ERICSON, DIRECTOR

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NUMBER 3

Leo Pfeffer on the "Hatch Amendment"

WHERE WE STAND:

Freedom

Tolerance

Diversity

The Moral Majority and other forces of the religious "New Right" are giving morality a bad name. They are giving religion a bad name. Their wide-ranging attack on religious liberalism, "humanists," "secularists," as well as other Americans whom they label as "amoral" and "degenerate," can serve no purpose other than to stir the passions of moral prejudice and social strife.

We propose to challenge the Religious New Right on their own ground—the moral issues. The social morality of a free, pluralistic democracy must be based on tolerance, mutual respect, and a generous appreciation for the rich diversity of the American people.

The Center for Moral Democracy has been organized to serve the many groups and coalitions now being organized throughout the United States to defend religious, intellectual, and moral freedom.

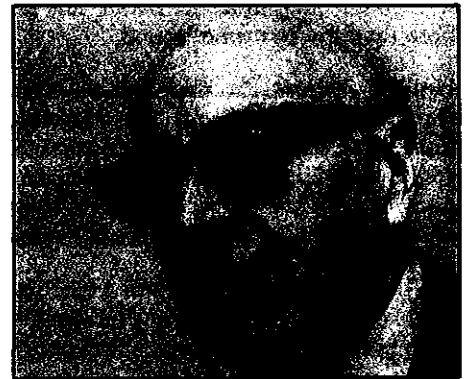
...We seek information on activities in your area or region. Your communications are essential to make this an effective information network and clearing house for Moral Democracy.

...from our first issue

On Sept. 21, 1981 Senator Orrin Hatch (R-Utah) introduced the following resolution to amend the Constitution:

"A right to abortion is not secured by this Constitution. The Congress and the several States shall have the concurrent power to restrict and prohibit abortions: *Provided*, that a law of a State which is more restrictive than a law of Congress shall prevail."

The threat posed by this unrestricted curtailment of choice is staggering: in today's political climate it could readily result in the eventual outlawing of all abortions, for any reason. To explore the implications of this amendment, *Moral Democracy Bulletin's* editor, Betty Lea Brout, interviewed Dr. Leo Pfeffer, special counsel for the American Jewish Congress. Dr. Pfeffer chairs the Dept. of Political Science at Long Island University, is general counsel to and past president of the Lawyers Constitutional Defense Committee, and is consulting counsel for the Religious Coalition for Abortion Rights. A founding member



and general counsel of PEARL (Committee for Public Education and Religious Liberty), he has authored numerous books and articles and serves on the board of *Church & State*, the journal of Americans United for Separation of Church and State.

Q. First will you clarify the language of the amendment? What is the practical meaning of "restrict and prohibit" as used here? If abortions are prohibited, they are automatically restricted, aren't they? And what is the precise intent of the "Provided" clause? (Continued on p.5)

POLITICIZING THE COURTS

Apparently deciding that the Congress couldn't do the job of dismantling 50 years of social progress by itself, the Reagan Administration has now called on the Justice Dept. to join the melee. In a serious threat to the independence of our federal court system, Attorney General William French Smith demanded that the Justice Department play "an active role in effecting the principles upon which Ronald Reagan campaigned."

The great irony, though, is that Smith specifically criticized "the courts for permitting themselves to be used for political

partisan ends." (*Wall Street Journal*, Nov. 11, 1981.)

An "Imperial Judiciary?"

Smith speaks for a segment of the population which has labeled the courts and their activist role as American's conscience an "imperial judiciary."

Outlining his concerns regarding the "multiplication of implied constitutional rights," including the right to marry and procreate, the right to sexual privacy, and (Continued on p.6)

EDITORIAL: THE COALITION FOR FREEDOM TAKES HOLD

When the spirit of democracy is vigorous, extremist movements stymie their own success by the opposition they generate. We can hope that the goals and tactics of the Moral Majority, Christian Voice, Religious Roundtable, and similar right-wing groups are producing such a response.

Their attacks on supporters of abortion rights, feminists, homosexuals, religious liberals, secularists, humanistic educators, and others usually begin with the claim that their targets are amoral, selfish, degenerate, and unpatriotic. There is a tone of insinuation in their propaganda, and a willingness to play fast and loose with the facts.

We have said before that this wide-ranging attack on liberal and humanistic philosophy and American freedom is nothing less than a revival of the spirit of Joseph McCarthy in religious guise. Yet we believe we see signs that this new round of "McCarthyism" may find the nation less gullible and the victims more willing to fight back than the last time 'round.

Unlike communism, the ideal of humanism is widely approved and honored in American culture. Humanistic education, sciences, religion, philosophy, ethics, and humanistic studies generally illustrate the wide application of this rich and enriching concept. Taking the words "humanism" and "liberal" and using them as epithets, distorting their meaning to suggest treachery and lack of moral conviction, slanders much that is best in Western civilization.

We believe, therefore, that the American Humanist Association recently performed a signal service by sponsoring a national "summit conference" of humanistic organizations to consider the rightist attack on this intellectual and moral tradition. Representatives from some 25 organizations attended the October conference in Maryland, and the outcome was a decision to build a broad coalition of humanistic organizations—educational, professional, philosophical, religious, and secular—to defend and interpret to the public the humanistic perspective. [See box, p.3, for information on the coming conference.]

Thus we see signs that those who cherish personal liberty and respect the free mind can coalesce to vindicate the ideals of humanistic civilization. □

E.L.E.

Clarence Darrow at the Scopes Trial, Dayton, Tenn. - 1925

"If today you can take a thing like evolution and make it a crime to teach it in the public schools, tomorrow you can make it a crime to teach it in the private schools and next year you can make it a crime to teach it to the hustings or in the church. At the next session you may ban books and the newspapers...Ignorance and fanaticism are ever busy and need feeding. Always feeding and gloating for more. Today it is the public school teachers; tomorrow the private. The next day the preachers and the lecturers, the magazines, the books, the newspapers. After a while, Your Honor, it is the setting of man against man and creed against

creed until with flying banners and beating drums we are marching backward to the glorious ages of the sixteenth century when bigots lighted faggots to burn the men who dared to bring any intelligence and enlightenment and culture to the human mind." □

HANDGUNS, UPDATED

"The handgun body count for the month of September [in the United States] was 690. That is more than all the people killed in Japan, Great Britain, Switzerland, Canada, Israel, Sweden, and West Germany [combined] during the entire year of 1980."

Rep. William Lehman (D-Fla.)
New York Times, Nov. 19, 1981

From Our Network

• Here is a check to preserve liberty, freedom, objectivity. To insure continuation of our "First Secular Nation."

Texas

• Would like to be a part of your grassroots network. Keep me informed what I can do to help.

Virginia

• With your Bulletin...hopefully I'll set fire to a group here.

New York

• I feel sure that everyone here will be interested in what you are doing.

Kentucky

• Yours is a much needed idea. Have you contacted other social, political, activist groups? A broad base would profit the cause of a free state.

Ohio

• Our denomination is fully in accord with your expressed sentiments.

Colorado

• We are particularly interested in the clearing house aspect of (your) Center. Our former feeling of isolation—voices "crying in the wilderness" must also be felt by many...around the country.

Washington

• I salute you in your efforts to combat the Moral Majority. It is up to the true American patriots to thwart the tyrannical aims of the Religious Right.

Pennsylvania

• Delighted with your inspiration. Wish you good luck.

California

• Send 10 copies. I'll see that interested people get it.

Florida

• Send information. We support you in the fight to preserve our freedom of speech and press.

Colorado

EDITORIAL COMMITTEE: Betty Lea Braun (Editor), Joel Chernoff, Edward Le Brun, Saul M. Fishman, Valerie D. Furman

Pfeffer Speaks on the Hatch Amendment

(Cont'd from p.1)

Dr. Pfeffer: The language in effect gives both the Congress and every state "carte blanche" to pass any law or laws they wish with regard to abortion. Should Congress pass a law to *restrict* abortions...to allow them in only certain extreme circumstances, such as preserving the life of the woman...the states would still retain the power to enact an even stronger law, making *all* abortions illegal. The "Provided" clause ensures that any law so enacted by a state will govern in that state. It cannot be challenged in the courts, since this amendment would make any and all restrictions and prohibitions against abortions constitutional. It nullifies the *Roe v. Wade* decision of the Supreme Court, which holds that at least for the first trimester, and in large part the second, a woman has a constitutional right to choose to have an abortion, without interference by any governmental agency, federal or state.

Q. Given the enormity of the consequences of enactment, do you personally believe that there is real likelihood of passage?

Morality from the New Right

"We must prove our ability to get revenge on people who go against us. We must drive a stake through the hearts of our enemies."

Howard Phillips, of the
Conservative Caucus

Dr. Pfeffer: I certainly do. Many at the New Right have made anti-abortion a one-issue test of "acceptability" for political office. Given their financial resources, it is certainly possible for them to muster support from the voters for their position. From here on, it's not a matter of pursuing any possible legal remedy: there aren't any. Rather, it's now a political issue, with a need to bring pressure to bear where it will help.

Congressional Lobbying

The first place to exert that political pressure is in the Congress. We must work to defeat this amendment in the Congress. If we can make certain that one more than one-third of the members of each house votes with us, and against this amendment, we'll have won at least this round. But once two-thirds of the House and two-thirds of the Senate vote *for* this amendment, it automatically goes to the states for ratification. Once there, the only real battles can be in the nations's polling places. Again, given the money and organizational skill of the New Right, they may very well succeed in getting 38 states to ratify.

Q. And then there would be no legal recourse? Is that correct?

Dr. Pfeffer: Yes. With a two-thirds vote by each house and ratification by three-quarters of the states, abortion would effectively be outlawed. Some states might have more rigid laws than others, but in the main abortion would be illegal. Those seeking an abortion would have no choice but to bear unwanted children or to resort to the illegal and dangerous abortion

mills of the past. The amendment, in fact, would allow a mere majority of Congress or of a state legislature to make abortion a criminal offense, and there would be no limit whatever to the punishment a state might impose.

Religious Liberty—In Italy?

It would also encourage women who could afford it to go abroad for the abortion not legally available here, since they are legal in most countries. This gives rise to the possibility that a woman might go to Italy, a Catholic country in which the right to abortion was recently reaffirmed by the voters as legal, in order to have the abortion she could not legally have at home, in a nation which has always prided itself on religious liberty and freedom of individual choice.

Q. Should this amendment become law, what effect do you think it will have on the momentum of the New Right?

Dr. Pfeffer: The list of issues to which the New Right might and probably will address itself is long and dangerous. Almost certainly, the drive to permit prayer in public schools will intensify. Today, such an effort would probably succeed. The move now underway to exclude the teaching of evolution in favor of "creationism" would gain momentum. At the least, it can be anticipated that an effort will be made to require inclusion of both approaches in public schools' curricula. Tax tuition credits to nonpublic schools may well be authorized, or even worse, a requirement made that states subsidize all private education to precise-

(Continued on p.6)

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The Bulletin will be sent to contributors of \$5.00 or more.



Who's Watching the Watchers?

In this season's television bill of fare, sex is out and violence is in.

Denials from network officials notwithstanding, the Coalition for Better Television, which is partially financed by the Moral Majority, has had notable effect in scaring advertisers, and hence the network brass, from programs it finds "immoral." In their place, viewers are being fed a diet of violent, gunslinging shows, with an accent on vigilantism.

According to the *Wall Street Journal* of Nov. 5, at least 8 of 23 new shows this season highlight this kind of violence. These shows had finally begun to fade from the TV screen—mostly because of complaints from parents who feared that their children were beginning to look on

SCHOOL DAZE

(Continued from p.3)

sorship reveals that the current X-rated list includes Hemingway's *The Sun Also Rises* and Mark Twain's *The Adventures of Huckleberry Finn*.

Moral Democracy Bulletin will cover some aspect of this multi-pronged threat in the "School Daze" column of each issue. You can keep us up-to-date by letting us know what's going on in your state and community with regard to any one—or more—of these issues. Who's pressuring whom to do what? And

Prime Time death-and-destruction as normal, everyday behavior.

It's hard to work up passionate enthusiasm for programs like "Three's Company," "Too Close for Comfort," and "Dallas." But viewers also lost out on a cancelled project documenting teen-age prostitution—for similar objections made by the New Right.

Another strange demand to which the affected network agreed: a comedy writer was directed to avoid reference to "Vietnam" in a script about a 1960s protester because it caused "viewer anxiety." In another case, a homosexual sit-com was cancelled. Yet this same network has included the violence-strewn "Today's FBI" and "Strike Force" in its new lineup.

TV officials, of course, find all kinds of justifications for agreeing to censorship, insisting that it has less to do with New Right pressure than with "the country's mood." Still, censorship in any guise remains precisely that: censorship. □

how will it restrict/affect public education in your area?

The joint issues of creationism versus evolution and censorship carry with them ominous prospects. Two states (Arkansas and Louisiana) have already passed laws, effective for the 1982-83 school year, requiring "equal time" for creationist views. The laws apply to "textbooks, library materials, and educational programs that deal in any way with...the origin of man, life, the earth, or the universe. (*Science* '81, p. 58.) Similar legislation is pending in 18 more states. [See box, next column]

Downgrading Darwin

The race to amend textbooks to minimize the theory of evolution is in full force. Harcourt Brace has already eliminated all mention of Charles Darwin in three of its series texts. A 1977 Otto & Towle text reduced by one-third standard coverage of evolution. The Genesis account of creation is now standard in two editions of an Allyn & Bacon text. Indications are that the list of "amended" texts will grow.

Censorship, of course, breeds censorship, and frequently the result is strange, indeed. A Nov. 30 *New York Times* article reported results of a censorship survey conducted by People for the American Way, a Washington-based group with concerns similar to those of the Center for Moral Democracy. Among the most recent additions to the list of censored books in school libraries are "Mr. and Mrs. Pig's Evening Out," which is about pigs, not cops, in the form of a nursery tale, and "Making It With Mademoiselle," which turned out to be an instruction book on home sewing for teenagers sponsored by *Mademoiselle* magazine. □

Flash! Creationism KO'd

"Creation science is not a science." So said the judge who overturned Arkansas' law requiring equal time for creationism in public schools. Rather, it represents "the advancement of religion," thus violating separation of church and state. Appeals will surely follow: watch for an updated analysis in the Spring *Bulletin*.

Saving Democracy for Ourselves

The Religious Right is running amok over the social concerns of a century—abortion rights, prayer in public schools, creationism versus evolution. But where to turn to find a single source of information on what's happening?

We think that the CENTER FOR MORAL DEMOCRACY helps to meet this challenge. It attempts to bring together the broadest possible spectrum of views on what the New Right is doing and what we can do to oppose it.

To fulfill that mandate, the *Moral Democracy Bulletin* has been considerably expanded. In response to both the mounting need to counter the New Right and the highly favorable reaction of our readers to our first two issues, the *Bulletin* has added two more information-filled pages.

However, there is a problem. The more material we provide you, the more money it costs.

If you think that the *Bulletin* merits this extra length, please contribute so that we can continue to publish at this level. If not, please tell us what's wrong. We'd like to know.

Help us keep watch on the Religious Right by clipping the coupon on the other side and sending us enough money to maintain the *Bulletin* in this form.

SCHOOL DAZE: *Putting Darwin on the Shelf*

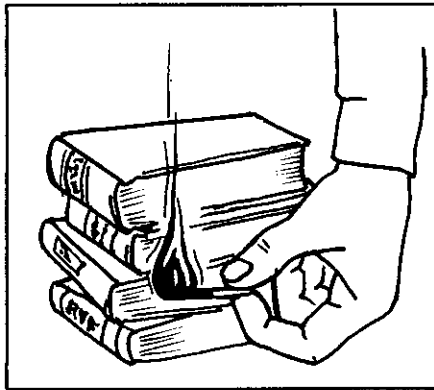
The attack on public education by the New Right seems to be taking on the characteristics of an octopus. The issues now include the bitter controversy over the teaching of "creationism" as a "science" on a par with evolution; the censorship of textbooks and school libraries to keep books that children read "pure" from the viewpoint of the Religious Right; the massive drive to legislate prayer in the classroom; the push to enact laws allowing tax tuition credits for the support of nonpublic schools, and the steam-gathering effort to ban busing—with no accompanying safeguards to ensure unsegregated public education.

The hard-hitting approach to issue-oriented politics adopted by the New Right is increasingly effective in keeping all of these matters in the forefront of the American consciousness. Each of these issues is a serious and growing threat to the integrity of our public school systems. Each has its own champions. Each seems to have a well-endowed organizational thrust.

Monkeying with Books

With regard to the related issues of censorship and creationism versus evolution, two right-wing groups appear to be exercising unnerving control over the books to be permitted in public schools.

The Heritage Foundation is growing in influence. Directed for many years by Paul Weyrich, who now heads Committee for Survival of a Free Congress, it has an operating budget in excess of \$1 million a year (*Phi Delta Kappan*, May 1980, in an article by J. Charles Park, professor of education at Wisconsin University). One of the foundation's chief thrusts is to influence local groups to demand removal from public schools of books and programs which stress evolution.



It opposed, for example, a federally funded social studies program called "Man: A Course of Study," designed to augment public schools' curricula. It funded and distributes broadly a booklet called "Secular Humanism in the Schools: The Issue Whose Time Has Come," by Onalee McGraw, its educational consultant. The pamphlet poses the theory that humanistic education is the same as humanistic religion. The opposition to humanism includes flat denial of the value of federal funding for public education and active support for the voucher plan for the taxpayer funding of private schools. The Heritage Foundation distributes vast amounts of literature, free, to professional, educational and religious organizations and individuals across the country.

Using TV to Ban Books

Another group, Education Research Analysts, based in Texas, was once a "kitchen table" operation which urged the censorship of books reflecting a "progressive and humanistic" slant (quoted by Prof. Park, as cited above). It still does, but it is now an enormous organization, reaching every state

in the union, and is allied with the Moral Majority and other evangelical groups of the Religious Right.

Its founders, Mel and Norma Gabler, appeared on the "700 Club," an evangelical right-wing talk show hosted by Rev. Pat Robertson, who asserts that his show, carried on 150 TV stations and 2700 cable outlets, reaches several million viewers every week. In addition to advising parent groups on how to remove classroom textbooks that are "obscene, immoral and Godless," the group has now embarked on a drive to censor literature in school libraries. A recent *New York Times* survey on school cen-

(Continued on p.4)

Build Coalition To Fight New Right, Workshop Urges

Only a broadly based movement can defeat the Religious Right's "spiritual fascism," declared Edward L. Ericson, Director of the Center for Moral Democracy. Addressing a recent workshop sponsored by the Center, Ericson and six other speakers urged the nearly 100 participants to build coalitions among their community groups to counter the Religious Right.

The workshop, which was held on Nov. 7, 1981 at New York's All Souls Unitarian Church, drew participants from New York area Ethical Culture Societies, Unitarian Universalist Churches, and other liberal political and religious groups, reported Jim Gunning, the meeting's moderator and co-convenor. Ellen Ewing-Gunning served as the conference's other co-convenor.

To further the effort, a "summit conference" to bring together organizations with similar humanistic concerns is planned for the weekend of March 27-28 in New York City (see box below).

Setting the tone for the workshop, the Rev. Forrester Church, minister of the host church, said that members of the Moral Majority are "like us," but resort to "traditional" values out of fear.

On the other hand, the Rev. Jerry Falwell

of the Moral Majority and leaders of the New Right have formed a "sympiotic relationship" to further their respective ends, said Edd Doerr, editor of *Church & State*, the journal of Americans United for Separation of Church and State.

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HOLD THE DATE: "SUMMIT CONFERENCE" NOW IN PLANNING STAGES

The Center for Moral Democracy will host a late-March conference of humanistic organizations in conjunction with a public rally in support of democratic pluralism and religious freedom. The meetings will be held Sunday afternoon, March 28, 1982 at the New York Society for Ethical Culture, 2 W. 64 St., N.Y.C., where the Center is located.

The conference is being organized jointly with the Voice of Reason, a comparable national network led by Rabbi Sherwin Wine, of the Society for Humanistic Judaism, based in Michigan. Other organizations, including educational, professional, and religious associations which participated in the American Humanist Association meeting in Maryland last October [see editorial] will be invited to act as co-sponsors.

Regular recipients of *Moral Democracy Bulletin* will receive further details about the conference as plans develop. Meanwhile, reserve the last weekend in March!

Pfeffer

(Continued from p.5)

ly the same extent they now subsidize public education.

The Dangers Will Grow

If busing is banned, it's certainly possible that separate schools for blacks and whites could be authorized, thereby once again legalizing racial segregation. Conceivably, too, the New Right might bring pressure to bear to repeal the Fifth Amendment's ban on compulsory self-incrimination. There is already vocal opposition to this protection, and it's not impossible to believe that an American citizen may be compelled to testify against himself or herself. Any drive to abridge rights and freedoms in one area gives rise to similar efforts in other areas.

Q. What you're saying certainly makes this amendment much more than a "States' Rights" issue, doesn't it?

Dr. Pfeffer: Yes. It is not a matter of states' rights. That's an entirely specious argument being used to try to minimize attention to the real dangers.

Q. What about the so-called "human life amendment?" Wouldn't that gain momentum, too?

Dr. Pfeffer: In effect, this amendment is precisely that: a human life amendment. It allows Congress and the states to pass

any law at all with regard to abortion. Once in place, Congress would only have to enact a law declaring the fetus to be a human life from the moment of conception. A simple majority vote plus Presidential approval, and the human life amendment would be a reality. Since a law passed by Congress can be tested only for constitutionality, there would be no basis whatever for any legal challenge.

When Will Contraception Be Murder?

Carried to its logical conclusion, such a law could make use of the "morning-after" pill murder, since it would be taken deliberately to destroy the fetus. Or it might be necessary to prove that a miscarriage was spontaneous, or an accident. If a jury were not satisfied by the proof offered, it could hold the woman guilty of homicide, and the physician or pharmacist could be found guilty as accessories.

Q. What about the right to privacy?

Dr. Pfeffer: With regard to abortion, the right to privacy would be overridden by this amendment. And only once, in the case of Prohibition, was an amendment rescinded. It took considerable pressure to effect this, and only after substantially increased lawlessness. This amendment, of course, is far more serious and profound. The political pressure needed to turn this around must be exerted now, *before* it becomes law. □

Workshop

(Continued from p.3)

Robert Wolsch, a professor of Communication Arts at Western Connecticut State College, described the Religious Right's use of linguistic fallacies to make a point, and urged liberals to "ticket people when they make verbal violations," such as a bandwagon approach.

Addressing the New Right's attack on "values clarification," Howard Kirschenbaum, Executive Director of the National Coalition for Democracy in Education, explained that the educational technique threatens the Religious Right because it deals with issues traditionally relegated to home and church.

Speaking for the National Organization of Women, Jennifer Brown urged liberals to fight the New Right on key issues such as abortion rights, ERA, and gay rights. She suggested that individuals counter the New Right with letter-writing campaigns, lobbying and other tactics.

Betty Olive, Director of Project Equality, and a former member of the Center's steering committee, suggested guidelines for creating coalitions. Those guidelines, as well as guides on problem-solving and developing action strategies, can be obtained from the Center for Moral Democracy, 2 W. 64th St., New York, N.Y. 10023. □

Politics and the Courts

(Continued from p.1)

the right of interstate travel, Smith called for a policy of "judicial restraint" in the courts' use of administrative power. Although he declined to identify any specific precedents he would like overturned, he spoke in general terms of abortion, school desegregation, sexual and racial quotas in the workplace, public housing projects, environmental protection, and the constitutional rights of aliens and prisoners.

The Attorney General contended that judicial activism has led to "constitutionally dubious and unwise intrusions upon the legislative domain," and asserted that the Justice Department would "resist expansion" of such implied rights. "In some cases, we will seek to modify the use of these categories as a touchstone that almost inevitably results in the invalidation of legislative determinations," he added.

Rewriting the Constitution

Smith's concept of "judicial restraint" drew criticism from the legal community as well as the media, the point most frequently made being that the preferred bases for judicial restraint are the principles embodied in the Constitution rather than those of a fleeting administration.

"To specify all the rights fundamental to modern life would require expanding the nation's basic charter into a telephone book," noted the *New York Times* in a Nov. 3 editorial. "Many will join in deploring court entanglement in day to day matters...but what Mr. Smith does not address is why judges enter those thickets in the first place: usually because public officials crudely violated someone's rights to equal and decent treatment."

What is clear to observers is that Smith's outspoken willingness to inject Reagan

politics into judicial procedures represents another New Right attempt to pressure Congress to adopt court-stripping bills. This tactic, wrote Tom Wicker in the Nov. 10 *Times*, is a "backdoor method of amending the Constitution." □

Pro-family?

Take one short sigh of relief. A Moral Majority-backed amendment to the criminal code bill (S 1630) that would have restored immunity from prosecution for raping a spouse didn't stick. Its sponsor, Sen. Jeremiah Denton (R-Ala.) slapped his hand on the committee table and said, "Damn it, when you get married, you kind of expect you're going to get a little sex."

Congressional Quarterly, Nov. 21, 1981

Steering Committee: Andre Balazs, Betty Lea Brout, Edward L. Ericson, Donald A. Field, Hans Gerngross, Matthews A. Griffith, John Z. Kats, William A. Kulok, Walter Lawton, Stanley Marder, Bruce Southworth, Arnold Sylvester.