

VOICE OF REASON

BULLETIN FOR MORAL DEMOCRACY, RELIGIOUS FREEDOM, AND THE SECULAR STATE.
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BETTY LEA BROUT, EDITOR

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WORDS FROM THE WISE

Wisdom is in short supply these days, but you would never have known it from the eloquent presentations by Isaac Asimov and Dorothy Samuels at our March 28 Rally. Here's a sampler:

Isaac Asimov (author, scientist, member of the Voice of Reason advisory board), on creationism:

"Because creationism has been firmly rejected in the marketplace of scientific ideas, creationists have now turned to government for help....If the Supreme Court can be bullied [into defining what may be taught] it would go a long way to putting an end to pluralism. We would be on the road to an established church and an official orthodoxy. The ability to censor and enforce orthodoxy...knows no limits. Today equal time...tomorrow the way you dress, speak, behave. But we must not complain about our endless battle. 'The price of liberty,' said Thomas Jefferson, 'is eternal vigilance.'"

Dorothy Samuels (Executive Director, New York Civil Liberties Union), on individual liberties:

"What is happening today is dangerously unique. We are faced with an alliance of fundamentalists and far right political forces that have emerged as an anti-civil liberties movement which seeks to undermine the Bill of Rights. Their aim is to turn their religious vision into the law of the land by radically altering our democratic process to prevent meaningful opposition. What we are seeing is a new spirit of intolerance on the rise in this country....And yet this meeting is a sign of hope...that constitutional rights will survive and that we have just begun to fight."

An Interview with Norman Dorsen **Court-Stripping Tactics Imperil Democracy**

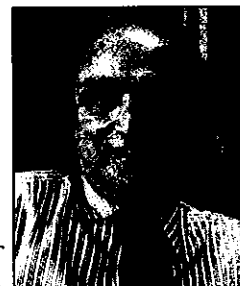
The New Right attempt to strip the federal courts of the right to review key constitutional issues is seen by many legal experts as the most dangerous of all the efforts underway to rewrite American law. More than thirty bills are pending in Congress that would limit judicial power to hear cases involving school busing, abortion, and prayer in public schools. Now that an antibusing bill already passed by the Senate has been declared constitutional, and the President has endorsed prayer in public schools, the dangers are more acute than ever.

To explore the many dangers posed by the court-stripping bills, the *Bulletin's* Associate Editor, Joel Chernoff, interviewed Norman Dorsen, President of the American Civil Liberties Union.

Mr. Dorsen has had an illustrious career defending civil liberties. A graduate of Harvard Law School, he assisted attorney Joseph Welch during the Army-McCarthy hearings. Later, he clerked for Justice John Marshall Harlan of the U.S.

Supreme Court. A professor at New York University School of Law, he also directs the Hays Civil Liberties Program, which conducts research and participates in litigation on civil liberties issues.

Q. How would the current flood of legislation proposed by the New Right affect our system of government?



Prof. Dorsen: If Congress were to eliminate the power of the federal courts to address constitutional claims, the constitutional scheme would be destroyed. It is that serious, because the premise of our system is that the courts are the last word on what the Constitution means.

Under our system of checks and balances, if Congress or a state legislature enacts a bill that threatens or infringes on con-

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VOICES OF REASON UNITE

It was fitting that the Jefferson Memorial in Washington, D.C. was the site of a public rally to mark the merger of the Center for Moral Democracy and its members in 42 states into the corporate structure of The Voice of Reason.

The program on Sunday afternoon, May 2, emphasized the American tradition of religious, intellectual, and political freedom. It featured addresses by National Spokespersons Sherwin T. Wine and Edward L. Ericson, and National Executive Director Edd Doerr, as well as a reading

of the group's Statement of Purpose by Lynne Silverberg, National Chair.

National offices will be in Washington, D.C., with other offices in Birmingham, Michigan, and New York City.

Other speakers were the President of the Council of Churches of Metropolitan Washington, the Rev. Dr. Ernest Gibson, and Executive Director of the National Association of Biology Teachers, Dr. Wayne Moyer. □

EDITORIAL:
We Stand as Voices of Reason

With this issue, the former *Moral Democracy Bulletin* becomes the *Bulletin of the Voice of Reason*. The new name is the outcome of the merger of the Center for Moral Democracy and the Voice of Reason, announced elsewhere in this publication. Since the Voice of Reason recently achieved incorporation as a non-profit corporation under the laws of Illinois, the merged movement has united under that legal structure and name.

At a meeting last winter to plan the merger, the joint committee adopted a statement based largely on the editorial that appeared in the first issue of the *Moral Democracy Bulletin*. It is perhaps fitting that this Position Statement be printed here as we begin our new phase of united effort:

We believe the American people need a movement to restore confidence in the spirit of democracy in moral life, to restore faith in the unfettered interplay of ideas with special regard for unpopular and minority points of view that are always in danger of being crushed in the authoritarian drive for consensus and conformity. Therefore, we unite for a single purpose: to preserve religious, intellectual, and moral freedom within a constitutional secular democracy.

Only a secular state and a secular public school, free from religious control or involvement, can serve the American tradition of unabridged religious liberty, including the right to choose one's faith, or to be non-religious if that is one's choice, without the intrusion of the state into matters of personal conscience and belief.

Many representatives of the religious right use the word secular to suggest something sinister and alien, as if "secular" represented a philosophy hostile to religion and morality. But as students of the American Constitutional Convention know, the framers of the Constitution made no mention of God or religion in the text of their document. The omission was no oversight. It reflected the deep conviction that government should not be based on religion or any theological assumption. There would be a purely secular state, claiming no divine sanction or mission.

The secular character of the American system of government means quite simply that the courts, the public schools, and other agencies of government and public life should not be involved in religion. It is this freedom of personal choice and privacy of conscience that we must rally to support. □

Edward L. Ericson

*Nazi Germany:
Here? In America?*

by George Roeper

Forty-four years ago I came to this country from Nazi Germany, certain in the belief that "it can't happen here." The United States Constitution and Bill of Rights guarantee free speech, free assembly, separation of church and state, and freedom of inquiry. But now, when I see the efforts by the Religious Right to deny pluralism, I wonder. Was I mistaken? Can "it," after all, happen here?

In 1930 I was a student at the University of Munich. Our Foreign Policy Association invited Nazi party members to debate current issues. On the appointed day, in full Nazi regalia, they launched into their prepared statement about the shame of the Versailles Treaty and the evil menace of the Jews. Their presentation ended with belligerent boasts about how Hitler would bring heroic glory to Germany. Though we itched for debate, no discussion was permitted.

Censorship, book-burning, disregard for human rights, challenges to the integrity of science: these were all around me in Nazi Germany. Today, as I see the intolerance of the Religious Right, I cannot help but be reminded of Germany in Hitler's time.

People who do not tolerate opposing views and those who hold them do not hesitate to smear and denigrate. When fairness and justice are in disrepute, might makes right. When the New Right smears and slanders the American Civil Liberties Union, the same tactics used in Nazi Germany are in play. Yet, it was the ACLU which defended the right of the American Neo-Nazis to assemble and demonstrate in Chicago.

Some two hundred years ago Voltaire said, "I say to you, my adversary: You do not share my belief. And I do not share yours. But I am willing to fight to death for your right to express your belief freely." That was in the Age of Enlightenment. Have we now entered the Dark Ages again? □

George Roeper, Ed.D., Headmaster Emeritus, has edited the newsletter of the Voice of Reason since its inception. He has now joined the Editorial Committee of the Bulletin.

EDITORIAL COMMITTEE: *Edward Baum, Betty Lea Brout, Joel Chernoff, Edward L. Ericson, Saul M. Farbman, Valerie D. Farbman, Matthews A. Griffith, George Roeper, Michael Sagalyn*

Court-Stripping

(Continued from p.1)

stitutional rights, the courts are empowered to declare it invalid. If the Congress can strip the court of jurisdiction, the court cannot perform its function. Individual rights of all kinds, including very conservative rights of property, would be in danger.

Q. How would passage of these bills affect the policies of special interest groups?

Prof. Dorsen: Under the theory of this legislation, any special interest group which disagrees with the Supreme Court's interpretation of the Constitution would need only to find a simple majority in Congress willing to pass legislation curtailing federal court jurisdiction in that area. If this unprecedented "back door" method of amending the Constitution were to be successful, the Bill of Rights would be transformed into a political football.

50 Laws of the Land

Q. If these bills are passed, won't the burden of reviewing cases involving constitutional issues fall on the shoulders of the state courts?

Prof. Dorsen: Yes. Instead of one "law of the land," there would be fifty different interpretations of the Constitution. Some state courts have recently made decisions that protect individual rights to a greater extent than decisions of the Supreme Court. However, other state and local judges and officials might see such legislation as a signal that they need not follow the rules developed by the federal judiciary to give nationwide meaning to the Constitution and the Bill of Rights.

Q. Does the Congress have the authority to restrict the judiciary's power to review constitutional cases?

Prof. Dorsen: In my opinion, no. The heart of what is involved here is the power of the federal courts, including the Supreme Court, to enforce the Constitution.

Article III of the Constitution does provide that Congress has certain authority over the jurisdiction of the Supreme Court. Congress may make exceptions to that jurisdiction. But this power to make exceptions is not the same thing as the power to destroy the constitutional system under which we have been living for almost two centuries.

Bills, Bills, Bills

Members of the Religious Right have long sought to reverse Supreme Court decisions that violate their sense of what God and country are about. Since direct efforts to rewrite the Constitution have failed, the New Right has disguised its attempts in the form of bills limiting federal court jurisdiction. Here are the major bills pending in Congress that would accomplish this goal as identified by the ACLU:

- **The Helms-Johnston Amendment** to the Justice Dept. Authorization bill (S. 951) has already passed the Senate by a vote of 57-38. It would strip the federal courts of the power to order busing of public school students for integration purposes, prohibit the Justice Dept. from pursuing busing remedies, and authorize the U.S. Attorney General to reopen past cases that resulted in school busing orders. Chances for passage are greatly enhanced now that the bill has the Administration's approval.

- **S. 1760** introduced by Sen. Orrin Hatch (R-Utah) and **S. 1647** sponsored by Sen. John East (R-NC), takes the school

desegregation issue a step further. It would bar federal courts from issuing injunctions or other orders which involve the use of *race-conscious pupil assignment or busing* to remedy intentional segregation. This would effectively kill all school integration efforts. A similar bill, S. 1743, sponsored by Sen. Jesse Helms (R-NC), may be called up to the Senate floor at any time.

- Cases arising from state "voluntary" school prayer laws would not be reviewable by the Supreme Court and all lower federal courts if S. 481 is passed (Helms again). But the President's proposed constitutional amendment poses a far greater threat (see story on p.6).

- **The Human Life Bill** (S. 158), sponsored by Sen. Helms, would do two things: (1) It would overturn the High Court's 1973 ruling in *Roe v. Wade* by redefining "life" as commencing at the moment of conception, and (2) It would prohibit federal courts from issuing injunctions or other orders on abortion cases, thus *leaving women with no legal recourse if a state law prohibits abortion.* □

The "exceptions" clause is only one provision in the Constitution. It seems to me wholly inconsistent with the basic federal scheme to allow one provision of the Constitution to be used to undercut the rest.

Q. Have the courts overstepped their bounds? Have they been setting policy instead of interpreting the law?

Prof. Dorsen: No, I don't think so at all.

Since the Court's decision in *Marbury v. Madison* in 1803, a principal purpose of the Court has been to protect individual rights. People criticized the Warren Court for unduly interfering with the sovereignty of Congress and the states. But the Burger Court has also taken action in favor of individual rights. It established, for the first time, the rights of women to constitutional protection under the Fourteenth Amendment. It established the right of abortion in 1973, although admittedly it has stepped back somewhat since then. Every Supreme Court, if it's doing its job, will sometimes say no to Congress or to state legislatures.

Q. How do you think the Supreme Court

will react to passage of laws limiting their jurisdiction?

Prof. Dorsen: I don't believe the Supreme Court would accept that. I believe these provisions are unconstitutional and that the Supreme Court would say that they're invalid, as they certainly should.

Shades of Court-Packing

The closest thing we've ever had in this country to these bills was when Franklin Roosevelt attempted to induce Congress to pass a statute that would permit the President to enlarge the Supreme Court when a certain number of justices reached 70 years.

The ACLU regards the court-stripping bills as the most important legislative issue facing the country today. The ACLU recognizes that it will always win some cases and lose others. But what we're fighting for here is the opportunity to have cases litigated in federal courts. If that right is lost it will be a graver defeat than would be the loss of any single issue. □

School Daze: *The Rush to Censorship*

Censorship is frightening. Censorship of textbooks is worse.

Not a new fact of life for publishers, today's system involves industry self-censorship prior to publication.

Unfortunately, textbook censorship relates more to the bottom line than to principles. In the United States, where nearly \$1 billion a year is spent on school books, it's no surprise that economics wins out over morality. In Texas alone, the most recent textbook budget was \$23 million for a single book-buying cycle.

In fact, Texas has come to have a disproportionate say in the way school textbooks are written. Its requirements, along with California's liberal standards, are used as guides by the editorial staffs of textbook publishing houses.

Deep in the Heart of Texas

Texas has become so important because of two key factors: Mel and Norma Gabler. Their Educational Research Analysts group has succeeded in influencing many other states and local communities to accept its "findings" and purchase only the books it approves. Consequently, what used to be the "Lone Star" edition is now a standard, nationwide text.

In Texas, as in eighteen other states, the statewide purchase of textbooks is controlled by an education commission (usually but not always professional educators) and a lay education committee, all of whose members are political appointees.

Texas residents are entitled to express their opinions about books proposed for purchase. It is not hard to believe that the adoption (book-buying) committee makes an effort to avoid controversy by selecting "safe," bland, non-controversial books. Even so, during the 1981 hearings on books proposed for purchase, the Gablers objected to twenty-eight; of these, eighteen were dropped from further consideration and were not purchased.

Quoth the Raven...

Outright refusal to purchase standard and classic works is common. Included in this

category are the works of Mark Twain, Ernest Hemingway, J.D. Salinger, and even Edgar Allan Poe. Poe's *The Raven* was found by the Gablers to be permeated by "sadness and despair," and thus unacceptable. Similarly, *The Cask of Amontillado* was struck from the acceptable list because "...it is not suitable for a literature class. The murderer shows no regret." So much for literary considerations.

Perhaps even more invidious is the attention paid by the publishing industry to

complaints about history and civics texts. The Gablers objected to "too many" references to the contributions to society of Malcolm X, and to the viewpoint of Stokely Carmichael being included in a civics book. References to Watergate were denounced by the Gabler organization, which categorized the criminal acts of an American President, his administration, and his henchmen as "a small incident." Textbook publishers delete such material in order to sell their books.

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The Voice of Reason and the Secular State

By Sherwin T. Wine

America and the idea of the secular state were born together. That coincidence is our uniqueness. From the very beginning of our history, the separation of religion from government has been an American political ideal.

The Voice of Reason exists to defend the American tradition of a free and secular democratic state. This tradition has its origins in the ideals and commitments of Thomas Jefferson and Thomas Paine.

What is a free and secular democratic state?

The secular state derives its authority from the will of the people. The democratically elected rulers of the people may not be rejected by those who claim to speak for God. The American Revolution forever repudiated the theocratic state and championed the secular role of government.

Members of secular nations are free citizens. They are not the subjects of a public religious establishment. The laws of the secular state are not eternal. They may be changed to serve the people's needs in accordance with the people's wishes.

—The secular state shows no favoritism. It makes religion and philosophy a private matter and removes religious controversy from government decisions. It provides no state support for religious activity or religious institutions, but it encourages religious in-

stitutions to reinforce moral values privately.

—The secular state establishes public schools to provide the skills that will enable each person to be a constructive participant in community life.

—The secular state defends the integrity of science. It makes a distinction between religion and science in its public schools and refuses to allow its science classrooms to be used for religious indoctrination.

—The secular state guarantees individual dignity and privacy. It does not regulate what does not affect the public welfare. The size of a family, sexual preferences, and lifestyles are matters of personal choice.

—The secular state encourages intellectual freedom. It discourages all forms of censorship. Exposure to controversial ideas is part of the training for living in a society of diversity and pluralism.

The Voice of Reason came into existence because our free and secular democratic society is in danger from the assaults of the Radical Right. Our role is to educate the American people to value and defend the secular state and to emphasize that its ideal is not a negative concept. It is not against religion. On the contrary, it is for religious freedom, for the moral values of good citizenship, for the integrity of science, for individual freedom and dignity. □

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

Weekend Marks United Effort to Fight New Right

All-Day Conference Calls for Building of National Network

More than 60 representatives from over 30 religious, humanist, and professional organizations gathered on March 27 in New York for the National Summit Conference on Religious Freedom and the Secular State. The conference, held at the New York Society for Ethical Culture, marked the first joint effort between Voice of Reason and the Center for Moral Democracy. It kicked off a weekend of activities celebrating the then-impending merger of the two organizations.

Speakers included Edd Doerr, who discussed "Religion in the Public Schools;" Gerald Larue, professor emeritus of religion and archaeology at the University of Southern California, who spoke on "The Evolution-Creationist Controversy," and Arthur Eisenberg, ACLU staff attorney and co-counsel in the Island Trees (Long Island) school district case now pending before the Supreme Court, whose topic was "Censorship of Libraries and Textbooks."

Also leading seminars were Paul Kurtz, editor of *Free Inquiry* and professor of philosophy at the State University of New York at Buffalo, who discussed "Morality in a Secular Society," and Noreen Connell, community program coordinator of Planned Parenthood of New York City, who spoke on "The Social Ethics of Family and Sexual Privacy."

Each speaker addressed a different facet of what Sherwin T. Wine, national spokesperson for Voice of Reason, called "the five implications of Jefferson's concept of the secular state." These are religious freedom, personal freedom, secular morality, free inquiry, and equality of citizenship. □



photo by Edward Baum

Isaac Asimov at the Rally for Religious Freedom on March 28.

Rally Draws 600-Plus To Support the Secular State

Celebrating the announcement of their engagement, the Voice of Reason and the Center for Moral Democracy jointly co-sponsored a public rally to defend "Religious Freedom in the Secular State" on March 28 at the New York Society for Ethical Culture.

The rally, which drew over 600 participants, featured as its key speakers the noted author and scientist Isaac Asimov, and Dorothy Samuels, executive director of the New York Civil Liberties Union.

Co-hosting the rally were Edward L. Ericson, director of the Center for Moral Democracy, and Rabbi Sherwin T. Wine, national spokesperson of the Voice of Reason.

The platform was ringed with individuals who have made key contributions to the movement. Edd Doerr, former editor of *Church & State* magazine, was presented as the new Washington, D.C. coordinator of the combined organization. Also sharing the platform were Dr. Gerald Larue, leader of the Los Angeles Ethical Society; Jean S. Kotkin, director of the American Ethical Union; Donald A. Field, a director of the Unitarian Universalist Association; Lynne Silverberg, president of the Voice of Reason, and Dr. Ernst Mayr, who is with the Museum of Comparative Zoology at Harvard University.

The Religious Right's aim is neither traditional nor conservative, stated Ms. Samuels in her keynote address. "What we are talking about," she said, "is a *radical* movement, set on undermining many of the truly traditional values embodied in the Bill of Rights."

Isaac Asimov, who is also a member of the Voice of Reason's national advisory board, punched holes through the New Right's arguments to justify the teaching of creationism in public schools. He explained, "It's not equal time that creationists want," but eventually to exclude all other ideas on the universe's origin. □

Tuition Tax Credits Strike Again

That old and ugly shibboleth, tuition tax credits, has made yet another appearance. A "new" guarantee of taxpayer support of nonpublic schools was recently offered by President Reagan. While it's clear that his proposal is intended to fulfill one of his more regrettable campaign promises, the plan in fact breaks the promise of the Constitution.

Nearly all of the 10% of America's children in nonpublic schools are enrolled in church-related schools. Use of taxpayer dollars for those schools means that public money would be allocated specifically for the support of church institutions. Clearly, this is a gross violation of the constitutional mandate guarantee-

ing separation of church and state.

The President denies the fact of this violation because, in this latest version of the plan, the money is to be in the form of tax credits to parents, rather than to schools. In reality, this is a subterfuge. The principle is identical to earlier similar proposals, every one of which has been soundly and justifiably rejected.

The plan calls for a \$500 *per child* tax credit to families with gross incomes up to \$50,000. Lesser amounts are allowed to families whose incomes range to \$75,000. Although the cost would be "only" \$100 million in 1983, the cost to taxpayers would be \$4.6 billion by 1987,

at a time when our public schools are already suffering from drastic cutbacks.

Compounding his support of nonpublic and elitist education is the fact that the President saw fit to announce his plan before an enthusiastic audience of 4,000 Roman Catholic educators.

The gloom occasioned by this proposal is alleviated only by the nearly universal agreement among legislators, even its supporters, that enactment is unlikely. Staggering cost, rather than principle, may not be the best reason to bury this hydra-headed monster. But any reason will do, as long as the proposal fails. □

Reagan Proposes Prayer Amendment

Once again, the President has taken a position which violates our constitutional guarantee of separation of church and state. In mid-May he sent to Congress his proposed constitutional amendment to authorize organized prayer in public schools. The amendment reads: "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any state to participate in prayer."

It is not known whether Mr. Reagan will seriously push for passage of this prayer amendment. It's possible that his action is merely a sop to Religious Right leaders who have been clamoring for action to overturn the Supreme Court's 1962 and 1963 rulings against government-sponsored or mandated prayer in public schools.

Significant Opposition

Opposition to the Reagan proposal has coalesced rapidly. The Campaign for Religious Liberty, whose members include the National Council of Churches, the National Jewish Community Relations Advisory Council, the Baptist Joint Committee on Public Affairs, the American Civil Liberties Union, People for the American Way, and The Voice of Reason, organized quickly to attack the plan. Broad opposition by religious and other groups to earlier prayer amendments led to their repeated defeats in Congress in the 1960s and early 1970s.

Critics of Reagan's proposal point out that the Supreme Court ruled unconstitutional only mandated or sponsored

prayers in public schools; that individual personal prayer has never been restricted by law, and that attempts to introduce religion into public school generate the very interreligious tensions which the First Amendment was designed to prevent. Both lay and religious leaders add that it is impossible to devise a prayer acceptable to all religious persuasions and that efforts to do so trivialize religion.

Experience has shown that "voluntary" prayer—ostensibly allowing dissenting children to remain non-participants—fails to recognize the effects of peer and school pressure on children.

The Reagan plan would not only have government usurp the role of family and church or synagogue in the religious development of children. It would, if passed, be our first precedent for amending the Bill of Rights in the direction of reducing religious freedom. □

Well Said...

Asked to comment on the latest tuition tax credit proposal, Senator Ernest F. Hollings (D-SC) observed:

"The...proposal would turn our nation's educational policy on its head, benefit the few at the expense of the many, proliferate substandard segregationist academies, add a sea of red ink to the Federal deficit, violate the clear meaning of the First Amendment of the Constitution, and destroy the genius and diversity of our system of public education." □

Censorship

(Continued from p.4)

Indeed, publishing houses are hearing the Gabler voice, and are heeding it. Values clarification is one subject that is rapidly falling victim to the Religious Right. An approach to moral education increasingly favored by educators, it seems to terrify religious fundamentalists. It does, after all, require looking at more than one point of view in order to analyze a moral dilemma.

Excising Evolution

Evolution is a well-known victim of the trend. In fact, there is veritable rush toward self-censorship by the textbook houses. Holt Rhinehart and Winston has included creationism in its next elementary science text, and, in the same book, has removed "evolution" from the index. Science texts already published by Harcourt Brace Jovanovich, Otto & Towle and Allyn & Bacon have either wholly eliminated mention of Darwin or have sharply reduced the number of pages allocated to a discussion of evolution. Each year the number of science texts which downgrade Darwin increases.

It's hard to guess what the future will bring. Certainly it has been made abundantly clear that the voice of a highly vocal minority can prevail. But if a regressive, narrow voice can have such an impact, cannot the voice of reason also make itself heard? □

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