



VOICE OF REASON

Winter 1983

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1983: Year of Challenges

Although Radical Right activists did not do so well at the polls in 1982, their public policy agenda remains unchanged for 1983. This year will see continuing challenges to the ideal of pluralistic secular democracy envisioned in the Constitution, the Bill of Rights, and the state constitutions. With tens of millions of dollars at their disposal for propaganda and lobbying, Radical Right organizations will go on posing serious threats to our democratic liberties and institutions. Here are the areas of concern to be watched:

A new effort will be made to get Congress to enact President Reagan's plan for massive federal aid for parochial and private schools through tuition tax credits. On December 30 Reagan's advisory

commission on school finance, headed by Radical Right leader Connaught (Connie) Marshner of the Free Congress Research and Educational Foundation, recommended enactment of tuition tax credits, replacement of ESEA Title I federal aid (remedial and enrichment programs targeted at disadvantaged children, at least 95% of whom attend public schools) with a voucher plan to allow some poorer students to attend parochial schools, and doing away with the federal Department of Education.

President Reagan's proposed constitutional amendment to allow government sponsored group prayer in public schools will be reintroduced. Sen. Jesse Helms will again try to pass his bill to achieve the

same result by blocking federal courts from jurisdiction over school prayer controversies.

State laws mandating "equal time" for "scientific creationism" in public schools are probably a dead letter after the 1982 federal court ruling against the Arkansas law. Creationists will try instead to get local school districts or teachers to introduce creationism in class, and will continue their well-oiled campaign to get publishers to dilute or delete references to evolution in textbooks.

Censorship of school and library books, which has increased significantly in the last two years, will accelerate. Efforts to water down or eliminate what little sex education exists in public schools will go on.

A constitutional amendment completely outlawing abortion will have no chance in Congress this year. Sen. Jesse Helms will try again to accomplish the same result with legislation defining fetuses as persons at conception. This attempt to overturn a Supreme Court constitutional ruling by mere legislation is regarded as unconstitutional even by many opponents of abortion rights, whose efforts will again be behind a so-called "states rights" approach to incremental outlawing of abortion, such as the constitutional amendment proposed last year by Sen. Orrin Hatch.

The threat of a national Constitutional Convention is discussed elsewhere in this issue.

The only really new—and novel—Radical Right attack on church-state separation and individual rights in Congress will come in the form of a so-called "Judicial Reform" bill by Sen. John East. Introduced last fall too late for hearings as S. 3018, the East bill is a sweeping measure aimed at repealing the Fourteenth Amendment indirectly by statute.

The Bill of Rights, the first ten amendments to the Constitution, adopted in 1791, originally applied only to the

'82 Elections: "Guarded Optimism"

The November 2 election results have given supporters of First Amendment liberties grounds for guarded optimism.

In the only referenda directly on church-state issues, voters in California and Massachusetts defeated measures to provide tax aid to sectarian private schools, while Alaska voters stopped a measure to restrict state abortion funding. (See separate report in this issue.)

In the congressional races, while the Republicans retained their 54-46 edge in the Senate, they lost 26 seats in the House. The House shift appears to have added between 20 and 25 seats to opponents of tuition tax credits and anti-abortion measures. On balance, both houses of Congress are now divided close to down the middle on these two crucial religious liberty issues.

Although the Senate remained in Republican hands, Radical Right leader Pual Weyrich called the elections "a disaster, a rout," because Republicans lost 20 of the 33 Senate races and because, as a *Chicago Sun-Times* analysis showed, the most conservative fifth of the House

suffered a 37% loss while the most liberal fifth lost only 2%.

In specific races, incumbent Rep. Barney Frank, solid on First Amendment issues, roundly defeated incumbent Rep. Margaret Heckler, who voted for tuition tax credits in 1978 and was anti-choice on abortion, in a district gerrymandered to disfavor Frank.

In other House races, the Radical Right lost Reps. John Rousselot (R-Cal.), John LeBoutillier (R-NY), and Moral Majority's Albert Lee Smith (R-Ala.).

Jesse Helms's Congressional Club took a beating, losing 15 of the 18 candidates it backed and putting Helms himself in danger of losing his Senate seat in 1984. The National Conservative Political Action Committee (NCPAC) defeated only one of the 14 Democratic incumbents it had targeted, Sen. Howard Cannon (D-Nev.), who had other problems as well.

The abortion rights issue generally favored pro-choice candidates. It brought Missouri Democratic challenger Harriet Woods very close to beating incumbent

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'82 Elections, *continued*

Sen. John Danforth. Anti-choice forces claim a hand in the defeat of Sen. Harrison Schmitt (R-NM), but that makes little sense as he was beaten by Democrat Jeff Bingaman, who is also pro-choice and good on other women's issues. At least five House incumbents were defeated because they were anti-choice. Anti-choice and other Radical Right groups targeted Sen. Jim Sasser (D-Tenn.), who broke the Senate tie in September to defeat Jesse Helms's anti-abortion amendment to the debt-ceiling bill, but they failed miserably.

On balance, November 2 was not a bad day for the Bill of Rights, but it is by no means assured that the 98th Congress will be able to defeat school prayer, anti-abortion, tuition tax credit, and other proposed bills and constitutional amendments high on the Radical Right agenda.

Meet the Board

Governed until December 30, 1982, by its original Organizing Committee, **The Voice of Reason** is now operating under an elected Board of Directors, representing a wide spectrum of professional and religious backgrounds.

Lynne Silverberg-Master, President; Donald Field, Vice-President; Stephen Fenichell, Treasurer; Bruce Southworth, Secretary; Gary Crawford, Edward L. Ericson, Gilbert Feldman, Florence Flast, Morris Goodman, Sol Gordon, Donald S. Harrington, Jean Kotkin, Paul Kurtz, Gerald LaRue, Eli Master, Ronald Modras, O. Eugene Pickett, Arnold Sylvester, Martha L. Ware, Sherwin T. Wine, James E. Wood, Jr.

The Executive Committee is composed of the officers plus Edward L. Ericson, Sol Gordon, and Sherwin T. Wine.

The VOR National Advisory Board members were listed in the last newsletter. The names of the following Advisers were inadvertently omitted: The Hon. Frank Church, former member of the U.S. Senate; Carl Flemister, executive minister of the American Baptist Churches of the New York area; Laurie Godfrey, Professor of Anthropology, University of Massachusetts; Leo Pfeffer, constitutional lawyer and author; John M. Swomley, Jr., Professor of Christian Ethics, St. Paul School of Theology.

Creationism/Evolution

Louisiana's 1981 law requiring that "creation-science" be taught on an equal basis with "evolution-science" was struck down by a federal district court on November 22. The ruling, in *Aguillard v. Treen*, was limited to holding that the law violated the state constitution in that the legislature had usurped power granted by the state constitution to the state Board of Elementary and Secondary Education to determine curriculum in public schools. The ruling was less comprehensive and conclusive than the federal district court finding in early 1982 that Arkansas's similar creationism law violated the U.S. First Amendment establishment clause. Louisiana is expected to appeal.

In Virginia, meanwhile, the state Board of Education voted 7-2 on December 2 to provide provisional accreditation to Moral Majority leader Jerry Falwell's Liberty Baptist College to train public school biology teachers. The decision overrode the recommendation of the Board's own advisory committee. Falwell had declared earlier that his college wants "to see hundreds of our graduates go out into the classrooms teaching creationism" and "teaching why [evolution's] invalid and why it's foolish." Since Virginia has reciprocity agreements with 35 other states, Falwell's creationist graduates could be hired in as many states.

In Texas, Voice of Reason state president Steven Schafersman, a Houston paleontologist, is playing a leading role in the struggle to stop the fundamentalist dominated state Board of Education's efforts to play down evolution and play up creationism in the classroom and in state approved textbooks. As Texas makes up about 8% of the national textbook market, many publishers are willing to modify

their texts to make them acceptable to Texas fundamentalists, thus giving Texas textbook censors Mel and Norma Gabler the power to influence public school instruction in other states.

Schafersman was recently joined by Drs. Laurie Godfrey (an anthropologist, who is a member of VOR's National Advisory Board), John Cole, and Ronnie Hastings in an expedition to Glen Rose and New Braunfels, Texas, to investigate fossil tracks in the Cretaceous limestone of the bed of the Paluxy River. Creationists maintain that the river bed contains a mix of dinosaur and human tracks supposedly made at the same time in the aftermath of the biblical Noachian flood and that the find disproves evolution. Scientists, however, say that the dinosaur tracks are about 100 million years old and that there is no evidence of human tracks in the vicinity. A 70-minute VHS format video cassette of the expedition is available for \$20 from Dr. Ronnie Hastings, Science Department, Waxahachie High School, Waxahachie, Texas 75165.

Three useful new books on the creationism-evolution controversy have just been published: *The Myths of Human Evolution*, by Niles Eldredge (a VOR national advisor) and Ian Tattersall (Columbia University Press, \$16.95); *The Creation Controversy: Science or Scripture in the Schools*, by Dorothy Nelkin (Norton, \$16.95); and *Abusing Science: The Case Against Creationism*, by Philip Kitcher (MIT Press, \$15).

In other developments, a Creation Science Legal Defense Fund has been set up by Rev. Tim LaHaye, evangelist James Robison, Howard Phillips, and other New Right leaders.

The Voice of Reason Newsletter

The Voice of Reason Newsletter is published quarterly by The Voice of Reason, P.O. Box 6656, Silver Spring, MD 20906. (Telephone: 301-598-2447) The newsletter is sent to all contributors of basic membership dues to The Voice of Reason.

Editor: Edd Doerr

The Voice of Reason 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: Lynn Silverberg-Master; Vice-President: Donald Field; Treasurer: Stephen Fenichell; Secretary: Bruce Southworth. Executive Committee includes above officers and Edward L. Ericson, Sol Gordon, Sherwin T. Wine.

Executive Director: Edd Doerr

VOR in Action

The Voice of Reason Board of Directors held its first meeting in New York on December 30. Until that date the organization had been governed by its original organizing committee. The Board set goals and strategies for the coming year. It adopted as a major project the celebration of the bicentennials of the Constitution and Bill of Rights in 1987 and 1991, respectively. The bicentennials will provide opportunities for stimulating appreciation for and action to defend the pluralistic secular democratic state envisioned by the framers of these historic foundations of American government.

VOR is one of several organizations co-sponsoring the ACLU's 1983 Bill of Rights Lobby Conference in Washington on January 29. VOR executive director Edd Doerr will appear on the panel on "Threats to Separation of Church and State." VOR will also co-sponsor with *Free Inquiry* magazine a conference on James Madison, to be held in Washington on the anniversary of Madison's birth on March 16.

VOR co-founder Edward L. Ericson appeared on the Irv Schindler Show on WNWS Radio in Miami recently. Executive director Edd Doerr debated the school prayer issue on WBFF-TV in Baltimore in December, spoke at Rutgers University and Virginia Tech in November, addressed a teachers conference in Baltimore in October, spoke at Sunday services in five Unitarian Universalist churches in New York and Maryland, and addressed meetings in New York arranged by the

Nassau County VOR Chapter (Leonard Cherlin, president). In December the *Baltimore Sun* published an article by Doerr in a pro-con op-ed discussion of tuition tax credits with Assistant Secretary of Education Anne H. Graham.

In February Doerr will speak in Detroit, Jackson, and Kalamazoo, Michigan, and in Indianapolis, Indiana. He will also speak at Unitarian Universalist services in Pennsylvania and Maryland.

VOR Texas president Steven Schafersman has been playing a leading role in the struggle in that state to end fundamentalist censorship of school textbooks, which influences what publishers produce for use in other states.

VOR Board member Sol Gordon, one of the country's leading experts on sex education, spoke at the annual Michigan VOR rally October 19 at the Birmingham Temple in Farmington Hills. VOR President Lynne Silverberg-Master recently addressed the University of Michigan VOR chapter.

VOR Speakers

The Voice of Reason can arrange for expert speakers on our areas of concern for conferences, meetings, universities, churches, synagogues, and other groups. For details contact the VOR Speakers Bureau, P.O. Box 6656, Silver Spring, MD 20906 (Telephone: 301-598-2447).

News Briefs

- The Governing Board of the National Council of Churches passed a resolution in November condemning attempts by Radical Right leaders in Congress to pass legislation to strip federal courts of jurisdiction over such issues as school prayer and abortion.
- The Virginia ACLU and Anti-Defamation League have found 28 school districts in the state offering Bible classes or religious assemblies on public school grounds. Three districts have ended the practices under threats of lawsuits. On-campus religion classes were ruled unconstitutional by the Supreme Court in 1948.
- Last fall Congress passed a resolution and President Reagan issued a proclamation designating 1983 as a national "Year of the Bible." The resolution, which has no legal force, expressed a particular theological viewpoint and took a simplistic "civil religion" view of the role of the Bible in American history. The

resolution has been criticized as violating the spirit if not the letter of the First Amendment.

- Moral Majority honcho Jerry Falwell's Gospel Hour is seeking tax exemption for 55 properties it owns in Lynchburg, Va., 12 of which produce income from such enterprises as a tavern and an A&P store. City officials say the Gospel Hour does not fit the legal definition of a tax exempt organization, so Falwell is suing. Gospel Hour is also seeking rezoning to permit erection of a 1,600 unit retirement complex.
- A citizens group in the Lynchburg area has requested that the Federal Communications Commission require Falwell's Liberty Baptist College to reduce the power of its radio station, WRVL-FM. The complaint said the station was interfering with TV reception in the area.
- Lynchburg radio station WLVA sacked popular talk show host Jeremy Godwin in October (VOR's Doerr appeared on the show in August), but was quickly hired by rival station WGLM. Godwin has charged that an

Parochiaid Pelted at Polls

California and Massachusetts voters on November 2 soundly defeated measures to provide tax aid for parochial schools, though the election results got virtually no press coverage.

Californians voted 62% to 38% to kill a proposed state constitutional amendment that would have provided at least \$5 million annually to parochial and private schools in the form of "loans" of textbooks to students. A half million dollar campaign financed by California Catholic dioceses failed to overcome broad opposition to the measure across the whole religious and political spectrum. Opponents of Proposition 9 spent less than \$10,000.

In Massachusetts, a 63% to 37% vote buried a proposed constitutional amendment that would have removed all barriers to parochiaid from the state constitution. Massachusetts has one of the largest nonpublic school enrollments of any state.

The Massachusetts and California referenda bring to 15 the number of statewide referendum defeats for parochiaid in as many years. In the two previous referenda, Michigan voters crushed a plan to provide full support for nonpublic schools under a voucher plan by 74% to 26% in 1978, while in 1981 District of Columbia voters obliterated by 89% to 11% a proposal to aid parochial and private schools under a tuition tax credit plan more generous than the one the Reagan administration is promoting in Congress.

In the only referendum on abortion rights, Alaska voters rejected, 59% to 41%, a proposal to restrict state Medicaid funding of abortions for poor women.

advertiser boycott stirred up by Falwell followers had led to his dismissal. His show sometimes aired criticism of Falwell and Moral Majority.

- Lynn Ridenour, former teacher at Falwell's Liberty Baptist College, is suing Falwell and the college for \$3 million, alleging that he was held prisoner by school officials, defamed by Falwell, and fired because Falwell did not approve of his religious beliefs.

The Con-Con Threat

A new but little understood threat to the Bill of Rights will get moving this year as soon as state legislatures convene. The threat is that of a national Constitutional Convention (Con-Con), which the Constitution specifies Congress must call if two-thirds of the state legislatures (34) call for it.

To date 31 state legislatures have passed resolutions calling for a Con-Con for the ostensible purpose of amending the Constitution to require a balanced federal budget (Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Maryland, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wyoming).

In a separate effort, 19 state legislatures have passed resolutions calling for a Con-Con to amend the Constitution to outlaw abortion (Alabama, Arkansas, Delaware, Idaho, Indiana, Kentucky, Louisiana, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Jersey, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah), but that campaign seems to have run out of steam and the two separate resolutions cannot be combined.

Most of the legislatures which passed Con-Con resolutions did not hold full committee hearings on the consequences of a Con-Con, and some did not even record the votes.

Backers of the balanced budget amendment, led by the National Taxpayers Union (which happens to also be a strong advocate of the tuition tax credit plan for federal aid to parochial schools), have announced that they will try in 1983 to pick up three more Con-Con resolutions from among the nine states in which one house of the state legislature has passed the resolution in recent years (California, Hawaii, Illinois, Missouri, Montana, Ohio, Rhode Island, Washington, West Virginia).

The stage for the 1983 state legislature push was set when the U.S. House of Representatives in August defeated an attempt to get Congress to initiate the proposed amendment, and when House Democratic leaders moved to head off a similar attempt in the House in 1983.

Since the U.S. Constitution was adopted nearly two centuries ago, it has been amended seventeen times—to add the Bill of Rights, to outlaw slavery, to extend the protection of the Bill of Rights to state and local government (Fourteenth Amendment), to allow women to vote, and to

make other needed changes. In each case, the amendments were proposed by two-thirds votes in each house of Congress and then ratified by three-fourths of the state legislatures. This method of constitutional revision has served the country well and has allowed for careful deliberation in the drafting of amendments.

The other method of constitutional change, the calling of a Con-Con at the request of state legislatures, while authorized in Article V of the Constitution as a penultimate check on possible tyranny, is potentially so radical, so revolutionary, so fraught with danger that it has not been used since the Constitution was adopted.

Constitutional experts warn that once called, a Con-Con could not be confined to considering only the single issue for which it had ostensibly been convened. The Constitution is silent on the subject and experts doubt that Congress itself could control or limit the deliberations and actions of a Con-Con. Our only experience with a Con-Con was in 1787. That, our only Con-Con, was called to amend and strengthen the Articles of Confederation, our original constitution from 1781 to 1789. Instead of merely amending the Articles, however, the Convention scrapped them and drafted a whole new constitution. Fortunately, it was and is a remarkably good charter which has undergirded freedom better than any other constitution ever adopted anywhere.

If our 1787 Con-Con could ignore its

mandate, then if a new Con-Con is called, we can be certain that narrow special interest groups, sectarian and secular, will try to control the delegate selection process and the Con-Con itself. In addition to groups seeking to require a balanced federal budget (on which VOR takes no stand one way or the other), those seeking tax aid for sectarian schools, the outlawing of abortion, government sponsored prayer in public schools, school and library censorship, the teaching of "creationism" in public schools, and other forms of interference with personal rights would surely try to dominate and use the Convention.

Is this scenario a case of crying wolf? Hardly. In our then largest state, New York, sectarian pressure groups seeking tax aid for parochial schools, though clearly representing a minority in the state, used tight organization and "bullet voting" to control the election of delegates to the state's 1967 Con-Con. They used that control to remove from the state constitution the section forbidding tax aid for church schools. Fortunately, New York voters had a chance to vote on the proposed new charter and rejected it 72.5% to 27.5%.

A proposed new U.S. Constitution or a series of amendments to it, however, would not be subject to ratification or rejection by the people, but only by state legislatures or special state conventions, whichever method Congress might choose. Theoretically, a proposed new Constitution, with the Bill of Rights radically weakened, could be ratified by the 38 smallest states, representing only a minority of Americans.

Admittedly this is a worst case scenario. It might be possible to prevent a runaway Con-Con. It might be possible to elect delegates who would not tamper with our basic liberties. It might be possible to defeat a proposed Constitution or amendments threatening to our liberties.

The worst a Con-Con could do is make a shambles of the Constitution and Bill of Rights. The least it could do is waste a great deal of time and distract the nation's attention from its real problems.

A Con-Con is like Russian Roulette. The wisest course would be to avoid playing the game altogether. Any change in our Constitution really favored by a substantial majority of Americans can be made by the time tested method of congressional proposal, following careful hearings and deliberation, and state ratification. Our liberties are too valuable to risk on a throw of dice. ■

How to Help

Supporters of religious liberty, church-state separation, and intellectual and personal freedom can help the cause in the following ways:

Renew your dues and/or send VOR a contribution to help us expand our operations.

Write letters to editors in response to news items, columns, or editorials. Be courteous, brief (under 250 words), and stick to one subject.

Write your senator, representative, or state legislator when appropriate. Again, be courteous, brief, and stick to one topic.

Send us clippings of news items, columns, editorials, cartoons, etc., on our areas of interest. Be sure to indicate date and source on each clipping.

1983: Year of Challenges, *continued*

federal government. The constitutional framers generally believed that state bills of rights would adequately protect the rights of citizens from state and local government. They did not do so all that well and the Supreme Court's 1833 *Barron v. Baltimore* ruling emphasized that the Bill of Rights applied only to the national government. The framers of the Fourteenth Amendment, adopted in 1868, intended that amendment to make the Bill of Rights applicable to state and local government. Unfortunately, the Supreme Court in the early 1870s chose not to accept the clear intent of the Fourteenth Amendment. But beginning in the 1920s the court began using the Fourteenth's "due process" clause to achieve the intent of the amendment's framers. Thus it has been the Fourteenth Amendment application of the Bill of Rights to state and local government that has enabled the Supreme Court and lower federal courts to rule unconstitutional state parochial plans, government sponsored or mandated prayer in public schools, equal time for creationism laws, state anti-abortion statutes, and other laws interfering with freedom of speech, press, assembly, and other civil liberties.

Radical Rightists have long condemned the Supreme Court's sound interpretation of the Fourteenth Amendment but lacked the political clout to do anything about it. Now they are ready to try again with the

East bill, which, among other things, would deny the Supreme Court and lower federal courts jurisdiction over "any case wherein any party claims the abridgement by a State, or by any political subdivision, agency, or any other authority of a State, of any right secured by the first eight amendments to the Constitution of the United States." While the Constitution itself does give Congress power to place some limitations on federal court jurisdiction, most constitutional scholars doubt that that power could be used to emasculate the Bill of Rights and Fourteenth Amendment.

Nevertheless, if Congress should pass the East bill, by buying his "states rights" and anti-federal court rhetoric, and if it could somehow pass a Supreme Court test (Washington rumor has it that Reagan will appoint his old friend, ultraconservative Sen. Paul Laxalt (R-Nev.) to the next vacancy on the Court), basic liberties would be threatened by transient political majorities on the state level, where courts tend to be less zealously protective of constitutional rights than federal courts. In addition, East's plan would produce a situation in which the Bill of Rights could be interpreted differently in each state.

The Radical Right has not yet been squelched by the voices of reason. It retains its strategists, its troops, and its vast wealth. It will not go away and leave the liberties of the people alone. ■

TTC, Abortion Rights Poll

According to a new constituent poll by Rep. Dave McCurdy (D-Okla.), the tuition tax credit plan for federal aid to nonpublic schools is opposed 71% to 29%, while any government effort to outlaw abortion rights is opposed 79% to 19%. McCurdy's poll agrees with the results of all other congressional district polls on these subjects.

Sectarian Stamps Challenged

VOR called on Postmaster General William F. Bolger in December to halt the issuance of a stamp honoring Martin Luther and to return the Postal Service to its original policy of avoiding religious issues. In a letter to Bolger, VOR executive director Edd Doerr protested that Christmas stamps and stamps commemorating the alleged millenium of Christianity in Poland (actually the 1,000th anniversary of the conversion of Poland from one form of Christianity to another) and St. Francis of Assisi prefer some religions over others, have primary purposes and effects which tend to advance particular religions, and entangle government with religion, all in violation of the First Amendment.

VOR's Doerr told Bolger that the issuance of religious stamps involves the Postal Service in determining which religious figures and traditions it should honor and which it should not.

Postal Service decisions to honor St. Francis and Martin Luther were made after campaigns of intense sectarian pressure on the Service. In deciding to issue the Luther stamp, Bolger overrode the objections of his own Citizens Stamp Advisory Committee.

Anyone wishing to protest the issuance of the Luther and other religious stamps may write to The Honorable William F. Bolger, Postmaster General, 475 L'Enfant Plaza, SW, Washington, DC 20260.

Abortion Rights

Whether or not states and cities can impose restrictions on the right to abortion, recognized as a constitutionally protected right by the Supreme Court in 1973, will be decided by the Supreme Court by June. At issue are Virginia and Missouri state laws and an Akron, Ohio, city ordinance requiring that abortions after the first trimester be performed only in hospitals, that minors must obtain parental or judicial consent, that there be a 24-hour "cooling off period" before any abortion, and that physicians present certain information to women seeking abortions.

At the November 30 Supreme Court hearing, defenders of the laws argued that they were reasonable restrictions not in violation of the Court's 1973 *Roe v. Wade* ruling. Opposing attorneys said the laws interfere unnecessarily with a constitutional right, treat abortion differently than other medical procedures, and require doctors to give women information that is inaccurate. The Reagan administration, through Solicitor General Rex Lee, told the Court that it should show greater deference to legislative majorities, whereupon Justice Blackmun remarked that Lee was seeking to overrule the 1803 *Marbury v. Madison* decision which established the principle that the Supreme Court may strike down legislation which it finds in conflict with the Constitution.

In other action, the Department of Health and Human Services in December proposed new guidelines to require an absolute separation of abortion services from all family planning services financed by the federal government. Rep. Henry Waxman (D-Cal.), chairman of the House Subcommittee on Health and the Environment, said the guidelines were part of an "organized attack on family planning programs."

Thanks . . .

. . . to all who have contributed to VOR during the past year. Your support has kept us going.

. . . to those who have sent in clippings dealing with our issues. Keep it up.

. . . to Betty Lea Brout, Ed Baum, Joel Chernoff, Saul and Valerie Farbman, George Roeper, Matt Griffith, Mike Sagalyn, and all the others who labored to bring out VOR's newsletter until operations were moved to the Washington area.

Resources

The best single book on the threats to freedom posed by the secular and sectarian "Moral Majority" type extremists is *American Freedom and the Radical Right*, by VOR co-founder Edward L. Ericson (\$9.95 hard cover, \$4.95 paperback. Add \$1 for postage and handling when ordering from VOR, P.O. Box 6656, Silver Spring, MD 20906). Ericson shows who leads the Radical Right, what their goals and methods are and how they conflict with our constitutional tradition and the democratic values of both conservatives and liberals. An indispensable book for your library and an excellent gift.

Also useful is David Bollier's *Liberty and Justice for Some* (Frederick Ungar Publishing Co., New York, 324 pp., \$8.95). Produced by People for the American Way, Bollier's book answers Radical Right attacks and organizations, and contains abundant quotations from such Radical Right leaders as Falwell, Schlafly, the Gablers, etc.

VOR has a series of pamphlets on the main areas of Radical Right attack on the Bill of Rights: tuition tax credits, abortion rights, school prayer, and the creationism-evolution controversy. All are available from VOR's national office, P.O. Box 6656, Silver Spring, MD 20906. Single copies, 25¢, 15 for \$2, 100 for \$10.

Three organizations long supportive of church-state separation have available useful information on religion and public education. "Religion and the Public Schools: A Summary of the Law," available free from the American Jewish Congress, 15 E. 84th St., New York, NY 10028, covers school prayer and Bible reading, holiday observances, released time, distribution of religious literature, baccalaureate services, scientific creationism, etc. "The Fourth 'R': Religion in the Public Schools," available for \$1 from the American Jewish Committee, 165 E. 56th St., New York, NY 10022,

covers the school prayer and creationism issues, and suggests that public schools may teach common core values shared by Protestants, Catholics, Jews, Humanists, and others. "Religion in the Public School Classroom," available free from the Baptist Joint Committee on Public Affairs, 200 Maryland Ave. NE, Washington, DC 20002, shows what may and may not constitutionally be done about religion in public schools.

Creation/Evolution (P.O. Box 5, Amherst Station, Buffalo, NY 14226) is an excellent quarterly quite useful to all involved in trying to preserve the integrity of public school science teaching. A one-year subscription is \$8. Back issues are available.

Ernie Lazar (495 Ellis St. #1753, San Francisco, CA 94102) has produced a 65-page "Critical Bibliography on Creationism" (\$8) and a three-part "Bibliography on Conservative and Extreme Right Thought and Activity in the U.S. since 1960." Part One, "Theses and Dissertations," (20 pp.) is available for \$3; Part Two, "Books and Book Reviews," (88 pp.) is \$15; Part Three, "Periodical/Newsletter Articles" (500 pp.), is \$60.

Beacon Press (25 Beacon St., Boston, MA 02108) has two recent books of value to defenders of church-state separation. Andrew H. Merton's *Enemies of Choice: The Right-to-Life Movement and Its Threats to Abortion* (241 pp., \$13.50) analyzes the powerful movement seeking to outlaw abortion. David G. Bromley and Anson D. Shupe's *Strange Gods: The Great American Cult Scare* (249 pp., \$13.50) surveys the "cult" phenomenon, concludes that charges that they practice "mind control" are exaggerated, and warns that forced deprogramming and misuse of custodianship laws to remove young adults from "cults" are violations of civil liberties.

School Prayer Cases

Tennessee's law requiring that "a period of silence not to exceed one minute of duration shall be observed [in public school classes daily] for meditation or prayer or personal beliefs [sic!] and during any such period, silence shall be maintained" was ruled unconstitutional on October 7 by the U.S. District Court for the Middle District of Tennessee (*Beck v. McElrath*). Judge L. Clure Morton found that the legislative history of the state law showed that it had a primarily religious purpose and effect, and therefore violated the First Amendment prohibition against laws "respecting an establishment of religion."

In New Jersey, meanwhile, an interesting controversy has been aroused by a newly enacted state law requiring a daily minute of silence in classrooms for "quiet and private contemplation or introspection." On advice from Attorney General Irwin Kimmelman that the bill was "constitutionally defective," Governor Thomas Kean vetoed it, but the veto was overridden by the legislature in December. The fate of the new law is uncertain because the A.G. refuses to defend it in court. Said Kimmelman, "I took an oath of office to uphold the Constitution. I can't defend an enactment which I have already advised the governor is constitutionally defective."

THE VOICE OF REASON, P.O. Box 6656, Silver Spring, MD 20906

YES, I want to do my part to help The Voice of Reason halt the threats to religious, intellectual, and personal freedom. I enclose a check for my tax-deductible contribution of:

- \$15 Individual \$20 Family \$100 Sustaining \$100 Supporting \$500 Sustaining \$1000 Patron
 \$5 Student \$ _____
 Membership renewal New membership

Name (please print) _____

Address _____

City, State, Zip _____

(The VOR newsletter will be sent to all contributors of \$10 or more.)