



# VOICE OF REASON

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The Newsletter of Americans for Religious Liberty

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## Religious Liberty Faces Long, Hot Spring

**T**he spring of 1984 will be a hot one in Washington. President Ronald Reagan, congressional ultra-conservatives, and Radical Right pressure groups, joined by Senate Majority Leader Howard Baker, are trying to get recorded Senate votes in March or April on the controversial issues of school prayer, tuition tax credits, and abortion rights. The outcomes of the votes are not certain, but the politicians and pressure groups pushing the so-called "social issues" hope that recorded votes will help their candidates and their cause at the polls in November.

Leading out on these issues is President Reagan, who used his State of the Union message, an address to the National Religious Broadcasters, interviews, and broadcasts to urge passage of the Radical Right agenda.

The preferred school prayer amendment is the Reagan amendment, S.J. Res. 73, introduced by Sen. Strom Thurmond. It would authorize "group prayer" in public schools, but would forbid composition of the prayers by federal or state officials.

Those officials would, however, have to select which prayer composed by others would be imposed in classrooms. A "compromise" amendment by Sen. Orrin Hatch would authorize organized (sic!) silent prayer or meditation. A new proposed amendment by Sen. Baker, S.J. Res. 218, would authorize "participation in non-denominational prayer." This is the amendment unsuccessfully sponsored in the 1960s by Baker's late father-in-law, Sen. Everett Dirksen.

Coordinated with the Senate effort is an expensive, massive computer mailout drive to generate mail to Congress by the Crusade for School Prayer, whose board reads like a Who's Who of the Radical Right. (Send them \$15 and you'll get a free album of Pat Boone singing "Golden Hymns.")

Leaders from many religious traditions have been meeting to plan opposition to the prayer amendments. They remind politicians that all students enjoy the right to individual voluntary prayer in school in the manner and at the time of their own choosing, and that any of the proposed

amendments would mean government regulation, regimentation, and homogenization of religious expression.

Federal aid for parochial schools, through tuition reimbursement federal income tax credits, is included in Mr. Reagan's proposed 1985 budget, even though the Senate defeated the plan 59 to 38 last November.

An anti-abortion constitutional amendment is not likely to get any farther this year in the Senate than it did last June when Sen. Hatch's amendment fell 18 votes short of passage. Instead, the new strategy will be to stop all federal funding for abortions.

One approach will be to pass a "Respect Human Life Act," H.R. 618 and S. 467, sponsored by Rep. Henry Hyde (R-IL) and Sen. Roger Jepsen (R-IA). This bill contains a "finding" that "human life begins at conception" and states that the Supreme Court erred in its 1973 *Roe v. Wade* ruling. The purpose of the bill is to set the stage for a new Supreme Court to reverse *Roe*.

The second approach is to attach anti-abortion riders to long range authorization bills dealing with health insurance for unemployed workers (H.R. 3021), the Mazoli immigration bill (H.R. 1510), which provides health care for newly-legalized aliens, and federal employee health insurance plans.

Meanwhile, Bible publishing house Thomas Nelson Publishers will bring out in April a book called *Abortion and the Conscience of the Nation*, featuring a long article by President Reagan and others by Malcolm Muggeridge and controversial U.S. Surgeon General Dr. C. Everett Koop. Royalties from the book, essentially a campaign tract, will go to an anti-abortion journal, the *Human Life Review*, in which Mr. Reagan's essay first appeared.

Concerned civil liberties, religious, educational, and civic leaders believe that an outpouring of grass roots constituent mail to senators and congressmen can turn the tide away from school prayer and anti-abortion amendments and federal parochial aid legislation.

### Editorial

## Will Religious Liberty Survive the 1980s?

**N**early everyone in our country claims to be in favor of religious liberty. Few, however, could define it, explain how we got it, diagnose its condition, describe the threats to it, or prescribe what must be done to defend and advance it.

Religious liberty must include at least the following:

The right of each individual to believe or not believe any religious proposition or creed on the basis of his or her own experience (including claimed revelations), education, study, or reasoning; and the right to change one's religious views.

The right to worship or not to worship; the right to join or refrain from joining a religious group or church; the right to change or discontinue a religious affiliation; the right to express one's religious beliefs through any medium and to attempt to persuade others of their correctness; the right to travel for religious purposes (to attend a religious meeting, visit a sacred place, etc.); the right to use one's home and property for religious purposes.

The right to determine whether and to what extent one will contribute to the religious institutions of one's free choice;

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# President Reagan Plays Vatican Card

**O**n January 10 Americans learned from a foreign news source that President Reagan had established diplomatic relations with the Holy See (not with the sovereign Vatican City, but with the Catholic Church itself). The move was made abruptly, without congressional hearings or debate and without opportunity for public input.

Then the administration sought to make the controversial move a *fait accompli* by rushing through Senate confirmation of ambassador-designate William A. Wilson and getting quick congressional approval for reprogramming State Department funds to pay the costs of the new embassy.

By way of background, the U.S. maintained (properly) consular relations from 1797 to 1848 with the old Papal States, a country of three million people about the size of Maryland and New Jersey combined which was absorbed into the kingdom of Italy in 1870. The U.S. then upgraded representation to the ministerial level until 1867, when relations were cut because of Vatican mistreatment of non-Catholics. The Holy See continued to function as an international organization without any sovereign territory from 1870 to 1929, when Pope Pius XI and Italian dictator Benito Mussolini concluded the Lateran pacts giving sovereignty to the 108-acre Vatican City.

President Franklin D. Roosevelt sent a personal presidential envoy to the pope during World War II, a practice continued by Harry Truman, who ran into a storm of opposition when he tried unsuccessfully in 1951 to establish full diplomatic relations. Eisenhower, Kennedy, and Johnson maintained no relations, but Richard Nixon sent a personal presidential envoy in 1970 for

purely political reasons. Ford, Carter, and Reagan continued that form of representation, which does not require Senate confirmation, as regular ambassadorial posts do.

At the February 2 Senate Foreign Relations Committee hearing on ambassador-designate Wilson and the February 9 House Appropriations Subcommittee hearing on reprogramming State Department funds for the embassy, strong opposition to the establishment of diplomatic relations materialized. Opposing the relations were Americans for Religious Liberty, the American Civil Liberties Union (represented by ARL board member John M. Swomley, Jr.), the National Council of Churches, the National Association of Catholic Laity, the United Methodist Church, the Unitarian Universalist Association, the American Humanist Association, the American Ethical Union, the Council for Democratic and Secular Humanism, the Baptist Joint Committee on Public Affairs (representing nine national Baptist bodies), the National Association of Evangelicals, the Seventh-day Adventist General Conference, and the Church of Christ.

At the House Appropriations Subcommittee hearing, State Department representative Kenneth Dam said that the Vatican is a "significant player" on the world scene and that diplomatic ties will enable the U.S. "to make sure the Vatican understands the U.S. government position on vital issues of the day." Dam added that President Reagan wanted to upgrade Wilson from personal presidential envoy to full ambassador because "we want to be able to influence the political positions" of the Vatican.

All of the organizations opposing U.S.

diplomatic relations generally agreed with the position taken in the testimony of ARL executive director Edd Doerr:

"We maintain that religious liberty is our most basic liberty, that this liberty can exist in full measure only when all levels and branches of government respect and adhere to the constitutional principle of separation of church and state, which requires at least that government operate with neutrality toward all religions and religious bodies, and that any deviation from that constitutionally mandated neutrality is one of those 'experiments on our liberties' against which James Madison warned in his 'Memorial and Remonstrance'.

"The Holy See is the headquarters of a church. That is the reason for its importance and the reason why more than 100 nations maintain diplomatic relations with it. The fact that the Holy See is primarily and essentially a religious entity is precisely why the United States government should not have diplomatic relations with it.

"Establishment of diplomatic relations with the Holy See is objectionable on constitutional and public policy grounds because:

"It has the unconstitutional effect of preferring one religion over all others;

"It unconstitutionally creates the potential for excessive government entanglement between our government and a church;

"It creates new and exacerbates old tensions between faiths, as the public reactions to this appointment by individuals and religious bodies has made clear;

"It unconstitutionally creates the potential for political division along religious lines;

"It implies, in Madison's words, that 'the Civil Magistrate . . . may employ Religion as an engine of Civil Policy . . . [which is] an unhallowed perversion of the means of salvation' ('Memorial and Remonstrance');

"It conveys to Americans not of the faith represented by the Holy See the impression that their government regards their faiths as second class;

"It blurs our uniquely American constitutional dividing line between church and state;

"It necessitates unconstitutional congressional appropriation or reprogramming of funds for the costs of maintaining an embassy to the Holy See;

"By violating the spirit and the letter of the First Amendment, it renders that guarantee of religious liberty more vulnerable to other forms of erosion and attack.

"Although the Supreme Court has not had occasion to rule on the establishment of

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Editor: Edd Doerr

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

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

Board of Directors includes Officers, Executive Committee, and Gary Crawford, Faith Evans, Gilbert Feldman, Florence Flast, Bernard Freitag, Ivan Gluckman, Donald S. Harrington, Paul Kurtz, Dorothy Massie, Ronald Modras, O. Eugene Pickett, Robert M. Stein, John M. Swomley Jr., David Van Strien, Jay Wabeke, Martha L. Ware, James E. Wood Jr.

Executive Director: Edd Doerr

## President Reagan Plays a Vatican Card, *continued*

diplomatic relations with a church, its rulings in church-state cases cast grave doubt on the constitutionality of such actions. The thrust of the rulings is that the Establishment Clause is violated if a government action prefers one religion over another, lacks a clearly secular purpose, has a primary effect which advances or inhibits religion, fosters an excessive government entanglement with religion, or fosters political division along religious lines. While the president may claim a secular purpose for his action, the non-secular, preferential, and potentially entangling effects of diplomatic relations with the Holy See clearly run counter to the Court's tests of constitutionality."

National Association of Catholic Laity president Joseph T. Skehan further criticized the establishment of diplomatic relations because it would have adverse internal effects on the Catholic Church in the U.S., promote excessive hierarchy involvement in politics, and retard democratization within the church.

Baptist Joint Committee general counsel John W. Baker argued at the House Appropriations hearing that the federal court rulings against the City of Philadelphia's attempt to use public funds to pay for a platform where Pope John Paul II performed religious functions in 1979 are

constitutional precedents for Congress to withhold funds sought by the administration to operate the embassy.

On February 22 the Senate Foreign Relations Committee voted 9 to 1 to approve the appointment of William Wilson, but a full Senate confirmation vote could be delayed, and neither house has approved funding for the embassy.

Observers think that Mr. Reagan's move, though made for political reasons, will gain him no Catholic votes he does not already have and will cost him non-Catholic votes. And, as ARL director Edd Doerr stated in letters published in a number of papers around the country, Mr. Reagan's action will be seen as another example of his lack of respect for the First Amendment. ■

## Darwin Still Not Welcome in Texas

**T**he Texas Board of Education voted 14 to 7 on January 14 to defeat a motion to require discussion of Darwin and evolution in biology texts. The action leaves in place a 1974 Board rule which requires textbook publishers to present evolution as "only one of several explanations of the origin of humankind" and in a way "not detrimental to other theories of origin." State Sen. Oscar Mauzy, meanwhile, has asked Attorney General Jim Mattox to decide whether the 1974 rule is constitutional. Litigation may be brought if the Attorney General does not overturn the rule.

The 1974 anti-evolution rule was passed by the Board in response to pressure from Radical Right fundamentalist censorship

leaders Mel and Norma Gabler. Since Texas is one of the largest markets for textbooks in the country, publishers have been willing to water down or compromise on evolution in books which are marketed in all states. So the stance of the Texas Board of Education, reflecting fundamentalist "creationist" pressures, affects the quality of science teaching throughout the country.

Leading the struggle for the integrity of science books in Texas is the Texas Council for Science Education, an organization of scientists, science educators, and concerned citizens, headed by paleontologist Steven Schafersman, who is also state chairperson of ARL. ■

## Books

*In the Beginning . . . A Scientist Shows Why the creationists Are Wrong*, by Chris McGowan, 208 pp., \$10.95, Prometheus Press (700 E. Amherst St., Buffalo, NY 14215). Paleontologist McGowan examines and demolishes the arguments advanced by creationists with scientific evidence supporting evolution. McGowan clarifies for the lay reader both evolution and the often bewildering arguments of the creationists, who are selling not science but fundamentalist religion.

*Our Right to Choose: Toward a New Ethic of Abortion*, by Beverly Wildung Harrison, 334 pp., \$18.95, Beacon Press (25 Beacon St., Boston, MA 02108). This brilliant, persuasive examination of our culture's attitudes toward women, religion, law, and medicine by a noted professor of Christian Ethics at Union Theological Seminary leads to a powerful ethic of reproductive rights. Harrison demolishes the arguments of those who would deny women free choice on abortion, arguments stemming almost exclusively from male theological speculations and anti-women attitudes. This is *the* indispensable book on the abortion rights question.

*Abortion: A Guide to Making Ethical Choices*, by Marjorie Reiley Maguire and Daniel C.

Maguire, 48 pp., \$3, Catholics for a Free Choice (2008 17th St., NW, Washington, DC 20009). This little book by two eminent Catholic theologians is an excellent, concise but comprehensive treatment of the subject for general readers, counselors, and women with problem pregnancies of all religious backgrounds. It merits wide circulation. A condensed version is available for \$1 from CFFC in its September 1983 newsletter *Conscience*.

*A Federal Constitutional Convention: Problems and Precedents*, by Kevin O. Faley, Brian W. Fitzgerald, and Linda Rogers-Kingsbury, 35 pp., \$2, Citizens to Protect the Constitution (1900 L St., NW, Washington, DC 20036). With state legislatures blindly leading the country toward an unneeded and possibly dangerous national constitutional convention, this legal study (quite intelligible to the lay reader) of our first Constitutional Convention and all the implications of calling a second one is an indispensable resource for persons concerned about protecting the Constitution and Bill of Rights. The authors conclude that a new convention could not be required to consider only the single purpose for which it was called and would "invariably result in unnecessary social, political and economic unrest both at home and abroad."

*Protecting the Freedom to Learn: A Citizen's Guide*, by Barbara Parker and Stefanie Weiss, 122 pp., \$9.50, People for the American Way (1424 16th St., NW, Suite 601, Washington, DC 20036), is a useful handbook for citizens opposed to censorship of school and library books.

*Censorship of Public School Library and Instructional Material*, by Joseph E. Bryson and Elizabeth W. Detty, 240 pp., \$20, The Michie Co. (P.O. Box 7587, Charlottesville, VA 22906) is an up-to-date guide to the history and legal background of censorship and academic freedom. It will be helpful to parents, educators, and school board members in defending public education from censorship efforts.

*Lobbying for Freedom in the 1980s*, edited by Kenneth P. Norwick, 300 pp., \$6.95, Perigee Books (200 Madison Ave., New York, NY 10016) is a practical guide to influencing legislation on the state and local level on women's rights, reproductive rights, censorship, and other issues.

*The above books may be ordered directly from the publishers indicated, not from ARL.*

## Will Religious Liberty Survive the 1980s? *continued from page 3*

neutral). There are no absolute guarantees in human relations, of course, so the arrangements which have until now provided Americans with more religious, intellectual, and personal freedom than any other society has known can be overturned. Our progress toward full implementation of the church-state separation principle can be reversed. Indeed, in 1984, which conjures up all sorts of Orwellian images, massive efforts are under way to dismantle the separation arrangement and drastically weaken religious liberty. As Edward L. Ericson puts it in *American Freedom and the Radical Right*, "The most powerful, best financed, and most elaborately organized drive for the piecemeal repeal of the Bill of Rights in American history is under way."

The following are the principle threats in the U.S. today, listed in no particular order of importance.

President Reagan and religious and secular Radical Right groups are pushing hard to get Congress to initiate a constitutional amendment to authorize government sponsored group prayer in public schools. Not satisfied with the existing right of all students to engage in personal prayer in school in the manner and at the time of each child's own choosing, school prayer enthusiasts insist that children be subjected to daily government sponsorship, regulation, and regimentation with regard to prayer, as if any true religious expression could be so homogenized and standardized.

The president, private sectarian school interests, and ultraconservative organizations are trying to get Congress to provide massive federal aid to parochial schools through tuition reimbursement federal income tax credits. Similar efforts are under way in some state legislatures after having been slowed by Supreme Court rulings in the 1970s. The same interest groups have also tried to get full tax funding of non-public schools under various voucher plans. Any tax credit or voucher plan would tax all citizens to support religious institutions and the religious, ideological, class, ethnic, gender, and other forms of discrimination common in nonpublic schools; seriously weaken our secular, democratic public schools; reduce public control over public spending; exacerbate social divisions and interfaith tensions; create political division along religious lines; and make beneficiary churches dependent upon government.

Much the same cast of characters is trying to get Congress to initiate a constitutional amendment to outlaw abortion. In effect, this would impose on all women the not widely shared theological doctrine that

personhood begins at conception.

There are other efforts being made to render the First Amendment inoperative by stripping the federal courts of their jurisdiction over some church-state cases.

A little understood threat developed when the Reagan administration established diplomatic relations with the Holy See in January (see article).

Another serious threat is that 34 state legislatures may compel Congress to call a national constitutional convention, the first since 1787. Only two more state legislative resolutions are needed, 32 having been passed with little debate and few hearings. Although the resolutions ostensibly seek a convention for the sole purpose of initiating an amendment to require a balanced federal budget, constitutional scholars recognize that once called, a new convention, like the one in 1787, could exceed its mandate and do serious damage to the Bill of Rights. It is probable that a coalition of pro-parochial, pro-school prayer, anti-abortion, Moral Majority type groups and Radical Right political organizations would try to control the process of selecting convention delegates.

These threats to church-state separation on the national level are paralleled on the state and local levels. Efforts are being made to get the fundamentalist doctrine of "creationism" taught in public schools and/or to remove evolution and interfere with other science teaching. Efforts to censor textbooks and library books are increasing. Over 4,000 fundamentalist missionaries, from such groups as Young Life and Campus Crusade, are operating in public schools and are rarely challenged.

Finally, the 1984 elections will determine what sort of Congress and Supreme Court will be dealing with these issues.

On all levels the attacks on church-state

separation and public education are accompanied by Radical Right propaganda campaigns to convince the public that the schools, universities, courts, media, and even moderate and liberal religious bodies are part of a vast, mysterious "secular humanist" conspiracy to destroy religion and morality.

This all too brief overview of the current religious liberty situation is necessarily incomplete, but we have looked at the broad picture. A prognosis can only be conditional. Religious liberty, church-state separation, democratic public education, and the secular state will survive and thrive if, and only if, enough ordinary citizens and religious, educational, and civic leaders care enough to work to preserve them.

Concerned individuals and leaders must keep informed of the threats, make their views known as effectively as possible to lawmakers and the general public through all possible media (pulpits, associations, conferences, radio, TV, letters and articles in newspapers, magazines, and journals, etc.), participate in the political process, and contribute to and work in those public interest organizations dedicated to preserving religious liberty and church-state separation.

While there are a number of worthy organizations working to defend church-state separation, most limit their concerns to specific issues (abortion rights, public education, etc.), limit their membership by denomination or profession, or specialize in, say, litigation. That is why Americans for Religious Liberty is of such potential importance. ARL has an open membership and is concerned with all of the key church-state controversies. With a growing membership and support base, ARL will help to answer the headline question in the affirmative. ■

### ARL in Action

Board member Jay Wabeke (Rev.) has organized a Grand Rapids, MI, chapter. The new president of the University of Michigan chapter in Ann Arbor is Misti Delaney. The newly formed chapter in Philadelphia is headed by Ronnie Sussman.

Executive director Edd Doerr debated conservative columnist John Lofton on religion and government on the Fred Fiske Show on WAMU radio in Washington on December 19. Doerr also appeared on the Kevin Joyce Show on WXYZ radio in Detroit on January 11 to discuss President Reagan's establishment of diplomatic relations with the Holy See.

Doerr and ARL member Harlan Rainey testified before Maryland legislative committees in January and February on the proposed repeal of Maryland's constitutional convention call. Doerr also testified before U.S. Senate and House committees in opposition to the establishment of diplomatic relations with the Holy See, representing ARL and also the Unitarian Universalist Association, the American Ethical Union, the American Humanist Association, and the Council for Democratic and Secular Humanism.

Doerr will be on a speaking tour of southern California and upstate New York in late March.

## Will Religious Liberty Survive the 1980s? *continued from page 1*

the right to make and follow one's own judgments on moral and personal issues; the right to access to information and opinion.

Religious liberty also includes the right to provide religious instruction or training to the children for whom one is responsible, though there is no consensus as to when a child should begin to enjoy all the religious rights of an adult.

Since individual religious liberty entails the right of persons to form or join religious associations, these associations should enjoy the freedom to order their own worship, educational, charitable, and other activities; to formulate and change their teachings and doctrines; to determine their own organization and government; to set their own standards for membership and positions of authority; to operate educational and charitable programs; to operate programs of missionary outreach; to interpret to the public their views and principles on any subject.

One's religious liberty extends only to the point where it begins to interfere with another's liberties, of course. Obviously improper would be sacrificing maidens to volcano gods, creating public disturbances, suttee, abusing or neglecting children, endangering public health and safety, fraud, or failure to comply with reasonable laws expressing legitimate and compelling public interests (such as fire and safety codes, compulsory education and medical licensing laws).

Religious liberty is incomplete if government may discriminate against or in favor of any person or association because of his/her or its religious beliefs or disbeliefs; if government imposes religious tests for public office; if government enacts laws which, as theologian John C. Bennett puts it, are based upon principles that depend for their validity on the doctrines or ethos of particular religious bodies (with regard, for example, to abortion, birth control, divorce, mandating the teaching of "creationism"); if government does not treat all religions and their non-religious analogs equally; if government taxes citizens for the support of religious institutions or bodies.

Further, religious liberty must be distinguished from its sometime look-alike, toleration. Toleration is something that government allows on sufferance and has nothing to do with inalienable rights. The architects of the U.S. Bill of Rights were interested in permanent rights, not mere toleration.

The above definition, which would probably meet with the approval of most serious students of the subject, is both a common

sense definition and one grounded in history, advocated by the leading authorities on civil liberties, and supported by a wide spectrum of Christian, Jewish, liberal religious, and humanist bodies.

Religious liberty bloomed late in human history, exists nowhere in its pure form, and has advanced farther in the U.S. than in any other country.

In primitive societies, religion and government are generally not distinguishable. This is true today not only in isolated backward cultures but in fundamentalist Muslim countries such as Iran and Saudi Arabia. Ayatollah Khomeini, for instance, has declared that an Islamic republic has no need for a legislature because all necessary laws were placed by God in the Koran fourteen centuries ago. Since the time of Rome's establishment of Christianity, religion and government has been distinguished but rarely independent of each other.

Religion and government relate in three basic ways. In one, government is hostile to all religion and represses or uses it. This has been the pattern in the officially communist states and is in part, at least, a reaction to the excesses of clericalism.

In the second way, government and religion can be related in three identifiable modes. Sometimes government dominates religion and uses it as an engine for its purposes, as in the Roman Empire. At other times religion dominates and uses government, as in today's Iran or Calvin's Geneva. And sometimes government and religion use each other. The French government and the Catholic Church did this in Indochina for eighty years. The Spanish Inquisition and royal patronage were also examples of this mode.

Religion and government are intertwined in most countries today. British law imposes religion in public schools. Britain, West Germany, France, Belgium, the Netherlands, Australia, Canada, and the Swiss cantons tax their citizens to support religious institutions. Interestingly, while Spain, Italy, and Greece, having learned valuable lessons from our country, are moving away from close church-state unions, fundamentalist forces and Radical Right political groups are trying to move the United States in the opposite direction.

The third way, that of separation of church and state, is an American invention, probably our most important contribution to the art of government.

The settlers of most of the British colonies in North America set up established churches. Later, as Americans fought for political independence, they also began

the process of separating church and state. Jefferson and Madison led the struggle for disestablishment and then complete separation in Virginia, setting the example for the rest of the country.

When the Constitution was drafted, it delegated to the federal government no power whatever to meddle with religion and forbade religious tests for public office. When the Bill of Rights was adopted, its first article prohibited Congress from making any law "respecting an establishment of religion, or prohibiting the free exercise thereof." The individual state constitutions all sooner or later separated church and state, always racheting forward toward an ever more complete separation.

After the Civil War, the Fourteenth Amendment was added to the Constitution to extend the prohibitions of the first eight amendments to state and local government, though the Supreme Court did not begin to accept this until after 1920. Since 1940 the Court has applied with reasonable consistency the Jeffersonian-Madisonian concept of a "wall of separation between church and state" implicit in the First Amendment.

Church-state separation divides the two most powerful forces in society, government and religion, in the interest of protecting liberty, just as the separation of executive, legislative, and judicial powers in the federal and state governments, federalism, and regularly scheduled elections are intended to protect liberty by preventing excessive concentration of power.

The Supreme Court's explication of the First Amendment in the 1947 *Everson* ruling fits well within the definition of religious liberty above:

"Neither a state nor the Federal government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal government can, openly or secretly, participate in the affairs of any religious organizations and vice versa."

Religious liberty, then, is best protected when church and state are kept separate, when the state is secular (i.e., religiously

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# News Briefs

Moral Majority leader Jerry Falwell, speaking at the National Religious Broadcasters convention in February, declared that a key reason to work for President Reagan's reelection is that he will be able to appoint Supreme court justices sympathetic to Radical Right views on abortion and other issues. At the same convention, former Radical Right congressman John Conlon urged the religious broadcasters—the NRB represents some 600 radio and 79 TV stations—to "do everything you can" to work for Reagan's reelection "because Mr. Mondale is a humanist. His brother signed the Humanist Manifesto."

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The U.S. Supreme Court agreed on February 27 to hear an appeal from the Grand Rapids, MI, school board of lower federal court rulings that its practice of providing teachers to Catholic, Christian Reformed, and Lutheran parochial schools is unconstitutional. Architect of the suit challenging the Grand Rapids parochial plan is ARL board member the Rev. Jay Wabeke. The attorney who handled the suit is ARL member Albert Dilley.

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A California parochial group is trying to gather 630,000 signatures to place on the ballot in November 1984 a proposed state constitutional amendment to fund parochial, private, and public schools under a voucher plan. The plan would specifically allow tax support for private schools which discriminate by religion, ideology, ability level, and socio-economic class. Similar initiatives failed to get on the ballot in California in the late 1970s. In the only statewide referendum on a voucher plan to date, Michigan voters defeated the plan in 1978 by a 4 to 1 vote.

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California federal district court judge Manuel Real has dismissed a suit—filed by the ACLU on behalf of Christian, Jewish, Buddhist, Sikh, humanist, and other plaintiffs—against President Reagan's and Congress's proclamation of 1983 as "Year of the Bible." Judge Real said that the resolution and proclamation did not have the force of law and were not "sufficiently forceful to mandate religious conduct."

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Denver District Judge James C. Flanigan ruled in December that the City and County Building may keep its Nativity scene display. Plaintiff Jane Conrad, a member of ARL, will appeal the ruling. In Houston, U.S. district judge George Cire ruled earlier that Harris County may continue to set up Nativity scenes in public buildings.

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Only two more state legislative resolutions are needed to force Congress to call a new constitutional convention. In California, Ohio, Washington State, and Montana, efforts are being made to get initiatives on the November ballot to force legislatures to pass the resolutions by threatening to cut off their pay. Legislative drives are being made in Kentucky (where it has passed the Senate), Michigan (S.J.R. E and H.J.R. F), New York, Vermont, and West Virginia. Meanwhile, strong efforts are being

made by defenders of the Constitution to repeal con-con resolutions in Maryland and Iowa.

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The ACLU filed suit in federal court in Idaho in January to stop distribution of Gideon Bibles in public schools. Whenever this practice has been challenged, it has been held unconstitutional.

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The U.S. Agency for International Development recently donated \$580,000 to a Seventh-day Adventist parochial school in Alajuela, Costa Rica. Texas ARL member Ken Gjemre and ARL director Edd Doerr are making inquiries in Washington about the apparently unconstitutional grant.

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On February 18, after 16 years of negotiations, Italy and the Holy See signed a new concordat revising the one between Mussolini and Pius XI in 1929. Under the new agreement, Italy no longer has a state religion, Rome is no longer a "sacred city," religion instruction in public schools is made elective instead of mandatory, and Italy's financial obligations to the Catholic Church are to be reexamined. The new treaty confirms Italy's progress toward church-state separation, which was punctuated in the 1970s by serious referendum defeats for the Vatican on the issues of legalizing divorce and abortion.

Spain and Greece have made similar progress toward church-state separation in recent years, while fundamentalist Protestant and Catholic clerical interests are trying to get the U.S. to go in the opposite direction.

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Reagan Attorney General William French Smith declared in February that the administration "welcomes" the Supreme Court's apparent loosening of its interpretation of the First Amendment.

# Resources

Available from ARL, P.O. Box 6656, Silver Spring, MD 20906.

*A Delicate Balance: Church, State, and the Schools*, by Martha M. McCarthy. An up-to-date, comprehensive yet concise (178 pp.) summary of Supreme Court and lower court rulings on religion in public education, government aid to religious schools, religious exemptions from public school programs, religious challenges to public school curriculum, and governmental regulation of parochial schools. An excellent basic resource for lawyer and layperson alike. \$6 plus \$1 for postage and handling.

*American Freedom and the Radical Right*, by ARL co-founder Edward L. Ericson. An excellent guide to the aims and methods of the movement bent on "piecemeal repeal of the Bill of Rights." \$4.95 plus \$1 for postage and handling.

"Will Religious Liberty Survive the 1980s?" Address by ARL executive director Edd Doerr. \$1 each includes postage and handling.

## Pamphlets

"Tuition Tax Credits: Threat to Religious Liberty and Public Education."

"A New Constitutional Convention: Threat to the Bill of Rights."

"Creationism, Evolution, and the Public Schools."

"Prayer and the Public Schools."

10 for \$1; 75 for \$5. Titles may be mixed.

Available from ARL, P.O. Box 16, Franklin, MI 48025.

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