



VOICE OF REASON

Winter 1985

The Newsletter of Americans for Religious Liberty

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Election '84: No Mandate to Weaken Religious Liberty

Ronald Reagan's electoral victory on November 6 was primarily a personal triumph, a view the ultra-conservative *Washington Times* says is backed by Radical Right leader Terry Dolan. The electorate swung to Mr. Reagan because they viewed him as a "strong leader," whatever that might mean, like his military posture, and gave him credit for the seeming prosperity of the last year. Walter Mondale was not perceived as a strong leader.

But below the presidential level, voters largely ignored Mr. Reagan and split their

tickets. Reagan's short coattails brought in unimpressive House gains, but did help account for Sen. Jesse Helms' narrow victory over challenger Gov. Tom Hunt in an expensive and nasty campaign. The coattails did not help Sens. Charles Percy in Illinois or Roger Jepsen in Iowa, who were defeated by liberal Democrats, Reps. Paul Simon and Tom Harkin.

In states holding elections for state legislators, the vote majority of 58% for the Democrats rivalled Reagan's popular vote margin.

New voter registrations were apparently

divided almost equally between blacks, 90% of whom voted for Mondale, and white fundamentalists, about 80% of whom voted for Reagan. The number of votes that went for or against Reagan because of his support by "moral majoritarian" groups seemed to balance out.

Reagan's strong support for federal aid for sectarian private schools through tuition tax credits, government regimented school prayer, and an anti-abortion constitutional amendment, together with his establishment of formal diplomatic ties with the headquarters of the Catholic Church, brought him only minor gains with Catholic voters, who went for Reagan by only 56% to 44%, a figure well below his white Protestant vote. Reagan even lost such overwhelmingly Catholic areas as Dubuque, Iowa. The Reagan campaign ran ads in many Catholic papers featuring a photo of Reagan with Pope John Paul II, but one third of the Catholic papers rejected the paid ads as going too far.

Jewish voters split 70% to 30% against Reagan, largely out of concern for his proximity to the Radical Right movement and sympathy for its agenda.

In only three states were any "moral majoritarian" social issues actually on the ballot. Measures to halt state Medicaid funding of abortions for poor women were handily defeated in Washington State and very narrowly passed in Colorado. The total vote in the two states was clearly pro-choice.

In West Virginia voters passed a state constitutional amendment to authorize up to a minute of silence for "contemplation, meditation, or prayer" in public schools. The amendment is being tested in federal

Editorials

Clinic Bombing and Harassment

Twelve years have passed since the U.S. Supreme Court's landmark *Roe v. Wade* ruling restored to women the right to choose the number and spacing of their children. The word "restored" is important, because the Court may be said to have turned back the calendar to the period from the founding of Jamestown to about the time of the Civil War (different states passed different anti-abortion laws at different times) during which abortion before quickening was legal, accepted and widely practiced.

In *Roe* the Court held that the medical reasons which mainly accounted for the late nineteenth century state anti-abortion laws (see James C. Mohr's excellent history *Abortion in America*) were no longer relevant or compelling, that there has never been any consensus as to when a fetus becomes a person, that the constitu-

tional right to privacy includes a woman's right to choose to terminate a problem pregnancy. This right, the Court held, is virtually unlimited during the first trimester of pregnancy, may be subject to some regulation during the second trimester in the interest of protecting a woman's health, and may be regulated even further during the third trimester in the interest of the potential life of a viable fetus.

While many who believe that abortion is always or sometimes immoral are willing to live with the Court's freedom of conscience ruling, and while most Americans approve of or accept the ruling, a determined minority, led by conservative Catholic bishops and fundamentalist televangelists like Jerry Falwell, is working hard to make free choice either illegal or more expensive and less safe.

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Although twelve years of intense lobbying and political pressure by sectarian special interests has failed to produce a constitutional amendment outlawing free choice, it has led to passage by Congress and many state legislatures of nearly complete bans on use of Medicaid or other public funds for abortions for poor women or armed forces or Peace Corps personnel or dependents. Even medical insurance programs for federal employees are barred from covering abortions.

Meanwhile, fundamentalist Catholic and Protestant anti-choice types (most non-fundamentalist Catholics and Protestants support the Supreme Court) have been picketing and demonstrating around women's clinics which provide abortions and other medical and counseling services. During 1984 there was picketing and harassment of patients and staff at more than 150 clinics around the country, often on a weekly basis. On November 17 your editor was an observer at a women's clinic in Wheaton, Maryland, as about 150 anti-choice pickets demonstrated (trespassing on private property), forcibly blocked the clinic door, and harassed both patients and staff. Police arrested 46 of them in order to clear the clinic doorway. Standing near the very center of the demonstration, one could see that the demonstrators were motivated by religious zeal to impose their theology of fetal personhood on everyone else. One could also see how such demonstrations and harassment could have a chilling effect on women facing or having made difficult decisions about their problem pregnancies.

But worse than harassment and picketing is violence or threatened violence against clinics. Less than 48 hours after the demon-

stration at the Maryland clinic, it and adjacent unrelated offices were destroyed by a powerful bomb. During 1984 there were 23 actual clinic bombings and arsons and 6 attempted bombings and arsons, plus 31 instances of invasions of clinics by anti-choice demonstrators, 31 cases of vandalism, 21 death threats, 36 bomb threats, 7 assaults, and 2 burglaries.

What is at stake is not, as Moral Majority vice-president Cal Thomas sneered in his syndicated column, the mere destruction of property, but, rather, the violent damaging of a woman's right to exercise a constitutional right. It may not be possible for clinic personnel to rent new quarters, or their insurance and other expenses may drive costs out of the reach of women of modest means.

The bottom line is that some people, nearly all of them of a fundamentalist mentality, want to impose their theology and their particular morality on everyone else by law and/or social pressure. Whether the clinic bombings are found to be part of an actual conspiracy or not, the bombers may well be interpreting the frequent and vehement anti-choice remarks of President Reagan, Pope John Paul II, and Jerry Falwell as encouragement for their activities.

Opponents of choice have the right, of course, to demonstrate peacefully in support of their views, to try to influence public opinion in their direction, and to advocate the legal implementation of their views. On the other hand, they go too far when they harass women seeking only to exercise a constitutional right. And politicians go too far and show contempt for constitutional liberties when they accede to the demands of the sectarian special interests.

"Secular Humanism"

It is bad enough that Radical Right propagandists, such as Tim La Haye and Jerry Falwell, have worked hard to generate prejudice against Americans of the Humanist persuasion and to peddle the "big lie" that American public schools teach the "religion of secular humanism." Now both Congress and the Reagan Department of Education have made matters even worse.

Last summer Congress included a prohibition on using funds under the Education for Economic Security Act for "courses of instruction the substance of which is secular humanism." According to Sen. Daniel P. Moynihan, the prohibition was inserted by Sen. Orrin Hatch as the price for his support for the act's "Magnet Schools" section, which many senators considered necessary to help school districts undergoing desegregation efforts.

Now the Education Department has proposed rules for implementing the act which do not define "secular humanism" and which leave defining it to individual school districts.

Unless these rules are changed, many schools will face witch hunts led by Radical Right groups to find and root out "secular humanism." People for the American Way has provided examples of what can and will happen.

In Arizona, showing of an Eagle Forum (Phyllis Schlafly's group) film on "secular humanism" led a school board to eliminate Homer, Hawthorne, and Hemingway from required reading lists, and cost a teacher his job.

In two districts in Oregon, attacks on "secular humanism" were used to undermine school guidance and counseling programs.

In Texas, Mel and Norma Gabler used the "secular humanism" charge for years to censor school textbooks.

In Buffalo, NY, a child-abuse prevention and sex education program are under attack for promoting "secular humanism."

In Tennessee, a Radical Right group sued to eliminate textbooks which promote "secular humanism" by "talking about evolution, death and dying, and the struggle for equality."

Our public schools are required by the Constitution and the pluralistic nature of our society to be religiously neutral. They may not teach or promote "secular humanism" any more than Catholicism, Methodism, Judaism or Hinduism. No credible evidence has ever been produced in court that "secular humanism" is taught or promoted in any public school. Several years

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

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has been ordering students to stand for a daily moment of silent prayer. A student who declined to participate and remained seated was chewed out by the teacher before her class and ordered to stand during the exercise.

Population Cutoff

The Reagan administration has carried out its threat to cut off U.S. funding for the International Planned Parenthood Federation. For fiscal 1985 about \$17 million had been budgeted. The cutoff is not based on U.S. law, which forbids use of U.S. aid for abortions. The IPPF performs no abortions, does not advocate abortion as a family planning method, and warns independent family planning agencies that U.S. aid may not be used for abortions.

Population Institute president Werner Fornos charged in December that the administration's action "is a sellout to religious zealots who seek to impose their viewpoints on the rest of the world."

The *Washington Post* noted that as a result of the fund cutoff, "many desperately poor women will resort to self-inflicted or illegal abortions, which are still major birth control methods in the less-developed world. This avoidable suffering will be in large part attributable to this decision, which contravenes congressional intent."

Louisiana Creationism Law Voided

Louisiana's 1981 creationism law was ruled unconstitutional on January 10 by U.S. District Court judge Adrian Duplantier. The law required Louisiana public schools to "give balanced treatment to creation-science and to evolution-science," like the very similar Arkansas statute ruled unconstitutional in 1982.

Judge Duplantier handed down a summary judgment in *Aguillard v. Treen* to spare the state's taxpayers the expense of a protected but useless trial. His ruling held that creationism is a religious tenet and therefore cannot constitutionally be required to be taught in science classes, though it might be taught about objectively in a comparative religion class. Duplantier added that because the state law "promotes the beliefs of some theistic sects to the detriment of others, the statute violates the fundamental First Amendment principle that a state must be neutral in its treatment of religions."

The suit was brought by public school parents, educators, taxpayers, religious leaders, and the American Civil Liberties Union. The state has announced its intention to appeal the ruling.

Aguillard v. Treen joins the 1982 federal district court ruling in *McLean v. Arkansas Board of Education* as major defeats for the promoters of the fundamentalist doctrine of creationism in public schools.

But the struggle is not yet over. A number of school boards and teachers are still promoting it. And creationists have enrolled in college biology and anthropology classes for the purpose of disrupting them when evolution is discussed.

A major breakthrough for science teaching

Your ARL Membership

As the media and every issue of this newsletter make clear, the serious threats to religious, intellectual, and personal freedom are not slowing down. Radical Right and sectarian special interest pressure groups are unrelenting in their campaigns to reverse the progress our country has made in implementing the democratic vision of Jefferson and Madison.

Americans for Religious Liberty's nationwide educational program is more needed now than ever. But ARL, though it is growing in size and influence, is totally dependent on and urgently in need of YOUR continued support. We need you to:

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

You can also help by ordering and distributing ARL literature; arranging for an expert ARL speaker to address an audience at your university, church, synagogue, school, professional association, etc.; helping to organize an ARL chapter in your community; sending us clippings of news items, editorials, and columns on our issues from your local papers; sending us the names and addresses of people you think would support our program.

Thanks in advance for your help.

has occurred in Texas, however. The elected state board of education, long a bastion of fundamentalism, has been replaced by a more moderate appointed board which has sharply curtailed Radical Right influence over textbook selection. Of the five new biology texts approved, none mentions creationism.

Biologist Wayne Moyer of People for the American Way concludes that "schools are getting back to teaching science as science."

Con-Con

With the country just two state resolutions short of Congress' having to call a new constitutional convention, which could endanger the Bill of Rights, Radical Right groups like the National Taxpayers Union are concentrating this winter on getting Con-Con resolutions passed by legislatures in Montana, Michigan, Connecticut, Ohio, and Washington State.

"Equal Access"

The anticipated wrangling over implementation of the "equal access" legislation has begun. Living up to its reputation as a "lawyer welfare law," the legislation is presently being wrestled with by state and local officials and litigated in several federal court cases.

Although it contradicts four federal appeals court decisions, Public Law 98-377 was passed by Congress last summer. The statute requires public secondary schools (generally, grades 7-12) to give classroom meeting space to student religious groups if other noncurricular groups are allowed to meet.

Called "simplistic . . . and constitutionally intolerable" by Maryland Attorney General Stephen H. Sachs, the law appears to be creating more problems than it solves. Prompted by a dispute over a Bible club, the superintendent of Baltimore County public schools asked Sachs for

guidelines for religious practices in the schools. According to Sachs, the Act will probably be found to violate the Constitution's prohibition of government establishment of religion. "The clear tenor of the legislative history," Sachs said, "is that the Act was designed with a specific, sectarian purpose in mind: to enhance the status of religious meetings in public secondary schools When a school goes beyond a neutral policy of passive accommodation of religion, it violates the Establishment Clause of the First Amendment, notwithstanding what the Act purports to require."

In Texas, Vermont, and Colorado, squabbles over the law have disrupted and divided communities. In Boulder, the city was so acrimoniously divided on the role of religious practices in school that—following the parameters of the law—it chose to put an end to all non-curriculum related meetings. With a school and community split along religious lines, the district was forced to ban, along with the religious groups, all hobby clubs, social service programs, and student political organizations.

Meanwhile, the Reagan administration has asked the U.S. Supreme Court to reverse a federal appeals court's ruling that barred student religious meetings in a Williamsport, PA, high school. In a brief filed with the high court in December, the Justice Department said the case is necessary to test the validity of the "equal access" act.

In its first six months, the "equal access" act has brought religious divisiveness to school districts across the country. Many civil and religious liberty leaders agree with the *Washington Post* that "equal access" is on the federal books because of those who "want to encourage prayer and religious meetings not only in churches and at home but in every public secondary school in the land. A far better approach would be to protect religion by keeping it separate from the state and out of compulsory public schools. The law should be repealed."

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ago the federal courts found that Transcendental Meditation was being promoted in five New Jersey public schools, held TM to contain substantial religious elements, and ordered TM out of the schools. The court should do the same if "secular humanism" or any other religion is proven to be taught or promoted by public schools.

But no legislation is needed to prohibit the teaching of "secular humanism." Indeed, the law passed by Congress last summer singles out Americans of the Humanist persuasion and makes them the targets of suspicion and prejudice. The "secular humanism" section of the 1984 law bears an unmistakable resemblance to Nazi laws against Jews and our old colonial laws against Quakers, Baptists, Catholics, and non-trinitarians.

In practice, moral McCarthyites will put anything in the schools they dislike under the "secular humanist" label and use the law and Education Department rules to try to get rid of it. This has the potential for causing turmoil in every state.

Congress should repeal the "secular humanism" section or the courts should strike it down. Meanwhile, the Education Department should issue rules to prevent local witch hunts, rules to help school districts understand that "secular humanism" is not simply a net into which everything disliked by Jerry Falwell, Tim La Haye, and Phyllis Schlafly can be dumped.

Humanists believe in democracy, peace, evolution, situation ethics (which is not, "if

it feels good, do it"), freedom of religion, church-state separation, civil liberties, science, pluralism, the right to birth control and divorce, etc. But so too do most Catholic, Protestant, Jewish, and other Americans.

If the Education Department does not issue rules to prevent Radical Right witch hunts, public education, educators, and Americans of all faiths will be the losers.

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expected to press Congress to enact a tuition tax credit program for federal aid to sectarian schools, though such plans have always been defeated in Congress. The Heritage Foundation is urging the administration to encourage state initiatives to set up tuition tax credit and voucher plans. The Radical Right Free Congress Foundation, headed by Paul Weyrich, has published a 303-page *Blueprint for Education Reform*, edited by Connaught Marshner, promoting both tuition tax credit and voucher plans as well as a public school prayer amendment. The book includes essays attacking the Supreme Court's parochial aid and school prayer rulings, knocking public education, and proposing that, to avoid increasing the federal deficit, that existing federal aids to education be converted into a voucher plan.

School Prayer

The Supreme Court heard oral arguments on December 4 in the challenge to Alabama's law requiring a minute of silence for "meditation or voluntary prayer," *Wallace v. Jaffree*. ARL is participating in the action in a coalition *amicus*

curiae brief. The 1981 state law was ruled unconstitutional in 1983 by the Eleventh Circuit U.S. Court of Appeals. Plaintiff Ishmael Jaffree did not challenge a 1978 Alabama law which provides for a moment of silence but does not mention prayer.

New Jersey education officials announced in January that they are holding up further efforts to prohibit schools from holding minutes of silence pending the outcome of the *Jaffree* case. Although a New Jersey federal district court held that state's silence law unconstitutional in 1983, three school districts chose to defy the ruling.

West Virginia's constitutional amendment authorizing schools to have up to a minute of silence each day for "contemplation, meditation or prayer," ratified by referendum last November, is being challenged in federal court by the ACLU. Meanwhile, state school superintendent Roy Truby has issued guidelines saying that students may kneel, stand, sit, "or engage in other acts symbolic of their faith" during the silent minute. Truby said teachers and principals are to be "strongly discouraged" from answering questions from students other than, "We are doing this in compliance with the State Constitution."

Sen. Jesse Helms has introduced a bill in the U.S. Senate, S. 47, to deny the Supreme Court and lower federal courts jurisdiction over "any State statute, ordinance, rule, regulation, or practice, which relates to voluntary prayer, Bible reading, or religious meetings in public schools or public buildings." The bill defines "voluntary" in such a way as to render government mandated or regimented devotions in schools immune to legal challenge as long as dissenting students may "voluntarily" brave school and peer pressure to opt out of participation.

A school prayer controversy has broken out in Manchester, NH, where a home room teacher

ARL in Action

Executive Director Edd Doerr delivered a lecture on "Religious Liberty in America: A Constitutional Perspective" at the U.S. National Archives in December, as part of a series sponsored by the Constitution Study Group.

In October Doerr spoke at forums on religion and politics in Teaneck, NJ (with Rutgers law professor Frank Askin and Columbia religion professor Joseph Blau), and in New York (with sociologist Alfred McClung Lee and ACLU lawyer Charles Sims), and led a workshop on church-state issues for Ethical Society leaders. In October and November Doerr spoke at Oberlin College in Ohio, a meeting in Cleveland, at Episcopal and Unitarian Universalist churches in Pittsburgh, Dallas, and Los Angeles, in addition to appearing as a guest for three hours on KABC radio in Los Angeles (syndicated nationally on sixty stations), on KDKA-TV, WTKN-AM, and KQV-AM in Pittsburgh, on KERA-FM and KXAS-TV in Dallas, and on WSBY-AM in Salisbury, MD. In January he appeared as a guest on WEAN-AM, WHJJ-AM, and WSBE-TV in Providence, on WHDH-AM and WMJX-FM in Boston, on WNBC-TV in Washington, D.C., and taped a Cambridge Forum radio broadcast for national distribution. On March 10 he will speak at a meeting in Teaneck, NJ.

On December 10, ARL's Doerr and Abraham attended a White House "policy forum" on religion and politics. Featured speaker was theologian Richard John Neuhaus (see "Books"), who hailed the

demise of the American "enlightenment-secular humanist" public philosophy and called for a new philosophy in tune with his view that "Rome is the spiritual center of world Christianity."

The Kalamazoo, MI, ARL Chapter sponsored an address on October 24 by the Rev. Roger E. Greeley on "Our Forefathers Retired God from Politics," an historical review of church-state separation in the U.S. Chapter president Dan Crampton appeared on a local talk show to respond to Michigan Moral Majority president David Claggett's assertion in the program that church-state separation "is a term that is peculiar to the Constitution of the Soviet Union." Crampton pointed out that President Thomas Jefferson used the phrase to explain the First Amendment in 1802, fifteen years before Karl Marx was born.

ARL board member and St. Paul School of Theology professor John M. Swomley had a featured article in the *United Methodist Reporter* in December, explaining how the injection of religious issues into the 1984 political campaign by sectarian leaders could adversely affect religious liberty.

Board member Jay Wabeke was the subject of a cover story in the Grand Rapids, MI, *Press's* Sunday magazine on November 4. The paper noted that Wabeke "has been called perhaps the single most influential person on the issue of separation of church and state in Michigan in the last 15 years."

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court.

Two states, California and Montana, avoided referenda on measures to try to force state legislatures to request Congress to call a national constitutional convention when their supreme courts ruled the proposals to be unconstitutional.

While President Reagan won a personal mandate, the electorate did not give him or Congress a mandate to enact the "moral majoritarian" social agenda. Further, the horrendous national debt will help hold back Reagan's proposal for federal tax credit aid for sectarian private schools. Nonetheless, attempts will be made to get Congress to enact the social agenda advocated by Reagan, Jerry Falwell, and the 1984 Republican platform.

The New Christian Right, the religious component of the Radical Right, went all out to affect the 1984 elections. Falwell's Moral Majority worked hard at registering voters through fundamentalist churches, especially in North Carolina, where that effort, plus a good deal of racism, helped reelect Sen. Jesse Helms. In Falwell's own

congressional district in Virginia, however, incumbent moderate Democratic Rep. James Olin defeated Republican Ray Garland 52% to 48%. The so-called Biblical News Service, an affiliate of the Radical Right group Christian Voice, widely distributed a scurrilous 40-page "Presidential Biblical Scoreboard" attacking Mondale and strongly supporting Reagan and other conservative candidates. A one-page version of the Scoreboard, called a "Report Card on Traditional Values," intended as both flyer and church bulletin insert, was spread around the country in fundamentalist churches and on cars in parking lots. To Christian Voice, the "traditional values" issues are "Abortion on Demand, Secular Humanism, Acceptance of Homosexuality as an Alternative Lifestyle, Voluntary School Prayer, Tax Credits for Christian Schools, Balanced Budget Amendment, Equal Rights Amendment." Not a word about social justice, peace, or help for the poor.

While President Reagan has no mandate to push the Radical Right social agenda through Congress, he is in a position to appoint Supreme Court and lower federal court judges who hold Radical Right views.

Indeed, his party's platform, shunting aside the views of substantial numbers of moderate and liberal Republicans, insists that he apply an anti-abortion litmus test to all prospective jurists. Heading the list of men Reagan is likely to appoint to fill Supreme Court vacancies that might develop are federal appeals judges Robert ("Saturday Night Massacre") Bork, Antonin Scalia, and Richard Posner, all congenial to the Radical Right.

Finally, post-election Harris polls showed that 71% of voters oppose endorsements of candidates by clergy, 56% of Catholics and half of Moral Majority voters oppose an anti-abortion amendment, and 69% of Catholics oppose Archbishop John J. O'Connor's attempts during the campaign to make abortion the deciding issue in the election. Harris also found that a constitutional amendment "to require daily prayer" in public schools is opposed 59% to 36% by Catholics and 52% to 43% by Moral Majority voters. A poll at Disney World's Epcot Center in Florida showed that two thirds of respondents agreed that too much religion had been injected into the 1984 election campaign. ■

Newsbriefs

Parochiaid

On December 5 the U.S. Supreme Court heard arguments in two important suits challenging tax aid to sectarian private schools. In *School District of Grand Rapids v. Ball* (a case developed by ARL board member Jay Wabeke), the issue is a program paid for by the state of Michigan in which publicly paid teachers are assigned to parochial schools. In *Secretary, U.S. Department of Education v. Felton* the issue is the use of federally funded teachers in parochial schools under Title I of the 1965 Elementary and Secondary Education Act. Defenders of church-state separation had won both cases in lower federal courts. If the Supreme Court overturns the lower court rulings, it will have to at least partially reverse its own rulings against parochiaid from the 1970s.

ARL participated in the two cases in coalition *amicus curiae* briefs.

On November 28 the U.S. district court for western Missouri, ruling in *Wamble v. Bell*, held unconstitutional the provision of federally funded Title I remedial education services on the premises of denominational private schools. Judge Joseph Stevens found that the program, even though generally secular by itself, violated the "excessive entanglement between religion and government" test because the services were provided in pervasively sectarian schools of several denominations.

In other action, the governors of Minnesota and Colorado, Rudy Perpich and Richard D. Lamm, are both advocating modified school

voucher plans. Perpich's plan would be used to allow students to attend any public school in the state, while Lamm's would allow students at public expense to attend any public or private nonsectarian school. Though both governors' plans would exclude denominational schools, critics fear that any kind of voucher plan would set the stage for eventual inclusion of sectarian schools, which would both violate church-state separation and damage public education. The Minnesota legislature defeated voucher bills in

1984 that would have allowed tax paid vouchers to be used for parochial schools. In Colorado a voucher plan initiative failed to get on the ballot in 1984.

The Wisconsin legislature is considering a proposed state constitutional amendment which would allow the state to administer federal aids to sectarian schools.

The Reagan administration, sectarian special interests, and Radical Right pressure groups are

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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.

Science and Creationism. The National Academy of Sciences' statement on the important school controversy. \$4 plus \$1 for postage and handling.

"Will Religious Liberty Survive the 1980s?" Address by ARL executive director Edd Doerr. 50¢ 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.

Books

***The Naked Public Square: Religion and Democracy in America*, by Richard John Neuhaus, William B. Eerdmans Publishing Company, 280 pp., \$16.95.**

There isn't much to rely on in this ponderous work by an eminent Lutheran cleric.

The title, with its inept but spicy metaphor, is a come-on, as the author virtually admits. That public square isn't naked—it is a cluttered, reeming, bumper-stickered place ("Jesus Saves," for example, vying with "The Moral Majority is Neither"). Close by are chaplains, politicians and judges invoking the deity and uttering semi-official pieties.

What is Neuhaus's beef? It is that the pieties aren't fully official. He wants legal recognition, sanction, and support of Christian public morality, and embraces Jerry Falwell as prophet, though from time to time he complains of Falwell's "vulgarity," "excesses, and steamroller tactics.

Neuhaus gives mere lip service to democratic principle. He insists on majority rule precisely in the area where it should not apply—over the individual's mind, conscientious beliefs, and personal way of life. With the crudest demagogues, he prates that freedom "of" does not mean freedom "from" religion—clearly implying that unbelievers cannot escape the pressure of their neighbors, backed by the state. Yet, ironically, Neuhaus occasionally expresses impatience with the tyranny of polls and the "trendy," morally bankrupt policies they encourage.

Rote-recitation forms of obeisance are cited as democratic models. Neuhaus says the Ten Commandments are an "obvious example" of public morality which it would be unthinkable to do without. Well, if we look deeply into American thought and practice—which Neuhaus professes to do—we will find a pioneer religious liberty champion, Roger Williams, expelled from Massachusetts in 1635 for "dangerous opinions" bearing on this very point. Williams had been preaching, among other things, that the Commandments (particularly, the first four) should not be regarded as part of the Bay colony's criminal code because one's duty to God was not enforceable by civil power. In exile, Williams founded Rhode Island and aimed it in the direction of separation of church and state. Today we may hear Williams turning over in his grave at news of the Supreme Court's 1984 ruling (5 to 4) in the Pawtucket creche case, in which the Court managed to completely ignore the views of Rhode Island's founder. Neuhaus does mention Williams, as well as Paine, Jefferson and Madison, but always obliquely and condescendingly.

Theory aside, Neuhaus is way off-base in pretending that Christian public morality is a proven, practical bulwark against totalitarianism. He cites fascism, nazism and communism but fails to acknowledge that Mussolini, Hitler, and Lenin took power in countries long accustomed to state piety and Christian public morality—countries, in fact, where such practices as prayer and religious indoctrination in the schools were commonplace.

So selective is Neuhaus in handling the historical record that he describes Father Charles

Coughlin as a pioneering electronic preacher who in the 1930s "had for a time considerable clout... until he broke with Roosevelt and tried to lead his radio millions into electoral politics under his own banner." No mention of Coughlin's fascistic doctrines or the riotous, Jew-baiting street corner meetings his Christian Front followers staged in large cities. Nor does Neuhaus mention Protestant counterparts of Coughlin such as the Revs. Gerald L.K. Smith and Gerold Winrod—or the cross-burning symbolism of the Ku Klux Klan.

Neuhaus is similarly cavalier in his treatment of the few court rulings he cares to discuss. A "we are a Christian people" observation in a 1931 ruling in a Supreme Court conscientious objector case (*U.S. v. Macintosh*) is dredged up without regard to the 1946 ruling (*Girouard v. U.S.*) which overturned it. Understandably, Neuhaus does not deal at all with the embarrassing experience of Justice David J. Brewer, who in an 1893 (*Holy Trinity v. U.S.*) *obiter dictum* took the theocratic line only to find himself later obliged to publish a book (*The United States A Christian Nation*) explaining away the misconceptions to which his ill-considered observations had given rise.

Political cartoonists have lately enjoyed drawing the Supreme Court and Court buildings with crosses affixed to their tops. Don't laugh—any day, now, we may see construction crews pulling up to make this alteration, and it is hard to imagine Neuhaus objecting.

Stan Lichtenstein

Stan Lichtenstein is a free lance writer living in Maryland.

***Abortion and the Politics of Motherhood*, by Kristin Luker, University of California Press, 324 pp., \$14.95.**

Sociologist Luker's balanced, comprehensive study, based on over 200 interviews and 20 years of documentation, points up the profound differences in the backgrounds, attitudes, and lifestyles of a generation of pro-choice and anti-choice activists. Her book contains a wealth of information on the history of the abortion rights controversy. Luker concludes that the continuing changes in women's education, attitudes, and place in the economy will in the long run favor the pro-choice position.

***American Democracy and the Vatican: Population Growth and National Security*, by Stephen D. Mumford, Humanist Press (Box 146, Amherst, NY 14226), 268 pp., hardcover \$11.95, softcover \$7.95.**

In this hard-hitting book, population expert Mumford shows that overpopulation threatens the whole world with ecological disaster and political instability, and that American national security and stability are threatened both by global overpopulation and unrestricted immigration from already seriously overpopulated countries. Mumford lays the blame for U.S. and other nations' failure to deal with the problem on the Vatican's well organized efforts against effective family planning, legal abortion, sex education, and even serious study of the problem, as well as on widespread public reluctance to stand up to the Vatican on the issue. The author notes that most Catholics do not support the Vatican's birth control, abortion, and population policies, but are unable to oppose them effectively. While Mumford's book is not without minor flaws, it is an important contribution toward the solution of what many experts regard as the world's gravest threat.

***The Creation Controversy*, by Dorothy Nelkin, Beacon Press (25 Beacon St., Boston, MA 02108), 242 pp., \$6.75.**

In this highly recommended, useful book, sociologist Nelkin traces the development of the creationism-evolution controversy up to the successful litigation against the Arkansas "Balanced Treatment" creationism law. The landmark ruling in the Arkansas case is included and alone is worth the price of the book. The author shows how the successes of the creationist movement are linked to the recent growth of fundamentalism and the excessively low level of understanding and appreciation of science.

***Darwin's Ark*, by Philip Appleman, Indiana University Press, 84 pp., \$15.**

Editor of three Norton anthologies on Darwin and Malthus and author of a book on overpopulation, Appleman offers here a collation of moving poems inspired by his lifelong study of both Darwin and the population problem.

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