



VOICE OF REASON

Spring 1985

The Newsletter of Americans for Religious Liberty

No. 16

Madison's "Memorial and Remonstrance" at 200

James Madison's "Memorial and Remonstrance Against Religious Assessments", one of the most important landmarks in the development of religious liberty and church-state separation, was published two hundred years ago this spring. The Memorial was written to oppose a bill sponsored by Patrick Henry which would have taxed Virginians for nondiscriminatory aid to all religions, with each taxpayer allowed to designate which church would receive his tax and nonreligious taxpayers allowed to route their tax to secular educational institutions. The success of Madison's efforts is evidence that the idea of multiple establishments, advocated by some sectarian interests today, was as objectionable to the generation of the constitutional framers as a British-style single establishment of religion.

Below is a condensed version of Madison's Memorial.

Religion can be directed only by reason and conviction, not by force or violence. The religion, then, of every man, must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. In matters of religion no man's right is abridged by the institution of civil society; and religion is wholly exempt from its cognizance.

If religion be exempt from the authority of the society at large, still less can it be subject to that of the legislative body. Their jurisdiction is both derivative and limited.

It is proper to take alarm at the first experiment on our liberties. . . . Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish, with the same ease, any particular sect of Christians, in exclusion of all other sects? That the same authority that can call for each citizen to contribute three pence only of his property for the support of only one establishment, may force him to conform to any other establishment, in all cases whatsoever?

If "all men by nature are equally free and independent," they are to be considered as

retaining an "equal right to the free exercise of religion, according to the dictates of conscience." While we assert for ourselves a freedom to embrace, to profess, and to observe, the religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us.



The [Henry] bill implies, either that the civil magistrate is a competent judge of truth, or that he may employ religion as an engine of civil policy. The first is an

arrogant pretension, falsified by the contradictory opinions of rulers in all ages, and throughout the world; the second is an unhallowed perversion of the means of salvation.

The establishment proposed by the bill is not requisite for the support of the Christian religion. To say that it is, is a contradiction to the Christian religion itself; for every page of it disavows a dependence on the powers of this world.

Experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of religion, have had a contrary operation. During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less, in all places, pride and indolence in the clergy; ignorance and servility in the laity; in both, superstition, bigotry, and persecution. Enquire of the teachers of Christianity for the ages in which it appeared in its greatest lustre; those of every sect point to the ages prior to its incorporation with civil policy. Propose a restoration of this primitive state, in which its teachers depended on the voluntary rewards of their flocks; many of them predict its downfall.

If religion be not within the cognizance

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Editorials

Population and Parochialism

The population and parochial problems, each quite serious by itself, are closely related, and their being related makes each even more serious. Let us explain.

Thanks to modern health, agricultural, and industrial technology, humankind is expanding its numbers at a rate that now threatens the carrying capacity of our planet. We—our species—are using up finite resources of soil, fresh water, fossil fuels, and readily extracted minerals at an ever in-

creasing rate. We are exploiting our renewable resources, such as forests and underground water, faster than they can regenerate. We are creating wastes, toxic or otherwise, at an increasing rate and faster than we can suitably dispose of them. We are degrading our environment, killing our forests with acid rain, contaminating soil and aquifers and lakes with harmful chemicals, fouling our air with noxious gases, and even extinguishing animal and plant species

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Madison's Memorial

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of civil government, how can its legal establishment be said to be necessary to civil government? What influences, in fact, have ecclesiastical establishments had on civil society? In some instances they have been seen to erect a spiritual tyranny on the ruins of civil authority; in many instances they have been seen upholding the thrones of political tyranny; in no instance have they been seen the guardians of the liberties of the people. Rulers who wished to subvert the public liberty may have found an established clergy convenient auxiliaries. A just government, instituted to secure and perpetuate it, needs them not.

The proposed establishment is a departure from that generous policy which, offering an asylum to the persecuted and oppressed of every nation and religion,

promised a lustre to our country, and an accession to the number of its citizens. Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of citizens all those whose opinions in religion do not bend to those of the legislative authority.

It will destroy the moderation and harmony which the forbearance of our laws to intermeddle with religion has produced among its several sects. Torrents of blood have been spilt in the world in vain attempts of the secular arm to extinguish religious discord, by proscribing all differences in religious opinions. If we begin to contract the bounds of religious freedom, we know no name that will too severely reproach our folly.

Attempts to enforce by legal sanctions acts obnoxious to so great a proportion of

citizens, tend to enervate the laws in general, and to slacken the bonds of society.

The equal right of every citizen to the free exercise of his religion, according to the dictates of conscience, is held by the same tenure with all our other rights. . . . Either we must say that the will of the legislature is the only measure of their authority, and that, in the plenitude of this authority, they may sweep away all our fundamental rights; or, that they are bound to leave this particular right untouched and sacred: either we must say that they may control the freedom of the press, may abolish the trial by jury, may swallow up the executive and judiciary powers of the state; nay, that they may despoil us of our right of suffrage, and erect themselves into an independent and hereditary assembly; or, we must say, that they have no authority to enact into law the bill under consideration.

Population and Parochiaid

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at an accelerating rate.

Expanding population and the upgrading of living standards both contribute to the worsening of the problem. And the population problem is not confined to the Third World. It is affecting our own country because, even though our own birth rate has slowed in recent years, immigration, both legal and illegal, from countries suffering from rampant population growth is spreading the overpopulation problem from the Third World to our own country.

One need not be unsympathetic toward the plight of our less fortunate neighbors to recognize that merely shifting people around, as we face the prospect of more than six billion people before the end of the

century, solves neither the population-ecology problem nor the political-social problems of the countries which are callously exporting people.

The parochiaid problem, to shift our focus, concerns the already partially successful campaign by sectarian special interests and their political allies to get direct and indirect public tax support (through transportation, textbook loans, auxiliary services, tuition tax credits, vouchers, etc.) for denominational and other private schools. If this campaign is ultimately successful, all Americans will be forced through taxation to support sectarian institutions, to support the creedal and other forms of discrimination common in nonpublic schools, to support the balkanization of our society along religious, class, and other lines, and to augment the political

power of the sectarian interests which operate nonpublic schools. It is insufficiently understood that the nonpublic educational sector, for a variety of reasons beyond the scope of this editorial, is already overrepresented in the American power elite and in public policy making bodies.

This brings us to the close connection between the population and parochial problems. The sectarian special interests which seek tax aid for their private schools are to a very large extent the same interests which oppose rational, humane solutions to the population problem. If these interests succeed in getting an appreciable amount of public funds for the support of their private schools, then they will be able to indoctrinate more and more future voters with the view that, even if there might be a population problem, it is wrong to try to solve it with any combination of legal abortion and effective birth control methods. Then, too, increasing population in the U.S. adds strains to our underfunded public school system and thus encourages more people to select the parochial-private school option, where the poor and the less able can be excluded, over public education.

Finally, we have both the population and parochiaid problems in part because certain sectarian interests have never fully accepted the principle of church-state separation and, instead, seek to impose on everyone their nonconsensus sectarian views through government action.

The bottom line is that the population and parochiaid problems need to be faced simultaneously. One cannot be solved without the other. This is a lesson that needs to be learned by a great many, including the

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Voice of Reason is the quarterly newsletter of Americans for Religious Liberty (formerly The Voice of Reason), P.O. Box 6656, Silver Spring, MD 20906. (Telephone: 301-598-2447). The newsletter is sent to all contributors to ARL.

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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.

President: Anne Lindsay; Vice-President: John M. Swomley, Jr.; Secretary: Bruce Southworth; Treasurer: Kenneth K. Gjemre; Executive Committee includes the above Officers and Edward L. Ericson, Lynn Silverberg-Master, Sol Gordon, Sherwin T. Wine.

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the federal Merit Systems Protection Board, hears of civil service job openings, he tells ACTV and ACTV presumably tells fundamentalists of the openings.

Ellingwood, then California governor Reagan's legal affairs secretary, was present at a small gathering in 1970 in Sacramento with the Reagans, the Pat Boones and evangelists George Otis and Herald Bredesnan when the seven held hands in a circle and prayed. Otis claimed that God spoke from his mouth, referred to Reagan as "My son," described his work as "pleasing", and announced that Reagan would one day be President. The incident is related in the 1984 campaign hagiography, *Reagan Inside Out*, by Bob Slosser. Slosser is president of Pat Robertson's CBN University.

Robert Billings, director of the Department of Education's regional offices, has resigned, effective May 1, to allow Education Secretary Bennett to name a replacement. Billings, a co-founder of Moral Majority and opponent of church-state separation, is expected to be assigned another administration post.

Parochiaid

Michigan: On February 11 the state supreme court upheld "shared time" plans for public aid to parochial schools. As these plans are implemented in several Michigan school districts, public schools provide classes outside the core curriculum to parochial school students.

As ARL executive director Edd Doerr pointed out in the *Detroit Free Press*, "Michigan public schools will now be forced to become auxiliaries and junior partners of parochial and private schools. They will have to provide instruction in those subjects and to those students selected by church school managers. Parochial schools will be able to cut back their programs to state-required essentials and then have the public schools provide expensive enrichment programs. This taxpayer aid to sectarian institutions and this excessive entanglement between church and state clearly mock the spirit of the Michigan and U.S. constitutions."

Doerr called the ruling "a slap in the face to Michigan voters," explaining that, "In 1970, Michigan citizens voted by 57% to 43% in favor of an amendment to the state constitution to prohibit all forms of tax aid for sectarian private schools except bussing. As I helped draft the amendment, I know that it was intended to outlaw all forms of shared time. It is unfortunate that Attorney General Frank Kelley and a bare majority of the state's high court justices chose to ignore the legislative history of this section of the state constitution."

New York: The State Senate Finance Committee on March 12 approved Sen. John J. Marchi's (R. Staten Island) bill, S. 3200, to provide state aid to parochial schools through tuition tax deductions or credits against state income taxes. If passed, the bill would cost New York taxpayers \$45 million per year, for openers. The New York Committee for Public

Education and Religious Liberty is urging concerned New Yorkers to immediately write or call their state senators and assemblymen and urge them to vote against S. 3200.

Meanwhile, Gov. Mario Cuomo is requesting that the state legislature provide an additional \$8.8 million annually to parochial schools. Defenders of public education and religious liberty consider this request improper, especially as parochial schools do not have to meet the standards required of public schools.

In another development, the New York State Office of Nonpublic School Services/Division of Educational Finance reports that parochial and private schools in the state received more than \$250 million in federal and state aid during the 1983-84 school year, though that figure does not include expenditures by local school districts for transportation, attendance services, computer software, "shared time" arrangements, and use of public school gyms by parochial schools.

A study by ARL (see Fall 1983 newsletter) showed that for the 1980-81 school year, parochial and private schools received more than one billion dollars nationally from federal, state, and local tax sources.

Washington: President Reagan told the National Association of Independent Schools on February 28 that he intends to work to see that Congress enacts his proposals for federal aid to parochial and private schools through tuition tax credits and vouchers.

School Prayer

West Virginia's school prayer amendment, approved by the state's voters last November,

was ruled unconstitutional by a federal district court in March. Judge Elizabeth Hallahan held that the state amendment, which required that public schools set aside time each day for "silent prayer, meditation or contemplation," was "a hoax conceived in political expediency" that violates the First Amendment in that it "both advances and inhibits religion and fosters an excessive government entanglement with religion." She added that, "There's nothing that prohibits or impedes the right of any West Virginia citizen to pray in his or her manner, any place, any time . . . The U.S. Constitution only prohibits state sponsorship of such prayer." The suit challenging the prayer amendment was brought by a group of Catholics, Protestants, Jews, and Muslim parents and the state ACLU.

Abortion Rights

The Senate Judiciary Committee held a hearing on April 2 on Sen. Orrin Hatch's bill, S. 522, which would amend the 1964 Civil Rights Act to add a permanent "Hyde Amendment" restriction on use of federal funds for abortions. The bill is both a broad funding restriction and an attempt to elevate fetuses to the status of persons protected by the Civil Rights Act.

Sen. Jesse Helms's S. 46, the "Unborn Children's Civil Rights Act of 1985," aims to restrict federal appellate jurisdiction over abortion cases. It contains "findings" that the Supreme Court erred in not acknowledging the personhood of fetuses. Ten proposed anti-choice constitutional amendments have been introduced this year: H.J. Resolutions 24, 87, 91,

Resources

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

Religion, the State and the Burger Court, by Leo Pfeffer. A comprehensive up-to-date examination of the whole range of church-state issues by the dean of constitutional authorities on religious liberty. An indispensable resource for layperson and lawyer alike. (\$22.95 plus \$1 for postage and handling.)

Our Right to Choose: Toward a New Ethic of Abortion, by Beverly Wildung Harrison. A brilliant treatment of our culture's attitudes toward women, religion, law, and medicine by a noted theologian. \$9.95 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.

A Delicate Balance: Church, State, and the Schools, by Martha M. McCarthy. A concise summary of Supreme Court and lower court rulings on religion in public education,

government aid to religious schools, religious exemptions from public school curriculum, and governmental regulation of parochial schools. \$6 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.

Cassette

Will Religious Liberty Survive? Half hour cassette of Cambridge Forum address by ARL executive director Edd Doerr. \$8 plus \$1 for 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.

"Will Religious Liberty Survive the 1980s?" by Edd Doerr. 50¢ each includes postage and handling.

fetuses as persons (though some may have opposed abortion for other reasons) until the late 1970s when Falwell's Moral Majority was launched, the anti-abortion campaign can be seen also as a vehicle for building a political movement with a broader agenda: imposing regimented prayer and "creationism" in public schools, getting tax support for sectarian private schools, etc.

The bottom line is this: either every woman is to be her own moral agent and is to decide herself whether to continue a problem pregnancy, or government—male dominated government—will assume the power to force her to become a mother against her will.

Australia's Lesson

With sectarian special interests and Radical Right groups lobbying hard for federal and state aid to denominational private schools, through tuition tax credits or deductions

and vouchers, it is instructive to look at the Australian experience.

Twenty five years ago nonpublic schools in Australia received no public funding. Today that funding ranges from 40% to 90% of their budgets, and nonpublic schools are winning ever greater preference over public schools. Although most Australians opposed parochialism, clericalists were able to play the rather evenly balanced major political parties against each other. Australia's constitution contains a "no establishment of religion" clause intended by Australia's constitution writers to mean the same as the similar U.S. provision, but a lawsuit to invoke it against parochialism in the 1970s (in which ARL executive director Edd Doerr played a role) failed when the country's supreme court chose, erroneously, to use an outdated, British definition of "religious establishment" instead of the more comprehensive American one.

Now, with growing tax support and a certain amount of what many would regard as "cheating," nonpublic education is growing and flourishing at the expense of public

education. Further, education in Australia is being balkanized into Catholic, Muslim, liberal Jewish, orthodox Jewish, Episcopal, Baptist (several kinds), Lutheran, Adventist, Calvinist, Greek Orthodox, Christian Scientist, fundamentalist, charismatic, Assembly of God, pentecostal, Maronite Christian, Hare Krishna, Ananda Marga, and Transcendental Meditation enclaves. And black aborigines are being resegregated into private schools run by religious orders.

Parochialism in Australia has lowered educational efficiency and raised costs.

What has happened in Australia, of course, is similar to what occurred earlier in Belgium, Northern Ireland, Canada, France, the Netherlands, Belgium, and elsewhere, with similar results.

American lawmakers should pay attention to the lessons taught by Australia and those other countries. One of the reasons for our country's degree of pluralism, religious freedom, and educational opportunity is our application of the church-state separation principle. It would be stupid and disastrous for us to abandon it now.

Newsbriefs

'700 Club' Head Touted for President

Televangelist Pat Robertson, of "700 Club" and CBN (Christian Broadcasting Network) fame, is being touted as a possible 1988 presidential candidate. The *Saturday Evening Post* (founder Ben Franklin must be turning over in his grave) ran a 12-page cover story on Robertson in March.

The *Post's* puff piece featured praise of Robertson from Radical Right leader Paul Weyrich, Democratic Party biggie Bert Lance, and Harvard economist and former Federal Reserve vice-president John Exter. It noted that his father was a U.S. senator and went on to assert, twice, that "His ancestral lines can be traced back to the presidents William Henry Harrison and Benjamin Harrison and to [Winston] Churchill."

Robertson's empire includes his 90-minute daily "700 Club" on 190 TV stations, CBN's cable network, TV stations in Boston, Dallas, and Virginia, and CBN University, a graduate level institution recently accredited by the Southern Association of Colleges and Schools.

Robertson, an Ivy League trained lawyer who likes to project a hayseed image on TV, subscribes to most of the Radical Right agenda. He wants a new Supreme Court majority which will reverse the abortion rights, school prayer, and other church-state separation rulings of the past several decades. He has bitterly attacked public education and never tires of preaching about an alleged "secular humanist" conspiracy to dominate education.

On recent "700 Club" shows, Robertson has declared that "God is going to begin to thrust His people into positions [of leadership] they never dreamed they were capable of taking on," and attacked a lawsuit filed by an Arizona employee charging that his civil rights are being violated by his employer's rule that all employees attend a weekly devotional sermon. Said Robertson, "Doesn't an employer have the right to bring his employees up to certain standards of morality?"

Capitol Hill Watch

Marjory E. Mecklenberg, anti-abortion activist and author of the controversial 1982 "squeal rule" to require federally funded family planning services to notify parents when minor children request contraceptives, resigned in February as director of population affairs at the Department of Health and Human Services. Her resignation followed an official probe of 14 trips she took in 1983 and 1984 which cost taxpayers \$12,938.67. Her replacement is Jo Ann Gasper, a Radical Right leader and anti-abortion activist.

Televangelist Pat "700 Club" Robertson accompanied Vice-President George Bush on his trip to Africa in March, apparently at the taxpayers' expense. Bush also met with Moral Majority leader Jerry Falwell on his Africa trip. Bush, off and running for President in 1988, had previously made pilgrimages to Falwell's mecca in southern Virginia.

Radical Right columnist Pat Buchanan is now White House Communications Director. Buch-

anan has long been an outspoken advocate of dismantling church-state separation.

President Reagan has dropped his support for Deputy U.S. Solicitor General Andrew L. Frey as a nominee for the D.C. Court of Appeals. The move followed receipt of a letter in March written by Senators Helms, Denton, East, and ten other ultraconservative senators charging that Frey did not pass the anti-abortion litmus test engineered into the 1984 Republican Party platform.

Reagan's new Secretary of Education, William Bennett, a parochial school graduate, strongly favors tax aid to sectarian private schools through tuition tax credits and/or vouchers. He also favors government regimented group prayer in public schools. Before his appointment, Bennett was one of the top contenders for the job the White House arranged to be interviewed (screened?) by a panel of New Right representatives.

Bennett recently stated that he did not favor government regulation of parochial and private schools if they receive federal aid through tuition tax credits and/or vouchers. He also declared that he expected nonpublic school enrollment to triple, at the expense of public schools, if the Reagan federal parochialism is passed and upheld by the courts.

According to a spokesman for the American Coalition for Traditional Values (ACTV), a Radical Right pressure group headed by Tim LaHaye, whenever Herb Ellingwood, head of

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prominent U.S. senator who is a champion both of free choice on abortion and of federal aid to the very sectarian schools which condemn his views on reproductive freedom.

'Silent Scream': Unsilent Scam

The campaign to end the constitutional right to choose abortion moved into high gear in January with the distribution of the half-hour film, "The Silent Scream." Narrated by gynecologist Bernard Nathanson, a pioneer for abortion rights until he abruptly changed sides in the late-1970s, the film shows a sonogram (ultrasound imaging) of the abortion of what is labelled a 12-week, though probably older, fetus. Although the sonogram is as indistinct as a satellite weather map on a defective black and white TV, Nathanson's emotionally charged sound track makes the film, at least at first glance, a powerful propaganda vehicle aimed at convincing the viewer of the validity of the nonconsensus, essentially theological, view that a fetus is a person from the earliest stages of pregnancy.

"Silent Scream" has been seen nationally on the Donohue Show and on "Jerry Falwell Live." President Reagan has touted it. It was shown at a special White House briefing and distributed to all members of Congress in February. Fundamentalist Catholic and Evangelical groups have been raising large sums to show the film in churches and on local TV stations. An effort by a public school teacher to show the film in a Virginia public school was thwarted by parental protests in March.

(ARL, representing a wide spectrum of views on the subject, takes no position on the propriety of individual abortion decisions. ARL holds that the Supreme Court's 1973 *Roe v. Wade* ruling—acknowledging that the right to choose is constitutionally protected as a privacy right, that the term "person" in the U.S. law never referred to fetuses, and that there is no agreement as to when a fetus becomes a person—is the only position consistent with church-state separation, personal freedom, and religious pluralism.)

Nathanson tries to sell viewers on the idea that 12-week fetuses are persons who feel pain. However, the American College of Obstetricians and Gynecologists issued a statement in 1984 that, "We know of no legitimate scientific information that supports the statement that a fetus experiences pain early in pregnancy. We do know that the cerebellum attains its final configura-

tion in the seventh month [99.7% of all abortions are performed before that point] and that myelination (or covering) of the spinal cord and the brain begins between the 20th and 40th weeks of pregnancy. These, as well as other neurological developments, would have to be in place for the fetus to perceive pain. In animals, these complex chemicals develop in the last third of gestation. We know of no evidence that humans are different."

A panel of medical experts who viewed "The Silent Scream" stated that "genuine brain waves do not occur until the third trimester," that Nathanson's statement that abortion was not very common before legalization is grossly inaccurate, that

Nathanson is wrong in suggesting that organized crime is involved in the provision of legal abortion services, and that the film's shot of allegedly aborted large fetuses was really of advanced stillborns.

The film, then, with its heavy-handed emotionalism and distortions of fact, is essentially partisan propaganda. It is being used by fundamentalist-tending factions within the Catholic and Evangelical faiths in an effort to use government to impose on all Americans a particular theological position, one that could be said to be more reductionist and materialist than that taken by pro-choice people. And since Protestant fundamentalists generally did not regard

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ARL in Action



John M. Swomley, Jr.



David Treece

John M. Swomley, Jr., was elected vice-president of ARL at the organization's Board of Directors meeting on March 1 in Washington, replacing retiring vice-president Donald Field. Swomley, author of eight books and numerous articles on peace, international relations, and religious liberty, is a member of the executive committee of the American Civil Liberties Union, chair of the ACLU's Church-State Committee, president of the Methodist Peace Fellowship, and Professor of Social Ethics at the St. Paul School of Theology (United Methodist) in Kansas City. He has taught in Argentina, the Philippines, Rhodesia-Zimbabwe, and Canada, has been active in the civil rights movement, and was one of two persons who, at the request of the American Indian Movement, tried to negotiate with the Justice Department during the fighting at Wounded Knee. During the Vietnam war he was invited to address the British House of Commons' Foreign Affairs Committee.

David Treece, former president of the University of Michigan chapter of ARL, was elected to the ARL Board of Directors on March 1. Before receiving his political science degree in 1983, Treece was active in Michigan as a speaker, writer, and conference organizer.

Voted onto the ARL National Advisory Board was the Rev. Charles Bergstrom, director of the Lutheran Council office in Washington, ACLU legislative counsel Barry Lynn, and New York attorney James T. McCollum.

Executive director Edd Doerr will be heard on many public radio stations in mid-June on the Cambridge Forum discussing "Will Religious Liberty Survive?" (Cassettes of the half-hour program are available from ARL for \$8 plus \$1 for postage and handling.) ARL national adviser and Harvard zoologist E.O. Wilson will be heard on the Cambridge Forum in early June on "Sociobiology."

A northern New Jersey chapter of ARL was formed in March, following a meeting at which ARL staffers Doerr and Maury Abraham and Board member David Treece spoke. Coordinator of the new chapter is Leon Smith.

Doerr will be speaking at several meetings in New Jersey in April, and he and Abraham will conduct a workshop on religious liberty issues at the Unitarian Universalist Association General Assembly in Atlanta in June.

Assistant director Maury Abraham spoke and taught classes on religious liberty in Unitarian Universalist churches in Maryland and Virginia in March.

94, 140, 147, and 165, and S.J. Resolutions 5, 19, and 21.

On the pro-choice side, a number of House members are preparing to introduce the Reproductive Health Equity Act, which would remove excessive restrictions on Medicaid, Peace Corps, federal employee, and armed forces abortions. Rep. Patricia Schroeder has introduced H.R. 608 to amend the Internal Revenue Code to allow taxpayers to check off \$1 of their taxes to pay for abortions for indigent women formerly covered by Medicaid.

In other news, Jerry Falwell has slightly moderated his anti-abortion stance to favor allowing abortions in cases of rape and incest, evidently in hopes that this nod to pragmatism will help win other restrictions on abortion rights.

Meanwhile, a recent Harris poll found 56% of Americans supporting unrestricted free choice during the first trimester and only a tiny minority backing the Vatican's extreme anti-choice position.

An employee at Columbia Hospital for Women in Washington, D.C., has admitted to leaking names of women scheduled for abortions to anti-choice activist Olga Fairfax, who harassed the women to get them to reconsider their decisions.

The National Association of Attorneys General urged the Justice Department in March to investigate violence against abortion clinics, saying that such violence interferes with constitutional rights. Massachusetts Attorney General Francis X. Bellotti, NAAG president, said that leaving probes only to the Bureau of Alcohol, Tobacco and Firearms is not good enough.

Creation-Evolution

Two valuable new resources are available to those interested in the continuing conflict between science and fundamentalist creationism: *Reviews of Thirty-One Creationist Books*, edited by Stan Weinberg (National Center for Science Education, 156 E. Alta Vista, Ottumwa, IA 52501, 73 pp., \$5 plus 50¢ postage); *A Consumer's Guide to Biology Textbooks 1985*, by Wayne A. Moyer and William V. Mayer (People for the American Way, 1424 16th St. NW, Washington, DC 20036, 128 pp., \$5 postpaid).

Reviews provides thoughtful critiques of the more important recent creationist books by well qualified scientists, including an ARL adviser, physicist Stephen G. Brush. The creationist literature does not hold up well under scrutiny.

The *Consumer's Guide* evaluates the 18 biology texts submitted for adoption in Texas in 1984. The book includes the testimony before the Texas Textbook Committee by ARL's Texas representative, geologist Steven Schafersman. The authors, both biologists, conclude that half of the books failed to provide adequate coverage of evolution and three didn't mention it at all. Moyer, former executive director of the National Association of Biology Teachers, states that, "The quality of biology textbooks has declined drastically since the late 1960s," largely because, "in recent years, publishers have given in to pressure from the ultrafundamentalists

and watered down references to evolution and other scientific theories."

In other developments, *Harper's* published in February an article by Tom Bethell, "Agnostic Evolutionists: The Taxonomic Case Against Darwin." The piece is so inane it is surprising that a reputable magazine would publish it.

"Secular Humanism" Suit

A federal court suit will be filed soon by the National Emergency Civil Liberties Committee (NECLC) challenging the 1984 congressional enactment prohibiting the teaching of "secular humanism" in the magnet schools program funded under a section of the 1984 Math/Science Act. The prohibition, Section 509, was added to the magnet schools amendment to the Math/Science Bill by Sen. Orrin Hatch and slipped through Congress without hearings or debate or much notice. The U.S. Department of Education has refused to define "secular humanism," thus leaving definition to local school districts. Critics of the measure charge that Radical Right groups will use Section 509 to try to remove from public schools anything they do not like, such as sex education, evolution, many literary works, class discussion of social issues, counseling, and values education.

Plaintiffs in the suit will be Isaac Asimov, science writer and president of the American Humanist Association, Corliss Lamont, philosopher and chair of the NECLC, psychologist B.F. Skinner, Sol Gordon, author of textbooks on sex education, and parents of students likely to be affected by the new law. Gordon is a member of the ARL Board, while Asimov is a member of the ARL National Advisory Board.

Equal Access

The Supreme Court agreed in February to hear an "equal access" case, *Bender v. Williamsport Area School District*. The suit was filed in 1982 by students who were told by school officials that they could not hold religious meetings in school during school hours. A

federal district court upheld the students in 1983, but the ruling was reversed by the U.S. Third District Court of Appeals in 1984. The Reagan administration urged the Supreme Court to take the case. A Supreme Court ruling could have a bearing on the "equal access" legislation passed by Congress last year.

Books

Religion, the State and the Burger Court, by Leo Pfeffer, Prometheus Press, 310 pp., \$22.95. (May be ordered from ARL. Add \$1 for postage and handling.)

Leo Pfeffer is the dean of constitutional authorities on religious liberty and church-state relations. His new book, like his previous ones, is cool, clear, comprehensive, encyclopedic, and reflective of a deep respect for basic American liberties. He analyses and reports what the courts have held on virtually every aspect of church-state relations, from tax aid for religious schools, religion in public schools, abortion rights, municipal creches, and disfavored religions to religion in labor law, family law, and intra and inter-church disputes.

Pfeffer notes the weakening of the Supreme Court's adherence to a rather strict church-state separation standard after 1980 and suggests that replacement of the two justices most strongly committed to strict application of the First Amendment, Brennan and Marshall, could have serious and long-term adverse effects on religious liberty.

It is unfortunate that this excellent book does not incorporate the first 180 pages of Pfeffer's out-of-print 1967 classic, *Church, State, and Freedom*, with its superb history of the development of the separation principle.

Pfeffer's work sets the standard by which all else in this field is measured. His latest book is must reading for all who really care about religious liberty.

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