VOICE OF REASON

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Supreme Court Outlaws Parochiaid, School Prayer

After four years of seeming to drift toward Radical Right positions on church-state issues, the U.S. Supreme Court returned in June and July to its traditional fairly strong separationist stance.

On June 4 the Court ruled in *Wallace v. Jaffree* that an Alabama law prescribing periods of silence for "prayer or meditation" in public schools is unconstitutional. Two weeks later the Court struck down 8 to 1 a Connecticut law which gave employees an unqualified right not to have to work on their sabbath. On July 1, in *School District of Grand Rapids v. Ball* and *Aguilar v. Felton,* the Court ruled against state and federal programs of tax aid for sectarian private schools.

Americans for Religious Liberty entered the parochiaid and school prayer cases in coalition *amicus curiae* briefs. In addition, ARL board member Jay Wabeke and Florence Flast were key figures in developing the *Grand Rapids* and New York *Felton* cases. Attorney in the *Grand Rapids* case was Albert Dilley, a member of ARL, while the *Felton* case attorney was Stanley Geller.

The Alabama "silent prayer" ruling reaffirmed and fine-tuned the Court's earlier school prayer decisions. The Court did not forbid schools from setting aside moments of silence for meditation or reflection, and it has never forbade students to engage in totally voluntary personal prayer. The Court has simply held that lawmakers must keep their noses out of matters religious. Further, by singling out prayer as a prescribed activity for public school students, Alabama lawmakers had elevated that one religious activity over such others as good works, moral reasoning, or rationally thinking about religious subjects.

In the Connecticut sabbatarian case, the Court held that state laws could require employers to make reasonable accommodations to workers' religious needs but may not elevate religious considerations absolutely above all others.

The parochiaid rulings are the most significant of the batch, if for no other reason than that tax aid for sectarian institutions involves hard cash and is the most geographically widespread and intensely pursued goal of the largest and most powerful sectarian special interests.

At issue were two programs in Grand Rapids, under which $3 million was spent annually to furnish publicly paid remedial and supplementary teachers to an assortment of Catholic, Lutheran, Calvinist, Adventist, and Baptist private schools, and New York's implementation of Title I of the 1965 Elementary and Secondary Education Act by placing public remedial teachers in parochial schools. (Incidentally, in the New York program, parochial schools were receiving *double* the amount of tax aid per student as public schools. In Grand Rapids, the various parochial school interests used the threat of not supporting tax levies for public schools to get public school officials to go along with their parochiaid schemes.)

The Supreme Court held that the Grand Rapids "shared time" plan not only had the primary effect of advancing religion but also entangled government in religious matters. The challenged programs impermissably promoted religion by creating a "symbolic union of church and state" and by subsidizing "the religious function of the parochial schools by taking over a substantial portion of their responsibility for teaching secular subjects." The Court noted that the beneficiaries of the programs were "wholly designated on the basis of religion" and also "segregated by religion."

The New York City parochiaid program, and by implication all similar programs throughout the country (and costing taxpayers about $300 million per year), was held unconstitutional because attempting to operate it in a constitutional, religiously neutral manner would require an excessive degree of entanglement between religion and government.

Opponents of the Grand Rapids and New York rulings complained that poor

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Editorials

No Time to Rest

The French have a saying that no matter how much things change, they remain the same. Let no one think, then, that the U.S. Supreme Court's prayer and parochial rulings, as right and as important and necessary as they were, have come anywhere close to settling matters. Enraged Radical Right activists have vigorously stepped up their efforts to render the First Amendment meaningless.

Attorney General Edwin Meese and Education Secretary William Bennett have tried to outdo each other in denouncing the Supreme Court and church-state separation. Meese declared that the Court's view that the First Amendment requires government neutrality toward religion is "bizarre" and insisted that the Court has erroneously used the Fourteenth Amendment to apply the First to state and local government. He said that the First Amendment was not intended to bar federal aid to religious institutions "so long as the aid did not favor one group over another." Here we have the nation's top law enforcement officer attacking the law!

Bennett savaged the Court for allegedly "ghettoizing religion" and having a "disdain for religion." He denounced four decades of Supreme Court church-state rulings as "misguided," declaring that the Reagan administration would do all it could to nullify church-state separation.

Jerry Falwell, head honcho of the self-styled Moral Majority, fumed in a fundraising letter that "America's school teachers and school children now have no more liberty than their counterparts in the Soviet Union." ("I am asking you," Falwell added, "for a sacrificial gift in the amount of $30. I need this money right away" to help Sen.

(continued on page 2)

No Time to Rest, *continued*

Jesse Helms pass his First Amendment trashing bill, S. 47.)

But while editorial writers and responsible religious and civil liberties leaders praised the Supreme Court rulings, the enemies of church-state separation worked to back up their inflammatory rhetoric with action.

Sen. Jesse Helms will probably succeed in getting a Senate floor vote in early September on S. 47, his bill to deny the Supreme Court and lower federal courts jurisdiction over any state or local law, rule, or practice relating to "voluntary (sic!) prayer, Bible reading, or religious meetings in public schools or public buildings." The Helms bill, in effect, would deny aggrieved parents and children access to federal courts to complain of deprivation of rights under the First Amendment. If passed, S. 47 could lead to a situation in which the First Amendment would have a different meaning in each of the 50 states. It could also set a precedent for further hamstringing of the federal courts as defenders of civil liberties.

Concerned religious, educational, and civil liberties groups are urging members to contact their senators (c/o U.S. Senate, Washington, D.C. 20510) to request that they vote against S. 47.

Meanwhile, Sen. Orrin Hatch's S.J. Res. 2, a proposed constitutional amendment to authorize periods of group silent prayer in public schools, is before the full Senate Judiciary Committee for consideration. (How can senators find time for this foolishness while having to deal with the deficit and balance of trade crises and dozens of other serious matters?)

As for the Supreme Court's parochiaid rulings, the administration and sectarian school interests are angling to delay implementation for up to a year to allow them time to improvise alternate parochiaid plans. These could involve providing public teachers in special mobile classrooms parked adjacent to parochial schools, or bringing parochial school classes to public schools in sectarian blocs and keeping them segregated from regular public school students. (Grand Rapids attorney Albert Dilley has called upon Michigan Superintendent of Public Instruction Phillip Runkel to insure that parochial students brought into public schools are not segregated from other students.)

The Reagan administration, meanwhile, is preparing new bills to provide federal aid to sectarian private schools, while continuing its policy of cutting back on federal aid to public education. Education Secretary Bennett (some editorialists refer to him as Secretary of Religious Education) is pushing for two separate bills, one to convert existing Title I remedial programs into a voucher plan under which $500 to $1,500 in federal funds would be given to eligible students to attend the public or sectarian school of the parents' choice, if, that is, the sectarian school chooses to accept the child. Bennett has admitted that his voucher plan may well be unconstitutional but that he'll push it anyway.

The other administration bill, not yet introduced, would provide federal aid to sectarian private schools through tuition tax credits, essentially the same plan which has been repeatedly defeated in Congress and which violates Supreme Court rulings of 1973 against similar state parochiaid plans.

Meese, Bennett, and the whole spectrum of moral majoritarians and sectarian special interests are pinning their real hopes on the chance that at least one of the five Supreme Court justices supportive of church-state separation will soon retire. Waiting in the wings for appointment to the Court are Robert Bork (of Watergate "Saturday Night Massacre" fame) and Antonin Scalia, both strong supporters of the moral majoritarian legal agenda.

So the news is both good and bad. Bad in that the New Religious Right (and Old Religious Right) campaign to wreck the First Amendment is still on the track with plenty of steam. Good in that the struggle is far from over and the supporters of church-state separation, civil liberties, and democratic values have a fighting chance to win.

ARL will do its part if you, our members and supporters, will give us the help we so urgently need. ■

Voice of Reason is the quarterly newsletter of Americans for Religious Liberty ([illegible] Voice of Reason), P.O. Box 6656, Silver Spring, MD 20906 ([illegible]). 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 [illegible] $15 for individuals, $20 for families, $5 for students.

Better Teaching Needed

According to a recent survey of 2,400 students at Ohio State University, presumably an average major university, while 63% of students "believe in Darwin's theory of evolution," only 8% know enough about it to select the correct explanation of it from a list of five items in a multiple choice question. Worse still, 80% of the students supported giving "equal time" to fundamentalist creationism in public school science classes, 62% favored changing textbooks to cover both evolution and creationism, and 59% did not think that giving equal time to creationism is "allowing religion into the public schools." A quarter of the students thought that scientists don't consider evolution to be valid scientific theory.

Paul Fuerst, assistant professor of genetics at Ohio State, says that these poll results suggest that science teachers and scientists have done a poor job of explaining evolution and what science itself is all about.

It is not good enough that church-state separationists and defenders of the integrity of science teaching win court victories over state laws which promote fundamentalist creationism and denigrate evolution. If public school and university science teachers do not do their jobs, the court rulings will be pyrrhic victories. Yet many high school and college science teachers say they are afraid to teach evolution adequately for fear of attack.

Our country cannot afford scientific illiteracy if we expect to be able to deal with growing ecological problems which threaten our health, our safety, and our very existence. ■

Newsbriefs

Abortion Rights

The Radical Right campaign to end the constitutional right to freedom of conscience on abortion has moved into high gear. The latest developments:

The Supreme Court will hear two new cases on state laws intended to restrict abortion rights, *Thornburgh* and *Diamond* (see "ARL in Action"). Since it takes four of the nine justices to get the Court to accept a case, observers of the Court figure that four anti-choice justices hoped that President Reagan would be able to appoint a replacement to the Court in time to have it reverse the 1973 *Roe v. Wade* ruling. Both the Reagan administration and a group of 82 members of Congress have filed *amicus* briefs urging the Court to reconsider and reverse *Roe*. The congressmen's brief was co-written by Robert Destro, a Reagan appointee to the Civil Rights Commission and former counsel for the ultarconservative pressure group, the unofficial Catholic League for Religious and Civil Rights.

In Congress anti-choice members in both houses are trying to amend the Civil Rights Restoration Act, H.R. 700 (designed to overturn the Supreme Court's 1984 *Grove City* ruling which weakened Title IX of the 1972 Education Amendments with regard to penalties for gender discrimination) to weaken abortion rights. Civil rights and pro-choice groups are urging members to let their representatives know that they want either an unamended H.R. 700 or no bill at all.

Elsewhere in Congress Sen. Orrin Hatch has held hearings on his "Bill to Amend the 1964 Civil Rights Act to Protect the Rights of the Unborn," S. 522. The deceptively simple bill, a single sentence, is ostensibly aimed at merely codifying "Hyde amendment" restrictions on spending federal funds for abortions, but its true purpose is to try to establish fetal "personhood" at conception, thus overturning *Roe v. Wade* and outlawing abortion, as ACLU president Norman Dorsen pointed out to the Senate Judiciary Committee on April 2.

The House of Representatives voted at the last minute to amend the District of Columbia budget to bar the city from using either federal or District funds for any abortions. City officials declared that the move violated the District's right to spend its own money as its elected representatives wish.

The Reproductive Health Equity Act, H.R. 2691, was introduced in the House of Representatives in June by 72 pro-choice congressmen. The bill would restore Medicaid funding of abortions for poor women and restore abortion services for government employees whose medical care is paid for by the federal government.

Anti-choice activists in California are collecting signatures for a ballot initiative that would cut off state funding for 85,000 abortions per year for poor women. To make the initiative attractive to others in the June 1986 primary election, the anti-choice forces have coupled the fund cut-off with a provision to switch the funding over to aid handicapped children.

Sam Ervin's Last Letter

Retired Senator Sam J. Ervin, Jr., noted for his unflagging devotion to the First Amendment, wrote the following letter shortly before his death last spring.

The Constitution is the wisest instrument of government the Earth has ever known. If America is to endure as a free republic as ordained by it, Presidents, Supreme Court justices, and other public officers must do what they have sworn to do, that is, support it.

Recognizing these truths, I spent my major efforts during my 20 years as a senator from North Carolina trying to persuade government to obey the Constitution.

Despite my admiration for President Reagan, I am constrained by my duty to our country to assert that what he says, does, and advocates in respect to religion shows that he does not understand the religious clauses of the First Amendment and how obedience to them is essential to the preservation of the religious freedom they are designed to secure to all Americans of all faiths.

He urges Congress to give federal tax credits to parents who send their children to private schools to be taught the creeds of their churches. His action in this respect violates the First Amendment, which forbids government to use the taxes of Caesar to finance the things of God.

He named an ambassador to the Vatican—an act in violation of the establishment clause, which in the words of its drafter, James Madison, forbids government to establish an official relationship with any religion.

He urges the adoption of a constitutional amendment to authorize prayer in the public schools. The adoption of such an amendment would drastically alter the First Amendment, which commands the government to be strictly neutral in respect to religion, and leaves the task of teaching religion to children to the homes and churches of our land.

The Founding Fathers rightly believed that the great diversity of religious faiths in America makes governmental neutrality in religion essential if our people are to live together in peace.

The government must keep its hands off religion if our people are to enjoy religious freedom—our most precious freedom.

A New Jersey federal court in July ruled unconstitutional a state regulation which bars women from getting low-cost abortions in clinics after the 18th week of gestation. Clinic abortions are less than one-third the cost of the same procedure performed in a hospital.

In Albany, N.Y., attorneys for the local Catholic diocese got a state appellate court in June to deny Planned Parenthood permission to perform abortions in two clinics. The move forces women to go to hospitals for procedures costing about four times as much or to travel to a distant city to find a less expensive clinic. The ruling is being appealed.

Despite heavy pressure from the Vatican that they recant their views or leave their religious orders, a group of American nuns is collecting signatures for a second *New York Times* ad endorsing freedom of conscience on abortion.

Vatican Envoy Suit Dismissed

A legal challenge of the Reagan administration's establishment of formal diplomatic ties with the headquarters of the Roman Catholic Church (the Holy See, not Vatican City) was dismissed by the federal district court in Philadelphia on May 7 on the grounds that the plaintiffs lacked "standing to sue" and that the president's conduct of foreign affairs is beyond the jurisdiction of the federal courts. The ruling is being appealed.

The plaintiffs—20 Protestant, Catholic, and Humanist organizations and 71 individuals, mostly clergy, including ARL board members David Van Strien and Kenneth Gjemre and ARL executive director Edd Doerr, charge that the president's action violates the First Amendment by establishing a formal link between the U.S. government and a church, by preferring one church over all others, by producing an excessive entanglement between religion and government, and by spending public funds on the church-state link-up.

Catholic critics of the Holy See's diplomatic relations with over 100 countries point out that the Holy See has minimal influence on several overwhelmingly Catholic countries which Amnesty International reports practice torture of dissidents.

Creationism Law Scrapped

Louisiana's 1981 law requiring "Balanced Treatment for Creation-Science and Evolution-Science in Public School Instruction" was ruled unconstitutional on July 8 by the Fifth U.S. Circuit Court of Appeals in New Orleans. The ruling in *Aguillard v. Edwards* was expected. It affirmed a January 10 federal district court decision against the law and paralleled a 1982 federal court ruling against a similar Arkansas law.

The appellate court held that "the Act violates

Humanism Ban Hit

The constitutionality of a 1984 congressional ban on teaching "secular humanism" in certain federally aided public schools was challenged in a suit filed August 7 in federal district court in New York City. The suit, *Asimov v. U.S.*, was filed by the National Emergency Civil Liberties Committee on behalf of Isaac Asimov, science writer, president of the American Humanist Association and member of the ARL National Advisory Board, psychologist B.F. Skinner, philosopher Corliss Lamont, ethicist Joseph Fletcher, novelist Gordon Parks, teachers and students in affected schools, and parents.

In 1984 Senator Orrin Hatch (R-UT) added the controversial ban to Title VII, "Magnet School Assistance," of the Education for Economic Security Act. A magnet school "offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds." Hatch's amendment, which was slipped into the act without hearings and without a vote in the House of Representatives, stipulates that "grants under this title may not be used ... for the courses of instruction the substance of which is secular humanism." Neither the act nor the Department of Education defines "secular humanism."

Because Radical Right groups in recent years have attacked "secular humanism" and insisted that the term covers evolution, ecology, sex education, "values clarification," the women's movement, the civil rights movement, internationalism, and trade unionism, the plaintiffs charge in the suit that the congressional ban violates teachers' First Amendment free speech rights, seeks to demonstrate federal government disapproval of certain ideas and subjects, violates students' First Amendment rights to receive information and to free speech, and violates the plaintiff authors' right to communicate their ideas.

The suit also charges that the ban violates the establishment clause because its primary effect will be to remove from public schools ideas considered inconsistent with fundamentalist religious views. The ban is also held to be unconstitutionally vague because "secular humanism" is not defined. Schools seeking to obey the law would be motivated to steer clear of anything resembling the elements of "secular humanism" alleged by Radical Right propagandists to exist in many schools.

According to propaganda from moral majoritarian groups, a "secular humanist conspiracy" controls public schools, colleges, the press and electronic media, the courts, and many religious bodies. ■

ARL in Action

Americans for Religious Liberty has joined in three *amicus curiae* (friend of the court) briefs in important cases to be heard by the U.S. Supreme Court during the fall term. ARL joins with the Anti-Defamation League of B'nai B'rith in two cases, *Bender v. Williamsport* and *Witters v. Washington Department of Service for the Blind. Bender* tests the constitutionality of allowing student religious clubs "equal access" in a Pennsylvania high school. The ADL-ARL brief by attorney Ruti Teitel maintains that "equal access" violates the First Amendment. In *Witters* the question is whether a state agency may provide funds to a seminary to train a clergyman under a program of vocational training for the handicapped. The Washington State courts ruled that both the state and federal constitutions prohibit the aid. ADL and ARL support the state courts.

ARL joins with a coalition of religious groups in an *amicus* brief in *Thornberg v. A.C.O.G.* and *Diamond v. Charles*. These cases test the constitutionality of Pennsylvania and Illinois laws, similar to Ohio ordinances ruled unconstitutional in 1983, which are intended to reduce abortion rights. The religious groups and ARL take a position opposing that of the Reagan administration, which is urging the Court to overturn its 1973 *Roe v. Wade* ruling on freedom of choice.

ARL participated as an *amicus* in the two parochiaid cases and the school prayer case which the Supreme Court decided in June and July.

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The New Jersey chapter of ARL, represented by Joseph Chuman, leader of the Ethical Society of Bergen County, presented testimony to the state legislature in June against a bill to make it easier for relatives to get custodianship over persons over 21 who have joined religious groups disfavored by the relatives. The chapter, chaired by Leon Smith, is also surveying local school districts to see if there are First Amendment violations involving "equal access" groups meeting in public schools.

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The University of Michigan ARL chapter, chaired by Dean Baird, distributed thousands of copies of its new 16-page newsletter and other ARL literature at the annual Ann Arbor Art Fair. The student chapter (which still uses the original Voice of Reason name) will also sponsor a mass meeting and have a literature booth at the University of Michigan's fall festival.

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Since our last newsletter, ARL executive director Edd Doerr has appeared as a guest on the following radio and TV shows: "Evening Exchange," WHMM-TV, Washington; Mike Cuthbert, WCKY, Cincinnati; Bob Lassiter, WGBS, Miami; Barry Farber, WMCA, New York; Ray Briem, KABC, Los Angeles; Ken Hamblin, KOA, Denver; John Wark, KNUS, Denver; George Harris, WCNN, Atlanta; Fred Fiske, WAMU, Washington; John Levitt, WWCN, Albany, NY; Edd Till, WCBM, Baltimore; Sondra Gair, WBEZ, Chicago; Steve Vail, WIAN, Indianapolis; Judy Moen, WBBM-TV, Chicago; Kathy Bradshaw, KOA, Denver; Ed Curran, WIND, Chicago; Terri Hemmert, WXRT, Chicago. Doerr was also interviewed on ABC and NBC network shows. The June appearances on KABC, Los Angeles, and a previously recorded "Cambridge Forum" show were nationally syndicated.

ARL staffers Maury Abraham and Edd Doerr conducted a workshop on religious liberty at the Unitarian Universalist General Assembly in Atlanta in June. Doerr also helped draft a resolution on church-state separation passed by the General Assembly. Doerr was a delegate to the ACLU biennial conference in Boulder in June, addressed the Women's City Club of New York in June, was the featured speaker at the American Rationalist Association convention in Chicago in August, and spoke at four church services in Maryland.

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ARL co-sponsored and participated in the "Silent No More" speakout in Washington on May 21 sponsored by the National Abortion Rights Action League to help counter the new wave of anti-choice propaganda.

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ARL vice-president John M. Swomley, Jr., was a speaker at the ACLU biennial conference. He and ARL board member Sol Gordon were featured speakers at the American Humanist Association convention in Kansas City in March. ... Ken Gjemre, ARL treasurer, was spokesman for the "Journey for Peace" group which went to Germany and the Soviet Union to mark the 40th anniversary of the link-up of U.S. and Soviet forces at the Elbe River in 1945. A young U.S. Army officer in 1945, Gjemre was one of the first Americans to meet the Soviets at the Elbe. In several speeches in the USSR, Gjemre called for an end to the arms race and urged Soviets and Americans to work together on the problems of famine, disease, illteracy, overpopulation, and global pollution. ... Board member and co-founder Edward L. Ericson is the author of *The Free Mind Through the Ages*, published recently by Frederick Ungar ($7.95), containing essays on Jefferson, Paine, Russell, Sakharov, and other exponents of freedom of thought ... Bruce Southworth, ARL secretary, has been elected president of the board of managers of the Manhattan Division of the New York City Council of Churches.

children would be hurt by the withdrawal of tax-paid teachers from parochial schools and that the Court is hostile to religion. Supporters of the rulings point out that parochial students can receive the remedial instruction in local public schools, which was the intent of Congress when it enacted the program in 1965. Nor is the Court hostile to religion. It has repeatedly held that separation of church and state is the best policy for religion and religious liberty.

Why did the Court take so long to strike down federal aid for parochial schools? When the application of federal aid to sectarian schools was first challenged in 1966 (by ARL board member Florence Flast and ARL national adviser Leo Pfeffer), the lower courts held that federal taxpayers lacked "standing" to sue in federal courts. When the Supreme court upheld taxpayer standing in 1968, in *Flast v. Cohen,* it also approved a state law providing tax aid to parochial schools in the form of textbook loans and thereby threw a scare into those wishing to test federal parochiaid in court. So a cautious, incremental litigation strategy of challenging an assortment of state parochiaid plans first was followed. This wise strategy resulted in a series of Supreme Court rulings from 1971 to 1975 striking down teacher salary supplement, purchase of services, tuition tax credit, tuition grant, auxiliary services, and other forms of state parochiaid. The 1975 *Meek v. Pittenger* ruling against a Pennsylvania aid plan copied from the 1965 federal plan set the stage for a legal challenge to federal parochiaid, after federal education authorities declined to comply voluntarily with the *Meek* ruling. A New York suit was delayed at the district court level and was finally denied a hearing before the Supreme Court, leaving the *Felton* case to finally settle the matter. It took nineteen years to get this decision against federal parochiaid because challengers had to play by the rules of the game—something the parochiaiders don't like to do.

Reaction to the parochiaid and school prayer rulings was predictable. Supporters of religious liberty and the press generally hailed the rulings, but moral majoritarian and sectarian special interest groups attacked the Court viciously.

Attorney General Edwin Meese, the nation's top law enforcement officer, speaking at the American Bar Association convention in July, denounced the Court for not acceding to the administration's anti-separationist views in the cases. Meese also attacked the Court for using the Fourteenth Amendment to apply the First Amendment to state and local government, a view shared only by Radical Right extremists. Actually, the Fourteenth Amendment, passed after the Civil War, was intended to apply the whole Bill of Rights to state and local government, but the Supreme Court refused to so apply it until after World War I.

Education Secretary William Bennett assailed the Court even more strongly in a speech to the Knights of Columbus. He said the Court was "misguided" in its efforts to keep government neutral toward religion, and added that "the Court had failed to reflect sufficiently on the relationship between our faith and our political order." Bennett said the Reagan administration would do all it could to nullify the church-state separation rulings.

Meanwhile, the administration is asking federal courts in New York, Missouri, and Kentucky to delay implementing the ruling against federally funded teachers working in parochial schools. It apparently hopes that Congress can be persuaded to provide tax aid to sectarian schools through a voucher plan or that the old plan can be continued by placing the tax paid teachers in mobile classrooms located adjacent to the private schools. ■

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.

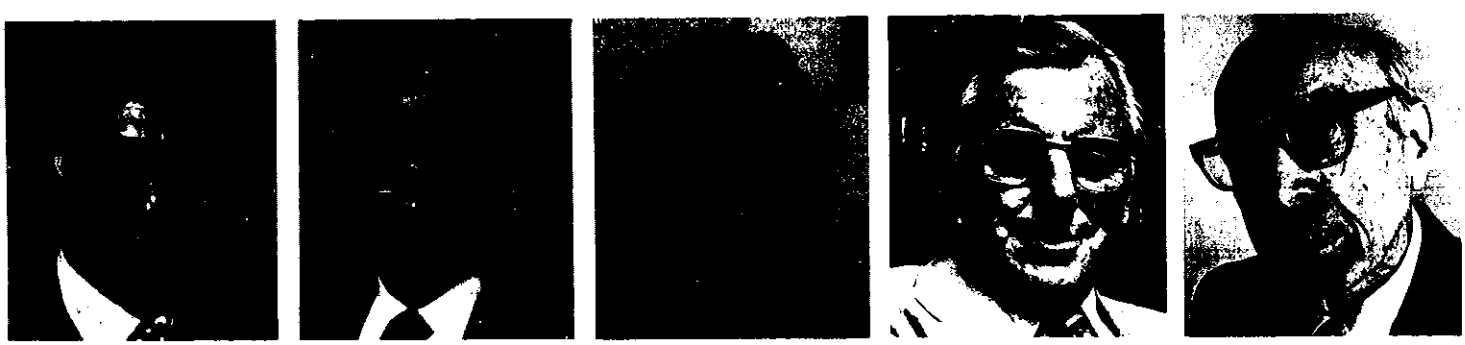
Cassette

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.



Parochiaid litigation principals: Jay Wabeke, Albert Dilley, Florence Flast, Stanley Geller, Leo Pfeffer.

the establishment clause of the first amendment because the purpose of the statute is to promote a religious belief." The court added that "The Act's intended effect is to discredit evolution by counterbalancing its teaching at every turn with the teaching of creationism, a religious belief."

In other developments, *Creation/Evolution* magazine has devoted an entire issue to publication of scientific papers debunking a creationist claim that human and dinosaur footprints exist together near Glen Rose, Texas. The team of scientists who made the field studies of the claims included University of Massachusetts anthropologist Laurie Godfrey, a member of ARL's National Advisory Board, and paleontologist Steven Schafersman, ARL's representative in Houston. The team's findings and research are spelled out in five scholarly papers, written in layman's language, in *Creation/Evolution's* Vol. 5, No. 1 issue, available from the journal's office at P.O. Box 146, Amherst Branch, Buffalo, NY 14226, for $2.75 each.

Pat Eyes White House

Televangelist Pat ("700 Club") Robertson is considering running for the 1988 Republican presidential nomination, according to the public relations director of Robertson's Christian Broadcast Network. Robertson has declared that "There is nothing in the U.S. Constitution that sanctifies the separation of church and state." On April 26 Robertson urged his TV audience to support the Christian Unity Political Action Committee as a way of getting fundamentalist candidates into public office.

Con-Con

The drive to get 34 state legislatures to force Congress to call a national constitutional convention remains stalled two states short. The legislatures in Michigan, Connecticut, and Montana defeated the resolutions despite heavy pressure from the Reagan administration and Radical Right groups. Meanwhile, the Florida legislature caved in to pressure and deferred action on a proposal to repeal its con-con resolution.

Opponents of the con-con drive point out that once called, ostensibly to pass a balanced budget amendment to the Constitution, a convention could not be blocked from considering proposed constitutional amendments to outlaw abortion, allow government sponsored group prayer in public schools, authorize tax support for sectarian private schools, and otherwise weaken the Bill of Rights in line with the declared agendas of Radical Rights groups.

In the Courts

Invocations and benedictions at public high school graduations were ruled unconstitutional on May 9 by an Iowa federal district court. The case, *Graham v. Central Community School District of Decatur County*, was brought by the Iowa Civil Liberties Union on behalf of a Unitarian student and her father. The court held that the graduation prayers had "as their primary effect, the advancement of the Christian religion." The Iowa ruling is a significant breakthrough because courts have generally ruled in such cases on the basis of limited evidence, which led them to find a "secular purpose" justification for the practice.

Amish farmers in Kentucky will not have to obey a state law requiring warning signs on their horse-drawn vehicles. So ruled Barren County District Judge Ben Dickerman in August in dismissing a traffic ticket of an Amishman who said his religious beliefs forbid the display of bright colors and symbols of government authority. Apparently the judge felt that public safety is not a compelling state interest.

The U.S. Court of Appeals for the Tenth Circuit has ruled that an Oklahoma school district violated the First Amendment when it allowed students to hold prayer meetings in school before classes. The plaintiffs in *Bell and McCord v. Little Ax School District* received threats and the McCord home was destroyed by a "suspicious" fire.

An Ohio federal judge ruled in August that the Findlay public schools may not allow private religion classes just before or after school. In June a federal court in Nebraska ruled that students could not hold religious meetings in public schools while in April a federal court in Texas ruled just the opposite.

In an out-of-court settlement of an ACLU case, Gideons International has agreed to stop distributing Bibles in Iowa public schools.

Trial is expected soon in *Abortion Rights Mobilization v. Baker,* a suit seeking to have the Internal Revenue Service remove the tax exempt status of Ctaholic churches said to be involved in partisan politicking. Plaintiffs charge that the IRS has been derelict in not applying the IRS code to churches involved in anti-abortion political activity.

On August 2 the South Dakota Supreme Court ruled in *Elbe v. Yankton School District* that providing textbooks and other instructional materials to sectarian private schools violates the state constitution's section separating church and state.

Grass Roots Organizing

ARL board member David Treece, former president of our University of Michigan chapter, is heading our effort to develop local chapters and field representatives. He has produced an organizing manual, a chapter newsletter, and a program for field representatives. Volunteers interested in either chapters or the field representative program should contact David Treece, c/o ARL, P.O. Box 6656, Silver Spring, MD 20906.

International

Madrid: Spain's parliament, despite strong opposition from the Catholic bishops, has legalized abortion in cases of rape, danger to a woman's mental or physical health, and fetal deformity. Spain has made greater progress toward church-state separation since Franco's demise than any other country in the world, while in the U.S. the Reagan administration is trying to emulate the Franco regime... *Rome:* Italy has a new condordat with the Vatican which officially ends the Catholic Church's status as an established church . . . **Dublin:** Despite bitter opposition by the Catholic bishops, Ireland's parliament has voted to ease restrictions on the distribution of contraceptives. This marks the hierarchy's first defeat in a clash with the government over social policy. Abortion remains illegal in Ireland, but is readily available to Irish women in nearby Britain... **Nairobi:** Although Kenya has one of the world's highest birthrates, the local Catholic Church hierarchy is lobbying hard to block government efforts to lower it... **London:** British teachers are trying to get Parliament to remove the legal requirement that public (in the American sense) schools have compulsory worship activities and compulsory religious education... **New York:** The Vatican Bank loaned $172 million in 1983 and 1984 to government agencies in South Africa. The loans were "laundered" through a Swiss bank in which the Vatican owns a majority of shares.