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## Reagan Administration Unveils Voucher Parochial Aid Plan

The Reagan administration's long awaited voucher parochial aid plan was introduced in Congress on November 19. The so-called "Equity and Choice Act" was filed as S. 1875 in the Senate and H.R. 3821 in the House of Representatives by Sen. Orrin Hatch and Rep. Patrick Swindall (what marvelously Dickensian names).

Under the guise of promoting choice, diversity, and competition in educating disadvantaged children, the voucher bill would change Chapter I of the Education and Improvement Act (begun in 1965 as Title I of the Elementary and Secondary Education Act) from a program operated by and mostly in public schools to one designed to aid sectarian and other private schools. The plan would allow parents of disadvantaged children to opt out of local public schools and get tax-paid vouchers for \$600 or so per child to apply to tuition charges at parochial or private schools, or even at public schools in other districts. In a crude effort to avoid constitutional challenge, the bill asserts that the payments for tuition "shall not constitute Federal assistance to the private eligible educational institution."

The local public educational agency which administers the voucher plan could transport the eligible students to the private or out-of-district public schools.

Private schools aided under the voucher plans would supposedly be barred from practicing racial discrimination, but the bill pointedly fails to prohibit discrimination in admissions or hiring along religious, sex, handicap, ideological, and other lines.

The voucher bill, apparently crafted by Education Secretary William Bennett, clearly has two purposes: to use disadvantaged children, a large percentage of whom are black and hispanic, as an advance guard to pave the way for a full-scale voucher plan for total support of sectarian private schools, long a goal of sectarian special interests; and to circumvent the Supreme Court's July 1985 ruling in the *Felton* and *Grand Rapids* cases that publicly paid teachers may not provide educational services on the premises of sectarian schools.

Hearings on the bill are expected in February in the Senate, though Sen. Dave Durenberger (R-MN) held a hearing of sorts on October 22 before his Subcommittee on Intergovernmental Relations, before details of the administration bill were made public.

Americans for Religious Liberty executive director Edd Doerr, in a statement to the subcommittee, pointed out that attempts by the Nixon and Ford administrations to get a number of local school districts to experiment with vouchers were all frustrated by adverse public opinion, that vouchers were defeated three to one in the only referendum ever held on the subject (in Michigan in 1978), and that strong movements to get voucher plans on the ballot in California all failed.

Doerr also noted that the legal advisers to President Nixon's Commission on School Finance, Fordham Law's Rev. Charles Whelan and Harvard Law's Paul Freund, advised in 1971 that any voucher plan that supported attendance at sectarian schools would be unconstitutional. Doerr added that subsequent Supreme Court

rulings (*Wolman v. Essex*, 1972; *PEARL v. Nyquist* and *Sloan v. Lemon*, 1973; *Aguilar v. Felton* and *Grand Rapids v. Ball*, 1985) leave little doubt that the Reagan-Bennett plan would be unconstitutional.

The ARL spokesperson pointed out also that vouchers would subsidize schools which practice religious, sex, handicap, and other forms of discrimination in admissions and hiring, noting that the Supreme Court held in 1973 in *Norwood v. Harrison* that even indirect public aid could not go to private schools "that practice racial or other invidious discrimination."

National Education Association secretary-treasurer Roxanne Bradshaw said that vouchers would "undermine public support and funding for public schools" and "siphon much needed resources from classroom activities." She also said that federal funds for vouchers would come from existing Chapter I programs, noting that only 45% of the eleven million eligible disadvantaged children are receiving help and that some 700,000 children were dropped from the program under Reagan administration funding cuts.

Other objections to the plan cited by the National Coalition for Public Education (a coalition of more than 50 educational, religious, civil liberties, ethnic, and other groups, including ARL) are that it contains no requirement that aided private schools provide compensatory services for needy students, no requirement that private voucher schools meet accreditation or teacher certification standards, and would actually reduce equal educational opportunity for

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### Editorial

## Sectarian Intrusion

The most overlooked church-state problem in America, and surely one of the most serious, is the intrusion of sectarian missionaries into the public schools. What is especially astonishing is the sheer magnitude of the problem coupled with the fact that it has not been challenged in the courts.

In our Fall 1983 issue we reported that an *Education Week* study had found that about 4,500 adult professional missionaries were then operating in public schools. Young Life had over 400 paid missionaries; Campus Life, the high school program of Youth for Christ, 800 missionaries; Bill Bright's Campus Crusade, 120 missionaries; Fellowship of Christian Athletes, 168 paid missionaries and 3,200 volunteer leaders and coaches, etc.

The problem worsened in 1984 when Congress passed so-called "Equal Access" legislation requiring secondary schools (seventh grade and up in most states) to allow student-originated groups to meet in public schools and permitting adult missionaries to be brought into the meetings. Moral Majority leader Jerry Falwell told

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# Parochial Ruling Compliance Slow

**I**t took nearly twenty years for church-state separationists to get the Supreme Court to rule last July 1 in *Aguilar v. Felton* that assigning teachers to sectarian private schools with public funds under Chapter I of the federal aid to education program is unconstitutional. Now it appears that getting full compliance with the ruling won't be swift either.

In New York City, where the lawsuit originated, U.S. District Court Judge Edward R. Neaker ruled on September 26 that the city's school board could delay compliance by a whole year on condition that the board submit reports to the court every 60 days on its progress toward implementation of the Supreme Court ruling. A similar delay has been allowed in several New Jersey districts in an agreement between state and federal authorities. The Chicago district is seeking a delay. Florida Education Commissioner Ralph Turlington has allowed Pinellas County schools to continue to provide teachers to parochial schools though larger communities in the state, such as Dade County (Miami), complied with the ruling immediately.

As of early November, an estimated 40% to 50% of the 200,000 parochial students receiving the Chapter I services before the July ruling were not getting them in the fall, in many cases, as in Los Angeles, because Catholic Church officials refuse to cooperate with local public school administrators.

Since federal law requires that disadvantaged children attending nonpublic schools be provided with Chapter I educational services, the following options for providing the services have been suggested: 1. in public schools; 2. at neutral sites; 3. in mobile units or stationary trailers; 4. by means of computers or television; 5. through contracted third parties.

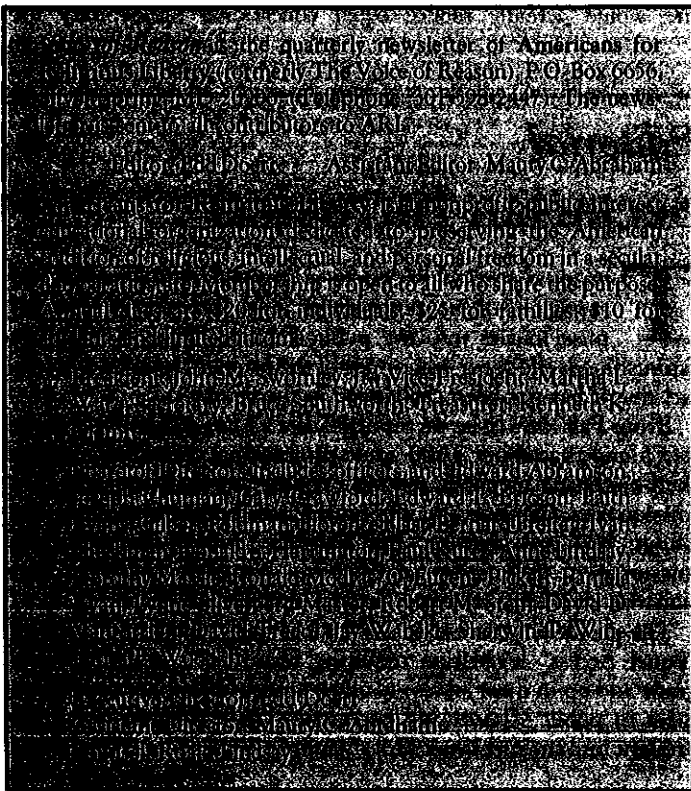
The first option is the best, though it is resisted by Catholic

Church officials who complain that it would involve transporting children to public schools. In most cities, however, the parochial schools are generally located within walking distance of public schools. The second option tends to duplicate public school sites, while both it and the third option (in use for several years in Ohio, Pennsylvania, and elsewhere to get around the 1975 Supreme Court ruling in *Meek v. Pittenger*) have the grave defect of keeping children from parochial schools segregated from their public school counterparts, religious segregation of questionable constitutionality. The fourth option is an expensive one which deprives students of contact with a live teacher. The fifth is probably just as unconstitutional as assigning public teachers to parochial schools.

Rochester, N.Y., complied with the ruling by early October. Students from four parochial schools are bused to public schools and a childcare center. Even with the extra expense, it is costing the school district \$60,000 less than the old on-premises unconstitutional program.

Meanwhile, on September 12 Education Secretary William Bennett, who has bitterly criticized the Supreme Court's rulings against parochial and who is pushing a voucher plan in Congress to circumvent them, urged local public school officials not to assume that they must withdraw instructional services from parochial schools under the Bilingual Education Act and the Education for the Handicapped Act.

In other developments: Critics have attacked Minnesota's new program of allowing 11th and 12th grade students to take courses at public or private colleges, with the state paying much of the cost. The critics charge that the controversial program is providing tax aid to some sectarian colleges. ■



## Administration Unveils Voucher Parochial Plan, *continued from page 1*

disadvantaged children.

American Federation of Teachers president Albert Shanker has written that none of the serious commission reports on improving public education call for vouchers. National School Boards Association executive director Michael Resnik said the plan is a "Trojan horse," while Michael Casserly, legislative director of the Council of Great City Schools, called it "a ridiculous proposal" that would be "an utter disaster for the Chapter I program."

Educational authorities are in agreement that the voucher plan would increase red tape, make educational administration more complicated and expensive, and siphon off more able students to private schools.

The press has not received the plan too kindly. The *Cleveland Plain Dealer* called it a "hoax," while the *St. Petersburg Evening Independent* called it a "cruel joke."

Support for the plan comes mainly from the National Catholic Educational Association, the ultraconservative Lutheran Church-Missouri Synod, the Orthodox Jewish Agudath Israel group, and the National Federation of Church Schools, a Pentecostal group which admits that urban Catholic schools are likely to be the main beneficiaries of the plan.

Opponents of the voucher plan are urging concerned citizens to let their state's U.S. senators know of their objections to the plan. ■

# Books

Although the newsletter format does not lend itself to extensive book reviewing, we like to call our readers' attention to significant recent books.

*James Madison on Religious Liberty*, edited by Robert S. Alley (Prometheus Books, 338 pp., \$20.95), and *Religion and the State: Essays in Honor of Leo Pfeffer*, edited by James E. Wood, Jr. (Baylor University Press, 596 pp., \$39.95), are valuable additions to the literature of religious liberty. They are especially welcome today as antidotes for the flood of misinformation and disinformation on church-state matters pouring from the Radical Right media and such other sources as the U.S. Attorney General and the Secretary of Education.

The Madison volume contains a generous selection from the writings of the architect of the Constitution and Bill of Rights, together with incisive essays by noted historians and constitutional experts, too numerous to list, on the significance of Madison's work and the First Amendment today. *Religion and the State* is a treasury of writing on contemporary church-state issues by some of the country's leading experts. It includes an autobiographical sketch by Leo Pfeffer, the most eminent authority on church-state relations and the attorney who had had more influence in the shaping of First Amendment court rulings than any other. (Editor Wood is a member of the ARL board; Pfeffer is a member of the ARL National Advisory Board.) The above books may

be ordered from ARL. See "Resources."

The internal affairs of churches are normally none of the public's business, but it's a different story when what happens within a religious body affects the interests and rights of others. *The American Pope*, by John Cooney (Times Books, 364 pp., \$19.95), is a critical biography of the late Cardinal Francis Spellman, once the most politically powerful cleric in America, with a strong hand in municipal, state, national, and international affairs. *In God's Name*, by David Yallop (Bantam Books, 339 pp., \$16.95 hard cover, \$3.95 paperback), is an inquiry into the strange death of Pope John Paul I, the predecessor of the present pope who died after only one month in office. Yallop portrays John Paul I as a moderate who was about to liberalize his church's stand on birth control and clean up the Vatican's extensive, and often questionable, financial operations. Yallop probes his mysterious death, the lack of an autopsy or official death certificate, and the Vatican's apparent cover-up of the affair.

*The Gospel Time Bomb*, by Lowell D. Streiker (Prometheus Books, 200 pp., \$18.95), examines ultrafundamentalist religion and shows how its political involvement endangers pluralism and civil liberties. The author is an authority on "cults" and extremist groups.

*School Prayer and Other Religious Issues in American Public Education*, and *Religious Conflict in America*, both by Albert J. Menendez (both from Garland Publishing Co., 168 pp. and 130 pp., \$20 each) are useful bibliographies intended mainly for students and scholars.

that anti-choice officials have been less than vigorous in condemning terrorism against clinics.

Picketing of clinics has picked up. Roman Catholic Bishop John McGann led 4,000 protesters in a demonstration outside a Hempstead, NY, clinic operated by reproductive rights pioneer Bill Baird. Fundamentalist groups organized by the "Christian Action Council" demonstrated at four Philadelphia hospitals and at others in Baltimore and the Washington area, and threatened to picket hospitals in San Diego. Meanwhile, U.S. District Court Judge John W. Reynolds in Wisconsin ordered the town of Brookfield not to enforce its residential picketing law in a case involving anti-choice protesters demonstrating in front of a physician's home.

Anti-choice forces lost all three nonbinding referenda on November 5 on the question of whether the Supreme Court's landmark 1983 abortion rights rulings should be overturned. Despite massive efforts by anti-choice groups and clergy endorsements, the pro-choice vote in 60% Roman Catholic Bristol, CT, was 56-44. In Dover and Derry, NH, the votes were 65-35 and 60-40 pro-choice. A similar referendum campaign has secured enough voter signatures to get on the ballot in Arkansas in 1986, but the anti-choice campaign in California unexpectedly failed to get the necessary 630,136 petition signatures to qualify for the ballot in June. Other referenda are being planned for 1986 in Oregon and Massachusetts.

Foreign aid was reauthorized for 1986 with an amendment offered by Sen. Dennis DeConcini (D-AZ) which restores the "informed consent" requirement to grantees of Agency for International Development funds. The bill requires funding recipients to provide "an accurate description of the effectiveness and risks of all major methods of family planning" and referrals as appropriate. Before the restoration of the "informed consent" clause, AID for the first time had granted funding to agencies which provided information only on the Vatican-sanctioned but rather ineffective "natural" method.

## Evolution/Creationism

Louisiana Attorney General William Guste said on December 23 that he will ask the Supreme Court to review the July 8 U.S. Court of Appeals ruling against the 1981 state law requiring equal treatment for creationism and evolution in the state's public school science classes. On December 12 the full Court of Appeals voted by a bare 8 to 7 majority not to review the July ruling, and the court's minority wrote a strong dissent favoring the law.

The California Board of Education used the state's textbook buying clout (the state uses 11% of all textbooks published) to force national publishers to strengthen the treatment of evolution. Texas' new state board has moved

in the same direction, though more cautiously, indicating that ultrafundamentalist influence remains fairly strong.

## Radical Right Update

Pat Robertson, faith healer, host of the "700 Club" TV show, and head honcho of the \$230 million-per-year Christian Broadcast Network empire, is reportedly "praying" over whether to run for the Republican presidential nomination in 1988. He has gained backing from Radical Right leaders Paul Weyrich and Howard Phillips, and, like other presidential hopefuls, has met privately with former President Richard Nixon for advice. He has support from other televangelists, though Jerry Falwell is backing Vice-President Bush. Robertson uses his "700 Club" show to attack a "tiny elite" of "secular humanists" who, he claims, have taken over the government, the schools, and the courts from the country's "majority." Former congressman John Buchanan, noting that Robertson predicted a nuclear war for 1982, wonders whether, if the evangelist had been president back then, he might have launched a preemptive nuclear strike against the Soviet Union.

Jerry Falwell, head of the self-styled Moral Majority, may be losing some of his clout. A *Richmond Times-Dispatch* poll in September showed that 62% of Virginians polled had an unfavorable opinion of Falwell, while only 19% gave him a favorable rating. His support for the Republican slate for governor, lieutenant governor, and attorney general probably contributed to the very solid Democratic Party victory in November. Among his other woes: organizers of the Virginia Beach Neptune Festival withdrew an invitation for Falwell to speak at a prayer breakfast because of his remarks in support of the South African government; a Sacramento, Cal., court ordered Falwell to pay \$5,000 to a homosexual who proved that the evangelist had publicly attacked the Metropolitan Community Churches; an Atlanta computer analyst used a computer to place automatic calls every 30 seconds to Falwell's Old Time Gospel Hour's 800 number, at a cost to OTGH of about \$500,000, a caper which might be perfectly legal; Falwell's Liberty University is now the largest private college in Virginia.

TV evangelists are watched in 40% of U.S. households, according to an A.C. Nielsen Co. report. More than 33 million households watched at least one of ten TV preachers for at least six minutes once each month. The most watched religious shows included Pat Robertson's "700 Club," Jimmy Swaggert, Jerry Falwell, Rex Humbard, Oral Roberts, Robert Shuller, and Jim Bakker.

# Newsbriefs

## Abortion Rights Update

The Supreme Court heard oral arguments on November 5 in two cases involving restrictive abortion laws in Pennsylvania and Illinois. The cases, *Thornburgh v. American College of Obstetricians and Gynecologists* and *Diamond v. Charles*, challenged state laws which restricted access to abortion and which were ruled unconstitutional by lower courts. ARL joined other pro-choice groups in an *amicus* brief to the Court. From the tone of questions by Justices Blackmun, Brennan, Marshall, Stevens, and Powell, observers feel the cases may be dismissed on procedural grounds. Newly appointed U.S. Solicitor General Charles Fried, who wrote the Reagan administration's *amicus* brief asking the Court to overturn *Roe v. Wade*, was denied permission by the Justices to make an oral argument before the Court.

Title X, the family planning section of the Public Health Services Act, was reauthorized in December for Fiscal Year 1986 without the crippling amendment proposed by Senators Orrin Hatch (R-UT) and Jesse Helms (R-NC) and Rep. Jack Kemp (R-NY), with support from the Reagan administration and powerful anti-choice movements. Title X, which provides confidential, low-cost reproductive health care and counseling to poor women and minors, is estimated to prevent 800,000 unintended pregnancies and 425,000 abortions annually. The amendment to Title X proposed by Hatch and Kemp would have prohibited the nearly 5,000 family planning agencies—including state and local health agencies, hospitals, and private nonprofit family planning clinics—from even telling women that abortion is a *legal* option or from making referrals for abortion services. Family planning providers, including state and local health agencies, said they would be unable to operate under the Hatch-Kemp restriction.

Washington observers regard the Hatch-Kemp-Helms ploy as an attack on effective family planning rather than just abortion. American Life Lobby president Judie Brown has said that her group opposes all forms of birth control except the Vatican-approved, ineffective "rhythm method." Joe Scheidler, head of the even more radical Pro-Life Action League, has said, "I think contraception is disgusting."

## Falwell Reorganizes

Jerry Falwell announced at a press conference in Washington on January 3 that he is reorganizing and expanding his political operations. His \$7 million per year Moral Majority, founded in 1979, will become a subsidiary of a new group called the Liberty Foundation, with a total 1986 budget of \$12 million. Moral Majority is to continue fighting for school prayer and against abortion, while the new group will try to register a million new voters, become active in the 1986 elections, and get involved in foreign policy issues.

A 1985 poll of supporters of President Reagan found that 43.9% of respondents who had heard of Falwell regarded him unfavorably. A 1983 poll of evangelicals found that 29.3% rated Falwell negatively.

While Title X has been salvaged for 1986, Hatch has already attached to the 1987-1989 bill an amendment to allow Utah to be exempt from certain confidentiality requirements of the program, while Senators Charles Grassley (R-IA) and Gordon Humphrey (R-NH) have attached an amendment to divert Title X funds for adoption services, thus weakening the family planning program.

A fresh wave of terrorist violence against abortion clinics broke out in late 1985. Four letter bombs, apparently intended to kill or maim whoever opened them, were discovered and defused in Portland, OR, in December, three at a post office and one at a women's health clinic. In October two women's clinics were burned in Baton Rouge, LA, one was burned in Charlotte, NC, while in Suffolk County, NY, another was bombed. A Manhattan medical center where some abortions are performed was bombed in mid-afternoon on December 10 just as police were evacuating the building after a phoned bomb threat. Two Cincinnati clinics were damaged by arson on December 30, ten days after one had received a bomb threat. Barbara Radford, executive director of the National Abortion Federation, remarked on National Public Radio on December 30 that convicted clinic bombers were generally active in anti-choice groups and

## ARL in Action

John M. Swomley, Jr., was elected president of Americans for Religious Liberty at the organization's board meeting on December 9 in Washington. Dr. Swomley, long an activist in religious liberty, women's rights, peace, civil liberties, and reproductive rights movements, has been since 1960 Professor of Social Ethics at the St. Paul School of Theology in Kansas City, a United Methodist institution. He is the author of *Religion, the State and the Schools* (1968), *The Military Establishment* (1964), *American Empire, the Political Ethics of 20th Century Conquest* (1970), *Liberation Ethics* (1972), *Politics of Liberation* (1984), and more than 200 articles in *The Nation*, *The Progressive*, *Christian Century*, *Fellowship*, *National Reporter*, and other journals.

Dr. Swomley is chair of the American Civil Liberties Union's national church-state committee and a member of the Committee on Religious Liberty of the National Council of Churches. He has lectured in graduate schools in Buenos Aires (1968), Manila (1973), and Rhodesia-Zimbabwe (1977). He was a co-organizer of the Missouri Religious Coalition for Abortion Rights, directed the nationwide campaign against Universal Military Training (1944-1952), served as executive director of the Fellowship of Reconciliation (1953-1960), and addressed the Foreign Affairs Committee of the British House of Lords in 1966 on the war in Vietnam.

Also at the December board meeting, Martha L. Ware, educational consultant and former head of the Human and Civil Rights division of the National Education Association, was elected vice-president. Newly elected to the board were Pamela Ryan, manager of the Human and Civil Rights

division of the NEA, Joseph Chuman, leader of the Ethical Culture Society of Bergen County, N.J., and Edward Abramson, a Washington lawyer and businessman. Named as ARL counsel was Ronald Lindsay, a Washington attorney recently involved in a challenge (by ARL board member Paul Kurtz) of the use of public funds to publish prayers written by the chaplain of the U.S. Senate.

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ARL president John Swomley was a featured speaker at a panel program on the First Amendment in October at Brevard Community College in Cocoa, Florida. An article by Swomley analyzing "Equal Access" was published in the December 1985 issue of *The School Administrator*, published by the American Association of School Administrators. ARL board member Faith Evans has been elected president of the Religious Coalition for Abortion Rights. ARL board member Jay Wabeke was named Civil Libertarian of the Year in December by the Western Michigan Branch of the ACLU.

Since our last newsletter, ARL executive director Edd Doerr has appeared as a guest on "Daybreak" on WCAU-TV and on radio stations WCAU, WDVT, and WXPN in Philadelphia; KTUL-TV in Tulsa; WKIS in Orlando; WGR in Buffalo. Mr. Doerr also spoke at church services and meetings in Maryland, Pennsylvania, Oklahoma, and Florida. In early 1986 Mr. Doerr will be speaking at meetings in Chicago, Maryland, Long Island, California, and Florida.

ARL's pamphlet, "Creationism, Evolution, and the Public Schools," was reprinted in the July/August 1985 issue of the *Creation/Evolution Newsletter*, published by the National Center for Science Education.

## Sectarian Intrusion, *continued from page 1*

the *Philadelphia Inquirer* during the congressional debate that, "We knew we couldn't win on school prayer [President Reagan's proposed school prayer constitutional amendment was defeated in the Senate in March 1984], but equal access gets us what we wanted all along." What Falwell wanted was made clear in his *Fundamentalist Journal* in September 1984 in an article describing the public schools as "a larger mission field than many countries."

The most successful single public school evangelist is probably Jerry Johnston, a 26-year-old preacher headquartered in Shawnee Mission, Kansas. Johnston claims to have spoken to two million students in about two thousand public schools in 25 states. In a promo piece for his "Life Public School Assembly" program he states: "In the public junior and senior high school age bracket there are approximately 40 million teenagers in the United States. This large group of young people represents one of the greatest virgin mission fields existent today and yet by and large, they are unreached by the Christian community" (sic!). Johnston reiterated his "virgin mission field" spiel in a long broadcast interview in October with Dallas radio evangelist Marlin Maddoux.

In the same promotion piece Johnston declares, "It is imperative that the youth minister learn the protocol of how to approach the public school administration and develop the open door policy of continued contact with secular youth at the local public junior and senior high school campus." Johnston urges "youth pastors" to use the "Equal Access" legislation to gain entry to "Christian clubs" begun, at least ostensibly, by students in public schools.

"I realized several years ago," Johnston continues, "that I could literally go into a public high school and speak to the entire student body on a neutral, secular theme that was relevant and valid, develop rapport to [sic!] the students by my presentation and later invite them to a gospel service. This is what I call pre-evangelism. We develop rapport to later present the claims of Jesus Christ. As a ministry we are now offering a highly successful, valuable tool for the youth minister that will allow him to get into the public school in health class, a social concerns class or a high school convocation, present a program, develop an identity with the students and establish himself as a counselor with regard to these social problems which establishes a bonified [sic!] relationship for future and further activity."

Johnston provided a good example of his *modus operandi* in Pinellas County (Tampa Bay area), Florida, in November. In apparent collaboration with Trinity Baptist Church in Clearwater, Johnston conned county school officials into allowing him to conduct half-hour assembly programs in eleven public middle and high schools. The assembly programs—for which Johnston was paid \$250 each, though it is not certain whether the fees came from school or private funds—dealt with drug and alcohol abuse and teen suicide as a buildup to a persuasive invitation to an "all you can eat" free "pizza blast," to be held on Thursday, November 14, in Clearwater's Jack Russell Stadium.

About 4,000 students showed up at the stadium, largely unaware that they were going to be treated to a religious revival service for two hours before they got their free pizza on the way out. The kids were asked to fill out cards with their name, address, age, grade, school, and church affiliation. Buckets were passed for donations. The stadium rally also marked the end of a five-day revival Johnston was conducting at Trinity Baptist Church.

*The St. Petersburg Times* editorially blasted the whole affair. "Administrators who should have known better, and who were forewarned, allowed an evangelist to use the Pinellas County public schools this week to recruit students for a mass religious rally. It defies belief that such a thing could happen so many years after the

U.S. Supreme Court explained why it should not . . . Some 30 years after the Supreme Court began to draw the line on religion in the public schools, its decisions are still sadly misunderstood by too many people. They are among the wisest decisions the Court ever handed down because they recognize that freedom of religion means nothing if the power of government—in this case, the public schools—can be used for the purpose of religious indoctrination."

(After hearing Johnston speak at a school assembly in his Wooster, Ohio, public school last April, 12-year-old Dana Golub went home and hanged himself. According to *Education Week*, there were reported to have been marked increases in suicide threats and attempts in both the Wooster and Akron areas after students heard Johnston speak.)

No one knows how successful Johnston and other fundamentalist proselytizers are in what are supposed to be religiously neutral public schools. But such activity clearly violates the First Amendment, offends many if not most state constitutions, destroys the neutrality which our pluralism requires of our schools, and undermines the religious integrity of countless families. What parent wants Johnny or Janie to come home from school converted to another religion as a result of activities sponsored, approved, or allowed by school authorities?

And matters are not helped when the U.S. Secretary of Education, William Bennett, publicly expresses approval of teachers and school officials attempting to influence students' religious views.

The intrusion of sectarian proselytizers into our public schools, which we called "the Invasion of the Soul Snatchers" in our Fall 1983 report, is an epidemic which must be brought under control. And it can be brought under control, if citizens will get off their apathy.

Concerned citizens can check with their local school districts to find out what policy is regarding "equal access" groups or outside evangelists or "youth ministers" operating in the schools. Policies to keep the schools properly neutral should be urged on local school boards. Intrusions into the schools by Jerry Johnston or missionaries from Young Life, Campus Crusade, or any other group should be protested (a quiet approach is best, as it helps shield school officials from pressure from fundamentalist interests). When school officials refuse to keep the schools in their charge neutral, legal action should be considered, though this is a serious step which requires national coordination.

ARL members encountering local sectarian intrusions into public schools should send us all the information possible on the situation. Local violations of church-state separation are also excellent opportunities for organizing ARL chapters or bringing ARL speakers before local audiences.

Let us resolve that during 1986 we will make some progress toward getting the missionaries out of our public schools. ■

### Where There's a Will . . .

Including a bequest to Americans for Religious Liberty in your Will is a good way to ensure that future generations will have the tools to defend our most basic freedoms. You can always add ARL to your Will.

AMERICANS FOR RELIGIOUS LIBERTY  
P.O. Box 6656, Silver Spring, MD 20906

## Con-Con

A national constitutional crisis was held at bay when the Michigan House of Representatives voted 56 to 51 to defeat a resolution calling for a national constitutional convention. Two more state resolutions will make the 34 required to force Congress to call a convention, which would be the first since 1787. Critics of the proposed convention warn that it could be controlled by anti-civil libertarians and could radically weaken the Bill of Rights.

## Humanism Ban Ended

With no fanfare, Congress passed and President Reagan signed into Law on November 22 legislation to reauthorize the \$75 million magnet schools program, with the controversial ban on "courses of instruction the substance of which is secular humanism" removed. Earlier, the Department of Education had refused to define "secular humanism" and a lawsuit against the provision had been filed in New York by Isaac Asimov, Corliss Lamont, and other plaintiffs.

## Prayer Book Funding Hit

Philosopher Paul Kurtz, an ARL board member, has asked the U.S. Senate to stop publishing the collected prayers of congressional chaplains at public expense. The action in federal court in Washington is on hold pending Senate action on the request. The U.S. District Court in Washington has held that Kurtz has legal "standing" to make the challenge.

## Religion in Public Schools

New Jersey's 1982 minute-of-silence law was ruled unconstitutional on December 24 by the U.S. Court of Appeals in Philadelphia. The ruling, reaffirming a federal district court decision, was made because the court found that the law had a religious purpose even though the word "prayer" did not appear in the act. The controversial law had been passed over Gov. Thomas Kean's veto. The state legislature itself had to defend the law in court because the attorney general said he could not defend a law he had previously told the governor was unconstitutional.

Sen. Jesse Helms was defeated 62 to 36 in the Senate in September in his attempt to have Congress pass legislation to strip the federal courts of jurisdiction over school prayer controversies. But on October 3 the Senate Judiciary Committee voted 12 to 6 in favor of Sen. Orrin Hatch's proposed constitutional amendment to authorize government regimented periods for silent prayer in schools. The full Senate will consider the measure sometime during 1986.

On October 15 the Supreme Court heard oral arguments in *Bender v. Williamsport*, a case concerning student religious groups meeting in a Pennsylvania high school. The U.S. Third Circuit Court of Appeals had ruled the practice unconstitutional, as have most federal courts which have ruled in similar cases. (ARL joined with the Anti-Defamation League of B'nai B'rith in an *amicus* brief to the Supreme Court urging that the Court rule unconstitutional not only the Williamsport program but also the "Equal Access" legislation passed by Congress in 1984.)

West Virginia Attorney General Charles Brown advised in November that public schools could offer Bible study only as part of a history, literature, or comparative religion class taught by a state-certified teacher. The opinion was requested after a number of parents complained to the state superintendent of schools that Mercer County schools had been offering, since 1939, Bible classes sponsored by the Bluefield Bible Study Committee and taught by Columbia Bible College graduates who were not employed by the schools.

## Miscellaneous

Sen. Jesse Helms's attempt to have Congress end religious tax exemptions for any group "that has any interest in the promotion of satanism or witchcraft" was killed in a House-Senate conference committee. ARL associate director Maury Abraham had written to House members pointing out that Helms's Senate amendment could lead to further attacks on unpopular religions.

In November Rep. Patricia Schroeder (D-CO), chair of the House Civil Service Subcommittee, called for the dismissals of the Education Department's Denver office head, Thomas Tancredo, and Christopher Sundseth,

an employee of the Inter-American Development Bank. Sundseth had sent a snotty letter to Californian Gerald Leib, who had written to Tancredo criticizing him for distributing a speech that referred to the U.S. as a Christian nation. Schroeder accused Sundseth of "inappropriate and unbecoming" conduct for obtaining and responding to Leib's postcard. Sundseth was subsequently fired.

William Counselman, supervisor of the Florida prison chaplain program, said in November that the state won't hire a rabbi who applied because, he said, the state "cannot hire a Jewish chaplain, an Imam, or an Indian medicine man."

## 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 \$2 for postage and handling.)

*James Madison on Religious Liberty*, edited by Robert S. Alley. See "Books" for review. (\$20.95 plus \$2 for postage and handling.)

*Religion and the State: Essays in Honor of Leo Pfeffer*, edited by James E. Wood, Jr. See "Books" for review. (\$39.95 plus \$2 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.

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