



VOICE OF REASON

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Religion in American Public Schools

Current federal court cases in Tennessee and Alabama could profoundly affect the future of public education and religious liberty in the United States. And adding to the controversy are recently published reports on how public school textbooks deal with religion.

In the Tennessee case, *Mozert v. Hawkins County Public Schools*, seven fundamentalist families are suing a local school board, charging that the reading textbooks teach evolution, witchcraft, situation ethics, idol worship, "secular humanism," "godless, one-world government," that "salvation may be obtained in other ways than by faith in Jesus Christ," and other allegedly "anti-Christian" values in conflict with their own faith. They particularly object to a series of readers published by the old, established firm of Holt, Rinehart, and Winston which include these stories: "The Wizard of Oz," "Rumpelstiltskin," "The Emperor's New Clothes,"

"The Diary of Anne Frank," "The Great Houdini," and "Paul Revere's Ride."

What the fundamentalist plaintiffs want from the federal court is an order giving their public school children the right to use alternative textbooks and the right to be free from exposure to concepts viewed as incompatible with their religious beliefs.

"What is at stake here," points out school board attorney Timothy Dyk, "is whether people who have religious objections to certain ideas can force their public schools to provide their children with a curriculum tailored to their own particular beliefs." If these seven families win their case, then all other families would have the same right, and public education would degenerate into chaos, with different sets of families seeking dozens if not hundreds of alternative textbooks.

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Nobelists Hit 'Creationism' Law

Seventy-two U.S. Nobel laureates in science—that's nearly all of them—joined seventeen state academies of science and seven other science organizations in filing an *amicus curiae* brief on August 18 urging the U.S. Supreme Court to rule unconstitutional a Louisiana law requiring public schools to teach "creationism" along with evolution. Americans for Religious Liberty and other groups have also filed *amicus* briefs against the state law in *Edwards v. Aguillard*.

Geneticist Francisco J. Ayala, a member of the ARL national advisory board, declared at the August 18 press conference in Washington announcing the filing of the brief that, "No biological concept has been more extensively tested and thoroughly corroborated than the evolutionary origin of living organisms through millions of years of descent with modification. Moreover, nothing in modern biology makes sense except in the light of evolution. Many religious people accept the fact of evolution. It is possible to admit that God is the Creator of the world without denying biological evolution."

Physics Nobel laureate Murray Gell-Mann, in a statement read at the press conference, declared: "I should like to emphasize that the portion of science that is attacked by the [Louisiana] statute is far more extensive than many people realize, embracing very important parts of physics, chemistry, astronomy, and geology as well as many of the central ideas of biology and anthropology. In particular, the notion of reducing the age of the earth by a factor of nearly a million and that of the visible expanding universe by an even larger factor, conflicts in the most basic way with numerous robust conclusions of physical science. For example, fundamental and well-established principles of nuclear physics are challenged, for no sound reason, when creation scientists attack the validity of the radioactive clocks that provide the most reliable methods used to date the earth.

"If the kind of requirement envisaged by the statute is imposed

on our public schools, the graduates may be ill-equipped to deal with problems of health, agriculture, industrial production, environmental quality, and national defense, and our Republic is in grave danger.

"It has often happened that science has had to defend itself against the dark forces of ignorance and superstition. The action by the Louisiana legislature recalls in some ways the situation in the Soviet Union under Stalin and his immediate successors, when the authorities interfered with the teaching of biology and promoted the pseudo-scientific doctrine of Lysenko, with adverse effects on agriculture as well as on teaching and research."

Lower federal courts ruled the Louisiana law unconstitutional on the ground that "creationism" is a religious belief.

In their brief the Nobel scientists and science organizations state that teaching religious ideas mislabeled as science is detrimental to science education: "It sets up a false conflict between science and religion, misleads our youth about the nature of scientific inquiry, and thereby compromises our ability to respond to the problems of an increasingly technological world. Our capacity to cope with problems of food production, health care, and even national defense will be jeopardized if we deliberately strip our citizens of the power to distinguish between the phenomena of nature and supernatural articles of faith."

A ruling in the case is expected by next summer.

In another development, creationists have finally abandoned their claim that fossilized human and dinosaur footprints are mixed together in the seasonally dry bed of the Paluxy Creek in Texas. Though their arguments were never taken seriously by scientists, the creationists tried to claim that the footprints showed that humans and dinosaurs coexisted. Paleontologists, however, have shown that dinosaurs became extinct about 60 million years before the first proto-human primates evolved. ■

Religion in American Schools, *continued from page 1*

In the Alabama case, *Smith v. Wallace* and *Smith v. Board of School Commissioners of Mobile County*, 624 fundamentalist plaintiffs are suing the local school board and the state board, charging the schools with "the unconstitutional advancement of the religion of Humanism" and the "unconstitutional violation of the free exercise of religious rights of teachers and students by the exclusive teaching of Humanism and the systematic exclusion from the curriculum of the existence, history, contributions and role of Christianity in the United States and the world."

Added to this is the stir aroused by release of a Reagan administration study of how public school texts deal with religion by psychologist Paul C. Vitz. Vitz's Department of Education study of 60 elementary social studies textbooks shows that the books contain little mention of religion. Vitz, an ultraconservative ideologue, insists that the relative absence of material on religion in textbooks is due to a conspiracy of "secular humanists" who "have been able to dominate and control education," a charge which echoes the propaganda from such sources as Jerry Falwell's Moral Majority, Pat Robertson's "700 Club," and the writings of Tim LaHaye. By the way, Vitz's proposed remedies for the problem he sees are not only suits to force school districts to adopt new books but also to have government support sectarian and other private schools through vouchers or tuition tax credits.

These are the charges. But the reality is quite different.

Public school textbooks are produced by highly competitive private enterprises. Since the textbook market is so large, publishers spend considerable money and effort developing books that will not only be acceptable to state and local school systems and the tens of millions of parents they represent, but will also beat the competition. Our country's 16,000 local public school districts are almost all controlled by elected boards of local lay people who represent a pretty good cross section of the American public. If anything, school boards tend to be more conservative than liberal. It is quite unlikely that more than an insignificant few of them could have a "liberal bias" or collaborate with a "secular humanist conspiracy" which exists only in the minds of paranoid falwellians. While textbooks are never perfect, they do generally represent what the vast majority

of people in a state or local district want. The annual Phi Delta Kappa polls of public attitudes toward public education have never registered the kind of dissatisfaction with textbooks voiced by the Tennessee and Alabama plaintiffs.

It is true that textbooks say very little about religion. But there are good reasons for this. There is wide disagreement among experts, scholars, and educators as to what facts or generalizations about religion should be taught, how they should be taught, and at what grade levels. There is even more disagreement among school administrators, school board members, and the lay public, very few of whom have any sort of clear picture of how the schools might teach about religion, which the Supreme Court has said may be done if the instruction is objective and neutral. When materials about religion have been included in texts or curricula, there are quite often objections that they are not balanced or objective, or are offensive to some people. Some people even object to teaching facts: several years ago a Catholic bishop in New York objected to a sentence in a history textbook which referred to the massacre of Huguenots in France. School districts, teachers, and textbook publishers seem to have tacitly concluded that the less said about religion in the classroom the better.

In any event, there is no great demand for the kind of academic, neutral, objective teaching about religion which the Supreme Court has said is both constitutional and desirable. Parents and religious bodies are free, of course, to provide any sort of religious instruction they wish to their children. Children spend only a quarter of each day on only half the days of the year in school, so there is ample time for parents and churches to expose children to as narrow or as broad a religious education as they please.

What about the charge that public schools teach "secular humanism" or that they are controlled by Humanists? It is nonsense. Our public schools are run by elected lay people who are broadly representative of their communities. Some may indeed be Humanists, but far, far more are mainstream Protestants, Catholics, and Jews. Just because John Dewey was a Humanist does not mean that the public schools whose teaching methods he influenced to a degree teach Humanism, any more than that people who use electric lights are atheists because Thomas Edison was an atheist.

There is a sense in which a generally agreed upon set of humane, civilized values, shared by mainstream Christians and Jews—humanistic with a lower case "h"—are included in school curricula, but the schools would be rather worthless, sterile, ugly places without them. But the naturalistic philosophy or lifestance (or religion, if you will) of Humanism with an upper case "H" is not and may not constitutionally be taught in public schools.

Finally, it should be noted that the shrill charges of "secular humanism" and complaints about textbooks saying too little about religion really serve, and may even be intended to serve, the purpose of masking the massive intrusions of fundamentalism into public schools. A number of school districts, especially in the South, continue to ignore the Supreme Court rulings against government sponsored prayer and religious instruction in public schools. Fundamentalist pressures have led to widespread downgrading of evolution in textbooks and classes. And, as we have reported in this newsletter, there are at least 4,500 fundamentalist missionaries operating in and through public schools to proselytize students.

Ours is a pluralistic society. Our common schools must be religiously neutral and sensitive to the wide religious and philosophical diversity of our students. The First Amendment requires religious neutrality in public education and the Supreme Court has consistently reinforced that principle. Parents, educators, lawmakers, and religious leaders need to work hard to defend that neutrality. ■

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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 its purposes. Annual dues are \$20 for individuals; \$25 for families; \$10 for students and limited income.

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Reaganizing the Supreme Court

By the time you read this, the Senate will probably have confirmed President Reagan's nomination of William Rehnquist to the post of Chief Justice of the Supreme Court and that of Antonin Scalia as an associate justice, replacing the retired Chief Justice, Warren Burger.

While the bloc on the Supreme Court unfriendly to the First Amendment is not growing in size, it is growing younger. Recent Court rulings upholding church-state separation have been by 5 to 4 margins. If just one of the justices who usually defend church-state separation—Brennan, Marshall, Stevens, Blackmun, Powell—retires, President Reagan will surely appoint another church-state "accommodationist" and fulfill his dream of wrecking the Jeffersonian principle of separation of church and state.

Both Rehnquist and Scalia take a dim view of the principle which has given our country a greater degree of freedom of conscience than any other. Rehnquist has consistently voted for tax aid for sectarian schools, for government sponsorship of religious activities, and against women's freedom of conscience on abortion. In dissenting opinions he has repeatedly sought to undermine the Court's well established view that the First Amendment, as Jefferson pointed out, erects a wall of separation between church and state. Scalia has made it clear that he opposes reproductive freedom, and, in testimony before a congressional committee in 1978 in favor of tuition tax credit federal aid to his church's private schools, declared that Congress should not worry about whether such aid is unconstitutional (the Court had ruled tax credits unconstitutional in 1973).

It is odd that Rehnquist and Scalia are regarded as conservatives. Conservatism means, or at least it used to mean, a concern for preserving institutions and principles which have proven their value. There is no principle more well established in value by history than the view expressed in the Declaration of Independence, that the primary purpose of government is to protect the equal rights of individuals, to defend individual and minority rights against the tyranny of transient or permanent majorities. In a contest between

individual rights and government power, however, both Rehnquist and Scalia seem disposed to favor the state over the citizen.

If he is allowed one more appointment to the Supreme Court, Ronald Reagan could leave as his lasting legacy a Bill of Rights that is little more than a historical curiosity. ■

Some Terrorism Not So Terrible?

The Federal Bureau of Investigation defines terrorism as "the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives."

Curiously, however, the F.B.I.'s recently released report on terrorist incidents in the U.S. during 1985 did not list any of the violent attacks on abortion or women's health clinics, even though these fit the F.B.I.'s definition of terrorism precisely.

Four letter bombs, evidently intended to kill or maim, were defused in Portland, Oregon, last December, three at a post office and one at a women's health clinic. In October, two clinics were burned in Baton Rouge, Louisiana, one was burned in Charlotte, North Carolina, and another was bombed in Suffolk County, New York. Another clinic was bombed in Manhattan on December 10. Two Cincinnati clinics were damaged by arson on December 30.

These eleven incidents of terrorism exceed the number (seven) in the F.B.I. report. Why doesn't the F.B.I. list them? Does the Reagan-Meese Justice Department believe that terrorism aimed at denying women their constitutional rights and at imposing a nonconsensus theology of fetal personhood on all women is less reprehensible than terrorism for other motives? Where is equal justice under the law? ■

Repression Redux

After a period of decreasing authoritarianism, the power structure of the Roman Catholic Church is moving back toward

ARL in Action

Americans for Religious Liberty joined the Anti-Defamation League of B'nai B'rith in August in an *amicus curiae* brief to the U.S. Supreme Court in *Edwards v. Aguillard*, the case challenging the Louisiana law which requires that fundamentalist "creationism" be given equal treatment in public schools along with evolution. The brief, prepared by ADL attorney Ruti Teitel, a member of the ARL advisory board, shows that "creationism" is a religious tenet, the teaching of which in a public school constitutes a violation of the First Amendment clause prohibiting laws "respecting an establishment of religion."

ARL has urged President Reagan not to fill the vacancy left by the resignation in May of William Wilson as his ambassador to the Holy See, headquarters of the Roman Catholic Church. As of early September the post had not been filled. ARL pointed out in a letter to Reagan that U.S. diplomatic ties with a religious body violates both the spirit and the letter of the First Amendment. Reagan is the first president to extend formal diplomatic recognition to any church. ARL executive director Edd Doerr is one of the plaintiffs in a suit challenging the arrangement. The suit is on appeal to the U.S. Supreme Court on the technical legal question of whether the plaintiffs have "standing" to sue.

Attorneys Ruti Teitel and Nathan Z. Dershowitz have been named to the ARL National Advisory Board. Ms. Teitel is counsel for the Anti-Defamation League and a member of the ACLU church-state

committee. Mr. Dershowitz is general counsel for the National Coalition for Public Education and Religious Liberty.

ARL president John M. Swomley Jr. lectured in Australia during the summer. Board member James E. Wood Jr., editor of *The Journal of Church and State*, lectured on church-state relations in Beijing in July at the invitation of the Chinese government. Executive director Edd Doerr was a participant in a conference of the International Humanist and Ethical Union in Oslo, Norway.

In May the Metropolitan Detroit chapter of ARL sponsored a lecture by ARL co-founder Sherwin Wine on "Pat Robertson and Jerry Falwell—The New Strategy of the Radical Right."

ARL's other co-founder, Edward L. Ericson, is the editor of the just published book *Emerson on Transcendentalism*, a selection of Ralph Waldo Emerson's writings (Ungar Publishing Co., New York, \$5.95).

Since our last newsletter, executive director Edd Doerr has conducted a workshop at the Unitarian Universalist General Assembly, lectured at American University in Washington, D.C., spoken at an ACLU meeting and three church services in Maryland, and taped a TV interview at State University of New York in Geneseo. He also appeared as a guest on WXXI radio and WHEC-TV in Rochester, New York, WFBR radio in Baltimore, and KXL radio in Portland, Oregon.

a repressive mode which a great many Catholics and non-Catholics had hoped would not return.

In Toledo, an eleven-year-old girl has been barred from returning to her parochial school because she publicly supported abortion rights and birth control counseling.

The Vatican has withdrawn Catholic University theologian Charles Curran's teaching credentials because of his moderate views on birth control, abortion, homosexuality, premarital sex, and divorce.

Several nuns have been threatened with expulsion from their orders if they refuse to recant their pro-choice views on abortion.

Jesuit priest Terrance Sweeney resigned from his order in August rather than obey an order to destroy the results of a survey he had made of the U.S. bishops on the issues of clerical celibacy and ordaining women.

Four Catholic colleges cancelled teaching engagements by Marquette University theologian Daniel Maguire, an ethicist with liberal views on abortion rights.

The Vatican has ordered Bishop Raymond Hunthausen to give up his authority with regard to marriage annulments, worship, clergy training, priests seeking to leave the priesthood, and issues relating to homosexuality and health-care institutions.

These and similar incidents here and abroad point to a hard retightening of the screws.

But aren't these just intra-church conflicts outside the legitimate concern of others. In a sense, yes. But . . .

The Catholic Church's power structure and the Reagan administration are seeking greatly increased tax aid for parochial schools. (Catholic schools already get hundreds of millions annually in federal and state aid, while in Massachusetts this year church officials led a campaign to get a state constitutional amendment on the November ballot to authorize state aid to church schools.) Catholic and other church colleges receive enormous amounts of federal and state aid through student assistance and other programs. It is wrong and at odds with the principle of church-state separation for government to use public funds to aid or support institutions under church control and in which religious discrimination may take place.

The Vatican crackdown on dissent is not only an assault on freedom of conscience and free inquiry, but also, by fostering the impression that Catholics are under some sort of authoritarian clerical control, can only damage interfaith relations and exacerbate sectarian divisiveness in a political process already distorted by a politicized, authoritarian Protestant fundamentalism. ■

Strange Inconsistency

On the one hand, the Reagan administration has sought for more than five years to get Congress to provide federal funding for sectarian private schools. On the other, the same administration's Department of Housing and Urban Development (HUD) has in the past year or so turned down six grant applications from the Salvation Army for homeless shelters and half-way houses for drug addicts and alcoholics, on the ground that the Salvation Army projects are "pervasively sectarian organizations."

Homeless shelters and half-way houses are surely less "pervasively sectarian" than denominational private schools. Perhaps the administration's strange inconsistency in applying the First Amendment's establishment clause is due to a perception that the Salvation Army and its poor clients have few votes, while the five million students in Catholic, fundamentalist, and Orthodox Jewish private schools represent an above-average-income bloc of voters to be catered to. ■

ARL Passes Four-Year Mark

Americans for Religious Liberty came into existence in March 1982 with the merger of Voice of Reason and the Center for Moral Democracy. Both predecessor groups had been founded the previous year in response to the threats to religious, intellectual, and personal freedom posed by the rise of self-styled "moral majoritarian" and religious radical right groups. ARL's co-founders, Sherwin T. Wine, rabbi of the Birmingham Temple in Farmington Hills, MI, and Edward L. Ericson, then leader of the New York Society for Ethical Culture, contributed the following statements to mark ARL's beginning its fifth year.

"Four years ago the Voice of Reason and Moral Democracy merged and became Americans for Religious Liberty. Both organizations were born out of the fear of Jerry Falwell and his frightening campaign of 1980. Both organizations were a response to this threat to the integrity of the secular state.

"Four years later the same threat remains. But we are better able to meet it because we, the defenders of the secular state, have organized to confront it. The special work of Edd Doerr and all our members strengthens the resistance that needs to be made.

"Although the Falwell charisma has faded, we should not be complacent. Pat Robertson has jumped into the fray to lead the armies of the religious right. And it would be foolish for us to underestimate his power and the determination of his followers to breach the wall of separation between religion and government.

"We need to stay on the alert. We need to take action in our own local communities to educate the public concerning constitutional principles. We need to continue to support Americans for Religious Liberty, so that it can carry out what needs to be done in defense of our freedom."

Sherwin T. Wine

"This fourth birthday of Americans for Religious Liberty justifies our early conviction that such an organization is timely and necessary. Every day we see evidence that the integrity of the American public classroom and the secular state can be preserved only by continuous and firm resistance to fundamentalist intrusion and sectarian aggrandizement.

"When Rabbi Sherwin Wine and I first sat down to discuss the possible merger of our separate organizations in this field, we shared the hope that a strong, united, grassroots movement such as ARL might result. It has happened only because of the combined strength of thousands who share the democratic values that ARL defends. And most of all, it has happened because the highly capable and expert Edd Doerr assumed responsibility for serving and directing our efforts. His effectiveness in advancing our cause is demonstrated daily in the media and in his testimony before legislative committees.

"To Edd and the dedicated and efficient staff that he has assembled we owe congratulations—and all the support we can provide. ARL is taking its place as a respected advocate of Jefferson's ideal of freedom of belief, secured by a high wall of separation between church and state."

Edward L. Ericson

On Meeting Secretary Bennett

I do not rub shoulders with administration biggies. So it was very instructive for me to meet Secretary of Education William Bennett.

I met him a few months ago while waiting to get into a basketball game at a local playground. Bennett, who was there with his young son John, seemed like a genuinely nice, down-to-earth guy. In our brief exchange we talked about John, the playground, a little white dog, my job, and last summer's Supreme Court rulings prohibiting the use of publicly paid teachers in private religious schools.

The next morning I read in the *Washington Post* that Bennett had given a speech the night before to Phyllis Schlafly's Eagle Forum in which he continued the push for government-approved worship in public schools and for a greater recognition in schools of our "Judeo-Christian tradition [and] the values that so clearly emerged from it." Such values, the secretary said, include, "patriotism, self-discipline, thrift, honesty, respect for elders."

In Bennett's case, let us hope that nice guys do finish last. For Bennett, one in a position to affect his and other's posterity, is wrong about this. Although his message appears harmless enough, the underlying theme is that we of the Judeo-Christian tradition both invented and have the corner on "positive" values; that those who are foreign to this tradition (e.g., some Hindus) or antagonistic to beliefs central to Judaism or Christianity (e.g., some atheists) could not possibly share these same values; that without public schools sanctioning prayer and encouraging religion, our youth are destined to some horrible fate.

Plainly, virtue did not begin with exposure to the Ten Commandments and school endorsed prayer. As Jefferson noted: "Some have made the *love of God* the foundation of morality . . . [but] if we

did a good act merely from the love of God and a belief that it is pleasing to Him, whence arises the morality of the Atheist?" Socrates—pagan, ethicist, government gadfly, martyr—did not require the Judeo-Christian tradition or the aid of his government to leave us his legacy. In the same way, public schools can build character without teaching the parochial view that our values "emerged" from what happens to be the religious heritage of most Americans.

As Bennett surely knows, fathers of all faiths in all periods and cultures have taken their sons for walks and successfully instilled in them values such as thrift and honesty. Our public schools certainly can and ought to encourage these universal values. They also can teach that the founders of our nation so valued pluralism and the rights of conscience that America correctly is given credit for the experiment known as the separation of church and state.

Since our meeting I have seen Bennett on two occasions. On the first, he was extolling to a congressional committee the virtues of the administration's elementary and secondary school voucher plan. (Poorly masked as a child benefit program, the proposal in reality is intended as the first step toward full distribution of public monies to private religious schools.) On the second, at a conference in a Senate office building and attended almost exclusively by parochial advocates, Bennett joined other participants in denouncing public schools for their lack of the "3 Cs" (content, character, and choice).

Meeting Bennett was instructive. He reinforced for me the lesson that you can't always judge a book by its cover.

Maury C. Abraham

Books, etc.

Three Good, One Awful

Religion in the Public Schools: An Introduction, by Richard C. McMillan (Mercer University Press, Macon, GA, 301 pp., \$21.95)

Religion, The State, and Education, edited by James E. Wood, Jr. (Baylor University Press, Waco, TX, 151 pp., \$10.95 hardcover, \$6.95 paperback)

The First Liberty: Religion and the American Republic, by William Lee Miller (Alfred A. Knopf, New York, 373 pp., \$24.95)

Religion in American Public Life, by A. James Reichley (The Brookings Institution, Wash., D.C., 402 pp., \$31.95 hardcover, \$11.95 paperback)

Ironies abound. This review, written one day after moral majoritarian fundamentalists virtually locked up (by a narrow margin) their control of the U.S.'s largest Protestant denomination, the Southern Baptist Convention, deals with two books published by the presses of Southern Baptist universities and one by the generally liberal think tank, the Brookings Institution. The books from the two Baptist college presses are outstanding defenses of the First Amendment and religious liberty, while the volume under the imprimatur of the liberal think tank is a slicked-up falwellian attack on church-state separation.

Professor McMillan's book is a sensitive defense of religious liberty, church-state separation, public education, and the secular (not "secularist") state. "Secularization is not only healthy for mankind, it is equally promising for religion." He shows that the First Amendment, common sense, and American pluralism demand that public education be religiously neutral. With the Supreme Court, he believes that neutral, objective teaching about religion in public schools is both constitutional and desirable, though he carefully analyzes the safeguards which must be in place. He says, for instance, that "it would be wise to restrict courses in religion studies to adolescents," and that the courses should be elective.

While urging that local religious leaders support public education, he wisely counsels that "A religious community should not request any form of religious instruction in public schools until it may take pride in the quality of religious education provided by its own religious institutions."

McMillan also provides a useful section of major excerpts from the Supreme Court's relevant rulings on religion and public education.

The volume edited by James Wood, a member of the ARL board, is a superb treatment of the controversies involving religion, education, and government. Wood, historian Edwin Scott Ganstad, and political scientist Donald E. Boles analyze and show the essential correctness of the Supreme Court's rulings on tax aid for sectarian schools and on various religious practices in public schools. Theologian Robert A. Spivey offers an informative essay on the project he headed in Florida which developed public school courses about religion.

The Miller book is a penetrating, scholarly, witty, readable study of three of the heroes of religious liberty in America: Jefferson, Madison, and Roger Williams. The author, a professor of religious studies at the University of Virginia, makes their struggle come alive in the context of their times. He provides a useful antidote to the current flood of propaganda, legal briefs, and political proclamations seeking to show that our country's founders were really in tune with Jerry Falwell, Pat Robertson, and other clericalist special interests who would use our public schools for sectarian purposes, tax all citizens to support discriminatory denominational schools, deny women freedom of conscience on reproduction, etc.

Reichley's *Religion in American Public Life* is so inferior to the books reviewed above—and so eccentric, superficial, uneven, and pretentious—that it would merit scant attention were it not published by a prestigious research institute and had its publication not received such favorable national publicity, much of it apparently from the publisher's publicity handouts.

Reichley, a Brookings fellow, makes a strong but superficial attack on the

Supreme Court's fairly consistent rulings interpreting the First Amendment's clause against "laws respecting an establishment of religion." He tries to show that the Court has erred in making that clause applicable to state and local government through the Fourteenth Amendment. He claims that President Grant's effort to get an anti-parochial amendment to the Constitution passed in 1876 is evidence that the Fourteenth Amendment did not incorporate the First, but he overlooked the important fact that the Supreme Court in the Slaughter-House cases in the early 1870s had refused to accept the Fourteenth Amendment's obvious intention to make the Bill of Rights applicable to the states.

Reichley claims, incorrectly, that Western Europeans are not uncomfortable with their various forms of religious establishment, and says that government should be allowed to tell students when to pray and to provide tax support to sectarian private schools. He makes no effort whatever to describe the probable or possible consequences of implementation of his revisionist view of the Constitution.

The book is so sloppy that the author on two occasions gets the dates of major Supreme Court rulings wrong.

A large segment of Reichley's book is given to a history of religious involvement in politics in the U.S., but even here his analysis is deeply flawed and his selection of topics arbitrary. He discusses church involvement in opposing the Vietnam war, but doesn't even mention church involvement in getting the U.S. into Vietnam in the first place. He mentions the Catholic bishops' crusade to outlaw abortion, but ignores the extensive support of Catholics for the pro-choice position. He ignores the extensive religious support for choice (as represented, for instance, in the Religious Coalition for Abortion Rights) and does not even attempt to explain how Evangelicals were largely moved from being pro-choice to being anti-choice by the religious radical right leadership during the 1970s.

Reichley never mentions the serious referendum battles over parochialism over the past twenty years, or the genesis of the 1977-78 Packwood-Moynihan tuition tax credit bill at the instigation of a Catholic priest, Rev. Donald Shea, on the staff of the Republican National Committee. Nor does he mention the divisive controversies over U.S. diplomatic relations with the Catholic Church from Presidents Truman through Reagan, or Reagan's and the religious radical right's use of each other during the past half dozen years.

Finally, Reichley goes out of his way to attack "civil humanism," his phrase for "secular humanism," in ways not far removed from the assaults by Falwell, Robertson, and LaHaye. He insists that democratic government must rest on the "transcendent purpose" of a "theist humanism," but he fails to explain what these words mean.

The great mystery is why a respected think tank would stoop to publishing such a thoroughly terrible book. We can be thankful that Southern Baptist university presses and other publishers, such as Prometheus and Knopf, have retained their good sense.

Abortion Rights

Holy Terror, written, produced, and directed by Victoria Schultz (The Cinema Guild, 1697 Broadway, New York, NY 10019, 58 minutes, \$100 rental, \$895 for 16mm film purchase, \$595 for videotape purchase, any format)

Abortion: Stories from North and South, written and directed by Gail Singer, produced by the National Film Board of Canada (The Cinema Guild, 55 minutes, \$100 rental, \$895 for 16mm film purchase, \$595 for videotape purchase, any format)

Thinking About the Silent Scream, produced by Patricia Jaworski (Jaworski Productions, P.O. Box 21197 Midtown Station, New York, NY 10129, 30 minute audio cassette, \$10)

Holy Terror is a new documentary which examines the political activism of the religious radical right, focussing on their anti-abortion efforts. Journalist Victoria Schultz spent a year filming interviews with anti-choice activists, such as Joseph Scheidler and televangelist Pat Robertson, as well as pro-choice clergy and clinic counselors. This excellent documentary contains film of anti-choice conventions, strategy planning sessions, and demonstrations. Most importantly, it shows the alarming political and social significance of the growing coalition of the religious and secular New Right.

Abortion: Stories from North and South is an award-winning cross-cultural survey of how abortion transcends race, religion, social class, and national boundaries. Featuring interviews filmed in Ireland, Japan, Thailand, Peru, Colombia, and Canada, the film shows dramatically why and how an estimated 30 to 55 million of the world's women obtain abortions every year. The film preaches no sermons, but it does provide an indispensable background of information for all concerned with the problem of unwanted pregnancy and abortion.

Thinking About the Silent Scream is an excellent response to the anti-abortion propaganda film *The Silent Scream*. Jaworski interviews leading neurobiologists and neurologists on the subject of the biological basis of personhood. Neurologist Dominick Purpura shows that the brain and nervous system are not sufficiently developed for "personhood" to begin until the thirty-first week of gestation. All abortions are performed before that stage.

All three of these superb documentaries are important contributions to understanding one of the most significant political, social, and religious liberty problems in the world today.

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. Madison's own writings plus authoritative essays analyzing their importance. (\$20.95 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.)

Crusade of the Credulous, by William J. Bennetta. A collection of articles about "creationism" and the effects of that fundamentalist movement on public education. (\$2 plus \$1 for postage and handling.)

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Abortion Rights

On June 11 the Supreme Court again upheld its 1973 *Roe v. Wade* abortion rights ruling by holding unconstitutional a Pennsylvania law that required physicians, before providing abortions, to tell the woman of the "detrimental physical and psychological effects" of abortion, to describe various stages of fetal growth, and to discuss aid that might be available if she decides not to have an abortion. Writing for the Court, Justice Harry Blackmun said that, "The states are not free, under the guise of protecting maternal health or potential life, to intimidate women into continuing pregnancies." In the ruling in *Thornburgh v. American College of Obstetricians and Gynecologists*, the Court turned aside a Reagan administration brief which asked the Court to review and overturn *Roe*.

Four states will have referenda in November aimed at restricting abortion rights. In Arkansas the proposed state constitutional amendment would allow the legislature to outlaw abortion and would also outlaw public funding for abortions. In Massachusetts the proposed amendment would allow the legislature to prohibit or regulate abortion to the extent permitted by the U.S. Supreme Court. In Rhode Island the amendment, whose wording is not yet clear, is aimed at prohibiting abortions and public funding for abortions. The Oregon proposal would only outlaw state funding of abortion.

In Washington State the sponsors of an anti-abortion initiative fell 9,000 signatures short of the number required to get their proposed amendment on the ballot.

The U.S. Senate Appropriations Committee has approved an amendment by Sen. Lowell Weicker (R-CT) to the Labor, Health and Human Services, and Education Departments appropriations bill which would restore Medicaid funding for abortions in cases of rape and incest. Leading the funding restoration effort is The Justice Campaign. A Catholic nun/lawyer, Sister Deborah J. Barrett, is coordinator of the coalition. ARL is supporting the effort.

Vouchers Again

They're back! Although the Reagan administration's Hatch-Swindall bill to provide federal aid to sectarian private schools by converting the existing Chapter I program of federal aid for disadvantaged students into a voucher plan was withdrawn several months ago, largely as a result of strong opposition to the plan in the House of Representatives, the idea is back again. In August Republican Congressmen Paul Henry (MI), Willis Gradison (OH), and Tom Petri (WI) introduced H.R. 5409, the so-called "Children's Options for Intensive Compensatory Education Act" (CHOICE). The new bill differs little from the old Hatch-Swindall bill.

In an effort to head off criticism, the bill stipulates that private schools participating in the voucher plan could not deny admission to children on the basis of race, color, national origin, sex, or handicap. Yet at the same time the bill says the church schools could limit enrollment to one sex and could "not be required to develop special programs or services necessary to the enrollment of specific handicapped children." In other words, what one clause giveth, another clause taketh away. The bill, of course, contains no prohibition against religious or ideological discrimination.

Falwell to Move?

The big question in Lynchburg, VA, is whether Jerry Falwell will move most of his \$100 million per year empire to Atlanta. For six years Falwell has had a dispute with city officials over \$1.4 million in property taxes his various enterprises owe the city. It is not clear whether Falwell really wants to relocate or is merely using the threat of moving, which would hurt Lynchburg economically, to get local officials to urge the state to change the tax status of his Old Time Gospel Hour holding company.

In other action, a federal appeals court in Richmond in August upheld a \$200,000 award Falwell won from *Hustler* magazine. Although the court agreed that *Hustler* had not libelled Falwell, it nonetheless ruled that Falwell could collect the award for "intentional infliction of emotional

In the Press

Letters to editors by ARL staff appear regularly in the press around the country. The following are two recent examples from *The New York Times* and from the *Lynchburg News*, the daily in Jerry Falwell's home town in Virginia.

The New York Times, June 8, 1986

Now that the U.S. ambassador to the Holy See, William Wilson, has resigned his post, President Reagan should discontinue this unconstitutional arrangement. If Mr. Reagan will not do so, then the Senate should decline to ratify another Holy See appointment.

U.S. diplomatic ties with a religious body surely violate both the spirit and the letter of the First Amendment prohibition against government preference for one religion over others.

The lower federal courts, unfortunately, have ruled that apparently no one, not even religious bodies and leaders discriminated against by the executive action, has legal standing to challenge this arrangement and that the President is not bound by the First Amendment in conducting foreign affairs.

Mr. Reagan's establishment of formal diplomatic relations with a church is as symptomatic of his scorn for the First Amendment principle of church-state separation as his advocacy of government regimented prayer in schools, federal aid to sectarian private schools, and the denial of freedom of conscience to women on abortion.

Edd Doerr, Executive Director
Americans for Religious Liberty

The Lynchburg News, May 25, 1986

Teresa Stahler (letter, April 29) is misinformed if she thinks that

Jerry Falwell is working hard to keep our country free.

Mr. Falwell seeks to diminish the religious freedom of our families and children by advocating that government regiment our children in prayer in public schools. Does he fear that our parents and churches are doing such a bad job of religious education that Caesar must be asked to help?

Mr. Falwell seeks to diminish our right not to be taxed to support discriminatory sectarian private schools by his advocacy of the tuition tax credit plan for federal aid to church schools. Has he forgotten the lessons taught by Virginians Jefferson and Madison?

Mr. Falwell would weaken our children's right to an adequate science education by his efforts to have our public school science classes make room for the fundamentalist doctrine of "creationism." If he gets "equal time" for "creationism" in public schools, is he willing to give equal time to evolution in the pulpit?

Mr. Falwell would deny women freedom of conscience by having government impose on them by law his, the pope's and Ronald Reagan's theological view that personhood begins at conception. Is he afraid of allowing women to exercise moral judgment? And since half of all pregnancies result in spontaneous abortions, whom does Mr. Falwell blame for these "murders?"

Finally, I wish Ms. Stahler would tell me how our country managed for 180 years to get by without the "Under God" phrase in the Pledge of Allegiance. The phrase was added in 1954.

Mr. Falwell's main contribution to freedom may be his waking Americans to the dangers to freedom posed by self-styled "moral majoritarians" and self-appointed censors.

Edd Doerr, Executive Director
Americans for Religious Liberty

distress." The award will help Falwell pay \$5,000, plus \$2,875, to gay activist Jerry Sloan in California, who took Falwell up on his offer to give \$5,000 to Sloan if he could prove that the evangelist had said there would be "a celebration in heaven" if the predominantly gay Metropolitan churches were "annihilated." Sloan produced a videotape in court.

Population Aid Cut

In August the Reagan administration decided to cut off the U.S.'s \$25 million 1986 contribution to the U.N. Fund for Population Activities, on the ground that some of the funds might be used for abortions and "coerced birth control activities" in China. The U.S. contribution normally amounts to 20% of the UNFPA's budget. As usual, the administration is wrong: the UNFPA does not fund abortion or sterilization procedures, and does not cooperate with or sanction the practices to which the administration objects. Observers believe that the administration was just seeking an excuse to follow the Vatican line on birth control, which it followed at the 1984 U.N. population conference in Mexico City.

Robertson Slipping?

Televangelist Pat Robertson's so far unannounced campaign for the 1988 Republican presidential nomination may be faltering. In the August election of Michigan Republican delegates for a convention still two years away, Robertson's delegates apparently trailed those of Vice-President George Bush, Rep. Jack Kemp, and a bloc of uncommitteds. Columnists Evans and Novak opine that Robertson's unimpressive showing is evidence of an antifundamentalist backlash among Republicans.

A *Time* magazine poll in May showed that Robertson is far less familiar to Republican and independent voters than Bush, Sen. Robert Dole, Howard Baker, Rep. Jack Kemp, and Jeane Kirkpatrick, and that Robertson had a 41% "unfavorable impression" rating, compared with Bush's 21%, Dole's 16%, Baker's 20%, and Kemp's 23%.

In other news, former Rep. Paul McCloskey, a decorated Korean War Marine veteran, wrote a letter on August 4 to Rep. Andrew Jacobs, also a Korean War veteran, that then Marine officer Pat Robertson, when the two were in Japan in 1951 awaiting transport to Korea, told him that his father, Virginia U.S. Sen. Willis Robertson, had "gotten him out of combat duty."

While campaigning in Michigan in July, Robertson declared that "born-again" Christians feel "more strongly" about "love of country, love of God, and support for the traditional family" than do non-Christians.

Siljander Defeated

Ultraconservative Rep. Mark Siljander was defeated in the Michigan Republican primary in August by former Budget Director David Stockman aide Fred Upton. Siljander and Upton agree that Siljander's defeat was probably due to his sending a tape to local ministers urging them to "break the back of Satan" by helping him to win.

Miscellaneous

The Reagan administration has awarded \$186,710 to two Radical Right leaders, James McClellan and Jerry Combee, to develop a course on the Constitution for high schools. McClellan, a former aide to Sen. Jesse Helms, is an architect of Helms's attempt to strip federal courts of jurisdiction over school prayer and abortion rights cases. Combee is dean of business and government at Jerry Falwell's Liberty University and author of textbooks for use in fundamentalist schools.

The Idaho legislature has defeated a bill that would have required "balanced treatment" of creationism and evolution in the state's public schools after Attorney General Jim Jones said the bill, similar to those ruled

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unconstitutional in Arkansas and Louisiana, might not survive a court test. The Florida Cabinet, acting in its role as state board of education, has approved use of 22 biology textbooks which teach evolution, rejecting pleas that creationism also be presented.

In June, by a better than 2 to 1 margin, Maine voters rejected a proposal that would have made it a crime to sell or promote "obscene" material.

A federal district court in Washington, D.C., ruled on August 28 that the Library of Congress violated the rights of blind people when it stopped producing Braille editions of *Playboy* magazine. Judge Thomas Hogan held that singling out *Playboy* as the sole target of a \$103,000 fund cut in the Library's \$36 million Books for the Blind program in 1986 was an unconstitutional effort at censorship.

The Justice Department in August funded a conference in Washington on the black family that was hosted in part by Pat Robertson.

In July the Oregon Supreme Court upheld a 1923 state law which prohibits public school teachers from wearing religious garb while teaching. The case involved a teacher of the Sikh faith.

Wisconsin Attorney General Charles Hoornstra ruled in May that University of Wisconsin coaches may not lead football players in pre-game prayers.

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