



VOICE OF REASON

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The Newsletter of Americans for Religious Liberty

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ARL, ACLU Challenge Federal Parochiaid

Americans for Religious Liberty and the American Civil Liberties Union filed suit on February 1 against the U.S. State Department, challenging the constitutionality of an \$8 million congressional appropriation for religious schools in France. The suit, *Lamont v. Shultz*, filed in federal district court in New York, charges that the appropriation violates the First Amendment's Establishment Clause.

At issue in the suit is an \$8 million appropriation, passed by Congress in December as part of the omnibus \$604 billion spending bill, to be used by an organization called Ozar Hatorah to build private schools in France for Orthodox Sephardic Jewish students. Sen. Daniel Inouye (D-HI), who introduced the measure, originally defended it as a form of refugee aid, though the U.S. and French governments and the United Nations do not regard the students or their families as refugees under any official definition.

On the same afternoon the suit was filed, Sen. Inouye, addressing the Senate, acknowledged that he had made "an error in judgment" and urged Congress to repeal the appropriation. Both houses passed the repealer within two days, though it is not known when President Reagan might sign it.

On February 4 the complaint in *Lamont v. Shultz* was amended to challenge the ongoing practice of diverting U.S. funds to sectarian schools abroad under the American Schools and Hospitals Abroad (ASHA) program. ASHA is operated by the U.S. Agency for International Development.

During the flap over the Inouye appropriation, journalist Larry Cohler reported in *Washington Jewish Week* on January 14 that several members of Congress have managed to get AID to

channel federal funds to Orthodox Jewish schools in Israel under the ASHA program. Cohler found that since 1983 congressional pressures have gotten \$2 million for the Ohr Somayach girls school, \$750,000 for the American College of Belz, an affiliate of the Belzer Hassidic movement, and \$750,000 for the Beth Rivka Comprehensive School in Kfar Chabad, a girls school affiliated with the Lubavitch Hassidic sect.

ARL's research has turned up ASHA grants to Christian and Jewish schools in Egypt, Micronesia, Indonesia, Israel, and the Philippines, totalling over \$9 million.

Plaintiffs in the suit are ARL Board members Florence Flast and Bruce Southworth, ARL Advisory Board member Isaac Asimov, ARL members Corliss Lamont, Augusta P. Finkelstein, and Nina Untermyer, Rabbi Balfour Brickner of the Stephen Wise Free Synagogue in New York, and ARL as a membership organization.

ACLU legal director John A. Powell said in a press statement that, "the use of tax dollars here or abroad for religious programs is unquestionably a violation of the Establishment Clause of the First Amendment."

ARL president John M. Swomley said, "If members of Congress and federal agencies are going to be insensitive to the constitutional restrictions on government actions under the First Amendment, then private citizens and organizations must go to the trouble and expense of going to court to defend the constitutional principle of separation of church and state and the right of citizens not to be compelled through taxation to contribute involuntarily to the support of sectarian institutions."

Pat Robertson: Teflon Televangelist, Political Heavyweight

In his youth a Golden Gloves boxer, Pat Robertson has learned to roll with the punches. Despite revelations that he has exaggerated his academic and business accomplishments and misrepresented other facts about himself, and that his campaign may have engaged in improper fundraising, Robertson is appearing more and more as a credible candidate for the presidency, and his February 8 Iowa caucus showing, second to that of Senator Robert Dole but significantly ahead of Vice-President George Bush, confirms this.

An ordained Baptist clergyman, Robertson founded the Christian Broadcast Network (CBN) in 1960 and quietly built it into the nation's fifth largest cable network, with revenues of \$230 million a year. In 1968 he began hosting CBN's "700 Club," a daily religious "magazine" talk show viewed by 30 million

Americans and broadcast into 45 countries. And, although Robertson was one of the movement's principal leaders, when people thought of the Religious Right it was Jerry Falwell who usually came to mind.

All this has changed. Pat Robertson wants to be President. He has left the "700 Club," and, to try to allay fears that he would like to merge church and state, has resigned his ministry and dropped the "Reverend" from his name. Preferring now to be known as a businessman, Robertson claimed in December that "I've never been an evangelist in my life. I'm head of the fifth largest cable network in America." And as Falwell steps down as head of Moral Majority, it is Robertson who is seen on newspaper front pages and premier talk shows.

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Politics, Power, and the Church

In December Pope John Paul II appealed to political leaders around the world to accept religious freedom as a fundamental right. He added, correctly, that "Religious freedom, an essential requirement of the dignity of every human person, is a cornerstone of the structure of human rights."

These are fine words, but coming from John Paul II they ring rather hollow in view of the fact that the papacy and the ecclesiastical power structure it heads have a pretty dismal record on religious freedom and continue to set a poor example.

Catholic Church officials—please bear in mind that we said "officials," that we are not criticizing the majority of Catholics or their personal beliefs, and that we are mindful that many Catholics disapprove of much that their church's officials say and do—have a tragic record of repressing religious freedom within their own church, of attempting with varying degrees of success to inhibit the freedoms of non-Catholics, of using and seeking to use governments to obtain involuntary financial support and to impose papal discipline on Catholics and non-Catholics alike, of exercising grossly undemocratic political power, of allying itself with tyrants and authoritarians.

Examples of these activities are abundant and would include: the endless campaigns to gain or retain billions of dollars annually in public subsidies for its institutions (in the U.S., Canada, the U.K., France, Belgium, the Netherlands, West Germany, Australia, etc.); the often successful efforts to inhibit freedom of choice on birth control, abortion, and divorce; political manipulation for sectarian advantage (the 1933 Nazi-Vatican pact, helping Nazi war criminals escape justice after World War II, helping Franco's rebellion against the elected Spanish government, influencing the U.S. to get involved in Vietnam and trying to get U.S. intervention in the Nigerian Civil War, etc.); the attempts to discipline theologians Charles Curran in the U.S. and Hans Kung in West Germany; the consigning of women to inferior roles in the church; the welcoming of Kurt Waldheim even after the revelations of his questionable activities as a Wehrmacht officer in World War II; the recent alliance with fundamentalist extremists in the U.S. to deny women freedom of conscience on abortion and get tax aid for sectarian schools; the Vatican's (or, more properly, the Holy See's) securing of

diplomatic recognition by 108 countries (including, unconstitutionally, the U.S., and pointedly excluding Israel), thus making non-Catholics second-class citizens in a sense; trying to get the U.S. Supreme Court to radically revise and weaken its interpretation of the constitutional principle of separation of church and state.

The Vatican's political opposition to birth control and abortion have contributed greatly to the poverty and misery of millions, for whom fancy words about freedom and faith are often a cruel joke.

This story is told in great detail and with documentation by Lawrence Lader in his new book *Politics, Power, and the Church: The Catholic Crisis and Its Challenge to American Pluralism* (Macmillan, 273 pages, \$22.95). Lader's book is a worthy successor to the important works of Paul Blanshard of the 1940s and 1950s, on the same subject.

Lader's readable, well-researched book is the only comprehensive, reliable, up-to-date one published in recent years on this important topic and deserves a wide readership. Unfortunately, as was the case with Blanshard's books of a generation or so ago, it is being given the silent treatment by most publications which review important books.

Lader, by the way, is president of Abortion Rights Mobilization, whose suit against the Internal Revenue Service, to require it to apply its own regulations to political activity of the Catholic bishops, will soon be heard by the Supreme Court.

Lader is appropriately critical of Catholic Church officialdom's activities which work to inhibit freedom, but he also shows that a very large and growing number of Catholics—lay persons, clergy, and politicians—reject and oppose papal and episcopal policies and practices in the U.S. and other countries. Indeed, he praises their efforts and concludes that liberal Catholicism "aligned with mainstream Protestantism and Judaism, remains the best hope for holding extremism in check, and preserving American pluralism, and the separation principle against its enemies."

Lader's *Politics, Power, and the Church* should be read by all who value freedom, especially those who think that it is rude to criticize Catholic Church policies or practices.

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Editor: Edd Doerr Associate Editor: Maury C. Abraham

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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Gallup's Goofs

For nearly twenty years Phi Delta Kappa, the professional education fraternity, has commissioned the Gallup Poll to make annual in-depth surveys of public attitudes about public education. The poll results, published in the *Kappan* every fall, are valuable studies which show, among other things, that most Americans support public education and do not buy the Radical Right critiques of public education.

However, when Gallup asks questions about church-state issues, the polling outfit tends to use peculiar questions seemingly designed to produce peculiar and misleading results.

On school prayer, for instance, Gallup asked in 1987, "Do you favor or oppose an amendment to the U.S. Constitution that would allow prayer in public schools?" With such a misleading question, which insinuates that students may not now engage in voluntary personal prayer (which no court has ever held), it is no wonder Gallup reported 68% favoring such an amendment.

The question Gallup should have asked is this: "Since public school students now enjoy the right to engage in voluntary personal prayer, do you oppose or favor a constitutional amendment to allow an agency of government to sponsor and/or regiment devotional activities in public schools?" That question would elicit a quite different response.

In another 1987 question Gallup asked if people would favor a

voucher plan which would allow parents to send their children to any public, private, or parochial school of their choice. Since the question inextricably entangled the question of choice among public schools with that of tax support for sectarian private schools, it is no wonder that vouchers were favored 44% to 41%, a result quite different from what would have resulted if Gallup had asked two separate questions: "Should parents be allowed to choose to which public school they will send their children?" and, "Do you favor or oppose tax support for sectarian private schools which may practice forms of indoctrination and selectivity not allowed in public schools, and which are not under public control?"

We know what the public thinks about the second question because there have been 16 statewide referenda on the subject of vouchers and parochial aid in the last 20 years. Parochial aid was soundly voted down in all but one. In the most recent, in Massachusetts in 1986, voters defeated a parochial aid amendment 70% to 30%. In 1978 Michigan voters defeated vouchers specifically by 72% to 28%. In 1981 District of Columbia voters defeated a voucher-equivalent tuition tax credit plan 89% to 11%.

Both Gallup and Phi Delta Kappa have a responsibility to use better questions in their polling.

Editorial

Falwell's Farewell

Reverend Jerry Falwell announced November 3 that he was resigning from the titular leadership of Moral Majority and of his newer Liberty Foundation, ostensibly to devote full time to his religious operations.

The well known televangelist/political guru may well need to mend his fences. His March-through-October involvement with Jim and Tammy Bakker's scandal-rocked PTL TV "ministry" and theme park apparently cost him some of his traditional support. His Old Time Gospel Hour revenues fell \$5.3 million below normal and he had to drop broadcasts from 50 TV stations.

Though he would probably be the last to admit it, Falwell may well have perceived that he had run out of credibility. He failed in his campaigns to get constitutional amendments to authorize government regimented prayer in public schools, though Congress in 1984 did pass "equal access" legislation he favored to allow public school students to set up religious clubs and bring adult missionaries into schools. He failed to get abortion outlawed or to get increased tax support for sectarian private schools.

A Falwell endorsement became a liability in Virginia politics, while his claims to have significantly helped elect Ronald Reagan and a Republican Senate in 1980 are generally regarded as exaggerations. (Jimmy Carter's bad luck with the second OPEC oil price rise and the Iran hostage mess were the biggest factors in Reagan's victory, which in turn coattailed Republicans to temporary control of the Senate.)

In recent years Falwell became a lightning rod for reactions against the propaganda, policies, and practices of the religious and secular Radical Right, and thus a liability to his sponsors. Moral Majority, after all, was actually the creation of Radical

Right operators Paul Weyrich, Richard Viguerie, and Howard Phillips, two ultraright Catholics and an ultraright Jew who needed a Protestant fundamentalist televangelist as a front man to organize a bloc of fundamentalist voters.

Columnist Cal Thomas, vice-president of Moral Majority from 1980 to 1985, admitted in November that "Many of the organization's state chapters were little more than a name and a telephone number, the national office having decided to keep the money. . . . The Moral Majority is now little more than a fund-raising machine and probably will be forced to close its doors, for all practical purposes, after the 1988 election."

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Pat Robertson, *continued from page 1*

"Who is going to carry on after Reagan? . . . [Many people] are looking to somebody like me as possibly their champion," said Robertson two years ago. And if anyone is heir to Reagan's teflon mystique is surely is this preacher-politician. For, in the year of political scandals, Robertson's political standing *improved* following some very embarrassing revelations.

It was discovered a few months ago that Robertson, who has said "We must encourage our children to take the institution of marriage seriously and return to abstinence before marriage," conceived a child before he was married. Robertson explained that he is not a hypocrite because the transgression preceded his becoming a Christian.

Robertson also conceded he was "a little sloppy" in reporting his credentials. His campaign literature listed his military stint in Korea as combat service; he actually worked in a headquarters command three miles from the front. Robertson has said he has a background as a tax attorney although he failed his bar exam and has never practiced law. His official "Biographical Information" includes graduate study at the University of London; he took an introductory art history course there during a summer vacation.

In September Robertson said, "I have made this decision [to run] in response to the clear prompting of the Lord's spirit." Yet Robertson had written his 1972 autobiography, *Shout It from the Housetops*, that God commanded him to stay out of politics "The Lord refused to give me the liberty . . . [He said] 'You cannot tie my eternal purposes to the success of any political candidate.'" When it was pointed out that this passage had been excised from the latest edition of his book, Robertson said he did not know how the deletion occurred.

Like Job's, Robertson's troubles continued. There have been reports of possible financial irregularities in the Robertson campaign. Federal government records show that CBN funnelled \$8.5 million into organizations that did groundwork for Robertson's presidential bid. The Internal Revenue Service is investi-

gating whether CBN's relationship with Robertson's political activities violated the prohibition against using charitable funds in politics.



Records also indicate that Robertson's campaign organization sold its computer system for at least \$100,000 more than it cost to a "shell company" in Denver whose only identifiable official is a Robertson campaign aide. The \$337,500 transaction may have been illegal because federal election laws prohibit direct campaign contributions from corporations.

As a result of these reports, reports that would have ended the candidacy of lesser mortals, what

terrible wrath has befallen the Robertson campaign?

Supporters continue to render unto Robertson. Just after his business and academic misrepresentations became public, 800 people attended a \$100-a-plate dinner. The following evening, 500 supporters attended a \$150-a-plate event. Robertson has raised over \$14 million for his campaign, more than any other candidate except Vice-President Bush. In January Robertson accepted \$4.5 million in federal matching funds.

His campaign has the organizational backing, particularly at the grassroots level, to match its financial strength. In 1987 Robertson defeated Vice-President Bush in caucus and straw poll battles in Michigan, South Carolina, and Iowa, and garnered 37% of a straw poll vote of Republican activists in Florida. In December he won 83% of a straw poll at a Virginia Republican party conference. At the Texas Conservative Leadership Conference in January, Robertson came in first in a straw poll of conference participants with 46% of the vote. In February he won 82% of a straw poll of Hawaii Republicans. Iowa, indeed, was no fluke.

Robertson: In His Own Words

"Individual Christians are the only ones really—and Jewish people, those who trust the God of Abraham, Isaac and Jacob—are the only ones that are qualified to have the reign, because hopefully, they will be governed by God and submitted to him."

"700 Club," January 11, 1985

"I'll veto any appropriations measure that would give one dime to Planned Parenthood."

USA Today, October 29, 1987

"People keep asking me when I'm going to expand my political base. But I don't have to broaden my base. My political base is 70 million people . . . the 70 million evangelical Christians in this country."

Denver talk show, June 1987

Washington Post Weekly, October 12, 1987

"Christians feel more strongly about love of country, love of God, and support of the traditional family than do non-Christians."

Lansing, MI news conference, July 1986

"The Supreme Court has made atheism the only acceptable religion for America's public school children!"

Freedom Council fund letter, August 5, 1985

"If two new justices were appointed, we wouldn't need constitutional amendments regarding school prayer."

Christianity Today, January 17, 1986

"The Constitution of the United States is a marvelous document for self government by Christian people. But the minute you turn the document into the hands of non-Christian people and atheistic people they can use it to destroy the very foundation of our society. And that's what's been happening."

"700 Club," December 30, 1981

"The Soviet Union is going to make a move against this little nation known as Israel. And that's got to happen because it is very clear cut in the Bible in the last days."

"700 Club," May 20, 1982

"So as Christians—forgetting the United States government, we've got a higher power than the United States government— . . . Let it be an example of what God can do when His people are in charge."

"700 Club," March 29, 1983

The American public school system "steadily is attempting to do something that a few states other than the Nazis and the Soviets have attempted to do, namely, to take the children away from the parents and to educate them in a philosophy that is amoral, anti-Christian and humanistic and to show them a collectivistic philosophy that will ultimately lead toward Marxism, socialism and a communistic type of ideology."

"700 Club," May 13, 1984

In an SRI Research Center poll conducted after the GOP's first presidential debate, Robertson topped his five rivals (Bush, Dole, Kemp, Dupont, Haig) on the ability to explain his policies on social issues. He also showed the greatest gain in the before-and-after polls of voter preference.

In this early round of the campaign, Golden Glover Robertson has clearly earned the right to gloat "They never laid a glove on me." The question is: Can he go the distance? Can he make a lasting impact on the national political scene?

Said *U.S. News & World Report* on December 14: "Pat Robertson is changing the face of the GOP and could be its nominee. . . . Never in the modern era has a presidential campaign been so thoroughly organized at the grass roots, so industriously planned. . . . Robertson's foes now know he is for real—that he and his followers will be *the* dominant policy setters at next year's Republican convention. . . . Victory for Robertson is possible because it doesn't take *that* much to win. He figures as few as 7 million Republican votes can determine the nomination." (Mondale won the 1984 Democratic nomination with 6.8 million votes, Reagan the 1980 Republican nomination with 7.7 million votes.)

"One aspect of the Robertson campaign that has largely escaped national attention," the *Washington Times* pointed out on November 17, "is the takeover of state and local Republican parties. Robertson supporters now control the GOP in Michigan, in some counties in Iowa and in many counties across the South. They have a good chance of seizing control in Virginia [where they also] could decide the party's Senate nominee by controlling the state convention next June. . . . [Robertson's] nomination [is] an outcome that is unlikely but no longer inconceivable."

According to *Newsweek* (January 4), Robertson delegates "could hold the [Republican] convention and the platform hostage to their extreme views on abortion, school prayer and

Falwell's Farewell, *continued from page 3*

According to an August 23 report in the Lynchburg, Va., *News*, during a recent three-year period Falwell shifted more than \$6.7 in Moral Majority and Liberty Foundation funds over his religious operations. The Lynchburg paper also reported that of the \$24 million collected by Falwell's political operations from 1984 to 1986, "financial records . . . show no substantial [political] organizing or lobbying." Falwell biographer and White House domestic policy analyst Dinesh D'Souza says that Falwell provided "rhetorical leadership." (\$24 million worth?)

Jerry Falwell may or may not be through with politics. He said on November 3 that he would continue to "cry out against what I believe to be the moral cancers of our society," by which he presumably means freedom of conscience for women, religious neutrality in public education, church-state separation, opposition to apartheid in South Africa, evolution, etc.

But whatever Falwell does in the future, and however clownish he may have appeared in the past, the ideas and people he represented have become an important and enduring force in America. Falwell's views have been imbedded in the Republican Party platform, to the distress of many Republicans, and are being espoused by some presidential aspirants. The forces represented by Jerry Falwell have pushed the political center somewhat to the right. The nation came uncomfortably close to having Robert Bork become the swing vote on the Supreme court. Bork's views were very largely those of Jerry Falwell working in judicial robes.

On issues bearing on religious liberty and church-state relations, Robertson supports putting more religion into public schools. The Robertson-founded National Legal Foundation backed the fundamentalist plaintiffs in Alabama in their effort to remove 44 history, social studies, and home economics textbooks from public schools on the allegation that the books promote "secular humanism." They lost in the U.S. Court of Appeals last August and decided not to appeal to the Supreme Court.

Robertson favors tax support for sectarian private schools under a voucher plan and favors a constitutional amendment to outlaw abortion.

pornography. Other GOP leaders are worried that the Robertson forces will become a permanent fixture in the party."

In *The Christian Century* on October 21, Timothy B. Lynch wrote that, "The evidence for a credible candidacy is all on Robertson's side: over 3 million signatures urging him to run, victories in three caucus states, and the ability to raise money. . . . Robertson is inspiring and is mobilizing new participants to enter the political process, even while positioning himself to appeal to a broader constituency."

Robertson has demonstrated he is for real. But just who is he, *really*? Robertson says he is a moral leader who understands America and her needs, and of late, he has made an effort to appear a mainstream conservative in both domestic and foreign policy. Others say he is a right-wing extremist—pointing to his controversial statements over the past ten years—and claim his is more a change of strategy than a change of heart.

— Maury Abraham

Falwell and other fundamentalist authoritarians, including one who is campaigning hard for the presidential nomination, have catalyzed formation of institutions and coalitions with extraordinary financial and personnel resources bent on remaking America in an image pleasing to Falwell, on politicizing religion, or perpetuating male dominance, and on wrecking our constitutional arrangement of church-state separation.

Falwell's friends have taken over the national machinery of the largest Protestant denomination in America and have made common cause on abortion and education finance policy with the leaders of the largest religious denomination in the country.

Falwell's departure from the political scene may lull liberals, moderates, and ordinary conservatives into a false sense of security and relief. But we hope not. Falwellism has taken on a life of its own and will need to be fought for many years to come.

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.

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Update

ARL, ACLU Test U-MD Prayers

Americans for Religious Liberty, the American Civil Liberties Union of Maryland, and graduating senior (and ARL member) Matthew Barry filed suit in federal court in Baltimore on December 3, challenging the practice at the University of Maryland of including invocation and benediction prayers in graduation ceremonies. Although Judge Norman P. Ramsey denied a request for a temporary injunction at a hearing held just hours before the December 22 graduation, the suit is being continued in an effort to block further violations of the church-separation principle.

The complaint in *Barry v. Slaughter* charges that the state university's practice of delivering prayers at official graduation exercises violates the First Amendment's establishment clause. Plaintiff Matthew Barry, a *summa cum laude* graduating senior, and the ACLU, had begun challenging the practice administratively in April of 1987. As an act of conscience Barry declined to attend his graduation with the offending prayers.

ACLU attorney Arthur Spitzer showed in his formal complaint that the graduation prayers violated the purpose, effect, and excessive entanglement tests of constitutionality.

The University of Maryland student newspaper, *The Diamondback*, also called on the university to end the graduation prayer practice.

Textbook Cases

The 600 fundamentalist parents who sued Alabama public schools, charging that history, social studies, and home economics textbooks promote "secular humanism," announced through their attorneys in November that they will not appeal their case to the Supreme Court. They lost their case in a federal appeals court in Atlanta on August 26.

ARL in Action

Since our last report Americans for Religious Liberty has greatly expanded its work in the courts. In December ARL joined the ACLU of Maryland in challenging invocations and benedictions at University of Maryland graduation ceremonies. On February 1 ARL joined ACLU in challenging the constitutionality of U.S. aid to sectarian private schools overseas. ARL joined with other organizations in *amicus curiae* briefs in court tests of forced Caesarean operations and federal aid to religious institutions under the Denton-Hatch "chastity law," plus an action testing the standing of an abortion rights group to challenge IRS handling of tax exemptions for churches engaging in political activity. (Details to be found elsewhere in this newsletter.)

ARL executive director Edd Doerr and historian Robert Alley debated Phyllis Schlafly and columnist Cal Thomas at Converse College in South Carolina in November. In September Doerr debated religious liberty issues at a forum at the University of Richmond and at Brevard College in Florida. Doerr also lectured at American University in Washington, DC, Hagerstown College in Maryland, at a Florida ACLU conference, Humanist conferences in Denver and Pittsburgh, and at Unitarian Universalist and Ethical Society services in Colorado, Maryland, Pennsylvania, and New Jersey.

In October Doerr lectured on religious liberty issues at a meeting in Aalesund, Norway, sponsored by the Norwegian Human-Etisk Forbund (Humanist Ethical Union).

Doerr also appeared as a guest on WJZ-TV in Baltimore, KABC radio in Los Angeles, WDJY radio in Washington, DC, and WALE radio in Fall River, MA.

Associate director Maury Abraham spoke at church services and meetings in Maryland and Virginia on "teaching about religion in public schools."

Tennessee fundamentalists, who also lost their case to have their children allowed to stay away from classes where they might read or hear anything inconsistent with their parents' religious views, are appealing to the Supreme Court to reverse the ruling against them August 24 by the U.S. Court of Appeals in Cincinnati. The Hawkins County school board is asking the Supreme Court not to review the case on the ground that the appellate court ruled correctly in the case.

Parochiaid

On December 28 a New York State appellate court ruled unconstitutional the provision of special education services by public school personnel in mobile vans or other "facilities and under conditions that constitute a religious setting." The ruling in *Board of Education of Monroe-Woodbury Central School District v. Wieder* was handed down in a case involving Hasidic sect Jewish parents who refused to let their children receive special education services in public schools. A lower state court ordered the school board to provide the services in a van or other facility not in a public school. The appellate court overruled that decision after finding that the arrangement would have the effect of separating children by religion and of advancing a particular religion.

Wisconsin Gov. Tommy Thompson in January called on the state legislature to set up a 5-year, 1,000-student voucher experiment in Milwaukee. Money for sending students to sectarian and other private schools would be taken from the state's allotment of funds for the city's public schools. Thompson is apparently not bothered by the fact that the voucher plan would violate both the state and federal constitutions.

Meanwhile, U.S. Secretary of Education William Bennett has evidently given up on pushing the Reagan administration's watered-down voucher parochiaid plan: he left out all mention of vouchers in the Education Department's proposed 1989 budget. President Reagan also left mention of vouchers out of his 1988 State of the Union message.

Massachusetts Senate President William M. Bulger, advised by the state's supreme court that tuition tax deductions for parochial school tuition would violate the state constitution, has again called for a state constitutional amendment to repeal the constitution's ban on parochiaid. Massachusetts voters rejected Bulger's proposed parochiaid amendments in 1982 and again in 1986, the last time by a 70% to 30% margin.

Watch on the Right

With Jerry Falwell's Moral Majority on the skids, a new Radical Right organization has emerged. The American Freedom Coalition, founded in April 1987, claims 300,000 members and reportedly raised over \$1 million in 1987. AFC is propped up by Rev. Sun Myung Moon's Unification Church. President of AFC is Robert Grant, founder and chair of Christian Voice, a moral majoritarian group which has put out controversial religious ratings of political candidates. Also on AFC's board are Ralph Abernathy of the Southern Christian Leadership Conference, former congressmen Richard Ichord (D-MO) and Bob Wilson (R-CA), and conservative fundraiser and Moral Majority co-founder Richard Viguerie, whose office building was bought by a Moon-related company. Moon's CAUSA organization is helping AFC with name lists and other services. Christian Voice and CAUSA provide leadership for state AFC groups. Though AFC promotional materials do not mention the Unification Church, Moon has written that his dream "is to organize a Christian political party." Stay tuned.

Republican presidential aspirant Jack Kemp got burned when he took on moral majoritarian evangelist and political operative Tim LaHaye as his campaign honorary co-chairman. LaHaye resigned when the Kemp campaign was asked about LaHaye's condemnation of Catholicism as "false religion" and remarks that Jerusalem had so much "tribulation over the centuries" because Jews "rejected" Jesus.

A "Biblical Scoreboard" prepared by David W. Balsiger, who has worked with Christian Voice on candidate ratings, has given Pat Robertson a 95 rating and Jesse Jackson a zero. The ratings are

Resources

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

Religious Liberty and the Secular State, by John M. Swomley. A clearheaded, authoritative response to the Rehnquist and other revisionist attempts to discredit church-state separation. (\$15.95 hardcover, \$10.95 paperback, plus \$1.50 postage and handling.)

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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 postage and handling.)

Public Funds and Private Schools, by ARL executive director Edd Doerr (50¢ each, 10 for \$4.00. Postage and handling included.)

Does Religion Belong in Our Public Schools? Reprint of Edd Doerr's September 1987 *USA Today* article on school prayer, "creationism," "secular humanism," censorship, "equal access," missionaries in public schools. (50¢ each, 10 for \$4.00. Postage and handling included.)

supposedly based on candidates' views on abortion, school prayer, "sin tax user fees," a balanced budget amendment, comparable worth, privatization of Social Security, and gay rights. Gov. Michael Dukakis, Rep. Richard Gephardt, and Gary Hart also got zero ratings. Sen. Paul Simon and Bruce Babbitt each rated 5. On the Republican side, Rep. Jack Kemp scored 85, Pierre DuPont 75, Vice-President George Bush 75, Sen. Robert Dole 60, and Alexander Haig 45. Balsiger claims that his magazine *Biblical Scoreboard*, reaches 25 million evangelicals.

The PBS news program *Frontline* charged in January that the Federal Communications Commission, the Justice Department, and the Internal Revenue Service all ignored evidence that Jim and Tammy Bakker's PTL TV "ministry" was involved in "false solicitations, possible tax evasion and even fraud." The program suggested that Reagan administration pressure was the reason because of political indebtedness to fundamentalists.

The Federal Election Commission announced in December that it has fined Moral Majority's I Love America committee \$350 for filing a late financial report in 1986. Earlier in 1987 the FEC fined the group \$1,100 for filing late in 1985 and \$6,000 for illegally mixing funds with Jerry Falwell's Old Time Gospel Hour.

Supreme Court to Review Chastity Law

The Supreme Court has agreed to review *Bowen v. Kendrick*, an April 1987 ruling by the District of Columbia U.S. District Court holding the 1981 Adolescent Family Life Act (AFLA) to violate the First Amendment's Establishment Clause. The court held that the law on its face had a primary effect of advancing certain religions and of fostering excessive entanglement between government and religion.

Americans for Religious Liberty is joining with a wide spectrum of women's, civil liberties, educational, and religious groups in *amicus curiae* briefs urging the Supreme Court to affirm the lower court ruling.

The AFLA was sponsored by Sens. Orrin Hatch (R-UT) and Jeremiah Denton (R-AL), both known as moral majoritarian extremists. Denton was defeated for reelection in 1986.

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The AFLA was ruled unconstitutional last April 15 by federal district judge Charles R. Richey as an impermissible establishment of religion. Under the law the Reagan administration has provided more than \$100 million to various organizations, including about \$20 million to Catholic, Lutheran, and Mormon institutions. The AFLA required applicants for funds to show how they would involve religious organizations in carrying out the act. AFLA grants provide care services for pregnant adolescents and for "prevention services" which emphasize abstinence rather than contraception. Grantees were prohibited from using AFLA funds to encourage abortion or to provide abortion referrals unless requested by both the adolescent and her parents.

AFLA grants were reviewed by 72 "readers," of whom 29 were either employed by or had close relations with sectarian organizations. Many awards were made on explicitly religious criteria. Some AFLA programs took place in conjunction with religious instruction. Grantees and subgrantees included at least ten organizations committed to promoting sectarian tenets.

Forced Caesarean Challenged

Americans for Religious Liberty joined in November with 31 women's, medical, religious, labor, health, family planning, and other groups in asking the District of Columbia Court of Appeals to rehear a case, *In re A.C.*, in which a panel of that court refused to grant a stay of a trial court order for a Caesarean section operation on a dying woman. The woman, terminally ill with cancer, was 26 weeks pregnant when the D.C. Superior Court ordered the operation against the wishes of the woman, who died two days after the surgery. The fetus died shortly after the Caesarean. The court erroneously treated the fetus as having the rights of a person.

The case is important because the groups asking for a rehearing are defending the right of all women to refuse unwanted medical procedures.

Reagan versus Family Planning

On January 29 the Reagan administration issued new regulations, effective March 3, to change the way Title X of the Public Health Service Act is run. Title X provides about \$140 million annually to more than 4,000 family planning clinics serving 4.3 million women per year, 85% of whom are poor. Under the new Reagan rules, clinics would be barred from informing clients that abortion is a legal option in cases of problem pregnancies or from referring a client to an abortion clinic, even if she requests such aid. State and local health departments serve 40% of the people getting Title X help, Planned Parenthood clinics serve 27%,

hospitals 13%, and other nonprofit centers the rest. Even before the new Reagan regulations were promulgated, without congressional approval, none of the Title X funds were used to perform abortions.

The states of New York and Massachusetts, the City of New York, the ACLU, the Planned Parenthood Federation of America, the National Family Planning and Reproductive Health Association, the American Public Health Association, and family planning clinics in California, Missouri, and Pennsylvania filed federal court suits the first week in February to challenge the new regulations.

Rep. Bill Green (R-NY) and 100 other members of Congress had all urged the White House not to issue the regulations, but to no avail.

Planned Parenthood leaders warned that if the new regulations are allowed to stand, family planning clinics would have to close in many areas and the abortion rate would go up.

New York City corporation counsel Peter Zimroth said the new rules are a White House attempt to get physicians to violate their Hippocratic oath to provide the best medical care for patients.

American Medical Association spokesman Harry S. Jonas told reporters that the administration "has exceeded its statutory authority in this matter and that the final regulations will have the effect of interfering with the physician-patient relationship."

Illinois Abortion Law Unconstitutional

By a 4 to 4 tie vote, the Supreme Court left standing a federal appeals court ruling striking down a 1983 Illinois law which required females under 18 who are still financially dependent on their parents to notify both parents or a judge at least 24 hours before obtaining an abortion. A similar case is pending before the Eighth Circuit U.S. Court of Appeals in a case involving a 1981 Minnesota law ruled unconstitutional by a federal district court.

Last fall the California legislature enacted a similar parental notification law, while the Pennsylvania legislature is considering one. In 1981 the Supreme Court upheld parental notification laws if the state provides the minor with a prompt and confidential judicial hearing procedure.

Other developments: Illinois Gov. James Thompson vetoed a conservative-backed bill that would have prevented school-based health clinics from prescribing or dispensing contraceptives. On January 5 Cook County Circuit Judge Anthony Scottillo dismissed a suit against Chicago school officials by a group of black ministers seeking to force clinics in three city schools to stop distributing contraceptives. In November police in Camden County, NJ, arrested more than 150 anti-choice protesters for trespassing at a women's health clinic. The clinic has been firebombed and the scene of several anti-choice demonstrations in the past.

Supreme Court to Review Church Case

The Supreme Court agreed in December to decide whether the plaintiffs in *Abortion Rights Mobilization v. Baker* have standing to sue the Internal Revenue Service to get it to apply its rules on political activity by tax-exempt groups to the Catholic Church. Lower federal courts allowed ARM standing and ordered Catholic Church officials to provide relevant documents on church political activity to the courts. The church officials refused and a federal district court fined it \$100,000 per day for withholding the material. It is the U.S. Catholic Conference, though it is not a party to the original suit, that is appealing to the Supreme Court to challenge ARM's standing.

MOVING?

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Plaintiffs in the *ARM v. Baker* suit, filed in 1980, charge that the IRS has failed to enforce its regulations regarding political activity by tax-exempt organizations.

Americans for Religious Liberty is joining a National Organization for Women *amicus curiae* brief defending the standing of the ARM plaintiffs to bring the suit.

New Jersey Silent Prayer Loses

New Jersey's 1982 "silent prayer" law went out with a whimper and not a bang on December 1 when the Supreme Court dismissed an appeal of lower federal court rulings holding the law unconstitutional. The Court held unanimously that the appellants, former leaders of the state legislature, did not have standing to appeal the lower court rulings. Thus the Court did not rule on the constitutionality of the measure. About 25 states have some sort of law allowing or requiring moments of silence in public schools for meditation or prayer.

Americans for Religious Liberty had joined with the Anti-Defamation League of B'nai B'rith in an *amicus curiae* brief to the Supreme Court pointing out that the state law had an impermissible religious purpose.

In December New Jersey Attorney General Cary Edwards held that three school districts could continue to set aside a minute of silence because they had begun the practice before the state law was passed. The New Jersey ACLU is investigating to see if the districts have a religious purpose for the periods of silence.

New Creationist Thrusts

Although the Supreme Court last June ruled unconstitutional a state law requiring equal time for fundamentalist creationism in public schools, the creationists have not given up. Teen Mission U.S.A. is trying to get a slick "creation science" book, *The Creation-Evolution Controversy*, by Randy L. Wysong, into public school libraries and to have it classified and displayed as a scientific publication. Films for Christ is getting individual creationists to try to get two creationist propaganda videotapes shown in public schools. The tapes are titled *The Great Dinosaur Mystery* and *The Fossil Record*.

Americans for Religious Liberty

P.O. Box 6656, Silver Spring, MD 20906

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