



VOICE OF REASON

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The Newsletter of Americans for Religious Liberty

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Presidential Politics: The Religious Dimension

The coming Presidential election is expected to be close, hotly contested and bitterly divisive. Much is at stake, including the survival of church-state separation and freedom of conscience. **Three U.S. Supreme Court Justices are likely to be chosen by the next President.** Already, the freedom of women to choose abortion is hanging by a 5-4 thread, as all three of President Reagan's appointments have been tilting toward overruling *Roe v. Wade*. Another point to remember: **Nearly half of all Federal judges serving today were appointed by Reagan.** Most are rich, white, male, and Protestant—much like the GOP national ticket.

The Republican ticket of Vice-President George Bush and Indiana's little-known Senator J. Danforth Quayle III has staked out positions hostile to church-state separation and inimical to many of our hard-won civil liberties. Both favor restricting or outlawing abortion except in the rarest circumstances. Both favor a constitutional amendment to authorize government sponsored prayer in public schools. (Quayle voted for President Reagan's 1984 amendment but did oppose Jesse Helm's 1982 court stripping scheme, which would have removed the jurisdiction of federal courts from school prayer controversies.)

Both Bush and Quayle favor tax aid to parochial schools. Quayle voted for the Packwood-Moynihan plan when he served in the House in 1978. Both favor diplomatic relations with the Holy See. Quayle voted in favor of the confirmation of William Wilson to the Vatican post in 1984.

Needless to say, the Republican Platform endorses these provisions. It favors any and all kinds of aid to church-run schools and specifically endorsed inclusion by church-run day care centers in the legislation now pending in Congress.

Bush is an Episcopalian but he has cozied up to right-wing evangelists since becoming Vice-President in 1981. He is a close friend of evangelist Billy Graham, who might return as unofficial White House Chaplain in the event of a Bush triumph.

Quayle attends the Grace Bible Church in Huntington, Indiana. In the Washington area he has attended Fourth Presbyterian Church in Bethesda, Maryland, an arch conservative congregation, and the McLean Presbyterian Church in Virginia. The Bush-Quayle ticket will receive strong evangelical backing and
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Three States Face Abortion Rights Referenda

Michigan, Colorado, and Arkansas will have referenda on the ballot on November 8 on abortion rights issues. In similar referenda in 1986 the pro-choice side won in Massachusetts, Rhode Island, Oregon, and Arkansas.

Michigan's referendum is on a proposed (Proposal A on the ballot) to ban Medicaid funding for abortions for poor women, even in cases of rape, incest, AIDS, and severe medical risk to the woman. Governor James Blanchard, a Democrat, and former Governor William Milliken, a Republican, have joined in urging Michigan citizens to vote no on Proposal A. The campaign to defeat the anti-choice proposal is being led by the People's Campaign for Choice (122 South Grand Ave., Suite 201, Lansing, MI 48933).

Colorado's referendum (Amendment 6 or Amendment 7, depending on whether or not a lower numbered referendum item gets bumped from the ballot) is on a proposal to permit state Medicaid funding of abortions for poor women. Coordinating the pro-choice campaign is Colorado Taxpayers for Choice (3665 Cherry Creek North, Lower Level Suite 3, Denver, CO 80209).

The Arkansas referendum, a replay of the 1986 balloting in which the pro-choice side narrowly won, is on a proposal not only to bar Medicaid funding for abortions for poor women, but also to outlaw freedom of conscience on abortion entirely. The proposal would also ban certain birth control measures, such as the contraceptive pill, the I.U.D., and the morning after pill. The pro-choice campaign is being led by Planned Parenthood of Arkansas (5512 W. Markham, Little Rock, AR 72205).

Americans for Religious Liberty is supporting the pro-choice coalitions in all three of the state referenda, as it did in the 1986 referenda.

Advisory referenda on abortion in 105 of Massachusetts' 160 towns were knocked off the November ballot by the state Attorney General's office because they were too vague and did not properly relate to legislative activity. The referenda, petitioned to the ballot by the "moral majoritarian" group Christian Action Council, were to have been advisory or opinion poll questions. The multiple choice referenda questions would have asked voters for their "scientific" opinion as to when "individual human life" begins, at conception, at "viability," at birth, or at some other point to be specified by the voter. ■

"Religious fanaticism has once again attained prime position as the most implacable enemy of the basic rights of humanity."

Wole Soyinka
Nigerian Novelist
Nobel laureate 1986

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enthusiastic campaigning from Jerry Falwell and Pat Robertson (who denounced the Democratic Platform for omitting references to a deity).

The Democratic nominee, Massachusetts Governor Michael Dukakis, is a strong supporter of church-state separation. He has labeled the abortion issue a freedom of conscience issue, and appointed like-minded individuals to positions in state agencies dealing with that issue. In 1986 he vigorously condemned an anti-abortion proposal which was submitted to referendum and defeated 58% to 42% in his heavily Catholic state. Dukakis opposes government sponsored school prayer and parochialism. In 1986 he urged voter rejection of a scheme to weaken the state's constitutional provision against aid to sectarian private schools. The voters agreed, by an incredible 70% to 30% margin.

His running mate, Texas Senator Lloyd Bentsen, has a mixed record, but is right on two of the three major church-state issues. Bentsen opposed tuition tax credits in a Senate vote in 1978. He has generally favored the freedom of choice position on abortion. On school prayer, however, he voted for both the Helms court-stripping scheme and the Reagan constitutional amendment. Bentsen, in fact, used school prayer as an issue to batter then-Senator Ralph Yarborough in the bitter 1970 primary. Bentsen won, but many liberals still resent those tactics. Bentsen also favored diplomatic ties with the Holy See.

The Democratic Platform says little about these issues, except for an endorsement of freedom of choice on abortion. It endorses greater spending on public education. Previous platforms have opposed all but "constitutionally permissible" forms of aid to nonpublic schools.

Dukakis is a member of the Greek Orthodox Church and his wife is Jewish. If elected, the First Family would represent two religious traditions that have never before been represented in the White House. The couple's children have received insights from both of their parents' religious perspectives, say insiders. The Dukakis were married by a Unitarian minister. Bentsen is

ARL Anniversary Conference

Americans for Religious Liberty's seventh anniversary will be celebrated at a conference to be held on Friday evening, October 21, and Saturday, October 22, at the Birmingham Temple, 28611 W. Twelve Mile Road, Farmington Hills, Michigan. In a retrospective on "Voice of Reason: Yesterday, Today, Tomorrow," expert speakers will discuss the conditions which led to the founding of ARL and what the future holds for the post-Reagan era.

ARL was formed in 1982 by the merger of Voice of Reason and the Center for Moral Democracy, both founded in 1981.

Speakers at the conference will include ARL co-founder Sherwin Wine, ARL president and ACLU church-state committee chairperson John M. Swomley, former ARL president Lynn Silverberg-Master, ARL executive director Edd Doerr, Michigan ACLU director Howard Simon, University of Detroit constitutional law professor Howard Norris, and former Michigan NOW president Carol King.

For information or reservations (\$10 for the Saturday buffet luncheon), phone the Birmingham Temple, 313-477-1410.

a Presbyterian. Both Democratic candidates have made a point of keeping their personal religious beliefs a private matter, which, polls show, is what most Americans prefer.

Observers believe that Dukakis will show great strength among Jews, religious liberals, the nonaffiliated, and Catholics. He may do better than usual for a Democrat among mainline Protestants. But Bush will sweep the evangelical and conservative Protestant vote. The Catholic vote will probably be crucial, since it is large, strategically located, and tends to favor the winner. ■

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

Editor: Edd Doerr

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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Child Care and the Church-State Problem

Child care is emerging both as a popular political issue and as an explosive church-state problem. Our society has yet to come to grips adequately with the fact that a large and growing percentage of women have to work outside the home or choose to combine careers/jobs with motherhood. This inescapable social fact has led to increasing demands that Congress provide federal funding for day care. Both presidential candidates speak to this demand, while Congress is considering bills, S. 1885 in the Senate and H.R. 3660 in the House, to provide an initial \$2.5 billion annually through a mixture of grants to public and private institutions and vouchers ("certificates") to parents for the purchase of child care services from private and religious providers.

The congressional bill is deeply flawed because pressure from religious groups has led Congress to delete from the bill the already inadequate provisions against use of public funds for sectarian institutions and/or indoctrination. About half of all child care now provided in the U.S. is in religious institutions. Since there is a large educational component to child care, the way is wide open for tax support of religious instruction and discrimination. This would surely violate the First Amendment principle of church-state separation, though the Reagan administration's court packing could overturn our two-century tradition of barring use of public funds for sectarian purposes.

Failure of the bill to provide adequate church-state separation protection may well stall congressional action, as the National Education Association, the National PTA, and the ACLU have withdrawn their support for that reason. House Education and Labor Committee chair Augustus Hawkins has told the Senate that he would not allow the bill to move unless the church-state issues are resolved.

Concerned citizens should insist to their senators and representatives that federal child care legislation provide funds only to religiously neutral programs under meaningful public control, and that no program should be funded which permits any kind of discrimination in admissions or hiring on the basis of religion, race, color, national origin, sex, or handicap.

Further, it would be a good idea for any federal child care legislation to funnel additional funds to public schools for providing additional services for latch-key children, aged 6 to 16, and for early childhood education and headstart programs for pre-school children, as most western European countries do. Federal legislation and pressure from employees and unions could influence employers to set up workplace child care, as some 3,300 U.S. firms already do.

But even the best child care programs cannot adequately replace parental nurture for very young children. Developmental neuropsychologist James Prescott, for instance, says that inadequate nurturing of very young children can cause serious psychological and behavior problems later in childhood and adulthood. To help enable mothers and/or fathers to provide more nurture for very young children, Congress could lead the way in promoting programs of parental leave, flextime, and job sharing. Such programs would also reduce the need for more costly child care programs and reduce church-state problems.

Where There's a Will . . .

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

AMERICANS FOR RELIGIOUS LIBERTY
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Teaching About Religion

A great deal of media comment was sparked by the release in June of a little pamphlet, "Religion in the Public School Curriculum: Questions and Answers." The media attention was due less to the content of the pamphlet than to the fact that it was sponsored by more than a dozen educational and religious organizations. The thrust of the leaflet is nothing new, merely a restatement of the obvious, that it is constitutional for public schools to offer objective, neutral, academic instruction *about* religion. The education organizations which endorsed the brief statement did so because it is a kind of mom-and-apple-pie piece and because it might help deflect criticism of public education by "moral majoritarian" groups which have been shedding crocodile tears copiously over the relative sparsity of materials about religion in textbooks.

What the pamphlet does not even hint at, however, are the formidable difficulties in the way of implementing a program of teaching about religion in public schools, difficulties spelled out in ARL executive director Edd Doerr's book, *Religious Liberty in Crisis*, and in our article reprint, "Does Religion Belong in Our Public Schools" (see Resources). Among these difficulties are deciding precisely what to teach, how to teach it, how much to teach, at what grade levels, as electives or required course material, how teachers are to be trained and certified, how balance and fairness are to be achieved and maintained, how slanting and proselytizing are to be guarded against, etc. There is very little grass roots support for teaching about religion and little agreement among educators and religious leaders about how to do it.

Perhaps an awareness of these difficulties explains why no Jewish or Catholic group endorsed the statement. Incidentally, liberal religious and Humanist groups were specifically not invited to participate in developing the statement by the pamphlet's main sponsor, the Americans United Research Foundation, an outfit whose parent organization supported the "equal access" legislation passed by Congress in 1984 which opened all sorts of doors for sectarian missionary activity in public schools.

Yes, public schools may teach academically about religion, but unless adequate safeguards are built in from the very start to prevent bias, imbalance, and proselytizing, no program should even be tried. The pollyanna pamphlet, by suggesting that the job is easy, does no service to public education or religious liberty.

MOVING?

Send both old and new addresses with both old and new zip codes to ARL, Box 6656, Silver Spring, MD 20906.

Anne Hutchinson, 1638-1988

This year marks the 350th anniversary of the ordeal of Anne Hutchinson. Tried by both church and state and found guilty of heresy (she held the Antinomian view that salvation required faith but not works), she was expelled from the Puritan dominated colony of Massachusetts and died at the hands of Indians in New York four years later. It did not help that she was a woman, and therefore looked down upon by the male-run Puritan church for daring to hold or lead religious discussions in her own home.

What happened to Anne Hutchinson symbolizes the evils produced by the union of church and state, or the close cooperation of government and organized religion. Her fate, and Roger Williams' expulsion from Massachusetts two years earlier, contributed to the growing belief that true religious liberty demands separation of church and state, which came about during and at the close of our war for independence.

Governor Michael Dukakis can look out the window of his office in the Massachusetts state capitol and see the statue of Anne Hutchinson on the capitol lawn. He can also see the statue of Mary Dyer and, across Beacon Street, the place on Boston Common where Dyer was hanged in 1660 for the crime of being a Quaker. Perhaps that view is one reason why Michael Dukakis is more dedicated to church-state separation and religious liberty than George Bush.

Public Schools Rated High

In the 20th annual Gallup survey of public opinion about public schools, 77% of public school parents questioned rated the nation's public schools okay to excellent. But 87% rated the schools in their own communities okay to excellent, and 92% gave that rating to the public school attended by their oldest child. Since parents are best able to judge the schools their children actually attend, the 92% approval rating is more indicative of public opinion about schools than their judgments about schools in other communities.

The rating disparity probably results from the "moral majoritarian" and ultraconservative attacks on public education over the last decade, attacks designed to weaken support for public education and stimulate support for tax aid to sectarian private schools.

By a 58% to 31% margin, public school parents say that their children get a better education today than the parents did when they were in school.

Though there are obviously shortcomings in our public schools which need to be remedied—more money is needed, class sizes need to be smaller, improvements need to be made in science, math, foreign language, and history teaching, for example—the public is supportive of the public education enterprise, a finding verified by the consistent referendum defeats for proposals to provide public funding for sectarian private schools.

Books

The Supreme Court on Church and State, edited by Robert S. Alley (Oxford University Press, 1988, 445 pp., paperback \$15.95, hardback \$45.00) is an up-to-date, through late 1987, compendium of the U.S. Supreme Court's major rulings and dissents on religious liberty and church-state issues. The editor, Professor of Humanities at the University of Richmond, is one of the country's most outstanding authorities on these issues. The rulings, mostly presented in their entirety, cover the Establishment Clause cases (aid to religious institutions, religion in public education, Sunday laws, etc.) and Free Exercise Clause cases. Alley's book may be used as a law school text or as a comprehensive introduction to the issue for the general reader. The rulings and Professor Alley's commentary make it clear that the Rehnquist-Meese attempts to change the Supreme Court's historic interpretation of the First Amendment have little relation to the thought or intentions of the framers of the Constitution and Bill of Rights. *The Supreme Court on Church and State* (paperback edition) may be ordered from ARL for \$15.95 plus \$2.00 to cover postage and handling.

Packing the Courts: The Conservative Campaign to Rewrite the Constitution, by Herman Schwartz (Charles Scribner's Sons, 1988, 242 pp., \$19.95), is a thorough expose of the Reagan administration attempt to pack the Supreme Court and lower federal courts for decades to come with ultraconservative judges who, in the aggregate, are rather unfriendly to church-state separation and civil liberties. The author, a law professor at the American University in Washington, D.C., has had a distinguished career in civil rights and civil liberties law, and thus is well qualified to warn that whoever is elected President in November will be in a position either to rescue our federal court system from a complete ultraconservative takeover or to advance that takeover. Schwartz shows how central church-state issues are to the Reagan administration's court packing and explores the impact on the Supreme Court of Justices Rehnquist and Scalia. He also shows how Court nominee Robert Bork defeated himself with his extreme positions. *Packing the Court* is must reading.

A Plea for Common Sense: Resolving the Clash Between Religion and Politics, by Jim Castelli (Harper & Row, San Francisco, 1988, 202 pp., \$14.95), is a sensitive, informed exploration of the complex interaction of religion and politics with emphasis on the developments of the last ten years. Castelli, an experienced journalist and public opinion analyst, shows that history and common sense support the church-state separation principle, that the "moral majoritarian" Religious Right is well outside the American mainstream, and that the Catholic community is torn between progressive political positions and a clericalist authoritarianism bent on denying women freedom of conscience and on getting tax support for its private institutions. The author's suggestions for avoiding excessive entanglement between religion and government are useful. Our only quarrel with the author is over his suggestion that the First Amendment bars only establishment of a national religion: as John Swomley and others have shown, the First Amendment was intended to bar even non-preferential aid to all religions.

Piety and Politics: Evangelicals and Fundamentalists Confront the World, ed. by Richard John Neuhaus and Michael Cromartie (Ethics and Public Policy Center, 1987, 424 pp., \$12.95), is, on one level, a useful, informative collection of writings by scholars and Religious Right activists on the involvement of conservative religion in politics. The book combines analysis with specimens of the work of Religious Right leaders. The chapters by James Davison Hunter, George Marsden, Sidney Blumenthal, and Grant Wacker are particularly good. On another level, however, the book reflects, to a degree, the bias of its principal editor, Neuhaus, by including only the blander writings of "moral majoritarian" activists and by not including sufficient material to respond to the attacks on church-state separation, public education, and "secular humanism" by some of the contributors. A useful book, but neither as good nor as balanced as it could have been.

The Williamsburg Poll

In our last issue we were critical of the Williamsburg Charter Foundation and the "charter" on religious liberty which it made public on June 25. We noted that the charter reflected a disturbing degree of unfriendliness to the principle of separation of church and state.

Now we would like to comment on the Williamsburg group's opinion survey on church-state issues. The poll, conducted in late 1987 by the Center for Communications Dynamics in Washington, DC, and released this past February, though not without flaws, nonetheless provides some useful insights into public and leadership opinion on a number of important issues. The pollsters interviewed 1,889 random adults, 300 teenagers, 863 business, academic, government, and media "leaders," and 300 Protestant, Catholic, and Jewish clergy.

The best way to proceed is simply to summarize the findings of the survey and comment on them. The survey used sixty-two separate questions and broke responses down into ten categories of responders, so our summary will necessarily be an abstract.

One interesting conclusion of the pollsters is that 10% of the U.S. population is "secularist," up from about 2% in 1962. Thus, if secularists were an organized denomination, it would be the second largest in the country after Catholics (about 22%) but ahead of Southern Baptists (about 6%).

A significant finding of the survey is that support for church-state separation is directly related in educational level, which also correlates positively with acceptance of religious and moral diversity and mistrust of conservative religion.

Respondents strongly agreed that "religious groups should have a legal right to get involved in politics," yet, by a slightly smaller margin, they agreed that they "would personally like to see organized religious groups stay out of politics." (No question was asked about whether religious groups involved in politics should be required to adhere to the Internal Revenue Code, which conditions tax exemption on abstention from political activity.)

A plurality of respondents indicated that whether or not Americans are religious makes no difference in how well democracy works. While a plurality of random adults agreed that "the group called the Moral Majority should stay out of politics," majorities of all leadership groups disagreed.

One curious question, which asks if "the ACLU . . . files too many law suits regarding religion," reinforces our view that the Williamsburg Charter Foundation is unfriendly toward church-state separation; it is analogous to asking if the fire department responds to too many alarms. The pollsters did not ask if there are too many—or even any—church-state violations requiring remedial action by the courts. In any event, a plurality of random adults agreed with the statement (really a "sucker" question), but a majority of academic leaders and rabbis disagreed.

A small majority (56% of random adults and strong majorities—75 to 88%—of leaders) agreed that "it's okay for the Right to Life movement to use religion in the debate about abortion." The poll did not ask if it is okay for the pro-choice movement to use religious arguments. This curious question was the only one dealing with the abortion rights controversy and seems to gloss over the fact that the so-called right-to-life movement is essentially a conservative religious movement.

By 51% to 32% the general respondents preferred the statement "there should be a high wall of separation between church and state" over "the government should take special steps to protect the Judeo-Christian heritage" as coming closest to

their position. Most of the leaders agreed by majorities of 71% to 92%. Protestant ministers agreed 49% to 37%, while Catholic priests disagreed 53% to 36%. There was strong agreement that "the Supreme Court is the best place to decide controversies about the separation of church and state."

General respondents, by 52% to 44%, preferred the statement "the government should support all religions equally" over "the government should not provide any support to any religions." By very large margins, leaders preferred the first statement, except for Catholic priests, who preferred the second by 52 to 35%. The question was not entirely clear because the word *support* was not explained; it was not clear whether it referred to financial aid or something else. In a reversal of the results on the previous question, a plurality (48% to 41%) of the general respondents agreed that "churches should have to pay taxes on all their property," while the leaders disagreed by strong majorities.

Majorities, with the exception of academic leaders and rabbis, approved of beginning sessions of Congress and high school athletic events "with a public prayer," of allowing city governments to sponsor both Christian creches and Hanukkah menorahs, and of public schools setting aside "a moment of silence each day for students to pray if they want to." Solid majorities, except for the rabbis, favored allowing "student religious groups to hold voluntary meetings in school classrooms, when classes are not in session." The complexities of this "equal access" issue were not even hinted at in the question.

Majorities, except for academic leaders, felt that both evolution and "the Bible's account of the creation of life on earth" should be taught in public schools. The question was misleading, however, as there is wide disagreement as to what the term "Bible's account" means and the question did not specify what ought to be taught as science and what would more appropriately be taught under comparative religion.

Varying majorities, except for Catholic priests, disagreed that "Judeo-Christian values [not specified] be emphasized in public schools." Majorities, except for 15 to 22-year-olds and priests, opposed tax aid for sectarian private schools.

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ARL in Action

ARL president John M. Swomley delivered a major address on "Religious Liberty and the Secular State" at the Monadnock Summer Lyceum in Peterboro, NH, in August. Swomley was recently reelected to the national board of the American Civil Liberties Union.

Executive director Edd Doerr has spoken in recent months at conferences and church services in Palm Springs, Los Gatos, and Palo Alto, CA, Buffalo, NY, Arlington, VA, Hagerstown, MD, and St. Louis, MO. He was also a guest on radio stations WWDB in Philadelphia, WNWS in Miami, KFI in Los Angeles, WAMJ in South Bend, IN, and WHBR in Hanover, PA.

Doerr's new book, *Dear Editor*, was published in July. A selection of his published letters to editors in the U.S., Canada, and Latin America, the book is both a guide to writing letters to editors and a readable introduction to the leading church-state and religious liberty issues. *Dear Editor* may be ordered from ARL, P.O. Box 6656, Silver Spring, MD 20906, at \$5.95 plus \$1.50 for postage and handling.

The Williamsburg Poll, *continued*

A small minority of general respondents but large majorities of leaders said that they were "familiar with the term 'secular humanism'"; of these, opinion varied widely as to whether or not "'secular humanism' should have the same rights and restrictions as a religion." The ambiguity of the question (for example, what "restrictions?") probably caused the utter confusion of the responses. Of those supposedly familiar with "secular humanism," pluralities of general respondents and majorities of ministers and priests thought "the public schools are teaching the values of 'secular humanism,'" while pluralities of rabbis and media, government, and academic leaders did not. The question did not attempt to define "secular humanism," so most of the responses reflected a lack of accurate information.

General respondents agreed and all of the leadership groups disagreed that "the FBI should keep a close watch on new religious cults" (though "cults" was not defined) and that "there should be laws against the practice of Satan worship."

A plurality of general respondents and small minorities of leadership groups agreed that there are religious or other groups in the United States today that pose "a threat to democracy." The most commonly specified groups were "Racists/KKK/Nazis," followed by, in the opinion of the leadership groups, "Evangelicals/Fundamentalists."

A plurality of general respondents agreed—while strong majorities of leadership groups disagreed—with the statement, "There's less religious tolerance today than there was twenty or thirty years ago." Majorities or pluralities of all respondent groups, except priests and rabbis, agreed that "people who hold strong religious beliefs tend to be intolerant of people who hold different beliefs."

Strong majorities of all respondent groups believe that "freedom of religion is in the Constitution," but only small majorities of priests, rabbis, and media leaders knew that "freedom of religion is guaranteed by the First Amendment."

Those, in summary, are the findings of the Williamsburg Charter Foundation poll. While providing useful data, the survey also showed the perils of over-simplifying complex issues. Recognition of its faults would be helpful in developing better surveys.

Furthermore, whether it is the fault of the Williamsburg Charter Foundation staff or the polling organization, the poll reflected a degree of bias against church-state separation. That bias is evident in the "interpretive summary" of the survey in references to "a state monopoly over education," favorite buzzwords of the lobby favoring tax aid for parochial schools (some monopoly, with over fifteen thousand local school districts run by elected local boards!), and to "anti-religious activism," which is insignificant when compared to the substantial political activism of the more conservative elements in the Protestant and Catholic spheres.

Finally, while the survey shows substantial support for church-state separation, despite the truly massive and inadequately contested propaganda campaigns of religious ultraconservatives, it makes it abundantly clear that those who understand and appreciate religious liberty, freedom of conscience, and church-state separation have very large, but, we think, eminently doable, jobs ahead to educate and inform both the general public and religious and secular leadership groups.

Choice Supported in Poll

Keeping abortion as a legal option for women is supported by a 56% to 37% margin nationwide, according to extensive polling earlier this year by Hickman-Maslin Research, a Washington-based political polling group.

Support for choice is highest in the Northeast (69%), lowest in the South (45%). Support increases with educational level, and is higher in urban than rural areas. Democratic (59%) and Independent (58%) support is higher than Republican support (52%); liberal support higher (79%) than conservative support. The pro-choice position is supported by Catholics 52% to 40%, by Baptists 50% to 42%, by other Protestants 56% to 36%, and by "Jewish/other/none" respondents 69% to 26%. White fundamentalists oppose choice 55% to 34%, while Southern white fundamentalists oppose choice 62% to 29%.

Looking at the question from a different angle, 39% believe that abortion should be available to any woman who wants one, 49% say abortions should be allowed only "under certain circumstances," while only 10% say it should not be allowed.

From a still different angle, a constitutional amendment to make abortion illegal is opposed 63% to 31% (Catholics, 60% to 35%; Baptists, 55% to 37%; other Protestants, 64% to 30%; "Jewish/other/none," 73% to 19%; white fundamentalists favor an amendment 50% to 45%).

The entire spectrum of Americans are in strong agreement (78% to 20%) with the statement, "Abortion is a private issue between a woman, her family and her doctor; the government should not be involved." By a 74% to 23% margin, respondents agreed that, "Since nobody knows for certain when life begins, people should follow their own moral convictions and religious teachings on the abortion issue." By 60% to 38% the poll respondents disagreed with the statement, "Abortion is such an important moral issue that the government has to play a role."

The differences between men and women respondents on these questions were negligible.

Since Americans have voted solidly for choice in nearly all of the more than 20 statewide referenda on abortion rights since *Roe v. Wade*, the bottom line is that, no matter how questions about abortion are worded, most Americans favor keeping abortion as a legal option for women with problem pregnancies.

Clipping Service

We depend on our members and readers to send us clippings of news items, editorials, columns, and letters to editors, as commercial clipping services are prohibitively expensive.

When you see an item in a newspaper, magazine, or professional journal you feel is relevant, please cut it out (or photocopy it), indicate the date and source, and send it to ARL, Box 6656, Silver Spring, MD 20906.

Update

Parochial

The New York City Board of Education, in another attempt to circumvent the 1985 Supreme Court ruling against assigning public school teachers to parochial schools, is planning to lease playground space at three Roman Catholic schools in Brooklyn as sites for providing remedial education for parochial students. Church school officials do not want their students to be mixed with students in public schools. Stanley Geller, attorney for the New York Committee for Public Education and Religious Liberty, said the new plan was just as unconstitutional as the one struck down in 1985. Geller was the attorney who won that case.

In April President Reagan signed legislation to provide \$70 million for purchasing mobile classrooms and other equipment for parochial schools. Church-state attorneys regard the plan as unconstitutional.

New York's highest court ruled unanimously in July that a school district need not provide separate special education facilities for handicapped parochial school students who refuse on religious grounds to mix with public school students.

Attempts to get parochial initiatives on the November ballots in California, Montana, and Colorado have failed. The proposals in the three states were aimed at getting tax support for sectarian schools through vouchers or tuition reimbursement tax credits.

The Vatican has again demanded tax support for Roman Catholic schools in a recently released document, "The Religious Dimension of Education in a Catholic School."

Reproductive Rights

The Eighth Circuit U.S. Court of Appeals on August 8 upheld a Minnesota law requiring women under 18 who want abortions to notify both parents or to get special approval from a judge. Four days later the Sixth Circuit Court of Appeals struck down a similar Ohio law, while in July a federal district court in Atlanta struck down a similar Georgia law. Since the Supreme Court split 4-4 last December on an Illinois notification law, women's rights lawyers are uncertain over what might happen in cases appealed to the Supreme Court, now that Justice

Anthony Kennedy, a conservative, has replaced Justice Powell, a moderate who generally supported church-state separation and privacy rights.

In September both houses of Congress defeated a proposed amendment to the Labor-Health and Human Services Appropriation Bill which would have permitted Medicaid funding for abortions for victims of rape and incest. President Reagan had threatened to veto any bill with a provision to help poor rape and incest victims terminate unwanted pregnancies. ARL had joined with nearly 50 educational, civil liberties, women's, labor, religious and other organizations in supporting the Medicaid liberalization.

The Defense Department has issued new regulations prohibiting overseas military facilities from providing privately financed abortion services for military personnel and their dependents. Direct funding of abortions for military personnel and dependents had been prohibited earlier.

Before adjourning in June, the Supreme Court ruled 5-4 in *Bowen v. Kendrick* to uphold the 1981 Hatch-Denton Adolescent Family Life Act which had been held unconstitutional by a lower federal court because it provided funding to religious institutions and for teaching sectarian views. However, the Court did remand the case to the lower court for review to see if the law is being applied unconstitutionally. ARL had joined with other groups in an *amicus curiae* brief arguing that the "Chastity Act" violates the First Amendment.

Anti-choice extremists have begun using a new tactic to interfere with freedom of choice on abortion: massive demonstrations at clinics and encouraging mass arrests. Since early May nearly 5,000 demonstrators, including New York Roman Catholic Bishop Austin Vaughan, have been arrested for trespassing at clinics in Atlanta, New York, Philadelphia, Pittsburgh, Buffalo, and other cities. Nearly 200 were held in jail in Atlanta because they refused to give their names and Georgia law requires identification before arrested persons can be released on bail. Jerry Falwell showed up in Atlanta to encourage the demonstrators and to provide bail money. The new tactic goes by the name of Operation Rescue or Project Rescue.

87-88 Supreme Court Term Disappointing

The just-completed 1987-88 Supreme Court term dealt church-state

Resources

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

Religious Liberty and the Secular State, by ARL president 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.)

Religious Liberty in Crisis, by Edd Doerr. A useful, non-technical introduction to the major church-state controversies in the U.S. today, by ARL's executive director. (\$5.95 plus \$1.50 for postage and handling.)

Dear Editor, by Edd Doerr. A "how to" book on writing letters to editors, plus a wide-ranging selection of the author's published letters on religious liberty issues from *The New York Times*, *The Washington Post*, *National Geographic*, *Harper's*, and other periodicals. (\$5.95 plus \$1.50 for postage and handling.)

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

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The Supreme Court on Church and State, edited by Robert S. Alley. A comprehensive up-to-date collection of the major U.S. Supreme Court rulings on religious liberty, with commentary by a leading church-state scholar. Indispensable for lawyer and concerned layperson alike. (\$15.95 plus \$2 for postage and handling.)

Crusade of the Credulous, by William J. Bennetta. A collection of articles about "creationism" and the effects of the 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.)

separation more defeats than victories, according to an analysis prepared by the highly respected Seventh-day Adventist Department of Public Affairs and Religious Liberty. The study (Vol. 4, No. 4) concluded that church-state separationists won only one clear victory—the *Karcher v. May* decision which turned down a New Jersey school prayer proposal on procedural grounds. Two cases were seen as neutral, three as losses, and three as losses with “some mitigation.” The free exercise of religion for Native Americans and for prisoners was given short shrift by the Rehnquist court.

The Adventist court-watchers suggested that accommodationists can now count on a 5 to 4 majority in many church-state cases. This trend can be seen most clearly in the 5 to 4 ruling on June 29, upholding payments to religious groups under the 1981 Adolescent Family Life Act.

The court in *Bowen v. Kendrick* has now allowed government funding for church-controlled groups which fight teenage pregnancy and abortion in sectarian programs. The Court did remand specific aspects of the program to a lower court for further action and suggested that some “pervasively sectarian” religious agencies could be denied public funding.

Creationists Counterattack

While advocates of creationism have a miserable track record in the courts, where their views have been repeatedly rejected, they have not given up. Their newest tack is to assert the rights of local creationist-minded teachers to promote these religion-based concepts in the classroom. A Will County, Illinois, social studies teacher, Ray Webster, filed suit in U.S. District Court alleging that a school decision against him violated his First Amendment rights. A year ago a student complained that Webster was trying to indoctrinate his students with creationist theories. School officials of the New Lenox School District then advised Webster to cease teaching his personal opinions as scientific fact. Refusing to do so, Webster filed suit in March. Similar litigation was filed in St. Cloud, Minnesota, in 1987. The Midwest Creation Fellowship in Wheaton, Illinois, is reportedly mounting this counteroffensive.

Church Day Care Homes Face State Action

A Mississippi judge, Robert Oswald, ruled in June that an independent fundamentalist Baptist boarding school for disturbed young people had engaged in “physical and emotional abuse and medical neglect” of many children. State welfare officials raided the Bethel Children’s Home in Lucedale in June when repeated allegations of child abuse reached them. Evidence surfaced that punishment was “cruel, extreme, unreasonable and disgraceful,” ruled Judge Oswald. Child labor, poor food, and keeping some children in solitary confinement for as long as six weeks were also revealed.

The Bethel Home is one of a large number of unlicensed homes run by fundamentalist churches that resist state licensing and inspection. The three preachers who run the Bethel Home were briefly jailed for assaulting a police officer who was involved in the raid on the school.

They invoked church-state separation, as their confreres in other states have done when refusing to recognize state authority. In recent years, Texas, Mississippi, and Louisiana officials have taken action against church-run homes which have abused their residents.

Miscellaneous

Hawaii federal judge Thomas F. Hogan ruled in August that a U.S. Marine Corps base must remove a 65-foot lighted cross. Although the Navy’s chief legal officer had earlier ruled that the cross violated the First Amendment, the Corps Commandant ordered the cross kept up. Judge Hogan’s ruling against the cross came in a suit filed by Jewish veterans.

The Ohio legislature, one of the most subservient to sectarian interests, has passed legislation to provide grants to undergraduate theology students.

The City of New Orleans has discontinued its century-old policy of providing free public transportation to Catholic priests and nuns. The policy change followed the filing of an ACLU First Amendment suit against the practice in January.

The California Supreme Court has upheld lower court rulings that inclusion of a religious invocation in a public high school graduation ceremony violates both the state and federal constitutions.

Canada’s Supreme Court ruled in January that the country’s abortion law violates the Constitution because it “clearly interferes with a woman’s physical and bodily integrity.” The law, challenged by gynecologist Dr. Henry Morgentaler, had forbidden abortions in free-standing clinics and required that all abortions be performed in hospitals, few of which, however, would allow them. Parliament so far has been unable to agree on new legislation.

North Central Bible College, an Assemblies of God school, sponsored a conference in Minneapolis in April on the theme, “Reaching into Today’s Public Schools: Preparing for the 90’s, A Master Plan for Invading America’s 44,000 Public Schools.” The conference included workshops on techniques for proselytizing in public schools.

The Greek government in August rejected a demand by the Greek Orthodox Church that the film *The Last Temptation of Christ*, based on the novel by Nikos Kazantzakis, be banned in Greece.

Widespread distribution of Gideon Bibles in Ohio public schools has brought an opinion by Brunswick public schools attorney John E. Britton that the practice could result in suits to stop the practice. Cleveland ACLU executive director Eileen Roberts said the practice is unconstitutional. Assistant state school superintendent G. Robert Bowers is considering asking local school superintendents to halt the practice.

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