



VOICE OF REASON

Fall 1989

The Newsletter of Americans for Religious Liberty

No. 31

Reproductive Rights After *Webster*

The Supreme Court's July 3 ruling in *Webster v. Reproductive Health Services*, which weakened abortion rights and invited state legislatures to further undermine the fundamental right to reproductive freedom, may well have been a pyrrhic victory for the powerful anti-choice lobby. Most Americans believe that decisions about problem pregnancies should be made by individual women and not by lawmakers. But the pro-choice majority for years complacently expected the Supreme Court to continue to uphold the constitutional right to choice *acknowledged* (not invented) by the Court in 1973.

Webster changed all that. Faced with the possibility that state legislatures (83% male, on the average) and/or Congress (95% male) could reenslave women to the anti-choice theology of fundamentalist leaders and the Vatican, Americans of all sorts—Democrats and Republicans, liberals and conservatives, Catholics, Protestants, Jews, etc.—have awakened and made it clear that they won't let the calendar be turned back.

In several state legislative by-elections pro-choice Republicans and Democrats defeated anti-choice candidates. In conservative Florida public opinion led the state legislature to reject all of Gov. Bob Martinez' proposals to restrict abortion rights at a special session in October. In the wake of the special session, only 24% of Florida voters polled say they would support Martinez for reelection in 1990. Another 24% said they would vote for anybody but Martinez.

But the big temblor on the political Richter scale occurred on Tuesday, November 7. The abortion rights issue played an important role in elections in New Jersey, Virginia, and New

York City. Pro-choice Democrat David Dinkins won the New York City mayoral race against Republican Rudolph Giuliani, who could not alter his anti-choice image. In Virginia pro-choice Democrat Doug Wilder narrowly defeated anti-choice Republican Marshall Coleman.

A residue of racism in Virginia and New York City apparently cost both Wilder and Dinkins some votes and narrowed their victory margins. In the Virginia race for lieutenant governor, where both candidates were white, a relatively unknown, Democrat and Volvo dealer Don Beyer, handily defeated his Republican opponent, Edwina Dalton, a well known member of the state legislature and widow of a popular former governor. Beyer, who lagged badly in the polls until election day, was strongly pro-choice, while Dalton could not conceal her anti-choice position. In Virginia 32% of voters told CBS-NYT exit polls that abortion was one of the two issues that mattered most to them. Of this third of the electorate, 55% voted for Wilder. Further data showed that the greater the support for choice on abortion, the higher the Wilder vote. This backlash cost Republican Coleman vote-rich Fairfax County, an affluent suburb of Washington, DC, which almost always goes Republican for President. There Wilder beat Coleman by 26,000 votes. Nearby Loudoun County also bolted to Wilder, who also won more than 68% of the ballots cast in Alexandria and Arlington. These Northern Virginia counties are considered strongholds for abortion-rights advocates.

In New Jersey, pro-choice Democrat Rep. James Florio wiped
(continued on page 3)

ARL Protests Marine Corps Prayers

Americans for Religious Liberty has protested compulsory prayer in the U.S. Marine Corps. On Sunday, October 29, CBS-TV's "60 Minutes" showed a segment on Marine drill instructor training at Parris Island, NC. Marine recruits were shown being required to pray the Lord's Prayer aloud with hands folded.

The following is the text of the letter which ARL sent to the Marine Corps commandant, General A.M. Gray, Jr.

"While most Marines probably come from a religious background, and while there should be no restriction on their constitutional free exercise right to pray, requiring them to pray raises serious First Amendment problems, both under the 'no establishment' and the 'free exercise' clauses.

"When military service personnel are told to pray, and when and how to pray, the officer or non-com who is responsible for the order, whether direct or merely 'understood,' is contravening the First Amendment's 'no establishment' clause. The order also violates the 'free exercise' clause in that it interferes

with the right of each member of the service to choose when to pray, which prayer to pray, and whether or not to pray aloud and with others. It might be noted that the Lord's Prayer is not used in all Christian denominations, not to mention the various non-Christian religions and philosophical traditions.

"The federal court ruling bearing most closely on this matter is *Laird v. Anderson*, 466 F.2d 283, certiorari denied, 409 U.S. 1076 (1972). In this case the federal appellate court, in a ruling left standing by the U.S. Supreme Court, barred the service academies from requiring officer candidates even to *attend* a religious service, even if they did not actually participate. The Parris Island recruits were apparently required to go beyond mere attendance to actual participation.

"We would like to know what steps the Corps intends to take to prevent continuation of a practice which clearly violates the religious liberty and church-state separation guarantees of the First Amendment."

Anger in Dixie

Parts of the Deep South are seething with anger over a year-old decision by a federal appeals court which banned organized prayer before high school football games in Georgia, Alabama, and Florida. That decision (*Jaeger v. Douglas School Board*) by the 11th Circuit Appeals Court, was effectively upheld when the U.S. Supreme Court declined to review it last May.

But the just-completed football season led to renewed debate and hostility, particularly in West Florida, where Deep South cultural values shaped by evangelical Protestantism have produced a strong conservative backlash.

Despite strong community protests, the school boards in Santa Rosa and Okaloosa Counties, near Pensacola, voted by comply with the decision. In Taylor County school authorities are openly defying the ruling. In Putnam County voters will be asked in the 1990 elections if they want to use public money to wage a court battle against the restrictions.

In Pensacola the Escambia County School Board adopted a tough, courageous set of guidelines to regulate religious activities in the public schools. On August 21, the Board agreed to this statement:

"The following activities and events were found to be unconstitutional in regard to the separation of church and state and therefore prohibited:

"Invocations prior to athletic activities, award banquets, graduation ceremonies.

"Daily Bible reading, morning devotions, posting the Ten Commandments, reciting the Lord's Prayer or students singing prayers at school.

"School-sponsored baccalaureate services. Graduates will have to contact local churches or synagogues to have them sponsor services at their facilities.

"Because the school district is supposed to be neutral toward religion, the following guidelines were issued:

"Coaches, choir directors, or other school employees and officials cannot lead students in prayer.

"Schools cannot sponsor religious-oriented student groups or clubs. A faculty sponsor cannot be assigned to such a club, the club photo cannot be in the yearbook, announcement of club activities cannot be made over the public address system and

school property cannot be used for fundraising activities for the club.

"The wearing of clothing and jewelry with religious symbolism is allowed, providing it is not disruptive of the educational process."

School officials must still decide if Christmas concerts or holiday decorations are permissible. Students may pray individually in school as long as it does not disrupt other students. School Superintendent Pete Payton and School Board attorney Lou Ray were criticized by many clergy for "overreacting" and "going too far." The Northwest Florida district of the Fellowship of Christian Athletes (FCA), which claims 2,500 members in the area, announced plans to file a suit against the board. Its leader, Andy Willson, admitted that he hears the FCA will not be effective if coaches cannot openly participate.

Meanwhile, defiance was the pattern in parts of Alabama and Georgia. In the state capital at Montgomery, Mayor Emory Folmar, an ultraconservative Republican who once called George Wallace too liberal, led 5,000 football fans in public prayer at the first high school game of the season in late August. In other towns local ministers led recitations of the Lord's Prayer from the stadium seats. The Alabama Radio Network prepared one-minute prayers for distribution to 85 radio stations every Friday night: "We've gotten a bigger response from this than we did with the flag thing," chortled radio program director Scott Johnson in Mobile.

Cooler heads may prevail, however. Alabama school district attorney Donald Sweeney warned schools that serious legal sanctions and costly litigation could result if they defied the court's ruling. He also suggested that the Supreme Court's tacit approval of the 11th Circuit decision should be obeyed in other parts of the country, not just the three states directly affected. (Officials in Louisiana, Texas, and Mississippi indicated that pre-game prayers continue in their states and no plans have been formulated to stop them.) A *New York Times* report concluded that the "vast majority of districts have grudgingly gone along with the court ruling."

One underlying problem, observers say, is the degree of religious conformity and lack of diversity in the rural and small

(continued on page 4)

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

Editor: Edd Doerr

Contributing Editor: Albert J. Menendez

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.

President: John M. Swomley, Jr.; Vice-President, Martha L. Ware; Treasurer, Kenneth K. Gjemre; Secretary, Anne Lindsay.

Board of Directors includes officers and Edward L. Abrahamson, Joseph Chuman, Gary Crawford, Faith Evans, Gilbert Feldman, Florence Flast, Bernard Freitag, Paul Kurtz, Dorothy Massie, Rev.

Ronald Modras, Pamela Ryan, Lynne Silverberg-Master, Robert M. Stein, Rev. David D. Van Strien, Rev. Jay Wabeke, Rabbi Sherwin T. Wine, Rev. James E. Wood, Jr.

National Advisory Board: Rev. James Luther Adams, M. David Alexander, Isaac Asimov, Francisco Ayala, Rev. Charles Bergstrom, Stephen G. Brush, Guy I. Bush, Nathan Dershowitz, Niles Eldrige, Edward L. Ericson, Rev. Carl Flemister, Walter M. Fitch, Laurie Godfrey, Morris Goodman, Stephen Jay Gould, James F. Herndon, David L. Hull, Frances Kissling, Alfred McClung Lee, Elizabeth Briant Lee, Salvador F. Luria, Rev. Barry Lynn, Ernst Mayr, James T. McCollum, Rev. Jack Mendelsohn, Charles D. Michener, A.D. Moore, Everett C. Olson, Leo Pfeffer, Rev. O. Eugene Pickett, Allan Powell, Howard Radest, Carl Sagan, Rev. William F. Schulz, Rev. Bruce Southworth, Ruti Teitel, Leigh M. Van Valen, E.O. Wilson, Sewall Wright, Winthrop R. Wright.

Executive Director: Edd Doerr

Counsel: Ronald Lindsay

Administrative Assistant: Marie Gore

Reproductive Rights After Webster

continued from page 1

out his opponent, Rep. James Courter, in the race for governor. The choice issue also helped the Democrats win control of the state legislature. Abortion was cited by 22% of voters as crucial to them, second only to auto insurance rates. In the Garden State the higher the support for abortion rights, the higher the Florio vote, according to network exit polls.

Meanwhile, in the weeks before the elections President George Bush vetoed a \$156 billion Labor-Health and Human Services appropriation bill because it expanded Medicaid funding for abortions for poor victims of rape and incest. The veto was particularly hard-nosed in view of the fact that the bill would allow Medicaid funding for abortions for victims of rape and incest only if those crimes were "promptly reported." As only about 100 rape/incest victims per year would qualify for the Medicaid funding, the total cost of what Bush objected to would be only about \$25,000 per year (about the amount that a single wealthy taxpayer would gain if Bush had his way in Congress with a cut in the capital gains tax). Bush also vetoed the congressional appropriation bill for the District of Columbia, not once but twice, because it too allowed federal funds for Medicaid funding of abortions for rape and incest victims, and because the bill did not forbid the District to pay for abortions for poor women *with its own money*.

Bush's vetoes are likely to hurt him and his party politically. Pro-choice Republicans in Congress are angry that Bush would not even meet with them before his veto actions. If Bush and the Republican Party do not move away from their rigid anti-choice position, they stand to lose considerable support in next year's elections.

Pennsylvania legislators, who handily passed anti-choice bills in October, could well be setting themselves up for a fall next year.

In other developments:

The U.S. Supreme Court on Nov. 29 heard two hours of oral argument on challenges to Minnesota and Ohio laws (*Hodgson v. Minnesota* and *Ohio v. Akron Center for Reproductive Health*) requiring parental notification in cases of minors seeking abortions. The Minnesota law is so stringent that it requires both biological parents to be notified, even if one or both has had no contact with the daughter for years. The Bush administration asked the Court to use these two cases as vehicles for completely overturning *Roe v. Wade*. Americans for Religious Liberty is represented in an *amicus curiae* brief in *Akron*.

A Supreme Court battle over an Illinois law so restrictive it could shut down every clinic in the state was avoided when Attorney General Neil Hartigan, a possible Democratic candidate for governor in 1990, settled the case, *Ragsdale v. Turnock*, out of court. Under the settlement the state will inspect clinics, but they will not have to meet requirements which would make them almost equivalent to regular hospitals.

Pro-choice members of Congress, 22 in the senate and 99 in the House, are sponsoring a bill, S. 1912 in the Senate and H.R. 3700 in the House, to prohibit states from restricting "the right of a woman to choose to terminate a pregnancy before fetal viability; or at any time, if such termination is necessary to protect the life or health of the woman." The sponsors are urging concerned citizens to urge their U.S. senators and representatives to support and join as co-sponsors of the bills.

On Nov. 12 well over 150,000 people gathered in Washington at the Lincoln Memorial to support freedom of choice on
(continued on page 4)

The NEW Pro-Choice Book You Must Read!

Abortion Rights and Fetal 'Personhood'

Edited by Edd Doerr and James W. Prescott

"A brilliant, concentrated analysis of abortion rights that must be read by anyone who wants to think and argue intelligently about this critical issue."

— **Lawrence Lader**, Author, *Politics, Power and The Church*

"... a valuable resource for all who struggle with the complex issues surrounding abortion."

— **Kate Michelman**, Executive Director, National Abortion Rights Action League

"Here at last is a book designed to put the matter of abortion into clear perspective."

— **Isaac Asimov**

"... scholarly, religiously ecumenical in a broad sense, and scientific. Legislators and judges will find it must reading."

— **Alfred McClung Lee**, Past President, American Sociological Association

"... a welcome contribution to the important scientific data that must be evaluated in making any decision about the status of the fetus."

— **Frances Kissling**, President, Catholics For a Free Choice

160 pages - paperback

Send \$12.95 + \$1.50 shipping/handling (total \$14.45) check or money order to:

Americans for Religious Liberty, P.O. Box 6656, Silver Spring, MD 20906

Reproductive Rights After Webster

continued from page 3

abortion. Similar rallies were held in hundreds of communities across the country, with 100,000 gathering in Los Angeles, 20,000 in Austin, 4,000 in New Orleans, etc. Americans for Religious Liberty was a sponsor of the Washington Mobilization for Women's Lives.

President Bush in November vetoed Congress' \$15 million appropriation for the United Nations Population Fund, ostensibly because some of the money might be used for coerced abortions in China. That fear was unfounded, but Bush evidently preferred to give in to the demands of the powerful lobby which opposes not only abortion but also birth control.

The U.S. Court of Appeals in New York ruled in November that the Bush administration could prohibit federally funded family planning clinics from advising women that abortion is one among several options in problem pregnancies. The ruling is being appealed.

The Bush administration has extended the 18-month ban on research using fetal tissue by federally funded scientists. Bush administration officials, taking their cue from the fundamentalist anti-choice movement, claim that such research would lead more women to want abortions. Pamela Davis, president of the American Federation for Clinical Research, complained in a letter to Bush that its policy is "clearly anti-science because it places greater emphasis on ideological viewpoints than on scientific knowledge."

The bishops of the Roman Catholic Church, meeting in Baltimore in November, voted to step up pressure against freedom of choice on abortion. They appointed hard line Cardinal John O'Connor of New York to head their Pro-Life Activities Committee and resolved that "no Catholic can responsibly take a 'pro-choice' stand when the 'choice' in question" involves abortion. Frances Kissling, president of Catholics for a Free Choice, criticized the resolution as "extreme." In the wake of the bishops' action, San Diego bishop Leo T. Maher informed Lucy Killea, a Democratic member of the California Assembly who is running for a state Senate seat in a special election in December, that she is barred from taking communion in the Catholic Church. In other action, leaders of major anti-choice groups called on the Knights of Columbus to expel New York Gov. Mario Cuomo, Sen. Ted Kennedy, and other Catholic congressmen who are pro-choice.

Hundreds of "Operation Rescue" activists continue to be arrested across the country for trespassing, obstructing entrances to clinics, harassing patients and staff, and occasional violence at demonstrations.

The bottom line is that American voters are showing that they will not allow anti-choice politicians to turn the calendar back. Further, pro-choice election victories will probably shift legislatures in a more progressive direction generally. Studies of legislative voting patterns show that there is a strong correlation between voting pro-choice and voting for church-state separation, civil liberties, and programs that help people. Anti-choice lawmakers tend to vote against progressive positions on other issues.

The Reaganized Supreme court has thrown down the challenge. Americans of all persuasions who value civil liberties and freedom of conscience are taking up that challenge.

Anger in Dixie

continued from page 2

town South. Martha Morgan, professor at the University of Alabama Law School and a board member of the state's Civil Liberties Union, told the *New York Times*: "It is difficult for Southerners to appreciate the underlying issues because the South has been so overwhelmingly homogeneous in terms of religion. It is hard for them to imagine themselves in the position of a person with minority religious beliefs."

This is typified by the reaction of many of the region's clergy, particularly its dominant Baptists. One Baptist pastor in the forefront of the controversy, Rev. Allen Perris of Columbiana, Alabama, told reporters, "The Bible is more important to me than the Constitution." In Putnam County, Florida, Baptist preacher Harry Varnadoe said, "The issue is the right of the majority to do what they feel is right."

This most recent dispute on the education/religion front shows how difficult it is to bring change and tolerance to religiously closed societies.

ARL in Action

Since our last report, ARL president John M. Swomley has spoken at Kansas State University, Iowa State University, Drake University and Grandview College in Des Moines, William Penn College in Oskaloose, IA, and at a conference in Kansas City. Dr. Swomley has also been active in working with the city council of Kansas City to reduce harassment of abortion clinic patients and staff.

Dr. Swomley, emeritus professor of ethics at St. Paul School of Theology (United Methodist) in Kansas City, assisted in the preparation for the December 6 Supreme Court oral argument in the *Cruzan* case. In that case the parents of a young woman, Nancy Cruzan, are seeking to discontinue hospital life support for the daughter who has been in an irreversible coma for six years. Swomley assisted the parents' attorneys.

Executive Director Edd Doerr has spoken at conferences, universities and churches in Washington, DC, Kansas City, MO, Baltimore, MD, Dallas, TX, and Fredericksburg, Charlottesville, and Manassas, VA. In addition, he appeared as a guest on radio talk shows in Denver, CO, Wilmington, NC, Centralia, IL, Washington, DC, Cleveland, OH, Dallas, TX, Springfield, IL, Roanoke, VA, and Hornell, NY.

Believe It Or Not!

The 100-member Pharmacists for Life have removed both condoms and birth control pills from their stores. The group said that condoms have too high a failure to stop the AIDS virus and that the pill is an abortifacient.

Update

Family Values Poll

School sponsored prayer and opposition to abortion rank close to last in a recent poll on "family values" commissioned by the Massachusetts Mutual Life Insurance Co. Respondents were asked how well the term "family value" described each of 28 phrases. Leading the responses were love and emotional support for family members, respect for others, and responsibility. Favoring "prayer in school" ranked 25th and "opposing abortion" 27th. The study concluded that politicians who push school prayer and oppose freedom of choice on abortion are barking up the wrong tree.

Child Care Bill on Hold

The U.S. House and Senate are still squabbling over the precise language of federal child-care legislation, but it seems likely that whatever bill passes will be challenged in Court by church-state separationists.

The House-passed bill (H.R. 3) prohibits the use of federal money for sectarian religious instruction, while the Senate-approved bill (S 5) includes an amendment allowing federally-subsidized vouchers to be used for religiously-oriented child care. It appears now that the House Democratic leadership is preparing to adopt a variation of the Senate language. Majority leader Richard Gephardt of Missouri said in an open letter to his colleagues that the House bill "should and will move toward the Senate position on this issue."

The Senate co-sponsors of S 5, Christopher Dodd (D-CT) and Orrin Hatch (R-UT) said that church-run day care centers should be eligible for either direct grants from the states or federal voucher certificates which parents could "cash-in" at any facility of their choice.

If the House-Senate Conference Committee approves this legislation, it will signal two things: the increasing power of religious lobbies in the nation's capital, and the certainty of a legal test.

Barry Lynn, legislative counsel for the ACLU, sharply criticized the provisions of the Senate bill, which he said constituted "a declaration that the U.S. Congress believes that federally subsidized vouchers can be used for religious worship and instruction."

An estimated one-third of the nation's child care facilities are related to religious groups.

College Grant Challenged

On October 11 the Freedom From Religion Foundation filed suit in Cane County Circuit Court to block a \$100,000 grant by the State of Wisconsin to St. Norbert College, a Catholic college in DePere. The grant was added at the last minute to a budget bill without hearings and even without a statement of legislative purpose. Purpose of this grant is for planning an "international center." The suit charges that the grant violates Art. I, Sec. 18 of the Wisconsin constitution, which prohibits any preference to be given by law to any religious establishment." U.S. Senator Robert Kasten (R-WI) has also announced that the federal Small Building Administration will also grant the college \$500,000 for "planning purposes."

Creches, Menorahs Out in Pittsburgh

Allegheny County (Pittsburgh area) officials have decided not to set up a Nativity scene, even though the Supreme Court has allowed such displays if surrounded by sufficient numbers of plastic reindeer. Pittsburgh will refrain from displaying a Menorah (sought only by a Hasidic Jewish group, but opposed by most in the Jewish community) because of an agreement with the county not to if the Christian creche is not displayed. In July 1988 the Supreme Court held that the Allegheny County creche display violated the First Amendment while the Pittsburgh Menorah did not. The Catholic Holy Name Society, which owns the creche, objects to its display along with secular symbols like reindeer. Why the religious groups are not content with displaying the religious symbols on private property is not clear.

Resources

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

Abortion Rights and Fetal 'Personhood,' edited by Edd Doerr and James W. Prescott. The *must read* resource in the struggle to preserve freedom of conscience. (\$12.95 paperback, plus \$1.50 for postage and handling.)

ARL's amicus curiae brief to the Supreme Court in *Webster* on behalf of Nobel laureates and other scientists. (\$5, includes postage.)

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 importance. (\$17.95 plus \$2 for postage and handling.)

Religion and the State, edited by James E. Wood, Jr. A 596-page treasury of essays on every aspect of religious freedom, published as a tribute to Leo Pfeffer, dean of church-state constitutional lawyers. (\$35, plus \$2 for postage and handling.)

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.)

A complete list of resources available from Americans for Religious Liberty is available on request.

Churches and Taxes

The Supreme Court on October 31 heard arguments in evangelist Jimmy Swaggart's challenge to a California sales tax on Bibles, recordings, and other items sold by his Louisiana based operation. California says that Swaggart Ministries owes \$183,000 in back taxes and interest. The state is supported by the ACLU and the National Council of State Legislatures, while several religious groups support Swaggart.

The New Jersey Division of Taxation, meanwhile, has lifted the tax exemption of Bibles and other religious literature.

Constitutional Convention Update

The campaign to stop the balanced budget constitutional convention drive in 1989 has been fought on two fronts: defeat resolutions introduced in various state legislatures and encourage states that previously passed constitutional convention resolutions to withdraw such action by formal resolution.

Con-con petitions were introduced in nine states: Connecticut, Hawaii, Massachusetts, New Jersey, New York, Ohio, Rhode Island, West Virginia and Wisconsin. The bills remain under consideration in five states, and in four states were defeated outright.

Withdrawal resolutions were introduced in 14 states: Arizona, Georgia, Kansas, Maryland, Mississippi, Nebraska, Nevada, North Carolina, Oregon, Pennsylvania, South Carolina, Utah, Virginia and Wyoming. (Alabama and Florida passed withdrawal resolutions in 1988.)

Rescissions passed one house in five states: Nevada, North Carolina, Oregon, South Carolina and Virginia, but failed to pass in the final house. Oregon and Virginia failed in the final house on tied votes. The rescission resolution in South Carolina remains on the Senate floor for consideration in 1990. Failing to pass a rescission in the Senate, the Nevada Assembly passed a Motion to Expunge, negating their 1979 action, and held an official expungement ceremony at the State Capitol.

We anticipate increased con-con activity in Montana, Kentucky, Wisconsin, Michigan, West Virginia, Ohio, Illinois, New Jersey, California, Rhode Island, and Washington State. In addition, we anticipate attempts by pro-convention forces to pass refreshing resolutions in those states that have previously adopted con-con petitions. On the flip-side, withdrawal resolutions will be introduced in at least 18 states.

The Constitution requires that a convention be called if the legislatures of two-thirds (34) of the state legislatures request it. Before Alabama and Florida withdrew their resolutions in 1988, the number has reached 32. ARL and other groups in a national coalition, Citizens to Protect the Constitution, have warned that a convention called for a single purpose, such as a federal balanced budget amendment, could not be restricted to that subject and could radically revise the Constitution and Bill of Rights.

Public School Symbols Challenged

The ACLU of New York has filed suit against the Schuylerville school district seeking removal of a large painting of the crucifixion of Jesus which has been displayed in a high school auditorium since 1965. The federal district court suit charges that the painting "has the effect of advancing or promoting or favoring certain religious beliefs," while the school district claims the painting is merely an example of student art work (for 24 years)?

In other action, the Florida ACLU's federal court challenge to a cross on the St. Cloud municipal water tower led to a ruling that the cross had to be removed. However, in its place city officials plan to place a shorter "Greek" cross and a slogan, "Crossroads of the World." ACLU lawyer Howard Marks says the "Greek" cross is just as much a religious symbol as the former "Latin" cross.

MOVING?

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

Need a Speaker

Americans for Religious Liberty can provide expert speakers for:

Conferences
Meetings
Debates
Universities
Churches
Synagogues
Radio talk shows
TV talk shows
Etc.

Write or phone:

Americans for Religious Liberty
P.O. Box 6656, Silver Spring, MD 20906, (301) 598-2447

Letters

When John F. Kennedy ran for the presidency, he assured voters that the Vatican would not dictate his actions. The Catholic hierarchy also assured American voters that they would not attempt to interfere with American policies by putting religious pressure upon Kennedy to follow Catholic doctrine.

So, while many non-Catholics voted against Kennedy out of anti-Catholic bias, many more non-Catholics, including the undersigned, voted for him.

The era of "good feelings" came to an end in 1984 when Catholic bishops openly pressured Catholic legislators at both federal and state level and Catholic voters to vote the "party line" of the Catholic Church on the abortion issue.

In short, it is not any outside force that has brought the Catholic Church into disrepute but the Catholic hierarchy that has managed to shoot itself in its collective foot.

Hence reporters who interview Catholics who are running for office, at either federal or state level, many legitimately ask candidates if they will vote their own conscience for the benefit of all voters, or feel compelled by religious pressure to follow the "party line" of the Catholic Church.

Lybrand P. Smith
Torrance, CA

A Washington paper reports that a group calling itself Americans United for Separation of Church and State has criticized a Philadelphia federal district court for overturning Pennsylvania's ban on teachers wearing religious garb in public schools. The case concerned a Muslim teacher, Alima Dolores Reardon. What does ARL think?

Elizabeth Randall
Aspen Hill, MD

A ban on teachers wearing clerical garb, such as the uniform of a priest or nun, is appropriate because such garb denotes a position of authority. Americans United is wrong, however, in stating that the ban should extend to orthodox Muslim garb, which does not denote authority. The ban Americans United apparently seeks to impose would bar Orthodox Jews from wearing Yarmulkes, Sikhs from wearing turbans, and Christians from wearing crosses.

The Editor

Keep up the good work. I'm glad that you are doing this necessary work. Enclosed is a check to help out.

P.V., Georgia

Religious Subsidy Blocked

Two Democratic members of the House, Lee Hamilton of Indiana and David Obey of Wisconsin, have removed a \$1.5 million subsidy from U.S. taxpayers to a training school for Orthodox rabbis in Israel. This absurd grant, included in the annual Agency for International Development (AID) budget, was nixed in September. Hamilton and Obey, both subcommittee chairmen, warned AID that they intend to monitor the spending of foreign aid more closely in the future.

The *Washington Post* applauded this move, saying, "Institutions whose primary objectives are religious are free to solicit contributions from Americans who share their faith. But none should expect that public money, contributed by all taxpayers, will be available for sectarian purposes. Activities that cannot constitutionally be supported in this country should not be funded by the U.S. Treasury anywhere else."

Americans for Religious Liberty and the American Civil Liberties Union are currently challenging similar diversions of public funds to overseas religious institutions in a federal court in New York in *Lamont v. Baker*.

Latin vs. Greek

In one of the more ridiculous rulings of the year, U.S. District Judge Kendall Sharp ruled that the town of St. Cloud, Florida, could not place a Latin cross on top of the municipal water tower, but could place a "passive and symbolic" Greek cross there. The judge said no federal court had ever allowed a Latin cross on government property. The American Civil Liberties Union had brought suit on behalf of a local resident, who said the cross on city property reminded him of relatives who died in the Holocaust.

In a similar dispute, Minnesota authorities decided to forego legal action by removing several religious symbols from a state-owned woodland after the Minnesota Civil Liberties Union threatened legal action. And in California, Gov. George Deukmejian publicly rebuked his Parks and Recreation Director Henry Agonia, who had written that "Christian-based programs" should be "recognized and supported in public facilities" by the state government. Agonia said, "It is time to erase the line that separates church and state," but the governor disagreed, saying, "There should be separation of church and state, and state parks should be made available to all."

Anti-Choice Guru Profiled

Randall Terry, leader of the Operation Rescue organization which has harassed clinics and women across the country, was the subject of an expose in the November issue of *Mother Jones* by writer Susan Faludi. Curiously, Faludi reports, Terry, himself conceived out of wedlock, has close relatives who are pro-choice. Like many anti-choice activists, Terry also opposes all forms of contraception. "Ultimately," he says, "my goal is to reform this culture . . . the arts, the media, the entertainment industries, medicine, the sciences, education—to return to right and wrong, a Judeo-Christian base." Although Terry says he does not believe in public assistance for poor families, he and his wife receive \$1,000 per month in state funds for caring for three foster children.

Evolution Wins in California, Sort Of

In a "90 Percent Victory for Science" (*St. Louis Post-Dispatch*), the California State Board of Education adopted new guidelines for teaching science in November which mandate teaching evolution while keeping the fundamentalist doctrine of "creationism" out. The new guidelines describe evolution as "both a fact and a theory" and assert that it is no more controversial among scientists than gravity or electricity. However, in a concession to the powerful fundamentalist lobby the Board deleted from the guidelines a reminder that the 1987 Supreme Court ruling in

Edwards v. Aguillard held that "creationism" or "creation science" has an explicitly religious purpose and is not science. Anthropologist Eugenic Scott, executive director of the National Center for Science Education, called the compromise "a concession to board members who are knuckling under to right-wing religious pressure." She likened the new guidelines to a loaf of bread with the top slice removed. "It may look a little funny, but it doesn't affect the nutritional quality of the loaf."

Since California uses 11% of all textbooks in the country, the new guidelines for texts will bring publishers nationally more into line with the mainstream of science. The new guidelines are also another victory for church-state separation.

International

The Belgian Parliament is considering a bill to allow abortion during the first 12 weeks of pregnancy for women in unspecified "conditions of distress." Belgium and Ireland are the only two countries in Western Europe in which abortion is still illegal. The Christian Democrat Party may bring down the coalition government if the bill is passed.

In Britain anti-choice forces in Parliament are seeking to change the 28-week limit on abortions in the 1967 Abortion Act to 18 to 22 weeks. Labour Party health spokesperson Harriet Harman accused the Thatcher government of impropriety in allowing anti-choice forces to tack the limitation onto a fetal research bill.

Acting under Britain's church-state union arrangement, the House of Commons has voted to block the Church of England from allowing the ordination of divorced men or men married to divorced women. The Church is asking for reconsideration. Parliament until now has always ratified C of E proposed measures. Other religious bodies in the UK are not subject to government regulation, though they suffer other disabilities and the UK both levies taxes for religious uses and imposes religious observances in public schools.

Israel's religious parties are opposing a human rights bill in the Knesset which would prohibit discrimination on the basis of sex or religion and guarantee freedom of expression and full equality under the law. The Orthodox parties fear that the new law would jeopardize dozens of restrictive religious laws and weaken the Orthodox monopoly over Judaism in Israel. Reform, Conservative, Reconstructionist, and Humanistic Judaism are at present severely restricted.

Canada's Parliament is considering a bill to allow abortions only on the recommendation of a physician. If passed, the bill would weaken individual freedom of conscience. Meanwhile, the Canadian Supreme Court has ruled that Quebec's right-to-life law does not apply to fetuses and that third parties cannot prevent a woman from having an abortion.

Miscellaneous

The U.S. Supreme Court on Nov. 6 heard arguments in an Oregon case concerning Native American use of the hallucinogenic drug peyote, considered a sacrament by many native Americans. The federal government and 23 states allow peyote use by the Native American Church, but Oregon does not.

The U.S. Supreme Court has agreed to hear a case brought by Mormon parents who want to deduct as a charitable contribution money contributed directly to their missionary sons. A federal district court and the 9th Circuit appeals court upheld the contention of the IRS that a donation cannot be considered "for the use of" a church—as required under federal law covering charitable contributions—unless the church exercises control amounting to "possession of the contribution." The parents argue that their intent in making the contributions was "to benefit the religious and charitable work of the church."

Nashville, TN city officials have gone to state court seeking to overturn a 1987 state law granting automatic tax exemption to one parsonage for each church whether or not it is used exclusively for religious purposes.

Books

Pathways to Pluralism, by Robert A. Spivey, Edwin S. Gaustad and Rodney F. Allen (Addison-Wesley Publishing Company). The authors of this book have performed a unique service to many potential readers in America's public high schools. This book deals with religious issues in American culture in ten informative chapters. As the authors say in their preface, "Religion is part of reality in America and is involved in much of American history." This book utilizes primary sources to deal with such subjects as tax exemption for churches, the role of religion on the American frontier, the role of the churches in the American revolution, the struggle between conformity and diversity in colonial America, the conflict between science and religion, the conflict between religious conscience and the requirements of the state, and the diversity of American religions. It is impossible for a book of this nature to be perfect in every way but this book achieves many objectives set out by the authors. It is informative and stimulating, and students will learn not only about American religion but a new vocabulary of religious terminology. For the controversial issues, both sides, or many sides, are presented fairly. The only objection one might see is in the chapter on nativism dealing with anti-Catholic prejudice in America; the authors describe the burning of a convent in Boston in 1834 and the burning of Catholic churches in Philadelphia in 1844, but don't explain how religious fears and prejudices were responsible. In Boston, for example, it was hysterical fear that convents were falsely imprisoning American women that led to the violence, not just the competition of native Americans and Irish working men for jobs. In Philadelphia, the Protestant majority demanded that all students read the Protestant version of the Bible in schools and when Catholics objected religious violence ensued. It might have been helpful to have been more specific rather than to downplay the effects of religious prejudice.

Religious Change in America, by Andrew M. Greeley (Harvard University Press) is an admirable study of fifty years of public opinion research in the field of religion. Greeley, a Catholic priest and sociologist, is probably the leading interpreter of this sort of data. He concludes that there is more continuity than change and that American religious attitudes and involvements have changed little over the past fifty years. Among Catholics there has been a definite decline in church attendance, and among all Americans there has been a decline in belief of the divine nature of the Bible. But virtually all other areas of religious belief have held rather firm, according to survey data.

Mine Eyes Have Seen the Glory, by Randall Balmer (Oxford University Press) gives an admirable overview of the Evangelical Protestant subculture in America today. The author is a historian of American religion at Columbia University. He comes from this religious background though he is mildly critical of evangelicalism. He is sharply observant and is able to show the considerable diversity within the conservative Protestant world of America which encompasses fundamentalists, charismatics, and pentecostals, as well as many denominational varieties. Balmer covered the Robertson campaign for president and describes its excesses in great detail. He also looks at the "idealization of femininity and domesticity" which makes Evangelicals so conservative in their regard toward women. He also sees them as yearning back to a 19th century America when Evangelicals set the tone for society and controlled many of its institutions. About abortion he says, "it strikes me as an odd issue to serve as a rallying point for Evangelical political activism. There is nothing in the Bible that explicitly condemns abortion, and the pro-life position does not appear to arise out of any abstract devotion to the sanctity of human life. Many pro-life Evangelicals, for instance, also favor capital punishment, and the majority of Evangelicals have seldom shied away from the exercise of military force."

Civil Religion and the Presidency, by Richard V. Pierard and Robert D. Linder (Zondervan Publishing House). Two of America's leading scholars of civil religion have performed a valuable service for informed Americans by describing how the civil religion of the American

experience both reinforces and conflicts with the personal religions held by many of our citizens. The authors begin by building their definition of civil religion as a kind of transcendent public or civic religion rooted in Christianity but distinct from it. They say, "historically speaking the Presidency has been intimately linked with civil religion, and this has bonded the Presidency to religious Americans. The very uniqueness of the American political arrangement demands this. The First Amendment to the Constitution guarantees religious freedom and forbids the establishment of any church of religion in the United States. The result is a strict separation of the institutions of church and state but not of religion and politics as such. Americans have always been a fundamentally religious people and this extends to every level of life including politics."

Pierard and Linder also note that the Presidency occupies a special place in American life that has almost a highpriestly role and consequently the religious views of presidential candidates have always intrigued a percentage of American voters and have been considered important political issues. The authors also maintain that "the connection between religion and the Presidency has intensified in recent times, beginning with the Eisenhower administration."

Most of the book concentrates on detailed and very impressive study of the religious views of Washington, Lincoln, McKinley, Wilson, Franklin Roosevelt, Eisenhower, Nixon, Carter, and Reagan. Each president approached religion in a unique way and helped to add his own perspective to civil religion. The authors also suggest that the phenomenon will undoubtedly continue into the future. They say that there are certain inherent tensions in American society between civil faith and particular religious expressions and they criticize in many respects the concept of the president as highpriest, while recognizing that it is likely to continue. They warn about the dangers of civil religion in a passage that is worth heeding, "The civil religion reading of American history with its emphasis on 'special providence' and the 'chosen nation' have done untold mischief, as it served first to justify the destruction of the indigenous Indian culture and then foreign intervention, war, and the imposition of American values, institutions, and commercial enterprises on other peoples. . . . Moreover, Christians must recognize that the beliefs of American civil religion are not those of Christianity but of another faith. In fact, civil religion comes dangerously close to blasphemy when it identifies God with the national destiny and in essence reduces the universal God of the Bible to the tribal God of America."

Albert J. Menendez

Americans for Religious Liberty

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

I want to do my part to help Americans for Religious Liberty halt the threats to religious, intellectual, and personal freedom. I enclose a check for my tax-deductible contribution of:

- | | |
|---|---|
| <input type="checkbox"/> \$20 Individual | <input type="checkbox"/> \$25 Family |
| <input type="checkbox"/> \$50 Sustaining | <input type="checkbox"/> \$100 Supporting |
| <input type="checkbox"/> \$500 Sponsoring | <input type="checkbox"/> \$1000 Patron |
| <input type="checkbox"/> \$10 Student or Low Income | <input type="checkbox"/> \$ _____ |
| <input type="checkbox"/> Membership Renewal | <input type="checkbox"/> New Membership |
| <input type="checkbox"/> Special Donation | |

Name _____

Address _____

City, State, Zip _____

(The ARL newsletter is sent to all contributors.)