



THE JACOB RADER MARCUS CENTER OF THE AMERICAN JEWISH ARCHIVES

Preserving American Jewish History

MS-603: Rabbi Marc H. Tanenbaum Collection, 1945-1992.

Series C: Interreligious Activities. 1952-1992

Box 13, Folder 1, Bicentennial Conference on Religious Liberty papers [2], 1976.

Bicentennial Conference on Religious Liberty
1520 Race Street
Philadelphia, Pa. 19102
Telephone: 215/563-2036

DRAFT FROM TAPES

FREEDOM OF CONSCIENCE--A JEWISH COMMENTARY

Address delivered on Yom Hashoa, Official
Day of Mourning for Six Million Jewish Martyrs
of the Holocaust--Tuesday, April 27, 1976, 8 p.m.

Friends Meeting House, 4th and Arch Streets

by: Dr. Elie Wiesel

It isn't unplanned and I do have to tell something to this distinguished audience, to the Rabbis, and the Reverends, and the Friends. Had I known that today would be Yom Hashoa, I would not have spoken. Somehow I believe that one cannot speak about it. Perhaps one can say a prayer. Perhaps silence would be in order. Perhaps people should only meet and read names. Names. They should perhaps meet and read Jewish names. Names of Jewish towns, Jewish communities, Jewish children, Jewish teachers. Names. How does one speak about it? I don't know.

So I thought I would come and speak about "Freedom of Conscience--A Jewish Commentary." And I've prepared some notes but, of course, the date imposes its own meaning, and I believe too much in coincidences, I believe too much in encounters not to yield to the encounter of the person and the date. So I will tell you a story and the story is a simple childish story.

Once upon a time, April 1944, a Jewish child, very religious, very pious, extremely taken by God and the Law, was taken away by history, and then history was taken away by the enemy. And this Jewish child suddenly plunged into a universe of malediction. For the very first time he discovered that man is really evil, and that there is evil in man. For the first time he realized that something went wrong with creation. For the first time he heard the name, Auschwitz.

He was young, very young, and it was night. Midnight. And as all of the Jews who had come that evening from his town and others, and as they were coming closer to the point of selections, and flames inserting themselves in the sky, consuming the sky. And suddenly people began coming to him, and to those who were with him and began telling him and his father that, you know, these flames, these are human beings. Do you know that people are being destroyed here? Do you know that the akaydah is once more at the heart of Judaism. Abraham and Isaac both go to the altar and both will be consumed.

*(the binding of Isaac)

And this young boy turned to his father and he said, "I cannot believe it. It cannot be true. It simply cannot be true that in the middle of the 20th century man could do such things to other men and the world would be silent. The world was silent. Eleven years later, I have written a book and my first book was in Yiddish. And in Yiddish, I called it "Undivelt Vas Geshtillen", "And the World Was Silent."

When we speak of freedom and conscience, I cannot, therefore, forget what it meant to us once upon a time. There was no freedom, and there was no conscience; and the killer, killed--the slaughter of slaughters--; and the victims died; and the world was silent.

As a Jew, however, I can fully appreciate the significance of celebrating the Bicentennial because it means "remembering" and to me to be Jewish means to remember. Therefore, to be human means to remember. A Jew who does not remember is neither Jewish nor human.

I can understand why our country thinks back with pride of its 200 tough years of history and pursuit of happiness, but somehow as a Jew, I see it a little bit skeptically, because granted a history of 200 years, however dramatic, ought not to be compared to my people's history, really 4,000 years. 4,000 years and 200 years. But still, the emphasis is on memory and, therefore, since no one has defined himself with more fervor in relationship to memory, we understand and we participate in this celebration and we do so with great joy.

But with some misgivings. The misgivings have to do with what America represented to us and what it represented to itself. Again, I cannot forget that Roosevelt was to us more than a leader. He was a prophet. In my hometown, I did not know the name of the David Ben Gurion. I was not a Zionist. I was too religious. I was involved in Jewish studies all my life, as a child, as an adolescent. And political Zionism did not come to my town. But the name of Roosevelt I knew.

Roosevelt was the great defender of freedom, the friend of the Jews. And only later did we find out that this great man knew, he knew everything that took place inside the kingdom of Holocaust, and yet he did so little to prevent further slaughter. When he was asked by Jewish leaders to bomb the railways leading to Auschwitz, he refused. And in

those days and in those nights, 10,000 Jews would be killed day after day. Hungarian Jews, my Jews.

But still, this is a nation that gave the words of freedom and conscience a new impetus. I think America has taken its mission seriously. After all, it has fought two World Wars. After all, it did, it did force a president to resign in the name of conscience. It's true Watergate happened, but it's also true that we defeated the persons who incarnated Watergate. It is true that we fought a terribly unjust war in Vietnam, but it's also true that the young students who began, and the young clergymen who began, and the intellectuals who began to warn against the war, they won, and the war was finished. Therefore, we speak about our past in this country with some joy and it is justified.

Freedom and conscience, as a Jew, I must say, are among the words and concepts that have dominated our memory, Jewish memory, since its very origins. Having received the Law at Sinai, the people of Israel, we are told, waited, they waited for Moses to expand on its Law and when you study Scripture you come to a Sedrah, to a portion of the week called, V'Ayleh Hamishpatin. After the portion of Yitro, where you read about the Ten Commandments, you read about V'Ayleh Hamishpatin, and God says to Moses "V'Ayleh Hamishpatim, Asher Tasim Lifnayhem", "these are the Laws which you must share with your people."

What is the first law? It's about slavery. Do not own slaves. Seven weeks before this people was a tribe of slaves. Seven weeks before they were in Egypt, owned by Pharaoh. Doomed by their own misfortune. And here we begin with slaves. Don't own slaves. Furthermore, we are told that to be a slave is as sinful as to own a slave. What does it mean really? The Jews then were told they were forbidden not only to become slaves again, but also to have slaves, which means they were forbidden to resemble their former enemy. They were forbidden to diminish freedom. They were forbidden to inflict pain.

In our tradition, we say that to serve God means to raise the human condition, whereas to serve man means to diminish it. Hence, the punishment intended for slaves who reject freedom, for in doing so they misuse the most precious gift--their inner freedom. One ought to be free in all things, in all areas, in all endeavors. One ought to invoke

freedom as the most coveted of ideals. But one must not abuse freedom. By choosing to renounce it, one should not do so unless it is for the sake of Heaven. But even then I am sure that God is not too pleased with such sacrifice. God, in our tradition, wants men to come to him in freedom, not as a slave who has nothing left to offer anyone or him.

I believe that this idea has been illustrated by our attitude, by our Jewish attitude towards the stranger. Whereas in other traditions, societies, and religions, the stranger has always been treated with suspicion, resentment, and hate, somehow he has been welcomed in ours. No tradition has been more generous to strangers and we all know that. We have never asked a stranger to convert to our faith, nor have we compelled the stranger to accept our ways, our Law, our language, our customs. Quite the contrary. The beauty of all this is that we want the stranger to remain "stranger," for in that capacity he can challenge our certainties and shake our complacency. It is as stranger that the stranger can be and is of interest, of help to us as we are to him.

As an example, let us see how the stranger appears in Scripture. There are three terms that apply to the stranger. The first one is gayr. Gayr is a stranger who lives in our midst, but who remains a stranger. He has not converted to our faith, but he lives on our land with our friends and he is a friend. And what we don't do for this man. We have to go out of our way to please him, to be charitable, ^{to be friendly,} to be generous, to be open. So much so that in the Midrash we learn that Moses became jealous. And Moses asks God, "Why did you give the gayr, the stranger, the same privilege, and the same privileges that you gave the Levites who, after all, are here to serve you."

The second category is a nochree, also a stranger. A nochree comes from minichav, from abroad from outside. He is somewhat more hostile to us and we are somehow a little bit more hostile to him, but still we are told in Scripture what to do with him. To have him share our holidays, to be with us, and we are to be with him all the time.

Then there is a third category. The third category is called zar. And the zar, there we are cruel, we are terribly severe. Zar kee yikrar l'obel moed, stranger who comes close to the sanctuary we are told, his punishment must be death. Anything bad somehow is identified with zar. Idolatry, avodah zarah, alien thought, machshava zarah, everything is bad and we are terribly, terribly hostile to the zar.

Now you think about it and you realize that there is really a difference. A gayr is not Jewish, a nochree is not Jewish, a zar is. A zar is a Jew who is a stranger to himself. He is a stranger to his Jewish people. He is a stranger to his tradition and because of that, he is a stranger to mankind. And then we say, this man is dangerous. A man who can deny his own community, a man who can be a stranger to his people when his people needs him, and her, then we are terribly against him.

But then, why not say it. Our attitude to a stranger was not shared by others. Since Paroh Melech Mitzraim, Pharoah in Egypt, until Stalin, most leaders in power used their power to impose their will upon us. Who could survive? Only those Jews who ceased to be Jewish, and in the case of the Holocaust, no Jew could survive at all.

And often I wonder, how is one to explain the variety of our enemies? How is one to explain that on the right and on the left, the rich and the poor, the fanatic and the enlightened, we find in their midst enemies to our people as well. I wonder whether the hate we inspire does not have a secret, a force of its own. And what is more astonishing, is it our collective will to survive or the enemy's continuous desire to drive us to extinction? How is one to explain that they are so different from one another. What unites them is their hostility to the people of Israel. The reactionaries were always against us in Russia and Poland, and they still are. But so are their adversaries, the adversaries today on the extreme left. What do China and Russia have in common? Their hostility to Israel, and that phenomenon is not new.

We can not when we speak today about freedom and conscience not say a few words in truth to our friends who are not Jewish. Some of you are friends of mine and we try to do the same thing, each in his own field and each with his own tools, and they know that a true Christian to me is more important than a stranger, a Jew. I have much more in common with an authentic Christian than with a Jew who is ashamed of his Jewishness.

But still the truth must be said, and I say it certainly not with, certainly not with hate, we are incapable of hate. We cannot. We didn't even hate the Germans during the war. We couldn't hate. It was beyond hate. And not even with resentment. I really say it to bring us together, to share, and to open. That what we, what we suffered, what we endured from Christianity for so many centuries, we should not forget. I don't say we should turn it into a source of

anger, but we should not forget. And we cannot forget, for instance, that in the very beginning, Luther was a great man. After all, he dared to defy the Pope and opened the era of Reformation. The man who dared so much, but on one point he and the Pope agreed. They hated the Jews.

Another example, Marx and Prudon were bitter adversaries. Prudon had written a book called "The Misery of Philosophy" and Marx countered with a pamphlet called--I'm sorry. Prudon wrote "The Philosophy of Misery" and Marx countered with a pamphlet, "The Misery of Philosophy." They had absolutely nothing in common, except Marx hated Jews and he wrote a violent pamphlet against them; and as for Prudon, he said and I quote: "All Jews ought to be driven out of France except those who marry French citizens. Christians, synagogues ought to be liquidated; the businesses purged. Jews are enemies of mankind, they ought to be eliminated by fire"; and he stated clearly, I quote again, "What was done to them in the Middle Ages by instinct, I would like to do to them out of reasoning." Well, how did Einstein put it, "It's easier to split the atom than to eliminate tragedies."

We have to say it, that all this hatred has culminated in the Holocaust. If it were not for the education of some Christian books in some villages and in some towns, I don't think that the Holocaust could have taken place in such numbers. Otherwise there would have been an upsurge of conscience in the killers, and the killers did not have an upsurge of conscience. Forgive me if I'll say something very cruel. We share our history. The Holocaust affected both the Jews and the Gentiles and you. It affected mankind. It was a watershed. There was a before and an after, and we all feel it, if you are capable of feeling at all, but not in the same way. If the victims are my problem, the killers are yours. I know it's a terrible thing to say, but I have to say it.

The victims are my problem. What made them into victims? Why did they walk to their death? Why were there these nocturnal processions, so many of them? Sometimes you are hounded by their silence when you read the documents. When you read the documents, in "Babi Yar," they would go to the mass graves in fives, and they would wait for the killer to kill. And then the next five would come in file, and they didn't even cry. "What made them into perfect victims?"

But the same question can be asked of the killer. What made the killer into a perfect killer? How do you explain, and this is the question, of course, that our good friend, Franklin Littell, is asking: "How do you explain that so many killers continue to remain Christian? And why wasn't the Pope ever excommunicated? How do you explain that the person could be Christian and the killer of children, one million children.

I have no explanation. The question must be asked, and must be asked again, not to oppose one another but to understand what we can do now, one for another.

In those days and nights, freedom and conscience were abused. Freedom to me means to recognize the unique function of conscience as justification for itself and of itself. Without freedom, conscience would be nothing but a pale combination of memory and longing, which would offer the slave his only hope to stand up and face history, but still this conscience would still be that of a slave or of a prisoner. Without conscience, freedom would mean anarchy or tyranny. Is the killer wrong in claiming that he wishes to be free to kill? Is the neutral spectator to be condemned for wanting to choose passivity and indifference, although we know that in times of crisis, passivity and indifference and neutrality are always favoring the killer, not the victim. Freedom and conscience must be organically linked and one to justify the other, one to enrich the other. Conscience must, by definition, be free just as freedom, by definition, ought to be exerted in terms of conscience.

How symbolic it is, therefore, that we meet tonight on Yom Hoshua, a day that has been written, to use a Talmudic image, "with black fire on white fire in the pages of our memory in history."

Whenever Jews rejoice, they are told to set aside one moment, one thought to remember the destruction of the Temple in Jerusalem. Perhaps we ought to learn something from this practice and enlarge it. Whenever men meet, whenever you meet, for whatever purpose, on whatever subject, no matter from where you come and who you are, whenever you meet to discuss things relevant to man's faith and to man's destiny and to man's future, perhaps one instant of being should be set aside to remember what happened one generation ago when conscience was mute and freedom mutilated and distorted.

Now we know that those events affected more than the victims alone. They affected mankind. They affected its vision of its own future.

So, let me, with your permission, therefore, return to the young boy who had left his childhood and mine in April, 1944, to enter the eternal kingdom of the eternal victim. When he left that kingdom in 1945, his disappointment only began. It was much more difficult afterwards than during. The tragedy of the survival began after the war, when once again he felt unwanted. He felt an outcast. Do you know how many hundreds of thousands of Jews remained in DP camps in '45 because no one wanted them, afterwards when everything already was officially known?

In Israel, Palestine was closed because of the British, America had its quota system, and every refugee had to undergo humiliating interrogations to show that he was sane, that he was strong, and whatever. For years they were still kept there, sometimes in the very same places where they had been before; and that was afterwards, Afterwards, the survivor felt guilty for having survived. Afterwards, he tried to understand and so he would never understand. Afterwards he realized that his disillusionment has no limit.

Disillusionment with language. When he told a story he had to tell less in order to be believed. If he had told only a fragment of the truth, people would not have believed him. So he had to tell less than less. Furthermore, he suddenly realized that no matter what, his faith in the faith of his ancestors must be tested in fire once again. And those who asked the questions were religious Jews, profoundly religious Jews, because suddenly they understood that this event could not have been without God, nor could it have been with God.

And it cannot be conceived on any level. Do you know what it means for a survivor after the war to live with his images, with his obsessions? I discovered recently documents which I may read to you later on written by special people, the Zunder commanders. One of them says, "I wonder whether one day I shall be able to laugh again," and the other one goes further and says, "I wonder whether one day I shall be able to cry again."

During the war, the Jews didn't cry. They simply couldn't cry. Don't say it was mental anesthesia. They didn't cry simply because they knew that if there were to begin to cry, they wouldn't stop. They didn't cry. How do you teach a person to cry again? How do you teach a person to pray again? How do you teach a person to believe in words again?

How do you teach a person to walk in the street and not to see an enemy in every passerby? How do you teach a Frenchman who was expelled by his own nation and given over to the Germans, although his parents were several generations in France, to believe in France again and fight for France? How do you teach a child, eight years old, who came out of the fire to believe in culture, to believe in friendship? How?

I remember in Midrash, beautiful Midrash, I love Midrash. The Midrash says, "Why was the exile in Egypt ended prematurely? It was supposed to last 400 years, as you know, but it lasted only 210." There are all kinds of answers, and one answer pleased me, it moved me. The answer is that at one point the king of Egypt, Pharaoh, decided that he wants to build his pyramids with nothing else but with Jewish children, living Jewish children. So he gave an order and Jewish children were caught and buried in the pyramids. But we are supposed, according to the Midrash, to have a defender in Heaven. We are supposed to have an angel and this angel even has two names--that means two angels performing the same function. At one time he is called Ga-briel, Gabriel; another time he is called Mich-a-el, or Michael. This case, it was Gabriel. And Midrash says that Gabriel caught a Jewish child in mid-air and brought it Bitnay bet din shel mala; he brought it to the heavenly tribunal and gave it to God.

"And God," said the Midrash, "looked at the child, already disfigured, already tormented, already dead, and God couldn't take it." He couldn't take the sight of this child; so he decided then and there, "Enough. I shall redeem my people from bondage."

I read the Midrash and I was so proud. I was proud of the angel and I was proud of God. But then I reread the Midrash; and I reread the Midrash, I admit, always against the background of that event, of the last event. Whatever we do, I believe, must be justified in our generation against that background. That will help you to remain honest and authentic.

When I reread it, I was still proud of the angel, but less proud of God. I said to myself, "Yibono shel olam." One child moved him, and a million Jewish children did not. And it began becoming a lament in my mind. And suddenly he chased all the other words and only a few words remained, "A million Jewish children, a million Jewish children." My friends, how do you teach a Jewish father to have a Jewish child today?

Wherever we turned, we found disillusionment. We found that culture had disappointed us terribly. The worse disillusionment, perhaps, has to do with culture. We were used to suffering. After all, we have a long memory, and our memory was a memory of suffering and responses to suffering, but somehow in our memory suffering was linked to pogroms, to savage mobs, the Crusades, the pogroms of Chmelnitzki; but never could we imagine that an enlightened person could also be a killer of Jews.

And when we discovered that the Einsatz Commanders, those who really did the killing, physically, in Eastern Europe, and 1½ million Jews were killed in those conditions-- Babi Yar, Minsk, Krakow--when we discovered that most of them had college degrees, it hit me. When I discovered how many had Ph.D.'s, Ph.D.'s in, believe it or not, Ph.D.'s in Divinity; Ph.D.'s in Medicine, like Mengele, Ph.D.'s in Jurisprudence, Ph.D.'s in Philosophy. And a Ph.D. in Germany is not like a Ph.D. in America. It takes many, many, many years of studying, of absorbing books, of reading, of sharing, of deepening. What happened there? They could study for sixteen years and learn Bach and Beethoven, and learn Fichte and Schiller and be killers of children?

Himmler, at one point, was afraid that maybe the killing might affect their mental state. Even he was naive. It did not affect their state. Very few showed any signs at all of disturbance, not of conscience, but of nervous disturbances. They simply went on slaughtering. So, our faith in culture, in education, was shaken. Our faith in democracies was shaken.

We thought that the free world didn't know what was happening. How naive we were. We were so convinced that if the world would only know they would do something, that sometimes hundreds of people would organize and sacrifice themselves in order to enable one messenger to go out and transmit the tale. Now, we know that everybody knew.

I give my students occasionally assignments to go to the newspapers--to the New York Times, the Herald Tribune, Time, the N.Y. Post, Philadelphia Inquirer. Read the newspapers, and you will see that everything was known. It was reported in full detail. The press fulfilled its function! The reader did not.

On April 19, 1943, the Warsaw ghetto began its uprising. Two days later, the entire story was in the New York Times, with every detail. And then you are looking in the next issues. Was something done? Was a message sent? Nothing was done.

Babi Yar. When I came to Babi Yar, I thought that....I learned about Babi Yar simply because of Yevtushenko and then I began my inquiry. Not at all. Three months after Babi Yar, the New York Times published the whole story in five columns. The world knew. Do you know that there were radio transmitters in Auschwitz, and they transmitted the news to London via the underground. Can you imagine? Why did they do it? To tell the world what was happening.

The Zunder Commander managed at one point, I believe that their report would not be paid attention, people wouldn't believe it. So they said they needed pictures, and they organized a camera and the camera was brought in and they took the pictures. You must realize what it meant there--a camera to take pictures. They took the pictures. They smuggled out the pictures. The pictures reached London, and therefore, Washington and the Vatican, ...and nothing was done.

How do you teach a young Jew today to have faith, therefore, in his neighbor? How do you teach a young Jew to have faith in any democratic system? In any liberals, in any people who pretend to be friends of the victims?

The most tragic writings are the writings of the Zunder Commander. For the last year, since we discovered a few pages, and then more, those of us who are familiar with them live, literally, inside their frames. The Zunder Commanders were tragic people, more tragic than the others. They served the God of fire. They were chosen to destroy their brothers physically. The Germans did the killings, but the burning was done by Jews. And usually they lasted two or three months and then they in turn were burned. Why did the Germans do that--because, of course, they wanted to erase the traces of their crimes. They wanted to kill the victim the second time.

Well, we heard that even the Zunder Commanders had kept diaries, and I confess I didn't believe it. I thought it's a myth, and I liked the myth. We are all trying to bear witness, and I found it beautiful to think that these people still had the strength to write and, therefore, display an act of faith. Faith in the reader, faith in their own words, faith in history. But I didn't believe it, until we found pages and, in reading, I came to know the people, Zunder commander.

I came to know a certain Zalman Gadowsky who wrote, who wrote so much. He wrote and every time he began a new introduction called, "A Letter to the Readers." "You who read me you won't believe" and so forth; and then "A letter to the Person Who Will Find These Pages," saying, "You Who Find These Pages," and so forth.

At one point, he wrote: "I have a request to you, I have a request to you who will discover these pages. A last wish. The wish of a man who knows that his last crossroad is near. We are all doomed only the date has not been set as yet. Here is the address of my relatives in Brooklyn. Find them, they will know, they will tell you who I am. There are pictures of myself and my family. Publish them together with my testimony. I wish I could think that somewhere someone will shed a tear for me and my family for I can no longer cry. I drown in a sea of blood. Waves follow one another. Impossible to be alone and cry, cry over our common tragedy, but I am unable to shed tears. And yet, at times, I feel my soul so wounded. At times, I hope that one day, one day I will be able to cry."

He gave the address and the name of his relatives and those who found the documents right away went to Brooklyn, to Broadway, East Broadway, to find. Indeed, there was a man who had lived there, the same name, he had died a little while before.

There was a man whom we knew existed but we called him the anonymous writer because he had no signature. All that we had was initials, Yud-Aleph-Resh-Aleph-J.A.R.A.--and we didn't know who he was, but we also knew that one of the Commander members was a Dayan, a Rabbinic judge, and he was a beautiful man according to the other testimonies. He was the only one who somehow was spared the work. His colleagues permitted him not to engage in the work. He did not burn the corpses. He was a beautiful man. You sense it from the others. And his name was Yehuda Leb Langfoos. Now a Professor Mark, who died a couple of years ago in Warsaw, he was a Jewish historian, he deciphered the initials. Yud-Aleph-Resh-Aleph mean Jehuda Arye Regel Arukah which means Yehuda Leb Langfoos.

So the anonymous author suddenly became his identity. I shall read to you what he writes: "I wish that all my descriptions and notes buried once upon a time and signed JARA. be collected. " And now listen to the austerity and the dryness of his writing:

"There can be found in various boxes and jars under the courtyard of Crematorium 2, two other comprehensive reports. One of them, entitled, 'The Deportation', which is inside the grave full of bones near Crematorium 1 and the description entitled, 'Auschwitz', which is under the leveled bones on the southwestern side of the same courtyard. Later, I rewrote and supplemented it and buried it apart among the ashes on the side of Crematorium 2. I wish that all these writings be published together under the title, 'In the Nightmare of Murder.' We are now going to the zone. We are 170 men, the last. We know that we are being led to die."

If ever a person comes close to despair, but total black irrevocable despair, it is when one reads these documents. And I confess that I....I find it very hard to read. But I remember it was Yom Hoshua and I feel compelled to observe the date in reading, and I said to myself, if he, Reb Leb Langfoos, had the strength to write these papers, surely we must find the courage to read them.

These are strange documents that he writes. He describes the people, for instance, he describes the people during the last moments in the chambers, in the chambers, five minutes or three minutes before,before. Two hundred young Hungarian Jews being beaten savagely before being shot in the chambers. He describes it.

He describes emaciated hungry Jews from Poland who begged the Zunder Commander to give them bread before being killed. He describes a five year old girl undressing her one year old brother whispering to him, "Don't be afraid, it won't hurt."

He describes Jews from Holland, from Poland, Jews from all over Europe. How they met in the chambers. He describes one young woman who began to make a speech. In her speech she said, "We shall not really die here. The history of our people will remember us and make us immortal."

Listen, I quote. "This happened toward the end of summer, 1943. A transport of Jews arrived from Tarno. They wanted to know where they were being taken. They were told 'to die.' They were already undressed. They looked grave and silent. Then they began to recite the Vidui --the last confession before death. Then a certain young Jew, naked, stood up on a bench and asked everybody's attention and he said, 'We are not going to die,' and they believed him."

The Reb Leb Langfoos describes and I quote again, "Passover, 1944. A transport of important Jews arrived from Vittel, France. Among them, Reb Moishe Freedman of Bayonne, a famous Rabbi. He undressed together with the others. Suddenly he approached an SS Übersturmführer, seized him by the lapel of his uniform, and spoke up, 'You common, cruel murderers. Do not think you will exterminate the Jewish people. The Jewish people will live forever, while you murderers will disappear from the world's arena. The day of reckoning is near. Our blood will cry for retribution.'"

"He spoke and nobody interrupted him," says Reb Leb Langfoos. "Then he cried out, 'Shma Yisroel'; and all the others repeated with him, 'Shma Yisroel', (Listen, O Israel), and Reb Leb Langfoos goes on saying, 'And something took hold of all those present. This was an extraordinary sublime moment, a moment not to be equalled in the lives of men.'"

Something happened then. Something was unleashed then in history--hate, anger, indifference, self-destruction, something happened, and what happens today is nothing but the result. I think that what's happening today is directly and organically linked to that event. Today, we have the impression sometimes that we are witnessing the end of history, the end of times, the Apocalypse.

In our tradition, there are certain predictions about the Apocalypse, and the predictions are beautiful. Hasidic predictions, Midrashic predictions--women will dominate men; children will behave like old teachers; teachers will be terrorized by their pupils; cold summers and hot winters; men will lose the connection between the parable and its meaning; words will be in quest of meaning and meaning will be in search of words. Chaos will be everywhere.

And, well, today some of these predictions came true. Chaos everywhere. We have conquered space and left the streets to muggers. We are obsessed with communications and yet like the primitive man in the caves, we deal with images. We are about to discover the origins of life and to achieve the extermination of all life. We don't know where we are going, but we are going there very fast. As Alexander the Great said, "We have conquered everything and possessed nothing."

In politics it's worse. Tragic or comical, but not serious. You no longer know who belongs where--in the White House or in prison. We almost had a government not in exile but in jail. Nixon is popular in China, Ford in Russia. Political definitions and affiliations appear to have been deranged. Conservatives advocate internationalization, while liberals preach isolationism. Politics used to be 'public' and sex 'private,' now it's the opposite.

Many predictions did indeed come true except one. "In those days," said my favorite Hasidic master, Reb Nachman of Bratzlav, "Fools will be ashamed of their foolishness and imbeciles of their stupidity." This has not happened yet. But clearly these are signs to be decoded.

Could it really be that we are witnessing the ultimate decline and disintegration of mankind? I'm afraid of the answer and I'll tell you why. The world has not yet been punished for what it did to my people. Is this going to be the punishment? Does it take a generation for the punishment to catch up with the crime? Is the absolute weapon to be a result of the final solution? I hope not, but I'm afraid, for we know that history has at times entered into madness.

It happened more than once that people awoke one morning and began slaughtering one another in sheer madness. During the Crusades 100,000 children rose one day and began marching toward Jerusalem to free Jerusalem and the holy places and most perished. It was madness.

One generation ago perhaps mankind was caught in the whirlwind of murderous insanity. Are these winds to blow again? Suppose Idi Amin gets hold of a nuclear missile? Suppose Qaddafi managing to buy a nuclear weapon? I am afraid not only for the Jewish people, although I am afraid for the Jewish people, I'm afraid for mankind. As for us Jews, what else can mankind do to us that it hadn't done already. We were expelled from society, robbed of our fortunes, and reduced to objects. We were exposed to humiliation, persecution, torture, and annihilation. We were surrounded with walls of fire and fear and pushed to the limits of despair and beyond. Our children were massacred, our sanctuaries profanated, our sages driven to madness, and silence, and yet, we took the ruins and we built new beginnings.

We took memories and erected new houses of studies. As much as mankind has tried to have us give up on its humanity, we go on believing in it, or at least we go on working for it. If we chose one generation ago not to turn our back on man and society, and our Christian friends, it has a meaning, that man is not to give up when man's faith is at stake. We knew the truth then and we know it now. In times of need we are alone and almost alone. We have friends but they are few. And we are grateful to them, but they are so few.

The question we faced then was what to do with our knowledge. What to do with our suffering? This is still the question. What is the answer? I don't know the answer. Perhaps there is none. What we do know is that we shall not imitate the enemy. We shall not attempt to dehumanize man. Quite the contrary, we shall forever attempt to make him more human, for that is the message entrusted by God to his people, not to Judaize mankind, but to make it more human.

Let me read you, with your permission in conclusion, a story which is not mine. I love stories. The story is from a book called, "Shebet Yehuda," a Book of Martyrology of the Middle Ages. I quote:

"And it came to pass that somewhere in Spain in the 16th Century a Jewish community was uprooted and sent into exile. It boarded a ship and was then stranded somewhere in the desert. Among the refugees there was a family of four: a man, his wife, and their two small children. They were hungry and thirsty, so they began to walk, hoping to find a city, a village, a dwelling place. They found none.

"Still, they kept on walking and hoping while hunger and thirst became unbearable. One night they felt too tired to continue and they decided to rest. They were four as they lay down but only three awoke: the father and his two small children. They buried the mother and said Kaddish and continued to march from nowhere to nowhere. Then they had to rest again. They were three as they lay down, only two awoke: the father and one child. They buried the other and said Kaddish.

"Then they were two as they lay down, only the Father awoke. So he took his dead child in his arms and spoke to God: 'Master of the Universe. Their Mother died of hunger

and I said Kaddish. His brother died of hunger. I still said Kaddish. Now he died of hunger, and I know what your design is. You want to push me, to force me to stop staying Kaddish, to force me to stop believing in you, to stop longing for your presence. Well, God of Israel, I am telling you now, you will not succeed."

History has for 2,000 years pushed us into such a test trying to force us to give up faith, faith in God and faith in man, and we shall, forever I hope, continue to say "no." No one will ever succeed, not in this area which is essential to our people's memory and our people's image of itself.



"You can't be a Christian in a cave", or Jew, or Moslem. Neither can you be very much of a viable human being in a cave. But many of the elderly are locked in a cave of sterility, caves of psychological isolation, by the mores and standards of our throw-away society, our planned obsolescence, where even human lives are expendable. Locked in by the harsh inadequacies of poor health care, poor housing, poor nutrition, and total unappreciation of the human need to communicate meaningfully with others.

This is not the problem of the "well off" aged. In our culture, with money, the avenues for health and personal adequacy are varied, and available. But there is no freedom, no life, liberty and pursuit of happiness without adequate financial security, without which the problems of simply existence consume just about all the waking hours. It is not uncommon for older people to spend 80% or more of their monthly income for shelter alone. Pursuit of happiness are words of a cruel joke to those who must live in constant fear of the depletion of their small fixed income, in fear of crippling illness, without adequate medical care, in fear of mental depression, living in lonely isolation, bereft of friends and loved ones, stripped of all status, with almost no opportunity to contribute to a better world- because this is where it is at in our pressure, profit and WIN society.

The answer is not in simply giving things to people- man does not live by bread and shelter alone. You have heard that by giving a man a fish, he can live one more day. But teach him to fish, and he's fed for a lifetime. We must give our fellowman the teaching, the know-how, the incentives, the spirit- to allow him to utilize all his unique God-given abilities PLUS the basic financial security, to live more abundantly.

In these times of rampant inflation and corporate irresponsibility, the basic human rights and freedoms guaranteed by the first amendment are jeopardized for all members of society, but particularly for the young and old, on whom the future uniquely depends. Instead of the working recognition of interdependence which is the last best hope for tomorrow, we are becoming stratified, fractionated and increasingly divided into frozen peer groups

1

who listen only to themselves. The linking of youth with age has experimentally proven to be almost magically practical. There is ample evidence that the completely interinvolved community is bright with promise as a means to cope with the future. There is more than ample evidence that a stratified community, or a fractionated world, is unlikely to meet the impatient demands of tomorrow's complex, ever crowding humanity.

Probably one cause of the irresponsibility of our young people today is their increased isolation from the communion with other groups, paralleling our cultural attitudes towards our older citizens- we offer them existence without integration. The church with its age layered hierarchy of schools and classes has not even addressed itself to the problem- it is part of the problem. We the people challenge the religious community, the separated age groups in churches, schools and other organizations, with a call to action, to breaking the artificial barriers the past has erected between the young and old. And instead we dare them to a program of action that brings together the magic of the differing wisdoms, the differing creativities, unique to each age.

There is equal opportunity and responsibility on the part of our older citizens to provide to the community and our society their special abilities, knowledge and wisdoms that ripen with increasing age. The days of competition, making a living, and WIN can be moved off center stage, and there is time to study, understand and attack the very real problems of our age. Older people are the right people at the right time to exercise the rights of the conscience of the community. They. They can, for instance, be the "watchdogs" of the good society, the monitoring eye on committees, legislation, projects and budgets.

Old age should indeed be a time of liberation from old mindsets, and a time for new insights, new plans, new experiences. It can be a time for integrity, dignity and fulfillment of life's goals. It can be a time of bold risk-taking, and studied impudence at a cock-eyed world.

Now, all the establishment's "thou shalt nots" can be taken ever so lightly- it has lost its ritualized power to coerce!

The prevailing approach of the religious establishment toward the aging is "benign neglect". To the question of what are you doing for these people, they point with simple pride to their cold storage honeycomb homes for the elderly. To overcome the imprint that neglect and society's callous ethics have forced on older folk, it is incumbent upon the religious community to initiate a whole new positive program of recognition of the problem of the elderly, and initiate with imagination steps with promise for real change.

Only the bringing together of all of us who are determined, committed, willing and able to make the leap of faith, to break with the past, can turn the lemming-like march to humanity's suicide that waits just over the near horizon. The wisdom of the aged, the enthusiasm, creativity and effervescence of youth, the intelligent support of all those whose lives of business absorb their days, only all of thee, working under the clear recognition of their inexorable interdependence, can change in time the malaise, pervasive cynicism and despair that permeates our land on its 200th birthday.

AND THE EVENING AND THE MORNING WERE THE FIRST DAY, As we celebrate two hundred years of the American dream of the freedom and dignity of the human individual, there is an enormous promise, but a critical urgency, in recognizing that the first day is past. Nothing suggests that God is impressed by our celebration of snowmobiles, Hi-Fi, gasoline chariots, nuclear deterrants, laser beams- or pious affirmations.

Not only must we "choose this day" for justice, goodness and love- we must choose to make life sacred on this planet- or watch it end by default. The churches are part of the decision. Old truths and comfortable dogmas are firmly implanted on the side of golden memories of ~~XX~~ a glorious first day. The churches must find a whole new role on the growing edge of this green second day.

Bicentennial Conference on Religious Liberty
1520 Race Street
Philadelphia, PA 19102
LO 3-2036

Conscience and the Limits of Civil Obedience

CONSCIENCE

Conscience may be defined as the seat of the person's ultimate concern and moral discernment. A healthy conscience requires a certain "inner pluralism" which encourages a critical appraisal of law and authority imposed from without. Conscience can be snuffed out by the "programming out" of the inner pluralism.

A person may entertain at any given time Civil Obedience - Civil Disobedience - Conspiracy - Sedition - Open Rebellion. It all springs from conscience, human nature and religion.

A person of conscience cannot just do something because it is expected; one cannot accept something uncritically. Conscience must relate to means and ends. There must be a search and exploration of the conscientious thing to do. Conscience implies an internal pluralism.

The noblest edifice of liberty cannot stand on a foundation of inequality and injustice. Civility and legitimacy cannot survive if basic human needs are not met and equal access to justice is denied.

Civil disobedience may be defined as a public, non-violent act of non-compliance with a specific law in which the actor is willing to accept the legal consequences of his/her action. In opting for Civil Disobedience, the person intends to act as a responsible citizen for the sake of the reformation of the society.

HOW DOES CONSCIENCE DIE?

The growth of the "technology of control" and of a "management mentality," together with a popular tendency to acquiesce and retreat into "privatism," constitute an unprecedented danger to liberty of conscience.

Man can do wrong for so long that he thinks what he's doing wrong is right.

Habit and custom.

Inherited thoughts.

The need for discipline to build more accurate conscience.

Ultimate commitment is necessary to use conscience.

Every person out of a sense of integrity must be true to self. In so doing, one must act as if one's behavior were to be generalized, given the same context.

Conscience and the Limits of Civil Obedience

The enunciation of the principle of the free exercise of religion according to the dictates of conscience as an inherent right of the individual not to be infringed by government was a "new thing" produced by the American experience.

It is the function of government to "secure" liberties and facilitate their free exercise; but government has not the authority to grant or withhold rights which belong to the people.

The participants of this session came with the following set of concerns which became the agenda for the discussion.

1. How and from where does authority flow.
2. What is the relationship between the individual - group in Civil Obedience or Civil Disobedience?
3. Is there a conflict between Religious Obedience and Civil Disobedience?
4. Can the claim of the two allegiances be worked out?
5. What is legitimate authority?
6. Are there viable ways of expressing discontent with the priorities of the country?
7. Has Civil Disobedience lost its non-violent aspect?
8. At what point does violent revolution become the only option for the person - group of conscience?
9. There appears to be no ready forums for issues of conscience.
10. By what criteria are laws to be judged as to legitimacy or illegitimacy?

We agreed that the following criteria are useful in judging the legitimacy of laws.

1. Legal equality for all persons.
2. Laws to affect life and liberty must be generally applicable.
3. Ex-post-facto laws depriving persons of Life and Liberty are illegitimate.
4. The agency of law making should be separate from the agency of law enforcement.

SEMINAR ON CIVIL RELIGION

Report for Conference Proceedings

Dr. Roland R. Hegstad, Moderator
Dr. Elizabeth Bettenhausen, Discussant

"If a person sees no conflict between God and country, that's civil religion."

Civil religion is a sociological fact, and we can't make it go away, so how do we make it better?"

Any seminar on civil religion soon runs into the problem of definition. One person sees civil religion as the deification of the state, the "bad faith" of attributing absolute meaning, value, and authority to humanly created government. Another sees it as a linking of religious idealism and political pragmatism, capable of being wielded in advocacy of such desirable objectives as racial and economic justice. Is civil religion a prostitution of voluntary commitment to the transcendent, or simply secularized devotion to religious trivia? Is the call for a renewed civil religion for the United States the best hope for national unity or an early warning of pending destruction of liberty?

The seminar on civil religion reached no consensus on the nature or the function of civil religion. In this respect it reflected the status of civil religion in the nation. The dilemma can be stated as follows: Is civil religion a necessary evil or a relative good?

Many in the seminar saw it as certainly inevitable: a society always needs common values and goals to effect its unity, and it is human nature to ground those values and goals in the security of a transcendent order. When the transcendent order is seen as a judgment upon the society, relativizing each attempt to claim ultimacy for the creations of that society, then civil religion is a relative good. When the transcendent order is seen as an unambiguous justification of the society and its creations, then civil religion is a necessary evil.

No matter what content one gives to this functional definition of civil religion, in no expression is it identical to the normative claims made by the major traditional religions present in the United States. Civil Religion is not identical to Judaism, Christianity, or the emerging varieties of Eastern religions. There will, therefore, always be the question: What is the relationship between the faith of a member of one of these religions and the faith implicit or explicit in civil religion? This is especially relevant to the question of religious liberty. Religious liberty is perverted or destroyed if access to full participation in the society is contingent upon adherence to civil religion (in so far as civil religion and one's faith are incompatible or contradictory). Yet, the consensus expressed in civil religion may be essential to the ordering of a pluralistic society in which the liberty of diverse religious convictions is possible. The obvious questions arise: What consensus is essential to a coherent and viable society, and must that consensus have a transcendent foundation?

The danger of civil religion is the deification of the state or any other reality short of God. The danger which some see civil religion as meeting is the disintegration of the nation as its sustaining myths and ideals collapse. The problem of civil religion is the problem of the relationship between ultimate allegiance and political allegiance. To see that the two are not identical is the first step in putting civil religion in proper perspective.

A final set of questions remained unanswered in the seminar:

1. Does the United States have one civil religion or many? If many, can many civil religions serve the function of unifying the nation?
2. Is a civil religion based on covenant possible in a highly pluralistic society?
3. Does civil religion flourish when the traditional religious communities fail to articulate well their understanding of the relationships between religious faith and political life?
4. Does civil religion deny the deification of human beings or seek their deification through the state?
5. Is secular humanism in the public schools the "doctrine" of civil religion in the secular state?
6. Is the current American malaise the result of the loss of faith in the myths and symbols of civil religion?

If civil religion is for any society a sociological fact, it might be said that there is no better chance that seminars on civil religion will be eliminated either.

Bicentennial Conference on Religious Liberty
1520 Race Street
Philadelphia, PA 19102
LO 3-2036

Seminar: Religious Liberty and Private Education

1. We are all concerned about the transmission of our values to our children, we accept the fact that all education is permeated with values. We agreed that such distinctive values are critical to preserve in a free society, and that the state must constantly seek to provide the environment in which such values can be communicated by our teachers to our children. Some of us believe that religious oriented education must be provided to our children during the normal school hours; others feel that this can be done after normal school hours.
2. We discussed recent Supreme Court decisions striking down or severely limiting aid to non-public schools. The Court argues that state programs which stimulate religious controversy and strong debate bring the issue into the area of impermissible entanglement of church and state. The Court's stance was seen by some as a dangerous stifling of free speech and freedom of religion. The danger lies in silencing those arguments on vital issues which are based on religious grounds. Others in the Seminar did not see the Court's rationale as dangerous.
3. We agreed that the cost to operate any educational system is high, and that families in low and middle income groups will have increasing difficulty in choosing the schools of their choice for their children. We recognize that without some form of aid from public tax money, the very right to such education will in effect be denied to low and middle income groups.

We discussed secular humanism as recognized by the Supreme Court as a religion. Some of us argued that the value system of secular humanism was being taught in the public schools. There was wide difference of opinion as to its existence or extent in public schools or in other education.

Joseph B. Boyle
Recorder

Bicentennial Conference on Religious Liberty
1520 Race Street
Philadelphia, Pa. 19102
Telephone: 215/563-2036

Long Report: Public Education Seminar
Dr. Joyce Bailey, Moderator
Dr. James E. Wood, Discussant

Report No. 1--April 26, 1976

After briefly stating the subject for discussion, Dr. Bailey asked all participants to identify themselves and to indicate their respective reasons for selecting this Seminar. Several stated a concern about the large number of young people today, products of the public school system, who appear to have had little or no religious training, and a further concern about what role the public schools can or should have in providing such training. Some evidently were already convinced that our constitutional guarantee of religious liberty would effectively prohibit any kind of religious training in the public schools, while others were of the opinion that some way could be found if we were willing to explore all possibilities. Most appeared to be unsure as to what, if anything, could be done.

Dr. Wood presented an historical overview of the establishment of the public school system in America, noting how our schools had originally followed the European pattern of religious foundation and affiliations but how such leaders as Thomas Jefferson and Horace Mann had succeeded in the establishment of a system which, while basically "Protestant", was not affiliated with any particular denomination. He noted that protests were heard from Protestant denominational groups not in accord with the predominant group in the community, and especially from the increasing immigrant groups who were predominantly Roman Catholic and who protested that their children should not be required to participate in the prescribed Protestant prayers or Bible reading. As a result, the various states adopted various methods of answering these protests (released time programs, etc.) and many private religious schools were opened. It was not until the McCollum decision in 1948 that the federal government, through the United States Supreme Court, finally entered into the dispute. In that case, the Court ruled (8 to 1) that a released time program for religious study, even though voluntary, was unconstitutional under the First Amendment. And there were three more decisions within the next fifteen years invalidating state laws regarding school prayer and bible reading as well, the Court always maintaining, however, that it had no hostility whatever to religious training but that Church and State must be strictly separated. Dr. Wood noted that Gallup polls continue to indicate that most people want prayer in the schools, as long as it is voluntary, but that none of the proposed constitutional amendments has as yet been approved by Congress. Moreover, he noted that schools are more and more providing for study about religion and religious practices in the curriculum so that children can learn about religion without being required to subscribe to any form of it or to follow any religious practices.

In the limited discussion that followed, one participant noted that, in his experience, school prayer and bible reading had been very perfunctory and were hardly effective as religious training.

Another participant questioned whether we had inadvertently brought about a public school system that, in teaching no religious values, actually teaches that no values are to be held important and is, therefore, really teaching a "new" religion--in violation of the First Amendment.

One participant referred to the public schools as now teaching "secular humanism" and asked how that could be sanctioned within the First Amendment's prohibitions.

Another replied that it may be quite impossible to teach religion objectively enough to have it taught in public schools, and said the result is that it must be totally prohibited.

Still another, however, protested that religion, like any other subject, could be explained and taught without promoting it, and should be so presented in the public schools.

A question was raised as to the possibility of a voucher system, with parents receiving vouchers to spend for the education of their children wherever they prefer. Another, as to what some states have already tried in the way of providing some public school religious training. Still another, as to whether or not values can be taught without reference to a religious basis. Finally, someone questioned: what is meant by religion? Time did not permit further consideration of any of these questions at this session.

Report No. 2--April 27, 1976

Dr. Wood noted that many resources are becoming available for those who want help in devising programs for "teaching about" religion in the public schools, with many colleges, universities and institutions of other kinds preparing teaching materials, courses, and other aids. Among resources he mentioned here these available from: the University of Indiana, the Pennsylvania Department of Education, Florida State University, Wright State University in Dayton, Ohio, the University of Michigan and Michigan State University, the University of Minnesota, the American Academy of Religion and the National Council in Religion and Public Education. He mentioned that a recent study made in Massachusetts by a Dr. Warshaw indicated that most high school students there were "religious illiterates".

Dr. Bailey suggested that the discussion focus on what can be done in the field of public education to facilitate "teaching about" religion and religious practices without indoctrinating, and that less attention be directed here toward the teaching of values. She agreed, however, that value teaching is a crucial issue, but reminded that all litigation so far had centered about the teaching of religion, not the teaching of values.

The question was raised as to whether or not moral values can be taught without any religious basis, and there was some discussion of a "value clarification system" now being used in some schools, in which religious illustrations might be introduced on occasion.

The suggestion that the use of a voucher system might enable parents to select the curriculum for their children which they think will teach the best value system. This was strenuously opposed by at least one participant, however, who sees the voucher system as designed to dismember the present public school system.

A further suggestion was made that some of the religious communities of this country are not yet really committed to the public school system, either feeling no responsibility for it or feeling comfortable with it as it is and, therefore, unwilling to make changes. It was noted, too, that many people today have no religious commitment themselves, and so do not want public schools to have any.

There was some discussion as to what extent local superintendents or principals would introduce curriculum changes involving "teaching about" religion, fearing the controversy which would occur if any teacher actually did indoctrinate, or even seem to indoctrinate. Dr. Wood noted, however, that the associations of such school officials, i.e., the American Association of School Administrators, had indicated strong interest in these programs.

Dr. Bailey again reminded that our real question is: What would the churches like the public school system to do?

It was suggested that public school curricula might provide for attention to religion to the extent it applies to the subject concerned, but it was also noted that many teachers might not have enough training in the study and/or the teaching of religion themselves to answer the questions raised.

A film was shown, which was prepared by the Florida State University, and which indicated the type of assistance provided there for teachers of the social sciences desiring help in presenting religion units in regular course material.

It was suggested that Christian denominations must realize that they are now in the minority, just as Jewish people have always been, with the majority now being non-Christian in fact if not officially so designated. As a result, perhaps, they should concentrate on educating their own children in their own religious doctrines and not put any burden in this regard on the public school system, but instead leave the public schools to teach "religion in action"-- i.e., the moral principles upon which all denominations can agree.

The seminar was required to adjourn before any reaction to this suggestion could be advanced.

Report No. 3--April 28, 1976

Dr. Bailey showed a film, made at the Florida State University, showing how units on religion might be incorporated into high school history classes.

One participant objected that the students shown in the film were evidently taken by their public high school teacher to see a service in a synagogue and that he believed this would violate First Amendment prohibitions. Dr. Wood stated, however, that he believed the students were merely shown a film of the service. At any rate, several participants joined in the suggestion that actual visits to religious services should not be part of the course work in a public school.

It was noted that any teacher, even one presenting the story of the Indian boy and "his god" as the teacher in the film did, would have to be most careful not to indicate his or her approval or disapproval of the Indian concept; and that this would be a difficult posture for many to maintain. We questioned whether or not any history teacher could be adequately trained in religion so well so that a fair and informed presentation of a unit on religion really could be made.

It was suggested that secularism must be the rule in the public schools and that there must be a point beyond which the claims of extreme fundamentalist religious groups cannot be accommodated, in which case they must set up their own schools rather than be permitted to constrict public school teaching in an excessive

manner. For example, a religious group may adhere to an historic concept which has been discredited by reliable research. In that case, the public school must teach the accredited version.

It was stressed however, that teaching an historical event and teaching a religious principle are different, the former being within the school's premise and the latter being for the church to handle. Similarly, there is a difference between teaching a religious principle or practice, and teaching about it. The latter implies explanation only, with no indoctrination, and an adequately trained teacher can do this.

Considerable apprehension was expressed as to the possibility of training teachers properly to handle religion units in the studies for which they are certified to teach, this calling for a sensitizing of the teachers which might be difficult or even impossible in some cases. It was pointed out, however, that there are controversial matters in almost all fields of learning, about which teachers have to be trained and sensitized, and that we could develop adequate teacher training programs in the field of religion as in any other.

It was suggested that the of the public school, or of any school, is not exclusive, and that, actually, the family and the church must play the major roles in religious training.

One participant noted that parents have sometimes proposed and helped develop course materials in areas of concern (as for example, where schools were not teaching black history, or where they were giving no attention to Jewish discrimination, etc.) and that parents could also exert their influence to have teaching about religion carried on in the public schools as well.

Dr. Wood suggested that, inasmuch as most people want our country to continue in its secularist tradition, with its necessarily pluralistic religious make-up, religious groups should offer their help to the public schools and aid them in teacher training, text book preparation, etc. so as to make teaching about religion practical.

It was noted that, while some religious groups were providing their own religious education, most have been expecting it to come largely from the public schools--a situation simply impossible now, if, in fact, it ever was really possible even for the Protestant sects who were originally responsible for the public school system. It was suggested that all religious groups are finding now that they do not see enough children often enough to believe that any sizeable proportion of public school children get any church or family training in the area of religion whatever. Consequently, while the family and the church must still do the teaching and indoctrinating, the teaching about religion can and should be done in the schools. But it will take much work in teacher training and in the development of teaching materials, in which the churches can and must participate.

It was suggested that religious liberty had been an issue in public education ever since the first public schools were established, but that, whereas the question was first raised in behalf of children whose parents did not want them exposed to the Protestant religious practices then countenanced in the schools, the chief question now is raised in behalf of children whose parents (of varied denominations) object that they are taught nothing at all about religion in the public schools. Parents are concerned about the "religious illiterates" being turned out of the schools today. Even

those parents who would say that they and/or the churches have or share the primary responsibility for religious teaching, still want some trained teaching about religion in the public schools. It was suggested that they must make their desires known and recommend how those desires can be met by the schools.

* * *



Report: Free Exercise of Religion

Introduction:

The seminar considered how to further religious liberty, especially its collective exercise, to the end that individuals and groups might fulfill the obligations of conscience without civil interference.

1) De-programming Religious Converts

The issue is whether persons who are not minors can be abducted, deprogrammed, and persuaded under duress to relinquish religious commitments objectionable to their families.

There was general consensus that for persons over 18 this practice represents a severe infringement of their religious liberty.

2) Congregationalizing

The issue is whether civil law governing church property can be used to free local congregations from the control of their denominational (connectional) polity?

3) Churches and Public Policies

The issue is whether government may regulate or restrict the efforts of churches to effect public policy on moral and ethical issues?

We resist all efforts of government to penalize or inhibit, by means of the tax laws, the churches' efforts to meet this historic and inherently religious responsibility.

4) Tax Exemption of Churches

The issue is whether churches should be exempt from taxation and, if so, contingent upon their silence on public issues?

Most felt that whatever the merits of tax exemption, it should not be predicated on church silence on public issues.

5) Definitions of "Religion" and "Church"

The issue is whether government should define, by positive law or judicial opinion, what shall qualify as "religion" or "church?"

The defining of these terms should be the responsibility of religious groups themselves.

6) Blue Laws

The issue is whether commercial conduct on Sunday can be regulated by law for religious reasons.

The Seminar recognized that the courts have held that Sunday-Closing-Laws, though religious in origin, are now secular in effect, and therefore constitutional. Nevertheless, stores which close for religious reasons on a day other than Sunday, should be permitted by law to be open on Sunday.

7) The Right to Be Different

The issue is whether individuals or groups should be exempted from the application of general laws because of claims of religious liberty? (Old Order Amish refusal to send children to public school beyond 8th grade; Pentecostal insistence on exuberant worship services despite complaints by exuberant neighbors; etc.)

This would be justifiable only to protect public health or safety, or the life-rights of others. Some felt that no law would be constitutional which infringed positive claims of religious liberty.

8) Discrimination by Churches

The issue is whether churches may determine their own criteria for admission or employment (including clergy) without violating equal employment and civil rights laws?

Some felt that civil-rights considerations should prevail only if the government can show a "compelling" justification. Others felt not even this should not interfere with the free exercise of religion in the selection of church members, employees, and clergy.

9) Military Chaplaincy

The issue is whether the military chaplaincy, as presently organized, meets the constitutional test of providing free exercise of religion of persons the government has removed from the civilian environment?

Evidence was introduced that such is not the case, and the issue was discussed at length and the house was divided on the issue.

CONCLUSION

The following principles were repeatedly affirmed through the Seminar discussion:

- a) the free exercise of religion should take precedence over all other considerations except, possibly, survival or self-defense in the event of invasion.
- b) in deciding religious disputes, the civil courts should not assess religious doctrines or tenets, but enforce the ruling of the ecclesiastical tribunal having jurisdiction.

Long Report Final Draft GENOCIDE AS NATIONAL POLICY AND RESISTANCE THERETO

Dr. Homer Jack, Moderator

Sr. Ann Gillen, Discussant

Rev. Donald G. Vincent, Rapporteur

The mention of genocide elicits many responses from many people and representatives from many groups. A generalized opinion is that there are persons in all minorities who think that their group is living under the threat of extinction by some other group or burdened by the effects of past genocidal actions, whether in ancient history (e.g. women in the transition to patriarchal society) or modern times (American Blacks, Indians, Southern Hill-people). While it is not possible to dismiss lightly the claims of any minority group that its members have suffered injustice, the strict meaning of the term genocide indicates that some groups today are more severely threatened with the possibility of extinction, whether wholly or partially, such as selected groups in the Soviet Union, the Middle East, the Sub-Sahara and Latin America.

In order to discern the problem of genocide as national policy, the Genocide Convention becomes the "plumbline" or document that maintains the bounds of dialogue. Article II of the Convention defines genocide as:

"...any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group."

It is possible to label the 20th Century the Age of Genocide. There are estimates available that at least as many human beings are dead as a result of genocide since the death of Hitler as there are dead as a result of traditional warfare. It is possible to point to numerous examples of genocide, the most recent being:

The 1915 massacres and deportations that cost the lives of 1,500,000 Christian Armenians in Ottoman Turkey;

The Holocaust of 6,000,000 Jews in Nazi-controlled Europe in World War II;

The attacks on other groups as diverse as the Bengalis in East Pakistan, political opponents in Indonesia, and tribal groups in Africa.

While genocide per se, that is, genocide in the sense of the "final solution", is abhorrent, there are also related evils which sometimes are the first steps to genocide and often accompany it. These related evils are discrimination, intolerance, and persecution. They take form as acts of repression such as denial of educational opportunities, denial of publication rights, denial of the opportunity freely to form associations or to choose religious leaders, and even the denial of the right to leave a country.

GENOCIDE (2)

As religious people, we affirm the basic dignity of all human persons. This dignity is affirmed by some to be an inherent character of the human person, and by others affirmed because human beings are created in the image of God. This dignity implies the freedom, as the United States Declaration of Independence said, to life, liberty and the pursuit of happiness. Genocide and its related evils are the denial of the dignity of the human person and must therefore be prevented at all costs. Whenever and wherever this dignity is endangered, all persons of good will should respond to the call and help prevent any further acts of genocide.

Elie Wiesel said that the Holocaust was a time "when conscience was mute and religious liberty was mutilated." Our Seminar affirmed that "religious groups and persons must say NO to any action which leads any people to a position of hopelessness." That NO must be acted out as well as verbalized.

Despite moral and legal condemnations of genocide, this twentieth century experience is a warning that the threat of genocide can be expected to recur. Groups facing this threat today include Jews in the U.S.S.R. and the Middle East; Hindus in Bangladesh; Indians in Latin America, and tribal groups in Africa.

This list could be, and possibly should be expanded by adding many more states to the list. History points to the fact that genocide as national policy is always a possibility.

This being the age of genocide, solutions are needed urgently. As a first step the United States should join the other major world powers and ratify the Genocide Convention. The Senate Foreign Relations Committee has affirmed the passage of the Convention as have other organizations such as labor unions, civic and religious groups, men's and women's organizations, war veterans and most recently, the American Bar Association. Especially during this Bicentennial year, a time of remembering the roots of our own freedom, citizens should urge their Senators to take affirmative action.

All religious persons and groups are urged to discuss the issue of genocide and to work through their respective national and international bodies to bring about the end of steps leading to the destruction of human life as well as genocide itself.

The hope of the United Nations that it will not fall into the exercise of selective morality. The U.N. Should therefore be vigilant to identify signs of potential genocide and take prompt steps to end such persecution in any nation or any political bloc. The U.N. should devise machinery appropriate for the implementation of the Genocide Convention and also give authority to the High Commissioner of Refugees to rescue human beings in the midst of genocide. Finally, the U.N. should encourage nations which in the past have committed genocide to face the true history of those events and to make restitution, however belatedly.

All nations are urged to respect the human rights provisions of the United Nations Charter. Any government that resorts to coercive methods and force against its citizens and/or minorities within its borders demonstrates both its own weakness and its contempt for human integrity.

SEMINAR ON RELIGIOUS LIBERTY AND INTERNATIONAL AFFAIRS

Report for Conference Proceedings

MAJOR CONCERNS COVERED IN THE DISCUSSION

A. Complexities in the Current Situation

1. The admixture of other factors in situations of religious persecution and conflict: Religious liberty issues cannot be looked upon in isolation for they are frequently mixed up with other human rights issues or various types of discrimination, or with political or economic factors (e.g. USSR, new Moslem states). Such types of discrimination or human rights violations are at the basis of certain conflict situations to which past history and/or the current political situation lend an overlay of religious conflict (e.g., Northern Ireland, Lebanon).
2. The inter-relationship between religious liberty and other rights: Religious liberty is interrelated with other rights and in the view of many is the cornerstone for their protection. Religious people--churches and synagogues--should not be neglectful of these other sectors of the arch of liberty or focus too narrowly on the right to religious freedom. It was suggested that possibly the best way for them to strengthen their own freedom is to demonstrate an active concern for those in society whose freedoms and rights are injured or constrained--i.e., the disadvantaged, the powerless, the victims of discrimination, the "least of these my brethren."
3. The need to distinguish legitimate limitations on the exercise of religious freedom from unjust restrictions. The Universal Declaration on Human Rights (Article 29) refers to limitations which meet the "just requirements of morality, public order, and the general welfare." This is a difficult area, subject to differences in interpretation and potentially dangerous with respect to implementation.

B. The Present State of International Safeguards

1. The struggle to maintain the international standards: Increased representation in the UN of countries of different "non-Western" cultures and differing political and economic systems has somewhat blunted the full impact of the historic Universal Declaration on Human Rights. Their priorities at the present time are political (self-determination) and economic (expressed in terms of the "new international economic order"). Many claim that these--and especially the achievement of economic well-being and independence--are basic and a necessary precedent to other human rights considerations. Nevertheless, the Declaration continues to exert influence and remains the "standard of achievement" to which appeal can be made.
2. Ratification of the Human Rights Covenants: Ratification of the Covenant on Economic and Social Rights and the prospective ratification of the Covenant on Civil and Political Rights need to be evaluated not only against the limitations and ambiguities in the documents, but also the progress, however slow, towards effective implementation. The U.S. has not ratified these Covenants, and this undermines its potential for leadership in the human rights field, a leadership it did exercise in the early days of UN consideration of human rights standards. The U.S. government should be urged to ratify the Covenants.

3. Obstacles to instruments to "Eliminate All Forms of Religious Intolerance"
A UN Declaration and Convention in this area have been repeatedly postponed or shunted aside for various reasons and through a variety of maneuvers. For a while, attention was concentrated (understandably) on developing a Declaration and Convention on the Elimination of All Forms of Discrimination. (This was both of more immediate political--and vital--concern and presented fewer obstacles to consensus). Political, cultural, and other factors compounded the difficulty in arriving at an acceptable text, so that many countries are reluctant to press forward on the drafting at this time and the interest in the UN Secretariat has somewhat waned.

C. An International Strategy for the Future

It seems clear that in our pluralistic and divided world, the struggle to develop adequate safeguards for genuine religious liberty will be a long one. Three possible areas for developing a sound plan of attack might be the following:

1. The development of an international ethos: A fundamental obstacle to achieving adequate international safeguards for religious liberty and other human rights is the lack of a common foundation of moral insights and values. Yet such a foundation or international ethos is the essential groundwork for safeguarding religious freedom and related rights. Many problems are inherent in the development of such an ethos, which will inevitably be a long term process. It was suggested that churches and other religious groups engaged in dialogue with religions not of the Judeo-Christian tradition and with Marxism promote the inclusion of human rights concepts in their "conversations" and "consultations." There is evidence that there are basic human ideals and concepts that cut across cultural and political frontiers.
2. The need for patient and imaginative action at several levels of international society: The UN still presents a vital forum for human rights even though many argue it is in a period of ebb tide in this area, where the task is to avoid deterioration. Consequently, it is doubly important to strengthen education and action programs at the national and regional levels to deepen the understanding and further the observance of basic rights.
3. The need for education among the churches and other religious bodies: We face a long, up-hill struggle both in regard to religious liberty and human rights in general. It is necessary for the churches and other religious bodies to educate their constituents on human rights issues and on those in which U.S. foreign policy has both a role and a responsibility.

MAJOR AREAS OF CONSENSUS IN THE DISCUSSION

1. It is the task of the religious community to defend religious liberty and other human rights and to promote their observance for those of whatever faith who suffer constraints or deprivations in this area. In spite of the great difficulties, the religious community should continue to work toward the achievement of acceptable international safeguards.

2. It is necessary to view religious liberty in the broad sense, involving not only the freedom to believe and worship but the freedom to make a prophetic witness in the political, economic, and social spheres. It is in this latter context that religious liberty is being denied in many countries where people, because of their religious convictions, seek to remedy economic and social injustices and speak out against repression, torture, and the attempt to crush political dissent.
3. At the same time, we must be vigilant about defending religious liberty in the narrower sense, especially in regard to those countries where believers are facing persecution simply for their desire to teach their beliefs to their children, or are facing discrimination in education, travel, emigration, employment, etc., because of their religious beliefs.
4. As the above two points suggest, the concern of the churches and synagogues should not be "selective" but across-the-board. We should speak and act against the deprivation of religious liberty and related human rights wherever they occur--whether in Chile or the USSR, South Korea or North Korea, the Philippines or China, Brazil, or Uganda.
5. More emphasis should be placed on the promotion of human rights, rather than the possibly lopsided and often counterproductive approach of merely pillorying nations which do not measure up to human rights standards. This is a point where education in the churches is especially important.
6. The affluent lifestyle of American churches too often reflects and gives silent assent to America's lifestyle as a nation, a way of life in which 6% of the world's population uses up some 30%-40% of the world's resources. In this regard they participate in the international system of injustice. Encouragement is to be found in the various movements in the religious community that are raising searching questions about lifestyle, consumerism, etc., and these give hope that the life of the religious community in America will be reshaped as part of the struggle for religious liberty and human rights.

AREAS OF CONTROVERSY AND/OR DISAGREEMENT

1. The Helsinki agreement as a valuable step forward:

Pro: Even though the human rights provisions of the agreement have been largely ignored, they are there and the religious community should push for their implementation.

Con: The agreement has resulted in no change in the USSR. It has sanctioned Russian colonial hegemony over Eastern Europe. It was too high a price to pay.

AREAS OF CONTROVERSY AND/OR DISAGREEMENT (Continued)2. The Jackson amendment as a valuable piece of legislation:

Pro: It was an important step for the U.S. Congress re. human rights. We should not be sending technology, grain, and other valuable material to the USSR without some quid pro quo in the human rights field.

Con: It was not an effective tactic, even if we can agree with its aims. It simply got the USSR's back up. What would be the American reaction if the USSR said to the USA: "We won't trade with you until you eliminate racial discrimination?"

3. Solzhenitsyn:

Pro: He is a prophet calling attention to the fact that we shouldn't be sending the USSR earth-moving equipment to help them bury their dissidents.

Con: His approach is overly-simplistic and we would be in even more trouble if we followed his recommendations.

4. Should the U.S. cut aid to torture-practicing, repressive regimes?

Pro: It would have been inconceivable for us to send military and economic aid to the Gestapo or S.S. in 1942, yet we are sending such aid to the military in Chile, for example, where they are torturing dissidents and imposing heavy restrictions on the ability of the church to speak out for democracy and human rights.

Con: Would it really help the situation to cut off such aid? Is there a limit to the influence the U.S. can have on such regimes?

MASS COMMUNICATIONS SEMINAR--REPORT OF TWO SESSIONS

Monday, April 26, 1976

1st Meeting

Common challenges presented by personal viewpoints of participants:

1. Tremendous impact of T.V..
2. Question of Mass audience--particular audience.
3. Quality of life on T.V..
4. Passivity of the audience is frightening.
5. Manipulation of T.V. stated or questioned.
6. Mass communication reflects our values more than form our values.
7. Control of news by selection.
8. Lack of religious involvement in cooperation with mass communication.
9. Questions of making judgments on the quality of reporting the news.
10. Illiteracy in mass media as a result of an evolution from a college group that was educated to a large group of college students who are uneducated after World War II. We have settled for mass education and not private college education.
 - Equality of opportunity has been confused with equality of achievement. Equality of opportunity is moral - democratic, but the question of achievement is not the same as equality of opportunity.
 - The Churches are changing from the communication of activism to that of the act of preaching the doctrine.
 - What is T.V.? So far, it's a cross between radio and film. It still hasn't found its self-identity.

The first meeting was a personal viewpoint of all participants on the above mentioned challenges.

Tuesday, April 27, 1976

2nd Meeting

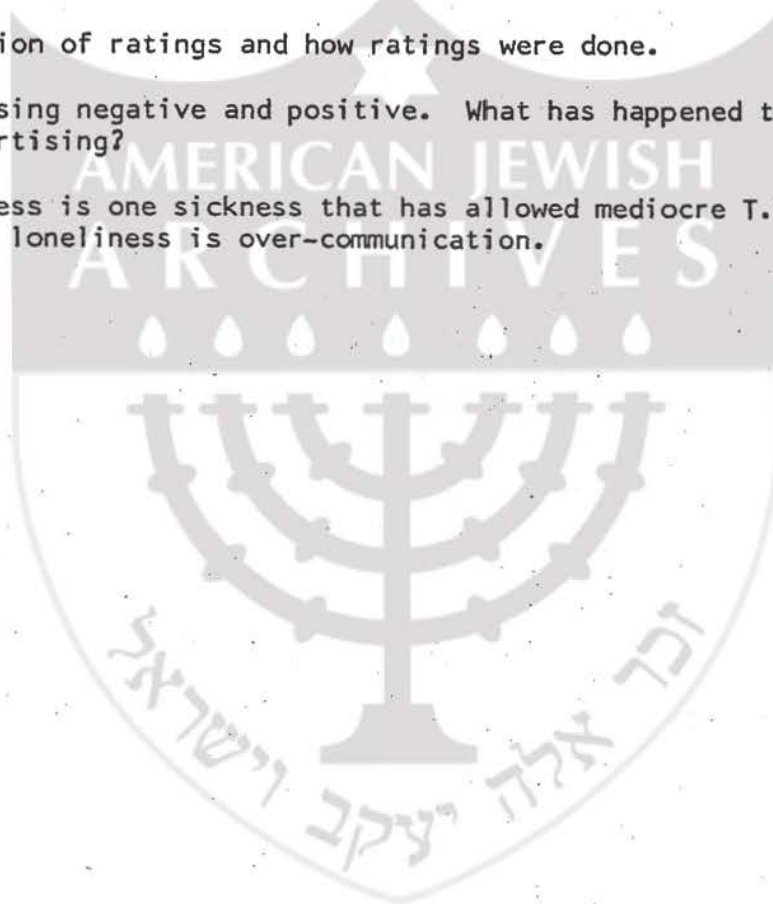
1. How can the church and individuals influence communications more effectively.

T.V. people are insincere because they haven't found their identity in T.V. as contrasted with theater and film.

Areas of concern:

1. Religious ghetto--time limited.
2. Religious approach on T.V. & radio--stereotype and very boring.
3. Lack of cooperation by the religious leaders--keep their knowledge to themselves.

4. The established churches are closed while the small churches are rather opened.
5. The question what is newsworthy among all the potential news stories.
6. Church leaders must use T.V. as the world does.
7. How do we keep the mass audience attention.? What is the role of the church in capturing audience attention?
8. Media covers religion superficially.
9. Discussion of ratings and how ratings were done.
10. Advertising negative and positive. What has happened to the morality of advertising?
11. Loneliness is one sickness that has allowed mediocre T.V. and radio. Tied to loneliness is over-communication.



Bicentennial Conference on Religious Liberty
1520 Race Street
Philadelphia, PA 19102
Telephone: 215/563-2036

Seminar on Medical Ethics and Rights of Conscience

Rev. Bruce Hilton, Moderator
Sr. Margaret Farley, Discussant

The seminar began with an introduction by the moderator and a brief statement by members of their reasons for participation. This was followed by an overview from the discussant of the nature of moral obligation and the modes of justifying setting limits to rights of conscience claims. The crucial elements here are one's personal experience of the moral "ought" and the establishment of procedures to adjudicate conflicting moral imperatives when there is question of injury to an innocent third party. Following the group's discussion of these elements, the seminar decided to focus in turn on three general areas of ethical decision: choices regarding death, genetics and reproduction (including genetic screening, genetic counselling, in utero diagnosis, abortion, and fetal experimentation), and distributive justice questions regarding health care delivery.

Some preliminary discussion focused upon the various ways one experiences moral obligation, but the members were most concerned at the start to deal with the reasons which could justify one's intervention to enforce one's own moral imperative in order to protect an innocent third party. The present debate on abortion would be the most obvious example. A common experience was the difficulty in making such choices when a member of one's own family was involved. Pastoral care in the area of euthanasia was seen as aimed at maximizing freedom so that a terminally ill patient could deal with the decisions regarding his or her own death, such as the use of extraordinary means to preserve life or to alleviate pain. All agreed that these decisions should concern whether to begin or to cease certain treatment, and not whether to do something positive which would directly result in death. In other words, they should deal with passive euthanasia, not active euthanasia.

Our second session began with a discussion of three cases of passive euthanasia distributed to members by the moderator at the end of the first session. (Confer sheet attached.) This was followed by the opinions of each member on each case, especially the common experience of difficulty in rank-ordering the factors in their decisions. Eventually we focused on the question of the limits beyond which one ought not to go to preserve life. Examples of such limits are: the rights of individual conscience, the case in which only one of two individuals can survive, the question of a definition for "meaningful" life. In connection with this last limit, the group spent some time discussing the Karen Quinlan case. The final topic was that of the "living will", prepared and signed by individuals before they become ill, expressing their wishes to family, physician, clergyman, and lawyer in regard to possible future terminal illness. (Confer attached example of such a "living will" prepared by the Connecticut State Medical Society which served as a basis for our discussion.)

The final session began with the topic of genetics and reproduction. A two page sheet was distributed summarizing data on Tay-Sachs Disease as an orientation toward the general problem of genetic disease. (Confer attached sheet.) The special problem with this type of disease is the stigma attached to it by society. Hence counselling is much more important here, so that screening programs are freely accepted and not simply imposed by law. Serious discussion focused on procedures for in utero diagnosis, especially that of amniocentesis. Such diagnosis opens up the question of choice on whether to abort, a decision not possible before such diagnosis could be made. How normal must a fetus be before it can be wanted? Should the needs and burdens of future generations be taken into account in such decisions? At present one of three children and one of four adults are in hospitals because of genetically related diseases. Can society sustain this? Should it? On the other hand, can society bear coercion by law to facilitate the sustaining of such burdens? One other related question is the weight of responsibility to be borne by parents. (Confer attached summary of a Hastings Center Report.) Insufficient time was available for this topic. The final area we wished to discuss, that of health care delivery problems, was not treated at all.



[start]

Original documents
faded and/or illegible



CASE 1. GEORGE HARDY is a white (), male (), 68-year-old (), retired policeman (), married, with four children (). He is experiencing acute renal failure that will require regular kidney dialysis for the remainder of his life (). Although emotionally debilitating at times, this treatment is expected to be successful, with a probable life expectancy of at least three to five years (). He has no loss of any mental or communicative ability (). But he's experiencing extreme frustrations amidst the inconveniences of the three-times-a-week hospital visits necessary for his survival ().

He is fully conscious, is tired of struggling with the suffering, and dreads a long future of such treatment. He wants to end the treatment and die -- with treatment for the pain, but none for the kidney failure which would end his life within a few weeks afterward (). His wife and children, however, feel strongly that he should continue with dialysis () and so does his physician (). Doctor and family feel that he is temporarily in a period of depression that will later be overcome (). George's faith is ostensibly traditional, but with considerable uncertainty ().

As a friend of George Hardy and his family, I would, on the above information, help facilitate a decision to: (Check one):

- pursue active treatment, continuing hemodialysis and all supportive treatment _____.
- withdraw the treatment and send the patient home _____.
- withdraw the treatment but use all possible measures to make his dying comfortable _____.

Please rank-order the factors in the case, in the order of each item's importance to you in making the decision. (No. 1 = most importance, No. 12 = least.)

CASE 2. FRED YOUNG is a 48-year-old (), white (), male (), elementary school teacher (), married with two children (). Injured in an auto accident, he needs immediate surgery and blood transfusions, without which he will die. He has serious cuts and unknown internal damage; his life expectancy is many years ~~with surgery~~ with surgery, but almost immediate death without it (). Although he has sustained a concussion and possible brain damage, it's likely that he will recover most, and probably all cognitive function -- thinking, communicating ().

But Fred is a devout Jehovah's Witness, and according to his family believes that blood transfusions are a violation of God's law and moral law. So the family has told physicians that he would prefer not to have treatment if it requires transfusions (). The family share this view (). Fred is unconscious, and experiencing no pain.

As a friend of the physician, you have been consulted as to whether the hospital should seek temporary guardianship of the patient on an emergency basis and perform the surgery, including transfusion. Which course would you advise (check one):

- get the court order and proceed with surgery _____.
- allow the patient to die _____.

Please rank-order the factors in the case in order of their importance to you in arriving at your decision. Discuss additional options.

CASE 3. JUNE HORTON is a white (), female (), 27-year-old (), wife of a successful stockbroker (), mother of two (). For three years she has had an arrested case of leukemia, but now a crisis has arisen. She is in intensive care, receiving chemotherapy, extremely weak, struggling for her life (). She's expected to live 3 weeks to 6 months. (). Due to heavy medication, she isn't able to communicate her own preference for treatment (). She appears to be suffering despite the medication, but in periods of partial lucidity, she appears to be struggling hard for life (). She probably hasn't lost her ability to communicate, permanently (). The doctor, her husband and her mother want to continue active treatment. Her father and brothers are convinced that the life-prolonging chemotherapy is only prolonging her suffering, and that she should be allowed to die (). Her religious beliefs are liberal, and she is not known to have any confidence in life after death.

As a friend of June and her family, I would encourage (choose one):

- continue active chemotherapy and all supportive treatment _____.
- continue treatment for pain, but acquiesce to the illness, ending chemotherapy and thus allowing death sooner _____.

[end]

Original documents
faded and/or illegible



TAY-SACHS DISEASE

A: Normal gene
a: Tay-Sachs gene

AA: Normal individual
Aa: Tay-Sachs carrier
aa: Tay-Sachs Disease

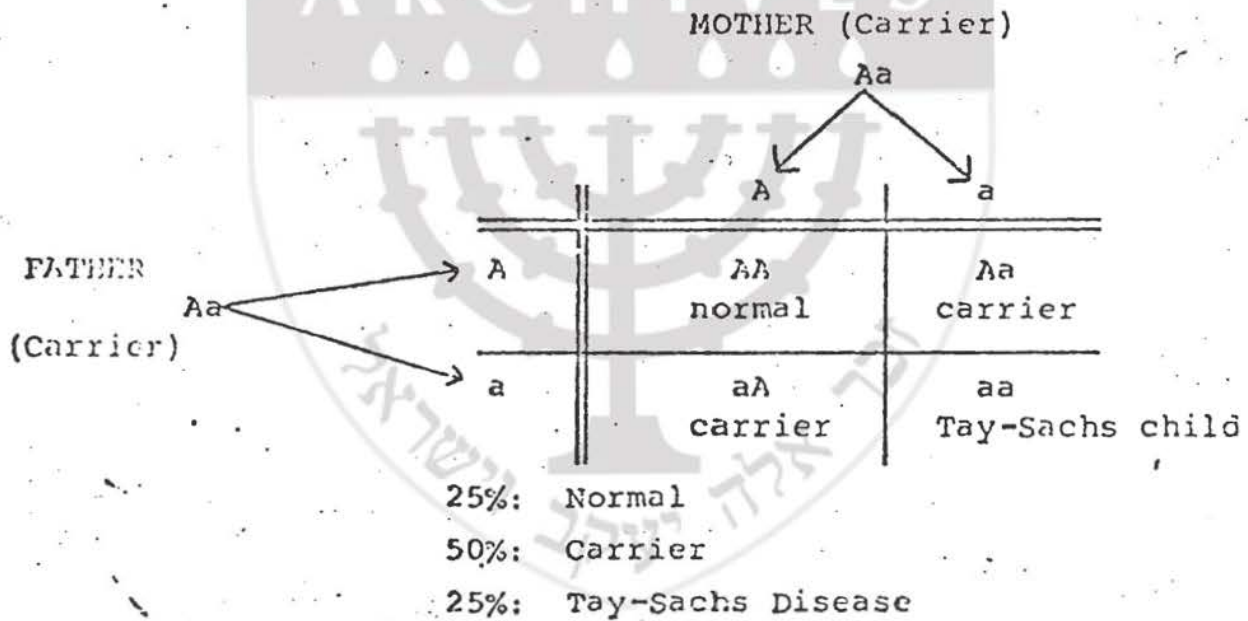
AA x AA: No risk for TSD

AA x Aa: No risk for TSD - 50% of children are carriers

Aa x Aa: 25% risk with each pregnancy of TSD

50% risk with each pregnancy of carrier

25% risk with each pregnancy of normal



FREQUENCY OF TAY-SACHS DISEASE

	<u>Ashkenazi Jews</u>	<u>Non-Jews</u>
Carrier rate	1 in 30	1 in 300
Couples at risk	1 in 900	1 in 90,000
Frequency of TSD	1 in 3600 births	1 in 360,000 births

Analysis of argument in "Parental Responsibility for Genetic Health," by S.B. Twiss
(Hastings Center Report, vol. 4, Feb., 1974).

1) DO PARENTS HAVE THE RIGHT TO DETERMINE THE GENETIC QUALITY OF THEIR OFFSPRING
ACCORDING TO THEIR PERSPECTIVES OF WHAT IS BEST FOR THEM?

Pro:

- a) human rights imply freedom of parental choice
- b) parental role implies this right
- c) parents are in unique position to assess factors

Con:

- a) this right conflicts with fetal right to life
- b) fluid medical criteria suggest arbitrariness
- c) parental assessment is subjective

2) DO PARENTS HAVE A DUTY TO AVOID BEARING CHILDREN WITH SERIOUS GENETIC DEFECTS
IF THIS IS FEASIBLE?

Pro:

- a) parental desires must yield to exigent claim of family
- b) every child has the right to be born healthy
- c) child's right implies the parental duty

Con:

- a) there are no such exigent claims of the family
- b) child's right to be born healthy is not cogent
- c) this duty conflicts with parental rights

3) SHOULD PARENTS RECOGNIZE A RIGHT ON THE PART OF CIVIL SOCIETY TO INTERVENE IN
PARENTHOOD AND SHAPE REPRODUCTIVE BEHAVIOR?

Pro:

- a) society has interest in minimizing genetically defective
- b) as citizens parents should recognize this interest
- c) genetic disease is a public health hazard

Con:

- a) cost/benefit analysis ignores moral dignity of persons
- b) society has obligation to care for the defective
- c) genetic disease is not a public health problem

4) DO PARENTS HAVE A DUTY TO TRANSMIT RELEVANT GENETIC INFORMATION TO RELATIVES
POSSIBLE AT HIGH RISK FOR CARRYING A RECESSIVE TRAIT?

Pro:

- a) obligations to extended family imply this duty
- b) this duty has morally desirable consequences

Con:

- a) this duty conflicts with right to privacy
- b) this duty has morally undesirable consequences

1. Parents have the prima facie right to determine the genetic quality of their offspring according to their own perspectives of what is best for them. Pro: a,b,c

2. In certain circumstances parents may have the duty to avoid bearing children with serious genetic defects, if this is possible. Pro: a

3. Civil society does not have an unmitigated right to intervene in parenthood and reproductive behavior. Con: a,b,c

4. Parents have a duty to permit relevant genetic information to be transmitted to relatives in the extended family if this is medically/genetically indicated.
Pro: a,b

Bicentennial Religious Liberty Conference

Notes of discussion seminar on the Military/Industrial
Complex

Biblical basis

Isaiah and the prophets stressed the responsibility to be concerned about all humanity including ^{the} poor, ^{the} disadvantaged, the widow, the orphan, ^{the} stranger within the gates and the powerless.

The Scriptures reveal corruption, misuse of power, and the failure of political and religious institutions to be just and compassionate. The prophets warned of coming destruction unless righteousness would exalt the nation. In I Isaiah 1-35 it is proposed that man must trust in the holy power of God. "Come back, keep peace, and you will be safe; in stillness and in staying quiet, there lies your strength." (I Isaiah 30:15)

Religious liberty and war

An appeal is made that organized religion should categorically renounce war and use the full influence of religious bodies for confronting the institutions of war and at the same time build the institutions and processes of peace.

Among the causes of war are international anarchy; unresolved arms race; the assumptions that we have to be number one in the struggle for power between nations; an economy

based on development and sale of arms; fear of Communist expansion; economic and political imperialism; excessive nationalism; failure to develop and use adequate measures within the United Nations for peace-making and peace keeping.

The existence of the military-industrial complex in our country not only threatens our liberty, but significantly diminishes it, because it takes economic and political power away from the majority of our people and puts it in the hands of a small and practically unaccountable wealthy minority. Besides fostering the possibility of a nuclear cataclysm, the military-industrial complex involves us in economic injustices here and support of oppressive regimes abroad. The unlimited profit motive that animates it and the logic of domination that maintains it, are clearly contrary to the ethical imperatives which religion proclaims and true liberty demands, to say nothing of the irresponsibility with regard to human life and environment that characterizes it.

Effect on the economy and problems of conversion

Confrontation of the military-industrial complex calls us to rearrange our priorities. Economists believe that drastic reduction of armaments would be possible without serious depression if the appropriate decisions were made. They point out that the same amount of money spent for housing, education, roads and other areas of human needs would employ many more persons than the same amount of money spent by the military establishment.

Military expenditures for the most part are a sterile investment and do not bring additional benefits. They divert a large portion of scientific manpower from constructive enterprises. The United States arms trade totaling nearly \$11 billion corrupts the politics and economy of other countries and diverts essential resources needed to meet human needs. The U. S. and USSR together account for 60 per cent of the world's \$300 billion military expenditures and for 75 per cent of the world's arms trade. President Ford's budget request for military FY 1977, including military assistance and nuclear weapons amounts to \$114,900,000,000. In contrast, the total GNP of Africa in 1973 amounted to \$114,000,000,000.

The arms trade is about three times our country's total economic and financial assistance program.

Some political steps toward the elimination of war and halting of the arms race

1. Work for drastic reduction of arms in the direction of general and complete disarmament.
2. Insist that the SALT talks provide for a halt to and eventual elimination of nuclear weapons.

US Nuclear weapons estimated number...30,000
 Our nuclear stockpile, which can be launched from submarines, bombers and land-based missiles, is equivalent to 615,000 Hiroshima bombs; with 8,900 strategic weapons in mid-1976, the US could destroy every USSR city of over 100,000 more than 40 times. The USSR 17 times per US city.
 The Center for Defense Information has carefully examined the Defense Department's presentation of relative US and Soviet military forces and recent trends. The general impression has been created of declining US strength. This has no basis in fact.*

3. Call for comprehensive test ban.
4. Work for a rapid withdrawal of all US forces from overseas.
5. Defeat in Congress the legislation for the B-1 bomber, trident submarines and new weapon systems.
6. Convince legislators of the need for a drastic reduction of the military establishment and the military budget.
7. Reject the dictum that negotiation from strength achieves disarmament and advances peace.
8. Support and develop programs of peaceful change.
9. Strengthen the authority and programs of the U.N. in its efforts to solve conflicts, advance justice, and provide for needs of all people around the world.
10. Strive for reconciliation and cooperation between different ideologies including Communist and non-Communist, between Jew and Arab, between rich and poor, between races and classes.
11. Work for a rapid reduction of the population growth rate.
12. Call for a world-wide effort to close the hunger gap by using world's resources for feeding rather than arming and killing people.

Responsibility of organized religion

The responsibility of religion at this hour of history is to use the freedom given it by exercising its prophetic role. Religious groups should categorically call upon all

persons to "choose life." They must condemn war in this nuclear age. The religious community must speak to the injustices implicit in our military economy. It should give insistent voice to the vast unmet human needs that exist in this country and elsewhere. Religious institutions must, by example, offer positive alternative models of a non-aggressive, non-competitive human community. Finally, religious organizations are needed to serve as agents of reconciliation. Theirs should be the task of cultivating faith, hope, and community which alone can make our future possible, human and free.



Bicentennial Conference on Religious Liberty
Seminar: Religious and Ethnic Minorities 4/26/76
Moderator, Dennis J. Clark
Discussant, Murray Friedman
Participants
Mary Jean Ayers
Dennis Clark
Nancy Fuchs-Kramer
William T. Parsons
Pauline Rosenthal
Sister Clarita Trujillo
Wilbur T. Washington
David Weiss =
Jessica Feingold, Recorder

There was considerable discussion of the historical background of the theme, then general disclosure of ways in which each ethnic group represented had suffered disabilities.

The small group was heterogeneous - Catholic, Jewish, Protestant, (including Black, Hispanic, white, New England, Middle Atlantic, Middle West, Pennsylvania Dutch) West, academic, clerical, lay, male and female.

To consider any aspect of American society there must be reference to ethnic and subculture groups. These operate independent of government ratification.

Civil rights activities taught many things, including ethnic feeling to Blacks, and the realization of similar feelings to other groups. In a sense ethnicity was legitimized or brought to consciousness or style. There are small indications of this (television figures, etc.) as well as more significant ones.

Clearly now there is general recognition of American pluralism. Does this and the ethnic "revival" tend toward a loss of overall American identity, manifested in such matters as quotas?

Religious liberty has been left to the lawyers. It has come through secular action, and the churches have not taken leadership in the matter. Religious liberty arose from the needs of ethnic groups to get power, sometimes forming coalitions with other groups - usually temporary - to achieve certain ends. Religious leaders just recently began to see the role religion may play in obtain religious liberty.

In fighting for freedom the size of a group has significance. Sometimes a very small group has to be all the more desperate and therefore energetic and effective. Sometimes a large group controls the balance.

The country has been settled by ethnic groups fleeing oppression, beginning with the Pilgrim Fathers. They, combined with others from England, formed the original structure which has since dominated, without regard for special values

of other ethnic groups.

While a given religion may be the underpinning for its ethnic group, the religion does not dominate and the ethnicity does. Many saw religion and ethnicity as combined or the same.

In obtaining religious freedom economic determinism has been all-important, as in denial of such freedom. There is no getting away from this axiom. Religion may be able to help but cannot create development.

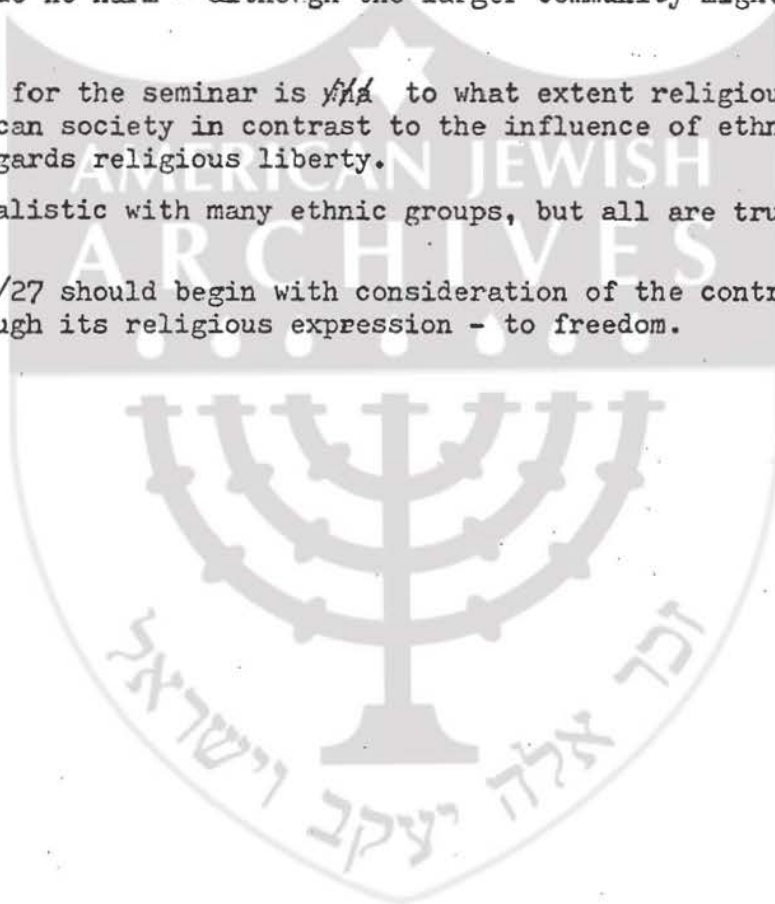
Some of the credal religions which came with ethnic groups were ceremonial rather than theological.

One important aspect for small group members to recall is that a small group can do no harm - although the larger community might not always agree.

A basic question for the seminar is ~~yes~~ to what extent religious groups have influenced American society in contrast to the influence of ethnic groups, especially as regards religious liberty.

America is pluralistic with many ethnic groups, but all are truly American

The seminar on 4/27 should begin with consideration of the contribution of ethnicity - through its religious expression - to freedom.



Bicentennial Conference on Religious Liberty
Seminar: Religious and Ethnic Minorities 4/27/76
Moderator: Dennis J. Clark (absent)
Present-
Discussant, Murray Friedman
Nancy Fuchs-Kramer
William T. Parsons
Dorothy Rensenbrink
Sister Clarita Trujillo
Wilbur T. Washington

Jessica Feingold, Recorder

{The seminar provided continuity with its first session by starting
with consideration of contributions to freedom made by ethnicity
through its religious expression. }

German groups in Pennsylvania, teamed with the Quakers (and many considered Penn himself German, writing him in that language) to achieve certain measures of tolerance. Each of such groups ~~was~~ was a minority and ethnic. A German Reform stood aloof. The majority group was not always a tolerant ~~of~~ one.

Jefferson was of course widely read, especially in British and French philosophy. He also was a master politician. That might have had something to do with the creation of the Virginia Bill of Rights. Perhaps the Presbyterianism of Patrick Henry was an important factor. Not to mention the fact that the established church in Virginia, the Anglican, was headed by the British King. And the same was true in North Carolina. Need to placate Methodists came later, and they were far from the seaboard. In New Netherlands Dutch Reform, Huguenots and a few other small ethnic groups (including Jews) produced a moderating influence.

Were the old line groups racist? No great discussion or clarity followed.

Latins and hence California, the West generally, and the Southwest, were different from other parts of the country. Generally the men came without women and hence mingled with the local women regardless of racial background. Catholic priests were eager to add to the number of Christians and keen to baptize anyone. In the East it was only the tiny number of Episcopalian priests willing to do so. Latins' barriers were apt to be social rather than racial.

In considering the Western situation note must be taken of the huge importation of Orientals - again many without women.

California and the West also revealed new relationships - conqueror, landless and conquered. Distance from the original states and poor communications delayed following of the same patterns. Prior to the War Between the States, and even after, it was scarcely part of the total Union in many senses.

Turning to today discussion considered new tensions, new relationships, new needs. What about freedom within the denominations? how is that affecting the whole society (a prime example is the Catholic)? Is individual freedom more significant than that of the group?

What about schooling? government provision of benefits for children in religious schools? "objective" teaching of comparative religion in public schools?

Classes are economic rather than ethnic, and interests go along those lines, so does the power play. Alliances are made for certain purposes, cutting across all groups, then dissolving when a purpose is achieved or revealed as blocked. Conservatives in various sections work together, regardless of ethnic or religious background (such as southern Catholics and Evangelicals).

The seminar might well consider which is the dominant influence - cultural or ethnic.

It might also consider the wellsprings of the ethnic "problem" Do such problems arise only from the fringes of a given group, or from the whole?



Bicentennial Conference on Religious Liberty
Seminar: Religious and Ethnic Minorities 4/28/76

Moderator: Dennis J. Clark

Discussant: Murray Friedman (absent)

Present-

William T. Parsons

Sister Clarita Trujillo

Wilbur T. Washington

Bernice Zoskin, 1593 Williams Road, Abingdon, Pa. 19001 (a student present for about 1/2 hour only)

Jessica Feingold, Recorder

After World War II the patriotic unity of the country began to dissolve and ethnic groups began to show their frustrations. Real clashes of value are involved, but are largely misunderstood or ignored by the majority and oversimplified or misunderstood or ignored by the media. However more exposure is now being given the situation.

Education has helped further the gaps between those who have arrived and the great number of others. Education is not generally helping release individual potential but rather tends to seek control and conformity.

Those who should be leaders are divorced from their followers. On the whole leaders have no real knowledge of ethnic experience or needs or aspirations.

Are churches grasping the realities of the ethnic situation? of the nations within the nation? It would seem that many so-called church leaders are or were from a few north European cultures - British, German, Irish - and without empathy for contemporary ethnic groups. Some do not even have priests or ministers who know their languages. The old line religious structures (possibly with the exception of Judaism as without structure in that sense) are unsympathetic to diversity.

So-called education and American attitudes toward learning foreign languages, literature, and cultures, has not helped appreciably, its leaders also being divorced - as indicated above - from ethnic realities.

Regarding the Thursday problem - "What factors seem to enhance or inhibit religious liberty in our country today?" the seminar discussions seemed to explore especially the inhibiting factors, but that somehow suggested the remedies to be considered. One great enhancing factor is the great concern the United States of America (and possibly Canada of the present) have for religious freedom.

privacy - freedom from interference and intrusion, the ability to control what others may know about oneself, the right to be left alone or to join others without being watched - privacy is a primal gift from God (Genesis 3:20). It is a ~~consequence~~ consequence of God's grace active in forgiveness (Isaiah 43:25; Jeremiah 31:34, quoted in Hebrews 8:12). Under the sign of forgiveness we come before each other as those who know that all of us need our records expunged. God bestows privacy - we respond to his ^{intentional} forgetfulness regarding our past by preserving the privacy of others.

privacy is also an essential facet of human personhood. It is constitutive of a person's being, identity and integrity. Our theology and our psychology resonate with Ralph Waldo Emerson's statement, "The one thing in the world of value, is the active soul." Threats to privacy diminish personal activity in society - they inhibit voluntary association so basic to democratic political systems.

In his keynote address ~~the~~ to the Bicentennial Conference on Religious Liberty, Dr. Franklin H. Littell stated that "The affirmation of 'soul ~~the~~ liberty' (an early Quaker term...), of which religious liberty is an essential positive expression, necessarily involves too ^{an} affirmation of the dignity and integrity of the human person in his individual and collective existence." privacy is a central concern of religious liberty.

Recent and continuing revelations of government and economic institutions' intrusion into the personal lives of Americans underscore the seriousness of the issue. The Watergate scandals and the unfolding story of Federal Bureau of Investigation and Central Intelligence Agency activities in domestic surveillance lead us to question the extent to which our right to privacy as a people has already been abridged.*

*The right of privacy is implied, though not explicitly stated, in the Constitution of the United States. The first, third, fourth, fifth and seventh amendments may be cited. The founders of the nation did not anticipate systems of microfilm, magnetic tape, data searches, databases, data sharing, remote access, control programs, electronic eavesdropping. They seem to assume privacy to be an unwritten foundational right underlying those explicitly protected.

Suppose the government had a record of every check you wrote. It could then tell your religious affiliation, your educational interests, social connections, your doctors, your lawyers, your creditors, your political associations, the papers and periodicals you read. By pushing a button, government could assemble your personal profile, instantly and secretly. There is no law prohibiting your bank from cooperating in such a scheme.

You are walking through the town park one summer's day. A political demonstration is underway. Radical and potentially dangerous in the eyes of a government bureaucrat. s/he orders his/her surveillance team to cover the event. You stop at the fringe of the crowd to buy some popcorn at the park stand. Then you stand there watching the demonstration while munching the popcorn. A plainclothes surveillance team member is quietly snapping photographs for his/her agency file, and you are included in several. Without your knowledge, you end up identified as a potentially dangerous sympathizer with the "radical cause."

Your credit application is disapproved. You aren't ~~ex~~ told why. A credit investigator interviewed one of your neighbors who gave inaccurate or misleading information about you. But you never knew - and didn't have an opportunity to correct the record.

Inaccurate medical information in a file you are not aware of can deny you insurance or employment. An arrest record can haunt you, despite the fact that charges were dropped or there was no conviction, and you may not be able to have it expunged. Data such as your name, address and age can be given or sold by public agencies to commercial firms who want to sell to you - without your knowledge or consent. A person or firm or charity that secures your name can provide it to others and thus conspire to fill your mail with unwanted sales pitches.

The potential for damaging misinformation, hassle, interference and intrusion is obvious. More sinister is potential misuse of cable systems, interconnected databanks, and secret dossiers under governmental and/or private auspices. "1984" seems close at hand! The technology is available. The government's use of "mail cover" and electronic eavesdropping, surreptitious entry, no-knock laws, "dirty tricks", exchange of records, planting of defamatory reports and interest in packet style databank interchanging

FEDNET, an integrated databank system, was

(seriously proposed in 1974 by the General Services Administration) should raise the alarm.

A research report, "Databanks in a Free Society," sponsored by the National Academy of Sciences, ~~concludes~~ concludes that "we may be creating one of the largest, most sensitive, and highly computerized record systems in the nation's history, without explicit protections for the civil liberties of millions of persons whose lives will be profoundly affected."

Regarding databanks, we are concerned about:

- (1) Access to records (financial data and personally sensitive information)
- (2) Integrity of computerized data (protection of confidentiality against both accidental and intentional exposure)
- (3) Retention and expunging (including rights of notification and access)

We are concerned about personnel files. These often contain subjective data and evaluations. There is usually information in such files that is no longer relevant or necessary. Confidentiality is not always protected. Often the person represented by the file does not have access to it and/or the ability to correct it.

We are also concerned for the right of privacy for the mentally ill, recipients of public welfare, those who have records in the criminal justice system (especially arrest records with no accompanying convictions), those reported on by informers, those upon whom political surveillance is practiced, those intimidated or compromised by investigatory grand jury use of ~~sub~~ subpoena and immunity, and those compelled to violate confidentiality relationships (especially, but not only, the clergy).

We have a special concern for privacy and the church. Its meetings and records, communications between clergy and communicants - these are especially sensitive areas. ~~The~~ ^{Further, we believe that the} personnel records of the church and its judicatories should be models of self-regulation in the ~~area~~ collection, retention and dissemination ~~area~~ of personal data.

We commend to the American people and their religious institutions the policy statement and recommendations on "The Right of Privacy and its Protection," adopted by the 185th General Assembly (1973) of the United Presbyterian Church U.S.A. [section F is particularly commended to the religious institutions].

(Privacy - p. 4)

The Right of Privacy and its Protection

Policy Statement and Recommendations

Adopted by the 185th General Assembly (1973)
of the United Presbyterian Church U.S.A.

THE ability to maintain one's own life space is basic to human existence in vital community. Lively private associations provide room for a process of maturation through personal risk, sheltered experiment, and free exploration of ideas and life-styles.

From a Christian theological perspective, it is especially important to be reticent about demanding or exposing another's record, and to respect each person's unique context. Christian faith stresses the dignity of persons and groups living by grace in a fallen world. We rejoice in a forgiving God who in his mercy can decide to forget the past and to open the future to his creatures. His liberating grace empowers us to care all the more for individual and social freedom.

Privacy is freedom from interference, opportunity to grow, liberty to control what others may know about oneself. Privacy is the right to be left alone or to join others without being watched, as well as the ability to choose how and when information about oneself is collected and shared.

Increasingly, personal and associational privacy is undermined by the indiscriminate use of electronic and large manual systems of information collection and interchange. This happens in the process of making credit checks, in some census procedures, and in the misuse of other personal questionnaires. We find also that government agencies, at their own discretion and in secret, are obtaining access to bank accounts and other commercial records. Furthermore, the United States Army has violated privacy in the name of internal security by developing millions of dossiers on the personal and political activities of innocent civilians, including public officials who have been doing nothing more than exercising their guaranteed constitutional rights. Meanwhile individuals and organizations being searched or watched have no effective access to the files that profile their activities, opinions, and beliefs.

If, as the 1972 General Conference of The United Methodist Church warned, such developments "are signs that the society which is democratic in theory and structure is becoming increasingly repres-

(Privacy - p. 5)

sive in policy and practice," then it is imperative for citizens to reassert their liberty. In the effort to protect our privacy we should be concerned not only with the behavior of government agencies. Comprehensive information on many citizens is also gathered by and available to private investigatory agencies, credit bureaus, and business organizations, which profit from the sale of personal data.

The right of privacy is implied, though not explicitly stated, in the Constitution of the United States. Its authors did not anticipate systems of microfilm, magnetic tape, data searches, centralized processing, time sharing, remote access, control programs, electronic eavesdropping. Apparently the Founding Fathers assumed privacy to be a natural foundation for other rights that were threatened in their time: freedom of expression and association, privilege against self-incrimination, due process of law, and freedom from unreasonable or warrantless search and seizure.

Today, in the light of our theological and legal heritage, privacy must be safeguarded more specifically. This right needs to be developed in American law at a pace commensurate with the potential invasions of privacy made possible by changing technology and organizational practice. Nothing less than the quality of freedom is at stake in the effort to preserve areas of personal and associational privacy.

RECOMMENDATIONS

Therefore the 135th General Assembly (1973) of The United Presbyterian Church in the United States of America makes the following recommendations:

A. We urge United Presbyterians and indeed all people in their occupations and associations to be vigilant about preserving privacy and constantly to assert for themselves and others their right to be free from unjustified invasions of privacy, as defined below.

B. We call upon public and private agencies to provide for maximum protection of privacy in their dealings and transactions with each other and with individuals; and through self-regulation to meet at least these minimum guidelines for the collection, retention, and dissemination of personal data:

1. Determine beforehand whether the information to be gathered is necessary and relevant to the purpose for which it is sought, so as to minimize the amount of unduly personal potentially injurious material that is collected and preserved.
2. Limit information systems to specific uses and justify the objectives, methods, and effects of any collection of personal data.

(Privacy - p. 6)

3. Give the subject prompt notice and ready access to such information. (We recognize that certain government agencies collect information on criminal activities where notice and access are controlled by established rules of law and procedure.)

4. Provide means for rapid correction of erroneous data, and the opportunity to expunge irrelevant or obsolete recorded data, such opportunity to be available to both the custodian and the subject of the data.

5. Provide effective safeguards to prevent accidental or unauthorized interception, input, or destruction of data.

6. Require effective safeguards for waiver of privacy and authorization of access to personal data executed by individuals and given to business, professional, and governmental bodies.

7. Limit the use and transfer of information in such systems, and monitor their expansion into enlarged data-sharing operations.

C. We recommend the following policies and procedures to implement the above guidelines in several areas of immediate concern:

1. In credit and insurance reports, we favor measures that provide for the subject to add new information, to expunge obsolete data, or to explain any item in the files, and review the pertinency on privacy grounds of all types of information collected.

2. In bank and credit records, we call for regulations that require access only by customer authorization, subpoena after customer notification and opportunity to challenge, or by search warrant with inventory of information taken.

3. In welfare reform, we emphasize the need to: (a) examine the privacy impact of proposals for using social security numbers of registrants or for disseminating information on recipients, and (b) restrict the recording and storage of personal information which adversely affects the privacy of the welfare client while a person not on public assistance could refuse to make such information public.

4. In law enforcement, we call for procedures at all levels of government to: (a) routinely expunge records of arrest where there is no conviction, and of juvenile proceedings when the juvenile reaches the age of majority, except where the court is shown "probable cause" for preserving the record, and (b) require judicial approval and supervision of the use of informers who establish or maintain a relationship for the purpose of informing in civil or criminal investigations.

5. In educational institutions, we favor measures to: (a) provide the student access to his or her personal records kept by the

(Privacy - p. 7)

48

~~CHURCH AND SOCIETY~~

school, which are routinely made accessible to others, (b) provide safeguards to ensure that only authorized persons who have legitimate justification shall have access to those records, and (c) where applicable provide for the requirements specified in C, 4, above.

6. Regarding domestic security, we favor action to: (a) prohibit any branch of the Department of Defense from engaging in surveillance of, or data collection on, domestic political activity and (b) require the destruction of all such political surveillance files accumulated by the military.

7. As regards domestic surveillance by *civil* law enforcement agencies, we commend the efforts of the Committee on Public Justice to stimulate legislation creating citizens' committees to oversee such activity; and we urge that legitimate surveillance be precisely defined by law, that surveillance be administered by personnel under court supervision, and that severe criminal penalties be established for illegal surveillance.

8. Regarding confidential relationships, we urge: (a) enactment of uniform state legislation and consistent federal legislation to establish guidelines that protect legitimate news professionals from being compelled to testify about their sources, (b) development of legal guidelines for limiting the use on privacy grounds of subpoenas and immunity provisions in the conduct of grand juries, and (c) review of current statutes.

9. For the violation of these rights, as defined in this section, we recommend provisions be made for recovery of actual and punitive damages and for injunctive relief for threatened violations.

D. We recommend the creation of an independent regulatory body with carefully defined authority to review, oversee, and approve the collection and dissemination of personal data by governmental bodies or agencies and by entities that collect and disseminate personal data for public and commercial purposes.

Despite the fears and deficiencies which seem inherent in regulatory administrative bodies, we feel that such a regulatory agency offers the hope of flexibility and expertise to meet the threat of dehumanization in an area of rapidly developing technology. Because existing regulatory bodies at the federal and most state levels could not objectively regulate themselves and other governmental agencies, we therefore recommend:

1. There be created at both the state and federal level autonomous regulatory bodies with the authority to supervise the collection, storage, and dissemination of personal data by governmental agencies or bodies and by entities that collect and disseminate personal data for public and commercial purposes.

(Privacy - p. 8)

2. The legislation creating the regulatory body should be so drawn as to ensure the autonomy of the agency from those it seeks to regulate, and to ensure the participation of groups sensitive to privacy needs.

3. The legislation creating the regulatory body should mandate the adoption of regulations that would require compliance with the applicable minimum guidelines for the right of privacy as set out in B and C, above.

4. The regulatory agency should not have access to data contained in the information systems, except by random selection of information not keyed to personal identity and then only when necessary to effectuate adequate controls and enforcement.

5. The regulatory agency, in protecting privacy, need not and must not impair the free exercise of religion, speech, press, assembly, or petition, and the legislation creating it should make clear that it has no powers of censorship, sponsorship, or influence over the activities of citizens or associations exercising those freedoms.

E. We call for the formation of a National Privacy Service Office which will provide, in the manner of an *ombudsman*, services to citizens whose privacy is threatened by activities of federal governmental, commercial, or research agencies, and who cannot otherwise obtain relief using the ordinary remedies available to them by law, business custom, or agency practice.

1. The ombudsman would be an adjunct of the United States Courts and be accountable to the independent administrative branch of the federal judiciary.

2. The ombudsman would receive and investigate complaints by citizens and associations whose privacy is alleged to be threatened by activities of governmental and nongovernmental entities identified above.

3. The ombudsman would, upon specific citizen or associational complaint and authorization to intercede, have power to compel disclosure of relevant records held by the agency or corporation, and in the case of a complaint directed against law enforcement officials conducting an ongoing criminal investigation, would be able to compel court examination of relevant documents.

4. When a complaint justifies intervention, the ombudsman would seek to resolve the dispute through mediation, public reporting, or recommendation of administrative or judicial action.

5. A Privacy Service Office (ombudsman) of a similar nature should be provided at the state level to investigate citizen or associational complaints of threat to privacy by state or local public agencies (including educational institutions) or by business enter-

(P. moving - p. 9)

prises that are not otherwise subject to federal supervision or regulation.

F. Recognizing that church judicatories and agencies should discipline their own practices in order to protect privacy:

1. We direct all officers and agencies of the General Assembly, and urge middle judicatories and congregations of the United Presbyterian Church, to observe the privacy preservation guidelines stated in section B; and to adopt the following safeguards in their uniform personnel policies:

a. Personnel offices should not solicit or accept information on any candidate without his or her initiative or permission to do so.

b. All information collected and stored involving a registrant or employee should be available to him or her at any time and should be updated regularly, but only at his or her initiative or with his or her permission. Such data should be circulated only with the registrant's permission and only as widely as he or she allows.

c. All personnel data should be kept secured, and access thereto should be strictly controlled by the personnel office.

d. Written references should not be included in circulating personnel files except when the references are received from persons whom the registrant has approved as references. No secondary references (i.e., written appraisals solicited from persons identified by initial references) should be solicited by a personnel office or its agents without the candidate's approval of the practice and of each person who writes a secondary reference.

e. Telephone "checks" in lieu of references should not be carried out by any personnel office or its agents. When telephone conversations are conducted to clarify references, the office or its agent should not make the content of such conversations a part of the candidate's file.

f. It is recognized that procedures necessary to guarantee the confidentiality of medical records and to deal with initial employment decisions made by employers themselves require further consideration. The Vocation Agency, in consultation with the Advisory Council on Church and Society, is requested to explore these and other areas which may arise in the application of these guidelines and report progress in implementation with recommendations for additional guidelines which may be required to the 186th General Assembly in 1974.

(Brwiny - P 10)

2. We urge church people to work for the adoption of more adequate statutes to protect the confidentiality of pastoral communications, as indicated in recommendation C, ¶; and in the absence of such protection to resist divulging such confidences, even to the extent of enduring imprisonment for contempt.

3. We direct the General Assembly agencies, and urge middle judicatories and congregations of the denomination, to refrain from giving personal information about employees or members to public or private investigators and to withhold church financial records from such investigation except in carefully controlled cases where there is need to verify (e.g., for the Internal Revenue Service) the gift of a named contributor.

G. To implement this report:

1. We direct the Office of the General Assembly, in consultation with appropriate staff of the GA Mission Agencies, to:

a. Communicate the General Assembly policy on privacy to key members of Congress, directors of federal agencies, state legislative councils, and the Commission on Uniform State Laws.

b. Assist the judicatories in implementing section F.

2. We request the Program Agency to publish a study booklet containing this policy statement, background paper, and supplementary study helps for use in the church.

3. We commend this report for study in judicatories and congregations, as a first step in basic education on civil liberties, and suggest that in this effort they consult the Program Agency.

4. We request the Advisory Council on Church and Society to continue its study of civil liberties issues, exploring such problems as: (a) standards for democratic political conduct, including campaign practices and freedom of communication on public affairs, and (b) the limits of "behavioral control" in public institutions, taking account of the rights to reasonable privacy for institutionalized persons—the imprisoned and the ill, especially the mentally ill.

We recommend for study:

"A Summary of a Consultation on Privacy in Personnel Information Systems", National Assembly of National Voluntary Health and ~~Welfare~~ Social Welfare Organizations, Inc., 1976 (345 E. 46th St., N.Y., NY 10017)

Brant, Jonathan, A General Introduction to Privacy. Massachusetts Bar Association, 1976 (One Center Plaza, Boston, MA 02108)

"Church and Society", Vol. LXV, No. 2 (Nov.-Dec., 1974), Laura Ferguson, Ed. (\$1.00 from Presbyterian Distribution Service, 225 Verick St., N.Y., NY 10014).

Reports of the Government Information and Individual Rights Subcommittee, Governmental ~~Operations~~ Operations Committee, House of Representatives, Room B-349C Rayburn House Office Building, Washington, DC

Miller, Arthur R., The Assault on Privacy. University of Michigan Press, 1971. Signet, 1972.

"Privacy Journal" (P.O.Box 8844, Washington, DC 20003)

~~Privacy~~ Reports of the Privacy Protection Study Commission, 2120 L St. N.W., Washington, DC 20506 (Ms. Carole Parsons, Executive Director)

"Your Right to Privacy and How You Can Protect It" (folder). ^{brochure} Massachusetts Bar Association, 1976. (One Center Plaza, Boston, MA 02108) - send stamped addressed #10 envelope for free copy)

Bicentennial Conference on Religious Liberty
1520 Race Street
Philadelphia, Pa. 19102
Telephone: 215/563-2036

Seminar Report: Prophecy

Dr. Ira Eisenstein, Moderator
The Rev. David Gracie, Discussant

The seminar on prophecy began with a statement by the Moderator that the subject of prophecy was at the heart of the Conference, because it is the essence of liberty to permit dissent from prevailing views of society and the prophet is one who feels compelled to speak out against any behavior which seems to violate the ideals which society purports to affirm, and to speak out against evil. The group began by defining certain criteria by which dissent may be genuinely called prophecy. These criteria were enlarged upon in later discussions, and developed to include the following:

1. Proper motivation: The prophet who denounces evils must be disinterested, not benefit in any way from the change s/he advocates; be outside the struggle and not stand to profit from the advocacy stand.
2. The critique must be based on some religious doctrine or experience, and spoken in the name of a power greater than one's self.
3. The dissent must be distinguished from ordinary complaints by the level of criteria or standards used for criticizing behavior, that is it must deal with fundamental issues and with ethical or spiritual values.
4. It must encounter resistance from an environment not conducive to social criticism, and will require courage and sincerity, and possible risk of life and material advantage.
5. The prophet must be calling for decision and action within the historical context, attempting to explain or interpret the historical events of the time.
6. The prophet operates in a framework of offering a system of salvation.
7. The prophet is seen as one who is speaking truth, and prodding people's conscience.
8. Prophecy comes out of the prophet's relationship with the Lord, and is God's message not the prophet's.

In discussing these various dimensions of prophecy, the group noted that there are both secular and religious prophets. The former were seen as persons operating outside the traditional faith, not organized as a group for that purpose, generally speaking to a

particular causative event, and when the event has passed dissipating. Religious movements, on the other hand, were seen as dealing with human situations which do not change.

It was recognized that the prophetic role might be exercised both in a quiet, unspectacular way on a small scale and a modest level, as well as reaching in a more obvious way to the highest levels of power. The group expressed a need for there to be greater corporate expression of prophecy, as well as the individual expression, both in quiet and more spectacular ways.

It was noted that there are genuine difficulties in being a prophet in a complex society. While the prophet has generally a clear cut sense of good and evil, there are often so many qualifying conditions in situations that it is difficult to reach a clear cut decision. We noted that it is hard to take an uncompromising position now. Other obstacles to the prophetic role include the problem of being heard--with the present sophistication and cost of communications media. One member of the group observed that it is not enough for the prophet to be just a simple soul with a big conscience, but that all one's abilities and knowledge were needed. Another person remarked that even within the complexity of our time, every day there comes a chance to be a prophet to the people whose paths cross ours.

Recent acts and issues of prophetic nature were discussed. Basic issues relate to human rights, dignity, and brotherhood. Some of those raised by the group were the question of amnesty, corruption, and abuse of power both political and economic, ecology and stewardship of natural resources, world hunger and the related problem of changing one's life style, criminal and social justice, world peace, disarmament, the human rights of decent housing, food, and medical care.

The final area of discussion was that of religious liberty as it touches the prophetic role. Religious liberty was seen to be not merely freedom to worship according to one's conscience and religious tradition, but to carry out actions which have repercussions in society. This would include freedom to denounce social evils of civil rights, freedom of speech to call for human values rather than material values, freedom of publication, freedom to exercise one's religion (noted were changes in Sunday blue laws to

allow for Sabbath observance by Jews, regulation of Kosher slaughtering practices, etc.), freedom to lobby for legislation, freedom for peaceable dissent.

Some things which seemed to inhibit religious liberty included the insistence on conformity to a single life and cultural pattern which denies pluralism. The destruction of the culture and civilization of a group in its institutions and customs held sacred (the Native American was noted in this respect), legislation which sets up minute requirements of licensing, permits to control and prevent peaceful demonstration of dissent, whether on a local or broader basis. The group expressed the opinion that if anyone's religious liberty is curtailed, there is a danger to everyone's religious liberty.

The group voiced concern about whether the study nature of the Conference would lead to some action as a result of the week's reflection on religious liberty. Are there groups or individuals who would like to continue to work together on the question of religious liberty?

One closing comment was made: "Commitment is the heart of prophecy." Commitment to God and to speak the truth in love.

Prophecy Seminar - Monday

Need 5 page report: to be condensed to 1 page to be xeroxed for Thursday-Rabbi Eisenstein.

Subject of Prophecy at heart of conference - essence of liberty to dissent from prevailing views. Compulsion to speak out against any behavior which seems to violate ideals which society purports to affirm. Compelled to speak out against evil.

Not all dissent deserves to be called prophecy.

1. Proper motivation.
2. Basis for critique - some religious doctrine or experience - speaking in name of power greater than self.
3. Distinguished from ordinary complaints with respect to level of criteria or standards used for criticizing behavior.
 - a. Fundamental issues.
 - b. Deals with ethical and spiritual values.
4. Resistance - environment not conducive to social criticism.
courage & sincerity
5. Words attempting to interpret or explain history.

(6. After salvation -?) Tuesday)

David Gracie

- A. To what extent can we speak of secular prophecy in a secular age? Are there secular prophets?
- B. Prophetic activity most recently experienced: Acts/words against Vietnam war.
Words spoken of enduring prophetic value.
- C. Are they still being spoken?

Ethical and spiritual values = religious

- D. Who is speaking today?
- E. What are the prophetic issues?

What freedom exists for a prophet today?

"Prophet calling for decision and action in historical context" DG

A. Secular Prophecy:-

"Secular" - basic reason politics, economics, legality "natural" goodness.

Ecology - economic interdependence - economic and political discussion of world hunger.

Secular = worldly as opposed to the other worldly = religious.

Real atheist is the one who doesn't care and sees no potential for change in world.

Distinction between concern commitment hope for mankind.

Secular prophets are impossibility? because there is no relation to creator in secular?

Secular prophet possible because he doesn't work out of church, synagogue, attitude of faith? clergy.

Secular - primarily of for and in this world motivated by some power not of this world.

System of salvation - anybody who offers it is in the realm of religion.

Prophet operates in a framework of offering a system of salvation. "Yes, but because it is an extension of our belief of God getting his word through human beings.

Some say "prophecy is not in the hands of religious institutions" -

Now - moved to an outsider -

Outside force combined with interior change.

B. Recent acts that may be of enduring value:

1. B1 bomber - ABM

2. Clergy concern - an example of prophetic voices.

Peace movement - effective by feeling of pain and judgment from Tet

3. Bribery)

(
4. Wire tap)

5. Protest against Arab ethnic boycott

Confusing side and mistake we miss up on the whole issue of repentance.

Tuesday:

Explore the dangers of losing our liberty if we do not exercise it?

What happened in those societies where religious liberty was LOST?

Freedom to dissent though it be unpopular.

Prophecy Seminar - Tuesday

Distinction between secular and religious prophets.

Secular prophets operate outside the traditional faith and aren't organized as a group for that purpose, and when the causative event has passed, they are dissipated.

Religious movements deal with human situations which do not change.

Questions for today:

Amnesty - an issue which calls for a prophetic voice. How can it be heard except through the media? An inherent difficulty about the prophetic function of the prophet

As a group we are too passive - not enough who dare to take the risk.

Prophecy in terms of protest and dissent.

Unpopularity - resulting in diminution of voluntary contribution.

Ancient prophets risked their own lives and property.

The higher authority can speak with less risk than the lesser on social issues.

What about the small quiet prophets, who do their work in an unspectacular way?

Churches and synagogues very existence is a struggle of a prophetic kind.

A need for a stronger corporate expression of prophecy.

Prophet has a clear cut sense of good and evil.

Uncompromising quality about the prophet which makes him denounce evil.

So many qualifying conditions in situations.--it is hard to reach a clear cut decision.

Hard to take an uncompromising position now.

Issues of human dignity, rights, brotherhood are very basic.

Issues:

Amnesty

Corruption

Abuse of power

Ecological issue

World Hunger: change in life style-

Injustice - Social justice

Prophet keeps hitting people's conscience - raise the level of consciousness.

We need to think in more lofty terms?

Get the ear of the powers that be.

Prophecy as speaking truth, not so much as changing things.

Prophecy comes out of relationship with the Lord and is God's message not the prophet's.

Prophet must speak where he is.

Rabbi - You can't be just a simple soul with a big conscience, but you must use your abilities and knowledge.

A recognition of whose authority is ultimate.

To be able to identify what is the evil is very complex and difficult. Rabbi

Appeal to conscience indispensable.

Basic item is the call to speak.

Everyday there comes a chance to be a prophet to the people whose paths cross ours.

Prophecy has to be on every level.

We want to have the whole thing completed and perfect at one --and prophets don't have the whole thing all at once.

Prophecy and Social action -

Is it enough for individual or do we have to do it in an organized (way)?

Religious - not just freedom to worship but to carry out actions which have repercussions.

Liberties:

Freedom to prophecy-- Spock-Coffin trial: social fabric torn apart:

Can you do so/or are there limits to it?

Question of limits: clear and present danger. Holmes

Five pages:

Discussion topics, conclusions, summary issues, directions seminar took.

4 reporting groups : 3:30 - 5:30

Sharing: Given what you have experienced, what factors seem to enhance or inhibit religious liberty.

What happens when religious liberty is LOST?

What causes the loss of religious liberty?

If we find some place where this occurs, all religious bodies should rise to protest this diminution?

"Licensing for demonstration" - difficulty finding permits. If

If anybody's religious liberty is curtailed, there is a danger to everyone's religious liberty.

Sunday blue laws: You may open on Sunday, if you close on Saturday. Sports openers on Sundays.

Freedom to exercise one's religion could be whittled away.

Kosher slaughtering - question of religious observance.

while humane changes were made.

"Innocuous" legislation may deny

"The right to happiness" - include spiritual as well as material - tied in with religious liberty.

Prophecy - The right to denounce social evils of civil rights would be a kind of religious liberty - free speech.

Prophet's role is to call for the concerns of people against the material costs/items. People vs. things. Human values rather than material values.

Prophet who denounces evils must be disinterested, not benefit in any way from the change he advocates - be out of the struggle and not stand to profit from the advocacy stand.

Freedom of publication: Are postal increases an insidious way of keeping down what is printed?

Cost question as a factor in curtailment of religious freedom.

Network building and development of people power.

Distruction of culture and civilization is related to denial of religious liberty - in so far as it reflects the ethnic background - to include institutions, etc. called sacred (Native American).

Prophetic voices: need to be raised against conformity and denial of pluralism.

Decent housing, food, medicine, part of the human rights which are part of our liberty.

Balance with responsibility and accountability.

Recommendations:

Are there groups, or individuals, who would like to continue to work together on the question of religious liberty?

Commitment is the heart of prophecy.

Seminar - Women's Liberation and the Rights of Conscience

A premise basic to all discussion in this group was the idea that the issue under consideration can be more precisely stated as the issue of the liberation of women and men.

After an introductory statement in which certain relevant points from Dr. Littel's morning lecture were introduced, the group then proceeded to identify other issues of importance relating to the seminar topic. Next the group proceeded to analyse in some detail the values endorsed by certain sections of our contemporary, technocratic society. Finally, the group applied this analysis to the questions of religious liberty and women's liberation.

The following points from Dr. Littell's lecture were suggested as relevant to our discussion. First, the definition of "high religion" as religion beyond idolatry. In religion in which there is a stereotyping of roles, the male and the female are set against each other. When this happens, the religion becomes idolatrous. Secondly, there is no religious freedom in a community that does not accept women. Finally, religious communities employ subtle forms of oppression and repression which limit women's religious liberty. Ms. Kepler, the seminar discussant, suggested that along the continuum of institutions in our society, the church is considered feminine. The clergy, like women, are without power. The values essential to the survival of "high religion" in a technocratic society will only be perpetuated successfully when clergy and women alike succeed in dispelling the feminine stereotype.

After this introduction, other burning issues were raised by members of the group. How can the language used in the church be changed so as to be inclusive rather than exclusive? This question might be considered in relation to language in music, worship, prayer and curricula. What alternatives exist to the business pattern in church organization? What can be said of the liberation of third world women whose situation is distinct and yet who have shared oppression? What are the value of a technocratic order and what are the values distinct to religion?

Granting the importance of all of these issues, the group devoted the rest of its time to discussion the values of a technocratic order and the changes needed in our institutional values systems in order that religious liberty might become a reality. Assuming that our contemporary society is indeed a technocratic society, a distinction was made between those institutions generally large, connected with work, and those connected with community e.g. family, church, ethnic communities. Through a process of brainstorming, the group agreed on certain values which seemed to be recognized to a greater extent in one area or in the other. The values of technocracy were summarized as follows: achievement, stability, competition, aggressiveness, innovation, risk-taking (at upper levels), conformity, efficiency, experimentation, objectivity, political expediency, inventiveness, loyalty, standardization, self-reliance, the material, profit, constant economic growth, accumulation of capital, progress, institutional growth, control and

co-ordination, co-operation, success, discipline, organization, planning, research, expediency, manageability. This was called category one. The values inherent in category two, the communal institutions were summarized as: close interpersonal ties, personal responsibility, mutual support, commitment-devotion, co-operation, small scale, understanding, empathy-consciousness, cohesion - interdependence, personal worth, service to others, humility-love, nostalgia-rootedness-tradition, identity, security, integrity, self-preservation of group, courtesy-propriety, tradition-transforming, limits, common devotion. While category one can be seen as male dominated in that the values are those of men as they are aculturated in our society, category two can be seen as generally associated with women and their values as aculturated in our society,

After enumerating the values which seemed to belong in category two, the group found that, contrary to its expectations, the second category did not supply all of the values which were missing from the first category. It therefore became necessary to establish category three which contained the following values: imagination, creativity, transcendence, growth, humor, mystery, tragedy, serdipity-novelty-surprise, uniqueness, justive, freedom, sexuality, sensuality. This category appeared to the group to be androgynous, both male and female, and to be one of forces or powers, rather than one of values.

Having defined the three categories, the group proceeded to analyse their interrationships. Each of the values in categories one and two were ~~identified~~ ^{identified} in one of three ways. They were

determined to be a) common to both categories, b) unique to one c) transferrable from one to the other when modified. (see appendix I)
The third category was then seen as a power which made it possible to relate the first two in a new and dynamic way, recreating the structures within them as more androgynous institutions. In fact just such an interrelationship is suggested in the DECLARATION OF INTERDEPENDENCE issued by the Women's Coalition for the Third Century. (see appendix II)

On the basis of this analysis, the potential for a controlled technocracy in which religious freedom is openly fostered rather than subtly repressed can be seen. This potential lies in the women's movement as a force which seeks to break down the male-female polarities which exist between our institutions. This can be done by incorporating all appropriate values, whether male or female, into each institution and at the same time, bringing the androgynous power of the third category to bear on the expression of these values.

Summary

Seminar - Women's Liberation and the Rights of Conscience

A premise basic to all discussion in this group was the idea that the issue under consideration can be more precisely stated as the issue of the liberation of women and men.

After an introductory statement in which certain relevant points from Dr. Littel's morning lecture were introduced, the group then proceeded to identify other issues of importance relating to the seminar topic. Next the group proceeded to analyse in some detail the values endorsed by certain sections of our contemporary technocratic society. Finally, the group applied this analysis to the questions of religious liberty and women's liberation.

The group enumerated those values which are endorsed by the work institutions in our society and found them to be largely the values of men as they are aculturated in our society. In the second category, that of communal institutions such as the family and the church, the values were found to be predominately those associated with women and their values as aculturated in our society. A third category was defined which described forces or powers which seemed to be both male and female or androgynous.

On the basis of this analysis, the potential for a controlled technocracy in which religious freedom is openly fostered rather than subtly repressed could be seen. This potential lies in the women's movement as a force which seeks to break down the male-female polarities which exist between our

Appendix I

* common to both categories

u unique to one

/ transferrable from one to the other when modified

Category I:

/ achievement
* stability
/ competition
* aggressiveness
/ innovation
/ risk-taking
/ conformity
* efficiency
* experimentation
* objectivity
* political expediency
* inventiveness
/ loyalty
/ standardization
* self-reliance
* the material
/ profit
/ constant economic growth
/ accumulation of capital
/ progress
/ institutional growth
* control-co*ordination
/ co-operation
/ success
* discipline
* organization, planning, research
* manageability

Category II

/ close interpersonal ties
* personal responsibility
* mutual support
u commitment - devotion
* co-operation
* small scale
/ understanding, empathy, consciousness
* cohesion-interdependence
* personal worth
* service to others
u humility, love
* nostalgia, rootedness, tradition
/ identity
* security
* integrity
/ self preservation of group
* courtesy, propriety
/ tradition - transforming
* limits u common devotion

DEFENSE

survival and protection of nature and all people.

Appendix II

Preamble

Two hundred years ago the United States of America was born of the courage and strength of women and men who while searching for liberty, gold or adventure, endured to lay the foundation of our nation with their lives.

Believing in a people's right to govern themselves, they drafted a Declaration, initiated a revolution and established this republic. Some who struggled for freedom were not fully free themselves: youth, native Americans, blacks, women of all races, and the unpropertied.

Each of us emerges out of the past with a different story to tell. We inherit a nation which has broken through to a technological age with all the dangers and promises that holds. Responsibility rests on us. We are committed to the Constitution of the United States, amended by the Equal Rights Amendment, and the evolving democracy it protects. We believe in the right of all people to self-government.

History teaches us that both unlimited power and powerlessness breed corruption; that where all human beings are not valued, humanity is violated; that where differences divide us, they limit and distort us; that independence is an illusion and unlimited freedom is tyranny, plunging whole societies and people into chaos and bondage. Human survival requires interdependence.

We have been called to new consciousness by impending crises that threaten to overwhelm us if we obediently serve institutions that do not serve us.

We will no longer endure the corruption of power which risks the world's future by ignoring the rights and well-being of persons and communities. The imperative of the present is to integrate the struggle for greater humanization. To be more fully human is to share life, to respond to the dignity of ourselves and others, to be committed to the growth of one another, to develop and vitalize human community. It is necessary then to risk, to be in conflict, to suffer, to love and to celebrate.



CONSCIENCE AND THE LIMITS OF CIVIL OBEDIENCE

The participants of this session came with the following set of concerns which became the agenda for the discussion.

1. How and from where does authority flow?
2. What is the relationship between the individual - group in Civil Obedience or Civil Disobedience?
3. Is there a conflict between Religious Obedience and Civil Disobedience?
4. Can the claim of the two allegiances be worked out?
5. What is legitimate authority?
6. Are there viable ways of expressing discontent with the priorities of the country?
7. Has Civil Disobedience lost its non-violent aspect?
8. At what point does violent revolution become the only option for the person - group of conscience?
9. There appears to be no ready forums for issues of conscience.
10. By what criteria are laws to be judged as to legitimacy or illegitimacy?

We ~~agreed~~ agreed that the following criteria are useful in judging the legitimacy of laws.

1. Legal equality for all persons.
2. Laws to affect life and liberty must be generally applicable.
3. Ex-post-facto laws depriving persons of Life and Liberty are illegitimate.
4. The agency of law making should be separate from the agency of law enforcement.

Every person out of a sense of integrity must be true to ^{oneself} ~~himself~~. In so doing one must act as if ones behavior were to be generalized given the same context.

Is civil religion more a necessary evil or a relative good? Many in the seminar saw it ~~as~~ as certainly inevitable: a society always needs common values and goals to effect its unity, and it is human nature to ground those values and goals in the security of a transcendent order. When the transcendent order is seen as a judgement upon the society, relativizing each attempt to claim ultimacy for the creations of that society, then civil religion is a relative good. When the transcendent order is seen as an unambiguous justification of the society and its creations, then civil religion is a necessary evil.

No matter what content one gives to this functional definition of civil religion, in no expression is it identical to the normative claims made by ~~the~~ the major traditional religions present in the United States. Civil Religion is not identical to ~~Judaism~~ Judaism, Christianity, or the emerging ~~various~~ varieties of Eastern religions. There will, therefore, always be the question: What is the relationship between the faith of ~~the~~ ^{the} member of one these religions and the faith implicit or explicit in the Civil Religion? This is especially relevant to the question of religious liberty. Religious liberty is perverted or destroyed if access to full participation in the society is contingent upon adherence to ~~the~~ the civil religion (in so far as civil religion and one's faith are incompatible or contradictory). Yet, the consensus expressed in civil religion may be essential to the ordering of a pluralistic society in which the ~~liberty~~ ^{liberty} of diverse religious convictions is possible. The obvious questions arise: What consensus is essential to a coherent and viable society, and must that consensus have a transcendent foundation?

The danger of civil religion is the deification of the state or any other reality short of God. The danger which some see civil religion as meeting is the disintegration of the nation as its sustaining myths and ideals collapse. The problem of civil religion is the problem of the relationship between ultimate allegiance and political allegiance. To see that the two are not identical is the first step in putting civil religion in ~~proper perspective.~~ proper perspective.

Bicentennial Conference on Religious Liberty
1520 Race Street
Philadelphia, Pa. 19102
Telephone: 215/563-2036

Condensed Report of the Seminar on Public Education
April 28, 1976

Dr. Joyce Bailey, Moderator
Dr. James E. Wood, Jr., Discussant

The following suggestions do not represent a consensus of the participants in the three sessions of this Seminar, nor even of the few participants who took part in the third and concluding session. They are merely a collection of individual recommendations offered for the consideration of those who are concerned about the role which public schools should play or can play in religious education under our constitutional restrictions.

1. The First Amendment to the United States Constitution has been held to prohibit public school religious teaching, in the sense of indoctrination or advocacy, but not teaching about religion or religious practices which, in fact, has been expressly encouraged. The schools should, therefore, make sure that units on religion are introduced into the curriculum whenever appropriate so as to enable the student to know how religion and/or religious practices have affected or are affecting the subject he is studying.

2. If students are to be "taught about" religion in the public schools, a massive effort will be needed to train public school teachers so as to give them some competence in this area and to sensitize them to its importance. There are some programs now being conducted for such teacher training, and these would have to be expanded. Much attention will also be needed for the preparation of teaching aids and equipment, and church groups should assist in this effort.

3. Much concern about the absence of religious teaching in the public schools today is really concern about the absence of value education, yet there has been nothing in the court opinions regarding First Amendment prohibitions to indicate that value teaching was improper, and some progress has been made in value clarification programs. It is true that some believe such teaching to be impossible or ineffective within a religious basis, but some methodologies are being developed which may be serviceable. These should be investigated and evaluated and then, if practical, introduced as widely as possible.

voucher system

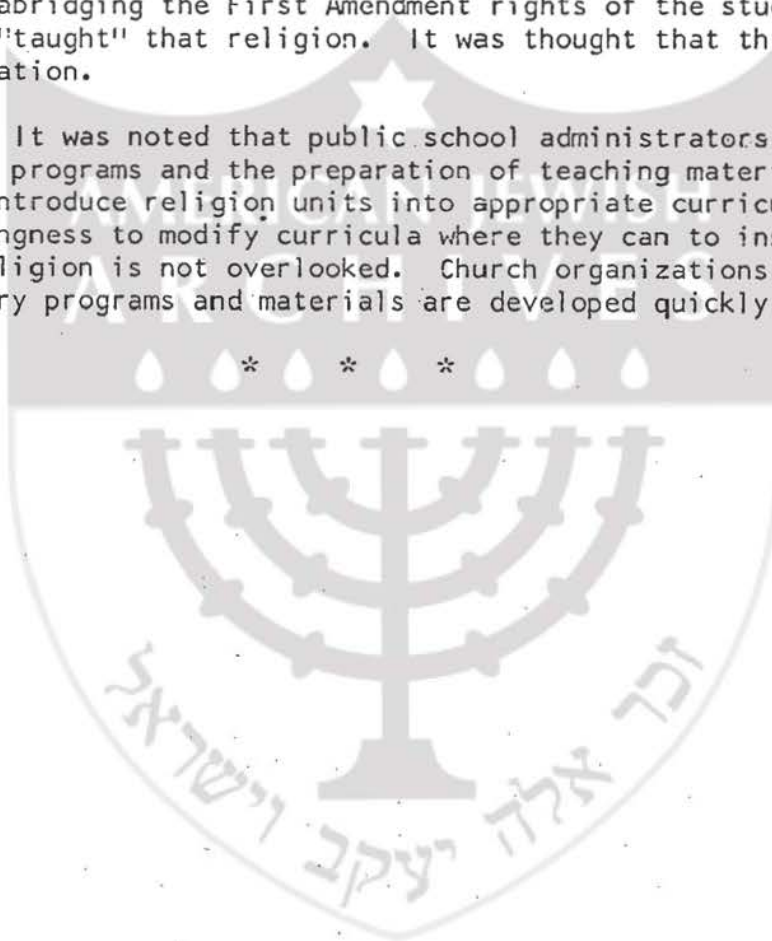
4. If parents were to be given a choice as to where their children should be educated, as among public schools and/or as between public and accredited private schools, this would enable those parents who put special value on religious education to get it for their children, while others would not need to make a change. It was objected, however, that the Supreme Court has held the so-called voucher system unconstitutional and that, in any case, this would mean the dismemberment of the present public school system, a result certainly not to be desired at this time.

5. While it is to be greatly regretted that a recent study of public high school students and their knowledge of religion has indicated most of them to be "religious illiterates", there seems to be no constitutional way to require religious education for them even if our pluralistic society would

approve any such requirement and whether their religious education were to be accomplished in the public school system or not. Yet there is surely nothing to prevent those families and those religious organizations which place a high value on religious education from providing such education for their own children. Indeed, they have a responsibility to provide it which they cannot wholly delegate to the public school system even if it were constitutionally able to fulfill it. The most the public school system can do at present is to recognize that religion must not be omitted from mention just because it cannot be taught as a subject of indoctrination.

6.) It was suggested that the public schools today, in carefully refraining from anything which might be construed to be "teaching religion", were actually teaching what might be termed a "new religion" of secular humanism and may thus be abridging the First Amendment rights of the student whose parents do not want him "taught" that religion. It was thought that this idea needed careful consideration.

7.) It was noted that public school administrators have called for teacher-training programs and the preparation of teaching materials which would enable them to introduce religion units into appropriate curricula, thus indicating their willingness to modify curricula where they can to insure that the importance of religion is not overlooked. Church organizations should see to it that the necessary programs and materials are developed quickly.



REPORT FROM THE GENOCIDE SEMINAR

1. Genocide is the intention of a nation to destroy a group based on reasons of race, religion or ethnic origin. It is human massacre. The term, coined in the 1940s, is enshrined in an international Convention now ratified by 77 countries, including all the world powers except the United States.
2. The term has also been used more widely to indicate the psychological assault on various minorities (short of mass murder). However, prejudice, discrimination and persecution of minorities may lead to genocide and should be actively opposed. Genocide itself has a special character and demands special means to stop it.
3. Genocide has been committed recurrently in human history. In our century it has been committed against a wide variety of peoples:

the 1915 massacres and deportations that cost the lives of 1,500,000 Christian Armenians in Ottoman Turkey;

the Holocaust of 6,000,000 Jews in Nazi-controlled Europe in World War II;

the attacks on other groups as diverse as the Bengalis in East Pakistan, political opponents in Indonesia, and tribal groups in Africa.

IT IS ESTIMATED THAT AS MANY HUMAN BEINGS HAVE DIED BY GENOCIDE SINCE 1945 AS IN OFFICIALLY DECLARED WARFARE.

4. Despite moral and legal condemnations of genocide, this twentieth century experience is warning that genocide's threat can be expected to recur. Groups facing this threat today include Jews in the U.S.S.R. and the Middle East; some Christian groups in the U.S.S.R. and the Middle East; Hindus in Bangladesh; Indians in Latin America; tribal groups in Africa.
5. Genocide can be prevented through the intervention by the United Nations and the influence of world public opinion, including religious groups.
6. Imperatives affirmed by the Seminar regarding:
 - A. The United Nations: The U.N. should be vigilant to identify signs of potential genocide and take prompt steps to end such persecution in any nation or any political bloc.

The U.N. should devise appropriate machinery for the implementation of the Genocide Convention and also give authority to the High Commissioner of Refugees to rescue human beings in the midst of genocide.

The U.N. should encourage nations which in the past have committed genocide to face the true history of those events and to make restitution, however belatedly.
 - B. The U.S. Senate: Senators should give prompt ratification to the Genocide Convention during this Bicentennial year; citizens should urge their Senators to take this action during this session of Congress.
 - C. Religious Groups: Religious groups and persons must say No to any action which leads any people to a position of hopelessness because:
 1. Human dignity is accepted as inherent in the person or as the refection of God's image in the person;
 2. Religious groups claim to be caretakers of God's creation;
 3. Therefore, religious groups must take risks to claim their religious and human rights before they are threatened by extinction - and other religious groups must use their political freedoms to rescue these oppressed groups. Religious persons and groups cannot remain silent or indifferent in the face of dehumanizing injustices.

SEMINAR ON RELIGIOUS LIBERTY AND INTERNATIONAL AFFAIRS

One-Page Outline

Areas Covered in Our Discussion

1. The complexities in the current situation: (a) the admixture of other factors in situations of religious persecution and conflict; (b) the inter-relation of religious freedom with other rights; (c) how we can distinguish legitimate limitations on the exercise of religious freedom from unjust restrictions.
2. The present state of international safeguards: (a) the struggle to maintain the international standards (e.g., the impact of the Universal Declaration and the forces weakening it); (b) ratification of the Covenants; (c) roadblocks on instruments to eliminate all forms of religious intolerance.
3. An international strategy for the future: (a) the need for an international ethos; (b) the need for action at several levels of international society; (c) the need for education among the churches and other religious bodies; (d) the need for the churches to strengthen their own freedom by demonstrating a more consistent lifestyle and a more active concern for those whose freedoms are injured--the powerless, the disadvantaged, "the least of these."

Areas of Consensus

1. International safeguards.
2. Struggling for religious freedom narrowly defined, but also giving a broad definition and acting on it.
3. An across-the-board concern, e.g., for ~~the~~ deprivations of liberty in the USSR, Eastern Europe, etc. as well as in Chile, S. Korea, the Philippines, etc.
4. Actively promoting human rights - not just sitting in judgement on violators.
5. Making the lifestyle of the American church less a reflection of American affluence and more consistent with religious values and international justice.

Areas of Disagreement

1. Value and importance of the Helsinki agreement.
2. The Jackson amendment as a tool for promoting religious liberty.
3. Solzhenitsyn.
4. Cutting off aid to repressive, torture-practicing regimes -- effective?
5. Whether the church has the moral integrity to speak out.

Bicentennial Conference on Religious Liberty
1520 Race Street
Philadelphia, PA 19102
Telephone: 215/563-2036

Brief Report--Seminar on Medical Ethics and Rights of Conscience

Rev. Bruce Hilton, Moderator
Sr. Margaret Farley, Discussant

The seminar began with an introduction by the moderator and a brief statement by members of the reasons for their participation. This was followed by an overview from the discussant of the nature of moral obligation and the modes of justifying setting limits to rights of conscience claims. The crucial elements here are one's personal experience of the moral "ought" and the establishment of procedures to adjudicate conflicting moral imperatives when there is question of injury to an innocent third party. After some group discussion of these elements, the seminar decided to focus on three general areas of ethical decision: choices regarding death, genetics and reproduction (including genetic screening, genetic counselling, in utero diagnosis, abortion, and fetal experimentation), and distributive justice questions regarding health care delivery.

* * *

Bicentennial Conference on Religious Liberty
1520 Race Street
Philadelphia, Pa. 19102
Telephone: 215/563-2036

SEMINAR: Conscience and the Military-Industrial Complex

Syster Margaret McKenna, Moderator

George Lakey, Discussant

Domination with its damaging denial of human rights is the theme that emerges constantly and strongly from reflection upon the reality of the military-industrial complex. The possible benefits to humankind of a warless world are not envisioned lest wealth and power be dispelled. Consequently strategies for waging peace are not developed. Suspecting that which is different, fear emerges, panic sets in, force is used. Caught in the power struggle for world domination, arms proliferate. Upholding our way above all others, we rely upon an economy based on the arms race. We rationalize that our position is born of necessity. The confusion of religion and culture produces a civil religion that is an accomplice of injustice.

Confrontation of the military-industrial complex calls us to rearrange our priorities. Using legislative power we can call for a reduction of arms, and a withdrawal of military forces at home and abroad, a comprehensive test ban, a roll back on nuclear weapons and more equitable tax laws. We need to promote disarmament and international institutions, and demonstrate that the economic implications of peace conversion are positive both for our country and the world.

But an important step towards effecting peace conversion is envisioning some viable alternatives to our present balance of terror approach to world conflict. One of several possible alternatives discussed was "civilian defense" described by Boserup and Mack in War Without Weapons. It is interesting that although this is a non-violent strategy, it is claiming more interest and research in the military establishment than among pacifists. This is because its practical possibilities have been evidenced in history. More recent examples of its successful use include the Battle of the Ruhr in Germany in 1923, and the occupation of Czechoslovakia in 1968. Civilian defense deals with the reality of conflict through strategies of non-cooperation and the development of resistance unity. Since balance of power and symmetry of technology are not relevant in this strategy, it offers a viable, if little-known, alternative to our present dangerous deterrence policies.

The existence of the military-industrial complex in our country not only threatens our liberty, but significantly diminishes it, because it takes economic and political power away from the majority of our people and puts it in the hands of a small and practically unaccountable wealthy minority. Besides fostering the possibility of a nuclear cataclysm, the military-industrial complex involves us in economic injustices here and support of oppressive regimes abroad. The unlimited profit motive that animates it and the logic of domination that maintains it, are clearly contrary to the ethical imperatives which religion proclaims and true liberty demands, to say nothing of the irresponsibility with regard to human life and environment that characterizes it. The responsibility of religion at this hour of history to use the freedom given it in this country to exercise its prophetic role is clear. Religions should categorically call us to "choose life" and condemn war in a nuclear age, together with the injustices implicit in our military economy. They should give insistent voice to the vast unmet human needs that exist in this country and elsewhere because of it. Religious institutions in this country should be consistent with its ethics in its own structures and offer positive alternative models of non-oppressive, non-competitive human community. Finally, religion is needed to promote reconciliation in our world and to cultivate the faith, hope, and community that alone can make our future possible, human, and free.

Bicentennial Conference on Religious Liberty,
Seminar: Religious and Ethnic Minorities 426, 4/27, 4/28/1976

Main issues considered

American society is now seen as pluralistic, a combination of many ethnic groups, which yet bear an over-all American character.

Ethnicity and religion are interwoven. The former is probably more responsible for religious liberty than the latter, although it sets a background of values. On the whole such religious liberty as we have came from secular groupings and sources. Economic determinism is a vital factor.

Classes are economic, cutting across ethnic and religious lines. Temporary alliances are formed for achievement of a given purpose.

Relationships between ethnicity and religion had different patterns in the West due to the different history and hence different attitudes of the inhabitants, greatly influenced by the Latins and later the discovery of gold and the influx of Oriental labor.

Today there is question as to whether attitudes and demands of ethnic groups are reflections of militant or fringe portions of the groups or of the total or majority.

The size of a given group may affect its militancy, and its effectiveness.

Are churches grasping the realities of the ethnic situation? of the nations within our nation? It would seem that many so-called church leaders are or were from a few north European cultures - British, German, Irish - and without empathy for contemporary ethnic groups. Some do not even have priests or ministers who know their languages. The old line religious structures (possibly with the exception of Judaism as without structure in that sense) are unsympathetic to diversity.

So-called education and American attitudes toward learning foreign languages, literature, and cultures, has not helped appreciably, its leaders also being divorced from the ethnic realities.

Moderator: Dennis J. Clark
Discussant: Murray Friedman
Recorder: Jessica Feingold

Concern for theological and practical foundations of the right to privacy. It is a gift of God (Gen. 3:20) and an implication of forgiveness (Isa. 43:25; Jer. 31:34).

THREE GENERAL TOPICS:

1. privacy in associations
2. ...in record-keeping
3. ... in clergy confidentiality

Forms of privacy invasions include:

- mail cover and other eavesdropping (e.g. wiretaps)
- surreptitious entry
- no-knock laws
- dirty tricks
- commercial use of records - exchange of records
- defamatory reports
- cable TV and other communications systems with two-way potential
- fishing expeditions in bank or other records
- interconnected databanks
- informers
- investigatory grand jury use of subpoena and immunity
- personnel files inaccessible to person, carelessly safeguarded, sometimes shared...

More than 8,000 ^{personnel} file systems were reported in 3,000 pages of the FEDERAL REGISTER on application last fall of the new federal law.

Two polarities: Expanding power of the state and commercial institutions regarding record-keeping is necessary and potentially good, vs. unwarranted and potentially harmful.

Definition of privacy: Freedom from interference and intrusion, the ability to control what others may know about oneself, the right to be left alone or to join others without being watched.

Agreed to express concern for trend to ignore Bill of Rights guarantees in ~~governmental~~ governmental and private surveillance and record-keeping regarding individuals and groups. Noted that the FBI, CIA, et alii are not held accountable by Congress.

Re: databanks, we are concerned for:

- Access to records (financial data and personally sensitive information)
- Integrity of computerized data (protection of confidentiality against both accidental and intentional exposure)
- Retention and expunging (including rights of notification and access)

Re: privacy and the church, we are concerned for

- Integrity and privacy of church records and internal meetings
- Protection of priest-penitent relationship, including immunity of clergy-communicant communication
- Church policy and practice re: personnel records

- - summarized with a bleary eye by
Al Myers

Bicentennial Conference on Religious Liberty
1520 Race Street
Philadelphia, PA 19102
LO 3-2036

Seminar on Prophecy

The seminar on prophecy focused around four main areas: 1. the criteria required for the dissent from prevailing views to be called prophecy, 2. the difficulties inherent in expression of the genuine prophetic word, 3. issues which call for prophetic word, 4. some of the freedoms of religious liberty which are necessary for the prophetic word to be heard.

In the first session, six criteria were laid out as necessary for the word of dissent to be called prophetic:

1. Proper motivation.
2. Basis of the critique, that is that it is based on some religious doctrine or experience, and is spoken in the name of a power greater than one's self.
3. The level of criteria or standards used for criticizing behavior must be that of fundamental issues and deal with ethical or spiritual values.
4. It must encounter resistance from an environment not conducive to social criticism, and will therefore require courage and sincerity.
5. It must be attempting to explain or interpret history--be set in and of the events of the time.
6. It must offer salvation.

The question was raised as to whether secular as well as religious prophets were possible. The group agreed that a secular prophet might well be seen as one who operated outside the traditional faith or religious body.

During the session the group listed a series of recent acts and statements which seemed to have enduring prophetic values: protests against B-1 Bomber and ABM, clergy concerned in the peace movement, protests against the practices of bribery, wire tapping, economic boycott on ethnic grounds.

The second session further explored the criteria and difficulty of the prophetic role. We noted the difficulty of being a prophetic in the complexity of modern social and economic conditions where clearcut lines of good and evil are not always easily determined. It was noted that the prophet may be found speaking the word of truth both in quiet ways among a few people and to larger groups in higher areas of authority.

Freedoms for religious liberty included: freedom of speech and peaceful dissent, freedom to publish, to lobby for legislation, freedom to appeal to and exercise one's conscience, and freedom to act both independently and in organization.

The question was asked as to whether within this Conference there are individuals who would like to work further together on the question of religious liberty.

* * *