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February 5, 1982

Seymour Samet

Sam Rabinove

Bob Jones University/Goldsboro Christian Schools v. United States

I was invited to participate in a "conversation" on the issues presented by these consolidated cases by the Project on Church, State and Taxation of the National Conference of Christians and Jews. The meeting took place yesterday and among the 15 religious leaders and lawyers present were Don McEvoy of NCCJ, Rev. Dean Kelley of the National Council of Churches of Christ, Father Charles Whelan of America magazine and Fordham Law School, Stanley Weithorn (who specializes in tax law), William Thompson of the United Presbyterian Church, Richard Neuhaus of Worldview magazine, Napoleon Williams of the NAACP Legal Defense Fund and John Baker of the Baptist Joint Committee on Public Affairs.

The discussion was especially interesting because some of the people present espoused the view that the Free Exercise Clause of the First Amendment should protect even racially discriminatory religious schools from taxation. Their arguments were cast in terms of: Where can you draw an intelligent line? If, for example, we deny Goldsboro Christian Schools tax-exempt status because it is in violation of the "declared national policy" against racial discrimination, how can we then grant tax-exempt status to a pacifist church such as the Quakers, in time of war, when what they preach is also in violation of "declared national policy"? Or, putting it another way, if we deny tax-exempt status to a religious institution because it is racist, should we not also deny tax-exempt status to a religious institution which is sexist, such as the Catholic Church or Orthodox Judaism, neither of which ordains women? Stanley Weithorn, who is one of the foremost national experts on tax policy, said that he had changed his mind on this issue, i.e., previously he had espoused the "free exercise" argument, but that he had recently concluded that racial segregation is so utterly dehumanizing that it should not be protected under the mantle of the First Amendment, in other words, that racial discrimination is sui generis. Others who were present agreed with him. Everyone present seemed to agree that religious institutions have every right to restrict admission to those of their own faith, or to grant preference to those of their own faith, without jeopardizing their tax-exempt status. Everyone seemed to agree also that, whatever one may think of the merits of this complex issue in constitutional terms, the behavior of the Reagan Administration in recent weeks has been nothing short of scandalous.

SR:lk

cc: Marc Tanenbaum ✓

NEWS COMMITTEE

FROM THE

THE AMERICAN JEWISH COMMITTEE Institute of Human Relations, 165 E. 56 St., New York, N.Y. 10022, (212) 751-4000

The American Jewish Committee, founded in 1906, is the pioneer human-relations agency in the United States. It protects the civil and religious rights of Jews here and abroad, and advances the cause of improved human relations for all people.

MORTON YARMON, Director of Public Relations

FOR IMMEDIATE RELEASE

NEW YORK, March 1....Four leading human rights organizations have urged the U.S. Supreme Court to review the Goldsboro Christian Schools and Bob Jones University cases, asserting that they involve "live" issues of "pressing national importance." Both cases deal with whether a private religious school that discriminates on the basis of race has a right to tax-exempt status.

Goldsboro completely excludes black students while Bob Jones bars interracial dating. Both claim to base these rules on their religious convictions.

The Federal Government has argued that the Supreme Court should not hear the cases, saying that the issues in the two suits are now moot because the Government has decided to grant tax-exempt status to the two schools.

Disputing the Government's contention, the American Civil Liberties Union, the American Jewish Committee, the Lawyers' Committee for Civil Rights Under Law, and the NAACP Legal Defense and Educational Fund, in a friend-of-the-court brief submitted to the Supreme Court, maintain that the cases are not moot because, the brief declares, the "controversy between the Government and the two schools has not come to an end."

Adds Samuel Rabinove, AJC's Legal Director: "The two cases involve issues of compelling national importance that will inevitably find their way to the Supreme Court, and the only way to resolve this complex issue once and for all is for the Court to rule on the matter."

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The two cases began when Bob Jones University and Goldsboro Christian Schools, both fundamentalist Christian institutions, sued in the United States Court of Appeals for the Fourth Circuit for refunds of taxes they had paid, claiming they had a right to tax-exempt status. That court decided against the two schools, declaring that their racially discriminatory policies made them ineligible for tax exemption.

The cases are now pending in Supreme Court.

The four rights agencies that are calling for Supreme Court review have also filed amicus briefs with the Court in support of the lower-court decision denying tax-exempt status to the two schools.

Founded in 1906, the American Jewish Committee is this country's pioneer human relations organization. It combats bigotry, protects the civil and religious rights of Jews at home and abroad, and seeks improved human relations for all people everywhere.

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A, EJP, NEG-A, REL, P-CR
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to Marc Tanenbaum

Jewish leader raps Reagan for backing school prayer

Dallas Times Herald 5/6/82

By RUTH EYRE

Staff Writer

A nationally known Jewish leader Wednesday called President Reagan's support of a proposed constitutional amendment authorizing voluntary prayers in public schools a response to political pressure.

"I think that it is far more a response to political pressure than a response to a genuine need," said Rabbi Marc Tanenbaum, the national interreligious affairs director of the American Jewish Committee.

Tanenbaum was in Dallas to speak at a conference on Religious Faith and Pluralism sponsored by Catholic, Protestant and Jewish organizations.

"It seems to me that this is a capitulation to pressures from the ultra-right political and religious groups who propose a sectarian religious prayer formula for public schools," he said. "And it is courting intergroup conflict, even disaster."

Tanenbaum called Reagan's support of the proposed amendment "clearly a tradeoff" for the political support of a coalition of 30 fundamental political and religious groups that has brought pressure on the President since the 1980 election.

The Jewish leader said he was invited to attend President Reagan's National Day of Prayer breakfast in Washington today, but when he learned that Reagan would announce his support for the school prayer amendment, he chose instead to come to the Dallas conference Wednesday

and today at First United Methodist Church.

"I simply don't want to be a part of political manipulation of the religious life of this country for partisan political purposes," he said.

Proponents of school-sponsored prayer have pressed for such a constitutional amendment since 1962, when the U. S. Supreme Court ruled that organized prayer in public schools is unconstitutional. The court outlawed organized Bible readings in public schools on the basis of the First Amendment but did not forbid voluntary silent prayers or meditation in classrooms. The proposed amendment seeks to authorize voluntary group prayers.

Tanenbaum said he believes opposition to the amendment will come not so much from Jews as from liberal Protestants and Roman Catholics, who do not share the same liturgical formula as the fundamentalist groups supporting it.

"I believe there is a spiritual hunger in America, a hunger that needs to be met," he said. "But there are appropriate ways without destroying the American education system, which has been the great training ground for mutual respect between a multiplicity of religious, racial and ethnic groups in this country. There is no need to besiege the public schools and to try to convert them into church or synagogue schools."

Tanenbaum said efforts to put religion in classrooms is coming at a time when fundamentalist preachers have their largest audiences ever through their television programs.

OUR STAKE IN THE URBAN CONDITION

Pertinent Papers



#11

THE FOURTH "R" RELIGION IN THE PUBLIC SCHOOLS

By SAMUEL RABINOVE
Director, Discrimination Division
Domestic Affairs Department

August 1982



THE AMERICAN JEWISH COMMITTEE, Institute of Human Relations, 165 East 56 Street, New York, N.Y. 10022



SAMUEL RABINOVE, Director of the Discrimination Division in the Domestic Affairs Department of The American Jewish Committee, provides legal guidance and counsel to AJC staff and community relations councils in the areas of civil rights and anti-Semitism. He also coordinates AJC's participation in litigation of concern to minority groups in general and Jews in particular such as religious liberty, freedom of expression and discrimination in education, housing and employment.

PREFACE

In his book, AN ALMANAC OF LIBERTY, former Associate Justice of the U.S. Supreme Court William O. Douglas states:

The more one studies the religions of the world the more he comes to appreciate the wisdom of the First Amendment in accommodating all of them. They are in many ways distinctive. But they have many common threads, and even patterns. Each honors truth, justice and charity. Each has the Golden Rule. Each teaches that inward peace comes from surrender to something bigger than self.

In its seventy six-year history the American Jewish Committee has pioneered in bringing together men and women of different faiths to advance an understanding and acceptance of such views. The separation of church and state mandated by the First Amendment to the U.S. Constitution has provided the firm basis for these values to be taught in the home, church and synagogue and appreciated in an atmosphere of religious freedom unequalled in any other land.

Today, in part because of a deep concern for an apparent erosion of morality in our society, it is being urged by some that these religious values also be taught in the public schools, thus encroaching upon the principle of separation of church and state.

This "Pertinent Paper" by Samuel Rabinove focuses on the history and current emphasis of the national debate on religion in the public schools.

Seymour Samet, National Director
Domestic Affairs Department
The American Jewish Committee

THE FOURTH "R": RELIGION IN THE PUBLIC SCHOOLS

Introduction

A major campaign is under way to reintroduce religion into American public schools. This campaign is fueled partly, but not exclusively, by the religious "New Right," and has been given a considerable boost by President Reagan, who strongly supported school prayers as a candidate and has proposed a Constitutional amendment to overcome the Constitutional barriers to such activity.

Simply put, the rationale for this drive is the belief that this country has suffered a massive breakdown of public order and morality, and that this can only be cured by restoring to our children the traditional faith, values and respect for authority upon which the nation is founded.

Large segments of "Middle America," people devoted to God, country and family, have been deeply disturbed by many contemporary trends in our society. There is a widespread conviction that things have gone too far, that liberty has become license, and that individual rights and freedoms are exalted at the expense of other, equally important values, such as order, security, responsibility, civility, courtesy, and consideration for the rights and freedoms of others. Faced with serious social, political and economic problems at home and abroad, many people yearn for the "good old days" (which frequently seem far better in memory than they were in reality), and want to believe that school prayers, Bible-reading and similar proposals will help our society cope with its complex ills. Hence the appeal of the religious New Right and its simplistic rhetoric and remedies.

While large numbers of Christian Americans recognize the threat to religious freedom inherent in the President's proposals and the "New Right" pressures, others do not understand how any group can consider them wrong. A brief look back into American history may help provide some answers.

In 1843, in New York City, religion was an accepted part of the public-school curriculum. When a group of Jewish parents took issue with the use of a particular textbook, American Popular Lessons, for religious instruction, the committee appointed by the Board of Education to look into the matter rejected the protest, reporting to the Board that it had "examined the several passages and lessons alluded to...[and had been] unable to discover any possible ground of objection, even by the Jews, except what may arise from the fact that they are chiefly derived from the New Testament and inculcate the general principles of Christianity." That some Americans might reasonably object to having their children taught "the general principles of Christianity" evidently did not even occur to the committee members. But it is clear that it did occur to the framers of our Constitution.

In the Constitution of the United States there is no mention of Jesus Christ.*

*Beginning in 1864, a religious group called the National Reform Association labored for many years, without success, to amend the Preamble to the Constitution to declare the lordship of Jesus Christ.

In fact, nowhere in that document is there any mention of God. These omissions scarcely could have been inadvertent since most of the Founding Fathers were God-fearing Christians.

The men who framed the Constitution were painfully aware of what happened to "heretics" and "dissenters" in the many lands where church and state were joined. They knew that the United States was settled in large part by refugees from religious and political despotisms, and that many of these same refugees had later denied to others in the New World the freedom of worship they themselves had left the Old World to secure. The Puritans, for example, driven out of England by the Anglicans, saw nothing wrong with driving the Baptists out of the Massachusetts Bay Colony some years later. It was the Baptist Roger Williams who founded in Rhode Island the first American colony that rigorously separated church and state and granted full religious tolerance to all its inhabitants.

A major factor in the development of freedom of conscience in the U.S. was a paper written by James Madison in 1785, entitled Memorial and Remonstrance Against Religious Assessments. In this historic document, which helped shape the First Amendment to the Constitution, Madison insisted that support of religion must be voluntary, warning that tax-supported religion would create enmity and endanger freedom.

It is the First Amendment which is at the heart of the legal separation of church and state in this country -- a separation that has been challenged and upheld repeatedly over the years. In 1947, in the case of Everson v. Board of Education, the United States Supreme Court, while upholding public busing of religious school pupils as a welfare benefit to children, unanimously enunciated a rule of law which was unanimously reaffirmed in three subsequent cases: "The 'establishment of religion' clause of the First Amendment," the Court held, "means at least this: Neither a state nor the federal government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another.... No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the federal government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice-versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and state'."

It goes without saying that public schools are tax-supported state schools.

Religious Instruction in Public Schools

Shortly after the Everson case, the Supreme Court was confronted with a different kind of school case involving religion. Mrs. Vashti McCollum of Champaign, Illinois had challenged the right of the local Board of Education

to hold weekly classes in religion during school hours for pupils whose parents had authorized them to participate. The classes were taught by instructors specifically brought in to teach children of their respective faiths. The time of the class was taken out of the regular school day and children who did not attend religious instruction were given other work to do during that period. In 1948, in McCollum v. Board of Education, the U.S. Supreme Court by a vote of eight to one held that this program was unconstitutional, because the cooperation between the public school and religious authorities made use of the state's compulsory education system to help religious groups to spread their faith.

Four years later, in 1952, a similar problem was presented to the Supreme Court, in Zorach v. Clauson. This case involved a "released time program" set up by the New York City public schools to release pupils early from classes at the request of their parents to receive religious instruction away from public-school premises. Because there was no use of tax-supported public-school classrooms in this instance, the Supreme Court decided, by a vote of six to three, that the New York City program was a reasonable accommodation to the religious needs of the people. The Court majority noted that there is no constitutional requirement for government to be hostile to religion. "Released time" programs are still in operation in many school districts throughout the country.

Organized Prayer in Public Schools

Two major cases in 1962 and 1963 brought the issues of prayer and Bible reading in the public schools before the Supreme Court. In both Engel v. Vitale (1962) and Abington School District v. Schempp (1963), the Supreme Court held (6-1 and 8-1, respectively), that, under the First and Fourteenth Amendments, it is not the business of the state to compose or to sponsor prayer or Bible reading for American school children.* These decisions caused considerable furor at the time, and were widely denounced as being anti-religious and un-American; but they have gained a large measure of public acceptance over the years, and none of the numerous Congressional attempts to amend the Constitution to permit public school prayer have thus far succeeded in mustering the requisite two-thirds majority in each House of Congress. Nevertheless, public opinion polls indicate that most Americans do support school-sponsored prayer on a "voluntary" basis (on this issue the Moral Majority actually is a majority). In a good many school districts, particularly in rural areas of the South and Midwest, organized prayer and Bible reading continue despite the Court's rulings; but the practice is far less common today than it was 25 years ago. (Of course, there is nothing in the Supreme Court rulings to prevent any pupil from spontaneously uttering a genuinely serious prayer [or a less serious one such as, "O God, how I wish the bell would ring!"], provided only that the school does not officially program for this purpose.)

* A number of Jewish organizations, including AJC, supported the plaintiffs who challenged these practices.

It should be noted that the Supreme Court has often drawn a distinction between an accommodation to religion in higher education and such an accommodation in elementary and secondary schools, reasoning that concerns about religious indoctrination are not nearly as great in colleges and universities as they should be in elementary and secondary education. For one thing, school attendance beyond high school is not required by the state, nor is the state required to provide such education. Moreover, college students are considered mature enough and more inclined to evaluate critically the teachings and values to which they are exposed, and to resist attempts at religious proselytization. Thus, more recently, on December 8, 1981, the Supreme Court, in the case of Widmar v. Vincent, struck down a regulation adopted by the University of Missouri that prohibited the use of university property "for purposes of religious worship or religious teaching," holding, eight to one, that a state university that permits student groups to meet on campus for secular activities must also allow student religious groups to meet for worship and religious study. The university regulation had been challenged by an evangelical Christian student group that was denied the use of a room for its weekly Saturday evening meetings. The Court based its ruling on the students' constitutional rights of free speech and association, rather than on their right to the free exercise of their religion.

Since the Widmar ruling applied only to truly voluntary religious practices at state-supported universities, it indicated no change in the Court's view that the Constitution bars officially sponsored or approved prayer in public schools. Thus, on December 14, 1981, in the case of Brandon v. Board of Education of Guilderland School District, the Court refused to hear an appeal by a group of high-school students from an upstate New York town who were denied permission to hold voluntary prayer meetings on school property before the official start of the school day. (The U.S. Court of Appeals for the Second Circuit had upheld the school board's policy of disallowing the prayer meetings as a violation of the separation of church and state.) And, on January 25, 1982, in the case of Treen v. Karen B., the Supreme Court unanimously upheld without a written opinion a U.S. Appeals Court ruling that a Louisiana law authorizing local school districts to adopt a prayer period of up to five minutes at the beginning of the school day was unconstitutional. The state law, enacted in 1980, provided that a teacher or a student volunteer could lead a class in such prayer, and that students who did not wish to participate could leave the room.

Another decision by the U.S. Court of Appeals for the Fifth Circuit on March 11, 1982, Lubbock Civil Liberties Union v. Lubbock Independent School District, also held that a school district policy that permitted students to meet voluntarily*

* The question of what constitutes "voluntary prayer" was addressed in two Washington Post columns in the winter of 1981 when the Senate was debating the issue. Liberal Richard Cohen, in a column entitled "Birds of Pray", wrote: "There is simply nothing voluntary about it. When you're eight years old and everyone around you bows their heads, you bow your head. When everyone is mumbling words, you mumble words. When they pause for a moment of silence

for religious purposes, before or after regular school hours, violated the Establishment Clause of the First Amendment. The court said:

The school district claims that since there is no coercion in this case -- the meetings being voluntary -- the challenged provision does not advance religion. This contention, however, finds no support in case law. As the Supreme Court stated in Engel v. Vitale, 370 U.S. 421 (1962), "Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of students is voluntary can serve to free it from the limitations of the Establishment Clause." Furthermore, the fact that the meetings take place before or after "regular hours" does not mean that the state compulsory education machinery is not involved. It is that machinery that draws the students to school and provides any audience at all for the religious activities, whether or not the school day has "officially" begun.

On May 17, 1982, President Reagan formally proposed a constitutional amendment to permit organized prayer in public schools. The President's proposed amendment states:

Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any state to participate in prayer.

In his message to Congress, Mr. Reagan said that the amendment would "restore the simple freedom of our citizens to offer prayer in public schools and institutions." As might be expected, the proposed amendment was warmly

* (continued from previous page)

you do the same. And you do this not because you want to, but because you do not want to make a spectacle of yourself. What eight year old is going to raise his or her hand and say to the teacher, 'I have a constitutional right to be excused and I would like at this moment to do so?'" And conservative James J. Kilpatrick, in a column entitled "Oh, For God's Sake, Shut Up!", wrote: "The trouble is, as I see it, that the Supreme Court was exactly right in prohibiting the official prayer prescribed by the New York Regents in the Engel case. The Court was right again in banning the Bible readings that Pennsylvania required in Abington Township v. Schempp. The state simply has no business in the religion business. It is irrelevant that sessions of the Senate and House are opened with prayers. What does that have to do with the issue at hand? We are talking about state-sanctioned prayer in public schools where attendance is compulsory. It is pure sham to contend that in such circumstances 'prayer and meditation' can be made 'voluntary.' Only the boldest children, willing to make themselves conspicuous, will walk out."

endorsed by Rev. Jerry Falwell and other leaders of the religious "New Right," as well as by many political conservatives. On the other hand, it was sharply denounced by numerous organizations and individuals, liberal and otherwise, including the National Council of the Churches of Christ, the Synagogue Council of America, the Baptist Joint Committee on Public Affairs and the American Civil Liberties Union. As of this writing, a major battle is shaping up on this issue.

Attempts to Limit Federal Court Jurisdiction over School Prayer Cases

Ever since Chief Justice Marshall's famous decision in Marbury v. Madison in 1803, the Supreme Court has been acknowledged as the ultimate judge of how the Constitution is to be interpreted. President Reagan's proposed Constitutional Amendment is not the first effort to get around the Supreme Court's school prayer decisions. In 1971, the American Jewish Committee urged the defeat of another proposed Constitutional amendment to overturn the Supreme Court's prayer decisions as "at best superfluous and at worst an invitation to religious conflict, bitterness and recrimination." Because such proposed amendments have consistently failed to win the necessary backing of two-thirds of the House and the Senate, the religious "New Right" has launched a drive to accomplish its goal another way--by seeking legislation to curtail the power of the Federal courts to rule on school-prayer cases originating in the states.

This move threatens to upset the delicate balance of powers between the executive, legislative and judicial branches of government set forth in the Constitution -- a balance which has been the cornerstone of this country's political system almost from its beginnings as a nation.

While Congress does have the power under Article III of the Constitution to make exceptions to the Supreme Court's appellate jurisdiction, this authority has traditionally been interpreted very narrowly. As many Constitutional scholars, both liberal and conservative, have testified, the proposed legislation would exceed the power of Congress by undercutting other provisions of the Constitution and supplanting the Supreme Court as the final arbiter of the Constitution.

The current effort to bypass an amendment to the Constitution also intrudes upon the role of the states as co-participants in the amendment process which is such a vital part of that document. If the jurisdiction of the Federal courts over this class of Constitutional claims were restricted as proposed, state courts would have the final say in all such cases. While such measures may appear to give the states more power than they presently enjoy, there could be as many as 50 divergent interpretations of the religion clauses of the First Amendment. The sponsors of the bills obviously feel, with good reason, that many state courts will enforce Constitutional rights with less vigor and effectiveness than their Federal counterparts. The U.S. Supreme Court as well as the Federal lower courts generally have traditionally been more receptive to claims of Constitutional rights than have state courts, and also more effective in implementing those rights. Most state judges, unlike their colleagues on the Federal bench, are elected to office. They are less free from political pressures, and they do not have the security of life tenure. They are therefore far more vulnerable

to the public mood. The First Amendment, it must be stressed, is, first and foremost, a safeguard for the minority against the "tyranny of the majority."

If Congress were to enact a law barring the Supreme Court or other Federal courts from reviewing cases involving school prayer, -- the Voluntary School Prayer Act of 1981, for example -- no provision in the Bill of Rights would ever be truly secure again. For at any time that a decision of the Supreme Court or a lower Federal court seriously offended a majority of both Houses, the jurisdiction of the Federal courts to hear the issue would be eliminated. These fears have been expressed in testimony not only by the American Jewish Committee and other Jewish organizations, but also by the American Bar Association, eminent constitutional scholars, and religious leaders of virtually every major Christian denomination, including Presbyterian, Episcopalian, Methodist, Baptist, United Church of Christ and Lutheran. Judge Robert Bork, for example, a staunch conservative who served as Solicitor General of the United States under Presidents Nixon and Ford, and who was appointed by President Reagan to the U.S. Court of Appeals for the District of Columbia Circuit, warns that Congressional restrictions on court jurisdiction represent "a cure that may set a precedent more damaging. . . than wrong Supreme Court decisions."

"Scientific Creationism"

Another effort to involve the public schools in the teaching of religious doctrine is the powerful drive to compel the teaching of "scientific creationism" in public schools and to discredit the theory of evolution. In 1968, in the case of Epperson v. Arkansas, the U.S. Supreme Court ruled unanimously that a statute which made it unlawful to teach the theory of evolution in public schools violated the Establishment and Free Exercise Clauses of the First Amendment. "Scientific creationism" is an attempt to cloak fundamentalist religion in the language of science. Public-school systems are being pressured to revise biology curricula to promote the Biblical account of creationism as an explanation for the origin of life and of the universe.

In the past few years, bills requiring public schools to offer material that supports the story of creation as depicted in Genesis have been introduced in at least 18 states. Thus far, only two such bills, in Arkansas and Louisiana, have been signed into law. In several other states, however, including Texas and Iowa, evolution may now be taught only as a theory, and teachers must present other theories, such as creationism, as possibly just as valid.

The "scientific creationism" movement is led by three groups: the Creation Research Society of Ann Arbor, Michigan; the Creation Science Research Center and the Institution for Creation Research; both of San Diego. These groups, which publish and market numerous books, pamphlets and audio-visual materials, all subscribe to the following statement of belief:

The Bible is the written word of God, and because it is inspired throughout, all its assertions are historically and scientifically true. . . this means that the account of origins in Genesis is a factual presentation of simple historical truths.

The two pivotal points of conflict between the creationists and the evolutionists concern the beginnings of mankind and the age of the earth. To the creationists, any theory that man evolved from lower forms of life is anathema, because of the Biblical account of God's special creation of Adam and Eve. They believe that all basic plants and animals were created directly by God during the single week of creation, as revealed in Genesis. And while evolutionists cite scientific evidence that the earth is several billion years old, creationists place the earth's age at about 10,000 years.

While scientists overwhelmingly believe that evolution is the very foundation of the biological sciences, the creationists believe that the world and the human race were created out of nothing (ex nihilo) by act of God. And though they no longer insist that any mention of evolution be prohibited in public school classrooms, they demand that school boards be forced to give "scientific creationism" equal standing with evolution theory in science classes.

The attack on evolution, coupled with the drive to restore organized prayer in public schools, is part of a much broader attack by the religious "New Right" on what they call "the religion of secular humanism." They view the teaching of evolution, at bottom, as an attempt to undermine the Bible and traditional religious belief and value systems.

Of course, any scientific theory should be subjected to critical scrutiny, with evidence for or against adduced, examined and either accepted or rejected. But "scientific creationism," as perceived by its proponents, is not really a theory, but an article of faith. While those who presently accept evolution are free to change their minds if new scientific evidence were uncovered, the creationists cannot consider any evidence that casts doubt on their beliefs since to do so would be to reject what they consider the word of God.

As noted earlier, the U.S. Supreme Court in McCollum v. Board of Education outlawed religious teaching in public schools. Despite the effort to cloak "scientific creationism" in scientific garb, there can be no serious question that it is a religious doctrine, and that teaching it in public schools violates the Constitutional separation of church and state. In 1971, in Lemon v. Kurtzman, the U.S. Supreme Court ruled that for a statute to pass Constitutional muster under the Establishment Clause of the First Amendment, it must meet three tests: it must have a secular purpose; its primary effect must neither advance nor inhibit religion; and it must not foster excessive government entanglement with religion. Bills requiring the teaching of "scientific creationism" in public schools fail all three tests.

The Arkansas "balanced treatment" law was struck down by a U.S. District Court on January 5, 1982, in the case of McLean v. Arkansas, and the State Attorney General concluded that it would be fruitless to appeal the decision.* Judge

* The American Jewish Committee was one of 23 organizational and individual co-plaintiffs in this suit, which included, among others, the Episcopal, Methodist and Roman Catholic bishops of the State of Arkansas, as well as the American Civil Liberties Union, the Arkansas Educational Association and the National Association of Biology teachers.

William Overton ruled that "creation science," as defined in the statute, was religion masquerading as science, and that, as an advancement of religion, it was barred by the First Amendment from being taught in public schools. The Arkansas statute, Judge Overton declared, "was simply and purely an effort to introduce the Biblical version of creation into the public school curricula."

Conclusion

The opening paragraphs of this paper briefly summarized the rationale for the campaign to restore religion in our public schools. There is, of course, much more to be said. This country is experiencing a powerful religio-cultural backlash against what is perceived as the excesses of liberalism and secular humanism. The traditional and cherished American and Christian values seem to be threatened by developments in our society that many people find acutely distasteful. The list of irritants is virtually inexhaustible: the epidemic of violent crime, the growth of the drug culture, the emergence of a militant feminist movement, the rising tide of divorce, the soaring rate of teenage pregnancy, the demand for abortion at will, the growth of "gay liberation," the decline of public patriotism, inflation, high taxes, corruption and many other political, social and economic problems.

The more one contemplates this list of dissatisfactions, the clearer it becomes that the public schools of America, hard pressed to provide their young charges with the basic skills essential to economic and social survival in our complex society, cannot be expected also to cope with all of that society's ills. Yet that is precisely the demand that many Americans are making.

This is not to say that it is not the job of our schools to inculcate in our children the values of our American tradition and culture. But for reasons of law and national harmony, those lessons, in the public-school classroom, may not be couched in religious terms.

Religious teaching belongs in the home, the church, the synagogue and the parochial school, but not in the public school. What does belong in the public school is the teaching of common core values which are broadly shared by religious believers of all denominations and of secular humanists as well. Lessons that explain the origin and meaning of religious freedom make it clear that Americans include people of many religious faiths or none, and stress that it is the genius of American democracy to welcome and respect religious diversity. An understanding of the impact of religion on our civilization is also intrinsic to a well rounded education; indeed, it would be impossible to teach adequately about the Crusades, the Inquisition, the Reformation, and the colonization of America, as well as the Second World War and the Holocaust, without underscoring the religious factors involved in these events. Nor should the Bible be omitted from courses in literature or the religious influences which illuminate the study of art or music be ignored.

Consider, for example, the values that the Maryland State Values Commission has suggested the public schools foster:

Character Values

1. Personal integrity and honesty rooted in respect for the truth, intellectual curiosity, and love of learning.
2. A sense of duty to self, family, school and community.
3. Self-esteem rooted in the recognition of one's potential.
4. Respect for the rights of all persons regardless of their race, religion, sex, age, physical condition, or mental state.
5. A recognition of the right of others to hold and express differing views, combined with the capacity to make discriminating judgments among competing opinions.
6. A sense of justice, rectitude, fair play and a commitment to them.
7. A disposition of understanding, sympathy, concern, and compassion for others.
8. A sense of discipline and pride in one's work; respect for the achievements of others.
9. Respect for one's property and the property of others, including public property.
10. Courage to express one's convictions.

Citizenship Values

1. Patriotism; love, respect, and loyalty to the United States of America, and the willingness to correct its imperfections by legal means.
2. An understanding of the rights and obligations of a citizen in a democratic society.
3. An understanding of other societies in the world which do not enjoy the rights and privileges of a democratic government.
4. Respect for the U.S. Constitution, the rule of law, and the right of every citizen to enjoy equality under the law. An understanding of the Bill of Rights and a recognition that all rights are limited by other rights and by obligations.

5. Respect for legitimate authority at the local, state and federal level.
6. Allegiance to the concept of democratic government as opposed to totalitarian rule. A recognition that such government is limited by the separation of powers and by the countervailing role of other institutions in a pluralistic society -- principally the family, religion, the school and the private sector of the economy.
7. Recognition of the need for an independent court system to protect the rights of all citizens.
8. An acceptance of all citizenship responsibilities at the local, state, and national levels and a commitment to preserve and defend the United States and its democratic institutions.

In sum, it is indeed the task of the public schools to reflect and help inculcate the highest moral and ethical values of our society, and to develop character and responsible citizenship.* Young Americans must be taught to respect others and to judge all people according to their individual merits. While certain moral and ethical values are central to all religions, these values do not have their sole sanction in religion. Moreover, while many people hold that the values which guide human conduct stem from the great religions, other believe that these values derive chiefly from human experience. It is therefore important for public schools to make clear that Americans who are not religiously affiliated are not morally suspect.

What is most significant is the broad consensus that exists in our country around a common core of shared values -- values that can be articulated throughout the public-school curriculum, but that are best taught by adult example and the day-to-day behavior of parents, religious leaders, school principals, teachers and all the other role models that children look to for lessons in what is important.

* AJC is now working with the Constitutional Rights Foundation, the American Bar Association and others to promote effective citizenship education programs in public schools. These programs are designed to help teachers help their pupils to appreciate the rights and responsibilities of citizens in a democratic society.

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Joint Program Plan for 1982-83

This revised draft, incorporates judgments reached by consensus at the January 1982 Plenary Session; as well as the further judgments of the Joint Program Plan Committee, expressed at its meeting of April 17-18, 1982.

This revised draft was prepared for review by the Executive Committee at its meeting on June 14-15, 1982.

CHURCH-STATE AND INTERRELIGIOUS RELATIONSHIPSPrayer in Public Schools

Changing Conditions: In the much-publicized mood of "moral regeneration" in the country, one of the prime political objectives put forward was returning prayer to the public schools. President Reagan's support for a constitutional amendment increases the likelihood that this issue may come to a head during the 1982 Congressional session. Many states and localities also show an impetus for the introduction of religious practices in the public schools.

Background: President Reagan called for the passage of a constitutional amendment to permit "voluntary prayers" in the public schools, "saying that "no one must ever be forced or coerced or pressured to take part in any religious exercise but neither should the government forbid religious practice." The NJCRAC has a long standing position in opposition to prayer in the public schools. The 1978-79 Joint Program Plan stated that position eloquently:

"Religious observances in the public schools of our religiously pluralistic communities are unwarranted and imprudent. They violate the rights of those children and those parents whose religious or philosophical convictions may be offended by the particular observance or by any religious observance. They may cause emotional distress in those children who must choose between participating despite conscientious scruples and making themselves conspicuous by not participating.

It is the genius of our system of public education that it proffers schooling to all our children equally, regardless of religion or race. Wisely, our national Constitution bars religious intrusions upon governmentally supported public institutions, including the public schools; but were that not so, we would still contend that schools publicly maintained for all the children should avoid imposing upon any of them religious observances offensive to their consciences, however great or small their relative numbers."

(over)

1 The President did not endorse the Helms Amendment, which we view as a violation
2 of the first amendment of the Bill of Rights as well as a threat to the role of the
3 federal courts (see section on Individual Freedom and Jewish Security dealing with
4 the "Assault on the Bill of Rights"); but Attorney General William F. Smith, in a
5 letter to Congress, offered his opinion that the Helms Amendment was unwise legis-
6 lation due to its impact on the federal judiciary. The Attorney General noted that
7 Congress does have some power to regulate court jurisdiction, but not in such
8 ways as to destroy the courts' "core functions," particularly the Supreme Court's
9 role in the interpretation of the Constitution.

10 The Supreme Court has held that voluntary participation or non-participation
11 by students in religious practices in public schools is a fiction in the light of
12 coercive pressures inherent in the public schools as an instrument of the state.
13 This judgment, first expressed in the McCollum case on released time in public
14 schools, also applies to so-called public school prayers. This year,
15 the Supreme Court continued that tradition by affirming, without comment, the
16 Brandon v. Guilderland decision, prohibiting high-school-student prayer meetings
17 on school grounds before classes begin for the day.

18 Although proponents of prayer in the school were heartened by another Supreme
19 Court decision which supported the right of students at a public university
20 (University of Missouri at Kansas City) to the occasional use of a campus meeting
21 room for the purpose of religious worship (Widmar v. Vincent), we do not judge this
22 to be a serious weakening of the Court's separationist position. The Court has
23 consistently held that college students do not require the same protective guardian-
24 ship as high school and elementary school students. The fact that the Widmar case
25 and the Brandon case were decided by the Supreme Court within a short span of time
26 indicates that the Court continues to make a sharp distinction between the two
27 levels of schooling, maintaining a high wall of separation at the elementary and
28 secondary level.

1 There is also a disturbing tendency for states and local school districts to
 2 deliberately ignore or disobey court decisions in this area. In disregard of a
 3 decision prohibiting the posting of the Ten Commandments in the public school of
 4 Kentucky, several school districts in that state continued the practice. Within
 5 an hour after a court ruled that Arkansas' "Scientific Creationism" law was uncon-
 6 stitutional, the Louisiana legislature passed a similar measure, and other states
 7 are considering such legislation.

8 The attempt to introduce the doctrine of Biblical creation ('Scientific
 9 Creationism') has had a special fundamentalist impetus. It has been judged by the
 10 NJCRAC to be a blatant intrusion of religion into the public schools. A federal
 11 district court overturned an Arkansas law requiring "balanced classroom treatment"
 12 for the theories of evolution and "creation science" on grounds that the latter
 13 "has no scientific merit...and (its) only real effect is the advancement of re-
 14 ligion."

INTERRELIGIOUS STATEMENT ON
 PRAYER IN THE PUBLIC SCHOOLS*
 May 6, 1982

We are distressed by reports that President Reagan intends to call for a constitutional amendment to sanction prayers in public schools. The compelling arguments that have prompted the undersigned organizations to oppose that practice in the past are still valid. We have repeatedly pointed out (1) that the broad concepts of freedom of religion and separation of church and state prohibit government agencies such as public schools from fostering religious practices or beliefs; (2) that experience teaches us that efforts to introduce religious practices into public schools generate the very interreligious tension and conflict that the First Amendment was designed to prevent; and (3) that it is impossible to devise a prayer that is acceptable to all groups and that any effort to do so trivializes prayer by robbing it of depth and meaning.

It is because of this trivialization that we are convinced that daily rote recitation of a school-sponsored prayer contributes nothing to the advancement of religion. On the other hand, in a diverse and pluralistic society, prayer which does contain depth and meaning for some will inevitably be offensive to many others.

(over)

It is no answer to these considerations to say that the prayers will be "voluntary". To a child in a classroom, no part of the school routine is voluntary. It cannot be made so by the cruel device of telling them that they are allowed to brand themselves as pariahs by leaving the room or by remaining conspicuously silent during the religious ceremony. Indeed, what actually happens when this unwise practice is followed is that at least some of the pupils depart from their parents' religious teachings because of the pressure from their teachers and peers to conform to the majority view.

The Supreme Court decisions barring official prayer in public schools do not prevent children from offering whatever prayers are prompted by their consciences or the teachings of their parents. And 20 years of experience shows that those decisions have not undermined America's religious faith. On the contrary, they have stood as a reminder and symbol of the freedom of conscience that is America's proudest tradition -- a freedom that has itself protected and fostered religious faith.

Religion does not need, and should not have, the sponsorship or support of government. More broadly, we insist that religious practice should never be made a matter of majority decision. The faith of Americans has been kept strong through the home and the church and synagogue. It will continue to be strong if it is kept free from government intermeddling.

Signatories

Baptist Joint Committee on Public Affairs

National Coalition for Public Education and Religious Liberty

National Council of the Churches of Christ in the U.S.A.

National Jewish Community Relations Advisory Council

Synagogue Council of America

* Drafted by Commission on Law and Social Action of the American Jewish Congress

17 Tuition Tax Credits

18 Changing Conditions: Debate on legislation to allow tax credit for tuition pay-
19 ments for non-public schools was postponed by Congress pending the disposition of
20 other issues -- but such legislation is scheduled for more serious consideration
21 than it has had in many years because of the active advocacy of the President,
22 reinforced by new political vigor of some religious forces, and because of an
23 apparent decline of commitment to the public schools.

24 Background: President Reagan called upon the Congress to enact a tuition credit
25 measure that would allow a family with an adjusted gross income of \$50,000 or
26 less to take a maximum tax credit of \$500 for each child in non-public element-
27 ary or secondary school in 1985. This is a variation of the Moynihan-Packwood
28 bill which calls for a federal income tax credit of up to 50 percent of elementary

1 and secondary school tuition costs per pupil at private religious or secular
2 schools, up to a maximum \$250 in 1982 and \$500 in 1983.

3 About 9 out of 10 school children in the country now attend public schools;
4 and about 9 out of 10 children enrolled in private schools are in private
5 religious schools.

6 In a number of rulings the Supreme Court has laid down criteria for any use
7 of public funds by private schools: a school program must have a secular purpose;
8 its primary effect must neither advance nor inhibit religion; and it must not lead to
9 excessive "government entanglement" with religion. On these grounds the Court has
10 struck down state tax credits for religious school students; the use of public
11 funds for construction in religious schools, and the payment of salaries for tea-
12 chers, in religious schools, even those teaching secular subjects. On the other
13 hand, the Court has permitted the use of public funds for special remedial and
14 service programs related to children in religious schools (which we do not oppose);
15 and transportation and secular textbooks (which we do oppose).

16 The NJCRAC continues its opposition to tax credits, voucher plans and simi-
17 lar proposals insofar as they apply to religious schools which would violate the
18 separation of church and state. However, the NJCRAC is also opposed to these plans,
19 in general, because they would sap the strength of the public school system, an
20 important bulwark of American democracy and of American Jewish security. (See
21 discussion of Public Schools in section on Economic and Social Justice).

22 The NJCRAC holds these positions at the same time that it fully supports the
23 right of parents to send their children to private religious schools; and the
24 responsibility of Jewish communities to help support such religious day schools
25 for Jewish children.

26 The Evangelicals

27 Changing Conditions: While there is some evidence that the evangelical/political
28 groups - as epitomized by the Moral Majority - may not have accrued the political

1 power they claim, the coming 1982 election campaign promises to provide them an-
2 other opportunity. These groups will bring back to the public arena, amid much
3 media attention, a number of issues which are disturbing to the Jewish community,
4 including: efforts to impose religious dogma directly onto the political process,
5 chilling pluralistic give-and-take; efforts to breach church-state separation on a
6 number of counts; efforts to generally "Christianize" the political process, in-
7 cluding the identification of candidates with denominational "religious values."

8 At the same time there has been a growing recognition that the fundamentalists
9 are not homogeneous, either politically or doctrinally; and that there appears to
10 be a growing movement of mainstream moderate evangelicals, who some have called
11 the most powerful new force in American Protestantism. They are seen as the po-
12 tential leadership of American Protestantism.

13 Background: Many have credited the "New Religious Right," with the election of
14 Ronald Reagan as President and a large number of political conservatives to Congress
15 in the 1980 elections. However, the evidence indicates that the several funda-
16 mentalist/political groups of the "Religious Right" do not in fact represent the
17 large fundamentalist population of this country on most political issues, or even
18 in the selection of major candidates. Recent studies demonstrate that claims of
19 mass viewership of the so-called "electronic ministries" have been grossly exag-
20 gerated and in fact are on the decline. For example, Jerry Falwell of the Moral
21 Majority has claimed 50 million viewers in 1980; Arbitron - A. C. Nielsen rating
22 figures put his viewership at 1.5 million, down 3.3% from 1979.

23 In contrast, a more significant development may be the rapidly growing number
24 of evangelicals who have been described as mostly moderate in theology or on social
25 issues. They are seen by some as making deep inroads in the liberal leadership of
26 major Protestant denominations. Observers of this phenomenon have suggested that
27 the mainstream evangelicals stand between liberal Protestants and the fundamental-
28 ists. While evangelicals share many beliefs with fundamentalists, and the lines

1 sometimes blur, the fundamentalists tend to be more absolutist in their approach
2 to Christian theology and more conservative in their approach to social issues.
3 The evangelicals perceive the liberals as having lapsed into agnosticism and
4 doubt, and the fundamentalists as having moved toward closed-mindedness.

5 The theological and political moderates, who are in the majority among evan-
6 gelicals, see this period as providing an opportunity for their moving forward as
7 the spokesmen for American Protestantism at a time when the fundamentalists are a
8 beleaguered minority and liberal Protestants are on the decline. This readjust-
9 ment of the nation's Protestant religious balance fixes on the quest for a
10 "middle way" between fundamental and liberal Protestantism.

11 To the extent that the right-wing fundamental influence is exerted, it will
12 have its effect on those social issues which are closest to fundamentalist reli-
13 gious concerns: prayers in the school; the legal aspect of abortion; ERA and
14 women's rights; and the role of the federal courts in such matters. (See
15 "Assault of the Bill of Rights" in the section on Individual Freedom and Jewish
16 Security.)

17 While opposing those among the fundamentalists who eschew pluralism and de-
18 mand alliance to only one set of responses to social issues, we should seek out
19 those among the mainstream moderate evangelicals whose support of Israel's survival
20 is well demonstrated, and whose positions on social issues closely correspond to
21 those of the Jewish community. This may provide the opportunity to ameliorate
22 the tensions triggered by the strong current of pro-Arab, anti-Israel sentiment
23 among some members of the Governing Board of the National Council of Churches.

24 Following is "Religion and Political Activism"
25 guidelines adapted by NJCRAC, June 1981;
26 excerpted from 1981-82 Joint Program Plan

Religion and Political Activism

From colonial times, religious groups, deriving their views from the teachings of their faiths, have been participants in the public debate that is at the very heart of the American democratic political process. Jews have drawn sanction for their position on many social-political issues from Jewish sacred writings and Jewish tradition; and, in relation to issues to which such considerations may not be relevant, have asserted the propriety, indeed the obligation, to advance their views as the consensus of a body of citizens sharing those views.

We deem it right and proper for religious as for other groups to engage in political advocacy; and we will continue to do so, determining our positions and the extent to which and the means by which we will propound and press them. We shall join with others in common or joint advocacy or actions where such cooperation is helpful, while opposing those with which we disagree.

The Constitution of the United States safeguards the freedom to do this by guaranteeing free speech, press and assembly and the "free exercise" of religion. Those freedoms are reinforced by proscription of any "establishment" of religion. Government may not support or favor any religion or any element opposed to religion. Over the years courts have held that no religious body or activity may be subsidized from the public purse. Religious tests for public office are forbidden.

Religious leaders who urge their members and followers to "vote Christian" in elections for public office plainly mean to make conformity to a particular set of theologically derived principles the exclusive test of qualification for such office. Such intent is glaringly incompatible with the principle that underlies the constitutional prohibition of religious tests for public office.

Pluralism and the mutual tolerance of diverse views within our society is essential to the healthy development of our society. For any religious group, from whatever conviction of righteousness, explicitly or implicitly to impugn the validity of other religions or to depict those of other or of no faith as un-American or immoral is to weaken and endanger our pluralism.

The Bill of Rights is the bedrock of American freedoms. The governing principles it established cannot be dislodged without weakening the very foundations of our democracy; they are our national articles of faith, intended to be inviolate even by popular will. Whoever seeks to set them aside strikes at the very heart of the Bill of Rights, the American Creed.

Against such efforts, we summon our own energies and the energies of all who truly cherish America's democratic heritage and wish to preserve it.

Guidelines

1. We must expect—and cannot object to—vigorous efforts by groups advocating what we oppose and opposing what we advocate to obtain larger support for their goals. What devolves upon us is the obligation to display equal or greater vigor and to invest maximum resources in the pursuit of our own objectives.

2. Basic to the pursuit of Jewish community relations purposes is the building of cooperative relationships with other groups in support of mutually held objectives. Such relationships may be relatively enduring or they may be temporary, ad hoc. They may be for a range of shared objectives or for a single timely purpose. The other participants on issues may differ with the Jewish organizational participants on issues other than those to which the cooperative effort is directed; such differences do not and should not impair the cooperation for the shared purpose. Appraisals of the acceptability of organizations and groups as associates in such cooperation must be made with care, taking into account the full range of their policies and activities.

3. There is a wide variance among evangelical churches and associations. Some may be suitable and desirable partners in cooperative ventures, even as others may not be.

4. The influence exerted by some religious groups is at least as much a function of organization as it is of spontaneous identification with their objectives. Those Americans who are offended by the means by which they are being pursued, can be mobilized into broad-based, community-wide coalitions for defense of American pluralism, subscribing in substance to the foregoing position statement.

5. Similar coalitions should be organized around specific issues, coopting all possible elements of the community.

Note: The foregoing should be read in conjunction with the section of this plan on Jewish-Christian Relationships.

1 Catholic-Jewish Relations

2 Changing Conditions: While the Vatican and the Bishops have taken stands on abor-
 3 tion and parochialism that are diametrically opposed to the views of most Jewish
 4 agencies; they have formally reiterated their strong positions against anti-
 5 Semitism, on the horrors of the Holocaust, and on the duty of Catholics to pursue
 6 social justice. Nevertheless, the Vatican continues to withhold diplomatic recog-
 7 nition of Israel, and acceptance of the status of Jerusalem. The National Conference
 8 of Catholic Bishops in America, however, has strongly affirmed Israel's right to
 9 sovereignty and to secure and recognized borders, while asserting the right of
 10 Palestinians to a homeland.

11 Background: In an address in March, 1982 to the Christian-Jewish Commission of the
 12 Vatican Secretariat for Christian Unity, (formed as a result of the Second Vatican
 13 Council in 1965 and operating under the 1975 Vatican Guidelines for Relations
 14 with the Jews) Pope John Paul II urged Christians to overcome the "misunderstand-
 15 ings, errors and even offenses" that Christians of the past have inflicted on Jews.
 16 He raised the issue of church teaching, considered by many Jews the central
 17 problem in fostering an unprejudiced image of Jews.

18 In the spirit of the 1975 Guidelines, the Pope declared: "We must reach the point
 19 which this teaching, at different levels of religious education, in the catechism
 20 taught to children and adolescents, presents Jews and Judaism not only in an honest
 21 and objective manner, without any prejudice and without offending anyone, but even
 22 more with an act of consciousness of the heritage that we have broadly outlined."

23 ACTION GOALS

24 . We recommend a concerted effort by Jewish community relations agencies with
 25 other like-minded groups to quickly and convincingly impress upon their Congress-
 26 men and upon opinion-molders the unconstitutional and divisive aspects of proposed
 27 legislation and constitutional amendments on prayers in the schools.

28 . We recommend that Jewish community relations agencies maintain their

1 previously stated position of opposing these tuition tax-credit bills, and empha-
2 size the church-state consequences, and the dangers to the public school system.

3 . We recommend that the Jewish communities, following the guidelines set
4 forth in the 1981-82 Joint Program Plan, join with other groups early to publicly
5 oppose any efforts to dogmatize or, in sectarian fashion, to "Christianize" the
6 political process in the 1982 campaign, with respect to either issues or candidates.

7 . We recommend that Jewish community relations agencies actively seek oppor-
8 tunities for discussions with evangelical groups with which such discussions may be
9 deemed potentially fruitful; and that the relationship thus established be used to
10 try to make the evangelical participants sensitive to the deep Jewish concern about
11 conversionary efforts directed at Jews.

12 . We recommend that Jewish community relations agencies engage Christian
13 bodies in joint efforts to achieve shared social objectives; and that they take full
14 advantage of opportunities to present the position of Jewish agencies on Middle East
15 issues.

16 . We recommend cooperating with Christian churches in their efforts to educate
17 their constituencies to those distortions of Jews and Judaism in church teaching
18 that have fostered anti-Semitism.



THE AMERICAN JEWISH COMMITTEE

National Affairs

BACKGROUND

IRVING M. LEVINE
Director, National Affairs Department

SHOULD AJC SUPPORT "EQUAL ACCESS" FOR STUDENT RELIGIOUS GROUPS IN PUBLIC SCHOOLS?

by Samuel Rabinove
Legal Director

Introduction

As you know, on March 20 the U.S. Senate rejected President Reagan's proposed constitutional amendment to permit organized spoken prayer in public schools. The vote was 56-44 in favor of the amendment, 11 short of the 2/3 needed to approve the measure. Three other proposed constitutional amendments relating to school prayer also were introduced in the Senate, none of which was adopted. One proposal, by Sen. Alan Dixon (D.-Ill.), which would have permitted individual or group silent prayer or reflection in public schools, had been rejected by the Senate on March 15 by a vote of 81-15. Another, sponsored by Sen. Howard H. Baker, Jr. (R.-Tenn.), which would have guaranteed the right of persons lawfully assembled in public buildings to participate in non-denominational prayer, was not voted on. Nor was a proposal by Sen. Orrin G. Hatch (R.-Utah), which would have provided both for silent group meditation and for "equal access" to public school premises by student religious groups as well as non-religious groups.

Pertinent Case Law

On December 8, 1981, the U.S. Supreme Court, in the case of Widmar v. Vincent, struck down a regulation adopted by the University of Missouri that prohibited the use of University property "for purposes of religious worship or religious teaching," holding (8-1) that a state university that permits other student groups to meet on campus for secular activities must also allow student religious groups to meet for worship and religious study. The university regulation had been challenged by an evangelical Christian student group that was denied the use of a room for its weekly meetings. The Court based its ruling on the students' First Amendment rights of free speech and association, rather than on their right to the free exercise of religion. In 1969, in the case of Tinker v. Des Moines Independent School District, the Court had also upheld (7-2), on freedom of expression grounds, the right of high school and junior high school students to wear black armbands protesting the Vietnam War.



THE AMERICAN JEWISH COMMITTEE, Institute of Human Relations, 165 East 56 Street, New York, N.Y. 10022

Since the Widmar ruling applied only to truly voluntary religious practices at state-supported universities, it indicated no change at all in the Court's view that the Establishment Clause of the First Amendment bars officially sponsored or approved prayer in public elementary and secondary schools. Accordingly, on December 14, 1981, in the case of Brandon v. Board of Education of Guilderland Central Schools, *the Court refused to hear an appeal by a group of high school students from an upstate New York town who were denied permission to hold voluntary prayer meetings on school property before the official start of the school day. The U.S. Court of Appeals for the Second Circuit had upheld the school board's policy of disallowing the prayer meetings.

Last year the Supreme Court, in the case of Lubbock Civil Liberties Union v. Lubbock Independent School District, again declined to review a somewhat similar case from Texas. The U.S. Court of Appeals for the Fifth Circuit had struck down a school district policy that permitted students to meet voluntarily for religious purposes, before or after school hours, as a violation of the Establishment Clause because "the state compulsory education machinery" was involved. The Supreme Court's refusal to hear this case was of particular interest because twenty-four U.S. Senators, both Democratic and Republican, had urged the Court to consider it. The Court, however, may well have been influenced by the tainted history of the school district, which had for many years authorized various school-sponsored religious activities, such as distribution of Gideon Bibles, prayers led by teachers, and evangelical Christian speakers at school assemblies.

Last May a U.S. District Court in Pennsylvania, in the case of Bender v. Williamsport Area School District, cited both the Widmar and Tinker cases in ruling that a public high school's refusal to permit a student-initiated club to meet during "activity" periods for prayer and Bible study, on the same basis as other student groups (music, ecology, student government, etc.), violated the First Amendment. The Court found that the school's decision to establish such periods created a "limited public forum," and that to single out religious speech for a restriction not placed on other categories of speech was not warranted. This ruling is now on appeal before the U.S. Court of Appeals for the Third Circuit.

Pertinent Legislation

In February 1983, Sen. Jeremiah Denton (R.-Ala.) introduced the "Equal Access Act" (S. 425), which provides for "equal access and opportunity to public school students who wish to meet voluntarily for religious purposes." The bill would cut off Federal aid to school districts which denied "students or faculty and groups of students or faculty" the opportunity to "engage in voluntary prayer, religious discussion or silent meditation on school premises during non-instructional periods." Most important is the fact that this measure would apply not merely to high schools, but to elementary schools as well. For that

* AJC entered this case as amicus curiae in support of the school board.

reason, if enacted, it would appear to be exceedingly vulnerable to attack on constitutional grounds. Sen. Denton, not surprisingly, also strongly supports President Reagan's constitutional amendment to restore school-sponsored prayer.

Shortly after Sen. Denton's bill was introduced, Sen. Mark Hatfield, (R.-Ore.) and 14 colleagues, aided by the Christian Legal Society, presented a bill entitled "The Religious Speech Protection Act of 1983" (S. 815). This bill provides that "it shall be unlawful for a public secondary school receiving Federal assistance, which generally allows groups of students to meet during non-instructional periods, to discriminate against any meeting of students on the basis of the religious content of the speech at such meeting. . ." Moreover, the bill guarantees that no political or governmental authority can "influence the form or content of any prayer or other religious activity," nor may it "require any person to participate in prayer or other religious activity." It does not cut off Federal funds from non-complying school districts, but provides rather for a civil action for damages or other equitable relief in a Federal district court.

The Hatfield bill is an artful job of draftspersonship. Unlike the Denton bill, it does not apply to elementary schools, nor does it refer to the rights of teachers. It was carefully drawn so as to restrict the role of the school itself to student supervision only to maintain order, with no power over content. It does not, however, explicitly bar adult outsiders from attending school religious group meetings.

Sen. Hatfield, not so incidentally, has opposed President Reagan's constitutional amendment to restore school-sponsored prayer, as well as Sen. Jesse Helms' (R.-N.C.) court-stripping bill which would remove Federal court jurisdiction from school prayer cases. He has also opposed incorporating an "equal access" provision in a constitutional amendment, in the belief that simple legislation for this purpose would suffice.

In Sen. Hatfield's words: "Unfortunately, a growing number of Federal court decisions have singled out religious speech as violative of the First Amendment when it involves only student-initiated groups that seek equal access to the use of school premises during non-classroom hours. . .but we should be able to agree that the Constitution does not require the state to become the adversary of religion."

AJC Response

The only AJC lay body to have considered this issue thus far has been the National Legal Committee, which addressed the Hatfield bill last June. The vote of the Legal Committee was 14 in opposition to the bill, 3 in favor and 9 to abstain. Although the Legal Committee did not address the Denton bill specifically, AJC submitted a statement to Sen. Denton on August 8, 1983, stressing our opposition to its applicability to public elementary schools and to faculty. AJC, of course, has long-standing policy in opposition to school-sponsored

organized prayer in public schools and, quite clearly, that is precisely what the Denton bill would promote. In our statement to Sen. Denton, among other things, we said:

Elementary school pupils do not typically engage in extra-curricular activities on their own initiative. Whatever activities they may engage in usually are a result of teacher guidance and direction. Introducing religious activities, therefore, at this age level most likely would be neither pupil-initiated nor truly voluntary. Almost certainly any religious activities on the elementary school level would mirror the religious beliefs of those teachers and/or parents who had brought them about, and would lead to religious segregation of pupils. Pupils of tender years are simply not sufficiently qualified or self-motivated to make informed, independent judgments about religious convictions and holding meetings about them. Any prayer meetings or religious discussions which might take place in elementary schools almost certainly would occur at the behest of school personnel. It must be stressed that school personnel are agents of government, which the Supreme Court has held has no business sponsoring or promoting religious activities in public schools.

Why AJC Should Favor "Equal Access" in High Schools

- 1) The free speech and free exercise of religion clauses of the First Amendment should not be suspended just because students enter a public high school building.
- 2) Since we do affirm the right of an individual student to pray voluntarily, as long as the school itself is not involved, why should we forbid a group of students from coming together for the same purpose?
- 3) Proselytization in public schools, unless the school administration is promoting it, is simply part of the price to be paid for living in a free society: the best antidote for proselytization is for the Jewish community to do a better job of teaching its own children the values and precepts of Judaism, which would enable them to resist the blandishments of any students who may seek to convert them.
- 4) Since our Protestant allies on the school prayer issue -- the National Council of Churches, United Presbyterian Church, Baptist Joint Committee on Public Affairs, etc., -- have endorsed "equal access," for us to oppose it would not only be an exercise in futility, but might well be perceived as a manifestation of hostility toward religion in general or the Christian religion in particular.

- 5) Considering all that's going on in too many public high schools today --drugs, alcohol, violence, out-of-wedlock pregnancies -- permitting a religious activity period for those students who desire it certainly would not hurt, and might actually be salutary in that it might keep such students from fleeing to private religious schools.

Why AJC Should Oppose "Equal Access" in High Schools

- 1) Unlike other kinds of speech in public schools, religious expression on an organized basis, even if student-initiated and student-run, is unique in its potentials for unpoliceable abuses and divisiveness and hence does not belong in public schools, which are attended by students of many faiths and of none.
- 2) Since school-sponsored organized prayer, Bible reading and Christian religious instruction are actually taking place today in a good many school districts, in flagrant violation of U.S. Supreme Court rulings which prohibit these very activities, one may seriously question how the Hatfield legislation, despite its good intentions, would be carried out in actual practice.
- 3) "Equal access" clearly cannot be restricted to students from the "respectable" religious groups, but must encompass also groups such as the Unification Church, Church of Scientology, Hare Krishna and Jews for Jesus -- perhaps even the Ku Klux Klan. Do we really want to open the school-house door to adherents of those groups?
- 4) Parents who enroll their children in public schools, for the secular education mandated by the state, have every right to expect that their children will not be proselytized by student zealots, away from their own faith and into a sect which may be abhorrent to them.
- 5) There is really no need for "equal access" legislation: those students who wish to come together informally and unobtrusively, during their free time, for prayer or religious discussion are unlikely to be barred from doing so by school officials.

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Ireland in new church-state fight over birth control, divorce

By Austin Carley
Special to Religious News Service

BOURNE, England (RNS) — A bitter church-state conflict is looming on the Irish horizon this fall. Should it get out of hand, the fragile fabric of consensus between secular and canon law, which has been traditional in Ireland, may be seriously damaged.

The bishops are expected to publish a pastoral statement on Christian love, sexuality and marriage after their annual meeting at Maynooth seminary in October. The document is expected to emphasize the theme of the pope's recent homilies condemning divorce and reaffirming the 1968 strictures of Pope Paul VI's encyclical "Humanae Vitae," proscribing artificial methods of contraception.

The publication of the pastoral statement will coincide with the deliberations of two parliamentary committees; one preparing a bill to legalize the prescription and sale of contraceptives in the republic; the other charged with framing a divorce law. Across the border in the six counties of Northern Ireland ruled by Britain, contraception, divorce and abortion are legal.

If opinion polls are correct, a majority of voters support the legalization of the sale of contraceptives and the repeal of the constitutional ban on divorce. An estimated 100,000 persons in Ireland are separated from their spouses, and social and pastoral workers say the incidence of marriage breakdown is increasing rapidly in all social classes, especially in the under-30 age bracket. Some 3,000 church annulments of marriage have been granted over the last twenty years.

Since legalizing divorce would require a change in the constitution, a national referendum must be held. Two years ago, a referendum to legalize abortion, which is also prohibited by the Irish constitution of 1937, was defeated by more than two-to-one. But the realization that one-third of Irish voters were in favor of abortion surprised and depressed the more conservative sectors of society.

The abortion referendum campaign proved extremely divisive, and many of the wounds inflicted will have scarcely healed by the time the referendum on divorce is called. Though most politicians are in no mood for an encore, considerable pressure is being put on parliament to introduce some form of legal divorce.

Ironically, much of this pressure is coming from persons already granted church annulments. While allowed to marry again in church, the partners of an annulled marriage are still legally married in the eyes of the state.

Cornelius Sheehan has just instituted court proceedings for bigamy against Angela Neville, the woman he believed was his wife since their marriage was solemnized by Msgr. Liam Boyle on July 31, 1976.

Mr. Sheehan, now separated from Angela, names Msgr. Boyle as an accomplice in the alleged bigamy. The priest had also officiated at Ms. Neville's earlier wedding to John Curry in March 1968, in the same church where the alleged bigamous marriage of Mr. Sheehan and Ms. Neville took place.

Mr. Sheehan's two children by Angela are regarded as bastards by the Irish state, where illegitimacy still carries a serious social stigma, especially in the rural areas.

NEWS

FROM THE

COMMITTEE



THE AMERICAN JEWISH COMMITTEE Institute of Human Relations, 165 E. 56 St., New York, N.Y. 10022, (212) 751-4000

The American Jewish Committee, founded in 1906, is the pioneer human-relations agency in the United States. It protects the civil and religious rights of Jews here and abroad, and advances the cause of improved human relations for all people.

MORTON YARMON, Director of Public Relations

**FOR RELEASE after 12:00 P.M.
THURSDAY, OCT. 4, 1984**

New York, Oct. 4.... Rabbi Marc H. Tanenbaum, director of International Relations of the American Jewish Committee, today branded as "a myth that has no basis in historical fact" the notion that America was formerly a great nation because it was a Christian nation.

His remarks were delivered to a group of business and religious leaders at a ceremony honoring him for 30 years of leadership in improving Christian-Jewish relations, held by the organization Religion in American Life (RIAL), which presented Rabbi Tanenbaum with its fifth annual Earle B. Pleasant Interreligious Award. The rabbi is the first Jew to receive the award from the interfaith group, composed of 51 national organizations of all major faiths. The luncheon ceremony took place at the Episcopal Church Center, 815 Second Avenue, which houses the RIAL offices.

Rabbi Tanenbaum said he considered his receiving this year's award of "special value in light of the current national debate over the relation of religion to politics," explaining that "confusion and a series of mythologies" under public discussion "contradict everything that RIAL and American pluralism stand for."

He added: "The heightened efforts of Christian fundamentalists to impose their sectarian moralities on the entire American people through the manipulation of the powers of the state is based on a mythological notion that America 'in the good old days' was a great nation because it was a Christian nation, indeed, 'An Evangelical Empire.'"

-more-

Howard I. Friedman, President; Theodore Ellenoff, Chair, Board of Governors; Alfred H. Moses, Chair, National Executive Council; Robert S. Jacobs, Chair, Board of Trustees.

David M. Gordis, Executive Vice-President

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"That is simply a myth that has no basis in historical fact. The only time America was a 'Christian nation' was during the period of the Massachusetts Bay Colony founded in 1629, and that theocratic experiment collapsed after 60 years because its diverse population would not tolerate its imposed orthodoxy."

Rabbi Tanenbaum rebutted what he described as another prevalent myth, that the country at a previous time was more religious and moral than it is today. "In the 17th and 18th centuries, no more than 10 percent of the population was affiliated with churches and synagogues," he said. "The wild frontier was a society of moral chaos, drunkenness, violence and debauchery. America today is far more religious and moral, and that has taken place because of an atmosphere of freedom of conscience and voluntary commitment to religion."

Rabbi Tanenbaum was presented with an obelisk inscribed "for his distinguished leadership" from John Mack Carter, editor in chief of Good Housekeeping and RIAL national chairman.

In addition, Robert P. Keim gave the rabbi a silver bell on behalf of The Advertising Council, of which Mr. Keim is president. The Advertising Council conducts and coordinates a public service campaign for RIAL which has been the major vehicle for RIAL's promotion of voluntary religious practice in the United States.

Rabbi Tanenbaum served as national vice chairman of RIAL from 1955 to 1959 and chaired the Copy Committee from 1957-59. He is credited with helping develop RIAL's successful slogans, "Find the Strength for Your Life" and "Worship Together this Week: Follow the Leader." He remained on the board of RIAL from 1961 to 1965.

Before his appointment as AJC's International Relations director in 1983, Rabbi Tanenbaum served for 23 years as the agency's national director of Interreligious Affairs. He was a founder and co-secretary of the Joint Vatican-International Jewish Consultative Committee, and the only rabbi at Vatican Council II during deliberations that culminated in the Vatican Declaration on Non-Christian Religions which repudiated anti-Semitism and called for fraternal dialogue between Christians and Jews.

In 1966, he served as co-chairman of the first International Colloquium on Judaism and Christianity held at Harvard Divinity School. A poll of religion

editors in 1978 voted Rabbi Tanenbaum one of "the ten most respected and influential religious leaders in America." In a cover story, New York magazine described Rabbi Tanenbaum as "the foremost Jewish ecumenical leader in the world today." He holds seventeen honorary doctorates, including one conferred by Sacred Heart University of Bridgeport, Connecticut, which characterized him as "the human rights rabbi of America."

A major force in the promotion of social justice and human rights, Rabbi Tanenbaum was a member of fact-finding missions that investigated the plight of Vietnamese and Cambodian refugees in 1978. He helped organize the American Jewish Emergency Relief Effort for Victims of the Nigerian-Biafran Conflict, and served as national co-chairman of the Interreligious Coalition on World Hunger as well as national co-chairman of the Interreligious Task Force on Soviet Jewry. He was a founder and program chairman of the historic National Conference on Religion and Race and has served on various Presidential, White House and UN commissions on children, aging, race relations and food and population problems.

RIAL's Interreligious Award, named after its first executive, was established in his memory in 1978. Previous recipients of the award include Msgr. George Higgins, Archbishop Iakovos, Dr. Martin E. Marty, and Dr. Norman Vincent Peale and Ruth Stafford Peale.

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FROM...

Hyman Bookbinder

Oct. 10, 1984

To: Marc Tenebaum

Just so you should know dept:

At a recent convention of Jewish Labor Committee where I spoke, one of the officials asked what I thought of your "anti-labor" comment. I said I knew of none, and he said he'd send me clipping. This just came.

Did you get any blocks over this? It must be some time ago, because your former title is used.

It's surely not an earth-shaking matter... I suppose something like "they've never really felt the need or appropriateness of unions..." would have sounded less "anti-union."

Barbie (over) →

Enc--

P.S.

Your RIAL statement
was first-class!



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NEWS

THE JEWISH COMMUNITY CENTER OF NEW YORK CITY

Court OKs Union For Workers At Synagogue

By Robin Topping

In a decision that could have implications for church and synagogue workers around the state, a State Supreme Court justice has ruled that maintenance workers at a Lawrence synagogue can form a union. He dismissed the temple's claim that the collective bargaining process represents "excessive entanglement" of church and state.

Acting on a petition brought by Temple Israel of Lawrence against the state Labor Relations Board, Judge Bruce McM. Wright, of Manhattan, ruled last week that the six maintenance workers "have no involvement with the teaching and training that is conducted there [at the temple]. They perform purely secular functions, and there is no connection between their duties and the Temple's religious activities and beliefs."

Most workers in the state's churches and synagogues are not unionized, according to Thomas Canty, executive secretary of the board. Although some have formed associations, they do not have collective bargaining rights, such as the right to strike, until certified by the state board.

AMERICAN JEWISH ARCHIVES

The Lawrence case is the first to distinguish maintenance workers from other workers in religious institutions. "This will certainly give incentive to other employees in churches and synagogues who don't espouse or teach religion to form unions," Canty said. "We feel it is a good step for labor and think it's necessary to give . . . workers the protection of the law and the right to organize."

A member of the temple's board of trustees, Larry Cedar, said the temple had only learned of the decision yesterday and its board had not yet met to consider whether it would appeal the decision. He said the original action had been taken to "protect the interests" of the temple. In their petition, temple officials had expressed fear that workers might strike during religious holidays or that an employee who interfered with a religious service could not be discharged without arbitration.

But in his decision, Wright said, these "theoretical problems" did not constitute "excessive entangle-

—Continued on Page 25

Court OKs Temple Union

—Continued from Page 7

ment" between church and state and therefore were not sufficient reasons to "deprive those workers of their collective bargaining rights."

Several state and national Jewish leaders said they were not familiar with the specifics of the Lawrence case, but said the move by the maintenance workers to unionize represented a departure from traditional relations between workers and religious institutions. In the past, these institutions have often taken in workers, housing them and treating them as "part of the family."

"They are usually close, warm relationships with the people in the congregation and the workers feel they are being taken care of better than if they are in a union," said Rabbi Marc Tannenbaum, national director of inter-religious affairs for the American Jewish Committee.

The Temple Israel dispute dates from February, 1982, when Local 1922 of the International Brotherhood of Electrical Workers filed a petition with the state labor board, requesting to be certified as the exclusive bargaining agent for the workers. The workers had voted, 4 to 2, in favor of the union. The temple, however, filed a court petition, saying the labor board had no jurisdiction over the temple workers and that the union's actions were unconstitutional.

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NEWS COMMITTEE

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MORTON YARMON, Director of Public Relations

**ANNUAL MEETING
NATIONAL EXECUTIVE COUNCIL
NOVEMBER 1-4, 1984
HYATT REGENCY HOTEL
151 EAST WACKER DRIVE
CHICAGO, ILL. 60601
(312) 565-1000**

**CONTACT: Press - Joyce Kaplan
Leonard Fink
Ralph Bass**

**TV-Radio - Randall Czarlinsky
Haina Just
Laurie Chock**

**PRESS ROOMS: PICASSO & HAYMARKET ROOMS
(CONCOURSE LEVEL)**

**FOR RELEASE AFTER 12 NOON,
FRIDAY, NOV. 2, 1984**

CHICAGO, Nov. 2.... A leader of the American Jewish Committee today charged that the widespread efforts to create what he termed "a new sectarianism" in America had surfaced during this political campaign, and that it had sharply divided and fractured a long-standing consensus on church-state separation, creating fear among Jews and others that traditional American protections of their religious liberty might have been eroded.

Theodore Ellenoff, a prominent New York attorney and Chairman of the American Jewish Committee's Board of Governors, made the statement at a session of the annual meeting of the agency's National Executive Council, continuing through Sunday at the Hyatt Regency. He said:

"Legislation which requires that public schools permit religious access to their facilities, the move to restore organized prayer in the public schools and the unprecedented introduction of religious beliefs into the election campaign are regrettable confluences that threaten religious pluralism in America."

Mr. Ellenoff added: "The time-tested balance of church and state has been disturbed, upsetting the compact under which Americans with all sorts of religious beliefs, or non-beliefs, have been free to follow their moral codes and conscience."

....more

Howard I. Friedman, President; Theodore Ellenoff, Chair, Board of Governors; Alfred H. Moses, Chair, National Executive Council; Robert S. Jacobs, Chair, Board of Trustees;

David M. Gordis, Executive Vice-President

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In response to this new situation, Mr. Ellenoff stated, the AJC is working to form national and local coalitions for religious pluralism to demonstrate that the maintenance of separation of church and state actually and currently represents the American consensus.

Mr. Ellenoff explained: "All the recent polls and editorial comment from all regions of the country show that the American people are deeply uneasy about entanglement of religion and government."

He announced that the AJC was launching a major Religion Pluralism Education Project. The goals of the project, according to Mr. Ellenoff, would be:

1. To strengthen understanding of pluralistic values in America;
2. To develop effective ways to deal with such current threats as "equal access," public displays of religious symbols, and calls for organized prayer in the public schools;
3. To shape a "rational and reasonable discourse" about the appropriate spheres of law, religion, and politics.

Mr. Ellenoff said that AJC was planning to develop new educational materials to distribute to opinion leaders and the media, and to religious, legal, educational, ethnic, racial and civic organizations. Included are plans for a "citizens" manual for dealing with the politics of church and state, and a series of popular monographs on the importance of religious pluralism.

Mr. Ellenoff said further that American Jewish Committee chapters in cities across the United States would monitor implementation of "equal access" legislation, and offer aid to schools and citizens to reduce its potential "for disruption and divisiveness."

As a response to calls for prayer in the public schools, he added, "We will work with leaders in the educational community to identify, support and popularize effective programs that teach moral and ethical values in the public schools as a far more effective means of dealing with the breakdown in values than the reciting of a rote prayer."

In another outreach effort to the general community, Mr. Ellenoff said that dialogue would be pursued with Christian and Jewish leaders, legal scholars, and political practitioners "to define and clarify the appropriate role of religion

in politics and develop appropriate guidelines. The public policy and constitutional lessons embodied in the principle of church-state separation are easily forgotten and must be relearned by each generation in this country."

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October 15, 1984



NEWS COMMITTEE

FROM THE

aje THE AMERICAN JEWISH COMMITTEE

Institute of Human Relations, 165 E. 56 St., New York, N.Y. 10022, (212) 751-4000

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ANNUAL MEETING
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(312) 565-1000

CONTACT: Press - Joyce Kaplan
Leonard Fink
Ralph Bass

TV-Radio - Randall Czarlinsky
Haina Just
Laurie Chock

PRESS ROOMS: PICASSO & HAYMARKET ROOMS
(CONCOURSE LEVEL)

FOR RELEASE AFTER 12 NOON
FRIDAY, NOV. 2, 1984

CHICAGO, Nov. 2... Senator Lowell Weicker, Connecticut Republican, today lashed out at fundamentalists seek to establish prayer in the public schools.

Speaking at a luncheon during the American Jewish Committee's National Executive Council meeting, Senator Weicker criticized "people who practice fundamentalist politics and have school prayer at the top of their legislative agency, who talk of a return to traditional values.

"I say to them that here in the United States there is no value more traditional than that of separation of church and state."

Noting that the new fusion of Christian fundamentalism with a "so-called conservatism" has been described as the most potent political force in the nation today, Senator Weicker asserted that while it was potent it was not conservative.

"If the goal of this involvement is to Christianize America," he said, "then it must be seen for what it is -- a form of radical extremism which we all -- liberal and conservative, Christian and Jew, alike -- must resist."

Senator Weicker urged his audience not to ignore the significance of the coming election. But at the same time, he said, they should not forget that democratic government is not an "every-four-year affair." He added:

"You may help get your candidate elected, you may see your political party prevail, but that does not mean that, come November 7, you can afford to sit back and relax. For democracy means much more than pulling a lever. It means pulling together, whatever our party, to achieve progress and to preserve our political heritage. One thing is certain: We will have our work cut out for us in the 99th Congress."

The American Jewish Committee National Executive Council meeting continues through Sunday at the Hyatt Regency Hotel here.

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Howard I. Friedman, President; Theodore Ellenoff, Chair, Board of Governors; Alfred H. Moses, Chair, National Executive Council; Robert S. Jacobs, Chair, Board of Trustees;

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FOR RELEASE AFTER 8 P.M.
SATURDAY, NOV. 3, 1984

CHICAGO, Nov. 3...The President of the American Jewish Committee today urged Americans to resist any effort to breach the wall of separation between church and state.

"Attacks on the separation principle typically interfere with the free exercise principle, which provides a climate that will encourage and sanction a robust and meaningful exercise of religion," Howard I. Friedman told the agency's National Executive Council at the dinner highlighting the four-day annual meeting, which ends tomorrow (Sunday) at the Hyatt Regency Hotel here.

"Government is an entirely appropriate recipient of religious influence," Mr. Friedman stated, "but government must never be the source of religious influence. Proposals to sanction prayer, whether spoken or silent, in the public school system constitute an effort to inject government into the expression of religious conviction."

Pointing out some of the dangers of a breach of state-church separation, Mr. Friedman added:

"In 1960, this country achieved a significant breakthrough. It made it clear that the highest office in the land was not out of bounds to a committed Catholic. That was a rejection of the notion that a Catholic politician would owe a primary duty to his religion such that he could not properly serve the entire American people. I fear that there are trends abroad today that may jeopardize that principle."

Howard I. Friedman, President; Theodore Ellenoff, Chair, Board of Governors; Alfred H. Moses, Chair, National Executive Council; Robert S. Jacobs, Chair, Board of Trustees;

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It is being suggested, Mr. Friedman noted, that a Catholic officeholder does have a primary religious obligation to impose his or her religious convictions upon the political process.

"It would be a major tragedy," he said, "if we were to reach the point that religiously oriented people cannot be trusted with public office because of their pre-commitment to their religious convictions."

"America," Mr. Friedman said, "has set its face against acts of discrimination and expressions of group prejudice. While prejudice continues and the nation needs to be ever vigilant concerning its expression, it is clear that the expression of prejudice no longer finds sustenance in the American credo," he added.

In this connection, Mr. Friedman also stressed the need to counter the decline of traditional values and of a sense of core values in binding the country together.

"Values of family, neighborhood, church, patriotism and a host of others," he stated, "no longer carry the cultural force which once characterized them. Moreover, the reading of the separation principle by many has suggested a certain public neutrality toward questions of values as such."

In another section of his remarks, Mr. Friedman urged the United States to understand that a robust American economy based on private enterprise was the "indispensable element" required for the solution of the country's persistent social problems.

"Responsibility for differentials in group achievement and for the condition of the poor and disadvantaged," he said, "can no longer be primarily focused on the assumed persistence of racism and prejudice."

Yet government, Mr. Friedman added, has a vital role to provide a meaningful safety net for those afflicted with persistent poverty and disadvantages. It also has, he said, "the responsibility to avoid unduly inhibiting the ability of the private sector to fuel economic growth."

During his wide-ranging address, Mr. Friedman also made the following points:

- *The condition of human rights in the world constitutes one of the most tragic and discouraging conditions of our time. An important feature of efforts to ameliorate the situation is the approval of our own government of the Genocide Convention by the new Congress convening in 1985.

- *America has set its face against acts of discrimination and expressions of

group prejudice. While prejudice continues and the nation needs to be ever vigilant concerning its expression, it is clear that the expression of prejudice no longer finds sustenance in the American credo.

*It is a mark of the health of a pluralist society when the groups comprising the society find themselves dividing on political choices in a manner that tends to reflect the divisions in the society at large.

"Firm American resolve, a commitment to the balance of power in the world, and a strong military capacity for the United States are indispensable to the survival of the planet itself and to the survival of the essential values of western civilization.

"A necessary part of the nation's commitment to meaningful negotiations to resolve differences in the world is related to concerns for the security and safety of Israel. The missing ingredient in that region continues to be the absence of Arab willingness to negotiate with Israel."

"As we continue in our time-honored fashion to probe the complexity of these issues and to fashion appropriate programmatic responses," said Mr. Friedman, "let us not forget the underlying truths which inhere in the social process. Problems do not always yield ultimate solutions but they surely require devoted commitment to their amelioration."

Before Mr. Friedman's address, the American Jewish Committee presented its American Civil Liberties Medallion to Helen Suzman, a member of South Africa's Parliament, who has been a tireless opponent of apartheid.

Hailing Mrs. Suzman as a courageous defender of human rights, the Committee announced that it was honoring her "for exceptional advancement of the principles of human liberty."

In presenting the Medallion to Mrs. Suzman, Philip E. Hoffman, Honorary AJC President, stated that it was the highest honor the organization had to bestow and that it was given in recognition of "a lifetime of exceptional service in the cause of human freedom and the enlargement of opportunities and human rights for men and women everywhere."

At a cocktail reception before the dinner, the Committee presented its National Distinguished Leadership Award to Howard A. Gilbert, of Chicago, in recognition of his "dedication and effective contributions to programs that strengthen bonds to Jewish values and enhance the human condition."

In making the presentation to Mr. Gilbert, a former President of AJC's Chicago Chapter, Alfred Moses, Chair of the National Executive Council, praised him for "the outstanding guidance he has given to significant institutions."

"To all these responsibilities," Mr. Moses added, "he brings intelligence and a warm and giving personality, which have earned him the respect and admiration of all who know him."

The Committee presented to Mr. Gilbert an original serigraph by the noted Philadelphia artist Mordechai Rosenstein, based on the Biblical injunction "Justice, Justice Shall Thou Pursue."

Mr. Moses described the work as "a unique visual creation that expresses the American Jewish Committee's dedication to the establishment of a just and equitable society in which all individuals can achieve their full potential."

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NEWS COMMITTEE

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(CONCOURSE LEVEL)

AMERICAN JEWISH
ARCHIVES

FOR RELEASE AFTER 6:30 P.M.,
THURSDAY, NOV. 1, 1984

CHICAGO, Nov. 1... A new kind of politics is arising in the United States, and the two major parties are becoming markedly different from what their traditional adherents believe them to be, according to one of the country's leading political analysts.

Sidney Blumenthal, national political correspondent for The New Republic, made this point at the opening dinner of the American Jewish Committee's annual National Executive Council meeting, which continues through Sunday at the Hyatt Regency Hotel here.

Mr. Blumenthal also told his audience that America's Jewish community was "not immune" to the changes on the political landscape. One notable change among Jews, he said, was that older Jews continued to be "strong Democrats, very traditional partisans," while younger Jews were more likely to question traditional Democratic notions.

One of Mr. Blumenthal's central themes was that "the old party system, based on political organization that reaches from the national committee level to the precinct level," was in decline. Moreover, he said, President Reagan, wittingly or not, had contributed to the undermining of the party system "because his political career has depended on the Conservative movement and he is at least as much a movement man as a party man."

Turning to the individual parties, Mr. Blumenthal said, of the Democrats: "We have seen the last of the Walter Mondales -- the old-style traditional Democrats in the New Deal mold. By 1988 the majority of the electorate will have absolutely no memory whatsoever of the Depression or of World War II. This will produce a new kind of politics in the Democratic party, which we are already beginning to see."

-more-

Howard I. Friedman, President; Theodore Ellenoff, Chair, Board of Governors; Alfred H. Moses, Chair, National Executive Council; Robert S. Jacobs, Chair, Board of Trustees;

David M. Gordis, Executive Vice-President

Washington Office, 2027 Massachusetts Ave., N.W., Washington, D.C. 20036 • Europe hq.: 4 Rue de la Bienfaisance, 75008 Paris, France • Israel hq.: 9 Ethiopia St., Jerusalem 95149, Israel
South America hq. (temporary office): 165 E. 56 St., New York, N.Y. 10022 • Mexico-Central America hq.: Av. Ejercito Nacional 533, Mexico 5, D.F.

The Republican Party, said Mr. Blumenthal, is being increasingly influenced by "the Conservative movement, which is replacing moderate Republicans and the traditional cultural basis of the Republican party, namely, Yankees."

"The Conservative movement," Mr. Blumenthal continued, "has enormous plans for the future. The movement stretches from the neo-conservatives to the Evangelical New Right, but what they all have in common is a hostility to Republicans. They may call themselves Republicans, but they share very little in common with traditional Republicans, and their goal is to replace traditional moderate Republicans with their own cadres, both in governing and in politics."

"Part of the reason liberals have been confused and defeated," he added, "is that they have very little understanding of their opponent, which is not the Republican Party, but the Conservative movement."

The Jewish community has been no less affected than the general community by the "new politics," Mr. Blumenthal continued.

"Jews are split generationally," he said, "with older Jews being perhaps the strongest partisans the Democrats have besides blacks, while younger Jews, although they are Democratic voters, have a pronounced independent temperament and are often unmoved by the older symbols and rituals of the party."

An example of this "split," he said, could be seen in the Democratic primaries, in which "older Jews overwhelmingly supported Walter Mondale, while younger Jews, especially outside of New York City, supported Gary Hart."

A small number of Jews, he added, "call themselves neo-conservatives and are part of the overall Conservative movement."

On another issue, Mr. Blumenthal said: "The intensification of black-Jewish conflict within the Democratic party is extraordinarily unfortunate. The fact is that the predominant black leadership is not at all anti-Semitic, and those blacks who are anti-Semitic have no influence on the Democratic party."

Alfred H. Moses, Chairman of AJC's National Executive Council and former Special Advisor and Special Counsel to President Carter, spoke on the same platform as Mr. Blumenthal.

The American Jewish Committee is this country's pioneer human relations organization. Founded in 1906, it combats bigotry, protects the civil and religious rights of people here and abroad, and advances the cause of improved human relations for all people everywhere.

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EXCERPTS FROM TALK BY RABBI MARC H. TANENBAUM, DIRECTOR OF
INTERNATIONAL RELATIONS OF AMERICAN JEWISH COMMITTEE, AT NEC
SESSION ON "FANATACISM AND FUNDAMENTALISM", NOV. 3, 1984

"Armageddon theology is rapidly becoming one of the greatest threats to democratic societies and to religious pluralism, which are the keystones of world order and peace.

"At the heart of this apocalyptic theology is a simplistic but deadly fantasy. It proclaims that an inevitable conflict must take place between the children of light (the "saved") and the children of darkness ("the damned"), and that at the end of days a global catastrophe must ensue which is a prelude to the purification of the world. There are Christian, Jewish Muslim, and secular versions of this Armageddon theology.

"In free societies, no one can contest the right for people to believe what they will, no matter how fantastic. But when this fantasy is joined with military might and political power, it becomes a genuine threat to human survival, especially in a nuclear-missile age.

"These eschatological fantasies took form in the second century BCE with the Book of Daniel and in the first century CE (about 93 A.D.) in the Book of Revelations. The translations of these fantasies into Armageddon politics resulted in the suicidal conflict of Jewish with the Romans in the first and second centuries. It resulted in vast destruction of Christian masses beginning with the Montanists in the fourth century in Asia Minor, the Crusades, the Inquisition, and with numerous salvation cults of "saints" down through the Middle Ages.

"After the second century, the Rabbis condemned such apocalyptic fantasies and stressed instead Jewish messianism - social justice in this world. The Catholic Church condemned these Armageddon theologies and salvation cults in the fourth century and afterwards.

"Yet, so powerful were these eschatological fanatasies and their emotional grip on depressed masses that they persisted in a subterranean way down into the 20th century. As Professor Norman Cohn has documented in his monumental study, 'The Pursuit of the Millenim,' Communism and Nazism appropriated these fantasies and developed secular ideologies which proclaimed the vision of inevitable cosmic conflicts. The Communists developed the notion of the "saved" (the proletariat) destroying the monstrous "damned" (the bourgeoise Capitalists). The Nazis developed their demonic scenario of Aryans (children of light) purifying the world by destroying the impure non-Aryans (the Jews and other untermenschen.)

"Today Islamic fanaticism is the most intense purveyor of those Armageddon fantasies, the suicidal attacks by Shiite Muslims against American marines in Lebanon are but one evidence of that tragic reality. Ayatollah Khomiini's ideological perception of America as "the great Satan" is another statement of that reality. The episodes of contemporary violence against and hatred of the "unsaved" are almost everywhere.

"And now Fundamentalist Christians have resurrected Armageddon politics in the United States. There are few greater threats to American democratic society and religious pluralism than that demonological world view which sees cosmic catastrophe as inevitable. After the forthcoming election, Americans must confront this ideological force as one of the central issues facing American domestic and foreign policy.

"In Israel, the resurgence of fundamentalist Judaism with its threats of violence and terror against the President of Israel, other Jews and Arabs must engage the concern of American Jewry no less than the threat of fanaticism in America by Christian fundamentalists and by Islamic fundamentalists on the international scene."

Rabbi Myron M. Fenster
Shelter Rock Jewish Center
Shelter Rock and Searingtown Roads
Roslyn, New York 11576

516-741-4305

May 20, 1985

Rabbi Victor Zwelling
452 Red Haw Rd.
Dayton, Ohio 45405

Dear Victor:

Thank you so much for sharing the editorial from the Dayton Daily News and your own observations. I am enclosing a copy of our congregational Bulletin where I set out my own view with regard to Jerry Falwell. You will, no doubt, note that I recommend that we "respect and suspect" him. Still I do believe that it is better to address our concerns within the arena of dialogue than outside of it. And I will continue to think that despite the many disappointments that I am sure Jerry Falwell is capable of giving. I am also going to be sending a copy of the editorial and this letter to our dear colleague Marc Tannenbaum. I note by the date that it was exactly a week after our meeting in Florida and apparently pious utterances did not last even a full seven days.

My very best wishes,

Sincerely,

MMF:tk

Rabbi Myron M. Fenster

cc - Rabbi M. Tannenbaum
✓

Norman Lear

May 23, 1985

Rabbi and Mrs. Marc H. Tanenbaum
45 E. 89th Street
Apartment 18F
New York, New York 10128

Dear Marc and Mrs. Tanenbaum:

Our 31-person staff at national headquarters in Washington is extraordinarily active all of the time, as you know, but every once in a while, its accomplishments are so stunning that I want to be sure that you are aware of them, too.

I have enclosed a booklet of some of PEOPLE FOR THE AMERICAN WAY's news clippings from the first few months of this year. From The New York Times to Frankfurter Rundschau, newspapers have been covering the issues of freedom to learn and religion in politics. PEOPLE FOR's op-eds have been carried in hundreds of those pages.

Tony Podesta also spoke recently at Ford Hall Forum, the venerable Boston institution. I wanted you to see his remarks on the attack on church/state separation, so I am sending it along, too.

We want to know that as a supporter of PEOPLE FOR you feel sufficiently informed and involved.

Sincerely,



NL/eb
Enclosures

P.S. The book of clippings is something we produce for reporters and public officials. It has been a very effective way to convey the depth and breadth of our work. Least you think that sending it to you may cost more money than we should spend (the cost is \$.85 and we agree with you) please know the extra cost has been borne by a member of the Board who got the same kick out of it that I did, and hope you will too.

only by participation in the democratic process, not by violence. They will become weaker as the democratic process is consolidated, he predicted.

One questioner asked the archbishop about the battle between traditional Catholic belief and "Marxist-infiltrated" liberation theology. Archbishop Rivera Damas said one could find in official documents, including those from the Latin American bishops' conferences in Medellin (1968) and Puebla (1979), principles for a liberation theology that would enable the church to carry out the social mission outlined by the Second Vatican Council without incurring the dangers cited in last year's warning by the Congregation for the Doctrine of the Faith.

In the interview, Archbishop Rivera Damas said he sees his role in El Salvador as working to alleviate the suffering caused by the war, to humanize and resolve the conflict through dialogue and to seek removal of the causes of the conflict through efforts for human rights and development.

END

COURT—SILENCE June 4, 1985 (530 words)

SCHOOL 'MOMENT OF SILENCE' CITING PRAYER IS DECLARED UNCONSTITUTIONAL

By Liz S. Armstrong

WASHINGTON (NC) — The U.S. Supreme Court ruled 6-3 June 4 that an Alabama law calling for a public school "moment of silence" that specifically includes optional prayer violates the Constitution's ban on government establishment of religion.

The high court indicated that it has no problems with state laws merely specifying a moment of silence in public school classrooms without implying that prayer is the preferred activity during the silence. It noted that Alabama already allowed meditation under a 1978 "moment of silence" law that has been accepted by opponents of school prayer.

The Alabama law, passed in 1981 and challenged by Ishmael Jaffree on behalf of his three children in Mobile, Ala., stated that a teacher may call for silence lasting one minute or less "for meditation or voluntary prayer."

Associate Justices John Paul Stevens, William J. Brennan, Thurgood Marshall, Harry A. Blackmun and Lewis F. Powell concurred in the majority opinion, written by Stevens. Associate Justice Sandra Day O'Connor also concurred, but wrote her own opinion in which she discussed in more detail the differences between an acceptable moment of silence law and the unacceptable Alabama law. Powell also issued a short opinion on his own.

Chief Justice Warren Burger and Associate Justices William Rehnquist and Byron R. White disagreed with the majority and each filed his own dissenting opinion.

The Alabama law in question had been struck down by an appeals court.

The high court said that "the First Amendment requires that a statute must be invalidated if it is entirely motivated by a purpose to advance religion."

The majority opinion pointed out that the state senator who sponsored the law in the Alabama Legislature had stated in the legislative record and in court that the measure was an "effort to return voluntary prayer" to public school classrooms and had "no other purpose in mind."

The court continued that "the legislative intent to return prayer to the public schools is, of course, quite different from merely protecting every student's right to engage in voluntary prayer during an appropriate moment of silence during the school day. The 1978 statute already protected that right, containing nothing that prevented any student from engaging in voluntary prayer during a silent minute of meditation."

Furthermore, the majority opinion stated, "the addition of 'or voluntary prayer' indicates that the state intended to characterize prayer as a favored practice. Such an endorsement is not consistent with the established principle that the government must pursue a course of complete neutrality toward religion."

As it has in other First Amendment cases, the high court referred to the amendment's "Establishment Clause" as the basis of its decision.

(MORE)

The First Amendment states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof...."

The court concluded by quoting itself in an earlier decision and stated that "keeping in mind, as we must, 'both the fundamental place held by the Establishment Clause in our constitutional scheme and the myriad, subtle ways in which Establishment Clause values can be eroded,' we conclude that (the 1981 law) violates the First Amendment."

MORE TO COME

ADVISORY June 4, 1985

Editors: Auxiliary Bishop Gerald J. Ryan of Rockville Centre, N.Y., 61, died today. The Mass of Christian Burial will be celebrated by Bishop John R. McGann of Rockville Centre June 8. We will have a story later today.

END



NEWS

FROM THE

COMMITTEE



THE AMERICAN JEWISH COMMITTEE Institute of Human Relations, 165 E. 56 St., New York, N.Y. 10022, (212) 751-4000

The American Jewish Committee, founded in 1906, is the pioneer human-relations agency in the United States. It protects the civil and religious rights of Jews here and abroad, and advances the cause of improved human relations for all people.

MORTON YARMON, Director of Public Relations
FOR IMMEDIATE RELEASE

NEW YORK, June 15 . . . The American Jewish Committee has submitted a brief to the United States Supreme Court arguing that the principle of separation of church and state does not preclude a state from offering financial assistance to a visually handicapped student who is pursuing a religious vocation where that state generally provides financial assistance for the vocational training of visually handicapped students.

In its amicus curiae brief in the case of Larry Witters v. State of Washington Commission for the Blind, the Committee argued on behalf of Mr. Witters, a blind student to whom the Commission had denied a request for aid that would have been utilized to further his attendance at a Christian religious college with the vocational goal of become a Christian "pastor, missionary of youth director."

The relevant Washington State statute provides generally for financial assistance to visually handicapped students for purposes of learning a vocation or trade. The denial of aid was upheld by the Washington State Supreme Court on the ground that for the state to provide such assistance to Mr. Witters would violate the Establishment Clause of the United States Constitution.

The American Jewish Committee, the brief states, has a long history of supporting strict separation of church and state. However, the brief went on to say, the strong state interest in maintaining that separation does not require that the state deny aid to Mr. Witters, who is eligible for such assistance based on neutral standards applicable to a broad spectrum of citizens. The Washington State Supreme Court's analysis, in finding that the provision of such aid to Mr. Witters would violate the U.S. Constitution, was in error, the brief continued, in three respects:

- * The U.S. Supreme Court's decisions have held that the Establishment Clause forbids government aid to sectarian schools. However, the Constitution does not prohibit aid to individuals who may choose to utilize that aid for private sectarian purposes provided that the aid to individuals does not constitute a subterfuge to assist religious institutions.
- * The inquiry as to whether to primary effect of a state program is to further religion, which is constitutionally impermissible, should be directed toward the program as a whole. In this case, the vocational training program had a secular primary effect that only incidentally, in a specific instance, promoted religion.

- more -

Howard J. Friedman, President; Theodore Ellenoff, Chair, Board of Governors; Alfred H. Moses, Chair, National Executive Council; Robert S. Jacobs, Chair, Board of Trustees;

David M. Gordis, Executive Vice-President

Washington Office, 2027 Massachusetts Ave., N.W., Washington, D.C. 20036 • Europe hq.: 4 Rue de la Bienfaisance, 75008 Paris, France • Israel hq.: 9 Ethiopia St., Jerusalem 95149, Israel

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* Finally, the aid sought by the petitioner was to be used to attend an institution of higher education rather than a primary or secondary school. The U.S. Supreme Court has applied a more rigorous standard, in the interest of preventing the appearance of the establishment of religion, with respect to the latter types of institutions.

The result arrived at by the state court, AJC asserted in its brief, penalizes the small group of handicapped students who elect to utilize a secularly motivated program to pursue religious studies, in a fashion that is not mandated by the strong state interest in maintaining the separation of church and state.

The brief proposed that, once the requirements of the Establishment Clause were clarified by the U.S. Supreme Court, the case should be referred back to the Washington State Supreme Court for clarification as to whether, the Establishment Clause aside, Mr. Witters is entitled to the assistance he had requested.

Richard T. Foltin, AJC's Associate Legal Director, stated, in connection with the filing of the brief; "AJC believes that its commitment to the separation of church and state can only be strengthened by a clarification as to what that separation requires and what it does not. The provision of assistance to an individual who intends to use that assistance to serve his religious beliefs does not run afoul of the Establishment Clause if that assistance is made available to him by reference to a truly neutral, broadly based standard. Such assistance, in and of itself, remains constitutional so long as it is not intended to have, and does not have, the primary effect of furthering religion, and does not lead to entanglement between religion and state."

Submitting the AJC brief was Samuel Rabinove, AJC's Legal Director. On the brief with him are Mr. Foltin and New York attorneys Jed S. Rakoff, James Niss and Ellen B. Cohn.

The American Jewish Committee is this country's pioneer human relations organization. Founded in 1906, it combats bigotry, protects the civil and religious rights of Jews here and abroad, and advances the cause of improved human relations for all people everywhere.

* * *

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People for the American Way

1424 16th Street, N.W. Suite 601 Washington, D.C. 20036 (202) 462-4777

ANTHONY T. PODESTA
Executive Director

June 19, 1985

Dear Member:

With your permission, I'd like to include your name in open letters to President Reagan and to the United States Senate. They will run on two full pages in USA TODAY (the country's only national newspaper) the week of July 22nd.

Why? Because with five Supreme Court justices over the age of 75 and one-seventh of all Federal judgeships now vacant, the fate of our nation's entire independent judicial system is hanging in the balance -- and most Americans seem to be unaware of the danger.

The non-profit rate for the advertisement runs \$30,000 and according to USA Today, if we can get enough of our members to chip in \$15, \$25, \$50 or even \$100 to pay the cost -- we will reach an estimated 1.2 million people nationwide. (In a few weeks, we will run a similar ad in The New York Times).

Let me tell you why it is so important that you agree to sign on.

Remember back last summer, when the most extreme of the Republican right wing took over that convention? (Even Vice-President George Bush distanced himself -- saying they represented the "fringe of American politics.") Well, a pledge was made in Dallas, which I'm warning you, is on the verge of being fulfilled.

Jerry Falwell, Jesse Helms and Phyllis Schlafly, holding court before their followers, swore that every newly appointed Federal judge in a second Reagan term would become a foot soldier on behalf of the New Right Agenda.

Smart as they are, they understood the tremendous opportunity before them. In the next four years they would not only have a crack at reshaping the Supreme Court but would also have the chance to fill some 400 judicial seats, well over half the 744 active Federal judges in existence. This represents more openings than any time at any point in history.

At the convention, no one seemed to recognize that a new and radical strategy was taking shape that would employ tactics never seen in judicial selection. Few ever dreamed that it would be just a matter of time before there would be enough of the so-called "right" people in place throughout the Administration and Congress to ensure a purified right wing judiciary.

Individuals who have proven their loyalty have been systematically fed into the Justice Department through a key behind the scenes player — James McClellan. McClellan, who in separate stints "earned his stripes" as the former counsel to Jesse Helms, John East and Orrin Hatch, is President of the Center for Judicial Studies.

For several years, McClellan and his "Center" (which is funded by the Moral Majority Foundation) have been engaged in a vicious two-pronged strategy that would literally destroy the Bill of Rights.

Their aim: 1) a declaration that " guarantees" included in the Bill of Rights are a Federal matter and do not apply to state or local entities and 2) that no Federal court could ever review a case dealing with any state or local issue.

Under these guidelines, local legislators could theoretically do whatever they please, they could discriminate, cancel or favor one religious view over another if they choose.

It is no coincidence then that the ultra-fundamentalist and New Right movements, whose political power is based on fear and lies at the local level, would have free reign to reshape America their way. And you and I would have no recourse — no guarantee of freedom — no Federal Court to protect us from losing that Bill of Rights.

McClellan, who said that "civil rights has nothing to do with liberty, but is in fact part of the Marxist agenda", is personally spearheading efforts to recruit judicial candidates who will agree to declare the Voting Rights Act unconstitutional. He is seeking anyone who will agree beforehand to declare environmental protection laws invalid. And he has been searching for candidates sympathetic to the argument that censorship is warranted in some cases — that "blasphemy", for instance, should be declared illegal.

To make matters worse, it appears that Herbert Ellingwood, the current Chairman of the Merit Systems Protection Board and "father" of the ultra-fundamentalist Christian Talent Bank, is about to be appointed head of the Justice Department's Office of Legal Policy. In that position, Ellingwood will do all the screening and make all the recommendations to the President and Attorney General on who should and should not be appointed.

(As I write this letter to you, PEOPLE FOR is gearing up to lead an all out fight to oppose Ellingwood's nomination before the U.S. Senate.)

In the meantime, they have already set up "mini-inquisitions" throughout the system to ensure that no mistakes are made — that the wrong kind of person doesn't somehow slip through.

These newly placed ideological "litmus tests" and lengthy questionnaires are being used to screen judicial candidates to ensure that they have the "right" views on everything from foreign policy to God.

A recent nominee, despite Article VI of the Constitution prohibiting religious tests for office, was forced to detail his beliefs regarding the existence of a "Supreme Being." He was also asked to give his position on

the right to own guns, the status of religious academies as favored institutions, and was asked to defend Brown v. Board of Education which eliminated segregation in the public schools.

Men and women with exceptional legal experience -- who have devoted their lives to the rule of law are now being denied the opportunity to serve in the Federal courts because they fail to answer one of the questions properly or hold membership in groups not to the liking of the right wing hierarchy. A new form of Moral McCarthyism is taking hold.

Case in Point -- President Reagan was convinced to dump the nomination of his own deputy Solicitor General Andrew Frey to the court because a few, powerful right-wing senators found out Frey made small donations to Planned Parenthood and the National Coalition to Ban Handguns. They used tactics perfected by Joseph McCarthy to damn him -- guilt by association!

Case in Point -- White House Counsel Fred Fielding and his team rejected the bi-partisan nomination of William Hellerstein to the Court. Hellerstein is one of the most respected lawyers in New York, a solid member of the legal establishment and was endorsed by 24 former Federal prosecutors as "outstandingly able". His problem? He was on Roy Cohn's black list. Cohn, you'll remember, was Joe McCarthy's protege and Chief Counsel during the infamous McCarthy hearings. It was his personal conclusion that Hellerstein "wasn't reliable" and had to be eliminated.

Case in Point -- When Joseph Rodriguez, a member of the Republican Governor of New Jersey's cabinet, was nominated for a district judgeship, Senators Orrin Hatch, Jeremiah Denton and John East were taking no chances. (After all, the Republican Governor was known in some circles as a moderate.) Despite his "exceptionally qualified" rating by the American Bar Association, they forced Rodriguez to take part in a grueling 23 part questionnaire. The Senators demanded to know among other things, all of Rodriguez's political contributions during the past ten years. And they wanted a commitment from him to vote the "right" way on issues dealing with desegregation, abortion, and even the constitutionality of the National Labor Relations Act.

--Not even Sandra Day O'Connor could have been appointed under the rules of this administration's second term. Despite attempts to get her in line on key issues, O'Connor replied "I do not believe as a nominee I can tell you how I might vote on a particular issue which may come before the Court ... to do so would mean that I have pre-judged the matter or have morally committed myself to a certain position."

Yet Jerry Falwell will tell you that the right wing is simply doing for conservatism what past Democratic administrations have done for liberalism.

Not true!

By tradition and practice the selection of Federal judges has come to involve such a multiplicity of factors and agents -- senators, governors, representatives, screening commissions, the American Bar Association,

influential individuals and local political leaders -- that a valuable diversity was maintained and ideological polarization avoided.

Dwight Eisenhower, never considered a "liberal," appointed southern civil rights leaders Elbert Tuttle, Frank Johnson and John Minor Wisdom; John Kennedy appointed conservatives W. Harold Cox and E. Gordon West; Richard Nixon appointed NAACP general counsel Robert Carter, and Jimmy Carter elevated Cornelia Kennedy to the U.S. Court of Appeals despite her indifference to racial integration.

These appointments, by these presidents, were not isolated exceptions. For while a degree of deference was paid to politics and protocol we never saw such sweeping attempts at ideological purification.

Personally, I don't believe we can stand idly by while these witch hunts take root, these inquisitions into political purity which force judges to pre-judge -- to agree beforehand to some far right list of demands.

And that is why I believe it's so critical for you and me, through PEOPLE FOR THE AMERICAN WAY, to expose this scheme to transform our courts and our judges into parrots of new right dogma.

Otherwise fellows like Ed Meese and John East will have the power to shape American law for the next 25-30 years as they look for their "new breed" of judge -- one who is both ideologically pure and young. The "youth factor" is particularly important. This administration has appointed more judges under the age of 40 to these lifetime positions than any administration in American history. As Senator Phil Gramm said, "the added bonus...is that (they) will be making rulings when I'm dead!"

Is that the legacy we want to leave for our children and grandchildren?

The letters to the President and Senate, which I hope you will sign and which will be featured in USA TODAY will kick off our "Campaign for an Independent Judiciary."

We will urge President Reagan not to abandon the traditions and procedures used to select judges throughout most of our history. We will ask him to stand up to the ideologues -- to stop these radical elements from perverting one of the key components in our system of checks and balances.

We will demand that the entire U.S. Senate stand up and be more than a rubber-stamp. The Constitution requires them to take an active role in the selection and appointment of our third branch of government. Senatorial courtesy is one thing -- but allowing a handful of far-right Senators to have their way with our whole system of justice is quite another.

Following that, PEOPLE FOR THE AMERICAN WAY will begin work on the development of a whole new and comprehensive series of radio and television spots focusing on this issue -- to make the American people aware of this threat to the judiciary.

We will expand our investigative team in order to keep track of the hundreds of vacancies as they occur, who is filling them, and what procedures are being followed.

And we will recruit our own team of lawyers to provide the legal expertise to mount the most effective challenge ever.

All this is only a beginning. Yet its success depends on your continued commitment. We know our efforts can make a difference. In 1969 and 1970 there were cynics who cried it was useless to try to block Richard Nixon's nomination of Haynsworth and Carswell to the Supreme Court. History proved otherwise. (Yet, it's useful to remember that unlike today, neither Richard Nixon nor John Mitchell had the players in place to ensure victory for their nominees -- it seems that in 1985, quite a different situation may exist.)

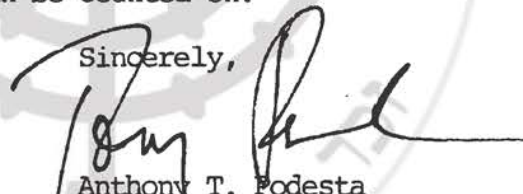
That is why I hope you will support this project and sign these letters to President Reagan and the Senate. (You'll find a rough copy of the ad enclosed.)

As a June 3rd Newsweek "Periscope" article suggested, you and I and the rest of PEOPLE FOR THE AMERICAN WAY are the only ones standing in the way of this effort to turn the judicial process inside out. Sadly, the era of judicial protection for all Americans may be closing, shepherding in grim times for individual rights and social justice.

And then again, if we do our job -- maybe not.

That is why I know you can be counted on.

Sincerely,



Anthony T. Podesta
Executive Director

P.S. While USA TODAY will not guarantee the date our ad appears -- they have told me it will be featured the week of July 22nd.. Please, to be sure we can purchase the space and include your name (no addresses) your contribution must be received no later than July 12th. Thank you.

Even if you prefer that your name not appear in our ad, I hope you will support PEOPLE FOR THE AMERICAN WAY's "CAMPAIGN FOR AN INDEPENDENT JUDICIARY". A contribution of \$15, \$25, or even \$100 would provide a tremendous boost.

Vatican Ambassador Vacancy Provokes Religion Debate

William Wilson's resignation as U.S. ambassador to the Vatican has provoked debate within the Reagan administration about what religion Wilson's successor should be, according to the *Washington Times*.

The newspaper said Republican businessman William H.G. Fitzgerald is considered the frontrunner for the post. Fitzgerald served at the International Center for Investment Disputes, holds a spot on the National Advisory Committee on International Education and is a trustee of the Washington Institute on Foreign Affairs. He is also a Roman Catholic who reportedly holds three papal knighthoods.

Fitzgerald's ties with the Catholic hierarchy are the subject of disagreement at the U.S. State Department, the *Times* said. Supporters think the insider relationship would improve the ambassador's ability to use the Vatican as a listening post. Critics, however, think the next nominee should be a non-Catholic to reduce criticism about the potential church-state entanglement of the diplomatic relationship.

That viewpoint drew support in the *New York Times* from a former U.S. diplomat at the Vatican. In a letter-to-the-editor, Robert F. Illing argued that a non-Catholic is essential. Illing was deputy U.S. representative to the Vatican from 1970-1975.

The religious wrangling is just one more reason why U.S.-Vatican ties should be abolished, according to Dr. Robert L. Maddox, executive director of Americans United for Separation of Church and State.

Said Maddox, "Article VI of the Constitution forbids any religious test for public office. This kind of discussion certainly violates the spirit, if not the letter of that provision." In a May 22 letter to President Reagan, Maddox urged that the Vatican post be left vacant. The princi-



Wilson: Forced out?

ple of church-state separation forbids any special relationship between the government and one church, he commented.

The White House has not formally responded to the Maddox letter, but a spokesman told the news media that the post will be filled.

The Americans United leader promised that the church-state question will again be raised at Senate confirmation hearings if a nominee is named. In the meantime the organization's legal challenge to the diplomatic arrangement is being prepared for presentation to the U.S. Supreme Court. The *Americans United v. Reagan* complaint is supported by a broad coalition of Protestant and Catholic religious groups.

While Wilson and other Reagan administration officials have denied that the ambassador resigned his post under pressure, news media reports indicate otherwise. The *Washington Times* quoted an unnamed "senior administration official" as saying Wilson was asked to quit because of allegations he had used his post for personal gain.

Wilson, a close friend and long-time political associate of Reagan, is accused of conducting an unauthorized trip to Libya at a time when the Reagan administration was trying to isolate the regime of Col. Muammar Khaddafi. Wilson admits going to Libya, but denies that the trip took place during a diplomatically sensitive period. Critics say that trip and Wilson's support of the repressive Chilean government gave at least the appearance of a conflict of interest because Wilson and his family have business interests that would be affected by the discussions.

In other U.S.-Vatican developments:

- U.S. Rep. Edward Feighan (D-Ohio) has introduced a resolution in Congress urging the Vatican to extend full diplomatic recognition to Israel. Feighan, a Catholic, represents a Cleveland suburb with a large Jewish population. Eleven House members have joined the bill as sponsors.

According to the Religious News Service, Feighan also sent a letter to Secretary of State George Shultz asking that the Reagan administration prod the Vatican on the issue.

In an unrelated development, U.S. Rep. Charles Schumer (D-N.Y.) and 23 House members have signed a letter calling on the Vatican to recognize Israel.

- Archbishop Pio Laghi, papal pronuncio (ambassador) to the U.S., has become embroiled in a legal fight over the assets of a foundation which has been a major contributor to conservative Catholic causes. Laghi reportedly summoned two directors of the DeRance Foundation, Erica John and Donald Gallagher, to his office and threatened to endanger the foundation's tax exempt status if they didn't follow his advice and quietly file a lawsuit to take control of the institution.

The pair followed instructions and initiated the lawsuit which seeks to remove Harry John, Erica John's ex-husband from the foundation board. Although Harry John created the multi-million foundation with money from his Miller

Brewing Company assets, he has been criticized for allegedly mishandling its funds. He is accused of spending it nearly into bankruptcy on projects such as Santa Fe Communications, a proposed Catholic television network.

John's lawyer Robert Sutton has objected to the meddling by Archbishop Laghi. Calling Laghi's action "unprecedented," Sutton told the *Milwaukee Journal*, "He's an ambassador of a foreign country and he has no more business threatening a United States citizen into starting a lawsuit than the man in the moon."

In a countersuit filed in John's behalf, Sutton charges Mrs. John and Gallagher "conspired with the Vatican ambassador to the United States, Archbishop Pio Laghi, to obtain control of DeRance and Santa Fe Communications."

The DeRance Foundation had a reported \$188 million in assets in 1983. Sources say Pope John Paul II is aware of the lawsuit and is following it with interest.

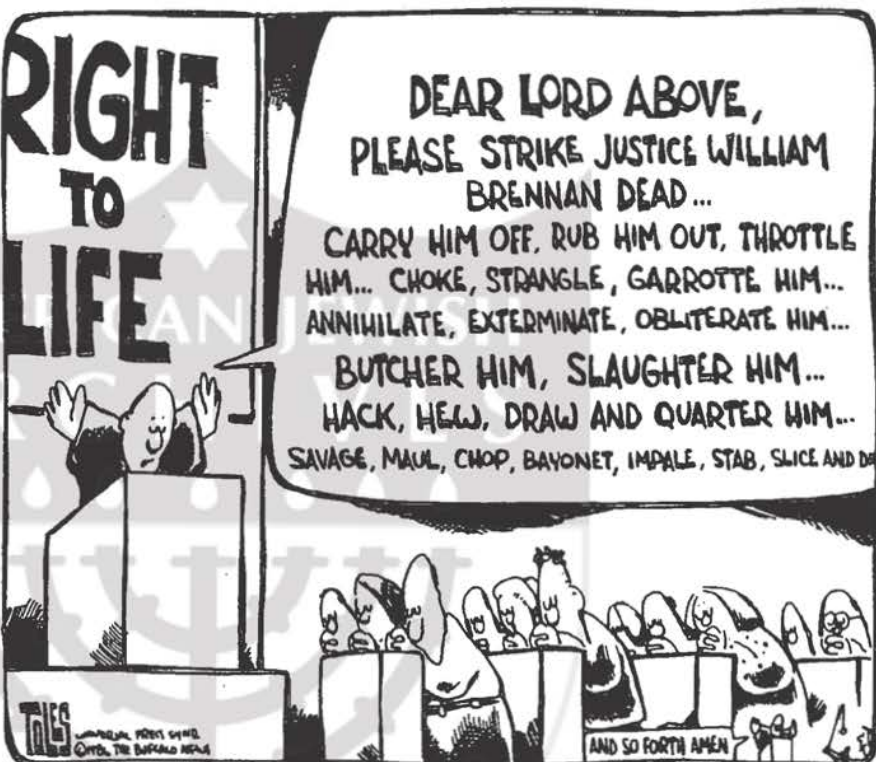
• Messengers to the Southern Baptist Convention meeting in Atlanta in June approved a resolution expressing "abiding and unchanging opposition" to the U.S.-Vatican ties.

Fundamentalist Church Prays For Death Of Justice Brennan

A fundamentalist Baptist church in Los Angeles held a special prayer service in June for the death of Supreme Court Justice William Brennan.

Calling Brennan a "baby killer" for voting for legalized abortion, the Rev. R.L. Hymers and the Fundamentalist Baptist Tabernacle prayed for Brennan to die so that President Reagan could fill the Supreme Court vacancy with someone who supports an abortion ban.

The action was part of a protest of a speech by Brennan at the outdoor commencement ceremonies at Loyola Marymount, a Catholic law school in Los



Angeles. In addition to their own prayers, congregation members also hired a plane to fly over the college with a sign which urged "Pray for Death: Baby-Killer Brennan."

Associate Pastor J. Richard Olivas told the UPI, "It's always a last resort to pray against a leader. But we have prayed now for 13 years for this law to be changed, and it appears that William Brennan is recalcitrant and does not want to change." As precedent for the church's actions, the preacher cited Psalm 109 which includes the prayer, "Let his days be few and let another take his office. Let his children be fatherless and his wife a widow...because he remembered not to show mercy, but persecuted the poor and needy man, that he might even slay the broken in heart."

Olivas said the church doesn't want anyone to kill Brennan. "That would make us a lunatic fringe," he said.

In his remarks, Brennan, a Roman Catholic, took no notice of the protests. Instead, he urged the law school graduates to use their education to help the poor and to engage in other forms of public service.

While some anti-choice activists disavowed the church's actions, others applauded. Joe Scheidler, head of the Pro-Life Action League, compared the prayers to those offered during World War II for the death of Hitler. "I see nothing wrong with Hymers' prayer or his slogan," he commented.

A few days later, the fundamentalist church added five other justices to their removal prayers. Hymers told the press that his congregation also was targeting Justices Thurgood Marshall, John Paul Stevens, Harry Blackmun, Lewis Powell and Chief Justice Warren Burger. Those court members voted recently to forbid the federal government to interfere with

DRAFT OF STATEMENT BY RELIGIOUS LEADERS

TO PRESIDENT FORD AND GOVERNOR CARTER

As representatives from the Evangelical, Protestant, Roman Catholic and Jewish communities in the United States, we call upon President Ford and Governor Carter to repudiate appeals to religious bigotry in the current election campaign.

When, during the Presidential primaries, prejudice appeared about to surface against the Evangelical community, responsible spokesmen warned against any appeals to sectarian bigotry toward this large segment of the American people.

Appeals based on ^{bigotry} religion have in fact remained gratifyingly absent from the Presidential race, ^{as} but ~~they have~~ ^{become} ~~distress~~ ^{alarmingly} ingly evident in a number of Congressional contests. Reportedly, drives have been mounted in at least 30 districts to elect "God-centered citizens" who will work to "rebuild" America as a "Christian republic." Such efforts have involved both Democrats and Republicans.

For example, in a Republican Senatorial primary in Arizona, a Jewish candidate received anti-Semitic calls and threats, and his opponent is reported to have told Evangelical audiences: "We need to elect a Christian Congress." (See Appendix A.)

In a five-sided Democratic Congressional primary in Texas, candidates were questioned in detail about their religious beliefs, and their replies were publicly "rated."

At other levels of political and civic life, too, attempts have ^{which violate the U.S. Constitution} recently been made to impose a religious test. In one case in North Carolina, school board candidates were questioned about their religious convictions for the "information" of voters.

Violate
article 6
of the
Constitution

The campaigns are led by a loose coalition of organizations with common goals and interlocking directorates (see Appendix B), which issue literature, send out regional representatives to screen and influence political candidates, or seek to mobilize grass-roots support for a political movement of and for "real Christians only."

The announced purpose of the drives is to raise⁰ the moral quality⁰ of American politics--a goal which Americans of all faiths and persuasions can share. But Americans cannot share the underlying assumptions: that candidates for office are to be judged on grounds other than their political and civic qualifications --and that non-Christian believers, nonbelievers, or even Christians with a different religious ^{commitment} outlook are less[^] qualified, trustworthy or patriotic.

These assumptions strike at^{the heart of} the American democratic process and, even more fundamentally, at the^{principle of} separation between church and state.

(Religious freedom, based on the separation principle, has been the keystone of all our other freedoms--and ever since Colonial times, Evangelical Baptists, Methodists and other non-establishment religious groups have been second to no one in making it so. Freedom of religion has also made possible our pluralistic society, with its capacity for negotiating and reconciling religious conflicts and differences that have so often plunged other societies into strife, misery and bloodshed.

To create religious voting blocs on the American scene would be to discard^{historical} these achievements--to invite a return of religious strife or oppression. It could bring us back to the conditions of

Colonial times, when theocratic rulers withheld religious liberty from the people.

We urge the Presidential candidates as leaders of their respective parties, as well as the parties' National, State, and Local Committees to reject forcefully any campaign appeals based on the religion a candidate may profess.



APPENDIX A

Some Case Histories

In the Arizona primaries, Rep. John B. Conlan, running for the Republican Senatorial designation, was quoted as telling Evangelical audiences: "A vote for Conlan is a vote for Christianity. We need to elect a Christian Congress." The Tucson headquarters of Conlan's opponent, Sam Steiger, received anonymous anti-Semitic telephone calls and messages, including a letter telling his aides: "Quit working for a Jew--remember you have been warned."

The Steiger affair so incensed Senator Barry Goldwater that for the first time in his political life he intervened in a local campaign, scoring the tactics used and voicing concern over "anti-Semitism creeping into any campaign."

In the Fifth Congressional District of Texas (in and near Dallas), a Presbyterian lawyer, James Norell, asked the five candidates for the Democratic Congressional nomination to answer a 300-item questionnaire probing their private religious beliefs. All but one--Wes Wise, the popular Mayor of Dallas--reportedly complied. A panel of Evangelicals then questioned them further, compared their views with its own interpretation of the Bible, and mailed the ratings to church members registered to vote.

A "White People's Committee to Restore God's Law," at an outdoor rally in Hot Springs, Arkansas, on September 5, distributed literature proclaiming "The Anti-Christ Must Go" and "Only Righteous Christian Men in Public Office."

In Charlotte, North Carolina, candidates in a local school board election were asked in early September to state in answer to a

questionnaire whether they were "born-again" Christians. The questionnaire, sent by the Reverend French O'Shields of St. Giles Presbyterian Church, was accompanied by a letter explaining that his congregants wanted "to be informed and able to vote intelligently."



APPENDIX B

Leadership Groups

The coalition that spearheads the drives described above includes the following:

- The Christian Freedom Foundation in Washington. It claims to have representatives in each state, whose job it is to screen out candidates with "liberal, secular, humanist" views and "train" the rest.
- Third Century Publishers in Arlington, Virginia. It supplies the "training" literature used by the Christian Freedom Foundation, and also publishes a Christian "Index"--a record of how members of Congress vote on bills needed to preserve "individual freedom, free competitive enterprise and Constitutional Government based on God's law." Rus Walton, Third Century's editor-in-chief, tends to equate Christian principles with ultra-conservatism, and conservatism with Americanism: "The vision is to rebuild the foundations of the Republic as it was when it was first founded--a 'Christian Republic.'" He claims that Third Century's literature is used in at least 30 Congressional campaigns and predicts that "we will have 100 members in Congress by 1980."
- The Christian Embassy, housed in an ambassadorial-style mansion in Washington. It was established by "concerned Christian businessmen" for ministering to the executive department, Congress, the Judiciary, the military and the diplomatic corps in Washington. In March 1975, the organization held a week-long seminar to train regional directors, who were to organize right-wing

Evangelicals across the country. Its president, Rolfe McCollister, an attorney in Baton Rouge, Louisiana, has been quoted (Pittsburgh Press, June 10, 1976) as saying: "We will greet all newly elected members of Congress...and try to share with them the claims of Christ."

- The Campus Crusade for Christ, headed by Bill Bright, a businessman. It is currently using local prayer groups, Bible study meetings and Sunday School lecture circuits to create a grass-roots political movement of and for "real Christians only." Bright has been quoted as saying: "There are 435 Congressional districts, and I think Christians can capture many of them by next November. The reason that we have not done it in the past is that Christians have never gotten together, though Christians represent the majority of our population."
- The Intercessors for America, a group allied with the Christian Freedom Foundation and Third Century Publishers through interlocking directorates. It promotes a pamphlet by Bill Bright, "Your Five Duties as a Christian Citizen," which explains how to take over local political machinery to elect Evangelical Christians. In June 120,000 clergymen were urged to buy and distribute quantities of the pamphlet.



Dear Marc —

Here are a couple pieces
Boobie told you we have in
the New York office. I am
waiting on a more complete
package from Washington D.C.
+ will get it to you as soon
as it arrives.

Sandy Kundwaile
Associate Director

944-5820

... ironic that folks who quake at the danger of secular humanism are the very ones pushing for prayer in public schools, an ultimate secularization ...

REFLECTIONS

James M. Dunn
Executive Director



Words carry a peculiar freight, trigger a reaction in specific settings. The "school prayer" debate involves some odd words, 4 to 7 syllables long.

Consider *secularization*: simply to transfer from ecclesiastical to civil use. More precisely, to make secular: "that which is of or relating to the worldly or temporal as distinguished from the spiritual or eternal."

Secularization is exactly what would happen to prayer if some folks had their way. The most intimate and inner expression in religion would be drafted, conscripted, and dragged from its rightful setting where it is tenderly taught and spiritually shared. Prayer would be put into uniform and forced to do civil duty, to tote the values of the common culture, to bear the burdens of pop religion.

Prayer, as in "school prayer," is a component of civil religion. It is of necessity watered down. Whether prescribed by some level of authority like the teacher on the beat or the spontaneous outbursts of self-anointed spiritually superior students, it's watered down worship. There is something cheap about making prayer come under civil service, used to "quiet the kids down."

Isn't it ironic that folks who quake at the danger of secular humanism are the very ones pushing for prayer in the public schools, an ultimate secularization?

Consider *trivialization*. We live on several planes, but they intersect and intertwine. One can not and should not attempt an arbitrary division between the sacred and the secular. Christians accept Jesus Christ as the Lord of all life.

Yet, it is possible to put down, make light of, reduce to ridicule The Holy. Abraham Heschel, a great man of faith, spent his life attending awe as the ultimate emotion. Louis Cobb said, "The bump of reverence on the American head is a dent."

Great hunks of humanity in this country see nothing wrong with "using" prayer. If we who have given our lives to Him Who Was and Is and Ever Shall Be mean what we say and sing on Sunday, we will resist trivialization.

At seminary we had a yell for the intra-mural football team: "Yea black! yea gray! Seminary, Seminary! Let us pray!" Irreverent? Certainly!

However, it wasn't as dangerously irreverent and threatening to the spiritually sensitive as the move to allow government to get into religious observance. It seems that the religious right would like to name God the National Mascot. Trivialization!

Next, think about *reductionism*. For some, school prayer may not be tainted by this term. If, for you, prayer is nothing but ritual, mechanical observance, surface activity that has little if anything to do with heartfelt religion, it doesn't matter. If prayer is repeating rote phrases without engaging the mind, who cares what goes on in school.

If so-called school prayers are effective, compelling, and meaningful, then they constitute indoctrination, evangelization, and they have no part in the patterns of public school life.

On the other hand, if prayer is weak-kneed and wishy-washy, a poor imitation of the real thing, then it consti-

tutes a threat to authentic religion, contradicting what is being taught at home and church or synagogue. School "praying" can work like a flu shot. An inoculation of diluted deism can make some children immune, or at least resistant, to real religion.

Mr. Justice Stevens was correct in calling school prayers "compelled ritual." That's reductionism.

Now look at *revisionism*. Rewriting history is a growth industry of the fundamentalists who have recently come alive to their civic duties. It takes the place of study and research. It portrays Colonial America as a Christian nation. In fact, less than 20% of those people had any church connection. It portrays the founding fathers as great men of the Faith. In fact, some were bounders, others, deists, all sons of the Enlightenment. It minimizes the dedication of the framers of the Constitution to Jefferson's "wall of separation" between church and state.

In evaluating recent history advocates of religious exercise in the public classroom moan that all our present ills stem from "putting God out of the schools" (as if the Heavenly One could be carted about). In fact, school prayers have been faithfully and widely practiced in other countries and they haven't brought idealistic Islam to Iran, churchgoing to England, religious toleration to Belgium, sexual morality to Sweden, freedom of thought to Spain, or peace to Northern Ireland. They pray in schools there.

Collectivization is another real danger in our world. We don't need homogenized culture and religion in this country any more than it is needed in communist lands. Part of our strength lies in our pluralism and diversity. If we had prayers in public settings, they could be Buddhist in Hawaii, Mormon in Utah, Baptist in Mississippi, Roman Catholic in New Mexico and Black Muslim in Harlem.

On the other hand, someone has suggested that public school prayer to be fair would have to be addressed "to whom it may concern."

Lowest-common-denominator religion is not worth much to anyone. Emil Brunner criticized collectivism saying that it makes up society "like briquets of so many pulverized individuals." Moves to approve school prayers are steps toward collectivization.

One more word: *authoritarianism*. The dictionary says it is "of, relating to, or favoring a principle of often blind submission to authority as opposed to individual freedom."

Most of the folks for "returning prayer to the schools" have never thought about how such a practice fosters authoritarianism. It does so even and especially with the dedicated and caring teachers of small children. Most often these teachers do not want that role. They'd reject it if they could. Many, if not most of them, understand that for prayer to be real it has to be free. They're not interested in "favoring a principle of blind submission" particularly when it comes to religion. Most Americans are not opposed to individual freedom. We hate authoritarianism.

Explain these words to your Congressman, will you? The Supreme Court was right to reject government meddling in religion and efforts to legalize school prayers.

06-24-85

1089

Head of Christian Law Assn. says churches will face more suits

**By Watford Reed
Religious News Service Correspondent**

PORTLAND, Ore. (RNS) — More lawsuits against churches were forecast here by the Rev. Earl Little, of Dallas, president of the Christian Law Association.

"Churches are changing," Mr. Little said. "They are growing bigger, and they have more money. They are getting more into owning property and operating businesses that aren't directly related to their religious mission."

Mr. Little forecast that the more business is operated by churches, the more lawsuits will be filed against them.

He also expressed belief that a crucial factor will be whether churches take money for services that traditionally have been a part of their ministry.

As an example, he said the first clergy malpractice suit, brought against a church at Glendale, Calif., alleging that incompetent counseling had led to a suicide, was thrown out of court in part because the ministers had taken no money for their counseling.

Church-sponsored counseling centers that take fees may become the targets of such suits, he warned.

"If you hold yourself out in a business-type relationship, you're probably going to have to take out malpractice insurance," he said.

The Christian Law Association was organized in 1977, to help smaller churches with legal problems, most of them dealing with freedom of religion, he said. It gets about 2,000 requests for help each year, he reported, and about 98 percent of the cases it works on are settled out of court.

"If churches would come back to the center of their faith, if they would really live by the principles of Christianity, it would eliminate a lot of the problems they are getting into," he said.

Mr. Little was in Portland to help inaugurate the 47th Oregon chapter of the Full Gospel Businessmen's Fellowship International and to speak at several churches in the Portland area.