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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 10:30 A.M.,
THURSDAY, DEC. 11, 1986

NEW YORK, Dec. 11....Leaders of major Protestant and Roman Catholic religious organizations today joined a Jewish human relations agency in denouncing the "Christian Identity" movement as "a threat to a pluralistic and democratic America, a perversion of authentic religious values, and a source of bigotry, racism, and anti-Semitism."

At the same time the author of the first full-scale study of "Christian Identity" warned that the movement posed "a special danger to Christians of good will because it claims to base its racist beliefs on the Bible, and makes sham connections between its bigoted, often violent ideas and the sincere religious concerns of many Christians."

Making these charges, at a news conference held today at the offices of the American Jewish Committee, were Leonard Zeskind, research director of the Center for Democratic Renewal and author of the just-published study, The "Christian Identity" Movement; The Rev. Patricia McClurg, first vice president, National Council of Churches; The Rev. Dr. J. Bryan Hehir, secretary, Department of Social Development and World Peace, U.S. Catholic Conference; Rabbi A. James Rudin, director of interreligious affairs, American Jewish Committee; The Rev. Lynn P. Clayton, chairman, Southern Baptist Christian Life Commission, and Dr. C.T. Vivian, chairman, Center for Democratic Renewal.

Theodore Ellenoff, AJC national president, chaired the conference.

The Center for Democratic Renewal is an Atlanta-based national organization that monitors racist and extremist groups and actions. Mr. Zeskind's study was published by the Division of Church and Society of the National Council of the Churches of Christ in the U.S.A.

Describing "Christian Identity," Mr. Zeskind said it was "not a single organization, but the name given to a theological and political movement undergirding the entire white supremacist movement, from the Aryan Nations and the Ku Klux Klan to the Posse Comitatus."

Known also as "Identity," "Kingdom Identity," and "Kingdom Message," continued Mr. Zeskind, the movement contends "that the people of Northern Europe -- white Anglo-Saxons -- are the Lost Tribes of Israel; that Jews are the children of Satan, and that black people and people of color are 'pre-Adamic' -- a lower form of species than white people."

Theodore Ellenoff President Leo Nevas Chair Board of Governors Robert S. Jacobs Chair National Executive Council Edward E. Elson Chair Board of Trustees

David M. Gordis, Executive Vice-President

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One of the movement's "theological constructions," said Mr. Zeskind, is that Armageddon -- the final battle between good and evil foretold in Revelation -- "will be a military battle in America's heartland between themselves and the forces of Satan."

The movement uses this belief and related notions, said Mr. Zeskind, to promote and justify paramilitary training and the stockpiling of weapons.

"Christian Identity" also maintains, he said, "that the problems besetting the American people are the result of 'race mixing' and interreligious cooperation between Christians and Jews, which they call sins; that the U.S. Constitution defines this country as a 'Christian republic' opposed to both democracy and communism, and that the Covenant between God and His people was between God and certain white peoples only."

"They also attack Christian Right Fundamentalists for their support of the State of Israel, and mainstream Christian clergy for being 'agents of Satan.'"

"'Identity' is composed," said Mr. Zeskind, "of hundreds of small groupings dotted across the map, not confined to any single region of the country. It includes self-defined ministries that consist of little more than tape and booklet sales, as well as ministers who have regular programs on AM radio stations all over the U.S., and still other leaders who have small, stable congregations in metropolitan areas like Los Angeles and Spokane."

"It has emerged as the primary religious and spiritual phenomenon of the far right and must not be dismissed as a marginal phenomenon. The U.S. has been undergoing a resurgence of bigotry under the guise of Christianity; this resurgence is a deep, ugly stain in our society which people of good will must obliterate."

The joint statement issued by Reverend Clayton, Father Hehir, Reverend McClurg, Rabbi Rudin, and Dr. Vivian calls on all Americans "to join with us in publicly opposing this pernicious hate movement," adding: "Because [Christian Identity] fears the scrutiny of an informed and alert public, we also urge that churches, synagogues, and schools undertake intensive courses of education about this movement, and that law enforcement officers, elected officials, and the media become more knowledgeable about 'Christian Identity.'"

"As concerned Christian and Jewish religious leaders," the statement says, "we are outraged by 'Christian Identity's' false and dangerous message, and out of our concern for moral and ethical values, we join together in condemning 'Christian Identity' in the strongest possible terms."

The five signers of the statement, who also spoke at the conference, added these comments:

Reverend Clayton: "Placing prejudice in a thin cellophane wrapper of pseudo-Christianity cannot make a Christian. Rather, it intensifies prejudice's repulsiveness. Prejudice grows from the darkest regions of mankind's sinfulness and is never justified by lacing it with words and phrases stolen from the Bible. People grasping guns in one hand, homemade bombs in the other, and spitting words of hatred can never fulfill Christ's ultimate command: 'Love one another as I love you.'"

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Father Hehir:

"The so-called 'theology' of the Christian Identity churches, as reported to us, is simply racism attempting to mask itself in Christian terminology. All Christians should see through this ruse to the stench of hatred and sin that lies at its core. Pope Pius XI, in his historic condemnation of Nazi ideology in 1937, spoke the mind of the church quite clearly on this issue: 'Anyone who takes the race, or the people, or the state...out of the system of their earthly valuation, and makes them the ultimate norm of all, even of religious, values, and deifies them with an idolatrous worship, perverts and falsifies the order of things created and commanded by God. Such a one is far from true belief in God.'"

Reverend McClurg: "The racism and hatred at the heart of the 'Christian Identity' movement is a disgrace to the Christian Church. Diversity in the world and church does cause some tension, yet God's spirit would have us be enriched by those differences. God's power and care will never be imprisoned within the Christian Church or confined to any one nation."

Rabbi Rudin: "'Christian Identity' is a cancer attacking the body of American society. We are grateful to Leonard Zeskind and the National Council of Churches for providing us with the first systematic and comprehensive study of this dangerous hate group. Armed with the facts about 'Christian Identity', I am confident that the American people will work together to eradicate this form of social, political, and religious pathology from our midst."

Dr. Vivian: "We are dealing with an 18th century problem in the 20th century -- the ideological heresies of these hate groups, which keep recurring because we have not spoken out strongly enough about them. Hate often needs and uses religion as a base for its development, and we cannot make these heresies go away by ignoring them; they stem from the hate mentality of our society. We, the churches and synagogues, have not been aggressive enough in our teaching about these false ideologies, and we must be."

The complete text of the joint statement follows:

We believe the so-called "Christian Identity" movement is a threat to a pluralistic, non-violent, and democratic America. The ideology, teachings, and activities of this movement constitute a perversion of authentic religious values, and are a source of bigotry, racism, and anti-Semitism.

As concerned Christian and Jewish religious leaders, we are outraged by "Christian Identity's" false and dangerous message, and out of our concern for moral and ethical values, we join together in condemning "Christian Identity" in the strongest possible terms. We urge our fellow Americans to join with us in publicly opposing this pernicious hate movement.

Its deceptive use of the term "Christian", its malevolent attacks upon genuine Christian leaders ("Anti-Christians in the pulpit"), its venomous description of blacks ("pre-Adamic people"), and its virulent anti-Semitism (Jews are "Children of Satan"), have provided what they call a theological justification for acts of physical violence and domestic terrorism.

We believe that "Christian Identity" is a virus that has already infected a segment of the general American public. As an expression of social pathology, it especially festers and grows among the financially distressed sectors of our society. Because leaders of this movement fear the scrutiny of an informed and alert public, we urge churches and synagogues, public schools, and colleges and universities to undertake intensive courses of education about this movement.

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We also call upon law enforcement officers, elected officials, and the media to become more knowledgeable about "Christian Identity", confident that an enlightened American public will overwhelmingly repudiate this extremist group and its philosophy. We pledge our own continuing efforts in this crucial area of education and interpretation.

We are extremely grateful to Leonard Zeskind for his clear and concise analysis of the "Christian Identity" movement, and we warmly welcome the publication of his report by the National Council of Churches of Christ in the U.S.A. They have both performed an important public service in exposing this racist, anti-Semitic, and anti-democratic movement.

We, the undersigned, are strengthened in this interreligious endeavor by the words of the Psalmist:

"Hide me from the council of evildoers
From the tumult of the workers of iniquity;
Who have whet their tongue like a sword,
And have aimed their arrow, a poisoned word;...
They encourage one another in an evil matter;
They converse of laying snares secretly;...
But the righteous shall be glad in the Lord, and shall take
refuge in the Lord;
And all the upright in heart shall glory." (from Psalm 64)

The Rev. Lynn P. Clayton
Chairperson
Southern Baptist Convention Christian Life Commission
Alexandria, Louisiana

The Rev. Dr. J. Bryan Hehir
Secretary
Department of Social Development and World Peace
U.S. Catholic Conference
Washington, D.C.

The Rev. Patricia McClurg
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The Jewish Agenda

The following statement appeared in the Dec. 2 Wall Street Journal in response to an article criticizing the American Jewish Committee for its efforts opposing the "Christianization" of America. The statement was issued by Theodore Ellenoff, President of the AJC and David M. Gordis, Executive Vice-President.

The article on the American Jewish Committee by Elliot Rothenberg has a quaintly old-fashioned ring. The AJC decades ago, after sober assessment of its potential for contributing to the protection of human and Jewish rights, concluded that to achieve its goals it is imperative to participate in a broad range of social issues.

Fundamental questions are now being raised about the nature of our society. All citizens, civic organizations, and religious groups should be encouraged to express their views, as Catholics have recently done on the economy and Protestants on international relations.

The AJC is indeed concerned with the rise of the fundamentalist right in politics. That movement has targeted several institutions critical to American life: the political process, the courts, the schools, and separation of church and state.

Fundamentalist candidates claim to know God's will and work to change social policy to conform to it. To an unprecedented degree, the 1986 elections were characterized by office-seekers identifying themselves with divine guidance and their opponents with Satan. Political philosophies and programs ought to be debated vigorously. This can't happen when one group claims divine sanction.

Fundamentalists advocate the doctrine of "original intent," which purports to understand the thoughts of the Founding Fathers and declare any judicial evolution since then as illegitimate. This would roll back decades of gains on civil rights and religious pluralism. Even more serious is the fundamentalists' attack on the schools. They support censorship of books with which they disagree and introduction of sectarian religious services.

The threat presented by the fundamentalist right in politics, the courts and the schools indicates the wisdom of church-state separation. Government cannot be a tool used by one religion to impose its views on others. It must remain an open forum of ideas to be debated and acted upon in a democratic and civil manner.

Our position is anything but hostile to religion or supportive of any narrow ideology. By allowing the free expression of all faiths in the United States we have become the most religiously observant society in the Western world. Government support for one religious system would endanger the freedom that protects all faiths.

We also have opposed threats to pluralism from other sources. Mr. Rothenberg distorts our position, for example, on affirmative action. Here again, we stand for basic American

values.

In our view, affirmative action is necessary to remedy past systematic discrimination against minorities. We support vigorous training, recruitment and education programs to assure the advancement of members of disadvantaged groups. To assure compliance with affirmative-action standards, we endorse the use of flexible goals and timetables, which can measure progress in overcoming discrimination while assuring that people who are hired merit their position.

We oppose rigid quotas that demand that a fixed percentage of job or educational slots be set aside for a certain group regardless of the merits of those who fill them. This position best reflects the core American values of opposing discrimination and upholding merit.

The AJC vigorously opposes bigotry and anti-Semitism from all sides, whether from the left by personalities like Louis Farrakhan or from groups like the Aryan Nation on the right.

Mr. Rothenberg and others seem to expect that Israel should be the only concern for American Jewish organizations. Our staunch support for Israel derives from its special importance for us and its moral and strategic meaning to the United States. But we also affirm that we have a responsibility to promote pluralism and democratic values in our society.



The Washington Report

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The Washington Report is published bi-weekly by the office of the American Jewish Committee's Washington Representative, 2027 Massachusetts Avenue, N.W., Washington, DC, 20036. The AJC defends the rights of Jews in the United States and throughout the world. It supports the State of Israel. It fights anti-Semitism and extremism, defends American pluralism, and is committed to preserving a vital, creative, and informed American Jewish community.

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The Capital and Beyond

The Helms-Lugar Battle

Two Republican senators are in a battle over which one will be the ranking minority member of the Senate Foreign Relations Committee. The current chairman of the committee, Richard Lugar of Indiana, would normally move over to the ranking minority slot when the new Democratic majority takes over in January. However, Jesse Helms of North Carolina believes that the ranking minority spot rightfully belongs to him because he has more seniority. The ranking minority position is significant because it controls the hiring of minority staff and speaks for the minority party on foreign affairs issues that are before the committee.

Lugar is a moderate Republican and a supporter of foreign aid and to Israel. Helms has always opposed foreign aid and has one of the most consistently anti-Israel records of anyone in the Congress. Helms recently gained additional notoriety when he condemned the United States ambassador to Chile for attending the funeral of a young American of Chilean background who was burned to death by the military while on a visit to Chile. Helms is also a leading backer of the South African regime.

Lugar maintains that seniority should not be the sole criterion when choosing a ranking minority member. He argues that Helms' confrontational style would reduce the spirit of bipartisanship on the committee. His supporters also point out that should Helms win the ranking minority slot, he would take over as chairman of the committee if the Republicans regain their Senate majority in 1988. Hill observers will be paying close attention in January when Senate Republicans decide which of these two senators best reflect the party's foreign policy views.

Deutschland Uber What?

The West German state of Baden-Wuerttemberg has given primary school teachers the option of including all three verses of the anthem Deutschland Uber Alles in the curriculum starting next year. This will mark the first time since Hitler's defeat in 1945 that the full version of the controversial anthem will be sung in public schools.

The first verse of Deutschland Uber Alles (Germany Over Everything) includes the words: "Germany, Germany over all; Over everything in the world; From the River Maas to the Memel; From the Etsch to the River Belt...." The controversy arises from the anthem's statement of German superiority and also from the claim to territory outside of German borders. None of the four rivers mentioned in the anthem have been in German territory since the defeat of the Third Reich. The Maas river is in the Netherlands; the Memel is in the Soviet Union; the Etsch is in Italy and the Belt is in Denmark.

The opposition Social Democrats and the anti-nuclear Green

party are both demanding that the decision to use the first verse be reversed. The Society for Christian-Jewish Understanding has protested to the Baden-Wuerttemberg state government. "For people who were persecuted during the Third Reich, it is unbearable, and in fact degrading, to hear the first verse of the anthem. Auschwitz has its consequences for education and among these is the necessity that the words 'Deutschland uber alles' never be heard again."

Bush on Church-State Wall

Vice President George Bush recently told the Council of Jewish Federations meeting in Chicago that he believes "in the separation of church and state." He said that he will "fiercely oppose the obvious or subtle establishment of any state religion." Bush added, "I would oppose any merging of church and state. I embrace, respect, and support the wall that separates them, and I would neither tear it down or allow it to erode."

The Vice President concluded with the thought that "the most significant thing about the First Amendment, which includes the establishment clause, is that it is, after all, the first amendment. That should tell us something about its importance to the founders."

New Imperial Wizard

The Ku Klux Klan has a new leader. The Imperial Wizard-elect is James W. Farrands who is from North Attleborough, Massachusetts. Farrands, a 52 year old father of five, is the first Northerner and the first Catholic to head the KKK in its 120-year history.

Farrands says that the KKK's objectives include the return of prayer to the schools, and the abolition of busing, abortion, homosexuality, affirmative action, and integrated neighborhoods. He told the Boston Globe that "we are mostly against things."

Klan observers point to no special significance in the election of a Catholic and a Northerner. They say that Farrands won primarily because his financial situation will allow him to devote his time and energy to his KKK responsibilities. At this point there is no indication that the KKK has dropped its opposition to Catholics who--along with Blacks and Jews--have been the KKK's long-time targets.

Women's Issues in the 100th Congress

Try and discuss women's issues with Congresswoman Pat Schroeder (D-Colo.)--one of the leading advocates of women's causes on Capitol Hill--and the first thing she will do is stop you. "It is no longer appropriate to speak just in terms of women's issues," she says. "The concerns of today's women are also vitally important to men and to children." Schroeder wants to see the women's issues debate framed in new language. In an interview with The Washington Report, she declared, "these are the issues of the new American family."

Whether they are called women's issues or family issues, it is certain that the legislative calendar of the 100th Congress will be filled with a variety of initiatives. One of the central pieces of legislation will be the reintroduction of the Family and Medical Leave Act. Representatives Schroeder and William Clay (D-Mo.) will again be the main House sponsors while Chris Dodd (D-Conn.)--incoming chairman of the Children and Family subcommittee--will reintroduce a companion measure in the Senate. Schroeder believes that the bill is the "foundation" for a strategy aimed at bringing the nation's laws in line with the dramatic transformations that have occurred in today's family. "Millions of families are faced with a new and horrible dilemma," notes Schroeder. "It's the kid or the job. But the problem is that if they choose to have children, they need the job even more." An aide to Senator Dodd adds, "this is the epitome of pro-family legislation."

The Family and Medical Leave Act would provide for four months of unpaid, job protected leave for men or women to care for a newborn, newly adopted child or a child or parent who is seriously ill. The bill also calls for six months of similar leave for all employees who experience a serious health problem. The proposed legislation has come under fire from the Administration, the U.S. Chamber of Commerce and conservative groups who label the initiative "anti-business" and "discriminatory."

Schroeder responds to the critics by pointing to a map of the world. "The United States has produced more child development studies than any other country but we never act on them. The only other countries without parental leave laws on the books are South Africa, South Korea, Sudan and Papua New Guinea." Schroeder argues that the bill will not hurt the business community because the leave is unpaid, small companies are exempted and because temporary worker agencies can pick up the slack. She also rejects the notion that the legislation will promote discrimination against women because the bill applies equally to fathers and to any employee who needs time off for medical reasons. "Sure, I think it's unfair that a woman who has a baby can't get her job back. But what about a man who is fired for leaving his job because he has to have cancer treatments?"

The Family and Medical Leave Act is considered one cornerstone of women's initiatives in the 100th Congress. Another major legislative push will center around the Economic Equity Act (EEA). Last year, 22 bills were introduced as part of the EEA. Six of these measures were enacted into law, including pension reform, health insurance continuation for divorced or widowed women, child care provisions for disadvantaged college students and tax reform provisions geared specifically for women. Sources on Capitol Hill predict that this year's version of the EEA will include 10-15 bills covering a wide range of work-related and family-related issues.

According to Michele R. Lord, executive director of the Congressional Caucus for Women's issues, the initiatives within the EEA are the "nuts and bolts" of the women's legislative agenda. "Some of these issues--like temporary work force benefits and non-discriminatory insurance--don't grab headlines," Lord notes. "But they are crucial to the day-to-day economic health of today's women and families." Lord is confident that the upcoming Congress will pass provisions aimed at eradicating sex-based wage discrimination. Last year, three pay equity bills--relating to enforcement, public education and studying pay practices in civil service--passed the House but were held up in the Senate. This could change in a Senate controlled by the Democrats. Lord predicts that "with Senator Kennedy as chairman of the Labor and Human Resources Committee, pay equity will pass."

A broad coalition of organizations, including the American Jewish Committee, is already working in support of the women's issues package for the 100th Congress. The Jewish community has historically concerned itself with the well-being of the family. It is therefore only right that it play a leading role in advocating legislation that would improve the condition of what Pat Schroeder calls "the new American family."

Jeremy Rabinovitz

Riding the Cycle

The Reagan Administration's Iran crisis and the Republicans' loss of the Senate have led some observers here in Washington to conclude that Ronald Reagan and his version of conservatism are on the wane. After all, it was only two years ago that Reagan carried 49 states in his reelection campaign against Walter Mondale. At that time all the inside talk was about "realignment"--a major and long-term shift away from the Democrats and toward the Republicans. The results of the 1986 election stilled that analysis while the damage inflicted on Reagan by the Iran debacle reduces the chances that the most popular President since JFK will be able to personally anoint a successor.

Well, you don't have to be an Arthur Schlesinger, Jr. to conclude that only time will tell. However, it does help. In his just-published The Cycles of American History, the historian and former Harvard professor argues that Reaganism has just about run its course and that by 1988 or thereabouts we should "witness the burnout of the most recent conservative ascendancy." The "age of Reagan" will be replaced by a burst "of innovation and reform" like those that followed the entry into the White House of Theodore Roosevelt, Franklin Roosevelt, and John F. Kennedy. In other words, a liberal will most likely succeed Ronald Reagan on Jan. 20, 1989.

Schlesinger does not base his prediction on the Reagan Administration's latest troubles. He wrote Cycles in 1985. Moreover, he admits that his thinking is not original. It was his father, Arthur Schlesinger, Sr., who first put forth the idea that American political history is cyclical. He contended that a period of liberal reform will inevitably be followed by one of conservative consolidation. Writing in 1949, Schlesinger, Sr. pointed to 11 liberal-conservative swings over the course of American history. He then predicted that "the recession from liberalism" which began with the election of a Republican House and Senate in 1946 "was due to end in 1962....On this basis, the next conservative epoch will commence around 1978."

He was right on the mark--or, at least, mighty close to it. The second Truman administration and the two Eisenhower administrations (1949-1961) were conservative in tone and policy. Liberal John F. Kennedy came into office in 1961 and his activist approach prevailed through the Lyndon Johnson years and even those of Richard Nixon (who signed the Environmental Protection Act, the Occupational Safety and Health Act, the legislation indexing Social Security benefits, and who proposed a guaranteed minimum income).

Conservatism came into vogue--and then power--during the late 1970's when Jimmy Carter was elected President by running against Washington and for a balanced budget. He was defeated and supplanted by Ronald Reagan whose form of conservatism was both deeper and more radical than Carter's.

Schlesinger, Jr. picks up where his father left off and says that conservatism has now had it. He contends that the generation that arrived at "political consciousness" during the Kennedy-

Johnson years (the baby boomers born between 1946 and 1957) is about to take over and move the country leftward. They will be followed by the second wave of baby boomers (born between 1960 and 1964) who remember no Presidents before Ford, Carter and Reagan and who will shift the country to the right again in a decade or two.

Schlesinger's thesis is intriguing and even comforting. It suggests that the United States, like a healthy human body, is governed by a form of homeostasis that keeps it from going off the deep end. After a period of liberalism when it begins to appear that government is invading every aspect of American life, the conservatives take power and say "hands off." And just when conservatives seem about to abolish government's legitimate regulatory machinery, the liberals come back and use political power to protect the public from private sector excesses.

For American Jews, the theory of cycles argues against those who would advocate that we cast our lot with that camp that seems fashionable at the moment. There are times when the interest of this small and vulnerable minority are best served by liberalism's broad social agenda. And there are times when we need the corrective applied by moderate conservatives to the zealotry of the social reformers. There is no one proper political ideology for American Jews. Like our country we sometimes need to tilt left and sometimes right. Those who would tell us that there is only one way to go may be serving their political ideology or party. But they certainly are not serving the American Jewish community.

M. J. Rosenberg

M. J. Rosenberg is Washington Representative of the American Jewish Committee and editor of The Washington Report.

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, NOV. 12... A spokesman for the American Jewish Committee has urged criminal penalties for damage to religious property or for injury to persons exercising their religious rights.

Addressing the annual conference of the National Association of Human Rights Workers in Clearwater, Florida, Samuel Rabinove, AJC's Legal Director, stated that "religiously motivated violence such as vandalism -- defacing the walls of a synagogue with a swastika -- or more dangerous acts of destruction -- such as arson or bombing -- are a serious problem."

Mr. Rabinove stressed the need for additional legislation to fill in gaps in Federal law and to reinforce civil rights protections for all Americans. AJC has been pressing for such a bill, he said.

"While the states have the primary responsibility for law enforcement with regard to such matters," Mr. Rabinove noted, "the Federal Government has a responsibility as well. Many of the hate groups behind religiously motivated violence have members in several states and operate across state lines."

A bill to punish religiously motivated violence recently passed the House of Representatives, Mr. Rabinove told the human rights workers, and will be taken up again by the House and the Senate in the next Congress.

Mr. Rabinove said also that there was a critical need for a Federal law to ban unauthorized military or paramilitary organizations and training camps.

"There is no reason whatsoever," he stated, "to allow groups like the KKK or Posse Comitatus to use weapons and band together as virtual private armies with the aim of injuring racial or religious minorities, or even of overthrowing the U.S. Government."

Such armed groups, Mr. Rabinove stated, "are a usurpation of governmental authority and should be prohibited by Federal Law." The AJC has drafted a bill to achieve this purpose, he said.

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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The American Jewish Committee's Agenda?

By ELLIOT ROTHENBERG

The religious right is frequently accused of using theology as a cover for a secular political agenda. Now, however, it would appear that some of its opponents are up to the same tricks.

A recent appeal to members of the American Jewish Committee (AJC), one of the largest and most prestigious organizations of the faith nationally, asks donations to launch an advertising program to counter the evangelical Christian presence on radio and television. The letter, from AJC president Theodore Ellenoff and executive vice president David M. Gordis, implores recipients to fulfill their "communal" obligations to combat "threats to the very foundation of our democracy" by enabling the AJC, representing the Jewish community, to present "our side of the debate" on TV and radio. It declares Pat Robertson's presidential candidacy "an exemplar of a larger and, from our perspective, dangerous trend."

Observers may question the judgment of an organization purporting to represent adherents of a particular religious faith jumping into the political fray with an advertising blitz bound to incense the subjects of attack. Does provocation exist warranting or even requiring taking this risk? The AJC letter makes no reference to any anti-Semitism associated with the Robertson campaign. On the contrary, a separate "background" admits that Mr. Robertson "is a strong supporter of Israel."

The letter expresses concern over

prayer and "scientific creationism" in the schools, as might be expected, but also raises alarms over the evangelicals' "opposition to some women's and civil rights issues, a challenge to the power of judicial review," and, more specifically, Mr. Robertson's "strong promotion of the doctrine of original intent of the Constitution." This, assert the AJC officers, "reflects an interpretation of the Constitution which is sharply at odds with that of most Jews."

In other words, the objective for which "a great deal of money" is exhorted to discharge contributors' religious duties is not the protection of the security of Israel or the rights of American Jewry against religious persecution, but the preservation of the social agenda of contemporary political liberalism: affirmative action quotas, forced school busing, abortion on demand, and unfettered policy making power by liberal activists on the bench.

The letter offers not even the most tenuous of biblical or secular reasoning to explain why the American Jewish community as a bloc should resist any criticism of these dogmas. If anything, the execution of what has been transformed into the liberal theology has been even more detrimental to American Jewry than to the rest of the middle class. This is most painfully true in regard to affirmative action quotas, which in today's corrupt parlance has been elevated to the status of the major, current "civil rights issue." For much of this century, the nation's toniest institutions of higher learning used quotas to exclude in,

tellectually qualified applicants from low and middle income Jewish families. Prevailing versions of quotas supposedly are more "benign" in purpose but have the same effect of denying jobs and school admissions to worthier candidates who do not happen to be members of preferred racial or gender groups.

It is indeed ironic that the AJC, ostensibly speaking for this country's Jewish community, in effect is declaring war on a movement that has been assiduously courted by Israeli prime ministers.

If an effort such as that initiated by the Ellenoff Gordis letter is proper at all, it would seem more appropriately aimed at venomous anti-Semitism on the left as manifested, for example, by the Jesse Jackson Louis Farrakhan foray into presidential campaign politics. Interestingly, in light of its challenge to the evangelical Christians, the AJC's response to these direct assaults on the rights of its members has been a conciliatory one of counseling a "dialogue" on black anti-Semitism.

The organization's leadership should follow its advice in dealing with friends as well as with enemies.

Mr. Rothenberg is president of the North Star Legal Foundation of Minneapolis. He has served as national law director of the Anti Defamation League and vice president of the Minnesota chapter of the American Jewish Committee.

Marc Taxenbaum

Constitutional
Bicentennial

unrecorded

THE AMERICAN JEWISH COMMITTEE

date September 19, 1986
/to Staff Active on Constitutional Bicentennial
from Gary E. Rubin
subject RESPONSIBILITIES ACCEPTED AT SEPTEMBER 10 MEETING

At our meeting on the Bicentennial of the Constitution on September 10, the following points emerged from our discussions:

- The Bicentennial will form a key focus of our programming over the next year, allowing us to highlight issues such as religious liberty which constitute a core element of our agency's agenda.
- We will take part in celebrating and commemorating this event, but we also aim to make a substantive contribution to the nation's understanding of the Constitution. There is no contradiction between these two goals.
- Religious liberty will be the highlight of our Constitutional programming but will not form an exclusive concern. The agency will also pay attention to other Constitutional issues such as civil rights, as well as celebrating the Constitution in general.
- As many parts of the agency as possible should be involved in the Constitutional Bicentennial program. This includes all our program departments, our staff and lay leadership, national and the field.
- We should also use all the resources at our disposal in the program. These include: research, publications, litigation, public events, work with coalition partners, conferences, media outreach, key contacts, etc.

Specifically, we planned the following activities, including staff responsible for key programs and time frames for implementation:

- ✓ A. Chapter Workshops: Chapters will be asked to organize workshops on handling church-state issues in their areas. These will be modeled on a workshop Sam Rabinove ran in June and adapted to chapter use around the country. The rationale for these sessions is that as part of the Bicentennial, AJC will make itself more able to respond through its chapters to local disputes that arise on public displays of religious symbols, school prayer, public support of religion, etc. The workshops will not be an end in themselves but will allow our members -- or others we invite in -- to respond more effectively to church-state issues in the future. They will, of course, be tailored to meet issues as they come up in local communities. Orange County is now planning a regional workshop, and we hope to institute several more as substantive chapter programs on the Bicentennial.

FOLLOW-UP: Marilyn Braveman will write a proposal for instituting local workshops in chapter cities that can be adapted to the particular circumstances of each community. CSD will then transmit the proposal to the chapters and work with them in setting up these workshops. The proposal will be ready by the week of September 22.

- B. Participation in Other National Bicentennial Events: Several other national organizations are planning Bicentennial events in which the opportunity exists for AJC to play a role. These need to be contacted very soon so that we can coordinate plans with them.

FOLLOW UP: By the end of September the following contacts will be made:

Mort Yarmon will get in touch with the American Society of Newspaper Publishers to see if AJC can get articles in the special series of Sunday supplements they are doing on the Constitution.

The International Affairs Department will speak to the U.S. Information Agency about distribution of AJC materials in packages on the Constitution USIA will distribute worldwide this year.

M.J. Rosenberg will speak to the National Endowment for the Humanities on program and funding opportunities they have in relation to the Bicentennial.

Sonya Kaufer will get in touch with the American Library Association on distribution of AJC materials through their system.

Eugene DuBow will get our chapters to investigate membership and grant opportunities of state Bicentennial commissions.

Marilyn Braveman will investigate opportunities for AJC participation in activities being conducted by the American Historical Association, the American Political Science Association and the 92nd Street Y.

The AJC Speakers Bureau will stress the Bicentennial theme in arranging speakers for chapters and other organizations.

Cyma Horowitz will be asked to do a bibliography for AJC distribution on the Bicentennial similar to one done on Black-Jewish relations.

- C. AJC Commissioned Paper on Original Intent: As a substantive contribution to the Bicentennial, AJC will commission a paper aimed at intelligent general audiences (New York Times Magazine-type readers) explaining the original intent controversy, with special reference to religious liberty, civil rights and other Constitutional items high on AJC's agenda. We would like to have the paper delivered at a live event, possibly in the chapters as well as nationally, and then give it wide printed distribution.

FOLLOW UP: A subcommittee consisting of Mort Yarmon, Sonya Kaufer, Sam Rabinove, Gene DuBow, and Gary Rubin will meet before the end of September to consider authors for this paper.

- Task & Council*
- D. Task Force on Religion and Society: We will over the next year conduct a national task force on the topic of Religion and Society, with the purpose of developing an original concept, from a Jewish point of view, of the relation between these two factors and an action strategy for AJC on them. At present, much thinking on the worth and limits of the public role of religion has emanated from Christian sources. Jews need to develop a special perspective on this issue, particularly on the relation between the necessary input of religion into social issues and the importance of separation of church and state. We believe that this may be AJC's most substantive contribution to American understanding of key Constitutional issues.

FOLLOW UP: Jim Rudin will coordinate this project, with the Inter-religious Affairs Department playing a lead role, working in cooperation with National Affairs and Jewish Communal Affairs. The draft planning papers for the task force have already been written by Alan Mittleman. The task force will be ready to begin operations shortly after the NEC.

- E. Public Relations: AJC will focus its public relations efforts to draw attention to its activities on the Bicentennial.

FOLLOW UP: Mort Yarmon will work with his staff to (a) package AJC radio broadcasts to stress the Bicentennial theme (b) meet with networks and printed media to inform them of program opportunities involving our plans. We can do the same locally through our chapters.

Sonya Kaufer will work with her staff to develop a Bicentennial logo for AJC that we will put on all our Constitutional materials.

Sam Rabinove will attach a budget to the proposal he has done for a docudrama on Jews and the Constitution and transmit it to Jill Craner for inclusion in a funding package.

- F. AJC Meetings: We will use the yearly cycle of AJC meetings to promote the Bicentennial theme. This will occur not only in sessions, but through our awards, press opportunities and other meeting events. We want to use the next several meetings to highlight the Bicentennial theme in different ways.

FOLLOW UP: Shula Bahat will list the items on which we need staff input for our meetings--such as people who merit awards for activities related to the Constitution, topics for sessions, etc. -- and circulate them to staff for suggestions. This will be done by the end of September.

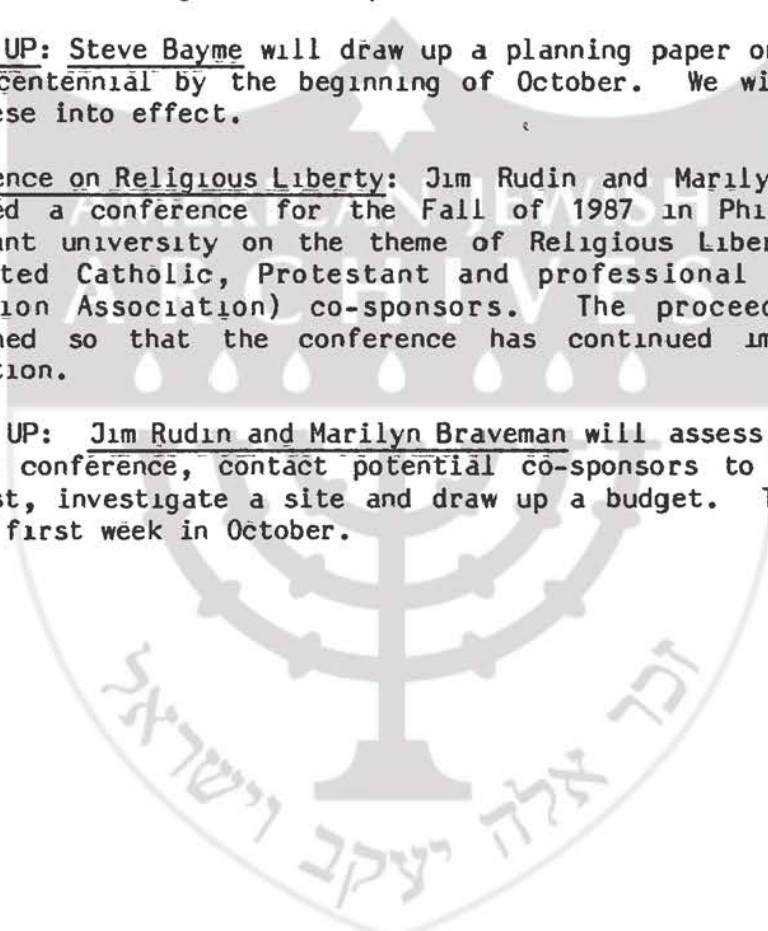
- G. Jewish Communal Affairs Project: The Jewish Communal Affairs Department will plan a Bicentennial program incorporating three different ideas: a project on the evolution of Jewish and American law, including contrasting the position supporting evolution in both cases against "original intent" ideas that rule out evolution; a comparison of Jewish and American political traditions; and an analysis of how Jews have responded historically to Church-State issues in the U.S. These themes could be explored in a conference and then put in writing or videotape.

FOLLOW UP: Steve Bayme will draw up a planning paper on JCAD ideas for the Bicentennial by the beginning of October. We will then move to put these into effect.

- H. Conference on Religious Liberty: Jim Rudin and Marilyn Braveman have proposed a conference for the Fall of 1987 in Philadelphia at an important university on the theme of Religious Liberty. They have suggested Catholic, Protestant and professional (e.g. National Education Association) co-sponsors. The proceedings would be published so that the conference has continued impact after its completion.

FOLLOW UP: Jim Rudin and Marilyn Braveman will assess the feasibility of the conference, contact potential co-sponsors to determine their interest, investigate a site and draw up a budget. They will report by the first week in October.

GER/ha



ATTENTION - RABBI MARC TANNENBAUM, DIRECTOR
INT. RELATIONS OF THE AMERICAN JEWISH COMMITTEE

THIS LETTER FROM THE HERALD APPLIES TO YOU TOO.

A12 Los Angeles Herald Examiner, Thursday, November 27, 1986

LOS ANGELES HERALD

EXAMINER

Who's protecting whom?

Let Rabbi Alexander Schindler speak for himself when he attacks the Christian right, claiming that Jews are "worried" about "Christianizing" the U.S. ("Reform Judaism leader warns of bid to 'Christianize U.S.," Religion, Nov. 15) He does not speak for every Jew, though he is president of the Union of American Hebrew (Reform) Congregations.

The Reform Jews who do not support leftist ideology like his are ignored by Jewish leadership. Shrill voices have seized control of many Jewish organizations using their titles to promote the leftist agenda of permissive sex, anti-family lifestyles, abortion, pornography and the rest of their so-called "progressive" agenda that contradicts the true Jewish ethic.

Schindler and others like him now practice the intolerance against American Christians that Jews themselves have suffered for centuries. It is resented that Jewish congregants are so taken for granted that they are made part of that bigotry.

The sad fact is that Christians in America are making more effort to protect basic Jewish values than most Jewish leadership.

M. JAFFE
Montebello

'Ideologically Dangerous Myth'

RICHMOND, VA — Rabbi Marc H. Tanenbaum, Director of International Relations of the American Jewish Committee, told a group of distinguished clergymen, educators and lawyers that the "New Christian Right" campaign to Christianize America and to establish a Christian republic was "an ideologically dangerous myth for American democracy which must not go uncontested."

Rabbi Tanenbaum spoke at the National Conference for Religious Freedom at the Jefferson-Sheraton Hotel in Richmond. The conference was part of a year-long celebration of the bicentennial of the Virginia Statute for Religious Freedom.

"Much of the present 'New Right' public discussion of issues seems to be charac-

terized by that traditional scenario of political conflict between the 'children of light' and the 'children of darkness,'" Rabbi Tanenbaum said.

There is too much demonology in the current discussion, which appears to consign political candidates to being demolished as "satanic," he added, with secular humanists standing at the side of Satan.

"One has a sense that some 'New Right' advocates perceive America as if it were a vast camp revival meeting," Rabbi Tanenbaum stated, "whose characteristic method was to plunge into anguish the sinner over the state of his soul, then bring about a confession of faith by oversimplifying the decision as a choice between a clear good and an obvious evil."

Observing that some "New Christian Right" spokesmen have asserted or implied that "the Founding Fathers" of our nation perceived America as "a Christian Republic," Rabbi Tanenbaum said that such assertions contradicted everything Benjamin Franklin, Thomas Jefferson, James Madison, and others stood and fought for.

The campaign by some members of the "New Christian Right" to elect "born-again Christians" to public office is "anathema to everything American democracy stands for," Rabbi Tanenbaum stated. "It violates Article 6 of the United States Constitution, which forbids the exercise of 'a religious test' for any citizen running for public office. The American people must repudiate that anti-democratic practice. Candidates must continue to be judged on the basis of their competence, their integrity, and their commitment to the common welfare. That is the American way."

radioactive material which is added later. The procedure makes it possible to control more precisely the dosage of radiation directed at cancerous tumors and

reduces the adverse effects of radiation therapy on surrounding tissues.

The installation of a new linear accelerator, the Clinac 1800, has substantially expanded the Institute's capabilities in the use of radiation therapy. The accelerator, considered the most sophisticated equipment of its kind available in the world today, is used in a special operating theater during surgery to provide direct, controlled and massive doses of radiation to areas surrounding excised tumors to control the spread and/or the recurrence of the disease.

The Institute also is preparing new protocols for the introduction of the Interleukin and LAK cell immunotherapy developed by Dr. Steven Rosenberg of the National Cancer Institute in the United States. Interleukin is a hormone-like protein secreted by certain white blood cells which stimulates the proliferation of other white blood cells — LAK cells — which are potent cancer killers.

Meanwhile, work goes on in the Institute's laboratories on several projects designed to improve the effectiveness of chemical and radiation therapy as well as the body's own immunological system as a means of eliminating and controlling the spread of cancer.

In addition, the Institute is placing growing emphasis on the use of hypnosis to control pain and physical reaction to therapy in cancer victims. The Institute also provides individual and group counseling and psychotherapy for patients.

The Sharett Institute of Oncology, the largest department in the Hadassah Medical Center, will celebrate its tenth anniversary in April, 1987, with a symposium in Jerusalem which is expected to attract cancer experts from throughout the world.

*Jewish
intolerance*

NEWS FROM

ADVISORY

November 25, 1986



CONTACT: Nancy Stella, Jackie Blumenthal,
Matthew Freeman (202) 462-4777

Report on Religion & Politics 1986 Released Religious Right Activity "Ticking Timebomb" for Republican Party

People For the American Way today released its final report on the interaction of religion and politics during the 1986 election campaigns. More campaigns than ever before employed the "ultimate in negative campaigning" -- religious intolerance -- as a tactic. While this political season brought mixed results for the Religious Right, analysts are cautioned not to use winning and losing as the sole criterion for judging the Religious Right's impact on the political process.

"This year the Religious Right went deep into the Republican Party, fielding candidates for governor, lieutenant governor, state auditor, school board and G.O.P. committees. Its members dominated local caucuses and state conventions. The Religious Right at the grassroots level is a ticking timebomb for the Republican Party," said John Buchanan, chairman of People For the American Way and former eight-term Republican congressman from Alabama.

Buchanan continued: "It's ironic that while the Religious Right was undermining local Republican Party organizations, national Republican committees were courting the movement, even imitating some of its intolerant rhetoric. The Religious Right hurt the Republican Party this year and the G.O.P. should be concerned about their influence over the next two years."

In addition to analyzing the role of the Religious Right this year, the report offers a state-by-state rundown of how Religious Right candidates fared and where instances of intolerance occurred.

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ELECTION 1986: RELIGION AND POLITICS

In 1986, as in recent election years, the interplay of religion and politics was a recurring theme in campaigns throughout the nation. The most significant interaction of religion and politics was the national movement linking ultraconservative ideology with ultrafundamentalist theology: the Religious Right.

The 1986 political season brought mixed results for the Religious Right. The voters, showing their basic decency and good judgment, rejected the most blatant forms of religious intolerance and political extremism, such as attacks upon religious groups ranging from Jews to Christian Scientists and prayers for the death of political opponents.

The climate produced by these examples of the ultimate in negative campaigning may have hindered the Religious Right's bid to win new Senate and House seats. It lost several of its favorite Senators although it did succeed in re-electing most of its incumbent Congressmen. However, winning and losing are not the sole criterion for judging the Religious Right's impact on the electoral process.

In 1986 the movement established itself as a major force within the Republican Party. Religious Right candidates upset party organization-backed candidates in primary contests; activists dominated caucuses and conventions, and in many cases determined the content of party platforms.

There is some irony in the fact that while the Religious Right was making inroads into the GOP, and often embarrassing it with the intolerance of some of its candidates and activists, national Republican committees were courting the Religious Right constituency. Not only did the Republican Party run ads imitating the rhetoric of the Religious Right, but officially sanctioned fundraising letters went as far as examining the religious faith of candidates' children.

The movement's local activity both within the Republican Party apparatus and in other arenas such as school board elections will be significant as Pat Robertson makes his run for the presidency. It would be a mistake to dismiss the Religious Right from the political scene based on their national showing in the 1986 election. In fact, the relationship between the Religious Right and the Republican Party will be a significant story over the next two years.

People For the American Way's report on Religion and Politics during the 1986 congressional elections focuses on the following trends:

I. Religious Intolerance Rejected

During a political season when voters complained of widespread negative tactics, the electorate rejected Religious Right candidates whose campaigns used the ultimate negative tactic: religious intolerance.

Religious Right candidates guilty of blatant religious intolerance were defeated:

*Rep. Mark Siljander of Michigan was defeated in a Republican primary after saying his re-election was necessary "to break the back of Satan."

*Sen. James Broyhill, who defeated a Religious Right candidate in the North Carolina Republican primary, lost the general election after courting the movement. Broyhill's "Christian liaison" sent out a letter linking Terry Sanford with the "one-world government" some fundamentalists believe is related to the Anti-Christ.

*Rep. William Cobey (NC) was unseated after describing his role in Congress as that of "an ambassador for Christ" and urging voters not to replace him with "someone who is not willing to take a strong stand for the principles outlined in the Word of God."

*The Rev. Joe Morecraft, who believes civil law should reflect divine law, was defeated in the Seventh Congressional District in Georgia. Morecraft prayed for the removal of sitting Supreme Court justices by "any means God sees fit." A fund-raising letter on his behalf said "God has provided another man who is willing to serve Our Lord in the halls of Congress."

*In California's 27th Congressional District, Rob Scribner wrote to local ministers asking their support against Rep. Mel Levine: "A year ago, God did a rather unique thing -- he called me to run for Congress...Mr. Levine...is diametrically opposed to nearly everything the Lord's church stands for in this nation...I hope you will agree to link arms with us as we literally 'take territory' for our Lord Jesus Christ." Levine defeated Scribner.

*In Florida's 16th Congressional District, Republican challenger Mary Collins charged that Rep. Larry Smith's "positions on infanticide, gun control, abortion, and prayer in the school make [him] the antithesis of what the Christian community in the District would prefer." Smith, who is Jewish, defeated Collins.

*In Indiana's First Congressional District, William Costas said that a message from God was the reason why he entered the race. Costas was defeated by Rep. Peter Viscloskey.

*In Texas' Fifth Congressional District, Tom Carter attacked Rep. John Bryant, declaring: "We don't want a Congressman who is rated zero by Christian Voice for his opposition to family and moral issues."

Not all religious intolerance came from the Religious Right.

During the Maryland Republican primary, Senatorial candidate Linda Chavez came under attack as a Catholic married to a Jew. During a radio debate before the primary, her leading rival for the Republican nomination, Michael Schaefer, turned to Chavez and said: "I don't know if you're Catholic or Jewish. You have a Catholic background and a Jewish family."

II. Religious Right Matures at the Grassroots Level

1986 was the year of the grassroots for the Religious Right. What was once a phenomenon manipulated by a handful of prominent television evangelists, political operatives, and direct mail specialists has matured into a movement consisting of a new generation of activists, deeply involved at the state and local levels.

Increased Religious Right activity at the grassroots level resulted from organized efforts by national leaders such as Pat Robertson, Jerry Falwell, and Tim LaHaye of the American Coalition for Traditional Values, to recruit candidates, as well as spontaneous activity by local people encouraged by Religious Right successes in 1984.

This grassroots activity was seen in the form of a vast increase in activity in state caucuses, conventions, and party primaries; published ratings of state candidates by Christian Voice; the growing number of challenges by Religious Right candidates for Congressional and state posts; and increased numbers of candidacies by Religious Right activists for school boards.

One example of the growing grassroots activity by the Religious Right was the mass distribution of "Biblical Scoreboards" -- leaflets and brochures attacking some candidates and supporting others by claiming Biblical sanction for specific political issues.

On the national level, Christian Voice claims to have distributed more than 20 million copies of its "Candidates Biblical Scoreboard," a slick magazine rating candidates for the U.S. Senate and House of Representatives, and for the first time,

governorships, lieutenant governorships and State Legislatures. In California alone, leaders of the California Alliance -- a statewide coalition of the Religious Right -- distributed 100,000 copies of a California Christian Voters Guide and 700,000 one-page regional versions.

During the last weeks of the campaign, statewide coalitions of the Religious Right distributed similar campaign literature in Colorado, Idaho, Indiana, North Carolina, Oklahoma, Texas, and South Dakota. These coalitions included Christian Voice, and, in Idaho and Indiana, Phyllis Schlafly's Eagle Forum, as well as statewide groups such as Colorado Citizens for Decency and Oklahomans Against Pornography.

III. Religious Right Becomes Entrenched in the G.O.P.

The major result of Religious Right activity during 1986 was to solidify its position as a major faction within the Republican Party, proving it has the power to defeat the party establishment in primary races, dominate state and local caucuses and conventions, and write the platforms for several state parties.

During 1986, the Religious Right demonstrated its clout within the Republican Party in several primaries and caucuses.

In Indiana, insurgent candidates supported by the Religious Right defeated candidates backed by the Indiana Republican organization to capture Congressional nominations in three districts. In Iowa, the Religious Right dominated Republican Party caucuses in four counties, including the Des Moines area.

In Maryland's Charles County, seven candidates with ties with the fundamentalist New Covenant Church ran as a slate for the Republican Central Committee, and three were elected. In Montgomery County, Maryland, at least 15 members of two fundamentalist churches ran for the Republican Central Committee, and four were elected.

The influence of the Religious Right was also reflected in several state Republican platforms. For instance, the Iowa Republican platform, adopted at the state party convention June 21, includes this plank:

"Whereas the words 'separation of church and state' do not appear anywhere in the U.S. Constitution,

"Whereas the Supreme Court Justice William Rehnquist has termed the phrase a 'misleading metaphor' that should be abandoned,

"We sincerely desire that the First Amendment of the Constitution be interpreted and applied according to the intent

of the framers, which provided for freedom of religion rather than freedom from religion.

"This phrase 'separation of church and state' which appears in the Constitution of the Soviet Union has regularly been used to exclude Godly principles, and we believe this violates the heritage of this nation and the spirit upon which it was founded."

In Texas, some local Republican convention delegates were asked by a Religious Right group called the Texas Grassroots Coalition to sign a "Believers' Decree of Agreement." The decree encouraged delegates to join together in a "mutual and solemn covenant" to adopt positions at Montgomery County and Travis County conventions reflecting their beliefs that "the power to tax is derived from and limited by God's laws" and that "God's laws concerning economics should be consistently held to and applied by civil government; including those biblical principles commonly referred to as 'free enterprise'..." The resolutions taken to the state convention from the local gatherings bore a strong resemblance to these and other "Believers'" positions.

Religious Right activists also had an effect on Republican Party platforms in other states. In Missouri the platform document includes the following: "We believe in God, the Creator, and believe His blessings made this nation great. Therefore, we acknowledge our dependency upon a sovereign God and advocate a return to a nation based on His principles." GOP platforms in Texas and Minnesota support teaching creationism in balance with evolution.

IV. Republican Party Courts the Religious Right

During the final weeks of the campaign, the Republican Senatorial Campaign Committee ran a radio advertisement in Alabama, North Carolina, and Florida--states with close senate races--declaring: "Ever think what's important to you? It's probably simple--a steady job, a healthy family, and a personal relationship with Christ." The advertisements were discontinued after protests by People For the American Way and Jewish organizations.

Major Republican fundraising letters crossed the line from courting the Religious Right with its own rhetoric to proposing that the religious faith of a candidate's children should be significant to voters. In the senate race in Maryland, Republican candidate, Linda Chavez, was frequently--and inappropriately--asked whether she was Catholic or Jewish. In a mailing to Catholic voters, Chavez reaffirmed that she is a Catholic. But in a mailing to Jews, Minnesota senator Rudy Boschwitz sought their support for Chavez, by noting that she is "raising [her] children as Jews."

Boschwitz also sanctioned a fundraising letter, along with President Reagan and Majority Leader Dole, written by Max Fisher, Richard Fox, George Klein and Ivan Boesky which sought Jewish support for five U.S. Senate candidates. The letter urged support in the Missouri race for Republican candidate Kit Bond and criticized his opponent Harriet Woods, who is Jewish, partly on the grounds that "her children were raised as Protestants."

In Michigan's Third Congressional District, Jackie McGregor sent out a letter paid for by the Republican Congressional Campaign Committee attacking her opponent, Rep. Howard Wolpe, and actor Ed Asner for raising-campaign funds from "members of their religion." Both Wolpe and Asner are Jewish.

The Republican candidate for governor in Idaho, Dave LeRoy, used national Republican campaign funds to produce and distribute bookmarks that have his name on one side and Jesus on the other.

With the exception of Kit Bond in Missouri, all the candidates aided by the Republican Party in this manner lost.

* * * *

In general, an assessment of the record of the Religious Right during this campaign season should give the Republican Party cause for concern as 1988 approaches. Dr. Robert Grant, chairman of Christian Voice, said this summer that unless the G.O.P. refrained from "Christian-bashing" and welcomed Religious Right activists into the party, the constituency he credits with electing Ronald Reagan would either retreat from politics altogether or return to its roots in the Democratic Party. What is more likely, in light of the grassroots successes of the Religious Right this year, is that it will continue to deepen and strengthen its influence over the Republican Party apparatus at the state and local level.

RELIGION AND POLITICS 1986:
STATE-BY-STATE ACTIVITY

The following is a list of state-by-state activity in 1986. Instances of Religious Right activism are labeled (RR). Instances of Religious Intolerance are labeled (RI). When an instance involves both, it is labeled (RR/RI):

ALABAMA: (RR) Sen. Jeremiah Denton (R), who won with strong Religious Right support in 1980, ran for re-election. Phyllis Schlafly sent out a fund-raising letter supporting Denton. He appears to have lost to Rep. Richard Shelby but is requesting a recount.

**(RR) The Republican candidate for Lieutenant Governor, Don McGriff, who received a contribution from Pat Robertson's Committee for Freedom PAC, lost in the general.

ALASKA: (RR/RI) State Sen. Edna DeVries, a candidate for the Republican nomination for Lieutenant Governor, said she is running because God told her to run. She told The Anchorage Times: "Some would say, 'Edna, you have a safe Senate seat, why are you doing this?' When God speaks, you need to be obedient. I want to look back on 1986 and be able to say, 'God, I have done what you asked me to do, gone where you told me to go, and said what you wanted me to say.'" Her husband Noel said in a fund-raising letter, "Edna is running for Lt. Governor simply because she believes God is directing her to run."

✓ According to Church and State, she believes the United States is a Christian country and that those who disagree "have a right to do what they want, but they shouldn't live in the United States. Maybe they should live in some other country. If they don't honor the United States as a Christian nation and they don't want to be a Christian, then there are many other countries that are not Christian." ✓ DeVries lost in the primary.

ARIZONA: (RR/RI) "Footprints," a fundamentalist newspaper printed in the Phoenix area, published a "Christian Voting Guide for Primary Election Sept. 9th" and promised a similar "Christian Voting Guide" for the general election.

✓ ** (RR/RI) In "Footprints," a Republican candidate in the 19th State Senate District ran an ad saying "Elect Jan Brewer State Senator -- Vote for a Christian." Brewer won. And Democrat J. "Sookie" Charles, who ran unsuccessfully for State Representative for the 22nd District, bought an ad which said, "Lord, we acknowledge that we have not sought you and your kingdom above all things. Create new hearts in us and give us the courage to risk what we have and who we are for your sake and the gospel's."

** (RR) Former Rep. John Conlan, head of the FaithAmerica

Foundation, ran unsuccessfully for the 4th District House seat he gave up in an unsuccessful run for the Senate in 1976.

FaithAmerica exists to get born-again Christians into the political process.

**** (RI) Justice of the Peace David Braun** was called a homosexual and attacked for "his disregard for the Christian belief in faith" and for "violating the laws of nature" by the Christian Philosophy Society. Leaflets cautioned: "Take a good look at whoever tries to hand out his flyers at the voting poles [sic] on November 4 -- chances are they could be gay. The materials could be AIDS INFESTED, so for your own protection, please be careful."

ARKANSAS: (RR) Religious Right leaders, including Falwell and Robertson backed Asa Hutchinson who lost his challenge to Sen. Dale Bumpers. Hutchinson has a 92 percent Christian Voice rating, Bumpers a 17.

CALIFORNIA: (RR/RI) In the 27th District, Republican candidate Rob Scribner picked up where he left off in 1984 in his unsuccessful effort to unseat Rep. Mel Levine. Here are excerpts from a letter he sent to pastors in his district: "A year ago, God did a rather unique thing -- he called me to run for Congress in California's 27th District...When God requires a thing of you, you must obey....Encourage your congregation to vote...teach them to vote based on the relationship of the issues and the Word of God. Teach them not to vote according to party or personality, but according to the candidates' integrity before God....I am committed to the vision God is pointing me toward....Mr. Levine...is diametrically opposed to nearly everything the Lord's church stands for in this nation....I hope you will agree to link arms with us as we literally 'take territory' for our Lord Jesus Christ." Scribner has a 100 percent CV rating, Levine a 0. Levine defeated Scribner again in 1986.

**** (RR)** In the 38th District, Robert Dornan, who won with significant Religious Right support in 1984, won again. He has a 100 percent CV rating.

**** (RR)** Pat Robertson endorsed State Sen. H.L. Richardson in the Republican primary for Lieutenant Governor and Mike Antonovich in the primary for Senate; both lost.

**** (RR/RI)** David Balsinger, publisher of Biblical News Service, which co-sponsored the Candidates Biblical Scoreboard with Christian Voice, planned to distribute one million copies of the Scoreboard in the state, with additional ratings of California Supreme Court justices.

**** (RR)** Pat Fordem, a national board member of Concerned Woman of America, ran unsuccessfully for mayor of La Mesa.

COLORADO: (RR) Ken Kramer was endorsed by and accepted a contribution from Pat Robertson before he won the GOP nomination for the Senate seat being vacated by Gary Hart. Kramer who has a 91 percent CV rating signed a Christian Voice fundraising letter; Wirth's rating is 0. Wirth won a very close race.

** (RR/RI) Ted Strickland, Republican candidate for governor, called for a "Christian-centered" government during an interview on a fundamentalist radio program the night before the primary election. Strickland lost in the general election.

** (RR) Pat Robertson endorsed Mike Norton in the 2nd District who lost a close race to Democrat David Skaggs.

** (RR/RI) Christian Voice, Concerned Women for America, Coalition on Revival, Colorado Citizens for Decency, Pro-Family Forum, Freedom's Quest, National Caleb Campaign, Morality in Media, and Christian Research Associates distributed a local version of the Biblical Scoreboard.

FLORIDA: (RR) The Religious Right made a priority of the re-election of Sen. Paula Hawkins, who was endorsed by Falwell. Her 82 percent CV rating did not protect her from losing to Governor Bob Graham.

** (RR/RI) In the 16th District, Republican challenger Mary Collins distributed material saying about her opponent, "His positions on infanticide, gun control, abortion and prayer in the school make Larry Smith the antithesis of what the Christian community in the District would prefer." Collins lost her bid.

** (RR/RI) Bob Plimpton, Freedom Council coordinator for South Florida, distributed the following flyer at Palm Beach County churches: "Wanted: Qualified Christian Candidates for Palm Beach County School Board....if you are willing to pray about becoming a candidate, please call Bob Plimpton...fear not, we can train you and get you elected with God's help." (Three Religious Right candidates were overwhelmingly defeated.)

** (RR/RI) In Sarasota, a group called "We the People" took out a full-page ad entitled "Election Guide: A Christian Perspective" in the Sarasota Herald-Tribune. The ad featured a questionnaire which asked questions such as "Are you a Born-Again Christian?"

** (RR/RI) Dr. James Kennedy, a well known televangelist, based in Coral Ridge, Florida, sent copies of his own "Congressional Legislative Report," based on the Christian Voice Scoreboard, to his followers across the country.

GEORGIA: (RR) In an upset, Rep. Wyche Fowler defeated Sen. Mack Mattingly who won in 1980 with significant Religious Right support and was endorsed by Falwell in 1986.

** (RR) In the 4th District, Rep. Pat Swindall, who defeated Elliot Levitas with strong Religious Right support in 1984, was re-elected.

** (RR/RI) Also in the 4th Congressional District, the Freedom Council sent out a candidate questionnaire which asks, among other things, "Are you a Born-Again Christian?"; "Is Jesus Lord of Your Life?"; "Do you believe the Bible is the infallible Word of God?"

** (RR/RI) In the 7th District, Democrat Buddy Darden was challenged by the Rev. Joe Morecraft, minister of the late Rep. Larry McDonald, a John Bircher who held the seat until his death in 1983. Morecraft is a member of a splinter group of Presbyterian fundamentalists called "theonomists" who believe that civil law must conform to biblical law. Morecraft is also a member of the "Pray-for-Death" movement. As an "October Surprise" tactic, Morecraft distributed flyers claiming Darden was being influenced by national groups like People For the American Way.

Two fund-raisers who supported Rep. Pat Swindall in his defeat of incumbent Elliot Levitas in 1984, James Zauderer and Nancy Schaefer, have sent out a fund-raising letter for Morecraft in which they refer to Swindall and say "God has provided another man who is willing to serve Our Lord in the Halls of Congress." In another fund-raising letter, David and Marlene Goodrum said "Imagine what kind of nation the United States would be if the Senate, the House of Representatives and the Supreme Court had the commitment to Christ and the knowledge and dedication to God's Word that Joe Morecraft has." Morecraft lost overwhelmingly.

IDAHO: (RR) Sen. Steve Symms won with significant Religious Right support in 1980 and again in 1986.

**(RR/RI) Christian Voice, Eagle Forum, Concerned Women for America, ACTV, Freedom Council, Conservative Caucus distributed state versions of the Biblical Scoreboard highlighting the Senate race. Symms has a 100 percent CV rating, Gov. John Evans a 67.

**(RI) In his successful gubernatorial bid, Republican Dave LeRoy used national Republican campaign funds to produce and distribute book marks that have his name on one side and Jesus on the other. LeRoy lost.

INDIANA: (RR/RI) In the 1st District, State Sen. William Costas "said that a message from God was the reason he entered the race in the heavily Democratic 1st District," according to the Gary Post-Tribune. The paper quoted Costas: "I said Lord, you have to show me. I was waiting for bright lights and a voice out of the sky, but that didn't happen. So I said, Lord, show my wife. And one day, when she was driving home from Indianapolis, she had the

thought that God was telling her that 'This thing with your husband is of me and you should encourage him to run.' That was the important step." Costas has a 100 percent CV rating, Rep. Peter Viscloskey a 0. Costas lost.

** (RR) In the 3rd District, Donald Lynch, associate minister of the Beachgrove Nazarene Church, upset Jay Whitcliff. Lynch had help from Greg Dixon, head of the Indiana Moral Majority. In the general election, Lynch had help from Tim LaHaye of the Religious Right group American Coalition For Traditional Values. In a letter that Tim LaHaye sent to local pastors, he asked them to "pray for Don Lynch, God's will for the 2nd district, and for America." LaHaye suggested that the pastors set up a phone tree to get out the vote. Lynch lost to incumbent Phil Sharp.

** (RR) In the 5th District, State Sen. James Butcher defeated State Treasurer Julian Ridlen in the primary but lost in the general. Butcher received help from Pat Robertson, who raised \$30,000 for him at a fund-raiser. Butcher has a 100 percent CV rating.

** (RR/RI) In the 8th District, the Rev. Donald Brooks of a fundamentalist group called The Agora sent local and congressional candidates a questionnaire which included these questions: "If a regular church attender, how many times each month are you in attendance for a regular church service?"; "What is the name of your church and pastor?"; "Have you been or are you now a member of any group considered subversive, anti-God or anti-American?"; "In your opinion, is the Bible 1. A good book 2. A collection of religious writings 3. Literal, inerrant Word of God?"

** (RR) In the 8th District, Rep. Frank McCloskey has a 0 CV rating, challenger Richard McIntyre a 100. This election was so close and so contested in 1984 that it was decided by the U.S. House of Representatives. But, the voters were able to decide this year and chose McCloskey.

** (RR/RI) Statewide, Christian Voice, the American Coalition for Traditional Values, Concerned Women for America, Eagle Forum, Indiana Alliance, Crisis Pregnancy Center, Citizens for Decency Through Law, American Coalition of Unregistered Churches, Christian Action Council and Americans for Biblical Government distributed flyers during the last weeks of the campaign attacking the voting records of Reps. Sharp, McCloskey and Jacobs (10th District) as well as those of state candidates.

IOWA: (RR/RI) Fundamentalists organized by Steve Sheffler, a Freedom Council worker, dominated Republican Party caucuses in four counties, including the area of Des Moines. They tried to purge party regulars: Mary Louise Smith, former chairman of the Republican National Committee, was elected a delegate after five

ballots when she convinced fundamentalists that her experience would be valuable. (These were the caucuses where the flyer on "How to Participate in a Political Party" was distributed).

While party regulars retained control, they made major concessions to the fundamentalists on the platform. Resolutions adopted June 21st included a call for the teaching of creationism in public schools. The platform also includes this plank:

"Whereas the words 'separation of church and state' do not appear anywhere in the U.S. Constitution,

"Whereas the Supreme Court Justice William Rehnquist has termed the phrase a 'misleading metaphor' that should be abandoned,

"We sincerely desire that the First Amendment of the Constitution be interpreted and applied according to the intent of its framers, which provided for religion rather than freedom from religion.

"This phrase 'separation of church and state' which appears in the Constitution of the Soviet Union has regularly been used to exclude Godly principles, and we believe this violates the heritage of this nation and the spirit upon which it was founded."

LOUISIANA: (RR/RI) Jimmy Swaggart sent his followers in the state a local version of the Christian Voice Scoreboard in advance of the open primary in September.

MARYLAND: (RR) Several fundamentalist activists in Maryland were elected to Republican Central Committee posts. In Charles County, seven candidates with ties to the New Covenant Church in Waldorf ran as a slate for the Central Committee; three were elected. Ousted committee members, including the chairman, Marvin Green, claimed the fundamentalists had used deception by distributing leaflets which created the impression that they were backed by the committee.

** (RR) Three other members of New Covenant Church ran for school board on a pro-Creationism, pro-home-schooling platform. None was successful.

** (RR) In Montgomery County, at least 15 members of two fundamentalist churches -- the Great Commission Church and Damascus Christian Community -- ran for seats on the Republican Central Committee; another four from the two churches ran for the House of Delegates. Four of the GOP candidates were elected; none of the Democratic candidates was elected, but regular party candidates claim the church members drew votes which cost them.

** (RI) In a debate between candidates for the Republican Senatorial nomination, Michael Schaefer told Linda Chavez, "I don't know if you're Catholic or Jewish. You have a Catholic background and a Jewish family."

** (RI) Chavez, the victim of religious intolerance in this instance, became the practitioner late in her unsuccessful campaign against Democrat Barbara Mikulski. Chavez, who was raised as a Catholic and claims to be a Catholic, charged that Mikulski was behind the revelation that Chavez signed a paper converting to Judaism when she married her husband in 1967. Chavez said the document was the result of a misunderstanding. Mikulski denied the charge. Chavez wrote a letter to Catholics in the state saying, "The very last thing I want to do is to write you a letter appealing to you as a Catholic but religious intolerance and bigotry have left me no choice." At the same time, Sen. Rudy Boschwitz (R-Minn.) sent a letter to Jews in Maryland saying Chavez' relationship to the Jewish community was unique because of her support for Israel, her opposition to quotas and her marriage to Christopher Gersten, a Jewish activist.

MICHIGAN: (RR/RI) In the 3rd District, Republican Jackie McGregor sent out a fund-raising letter paid for by the Republican Congressional Campaign Committee which said, "California actor Ed Asner and Howard Wolpe are raising money by sending a letter to one-half million members of their religion outside our district." (Wolpe is Jewish.) McGregor mounted an unsuccessful challenge to Wolpe in 1984, when Rep. Mark Siljander (R), sent a letter to 3rd District voters urging them to "send another Christian to Congress." These tactics were rejected by the voters who elected Wolpe by a large margin.

** (RR/RI) Siljander himself was defeated in a primary in the 4th District after saying that his re-election was necessary "to break the back of Satan."

** (RR) Freedom Council candidate Patricia Hartnagle won the Republican nomination for State Board of Education but lost in the general. Hartnagle, known as an "anti-sex zealot" in her community, according to a local reporter, supports the teaching of creationism. Hartnagle soundly defeated David Kellom a member of the Midland Intermediate School Board, for the GOP nomination. Kellom said "My greatest disappointment is not that I was defeated but that the Freedom Council did not come up with a candidate who has a broader and more positive record of achievement."

MINNESOTA: (RR) A flyer distributed anonymously in GOP caucuses advised Christian activists to hide their church connections.

** (RR) Cal Ludeman, backed by the Religious Right, beat a

moderate Republican for the nomination but lost the governorship to Democrat Rudy Perpich.

MISSOURI: (RI) Republican fundraisers urged Jewish voters to support senate candidate Kit Bond over Harriet Woods (who is Jewish) partly on the grounds that "her children were raised as Protestants." Bond won.

**(RR) Pat Robertson campaigned for Republican nominee Margaret Kelly in her successful bid to be State Auditor. Kelly's campaign slogan was "In God we trust, all others we audit."

NEBRASKA: (RR/RI) Rev. Everett Sileven sent out a fund-raising letter in his unsuccessful attempt to win the Republican gubernatorial nomination which said, "I have God. I know I can count on God. Can I count on you?...I thank you and God thanks you." When both parties nominated women for governor, Sileven said, "Biblically and constitutionally, it is a great step backward. Jeremiah plainly tells us that when the people of a nation are willing to accept the leadership of a woman, it is a sure sign of God's curse."

** (RR) At the Douglas and Lincoln County Republican convention, which includes Omaha and Lincoln, the Religious Right made major gains in electing delegates to the state convention. Freedom Council State Coordinator Bob Garrett successfully controlled delegate selection in Douglas County.

NORTH CAROLINA: (RR/RI) The Rev. Kent Kelly of Southern Pines, N.C., wrote a letter supporting James Broyhill, named to fill John East's Senate seat and accusing Democratic Senate candidate Terry Sanford of favoring a "one-world government." Kelly said "We know what government that is -- that which is foretold in the Book of Revelation." (This is a reference to the Anti-Christ.) This letter was mailed with Broyhill's campaign funds by his "Christian liaison." In the letter, "Christian Leaders" were told "God's people must not sit idle while the battle rages! Please contact as many leaders of our persuasion in your county as possible." Broyhill lost his Senate seat.

** (RR) Broyhill himself had to fight off a challenge from Jesse Helms' Congressional Club and its senatorial candidate, David Funderburk, 41, despite having a 100 percent rating from Citizens for Constitutional Action and a 67 percent rating from Christian Voice. Funderburk and other Religious Right activists said Broyhill was too liberal because he had once voted for the Equal Rights Amendment and had voted to make Martin Luther King's birthday a national holiday.

Funderburk actively courted fundamentalist groups. Among other efforts, he responded to a questionnaire prepared by a group called Students for Better Government which included these

questions: "Can you honestly say that you have a personal relationship with Jesus Christ? How well do you know him?" and "If you answered yes...would you, if elected, seek God's guidance for your decisions? If no, how would you determine your answers and solutions?" Funderburk's answers included: "I think that only by a strong belief in the Lord can we restore the foundation values of the value of human life, the family, home & church (& a fixed right & wrong) as central to our country's survival...I stand for conservative beliefs and traditional values to keep this nation free and one Blessed by God...I believe in Jesus Christ as my Lord and Savior, relying on his guidance first."

** (RR/RI) In the 4th District, Rep. William Cobey, who won with Religious Right backing in 1984, distributed a fund-raising letter addressed "Dear Christian Friend" which says "As an ambassador for Christ, I see my ministry to the other members of Congress as twofold: as an encourager, and as a Christian example.....Will you help me so our voice will not be silenced and then replaced by someone who is not willing to take a strong stand for the principles outlined in the Word of God?"

Cobey's opponent, David Price, who won the race, is a Southern Baptist graduate of Yale Divinity School and teaches political science and ethics at Duke University.

** (RR) In the 6th District, Howard Coble, who has a 100 percent CV rating, is in a toss-up with Robin Britt, who has an 8 percent CV rating. The vote count will be contested in court.

** (RR) In another rematch from 1984, Rep. Bill Hendon who has a 100 percent CV rating, lost to James McClure Clarke, whose CV score is 8.

** (RR/RI) The voting records of Britt, Neal, Price and state candidates were attacked by Christian Voice, Christian League, N.C. Coalition for Traditional Values, Concerned Charlotteans, Freedom Council, North Carolina for Concerned Government, North Carolina for Concerned Citizens, Concerned Women for America, and Christian Action Council.

OHIO: (RR/RI) A campaign letter sent out by the campaign of Republican gubernatorial candidate James Rhodes and addressed "Dear Christian Leader" declares "As a leader under God's authority, you cannot afford to resign yourself to idle neutrality in an election that will determine the future moral environment of our state....It is vital you know that there is a distinct contrast between Dick Celeste and Jim Rhodes on the question of traditional family values."

** (RR/RI) In a letter mailed on Rhodes' behalf, the Ohio Citizens for Decency and Health PAC said, "The Lord is calling for mighty men of God who will stand in the Gap for our land,

that God should not destroy it." Rhodes lost.

** (RR) Republican Senate candidate Tom Kindness has accused Sen. John Glenn of waging war on fundamentalist Christians. Kindness lost his challenge for a Responsive Government.

** (RI) A flyer with anti-Semitic overtones was distributed by Christian Democrats in Cleveland, Ohio. The group accused Rep. Edward Feighan (a Roman Catholic) of voting to "send 12.72 Billion Dollars of your tax money to Israel" and only responding to the needs of "One Eastside Community" (a predominately Jewish neighborhood) while "he turns his back on the other 38 Communities of the 19th District." The flyer accused Edward Feighan of "accepting one quarter million dollars from the Jewish Community in payment for his give-away of Billions of Tax Dollars to Israel."

** (RI) James Condit, Jr., an anti-abortion leader in the Cincinnati area, said that groups like Planned Parenthood, the American Civil Liberties Union and the National Organization of Women are part of "an anti-Christian network whose cause is to work for anti-Christian goals. That network is overly peopled by members of the Reform Jewish community and men who I believe to be Free Masons."

OKLAHOMA: (RR) Sen. Don Nickles is, along with Denton, one of two Senators who can most clearly point to Religious Right support as making a difference in 1980; he won for re-election in 1986.

** (RR) In the 1st District, Jim Inhofe, former mayor of Tulsa and former state Freedom Council board member, ran for Congress and won. Pat Robertson held a fund-raiser for Inhofe.

** (RR/RI) The Christian Action Coalition, composed of local offices of Christian Voice, Pat Robertson's Freedom Council and Oklahomans Against Pornography distributed a questionnaire which asked candidates, "Do you believe that the basic premise of government and of the law is the Bible, rather than the word of any person?"

** (RR/RI) The following groups distributed a flyer attacking the voting records of Rep. Jones, Attorney General candidate Robert Henry and State Superintendent of Public Instruction candidate John Folks: The Freedom Council, Oklahomans Against Pornography, Christian Action Coalition, Oklahoma Grassroots Coalition, and Concerned Women for America.

OREGON: (RR) Joe Lutz, a 35-year-old fundamentalist Baptist minister, won a surprising 43 percent of the vote against Sen. Bob Packwood in the Republican primary. Lutz spent less than \$40,000, while Packwood spent \$2 million on TV ads and phone banks. Lutz received organizational and other help from the

Freedom Council, the American Coalition for Traditional Values and Concerned Women for America and claimed to have 5,000 church-based volunteers. Lutz' positions included calling for dismantling the Federal Reserve Board and the Social Security system, withdrawing from the United Nations, lifting all sanctions against South Africa, enforcing the Monroe Doctrine, selling off federal lands and phasing out property and income taxes.

PENNSYLVANIA: (RR/RI) Richard Stokes ran an unsuccessful campaign in the Republican primary against Sen. Arlen Specter because, he said, God told him to run. He says "It was 3 o'clock in the morning and I came straight out of bed. I was scared to death. I was told to write down what I was supposed to do, and I did. I was told to run for the United States Senate in the 1986 primary. I was told to hand out pamphlets, and I was told what to put in the pamphlets."

** (RI) In Bob Casey's successful gubernatorial bid against Republican Bill Scranton, his campaign sent out a last minute mailgram which implied that Scranton's past affiliations would not be a good role model for children: "Then he grew bored with journalism and became a disciple of Maharshi Mahesh Yogi, traveling the world evangelizing for transcendental meditation."

SOUTH CAROLINA: (RR) The successful Republican candidate for governor, Carroll Campbell, has a 100 percent Christian Voice rating, and Tom Hartnett, who ran unsuccessfully for lieutenant governor is rated 75. Campbell won while Hartnett lost. Vice President Bush said in campaigning for them that their election was necessary to "do the Lord's work at the state level."

** (RR) The Religious Right mounted a strong challenge to Dr. George Graham, the party chairman, who was re-elected only after promising to give the chairmanship to the fundamentalists after this year's election.

** (RR) Pat Robertson and local Religious Right activists backed Henry Jordan, who lost the Republican nomination to challenge Sen. Ernest Hollings.

** (RR) In the primary for an open seat in the 4th Congressional District, three of four candidates had ties to different Religious Right constituencies. The establishment candidate was Greenville Mayor William Workman. Tom Marchant ran with the endorsement of fundamentalist leader Bob Jones; Richard Rigdon, a charismatic, had backing from charismatics in the district; pilot Ted Adams had support from fundamentalists. Workman fell only 132 votes short of the 50 percent needed to win the primary and faced a run-off with the second-place finisher, Marchant, who had 22.5 percent of the vote. But Marchant dropped out of the run-off after a local scandal, and Adams, who had 20 percent of the vote,

faced Workman in the run-off, which Workman won. However, Workman lost in the general.

This primary introduced a new issue into Republican politics: according to The Washington Post, Jack Buttram, a former aide to Sen. Strom Thurmond and a leader in the Greenville Fundamentalist Forum said he could not support Rigdon because "He's involved now with a radio station in Greenville that plays 'contemporary Christian music,' and it's not a good influence on our youth."

SOUTH DAKOTA: **(RR) Sen. James Abdnor, who won with Religious Right support in 1980, ran for re-election and lost to Tom Daschle in a close race.

** (RR) Dale Bell, a Religious Right activist who has worked for NCPAC and the Conservative Caucus, won the Republican primary to run for the House seat being vacated by Thomas Daschle. Bell was endorsed by Pat Robertson and received funds from Robertson's Committee for Freedom PAC. Although more than hundred fundamentalists protested at the Sioux Falls Argus claiming unfavorable press coverage of Bell's race, he lost.

**(RR/RI) Christian Voice, Eagle Forum, Christian Action Coalition, South Dakota Pro-Life and South Dakota PSALM (People Serious About Liberty and Morality) distributed local versions of the Biblical Scoreboard.

TENNESSEE: (RR) In the 3rd District Republican Primary, Pat Robertson endorsed Jim Golden. Golden defeated John Davis, who had held Democrat Marilyn Lloyd to 52 percent of the vote in 1984. (Lloyd, a member of the Christian Voice Congressional Advisory Committee, received a lower rating than Golden.) Golden won the primary. Golden disassociated himself from Ed McAteer's Roundtable, but still lost to Lloyd in the general election.

TEXAS: (RR) Religious Right groups were split in the gubernatorial race, with some backing Rep. Tom Loeffler and some, including Robertson, backing former Rep. Kent Hance. Former Gov. William Clements, a moderate, won the nomination, but hired a "religious liaison" to woo the Religious Right in the general election which he won. David Davidson, a Religious Right activist supported by the Texas Grassroots Coalition, won the GOP nomination for Lieutenant Governor but lost the general.

** (RR/RI) In the 5th District, Tom Carter unsuccessfully challenged Rep. John Bryant (D). Pat Robertson sponsored a fund-raiser for Carter, who said, "We don't want a congressman who is rated 0 by Christian Voice for his opposition to family and moral issues."

** (RR) In the 6th District, Rep. Joe Barton, who had strong Religious Right support in 1984, was re-elected. Falwell

contributed to his campaign.

** (RR) In the 13th District, Beau Boulter, who won with Religious Right support in both 1984 and 1986, signed a Christian Voice fund-raiser and he received money from Robertson's PAC.

** (RR) In the 14th District, Mac Sweeney, elected with Religious Right support in both 1984 and 1986, has a 100 percent Christian Voice rating. Sweeney won a tight race.

** (RR) In the 19th District, Larry Combest, elected with Religious Right support in 1984, has a 100 percent Christian Voice rating. He was re-elected.

** (RR) In the 26th District, Richard Armey, elected with Religious Right support in 1984, has a 100 percent Christian Voice rating and has signed a CV fund-raiser. Falwell contributed to his campaign. Armey won easily.

** (RR/RI) A coalition consisting of Christian Voice, Freedom Council, Texas Eagle Forum, Texas Grassroots Coalition, American Coalition for Life, American Coalition for Traditional Values distributed flyers attacking the voting records of Mark White, Bill Hobby, Jim Mattox, Jake Pickle, Ron Coleman, John Bryant and Martin Frost.

** (RR) Religious Right activists tried to remove George Strake as state party chairman, but were unsuccessful.

** (RR/RI) Adrian Van Zelfden, leader of a group called the Texas Grassroots Coalition PAC, asked delegates to the Republican county conventions to sign a "Believers' Decree of Agreement." (Slightly different versions of the decree were circulated). The preamble said: "We, citizens of the State of Texas, by the providence of God, adhering to the Christian faith, having as our desire the glory of God and the advancement of the kingdom of Our Lord and Saviour Jesus Christ, as well as true public liberty, safety and peace; have resolved to enter into a mutual and solemn covenant with one another., before the most High God, to uphold the following truth..."

The decree's conclusion said: "We further commit ourselves to support and encourage those elected officers and candidates who pledge to faithfully serve God in the administration of their office. We also solemnly warn that violation of such a sacred trust invites the judgment of God upon not only elected rulers, but also the communities which they represent and serve." The state platform adopted a number of planks reflecting the Believers' Decree of Agreement, including a ban on the regulation of state schools, equal time for creationism in the classroom, an attack on "Secular Humanism" in the schools, a call for a quarantine of AIDS victims, a proposed Constitutional Amendment

to elect federal judges every six years and force Supreme Court justices to retire at 80.

But even while adopting many of the positions advanced in the Believers' Decree, the Texas GOP platform said "The Republican Party of Texas does not require the endorsement of any particular 'Solemn Oath and Covenant' to participate in our party."

** (RI) In the primary to determine the Republican nominee for a vacant seat in Texas' 21st congressional district, Van Archer attempted to use a religious test against his opponent, Lamar Smith, a Christian Scientist. Archer said he "would think" that Smith's religion would be an issue; he said that if Smith were elected to Congress and legislation involving health treatment arose, he would have to choose between being a good congressman and a good Christian Scientist. Christian Scientists believe that prayer and understanding will cure sickness and avoid medical treatment, but do not impose their views on others.

Smith said he had not faced such a conflict as a state representative or as a county commissioner. He said "I believe in the best medical attention for those who want it" -- and, in fact, he was endorsed by the American Medical Association. Smith said "Attacking an individual's religion is an attack on one of our most sacred institutions -- freedom of religion. It has no place in American society." Smith won the nomination and the general election.

VIRGINIA: (RR) In the 1st District, a conservative Christian group called Peninsula Citizens for Freedom circulated a flyer which claimed that the Democratic challenger to Rep. Herbert Bateman, State Sen. Robert Scott, has supported measures which definitively would have meant state control of certain religious activities. This district includes suburbs of Virginia Beach, Pat Robertson's home district. Bateman was re-elected.

** (RR) In the 6th District, Falwell's home district, Falwell and Robertson endorsed Flo Neher Traywick who lost her challenge to Rep. James Olin.

** (RR) In the 10th District, challenger John Milliken (D) attacked Rep. Frank Wolf's support for Religious Right positions, including organized school prayer. Wolf won.

WISCONSIN: (RR) Sen. Bob Kasten (R), who won with Religious Right support in 1980, was re-elected in a very close race.

HISTORY OF THE RELIGIOUS RIGHT

The Religious Right emerged on the national scene in the late 1970s as the marriage of the New Right, led by Paul Weyrich,

Howard Phillips and others, with the Fundamentalist movement, led by Jerry Falwell, Pat Robertson and others. From the beginning, the movement used religious rhetoric to disguise a partisan, extreme right-wing political platform. The movement talked of "Christianizing America," of "godly" candidates and "biblical" positions on political issues. Not every act of the Religious Right involves a direct expression of religious intolerance, but the entire movement is grounded in intolerance.

The shape and tactics of the Religious Right changed in 1986, reflecting growing activity at the grassroots level, shifts in national leadership and institutionalization within the Republican Party.

The first year the Religious Right made a concerted national effort was in 1980, when it worked to elect Ronald Reagan and to target liberal Democrats, primarily in the Senate. The most visible personality was Jerry Falwell, who became the living symbol -- sometimes the caricature -- of the movement. His organization, the Moral Majority, shared the spotlight with two other organizations -- Christian Voice, which produced a "Christian voting record," and the Religious Roundtable, led by Ed McAteer, a Republican activist. It was the Roundtable which sponsored a national pastors' conference in Dallas at which Reagan appeared and made a strong appeal to the Religious Right. James Robison, a Southern Baptist evangelist, was a second-rank personality in the movement.

It is arguable how great a role the Religious Right played in Reagan's election; it may well have made a difference in voter registration and turn-out in some southern states Reagan won by a close margin. It is less clear how much of an influence the movement was in the Senate elections, but most political observers credit it with helping elect Sen. Jeremiah Denton (R-AL) and Sen. Don Nickles (R-OK). A number of other Republican senators elected that year had the support of the Religious Right: James Abdnor (South Dakota); Charles Grassley (Iowa); Robert Kasten (Wisconsin); John East (North Carolina); Steve Symms (Idaho); Dan Quayle (Indiana); Paula Hawkins (Florida) and Mack Mattingly (Georgia).

The 1982 mid-term elections were a different story. Reagan was not running at the head of the ticket and, with the economy in the depths of a recession, it was clearly a "Democratic year." The Religious Right was all but invisible.

But it returned to prominence in the 1984 elections. Falwell was again the most visible leader; he and Robison preached at the Republican National Convention in Dallas. The televangelists played a more visible role: Pat Robertson, Jimmy Swaggart and others called for the election of "godly people" and "men and women...who believe in The Bible." Falwell, Swaggart, Robison,

Jim Bakker, D. James Kennedy, Rex Humbard, Kenneth Copeland and Jack Van Impe joined with other Religious Right leaders to form the American Coalition for Traditional Values (ACTV), which was chaired by Tim LaHaye, best known for his attacks on "secular humanism."

The Roundtable faded, but Christian Voice was still active, distributing 5 million copies of a "Candidates Biblical Scoreboard" and organizing heavily in Texas as a pilot project for 1986 and beyond. In 1984, moderate and conservative Democrats were the major target and most political observers credit the Religious Right with helping elect Republican congressmen in Georgia (Pat Swindall); North Carolina (Bill Hendon, Bill Cobey and Howard Coble); Texas (Joe Barton, Mac Sweeney, Richard Armey and Beau Boulter) and California (Robert Dornan).

There were several important differences in 1986:

- 1) Grassroots activity by the Religious Right greatly increased.
- 2) After targeting liberal Democrats in 1980 and moderate and conservative Democrats in 1984, the Religious Right turned on moderate and traditionally conservative Republicans and made a concerted effort to take over the Republican Party.
- 3) Falwell had a lower profile, being eclipsed by Pat Robertson, who announced his intentions to run for president as a Republican in 1988. Robison had faded, but Swaggart positioned himself to become the most visible "political" televangelist on the air after Robertson left "The 700 Club" to campaign and Falwell avoided politics on his TV program. Swaggart, as well as LaHaye and Dr. James Kennedy, was still less vocal on politics than in 1984, investing more of his time in related parts of the Religious Right agenda, attacking the courts and the public schools. Robison faded from prominence, but the Christian Voice announced in a recent fund-raising letter plans to distribute 20 million copies of its "Candidates Biblical Scoreboard."

While Falwell claimed to be backing out of electoral politics, he was still on record endorsing a number of candidates and his "I Love America Committee" PAC made contributions to candidates. On Oct. 6, 1986, he sent out a fund-raising letter for the Liberty Federation which said: "You and I may be only a few weeks away from a national disaster -- and for that reason -- we have just launched a 'Thirty Day National Blitz' -- a strategic action which we used very successfully in 1982...the liberals are already bragging that conservatives and pro-moral candidates will lose 30 seats in the House and -- worst of all -- that the liberals would take control of the Senate for the first time

since 1980." Falwell said contributions would help him "launch a

desperately needed telephone campaign to reach hundreds of thousands of people right before the election" and "contact millions of voters by direct mail, television and radio."

4) In 1986, the Religious Right had to play more defense than offense in order to protect the "Senate Class of 1980" and the "House Class of 1984"; about half the candidates with Religious Right backing in key races in 1986 were incumbents.

5) In the past, the movement has been forthright, in its activity; in 1986, however, there was outright deceit. The best example is a flyer on "How to Participate in a Political Party" distributed anonymously among Fundamentalists organizing within Republican county caucuses in Iowa. The flyer said "The activities of the church must not become public knowledge. There are those who seek to undermine our work."

"To a degree, keep your positions on issues to yourself," the flyer said. "Jesus didn't overwhelm even his disciples with the truth -- John 16:12....Give the impression that you are there to work for the party, not to push an ideology....Come across as being interested in economic issues...Try not to let on that a close group of friends are becoming active in the party together."

The flyer said "Hide your strength. When you control a political party, the only times you want to show your strength is when 1. Electing officers; 2. (Technically, when voting on resolutions, everyone votes his own conscience)....It is important not to clean house of all non-Christians....When you have control of a party, it might not be wise to place 'our' people into any and every position. Get the counsel of wise Christian politicians when in doubt."

In addition to advocating deceit, the flyer advocated something clearly contrary to the spirit of the First Amendment -- using the political process to make religious conversions. The flyer advised, "Determine to win both friend and foe to the Lord. Don't do anything that will harm your testimony."

A flyer distributed anonymously in Republican caucuses in Minnesota said "Experience has shown that it is best not to say you are entering politics because of Christian beliefs on life issues. It is better to say you favor the Republican Platform (it is pro-life) and support President Reagan. You will probably be asked outright if you are pro-life or pro-choice. Answer truthfully, of course. If the people asking this information are pro-choice, you can put them in a bad light by adding -- I am pro-life, but that is not the only issue."

Pat Robertson deserves special attention not simply because he is running for president, but because of the degree to which his organization dominated national Religious Right activity in 1986. He was involved in a network of political organizations:

** The Committee for Freedom PAC.

** The Michigan Committee for Freedom PAC.

** The National Committee to Draft Pat Robertson for President, headed by Richard Minard, former director of Robertson's Freedom Council.

** The Pat Robertson for President Draft Committee, headed by Rob Flowe, former finance director for The Freedom Council.

** Robertson's own exploratory committee, Americans for Robertson.

But despite the existence of all these organizations, the most important Religious Right organization of 1986 was one which no longer exists -- The Freedom Council. The council was disbanded after the Internal Revenue Service began investigating it and it refused to comply with Virginia registration laws. The Council is presumably being re-constituted at the national level, but local councils are still operating.

The Council, a tax-exempt foundation, served as the de facto campaign organization for Pat Robertson's bid for the 1988 Republican presidential nomination. It organized local activity in Michigan, Iowa, Texas, New Hampshire and other states and coordinated Robertson's visits to some 20 states.

The Freedom Council described itself as "a non-profit, non-partisan Christian organization dedicated to reinforcing the traditional Judeo-Christian principles and values upon which the United States was founded. The council distributes practical political information through Bible-believing churches and a growing bipartisan grassroots network. The council also maintains information bureaus in Washington, D.C., and in several state capitals to give local people a national and statewide perspective."

The council claimed 200,000 contributors, 40 full-time field workers and organizers in at least 41 states. Robertson, who founded the council in 1981, said he no longer had any formal connection to it, but his actual control was obvious:

** Robertson's Christian Broadcasting Network contributed \$250,000 a month to the council, accounting for half its budget.
 ** Robertson introduced a novel fund-raising technique at a May

16 dinner in Washington, D.C.: contributions ranged from \$1,000 to \$25,000 (for host couples). Because the limit on PAC contributions is \$5,000, large donors gave their first \$5,000 to the Committee for Freedom and the rest to the Freedom Council.

** The Freedom Council's original president, Gen. Jerry Curry, resigned and was replaced on an interim basis by Bob Slosser, president of CBN University.

Robertson, who has consulted with New Right leader Paul Weyrich about his candidacy, has drawn heavily on people with connections to Weyrich to run the Freedom Council and his Committee for Freedom PAC:

** National Field Director Dick Minard was Northwest field director for Weyrich's Committee for the Survival of a Free Congress in 1979.

** James Ellis, assistant national director of the Freedom Council, is executive director of Weyrich's Free Congress Political Action Committee.

** R. Marc Nuttle, president of the Committee for Freedom PAC, has been a consultant to the Committee for the Survival of a Free Congress.

The Freedom Council recruited thousands of candidates to run for delegate slots in Michigan, which is selecting some delegates who will choose the 1988 presidential nominee earlier. The council also engineered the takeover of a number of Iowa Republican caucuses and is gearing up to operate in New Hampshire and Florida.

Robertson was courted by the national Republican Party. He claimed to be "the third most prolific fund-raiser" for the party -- presumably after President Reagan and Vice President Bush -- and he accepted an invitation from the Republican Senatorial Campaign Committee to campaign for 16 Senate candidates.

RELIGIOUS INTOLERANCE IN 1986

The most striking finding about religious intolerance in the 1986 mid-term elections is that there was so much of it -- the most since PEOPLE FOR was founded in 1980 and quite likely the most since the 1960 election. Also striking is the variety of religious intolerance: it can come from anywhere, including from respected national figures. Much, but by no means all, of this religious intolerance has come from members of the Religious Right; but religious intolerance has also been used against the Religious Right.

The breadth and diversity of religious intolerance found in 1986 confirms the belief that religious intolerance breeds more religious intolerance; when it is not condemned, it takes root and spreads.

A. NATIONAL FIGURES

The widespread presence of religious intolerance in 1986 is illustrated by the fact that the list of offenders includes official agencies of both political parties and Vice President George Bush.

The Republican Congressional Campaign Committee paid for a fund-raising letter in which Jackie McGregor, challenging Rep. Harold Wolpe in the 3rd District in Michigan, criticized Wolpe, who is Jewish, for soliciting funds from members of his religion outside the district.

In the last week of the campaign, the Republican Senatorial Campaign Committee ran ads on fundamentalist radio stations in Alabama, North Carolina and Florida which began: "Ever think about what's important to you? It's probably simple -- a steady job, a healthy family and a personal relationship with Christ. That's the easy part."

The committee pulled the ads after two days following protests from Jewish groups and PEOPLE FOR THE AMERICAN WAY. The ads attempted to identify one political party with a particular religious worldview.

Republican fund-raisers also crossed the line in an appeal to Jewish voters. In a memorandum from Max Fisher, Richard Fox, George Klein and Ivan Boesky supporting five Republican Senate candidates on the grounds that they were strong supporters of Israel urged Jews to support Kit Bond in the Missouri Senate race, over Harriet Woods, who is Jewish, partly on the grounds that "her children were raised as Protestants."

On the Democratic side, Democratic National Committee Chairman Paul Kirk attacked Pat Robertson in a DNC fund-raising letter in which he mistakenly equated Evangelical Christians with the Religious Right and found fault with Robertson not only for supporting a quota program for fundamentalists in government, but for wanting to "get more Christians involved in government." Kirk added a P.S. which said "When President Pat Robertson finishes his Scripture reading and begins his televised State of the Union address, it will be too late," implying that a president does not have the right to read the Bible before such an event.

Bush deserves a special award for offering religious intolerance out of both sides of his mouth. He has been seeking Religious Right support, wooing and accepting Jerry Falwell's endorsement

and telling a Liberty Federation conference, "What great goals you have!" He told a crowd in South Carolina it was necessary to elect Republicans in order "to do the Lord's work at the state level." But when Robertson delegates made a major effort in the Michigan caucuses, Bush delegates passed out flyers saying "Keep Religion Out of Politics."

The most visible national figure, however, continues to be Pat Robertson, president of Christian Broadcasting Network and a candidate for the 1988 Republican presidential nomination. PEOPLE FOR has treated Robertson at length in a separate report, but some of his recent comments are relevant here:

-- According to the June 3, 1986, Jackson, Miss., News, Robertson said this at a rally in Jackson: "On April 25, 1980, 500,000 Christians gathered on the mall in Washington and prayed that God would please heal our land. It was no coincidence that Ronald Reagan was elected president; it was the direct act of God, and that Strom Thurmond became head of the (U.S. Senate) Judiciary Committee rather than Teddy Kennedy."

-- After some early success in the Michigan presidential caucuses, Robertson sent out a fund-raising letter for The Freedom Council proclaiming "The Christians have won!...What a thrust for freedom! What a breakthrough for the Kingdom!...As believers become involved in this process, they will be able to turn the nation back to its traditional moral values."

-- Robertson told a crowd in Michigan that Christians (by which he means only Born-Again Christians) "maybe feel more strongly than others do" about "love of God, love of country and support for the traditional family."

-- PEOPLE FOR's report on Robertson noted identifies himself with God and that he calls those who disagree with him atheists and communists and says they are in League with Satan. On the Sept. 7 "700 Club," Robertson noted the report and replied by calling Norman Lear an "atheist," saying PEOPLE FOR "want to move us toward a collectivist, socialist model" and saying "God's people have to understand that the enemy is the Father of Lies."

Robertson's campaign has brought another practitioner of religious intolerance to the political forefront -- televangelist Jimmy Swaggart who initially opposed Robertson's running for president but was later pressured into an endorsement.

Swaggart's religious intolerance easily earns him the title of "Robertson's Farrakhan": Swaggart has called Catholicism a "false religion" and its teachings the "doctrines of devils"; he has called the Catholic Mass and Mainline Protestant services "liturgical, religious monstrosities"; he has defended using scenes of the Holocaust to illustrate his belief that "Whenever a

person does not accept Jesus, he takes himself away from God's protection. He then places himself under Satan's domain, who kills, steals and destroys"; he has condemned Mormonism and Christian Science.

Tim LaHaye, chairman of the American Coalition for Traditional Values, said on "Nightline" that "Secular humanists should not hold political office in America. And the reason I say that is because our Constitution is not compatible with secular humanism without twisting it and changing it." Last year, LaHaye said that an ACTV plan to increase grassroots activity by his members to keep the Republicans from losing the Senate was "a workable plan, and it's a plan that God wants us to fulfill."

AMERICAN JEWISH ARCHIVES CANDIDATES BIBLICAL SCOREBOARD

A staple of religious intolerance on the part of the Religious Right has been a voting record or issues questionnaire which purports to measure candidates against the "Christian" or "biblical" positions on political issues. Some questionnaires take the added step of asking candidates questions about their personal religious faith.

There is a very simple reason why claiming the correct "biblical" basis for a political position, like claiming God's endorsement, amounts to religious intolerance: it cuts off debate by arguing a position not on the basis of its political merits, but on the basis of religious authority. To do so demands that others accept -- not tolerate, but consent to -- the candidate's religious beliefs.

Some of those who have displayed religious intolerance or imposed a religious test on candidates have compounded the situation by claiming that critics are unfairly attacking or ridiculing their religion. In a sense, they try to have it both ways -- cloaking their partisan political views in the garb of religion and appealing to religious tolerance as a defense.

As in 1984, a major source of religious intolerance in politics is the "Candidates Biblical Scoreboard" compiled and distributed by Christian Voice and Biblical News Service. Christian Voice claims that 5 million copies of the Scoreboard were distributed in 1984 and that 20 million copies will be distributed this year.

This year's edition of the Scoreboard is also larger than the previous one and is more ambitious because it includes scores for races for governor, lieutenant governor and state legislatures. This reflects the growing grassroots trend in religious intolerance.

The Scoreboard points to a "disclaimer" saying that the

Scoreboard "is not intended, nor implied, to be a statistical judgment of a person's personal moral behavior or relationship with God." But the whole publication is based on the premise that Christian Voice knows the "biblical" position on current political issues based on a reading of selected passages from scripture. As noted above, this style of debate constitutes religious intolerance and imposes a religious test for office.

The introduction to the Scoreboard, signed by Robert Grant of Christian Voice and David Balsinger of Biblical News Service, adds to the tone of religious intolerance: "The Christian exodus from political involvement during the past 85 years has left most of our government offices and institutions in the hands of amoral or immoral leaders.

"....Although most political candidates claim a Judeo-Christian heritage, it's important to examine carefully their actual position on the biblical-family-moral-freedom issues. Their personal convictions on these issues will determine whether they lead our nation toward or away from Judeo-Christian values.

"...By using our Scoreboard and voting for candidates who support Judeo-Christian values, you will be doing your Christian duty in helping to rebuild our nation and its institutions on the God-given foundation of Biblical truths."

The "Biblical" positions stated in the Scoreboard -- a dozen each in the House and Senate -- include: opposition to the Legal Services Corporation as an agent of "secular humanism"; support for "Star Wars"; a balanced budget constitutional amendment; opposition to "comparable worth" legislation; support for the Contras and elimination of Library of Congress funding for a braille edition of Playboy.

The Scoreboard takes the words of the authors of the Old and New Testaments written for diverse audiences over a period of centuries and purports to find in them direct application to contemporary political issues. For example:

-- The Scoreboard cites Genesis 2:18 ("And the Lord God said, 'It isn't good for man to be alone; I will make a companion for him, a helper suited to his needs'") as the biblical basis for opposing the Equal Rights Amendment.

-- It cites Galatians 5:1 ("It was for freedom that Christ set us free; therefore keep standing firm and do not be subjected again to the yoke of slavery") as the biblical basis for supporting military aid to the Contras in Nicaragua.

-- It cites II Chronicles 19:2 ("Should you give hope to the wicked and love those who hate the Lord? Because of this, indignation shall come upon you") as the biblical basis for

opposing trade with the Soviet Union.

-- It cites Romans I:28-30 ("So it was that when they gave God up and would not even acknowledge him, God gave them up to do everything their evil minds could think of. Their lives became full of every kind of wickedness and sin...They were backbiters, haters of God, insolent, proud braggarts, always thinking of new ways of sinning") as the biblical basis for opposing "secular humanism," which the Scoreboard found in the Legal Services Corporation.

As in the past, ministers in Congress do not score well on the "Biblical Scoreboard": Sen. John Danforth (R-Mo.), an Episcopalian priest, received a 58 percent score, a "failing" grade; Rep. Bob Edgar, a Methodist minister, and Rep. William Gray, a Baptist minister -- both Pennsylvania Democrats -- scored 0.

Members of leading religious denominations in general did not fare well:

-- 107 of 140 Catholics in Congress failed.

-- 32 of 38 Jews failed.

-- 26 of 46 Baptists failed.

Women and minorities did not fare well either:

-- 15 of 19 women in Congress failed.

-- 10 of 11 Hispanics failed.

-- All 20 Blacks failed.

The "Scoreboard's" partisanship is reflected in the fact that 36 of 53 Senate Republicans and 138 of 180 House Republicans passed, while 41 of 47 Senate Democrats and 227 of 255 House Democrats failed.

QUESTIONNAIRES

Candidates' questionnaires are a common tool used by virtually every interest group in the country and as such are legitimate. Interest groups at both ends of the political spectrum circulate such questionnaires, and every candidate receives dozens of them to consider.

But in recent years, a new type of questionnaire has emerged. These don't simply ask a candidate's position on Contra aid or abortion or even "secular humanism"; they ask questions about the candidate's belief in God, relationship to Jesus or

interpretation of the Bible.

Like the Biblical Scoreboard, these questionnaires constitute a form of religious intolerance; they are not designed to obtain information about political positions, but about religious beliefs which have no direct impact on political decisions. They clearly convey the impression that one type of religious belief is politically superior to others.

One organization clearly crossing the line is Pat Robertson's Freedom Council. Its branch in the 4th Congressional District in Georgia sent out a candidate questionnaire which asks, among other things, "Are you a Born-Again Christian?"; "Is Jesus Lord of Your Life?"; "Do you believe the Bible is the infallible Word of God?"

A cover letter signed by John Sauers, Vice Coordinator, says "We are concerned with our elected official's relationship to the God of the Bible which is also the same GOD of the Declaration of Independence, U.S. Constitution, Pledge of Allegiance and all founding fathers of this great nation. We believe that our country needs to turn back to the basic Christian values which these God's men so clearly established in composition of our founding documents. We are not supporting any political party, but we are only seeking each candidate's spiritual beliefs with regard to the God of Abraham, Isaac, Jacob and Jesus Christ."

In Oklahoma, the Christian Action Coalition, composed of local offices of Christian Voice, Pat Robertson's Freedom Council and Oklahomans Against Pornography distributed a questionnaire which asked candidates, "Do you believe that the basic premise of government and of the law is the Bible, rather than the word of any person?"

A questionnaire circulated in Sarasota, Fl., similarly crossed the line while reaching a new plateau in the use of the Bible for partisan political ends. A group called "We the People" took out a full-page ad entitled "Election Guide: A Christian Perspective" in the Sarasota Herald-Tribune. The ad featured a questionnaire which asked questions such as "Are you a Born-Again Christian?"

The ad said: "Many candidates stated they were Christians, but not born again. However, people use the term 'Christian' in many different ways. Therefore, a 'YES' answer to this question was limited to those individuals who said they were 'born again' as discussed in the third chapter of the gospel of John. This question is asked to help voters know which candidates are dependent on God's Word for the wisdom necessary to make their public decisions. Non-Christians usually are limited to making their decisions based on their limited knowledge and common sense."

The "correct" answers to this questionnaire were based on Bible

verses, including the "correct" responses to five questions related to the real estate business -- "Are you in favor of government mandated rent controls (to protect the public) such as in mobile home parks? -- and purported to find a biblical basis for answers. (The correct answer to the rent control question is "No.") As it happens, the head of "We the People" is Scott Carver, president of Creative Reality, Co.

-- In North Carolina, a group called Students for Better Government distributed a questionnaire asking "Can you honestly say that you have a personal relationship with Jesus Christ? How well do you know him?" and "If you answered 'Yes'...would you, if elected, seek God's guidance for your decisions? If no, how would you determine your answers and solutions?"

-- In the 8th Congressional District in Indiana, the Rev. Donald Brooks of a fundamentalist group called The Agora sent local and congressional candidates a questionnaire which included these questions: "If a regular church attender, how many times each month are you in attendance for a regular church service?"; "What is the name of your church and pastor?"; "Have you been or are you now a member of any group considered subversive, anti-God or anti-American?"; "In your opinion, is the Bible 1. A good book 2. A collection of religious writings 3. Literal, inerrant Word of God?"

-- In Arizona, "Footprints," a fundamentalist newspaper distributed free in the Phoenix area, published a "Christian Voting Guide for Primary Election Sept. 9" and promised a similar "Christian Voting Guide" for the general election.

PRAY FOR DEATH

The year 1986 has seen the emergence of the ultimate form of religious intolerance -- Religious Right leaders have been praying for the death of Supreme Court justices and political officials with whom they disagree. Pat Robertson stopped just short of doing this when he told the National Right to Life Committee meeting in Denver that abortion opponents could look to "the wonderful process of the mortality tables" to change the make-up of the court and bring about a new decision on abortion in the same speech in which he called court members "despots." For the first time, a major party congressional candidate has joined the pray-for-death movement. The Rev. Joe Morecraft, a fundamentalist pastor, John Birch Society member and Republican nominee for the 7th District seat in Georgia, said on a local radio program that he prays for God to remove Supreme Court justices who support legal abortion "in any way he sees fit."

Morecraft said "I've prayed God would remove the Supreme Court justices of the United States Supreme Court who have consistently voted for the legalization of abortion on demand several times

and I'll do it in the future, but I'll leave it to God to determine how he wants to do it." (Marietta Daily Journal, July 3, 1986).

The most detailed description of the "Pray-for-Death" approach comes from the Rev. Everett Sileven of Nebraska, who received national notoriety several years ago when he was jailed for refusing to comply with state regulations concerning a Christian school he ran. He began a cause celebre for the Religious Right; Jerry Falwell broadcast a program from Sileven's church.

Sileven says he along with the Rev. Greg Dixon, Indiana Moral Majority leader, and the Rev. Robert McCurry of Atlanta have established a "Court of Divine Justice" in which they pray to God to "judge" public officials they consider "wicked rulers." Sileven claims that as a result of the "Courts of Divine Justice," a tornado hit the city of Fort Worth and the sheriff of the city was injured when he horse bucked and he came down on his saddle-horn; a judge in Oregon had a heart attack and the son of a judge in Washington was seriously injured in an automobile accident. Sileven is planning to hold a session of the courts on the steps of the U.S. Supreme Court in the near future.

Sileven's partner, Greg Dixon, pastor of an 8,000-member church in Indianapolis, has a "Prayer Hit list" of public officials condemned by his "Court of Divine Justice." In Austin, he prayed for the removal of office of Texas Attorney General Jim Mattox "by whatever method, whether it be illness or whether it be death, whatever pleases God." Mattox says he has been harassed by late-night phone calls and has found a dead cat in front of his house.

There are other examples:

** The Rev. Robert Hymers of the Fundamentalist Baptist Church in downtown Los Angeles hired an airplane to carry a banner saying "Pray for death; baby-killer Brennan" as Supreme Court Justice William Brennan, who in 1973 voted with the majority to legalize most abortions, was to deliver the commencement address at Loyola Marymount University. Hymers first released a press release saying his congregation would pray for Brennan's death, but after deciding that would sound like "a lunatic fringe," Hymers merely prayed for Brennan's removal from the court.

But two weeks later, after the court upheld the right of a couple to withhold medical treatment from their handicapped daughter, Hymers prayed for the five justices in the majority -- Marshall, Stevens, Blackmun, Powell and Burger -- to repent, retire or die for their votes. "We will pray that God take the lives of these Hitler-like men from the face of the Earth," Hymers said.

** A group called Americans for Biblical Government, based in

Hyattsville, Md., urged in its newsletter that members offer prayers "For the Supreme Court -- that either their minds be changed or that God would remove them and replace them with men who fear Him."

** The Rev. Tim LaHaye, head of the American Coalition for Traditional Values, said in a October, 1985, newsletter that he was launching a national prayer campaign "for the removal (by any means God sees fit) of at least three of the Supreme Court members while Ronald Reagan is president."

The major danger of the "pray for death" movement was expressed succinctly by Rev. Hymers himself when he backed off of his prayer for the death of Justice Brennan -- "We don't want to put into someone's mind that they should go out and kill him." But that is exactly what Hymers and others have done. By using the same kind of inflammatory rhetoric some in the Religious Right used before the outbreak of bombings at abortion clinics, they run the risk of inciting an unbalanced follower to attempt to do what they think is God's will by trying to kill a public official with whom they disagree.

LYNDON LAROCHE

The major upset of the 1986 political season occurred in Illinois on March 18 when two followers of extremist Lyndon LaRouche defeated regular party candidates for the Democratic nominations for Lieutenant Governor (Mark Fairchild) and Secretary of State (Janice Hart). LaRouche candidates won a primary for a congressional seat in a heavily Republican district -- Domenick Jeffrey in the 13th District.

LaRouche and his followers call themselves the National Democratic Policy Committee to create the false impression that they are associated with the official Democratic Party. They claim to have fielded candidates in 14 Senate races, 149 congressional races and 7 governor's races and a total of 780 candidates nationwide in 29 states.

LaRouche is a former Leninist who has moved to the extreme right. Conservatives say he is really a leftist, and liberals say he is really a right-winger, but LaRouche operates in an area in which the extreme left and extreme right meet. He is best-known for his bizarre conspiracy theories in which the Queen of England is a drug dealer and Henry Kissinger and Walter Mondale are Soviet agents.

But a key part of LaRouche's agenda consists of classic religious bigotry. He has had friendly contacts with both the racist and anti-Semitic Liberty Lobby and the Ku Klux Klan; his tone became more anti-Semitic after making those contacts around 1974. LaRouche once sued the Anti-Defamation League for libel because

it called him anti-Semitic; in October, 1980, a New York State Supreme Court justice dismissed the suit and said calling LaRouche anti-Semitic was "fair comment" and that the facts in the case "reasonably give rise" to the ADL characterization.

LaRouche believes that there is an international Jewish conspiracy to control the world; it involves Jewish bankers and the drug lobby; prominent Jews installed Hitler; the Holocaust was a Jewish hoax because the Nazis killed "only...about a million-and-a-half" Jews. He has called the ADL "a treasonous conspiracy" against the United States and said it "today resurrects the tradition of the Jews who demanded the crucifixion of Christ." LaRouche has said that there is "a hard kernel of truth" in the Protocols of the Elders of Zion, an anti-Semitic forgery first published in the 19th Century and purporting to reveal a Jewish plot for world domination.

LaRouche believes that the Catholic Church is controlled by the "Anglo-Jesuit penetration" using Georgetown University as a base as part of the international Zionist conspiracy; that British intelligence controls the World Council of Churches, which in turn controls the National Council of Churches, which in turn control U.S. Protestant church bodies. According to Insight, published by The Washington Times, LaRouche believes that the Women's Christian Temperance Union was "a violent cult of ax-wielding lesbians."

Democratic National Committee Chairman Paul Kirk says that since the LaRouche candidates' victories in Illinois, party officials have monitored races closely to expose LaRouche candidates and that they have been defeated in 85 of 85 contested races. But so far five LaRouche candidates have won uncontested races for Democratic nominations:

- Dominick Jeffrey in the 13th District in Illinois
- Clem Cratty in the 4th District in Ohio.
- Joylyn Blackwell in the 21st District in Pennsylvania.
- Harry Knissen in the 7th District in Texas.
- Susan Director in the 22nd District in Texas.

For a time Robert A. Patton, a LaRouche candidate, was the only announced candidate for the Democratic nomination for the Senate seat now held by Republican Warren Rudman. Former Massachusetts Gov. Endicott Peabody later won the nomination.

In addition, Mary Jane Shirley, a LaRouche supporter, was elected

to one of nine seats on the Democratic Central Committee in Charles County, Maryland.

LaRouche backers had a major non-electoral victory in California. They gathered enough signatures to place an initiative on the California ballot in November that would redefine AIDS as an infectious disease -- like measles or tuberculosis -- and pressure public health officials to quarantine AIDS victims and those suspected of carrying the virus. Medical officials and politicians across the state have organized a group called Stop LaRouche to fight the initiative, which opponents say has no justifiable public health purpose. LaRouche backers gathered 683,576 signatures, nearly twice the number necessary to qualify the initiative for the ballot, but many of the signatures were collected by LaRouche workers carrying signs that said only "Sign here to help stop AIDS."

A bipartisan coalition of political, civic and religious leaders including both party's candidates for governor, the state council of churches and the state's Catholic bishops campaigned against the AIDS initiative.

The initiative lost by a 2-1 margin. All LaRouche candidates lost: Jeffrey had 28% of the vote; Cratty had 19% of the vote; Blackwell had 19% of the vote; Knissen had 12% of the vote; Director had 27% of the vote.

Atlanta Constitution
Oct 30, 1986

JEWS ANGRY OVER GOP RADIO AD
Republicans Say They Are Targeting Christian Vote

Written by Nathan McCall, Staff Writer

A Republican Party radio ad geared toward voters who value "a personal relationship with Christ" has drawn protest from some national and local Jewish leaders.

The ad has been aired in Georgia on WYNX AM, a Christian-oriented station in Smyrna.

Theodore Ellenoff, National President of the American Jewish Committee, criticized the Republican Senate Campaign Committee for airing the ad in southern states and called for the GOP to withdraw it "and revise it to exclude any sectarian references."

But Jay Morgan, Executive Director of the Georgia Republican Party, contended that the ad is simply part of the GOP effort to spark a high voter turnout among Christians.

Critics, Morgan said, are "over-reacting and they are doing so for partisan political reasons. I do not accept the fact that they are doing so in a non-partisan vein."

The ad begins with a question: "What things are really important to you? It's probably very simple: a steady job, a healthy family and a personal relationship with Christ. That's the easy part. The trick is, how do you get there? Because every day, decisions are affecting your life. Decisions that say it's okay to sell pornography but it's

not okay to pray in public schools . . . You think you have nothing to do with that? You sure do . . . Come on, do the right thing. Vote."

Allison Owens, Office Manager at WYNX, said the National Republican Senatorial Committee scheduled the ads to run from October 28 to November 3, a day before the general election. The ad was paid for by the Georgia Republican Party.

Ms. Owens said the station broadcasts throughout metro Atlanta and in parts of north Georgia.

Ronnie Henderson, Assistant Area Director of the American Jewish Committee, said, "It's almost a scary kind of thing. I personally feel it offensive as a Jew. Ms. Henderson said the ad implies that, if you believe in Jesus Christ then you need to go vote, because otherwise these values of yours are going to be threatened. Well, it's important for everybody to vote no matter what their religious beliefs are."

Ms. Henderson said she believes the ad will hurt rather than help the Republican Party at the polls. "I think that Christian people would be incensed by something like that," she said.

Ellenoff said in a prepared statement that the ad "flirts with the kind of religious exclusivism that makes minority religious groups like Jews and other non-Christians very uncomfortable."

Morgan contended that the ad is being run on Christian radio stations because the Republicans want to target that group. He noted that the ad does not ask people to vote for a particular candidate nor a particular party.

"Certainly the ad is not intended to offend anyone. As a matter of fact, that is one of the advantages of buying radio in any kind of ad campaign . . . you can target your message," Morgan said. "It is not meant to be disrespectful to those people that are not Christians, it is simply intended to get a specific message to those that are."



BERNARDIN-REAGAN Nov 17, 1986 (530 words)

CARDINAL BERNARDIN, FATHER RITTER MEET WITH PRESIDENT REAGAN ON PORNOGRAPHY

By Sister Mary Ann Walsh

WASHINGTON (NC) — Cardinal Joseph L. Bernardin of Chicago and Father Bruce Ritter of New York were among 21 religious leaders who urged President Reagan at a Nov 14 White House meeting to fight hard-core and child pornography

After the meeting, Cardinal Bernardin said the administration plans to introduce a legislative package on obscenity and child pornography to Congress early next year.

Cardinal Bernardin and Father Ritter, president of Covenant House, a center for sexually exploited children, met with the president as members of the Religious Alliance Against Pornography. The alliance handed Reagan a letter which asked him to mobilize federal resources to "press the fight against rape, exploitation, humiliation and degradation of the entire human family."

Specifically, the church leaders sought four legislative actions to curtail pornography production and distribution. In return, they offered the support of the approximately 150 million combined membership in their churches.

The Rev. Jerry Kirk, a Presbyterian minister who is chairman of the alliance, announced at a press conference that the president had promised that wiping out hard-core pornography will be "a new priority of his administration." Mr. Kirk added that Reagan was not specific about how he would curtail the industry which is estimated to have profits of about \$8 billion annually.

Specific legal actions sought by the group include.

- Enactment of a forfeiture statute to reach profits from offenses of federal obscenity laws
- Amendment of federal obscenity laws to no longer require proof of transport in interstate commerce for prosecution
- Enactment of laws to require producers, retailers or distributors of sexually explicit visual materials to maintain records of consent forms and proof of performers' ages
- Regulation of obscenity through telephone and cable communication

The religious leaders underscored their opposition to censorship and said they supported the rights guaranteed under the First Amendment.

Cardinal Bernardin told National Catholic News Service that the church leaders want to centralize the fight against pornography which in the past seemed to belong to "some of the more conservative churches."

"It's not only the fundamentalist churches which are involved" but also those "with a liberal social agenda," he added. "We're mainstreaming the debate," said Father Ritter who has actively fought sexual exploitation of children through Covenant House, which has its headquarters in New York's Times Square.

"The issue is not in the hands of the extremists," the priest said. "Instead of shouting, now we can discuss it from our pulpits, dining rooms and bedrooms."

Cardinal Bernardin said he would like to see "dioceses assume a more forceful role" in fighting hard-core and child pornography as part of a consistent pro-life stand.

The White House meeting came the second day of a strategy session of the religious leaders' group in Washington. Other Catholic leaders in the alliance, in addition to Cardinal Bernardin and Father Ritter, include Cardinals John O'Connor of New York, Bernard Law of Boston and John Krol of Philadelphia.

Mr. Kirk said the church leaders plan a strategy of "preaching, pastoral letters and prayer" and will work on "educating people on the harm caused by violent and hard-core pornography."

END

only in the written form — and a prepared statement by Bishop Malone

Bishop Malone's statement, according to sources, originally said not only that the Holy See had acted in accord with its established procedures, but also that the decision it reached was "just and reasonable "

The revised statement Bishop Malone issued after the closed-door meetings did not use those words. Instead, he carefully declined to "judge the facts of the case "

He stressed that the Holy See acts "carefully and charitably" in dealing with such controversies and said that the decision in Seattle "was made by proper church authorities. As such, it deserves our respect and confidence "

The fact that Archbishop Hunthausen's statements were released to the press by the bishops' conference represented a clear form of support for him, bishops said. The statements included point-by-point rebuttals of a number of elements in the pronuncio's chronology.

One bishop willing to be quoted was Bishop Michael Kenny of Juneau, Alaska. He said he dissented from Bishop Malone's statement because "I do not think the statement adequately addressed the widespread perception of injustice" in the Vatican's procedures and decision in Seattle.

Bishop Kenny stressed that he himself was not judging the process or decision to be unjust, but he felt that perception by many American Catholics should have been more clearly recognized, and its seriousness should be conveyed to the Vatican.

He also said, however, that "I'm not sure the conference could do that without giving the impression" of opposing the Vatican, which was not their position.

After the secret sessions, Archbishop Hunthausen said he had received from the bishops "the kind of assurance I was seeking "

He said the conference's "readiness to offer any assistance judged helpful" was a "very hopeful sign "

END

BISHOPS-BUDGET Nov 14, 1986 (100 words)

BISHOPS APPROVE 1987 BUDGET, 1988 ASSESSMENT

WASHINGTON (NC) — The National Conference of Catholic Bishops approved a \$26.5 million budget for 1987 and called on dioceses to contribute 13.3 cents per Catholic during 1988 to help fund the bishops' national programs.

At their general meeting in Washington Nov 12 the bishops approved the budget for NCCB-U.S. Catholic Conference programs by a vote of 148 to 2. Last year they budgeted \$26.9 million for 1986.

The 1988 assessment, which is the same as in 1986 and 1987, passed by a vote of 147 to 3.

Only heads of dioceses are permitted to vote on money questions.

END

AIDS Nov 17, 1986 (120 words) With photo sent Nov 12

MOTHER TERESA'S NUNS TO OPERATE D.C. SHELTER FOR AIDS VICTIMS

WASHINGTON (NC) — Mother Teresa attended a Mass Nov 8 to dedicate the "Gift of Peace," a new facility to house AIDS patients in Washington.

Archbishop James Hickey of Washington announced the opening of the shelter Aug 21.

It is the second such facility in which Missionaries of Charity, Mother Teresa's order, care for AIDS patients. The first is in New York City and was provided by the Archdiocese of New York.

Both shelters are for patients who do not require hospital care. Medical backup for residents of the Washington facility will be provided by Georgetown University Hospital.

AIDS, or acquired immune deficiency syndrome, is a disease most often found among male homosexuals.

END



national catholic news service

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NC NEWS SERVICE REPORT FOR THURSDAY, OCT 2, 1986

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....

VILELA Oct 1, 1986 (100 words)

BRAZILIAN CARDINAL ANNOUNCES HE HAS STOMACH CANCER

RIO DE JANEIRO, Brazil (NC) — Cardinal Avelar Brandao Vilela, primate of Brazil, said that he is seriously ill with stomach cancer

“Tests showed that my illness is not of a benign nature,” the 74-year-old archbishop of Sao Salvador da Bahia said Sept 29

The cardinal said people should not be sad “because we must always accept the sovereign will of our Lord of life ”

In a 1983 cancer operation, doctors removed a benign polyp and 10 inches of intestine from the cardinal

One of his brothers, Brazilian senator Teotonio Vilela, died of cancer in 1983

END

DEVITO Oct 1, 1986 (480 words) With photo sent Sept 29

DANNY DEVITO, FIRST-GRADE TEACHER RECALL SCHOOL DAYS AT REUNION

By Daniel Medinger

BALTIMORE (NC) — It was show-and-tell time for first-grade teacher Sister Maristella Walsh But this performance also was a reunion

Sister Walsh, a Sister of the Immaculate Heart of Mary, was the guest of movie and television star Danny DeVito, a former first-grade pupil of hers at Our Lady of Mount Carmel in Asbury Park, N J

DeVito, in Baltimore filming a new movie “Tin Men,” was on location near St Agnes School, where Sister Walsh is now teaching, and a reunion was arranged

When DeVito saw Sister Walsh, he looked her over — imagining her in her pre-Vatican II habit — before the two went through a litany of Mount Carmel students, teachers and priests that sounded like an Italian telephone book from some 37 years ago He remembered every teacher he had and then took her on a tour of the movie set, introducing Sister Walsh to the director and the actors and showing her how a movie is filmed

DeVito, who has had hit roles in the films “Romancing the Stone” and “Jewel of the Nile” and the television series “Taxi,” has a screen reputation as a feisty, irascible and tough-talking character According to the actor, his former teacher has some of the same attributes “Brooklyn was a good spot for her,” he said “She was tough ”

DeVito gave his alma mater a bit of fun-filled notoriety when he mentioned the school during a “Jewel of the Nile” scene Coming upon a furious knife battle between two Arab factions he said, “This looks like the Our Lady of Mount Carmel schoolyard ”

But his tough act doesn't fool his first-grade teacher Sister Walsh admitted that she does not recall each of the first-graders she's taught over the last 40 years, but she remembers DeVito as a gentle, chubby, short boy Even now the 5-foot nun is taller than him

In his various roles DeVito has demonstrated a colorful command of the language, which he claims not to have acquired in the Our Lady of Mount Carmel schoolyard “That's not me I have to say those lines or they would fire me,” he explained to Sister Walsh

During the meeting, there is none of the rough sputtering that comes through his characters on the screen The only hint of his screen personality comes out when he explains why the film crew is back in Baltimore refilming scenes

“We lost the film It fell off the truck, as they say,” he rasped “Some bad guys stole it It was insured, thank God ”

But it was this act of indiscretion that gave the actor and his teacher a chance to meet after all these years

After DeVito returned to the set, Sister Walsh said, “He hasn't changed that much He's still a gentle man ”

END

IMMIGRATION INSERT Oct 1, 1986 (40 words)

In IMMIGRATION of Sept 29, 1986, INSERT after the sixth paragraph beginning, A major disagreement Rep Charles E Schumer, D-N Y , offered a compromise that would have granted some foreign agricultural workers legal status in the United States

PICK UP with original seventh paragraph beginning, The House Rules Committee
END

FCC Oct 1, 1986 (380 words)**INQUIRY INTO CALIFORNIA BROADCASTS PRAISED BY MORALITY IN MEDIA**

By Sister Mary Ann Walsh

WASHINGTON (NC) — Morality in Media, a New York-based media watchdog group, has praised the Federal Communications Commission for looking into allegedly sexually explicit broadcasts by two California radio stations

The FCC move is a "refreshing shower" in a "desert of overheated rock lyrics" and disc jockeys obsessed with obscenity, Morality in Media said in a news release. It said it was the first such inquiry by the FCC in eight years.

James McKinney, head of the FCC's mass media bureau, in a Sept 22 letter gave the two stations, KCSB-FM at the University of California at Santa Barbara and KPFK-FM in Los Angeles, 30 days to respond to citizen allegations that each station had broadcast sexually explicit material.

If the stations are found guilty of violations, the FCC is authorized to impose fines, suspend licenses and issue a warning, McKinney said Sept 29. The case also can be referred to the Department of Justice for possible criminal prosecution, he added.

Santa Barbara resident Nathan Post complained to an Arlington, Va , media group, which passed the complaint to the FCC, that KCSB last July 26 played song lyrics which explicitly described oral intercourse in vulgar terms.

The FCC received two complaints about KPFK broadcasts. In one, Raymond Holley of Yucaipa, Calif , cited obscene language on an evening program called "Shock-Time America," while in the second Larry Poland of Highland, Calif , criticized a broadcast which he said was marked by explicit, vulgar descriptions of homosexual intercourse.

William Johnson, deputy chief of the FCC mass media bureau, said Sept 29 that the FCC would not make any decision on the two California stations until it has heard the radio stations' responses to the FCC.

Johnson also said the letters mark a new FCC approach toward media abuses. Instead of FCC commissioners making general references to abuses in an effort to encourage self-censorship, he said, the FCC now will deal with specific abuses through legal means.

Bradley Curl, Morality in Media national director, said the FCC action showed that demonstrations held last summer at the FCC's Washington headquarters brought results.

"We couldn't be more pleased that our message got through — that the FCC is beginning to move against the plague of filthy lyrics and language (on the airwaves)," Curl said.

END

LITEKY Oct 1, 1986 (380 words) Follow-up**TWO FASTERS LOSE 30 POUNDS, ARE 'CONSIDERABLY WEAKER'**

By Julie Asher

WASHINGTON (NC) — A former Catholic chaplain and a Vietnam veteran have lost 30 pounds each and have grown considerably weaker after one month on their fast, a spokesman for the two said Oct 1.

Former chaplain Charles Liteky, 55, and George Mizo, 40, began a water-only fast Sept 1 to oppose U S military aid to "contra" rebels fighting the Marxist government of Nicaragua.

(MORE)

They were joined Sept 15 by two others, Brian Willson, 45, who was in Vietnam in 1969, and Duncan Murphy, 66, a World War II veteran

The spokesman for the fasters, John Mateyko of Witness For Peace, a Washington-based group opposed to U S policy in Nicaragua, said in a telephone interview that Willson and Murphy — the second group of fasters — had lost 15 pounds each but were in "good shape "

The spokesman said Mizo has a respiratory infection and "is at much greater risk" than the others. A doctor has recommended Mizo stop the fast but he has refused

Mateyko said the four men were "generally encouraged" by hundreds of letters of solidarity received each day from around the country and by "real and genuine" concern expressed by some senators and congressmen

However, he said the fast will not end until a "major development" takes place to stop the Reagan administration's policy of aid to the Nicaraguan rebels

The fasters will continue a vigil four hours a day at the U S Capitol six days a week

"They have no specific demand but they are fasting because the aid is morally wrong and politically unpopular," Mateyko said "What they're doing is quite heroic "

He continued, "They're really doing it on a moral basis. They're looking at the evil (of the Reagan policy) and want the whole evil done away with "

In July Liteky gave up his Medal of Honor to protest U S policies in Central America. The medal was for heroism as a Catholic chaplain in Vietnam, where he saved the lives of several wounded soldiers under fire. He later left the priesthood, was laicized and married

At a press conference Sept 15, Liteky announced he would no longer pay U S income tax "so my tax money won't be used in complicity" with a policy he said "is bred on lies "

END

CLASSIFIEDS Oct 2, 1986 (150 words)

THREE OHIO NEWSPAPERS PRINT FREE ADS FOR UNEMPLOYED

CLEVELAND (NC) — Three Ohio diocesan newspapers have offered to print free classified "job wanted" ads for the unemployed searching for work

The three newspapers are the Catholic Universe Bulletin in Cleveland, the Catholic Chronicle in Toledo, and the Catholic Exponent in Youngstown. All three are published by the Catholic Press Union Inc

Anyone living within the 33 counties of the three dioceses may take advantage of the advertisements, which will run in two consecutive issues. Maximum ad length is three lines of type or 20 words

In addition, the newspapers are offering free "help wanted" ads to parishes and other church-sponsored agencies. These may be seven lines long and run in three consecutive issues

Society Corp, the parent company of an Ohio bank, is co-sponsoring the project

END

LAITY Oct 2, 1986 (160 words)

TV SERIES FOR 1987 SYNOD ON LAITY BEING DEVELOPED

NOTRE DAME, Ind (NC) — Lay roles in the church are to be featured in a series of television call-in shows being developed by the U S bishops' Committee on the Laity and produced by the University of Notre Dame's Golden Dome Productions

The monthly programs are scheduled to begin in January and run prior to the October 1987 world Synod of Bishops on the vocation and mission of the laity in the church and in the world

(MORE)

Titled "Changing Church—Changing People," the series will be telecast on the Catholic Telecommunications Network of America, the U S bishops' television network, and on other outlets

Dolores Leckey, executive director of the Committee on the Laity, said the hope of the program is "to contribute to the agenda of the synod and stimulate the thinking of the American Catholic community "

Major funding for the series comes from the Pallottine Fathers' Immaculate Conception Province in Pennsauken, N J
END

LUECKE Oct 2, 1986 (150 words) With photo sent Sept 29

NEW PRESIDENT ELECTED FOR COALITION OF NUNS

CHICAGO (NC) — Benedictine Sister Janemarie Luecke, a professor of medieval literature at Oklahoma State University, has been elected president of the National Coalition of American Nuns

She succeeds Sister Lillanna Kopp, founder of the Sisters for Christian Community, a community of nuns which does not have official church recognition

Mercy Sister Teresa McGreevy, who directs a housing complex for the elderly on Long Island, was elected to continue as vice president

The elections were announced by the Chicago-based coalition in late September. The group, founded in 1969, has 1,800 members and speaks out on human rights and social justice issues

Sister Luecke is former academic dean of Benedictine Heights College in Tulsa, Okla. She served 10 years on the Oklahoma board of the American Civil Liberties Union and frequently lectures on feminism and Christianity

END

WILLIAMS Oct 2, 1986 (80 words)

BISHOP WILLIAMS NAMED ADVISER TO CORRECTIONAL GROUP

ASHLAND, Ky (NC) — Auxiliary Bishop J Kendrick Williams of Covington, Ky, has been appointed episcopal adviser of the American Catholic Correctional Chaplains' Association

Approximately 400 chaplains belong to the association, the purpose of which is to "foster a Catholic approach to corrections," said Father John Noe, association president and chaplain at the Federal Correctional Institution in Ashland

Bishop Williams replaces Bishop John McCarthy of Austin, Texas, who recently resigned the association post
END

GREETINGS Oct 2, 1986 (210 words)

POPE SENDS NEW YEAR'S GREETING TO ROME'S JEWISH COMMUNITIES

By Greg Erlandson

VATICAN CITY (NC) — Pope John Paul II expressed hope that Rosh Hashana, the Jewish new year, would bring "respect and security" to Jewish communities around the world

In a new year's greeting to Chief Rabbi Elio Toaff of Rome, the pope expressed hope for "spiritual progress, peace and well-being" among Jews

The greeting was contained in a telegram sent to Rabbi Toaff Oct 1. The text was released at the Vatican the following day

This year, Rosh Hashana begins at sundown Oct 4 and extends to the following sundown

The pope recalled his visit with Rabbi Toaff April 13 at Rome's main synagogue. The visit was a milestone in Jewish-Christian relations as it was the first recorded visit by a pope to a synagogue since biblical times

The pope called the April visit "our fraternal encounter in prayer "

(MORE)

"I wish to express my cordial desire that the entire Jewish community may enjoy, in a climate of respect and security, an always growing spiritual progress, peace and well-being," the pope said

The celebration of Rosh Hashana dates from the second century. It marks the beginning of the High Holidays — 10 days of penitence and prayer ending with Yom Kippur, the Day of Atonement

END

SALARIES Oct 2, 1986 (620 words)

SISTERS IN INDIANAPOLIS ASK SALARIES MATCHING LAITY

By John F Fink

INDIANAPOLIS (NC) — Nuns working in the Indianapolis Archdiocese have asked for salary increases to bring them up to the level of church-employed lay professionals by 1990

A committee representing the three communities of women Religious with motherhouses in the archdiocese submitted the request after consulting with superiors of other nuns who work in the archdiocese. Archbishop Edward T. O'Meara of Indianapolis met Sept. 17 with the general superiors of the three locally based communities.

"It is perfectly reasonable for the sisters to make the request and it is one that the archdiocese must respond to," Archbishop O'Meara said. He said he did not know when he could give a response.

Neither the sisters nor the archdiocese had an immediate estimate what the proposal would cost the archdiocese. Sister Mary Margaret Funk, head of the 103-member Benedictine Sisters of Beech Grove, said the request was made because religious communities need more income as they face deficit or near-deficit budgets.

Retirement costs are a problem because of low stipends for women Religious in the past and the lower number of sisters now earning income, she said. A recent national study concluded that U.S. religious orders are about \$2.5 billion short of what they need to meet their retirement needs.

Orders also need "to secure the future for active sisters and those who are entering," Sister Funk said. "This is important in the orders' efforts to aggressively recruit new members and have confidence in their future."

She said religious orders in other dioceses are making similar proposals, but she did not know if any U.S. diocese has a full equal-pay policy in effect yet for nuns.

Other general superiors who met with Archbishop O'Meara were Sister Nancy Nolan of the Sisters of Providence of St. Mary-of-the-Woods and Sister Annata Holohan of the Third Order Franciscans of Oldenburg.

Current archdiocesan policy calls for nuns to receive a salary of \$780 per month plus several options for health and hospitalization insurance, housing and transportation negotiated with the employer, and \$800 a year in retirement benefits.

There are 193 sisters serving in parishes and institutions owned and operated by the archdiocese.

Archbishop O'Meara said he is "very edified by the modest way the sisters in the archdiocese live, in their motherhouses and in parishes. They live very simply and frugally, are very careful about their budgeting and committed to living in accordance with their vows of poverty."

Sister Holohan said the sisters are committed to serving the church. "That's why we're women Religious. But the financial realities dictate that we cannot continue to handle our service as we have in the past."

As a tentative plan to bring their earnings up to par with those of church-employed lay people, the sisters suggested a four-stage implementation:

- 1986-87, establishment of a new policy
- 1987-88, increasing sisters' salaries by one-third of the after-tax difference between their current salaries and lay salaries, while retaining current fringe benefits
- 1988-89, cutting the difference by another third, still retaining current fringe benefits
- 1989-90, eliminating the last after-tax salary differences and switching from sisters' fringe benefits to the same

(MORE)

benefits as lay employees

Since salaries of nuns are paid to the order, not the individual, they are not subject to income tax. Under the proposal, the sisters' income would be scaled up only to the after-tax equivalent of lay salaries in order to avoid the difference that would result from their favorable tax treatment.

Where housing or transportation is provided currently, agreements would have to be reached on the value of those benefits and on how their costs should be distributed in cases where several nuns share housing or a car.

END

CUMMINS Oct 2, 1986 (420 words)

OAKLAND PRELATE SAYS MORE U S BISHOPS SHOULD VISIT ASIA

By Father James Colligan, MM

TOKYO (NC) — A California bishop said more of his U S colleagues should visit and study Asia to better serve the growing Asian population of the United States.

Bishop John S. Cummins of Oakland, Calif., the U S bishops' observer at a meeting of the Federation of Asian Bishops' Conferences in Tokyo in September, also said he would propose establishing an office for Asian affairs for the U S bishops.

"Asia is half the world," he said. "We just cannot be oblivious to what is happening. Religious orders and societies are very familiar with the Asian scene, but that familiarity does not float into the bishops or into the major life of the church."

He said that at the November 1985 U S bishops' meeting, Archbishop John Quinn of San Francisco proposed a similar office, but no action was taken.

Bishop Cummins said he would reintroduce the idea this November, and "if still no action is taken, I'll introduce it again."

The U S bishops' conference has a desk for East Asian affairs within its Department of Social Development and World Peace.

He said that in the United States, there are 1 million Chinese, 1 million Koreans, nearly a million Filipinos and 700,000 Japanese and their descendants, with large communities in California. Koreans are the fastest-growing group in the state, he said.

Two of five newcomers to the United States are from Asia, he said, and 64 percent of them live in California.

"In the San Francisco area live the same number of Asian residents as those of European descent," he said.

He said the U S church has an obligation to "incorporate that very large number of newcomers into the parishes, to settle those who are refugees, and of course to do our own work of bringing the Gospel to those people."

"We feel a need for advice and help from Asia in many ways," he added.

"Asians as newcomers have been the most talented and trained group, the first skilled immigrant group in the history of the U S," he said. "Urban middle-class backgrounds are a substantial percentage."

He said the average family income of Asians in the United States is higher than that of whites by \$2,000 per year.

"In higher education, they are way out of proportion," he said. "The University of California at Berkeley, a prestigious institution in our own diocese, is 24 percent Asian. The freshman class at Harvard this year is 11 percent Asian, at Princeton, 9 percent Asian."

END

SCOTS—LAITY Oct 2, 1986 (450 words)

SCOTTISH CATHOLICS EXPRESS CONCERNS IN PRESYNOD QUESTIONNAIRE

By Rennie McOwan

GLASGOW, Scotland (NC) — Scottish Catholics are concerned about growing secularization and the media's influence on national values, Scotland's bishops said in a report

The report, prepared for the 1987 world Synod of Bishops, said lay Catholics also are concerned about a breakdown of family life and a general decline in morality

In addition, while there is a growing "partnership" between laity and clergy, it is likely they share no "common vision" of the church, it said

The report, which was sent to the Vatican, was based on a questionnaire soliciting attitudes on various aspects of the role of lay people. The Scottish bishops issued a summary of the study

There is tension throughout the Catholic community over implementation of the Second Vatican Council, the report said. It also referred to the destructive effects of unemployment, the threat of nuclear war, growing poverty in the Third World and a weakened sense of church membership among a growing number of young people

These concerns were raised "so frequently" that the bishops concluded they affected every parish

"Therefore, our most urgent task is to respond accordingly," the bishops said. "If we are to attempt that seriously, there will be far-reaching implications for parish communities. In determining an appropriate pastoral strategy, commonly determined by the clergy and the laity."

They noted "positive signs of partnership" between laity and clergy in celebrations of the liturgy, various ministerial roles and in "the more modern spiritual and apostolic groups."

"This is especially true of the more seasoned parish councils as well as diocesan congresses and pastoral planning groups," they said.

However, the bishops said it was evident from many of the responses that the idea of partnership was new to many people. They attributed the newness to "hesitation of the clergy to entrust the laity with appropriate responsibility" or to "an unpreparedness among the laity to accept such responsibility."

"At a deeper level it is still more probable that there does not exist a common or shared vision of the church, either among the clergy or among the laity," the bishops said.

The 1987 world Synod of Bishops, scheduled to meet in Rome in the fall of 1987, will discuss "The Vocation and Mission of the Laity in the Church and the World 20 Years After the Second Vatican Council."

Bishops' conferences worldwide received a preparatory document from the Vatican, and the Scottish bishops prepared a questionnaire based on three main sections of the document.

The Scottish bishops concentrated on a representative 15 percent of parishes in their country. They prepared diocesan reports, which were compiled into a national report by Bishop Joseph Devine of Motherwell, Scotland. In addition, responses were sought from national organizations.

END

WHEALON Oct 2, 1986 (380 words)

CONFRONT FUNDAMENTALISM WITH 'BIBLE-LIVING' CATHOLICS, PRELATE SAYS

NEW YORK (NC) — Archbishop John F. Whealon of Hartford, Conn., says the Catholic Church needs "a Bible-reading, Bible-loving, Bible-quoting, Bible-living Catholic people" if it is to confront the "massive" threat of fundamentalism.

Writing in America magazine, Archbishop Whealon said fundamentalism presents a "huge" challenge, and "so far the Catholic response has been little and late."

He wrote in the magazine's Sept. 27 issue, which was devoted entirely to the question of fundamentalism. America

(MORE)

is a New York-based weekly published by the Jesuits

In his article Archbishop Whealon urged a renewed sense of Catholic identity, renewed efforts at evangelization, and new Bible awareness as central elements in a positive Catholic response to fundamentalism

"Studies and statements concerning the deficiencies of this form of Christianity will help somewhat," he wrote, referring to fundamentalism "Yet the issue is an intensely personal one — and it is at the personal level that we must do more "

He said that in meeting with young Catholics for confirmation classes he was rarely able to find someone able to say why it was important to be a Catholic

"In spite of much good work by many good people," he said, Catholic catechetical efforts are not producing young people who know the faith and have a sound sense of Catholic identity

"Catholic youth with no real knowledge of their own faith are easy targets for evangelistic approaches," he said

He also called for evangelization to be placed "at the top of our church's future agenda," adding that "the only effective evangelization is one-to-one "

But the largest single concern, he said, should be "Bible study "

Archbishop Whealon suggested that every Catholic parish should have at least one "Bible Mass" each Sunday

In a Bible Mass, he said, each person brings a Bible to church, and each reading is accompanied by an explanation of its background and of any difficult words or ideas. "And then the homilist applies these biblical readings to the lives of the people in accord with our Catholic experience and tradition "

Other articles in the special issue of America included discussions of fundamentalism as a cultural phenomenon, its spread in Latin America, its sociological and economic dimensions, and an analysis of a Vatican report released earlier this year on sects, cults and new religious movements

END

NEWS BRIEFS Oct 2, 1986 (730 words)

NATION

WASHINGTON (NC) — Pro-life officials say that the first step toward legalized euthanasia has been taken by a Massachusetts court in its ruling to allow a feeding tube to be disconnected from a Catholic man in a "persistent vegetative state " The Massachusetts Supreme Judicial Court ruled 4-3 that a gastronomy tube which for three years has fed Paul Brophy Sr , 49, directly through his stomach can be removed so he can die The court said the state's interest in preserving life was outweighed by the wishes expressed by Brophy before he became ill that he be allowed a "natural death with dignity " Richard Doerflinger, assistant director of the National Conference of Catholic Bishops' Office for Pro-Life Activities, said that as courts take such actions "pressure will grow for a 'quick-and-painless' active means for ending these patients' lives "

- - -

WASHINGTON (NC) — A Franciscan priest whose work with divorced Catholics came under Vatican scrutiny has been denied a request to officially join the Diocese of Monterey, Calif , where he has worked for the past two years The diocesan personnel board recommended that Franciscan Father Barry Brunsman, author of "New Hope for Divorced Catholics" and a member of the diocesan marriage tribunal in Monterey, not be incardinated into the diocese In a statement in The Observer, the diocesan newspaper, Bishop Thaddeus Shubsda of Monterey said that through discussions with the priest "I became convinced that Father Brunsman wanted the church to change its teaching and practice He indicated that he himself was unwilling to change his own teachings and pastoral practice, which I find contrary to the teaching and pastoral practices of the church "

- - -

SCRANTON, Pa (NC) — Scranton Bishop James C Timlin's objection to an editorial cartoon brought an apology

(MORE)

from the daily newspaper that published it. The drawing by nationally syndicated cartoonist Patrick Oliphant that appeared Sept 25 in The Tribune in Scranton had an offstage voice shouting "OK, you American radical wackos, this is the pope! Throw down your liberal catechisms and ecumenical propaganda and genuflect on out here, quicksmarti!" A figure in the corner of the cartoon also commented, "It's old flat-Earth John himself!" In a statement that appeared in the Sept 26 issue of The Tribune, Bishop Timlin called the cartoon "an unveiled, prejudiced attack on the Catholic Church and her teachings."

- - -

WORLD

DUBLIN, Ireland (NC) — Farmers in famine-stricken Ethiopia are growing Irish potatoes because an Irish missionary discovered a variety of the tuber suited to the African country's soil. Farmers have harvested about eight times the original food-aid shipment of 500 tons of potatoes for eating and planting sent in 1985 by the Irish famine relief group Self Help. They grew enough to return the original amount to the Self Help depot in Addis Ababa, the Ethiopian capital. Of the remaining harvest, the farmers kept one-third for replanting, one-third for food for themselves and passed on one-third to other farmers. Relief agencies estimate about 300,000 people have died in the Ethiopian famine since early 1983. More than a million Irish died in the mid-1800s when the country's potato crop failed for several years.

- - -

VATICAN CITY (NC) — Catholic theologians and biblical scholars must analyze scientific explanations of human origins in the light of church teachings on original sin, Pope John Paul II said Oct 1. The pope reiterated church teaching that original sin stems from "the disobedience of Adam committed at the beginning of history." He said Catholics must reject explanations of original sin which deny this. Because of original sin "the whole human race has inherited both physical death of the body and sin, which is the spiritual death of the soul," he said at his general audience.

- - -

GLASGOW, Scotland (NC) — Leaders of Scotland's main Christian churches plan to meet on the historic island of Iona Oct 10 to prepare for the international prayer summit in Assisi, Italy, called by Pope John Paul II. The top church officials, including Catholics and representatives of the Church of Scotland (Presbyterian), plan to discuss issues affecting peace and pray together for the success of the Oct 27 summit. The pope announced last Jan 25 that he was inviting leaders of the world's religions to Assisi to launch a common global front for peace. The program does not include recitation of a common prayer, but provides for each religious group to pray according to its tradition in the presence of the other participants.

END

THEOLOGIAN Oct 2, 1986 (320 words)

VATICAN SAYS DISCIPLINING OF THEOLOGIAN UP TO HIS ORDER

By Greg Erlandson

ROME (NC) — The Vatican said it is up to Dominican Father Edward Schillebeeckx's order to decide if he needs more than Vatican criticism for his latest controversial work on the priestly ministry.

Father Damian Byrne, head of the Dominican order, said "I don't know" when asked if further action is contemplated against the theologian.

In a "notification" published Sept 23, Cardinal Joseph Ratzinger, head of the doctrinal congregation, said Father Schillebeeckx's views on priestly ministry "remain in disagreement with the teaching of the church."

While an earlier investigation of those views on ministry ended with the priest being ordered to publicly acknowledge church teaching on ordination, the most recent notification contained no directive.

Instead Cardinal Ratzinger said only that the congregation was obliged "to render public this judgment."

(MORE)

In a Sept 24 interview, Father Schillebeeckx described the notification as "the mildest form of reprimand," and said his case was now closed

Vatican spokesman Joaquin Navarro-Valls said no disciplinary measures were mentioned in the notification because — Father Schillebeeckx is retired from his position at the University of Nijmegen in the Netherlands and thus holds no ecclesial teaching post

— Disciplinary measures are taken by a theologian's superiors, not the doctrinal congregation The congregation's principal role is to flag dangers to the faith, not to impose discipline, Navarro-Valls said "They're obviously making it clear that the recent book doesn't satisfy them," Father Byrne said of the congregation's notification

"Father Schillebeeckx is most respectful of the authority of the Holy See in these matters," he added The Congregation for Religious and Secular Institutes issued a statement to National Catholic News Service Oct 2, saying it was not contemplating any disciplinary action against Father Schillebeeckx

"If anything further were to be done with regard to Father Schillebeeckx, it would be between the doctrinal congregation and the superiors of Father Schillebeeckx," the brief statement said
END

GENSLER Oct 2, 1986 (260 words) Follow-up

MISSING CINCINNATI FRANCISCAN NOW PRESUMED DEAD

CINCINNATI (NC) — A Cincinnati Franciscan priest who disappeared in August while on vacation in Grand Canyon National Park is now presumed dead, according to a sheriff's detective in Coconino County, Ariz

"The case is not closed, but it's not feasible to keep searching," the detective, Michael Roselle, told the Catholic Telegraph, Cincinnati archdiocesan newspaper

The most recent search of Grand Canyon National Park, conducted in mid-September, turned up no further signs of Father Casper Gensler, 45, who was last seen Aug 12

He was a member of St John the Baptist Province of Cincinnati and had just completed five years as pastor of Sacred Heart Parish in Calumet, Mich

The priest was reported missing when he did not begin a sabbatical year of study at the Catholic Theological Union in Chicago

Several helicopter and foot searches have been conducted along the South Rim of the canyon Pilots flying in the area have been asked to look for any sign of the priest or his belongings In addition, sheriff's deputies have distributed fliers with the priest's photograph to area residents and local media

Law enforcement officials found no evidence of foul play, and Roselle said it is presumed that the Franciscan met with some misfortune while hiking

A native of Peoria, Ill, Father Gensler was ordained in 1968 He was at St Patrick Parish, Port Sulphur, La, until 1973, when he joined the formation team at the Franciscan novitiate in Oldenburg, Ind

He was pastor of Holy Family Parish, Oldenburg, until his assignment in Calumet
END

DIAL-A-PORN Oct 2, 1986 (170 words)

BAN ON 'DIAL-A-PORN' ADDED TO ANTI-DRUG BILL

WASHINGTON (NC) — An amendment banning "dial-a-porn" telephone services was included in anti-drug legislation passed Sept 30 by the U S Senate

"Dial-a-porn" offers callers messages with heavily sexual or otherwise questionable content

(MORE)

Sen Jesse Helms, R-N C , offered the amendment Sept 27, arguing that existing law, which includes penalties against companies that enable children under 18 to hear taped pornographic messages, is ineffective A Helms aide said the amendment was attached to the anti-drug legislation because it was "the most opportune vehicle "

The amendment must be approved by the House before it can become law

The U S Catholic Conference, public policy arm of the nation's Catholic bishops, in 1984 urged the government to issue and enforce guidelines limiting access of children to the "dial-a-porn" operations

It argued that the Supreme Court has judged that obscenity is not "speech" protected by the First Amendment and that the U S Constitution does not safeguard the unrestricted ability of persons to use interstate commerce to convey obscene material

END

KANSAS Oct 2, 1986 (340 words)

KANSAS BISHOPS ASK MORAL VALUES IN LOTTERY, BETTING VOTES

KANSAS CITY, Kan (NC) — The Catholic bishops of Kansas have asked their people to let a "moral vision" of economic life shape their votes this fall on referendums that would legalize parimutuel betting and a state lottery

Speaking about the implications of racetracks and off-track parimutuels in the state, the bishops declared that when a community "legalizes professional gambling, its moral tone is usually lowered, it opens itself up to racketeering, gangsterism and other social crimes "

Speaking jointly as members of the Kansas Catholic Conference, the bishops in a 900-word statement emphasized that Catholic teaching does not condemn all gambling, but it does condemn abuses that can turn a good or morally neutral entertainment into something evil

They noted state lotteries have gained in popularity across the country in recent years as states sought ways to "replace dwindling federal dollars "

But they said the anticipated revenue has to be measured against other values

Quoting from the current draft of a still-developing national Catholic pastoral letter on the U S economy, the Kansas bishops said that a society's view of economic life "must be shaped by three questions What does the economy do for people? What does it do to people? And how do people participate in it?"

The bishops said betting itself "is not morally wrong" if the game is honest and the bettor can afford it, but they warned against uncontrolled betting and exploitation of the "betting addict "

The bishops' statement was sparked by a decision last April of the Kansas Legislature to submit to popular referendum questions of legalizing a state lottery and parimutuel betting Kansans will also be asked to vote Nov 4 on legalizing the sale of liquor by the drink

Surveys conducted by newspapers have indicated that all three referendums are supported by a substantial majority of Kansans

Bishops signing the statement were Archbishop Ignatius Strecker of Kansas City and his auxiliary, Bishop Marion Forst, and Bishops Eugene Gerber of Wichita, Stanley Schlarman of Dodge City and George Fitzsimons of Salina

END

HOSPITAL Oct 2, 1986 (510 words)

CATHOLIC HOSPITAL TOLD TO COMPLY WITH PATIENT'S REFUSAL OF FEEDING TUBE

DENVILLE, N J (NC) — A Catholic hospital in Denville has been ordered by a New Jersey superior court judge to comply with a patient's wishes that she not receive food and water through a feeding tube

The staff at St Clare's-Riverside Medical Center was asked by Beverly Requena, 55, who is suffering from amyotrophic

(MORE)

lateral sclerosis, known as Lou Gehrig's disease, to not insert a feeding tube when she can no longer swallow

Hospital spokesman Bill Huber told National Catholic News Service Oct 1 that the hospital denied her request because of a "deeply held conviction that all life is sacred "

He said the patient and her family rejected arrangements made by St Clare's for her to be moved to a different hospital or to be cared for at home

Judge Reginald Stanton ruled Sept 24 that the hospital, which is operated by the Sisters of the Sorrowful Mother, must comply with Mrs Requena's wishes and said the hospital's pro-life stand was not an issue in the case

The judge also said that to force Mrs Requena to leave St Clare's would cause additional suffering and make her feel "cast out "

The hospital filed an appeal which was to be heard Oct 6

Huber said Mrs Requena, who was admitted in April 1985, was in a stable condition and did not yet need artificial feeding, although the use of a stomach tube was "imminent "

Huber said that Lou Gehrig's disease is incurable. However, he said, a patient in a "serious state" could go into remission and never get better or worse for a long period of time

Once on an artificial feeding tube "a patient could live for years," he said

He described Mrs Requena as alert and mentally competent and, though "totally immobile," able to communicate through an "eye-blink computer "

In a statement released prior to the court hearing, the hospital emphasized that it did not "dispute or argue with the right of Mrs Requena to refuse the introduction of artificial feeding "

"The question is the right of Mrs Requena and her family to impose her wishes and desires upon the medical center "

The statement said the staff was "quick to recognize the patient's right to her decision" but at the same time was "keenly aware" of the hospital's "fundamental belief in life, regardless of how insipient, impaired or tragic it may appear "

Hospital staff arranged to transfer her to St Barnabas Hospital, a non-sectarian facility in nearby Livingston, or to her home, where care and necessary equipment would be covered by Medicaid

Huber said Mrs Requena and her family rejected the plan

St Clare's is the hospital where Karen Ann Quinlan was admitted when she lapsed into a coma April 15, 1975

In 1976, her family won a historic New Jersey Supreme Court battle to have "extraordinary means" of life support disconnected. Against most medical predictions, Miss Quinlan continued to live for more than 10 years

She was transferred from St Clare's in 1976 to a nursing home where she died June 11, 1985

END

TV REVIEWS Oct 2, 1986 (1,270 words) With photo to come

By Henry Herx and Tony Zaza

NEW YORK (NC) — Richard Burton's last major screen performance before his death was in the title role of "Wagner," the four-part dramatic miniseries premiering Friday, Oct 24, 9-10 p m EDT on PBS. The remaining programs in this "Great Performances" series air on consecutive Fridays, Oct 31-Nov 14, in the same time slot

Richard Wagner, the 19th-century German composer, combined song with theater to become a revolutionary force in the music of his era. But his sense of nationalism as he championed the unification of all Germans into one state made him a political outlaw

Wagner's personal life also was unconventional. A supreme egoist, an unconscionable womanizer and a rabid anti-Semite, he never drew the line at exploiting friend or patron. Yet his operatic work is part of our culture and, if for no other reason, this full-blown biography was worth doing

The first episode covers the crushing of the 1848 uprising against the King of Saxony which forced Wagner to flee

(MORE)

to Switzerland. There he was taken in by a wealthy patron and seduced the patron's wife, bringing his own marriage to the breaking point.

Burton is a bit too old to be playing the 35-year-old Wagner in 1848. As the series wears on to the composer's death in 1883, however, Burton becomes the part, giving a performance of brittle arrogance and bemused selfishness.

Noteworthy also in the cast are Lord Laurence Olivier, Sir John Gielgud and the late Sir Ralph Richardson as officials of the Bavarian court where Wagner spent his final years. It is the first time these three great British actors have played together on the screen, and their efforts to upstage one other are to be relished by anyone who appreciates the wit of acting.

The central focus, however, is on Wagner. Other roles, including that of Vanessa Redgrave as Cosima, the composer's second wife, are somewhat lifeless and perfunctory. Perhaps it is because PBS is presenting an edited version of what had originally been a nine-part series for European television.

"Wagner" is a series not to be missed by anyone interested in opera or 19th-century European history and culture. Shot on location throughout Europe, the programs are visually opulent and painstakingly correct in period detail.

It is a series, in other words, of limited appeal. That's unfortunate because Wagner's celebration of German nationalism helped prepare the way for Hitler's extermination camps. Wagner's music lives but the ideas embodied in his operas need to be addressed in the light of 20th-century experience. (HH)

"Alyeska," Oct. 19, PBS

"Nature" begins its fifth season of visual essays on the mysteries of the natural world with "Alyeska: The Great Land," airing Sunday, Oct. 19, 8-9 p.m. EDT on PBS.

With series host George Page, the program explores the cycle of the seasons in Alaska, known in the language of the Aleut Indian as Alyeska, which means "great land." The cold and forbidding environment of the area appears completely uninhabitable and yet it supports a wide variety of indigenous plant and animal life.

The program is a study in the harmony of nature. With eight months of the year given over to winter, the animals of northern Alaska survive either by hibernating or migrating south. During the short summer, the region is covered with nutritious plants upon which caribou, moose and bear gorge themselves.

In the "Nature" series, the photographic record of Alaskan wildlife is superb. The program's conclusion emphasizes the need for public support for legislation to conserve the wildlife of Alaska threatened by commercial interests exploiting its natural resources. (HH)

TV Programs of Note

Sunday, Oct. 19, 9-10:30 p.m. EDT (PBS) "Paradise Postponed." Adapted from John Mortimer's best-selling novel, this 11-part "Masterpiece Theatre" series spans 40 years of English life and politics after World War II. The premiere episode begins in 1985 with the sons of a village rector searching into their dead father's past to understand the mysterious provisions of his will.

Monday, Oct. 20, 9-10 p.m. EDT (PBS) "Play the Legend." Beginning with Buffalo Bill's original "Wild West Show," this program in "The West of the Imagination" series examines how film and television cowboys and Indians, Western music, rodeo riders and Frontier Day celebrations have kept the myth of the Old West alive.

Tuesday, Oct. 21, 4-5 p.m. EDT (CBS) "My Dissident Mom." Martin Sheen stars as a hardworking executive under pressure to secure a contract with a company that manufactures nuclear weapons. His wife (Annie Potts), increasingly isolated from her busy husband and self-absorbed children, joins an anti-nuclear group whose protests threaten to disrupt her husband's impending business deal. The growing conflict forces the entire family to re-evaluate individual priorities, a subject worth the attention of the young viewers of this "CBS Schoolbreak Special."

Tuesday, Oct. 21, 9-11 p.m. EDT (CBS) "Miles to Go." Highlights a family's dealing with tragedy when the mother (Jill Clayburgh) searches for a surrogate to replace her when death is imminent. Some "gallows humor" punctuates

(MORE)

the basic depiction of two people who love each other and appreciate what they have together

Tuesday, Oct 21, 9-10 p m EDT (PBS) "New Gods" Exploring the factors that have influenced religious developments in Africa, this third episode in "The Africans" series pays particular attention to how traditional African religions, Islam and Christianity co-exist as major forces in the culture of the continent

Wednesday, Oct 22, 4-5 p m EDT (ABC) "Teen Father" A teen-ager's life changes drastically when he makes the decision to take a responsible role in the raising of his newborn daughter in another thought-provoking drama in the "ABC Afterschool Specials" series for young viewers

Friday, Oct 24, 8-8 30 p m EDT (CBS) "Garfield's Halloween Adventure" This is a rebroadcast of the Emmy Award-winning animated special about the greedy lasagna-loving cat who learns a lesson in sharing

Friday, Oct 24, 8 30-9 p m EDT (CBS) "It's the Great Pumpkin, Charlie Brown" In this rebroadcast of a family television perennial, the Peanuts gang is perplexed by the spirit of Halloween. The enduring characters created by Charles M. Schulz still demonstrate an uncommon sense of caring and sensitivity

TV Film Fare

Monday, Oct 20, 9-11 30 p m EDT (NBC) "An Officer and a Gentleman" (1982) An egocentric tough (Richard Gere) rises above his disadvantaged youth by seeking recognition and some semblance of achievement in a naval officer candidate school. He falls in love with a working-class Catholic girl (Debra Winger) who is on the hunt for a husband. Hopelessly romantic, the film stresses the sexual aspects of relationships, a pro-abortion attitude and the dehumanizing nature of military training which ends in tragedy for one cadet (David Keith). Nudity and profanity. The U.S. Catholic Conference classification of the theatrical version was O — morally offensive. The Motion Picture Association of America rating was R — restricted.

Saturday, Oct 25, 9-11 p m EDT (CBS) "Psycho II" (1983) Judged not guilty by reason of insanity for the murders he committed in Hitchcock's original film, Norman Bates (Anthony Perkins) is 20 years later declared sane and returns home. In the uninspired and often absurd sequel, the relatives of some of his victims are determined to push Norman over the edge so that he has to be recommitted. Starting off with the shower murder scene from the original, the violence gradually becomes more explicit in terms of blood and gore as the film progresses. The U.S. Catholic Conference classification of the theatrical version was O — morally offensive. The Motion Picture Association of America rating was R — restricted.

Herx and Zaza are on the staff of the U.S. Catholic Conference Department of Communication
END

PHOTO ADVISORY Oct 2, 1986

Editors: The map sent to you Sept 18 captioned VISIT TO FRANCE mislocates the village of Ars which the pope will visit. According to the French Embassy, there are at least eight places named Ars in France. The town the pope will visit is Ars-en-Dombes near Lyons. The Ars on our map is Ars-en-Re.

END



national catholic news service

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NC NEWS SERVICE REPORT FOR WEDNESDAY, OCT 1, 1986

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2 SEATTLE — Hunthausen—Meeting Seattle clergy, laity angry at disciplining of archbishop (550 words)

3 HUNTINGTON, Ind — McNeill McNeill retires from Our Sunday Visitor board. (160 words)

3 VATICAN CITY — Pope—Audience Pope reiterates church teaching on original sin. (300 words)

4 SEATTLE — Hunthausen—Wuerl lead Seattle prelates plan to seek Rome clarification of problems (590 words)

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6 GLASGOW, Scotland — Pre-Assisi Scottish church leaders plan pre-Assisi ecumenical meeting (250 words)

7 RAPID CITY, S D — Sculpture Sculptor's widow offers bronze of Polish musician to pope (230 words) With photo sent Sept 20

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10 WASHINGTON — Brunsman Monterey Diocese will not accept priest known for work with divorced (530 words)

11 SCRANTON, Pa — Cartoon Scranton daily apologizes after bishop objects to Oliphant cartoon (320 words) With photo

11 VATICAN CITY — Pope—Audience add (30 words)

11 DUBLIN, Ireland — Spud Ireland sends potatoes to famine-stricken Ethiopia (180 words)

still feelings of hurt, anger and confusion within the archdiocese "

It also said that the bishops presented the group with a plan, developed a week earlier at a meeting of the archdiocesan priests' council, which "calls for the two bishops to convey to the Holy See in an appropriate way and at the appropriate time the concerns expressed by the clergy, other Religious and the lay people of the archdiocese "

A participant said Archbishop Hunthausen stressed that the problem would take a long time to resolve and the bishops indicated that they did not know yet whether they would begin their discussion with Rome by correspondence or by a visit

According to the statement, "at this point, no detailed plan has been developed by the two bishops to convey the local concerns" to the Vatican

Participants said that one point of dispute at the meeting was a comment by Bishop Wuerl objecting to the continued circulation of a petition in the archdiocese urging the Vatican to restore full authority to Archbishop Hunthausen

The bishop reportedly wanted the petition drive halted because he did not think it helped their efforts to restore unity, and he objected to the fact that leaders of the drive included some officials of the archdiocese. Archbishop Hunthausen was quoted as saying he would not view the signing of the petition as "an expression of disloyalty "

Bishop Wuerl, contacted by telephone by National Catholic News Service, declined to make any public comment about the meeting. He said he and Archbishop Hunthausen had agreed not to speak separately to the media about the issue
END

MCNEILL Oct 1, 1986 (160 words)

MCNEILL RETIRES FROM OUR SUNDAY VISITOR BOARD

HUNTINGTON, Ind (NC) — Charles J. McNeill, a former president of the Catholic Press Association and the chairman of Catholic Lists, has retired from the board of directors of Our Sunday Visitor Inc.

McNeill, 73, was honored Sept. 18 for 18 years of service to the Huntington-based Catholic publishing company. President of the CPA from 1954 to 1956, McNeill began his career in the Catholic press as a staff member of The Catholic Advance, diocesan newspaper in Wichita, Kan.

He was associate editor of the Denver-based system of Catholic newspapers from 1934 until 1943, when he joined the armed forces.

In 1946 he joined the staff of George A. Pflaum Publishing in Dayton, Ohio, and in 1957 he was appointed European director of Radio Free Europe.

In 1965 he became vice president of Catholic Lists, Mount Vernon, N.Y., and was president from 1972 until his retirement earlier this year.

He and his wife, Mary, live in the Bronx, N.Y.
END

POPE—AUDIENCE Oct 1, 1986 (300 words)

POPE REITERATES CHURCH TEACHING ON ORIGINAL SIN

By Agostino Bono

VATICAN CITY (NC) — Catholic theologians and biblical scholars must analyze scientific explanations of human origins in the light of church teachings on original sin, Pope John Paul II said Oct. 1.

The pope reiterated church teaching that original sin stems from "the disobedience of Adam committed at the beginning of history." He said Catholics must reject explanations of original sin which deny this.

Because of original sin "the whole human race has inherited both physical death of the body and sin, which is the spiritual death of the soul," he said at his general audience.

The pope also greeted the Harlem Globetrotters, the U.S. black basketball team famous for its comedy-laced exhibi-

tion games, present at the audience

Regarding original sin, the pope said "this teaching should always orient Catholic theologians and biblical scholars so they can evaluate, with the wisdom of faith, the explanations that science offers on human origins "

He repeated Pope Paul VI's 1966 warning against theological use of scientific theories that the human race descended from many couples — and not just one — to deny that original sin is the result of the disobedience of Adam, "the first man "

"The sin of Adam is transmitted to each person," said Pope John Paul

"This conviction of our faith is shown by the church's practice of infant baptism. Newborn infants are incapable of committing personal sin, yet in accordance with the church's belief they are baptized shortly after birth, for the remission of sin," the pope said

In greeting the Globetrotters, Pope John Paul said "I wish to welcome you most cordially and offer you my encouragement for your work, especially in inspiring young people to appreciate the value of sport "

The team, currently on tour in Italy, has traveled around the world giving exhibitions
END

ADVISORY Oct. 1, 1986

Editors: We will have a new lead later this morning for story slugged HUNTHAUSEN—WUERL of Sept 26. It clarifies what later emerged, which is that the bishops have no firm plans for how to bring their case to Rome, in person or by correspondence
END

HUNTHAUSEN—WUERL LEAD Oct 1, 1986 (590 words)

Editors: Clarifies in first, eighth graphs that no immediate trip planned

New lead for HUNTHAUSEN—WUERL of Sept 26, 1986

SEATTLE PRELATES PLAN TO SEEK ROME CLARIFICATION OF PROBLEMS

By Cindy Wooden

SEATTLE (NC) — Archbishop Raymond Hunthausen and Auxiliary Bishop Donald Wuerl of Seattle will seek a "forthright discussion" with the Vatican of the problems in their archdiocese, Bishop Wuerl announced Sept. 19.

In a separate action Sept. 22, the 17 Catholic bishops of Alaska, Idaho, Montana, Oregon and Washington issued a declaration that they "unanimously support" the two bishops in their efforts to deal with the controversy.

Meanwhile, Western Washington Catholics have gathered more than 12,000 signatures on a petition urging Rome to restore Archbishop Hunthausen's authority.

Archbishop Pio Laghi, papal pronuncio to the United States, defending the Vatican action during a visit to Portland, Ore., told reporters Sept. 22 that the church allows "diversity" but not "isolation" or "separation." He said the action "is not to be interpreted as a slap in the face."

In a letter Sept. 19 to all the priests of the Seattle Archdiocese, Bishop Wuerl said it seemed "futile and ultimately divisive" to continue debating in Seattle the 1983-85 Vatican investigation of Archbishop Hunthausen. The investigation led to criticisms of some aspects of Archbishop Hunthausen's administration, to the appointment of Bishop Wuerl as his auxiliary, and to a Vatican order to the archbishop to turn some archdiocesan matters completely over to Bishop Wuerl's jurisdiction.

Bishop Wuerl said it has become clear that "the archbishop does not fully understand the reasons for the conclusions" reached in the investigation, and archdiocesan priests urged the two to go to Rome for clarification.

"For this reason," he wrote, "I agreed to accompany the archbishop to Rome for a forthright discussion with the

(MORE)

proper authorities on the issues, process of the visitation, and the reaction in the archdiocese "

In a daylong meeting with archdiocesan leaders Sept 26, Archbishop Hunthausen and Bishop Wuerl indicated that there were no immediate plans to travel to Rome and that the process of clarification might be conducted, or at least started, by correspondence. Archbishop Hunthausen warned people not to expect immediate solutions, saying the process would probably take some time.

Since Sept 4, when Archbishop Hunthausen and Bishop Wuerl jointly announced the Vatican-ordered transfer of authority over liturgy, clergy education and several other areas of archdiocesan life, the two prelates have been at the center of a storm of controversy. Church historians called the unusual division of pastoral authority unprecedented in the United States.

Over the next 18 days archdiocesan offices received more than 1,400 letters from all over the country in support of the archbishop and only 17 letters criticizing him or backing the Vatican action.

Some churches scheduled prayer vigils or parish meetings to discuss and pray over the issue. The archdiocesan pastoral council expressed "great confusion, pain, disillusionment and sadness" over the Vatican directive dividing authority in the archdiocese. The priests' council met behind closed doors to plan a common response.

Twenty-four members of the board of directors of the Washington Association of Churches sent Archbishop Laghi a letter praising Archbishop Hunthausen's "prophetic leadership." They expressed concern over ecumenical implications of the Vatican's "division of episcopal authority."

Many of the groups opposing the Vatican directive stressed that they welcomed Bishop Wuerl and did not want their support for Archbishop Hunthausen misinterpreted as an attack on his auxiliary.

At a ministry conference in Tacoma Sept 20, participants greeted Archbishop Hunthausen with applause and presented him with 11 roses, one for each of his years as archbishop of Seattle.

NO PICKUP

END

ROBBERY LEAD Oct 1, 1986 (240 words)

Editors: Updates story with new information

New lead for ROBBERY of Sept 30, 1986

VATICAN CASHIERS THWART ROBBERY ATTEMPT

By Agostino Bono

VATICAN CITY (NC) — Vatican cashiers foiled three armed bandits who attempted to rob Vatican gift shop and post office receipts Sept 30, said Vatican press spokesman Joaquin Navarro-Valls.

One cashier diverted the would-be thieves while his partner set off an alarm, frightening the armed men away.

Navarro-Valls said the bandits escaped without any money.

Italian police said it was the first armed robbery attempted at the Vatican. There have previously been unarmed burglaries and thefts.

Police also said they are not sure how the three men were able to drive past guards at the Vatican gates who are supposed to check such persons for permission to enter the city-state.

The attempt occurred in the morning at the office housing the safe where receipts from gift shop and post office sales are kept, said Navarro-Valls. The office is in the Vatican city-state administrative building.

The Vatican spokesman declined to give the exact figure. He said the safe contained less than \$730,000 worth of Italian lire.

The robbers, armed with pistols and speaking Italian, ordered the two cashiers in the office to open the safe, Navarro-Valls said.

(MORE)

After the alarm was tripped, the robbers escaped by climbing over a wall near the building after abandoning the stolen car with false license plates they had driven into the Vatican, he said

NO PICKUP

END

TEXT AUDIENCE Oct 1, 1986 (500 words)

VATICAN CITY (NC) — Here is the Vatican text of Pope John Paul II's remarks in English at his general audience Oct 1

Dear brothers and sisters,

We continue our reflection on the church's teaching about original sin as formulated by the Council of Trent. Original sin deprived not only our first parents of God's special friendship but all their descendants as well. The whole human race has inherited both physical death of the body, and sin, which is the spiritual death of the soul. In its teaching about the effects of Adam's sin, the Council of Trent quotes St. Paul in his letter to the Romans in which he shows the influence of that sin on all of humanity. He writes: "Sin entered the world through one man and through sin death, and thus death spread throughout the whole human race because everyone has sinned." In the same chapter he also says that "By one man's disobedience many were made sinners."

Another truth emphasized by the decree of Trent is that the sin of Adam is transmitted to each human person by generation and not by way of imitation or example. This conviction of our faith is shown by the church's practice of infant baptism. Newborn infants are incapable of committing personal sin, yet in accordance with the church's belief they are baptized shortly after birth, for the remission of sin. In this context original sin is understood as a sin of nature, not a sin for which one is personally guilty. It is the absence of sanctifying grace in nature which has been diverted from its supernatural end.

We must always see original sin in relation to the mystery of our redemption accomplished by Jesus, "who for us and our salvation became man." We can say with St. Paul: "If it is certain that through one man's fall so many died, it is even more certain that divine grace, coming through one man, Jesus Christ, came to so many as an abundant free gift."

Among the English-speaking pilgrims and visitors present, I offer a cordial greeting to a group from England of Knights of St. Columba, members of the Brentwood province. I thank you for your wish to express once again your loyalty and devotion to the successor of Peter and to the Holy See on the occasion of your diamond jubilee.

I also welcome a group of pilgrims from Brompton Oratory in London, and from Sweden a group of Catholics from Wasteras.

My warm greetings also go to the Sisters of Marie Reparatrice taking part in their renewal program and to the Franciscan Sisters of the Poor. May the Lord sustain you all in joy and hope.

And to everyone from England, Sweden, Canada and the United States I gladly impart my apostolic blessing.

Also present at today's audience are members of the Harlem Globetrotters. I wish to welcome you most cordially and offer you my encouragement for your work, especially in inspiring young people to appreciate the value of sport in their lives.

END

PRE-ASSISI Oct 1, 1986 (250 words)

SCOTTISH CHURCH LEADERS PLAN PRE-ASSISI ECUMENICAL MEETING

By Rennie McOwan

GLASGOW, Scotland (NC) — Leaders of Scotland's main Christian churches plan to meet on the historic island of Iona Oct 10 to prepare for the international prayer summit in Assisi, Italy, called by Pope John Paul II.

(MORE)

The top church officials, including Catholics and representatives of the Church of Scotland (Presbyterians), plan to discuss issues affecting peace and pray together for the success of the Oct 27 summit

The pope announced last Jan 25 that he was inviting leaders of the world's religions to Assisi to launch a common global front for peace. The program does not include recitation of a common prayer, but provides for each religious group to pray according to its tradition in the presence of the other participants

"Wars can be decided by just a few people, but peace requires the strong commitment of all," Pope John Paul said

Although the Scottish ecumenical movement has advanced in recent years, it is still somewhat unusual for leaders of the country's churches to meet as they plan to do on Iona

The island is famous in Scottish history as the sixth-century base of St Columba, whose monks carried Christianity throughout much of middle and northern Scotland. The abbey established by the saint was restored in modern times and is the headquarters of the Iona Community, an organization of lay people and clergy dedicated to evangelization

The community was founded by Lord MacCleod of Fuinary, former moderator of the Church of Scotland
END

SCULPTURE Oct 1, 1986 (230 words) With photo sent Sept 20

SCULPTOR'S WIDOW OFFERS BRONZE OF POLISH MUSICIAN TO POPE

RAPID CITY, S D (NC) — A bronze cast replica of a sculpture depicting famed Polish musician Ignace Jan Paderewski will be offered as a gift to Pope John Paul II by the family of a deceased South Dakota artist

The sculptor, Korczak Ziolkowski, known simply as Korczak, died in 1982 after working for 35 years in the Black Hills mountain range of South Dakota to create a monument to Sioux Indian chief Crazy Horse

Ruth Ziolkowski, the sculptor's widow, has been supervising the restoration of the twice life-size work "Paderewski Study of an Immortal," and daughter Anne has reassembled fragments of the nose of the sculpture, which had been vandalized

Paderewski was an internationally renowned pianist and composer and was prime minister of Poland in the early 1900s

The original piece, carved in Italian marble, won first prize in the 1939 New York World's Fair

In 1984 the pope accepted from Mrs Ziolkowski a scale model of the Crazy Horse mountain carving

"We would be very happy if Pope John Paul II would accept the gift of this bronze for the Vatican Museum," said Mrs Ziolkowski

"Paderewski and the pope are both great symbols of courage and patriotism. Polish people have for a free Poland. So we (the family) feel this acclaimed sculpture by Korczak would have very special meaning for the Polish pope."
END

NEWS BRIEFS Oct 1, 1986 (760 words)

NATION

WASHINGTON (NC) — A group of prominent lay Catholics has launched a national fund-raising campaign to help U S religious orders facing a retirement funding deficit estimated at \$2.5 billion. At a press conference Sept 29 in Washington, organizers described their effort as the most ambitious project ever launched by laity. They also said it is a way for people taught by religious orders to pay them back for their Catholic education. The Washington-based campaign is called Support Our Aging Religious, or SOAR. A study released in May showed that although male and female religious orders are increasing efforts to fund their retirement needs, the debt for their retirement costs has reached \$2.5 billion. Religious orders of women have been hardest hit

- - -

SEATTLE (NC) — At a daylong closed meeting involving about 250 priests, Religious and lay leaders of the Seattle

(MORE)

Archdiocese, some expressed anger and frustration at the Vatican decision to strip Archbishop Raymond Hunthausen of his authority over some areas of archdiocesan life. One participant described the Sept. 26 meeting as "disastrous" and said the archdiocesan priests' council, whose members were present, held an emergency meeting during the lunch break and asked Archbishop Hunthausen and Auxiliary Bishop Donald Wuerl to scrap the original agenda in order to salvage something from the meeting. The purpose of the meeting was to discuss a course of action to resolve the problems facing the Seattle Archdiocese.

- - -

SACRAMENTO, Calif. (NC) — A proposed amendment to the California Constitution that would declare English the official language of the state has been opposed by the California bishops. Proposition 63, as the initiative is known, would cause disharmony among ethnic groups and curtail services to linguistic minorities in California, the bishops said in a statement Sept. 25. The initiative, which will appear on the November ballot in California, would jeopardize all forms of bilingual assistance, including the availability of hospital translators and court interpreters, the bishops said. They warned that passage of the initiative would "open the way for endless and costly lawsuits" against bilingual programs and services, including those sponsored by Catholic Charities, which receives state funds.

- - -

DETROIT (NC) — Lay people often see their responsibility for the mission of the church in "too restricted a way, almost in an in-house, clerical way," said Archbishop Edmund Szoka of Detroit. Such a view, he said, can result in "clericalization of laity and laicization of clergy." The archbishop's comments were made during an interview with The Michigan Catholic, newspaper of the Archdiocese of Detroit, and in an address to the archdiocesan pastoral council. In his speech, Archbishop Szoka said that while both laity and priests by virtue of baptism share in the threefold mission of Christ to preach, to sanctify and to govern, there is a difference in the way the two groups are supposed to exercise that mission.

- - -

WORLD

VATICAN CITY (NC) — Pope John Paul II has criticized the "hateful attacks" by terrorists in Paris which have "killed and wounded innocent people." The attacks have "traumatized your country," he said in a videotaped message carried on French television Sept. 29. "I feel even closer to you in sympathy and prayer," the pope said. Pope John Paul sent the message as a prelude to his scheduled Oct. 4-7 visit to France. A series of bombings in Paris left at least nine people dead and more than 160 wounded in a two-week period in September.

- - -

DUBLIN, Ireland (NC) — Ireland's bishops have called for a renewal of parish life, a greater role for the laity and a campaign to bring lapsed Catholics back to the church. During a weeklong meeting to plan for the next 10 years, the bishops also examined the role of women in the church, said Bishop Joseph Cassidy of Clonfert, Ireland, spokesman for the bishops' conference. Bishop Cassidy said the church hierarchy would examine the liturgy to see how it could be made relevant to young people, who often complain of boring sermons and the lack of music. He said lay people would be asked to help bring back to the church young people — especially in cities and towns — who had stopped practicing religion.

- - -

PEOPLE

NEW YORK (NC) — Jesuit Father Paul Murphy has been elected president of Morality in Media, a national anti-pornography organization. Father Murphy had been interim president of the group since the death in November 1985 of Jesuit Father Morton Hill, the group's founder. Father Murphy, who has been involved in the anti-pornography effort for 25 years, was founder and first president of Morality in Media of Massachusetts.

END

BROPHY Oct 1, 1986 (670 words)

MASSACHUSETTS RULING SEEN AS FIRST STEP TO LEGALIZED EUTHANASIA

By Julie Asher

WASHINGTON (NC) — Pro-life officials say that the first step toward legalized euthanasia has been taken by a Massachusetts court in its ruling to allow a feeding tube to be disconnected from a Catholic man in a "persistent vegetative state."

The Massachusetts Supreme Judicial Court ruled 4-3 that a gastronomy tube which for three years has fed Paul Brophy Sr., 49, directly through his stomach can be removed so he can die.

The court said the state's interest in preserving life was outweighed by the wishes expressed by Brophy before he became ill that he be allowed a "natural death with dignity."

According to the Brophy family's attorney, the decision handed down Sept. 11 marks the first time a state's highest court has ruled in a case involving the question of withholding food and water from a person still living without elaborate life-support systems.

Brophy remained connected to the feeding tube Oct. 1 while further appeals were being pursued.

Richard Doerflinger, assistant director of the National Conference of Catholic Bishops' Office for Pro-Life Activities, called it a first step toward legalizing euthanasia.

"Whatever philosophical case might be made for removing nutrition in certain extreme circumstances, the broad policy endorsed by this ruling will accelerate the trend toward legalizing euthanasia," he said.

"As courts allow more and more patients to undergo a lingering and unpleasant death from dehydration, pressure will grow for a 'quick-and-painless' active means for ending these patients' lives," he said.

Msgr. Orville Giese, director of research at the Pope John XXIII Medical-Moral and Education Center near Boston, said Sept. 30 that he personally hated "to see anything done to open the door to the forces of euthanasia."

He said that some consider an artificial feeding tube "extraordinary" means of treatment but that he considers such a device within the bounds of normal care.

Traditional church teaching holds that no one may take a life or withhold ordinary treatment but that extraordinary means are not required to prolong life.

Msgr. Giese said the Vatican's declaration on euthanasia in 1980 made a clear distinction between medical treatment and supportive nursing care, which the document said includes feeding and hydration.

He added that a statement from the Pontifical Academy of Sciences in October 1985, "The Artificial Prolongation of Life," also distinguished between medical treatment and feeding, although it is not an official church document.

Another priest-ethicist, Dominican Father Kevin O'Rourke, director of the Center for Health Care Ethics at the St. Louis University Medical Center, said in an address to Catholic health officials Sept. 25 in New York that giving a patient in an irreversible coma food and water by artificial means is not ethically required.

He referred to the Brophy ruling, although that was not the focus of his address. He later said his view on artificial feeding was with the "traditional notion" of Catholic teaching.

Brophy, a firefighter from South Easton, Mass., suffered a burst blood vessel in the brain on March 22, 1983. Emergency surgery was unsuccessful and left Brophy in what doctors call a "persistent vegetative state."

Although not technically brain dead, he suffered "serious and irreversible brain damage" and his doctors have said his chance of regaining cognitive function is "substantially less than 1 percent."

His wife, Patricia, asked doctors and the hospital, New England Sinai Hospital in Stoughton, Mass., to remove the feeding tube but they opposed it. A probate court found that Brophy, if able, would refuse to be fed in that manner but ruled feeding should continue. Mrs. Brophy appealed the decision.

Father Robert McDonnell, pastor of Holy Cross Parish in South Easton, where the Brophy family are members, said

(MORE)

the family "labored over the decision through the whole three years "

He described the family as "very devout and very sincere people" who "made a prayerful and for them conscientious decision after long soul-searching "

He said Mrs Brophy took Communion daily and was a very active parishioner who had the support of her children and other family members

END

BRUNSMAN Oct 1, 1986 (530 words)

MONTEREY DIOCESE WILL NOT ACCEPT PRIEST KNOWN FOR WORK WITH DIVORCED

By Stephenie Overman

WASHINGTON (NC) — A Franciscan priest whose work with divorced Catholics came under Vatican scrutiny has been denied a request to officially join the Diocese of Monterey, Calif , where he has worked for the past two years

The diocesan personnel board recommended that Franciscan Father Barry Brunzman, author of "New Hope for Divorced Catholics" and a member of the diocesan marriage tribunal in Monterey, not be incardinated into the diocese

Father Brunzman said he protested to Bishop Thaddeus Shubsda of Monterey but that the bishop decided against incardination, the process by which a priest joins a particular diocese His work with the diocesan tribunal was expected to end Oct 5

In a statement in The Observer, the diocesan newspaper, Bishop Shubsda said that through discussions with the priest "I became convinced that Father Brunzman wanted the church to change its teaching and practice He indicated that he himself was unwilling to change his own teachings and pastoral practice, which I find contrary to the teaching and pastoral practices of the church "

He said he made the statement because he was "disturbed by the untruths circulating in the Christian community" after the issue received a flurry of attention in the California press

In his statement the bishop added that he is "well aware of the good things that Father Brunzman has accomplished in his ministry" and that his decision not to accept the priest into his diocese "is not to say that Father Brunzman is not a good priest or that he has a character flaw "

Father Brunzman said, "I believe in church teaching I think that's quite clear I believe in the indissolubility of marriage As a marriage counselor that's my primacy — to work for the bond of the marriage "

In a telephone interview he said that "the real issue is how to handle failed marriages" and that he and the bishop have different approaches "He's institutional, I'm visionary "

The institutional approach "says when in doubt favor the law Pastoral practice says when in doubt favor the people," he said "Unless Rome puts the rubber stamp, we don't move I'm in the trenches, I've got to move "

Father Brunzman said Bishop Shubsda became concerned about his book, which he described as developing the church's history of handling divorce and remarriage

After his book was published in 1985 Cardinal Joseph Ratzinger, head of the Vatican's Congregation for the Doctrine of the Faith, "sent an inquiry about my work on the (marriage) tribunal I think that's the straw that broke the camel's back," the priest said

To Father Brunzman his experience is part of a wider Vatican crackdown "We're in a counter-reformation to Vatican II It's normal in history," he said After reform "the diehards come back in spades "

Father Brunzman said he had sought to leave the Franciscans and join the Monterey Diocese because "I wanted to put roots down in a small area" and he was familiar with Monterey

"I'm not leaving the church, I'm not leaving the priesthood," said Father Brunzman, who was ordained in 1956 Although he "loves parish work," he said he probably will take a teaching post

END

CARTOON Oct. 1, 1986 (320 words) With photo

SCRANTON DAILY APOLOGIZES AFTER BISHOP OBJECTS TO OLIPHANT CARTOON

SCRANTON, Pa (NC) — Scranton Bishop James C Timlin's objection to an editorial cartoon brought an apology from the daily newspaper that published it

The drawing by nationally syndicated cartoonist Patrick Oliphant that appeared Sept 25 in The Tribune in Scranton had an offstage voice shouting "OK, you American radical wackos, this is the pope! Throw down your liberal catechisms and ecumenical propaganda and genuflect on out here, quicksmart!"

A figure in the corner of the cartoon also commented, "It's old flat-Earth John himself!"

The cartoon included a listing of topics that have been a matter of controversy between the Vatican and some U.S church figures recently, including abortion, birth control, celibacy and divorce

In a statement that appeared in the Sept 26 issue of The Tribune, Bishop Timlin called the cartoon "an unveiled, prejudiced attack on the Catholic Church and her teachings "

"As the bishop of Scranton, I strongly object to this scoffing depiction of the Catholic Church and to its scurrilous tone. It saddens me to think that anti-Catholicism, commonplace on the American scene lately, has made its way so blatantly into our local press," he wrote

An editor's note following the bishop's statement said, "The Tribune deeply regrets" printing the cartoon which "ridiculed His Holiness, Pope John Paul II, and therefore was an insult to our friends and neighbors of the Catholic faith "

"We sincerely apologize for whatever offense was caused by this gross misrepresentation of the mission of the Catholic Church in today's world," the editor's note said

About 500 newspaper receive Oliphant's cartoons. A customer service representative for Universal Press Syndicate, which distributes the cartoon, said that as of Oct 1 Universal had received no complaints

An Oliphant drawing last summer showing Pope John Paul lecturing Colombians on birth control drew protests and the threat of a boycott of the Democrat and Chronicle newspaper in Rochester, N Y , which had published the earlier cartoon

END

POPE—AUDIENCE ADD Oct 1, 1986 (30 words)

Add to **POPE—AUDIENCE** of Oct 1, 1986

At the end of the audience the Globetrotters met briefly with the pope and gave him a red, white and blue basketball

END

SPUD Oct 1, 1986 (180 words)

IRELAND SENDS POTATOES TO FAMINE-STRICKEN ETHIOPIA

DUBLIN, Ireland (NC) — Farmers in famine-stricken Ethiopia are growing Irish potatoes because an Irish missionary discovered a variety of the tuber suited to the African country's soil

Farmers have harvested about eight times the original food-aid shipment of 500 tons of potatoes for eating and planting sent in 1985 by the Irish famine relief group Self Help

They grew enough to return the original amount to the Self Help depot in Addis Ababa, the Ethiopian capital

Of the remaining harvest, the farmers kept one-third for replanting, one-third for food for themselves and passed on one-third to other farmers

Holy Ghost Father Owen Lambert — a native of Carlow, Ireland, working in the Gamo Gofa district of Ethiopia — helped develop the idea. Father Lambert discovered a variety of potato known as "Cara" — Gaelic for "friend" — grown in County Donegal, Ireland, was ideal for sowing in Ethiopian soil

Relief agencies estimate about 300,000 people have died in the Ethiopian famine since early 1983

More than a million Irish died in the mid-1800s when the country's potato crop failed for several years

END



national catholic news service

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NC NEWS SERVICE REPORT FOR MONDAY, MAY 5, 1986

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PEDOPHILIA May 2, 1986 (560 words)

PRIEST PEDOPHILIA CALLED CHURCH'S BIGGEST PROBLEM 'IN CENTURIES'

By Andy Rodriguez

MORRISTOWN, N J (NC) — Sexual molestation of children by Catholic clergy is the church's most serious problem "in centuries" and has far-reaching consequences, said Dominican Father Thomas P Doyle, a canon lawyer.

The church has a deep obligation to the laity to look into the problem of priests afflicted by such a disorder, known as pedophilia, he added

Father Doyle, from the Dominican House of Studies in Washington, spoke April 29 during the annual eastern regional conference of the Canon Law Society of America, held in Morristown

Other speakers at the seminar were Dr Steven Montana, clinical psychologist at St. Luke Institute Inc. in Suitland, Md , and F Ray Mouton, a Louisiana attorney who defended Father Gilbert Gauthier, a priest in the Lafayette, La , Diocese who was sentenced last October to 20 years of hard labor without parole on sex charges

The priest, suspended by the diocese in 1983, pleaded guilty to more than 30 crimes of child pornography and sexual abuse of children

Father Doyle said such cases could cost the church massive monetary settlements paid to victims and their families, the jailing of priests, the possible suicide of priests, suicide of victims, the prosecution of bishops for criminal negligence, and a nationwide class action suit against the church for billions of dollars

Father Doyle said only a "miniscule" number of priests are afflicted with pedophilia, but the public perception of the problem makes it "extremely difficult" for priests to do their work properly

Mouton said dioceses must deal with the problem honestly, not develop a siege mentality or hope the problem will just go away

"If we don't act now, the consequences will be catastrophic," Mouton said. "If kids are left untreated, you have a time bomb walking in your community "

He said Bishop Gerard L Frey of Lafayette had known about Father Gauthier's problem since 1982 but kept it quiet and sent Father Gauthier to psychiatrists who knew nothing about pedophilia.

Bishop Frey has said he made the "mistake" of "not being able to recognize the depth of (Father Gauthier's) illness" earlier because the priest "skillfully masked his condition." The bishop has called charges of cover-up "irresponsible "

Last February a jury awarded \$1 million to one of the victims, an 11-year-old boy, and awarded \$250,000 to his parents. The diocese has reportedly settled out of court with 13 other families

Mouton outlined a six-step procedure dioceses should follow if the problem arises

- Attempt spiritual reconciliation with the victims and their families**
- Review the pertinent canon laws**
- Get good civil and criminal law advice**
- Send the accused priest to Dr Montana for psychiatric help (Mouton said he considers Montana the best in the country)**
- Tell the parish community the truth**
- Deal with the public and the media truthfully, openly and honestly**

Montana, discussing the clinical aspects of pedophilia, said almost nothing is known about the causes but that there is a high incidence of pedophiles who are molested when they were young

He said pedophiles also may have had a non-sexual trauma — like a death in the family or a divorce — during their childhood

Montana said prison is not an effective deterrent to pedophiles and that psychiatric treatment has better success as well as a drug called Depo-Provera, which lowers sex drive and has no side effects

END

CLAIM May 2, 1986 (530 words)

PAPAL VISIT INSURANCE CLAIM SETTLED, INDIANS AWAIT HIS RETURN

By Greg Erlandson

WASHINGTON (NC) — A northern Canadian diocese has been reimbursed by an insurance company for losses resulting from the cancellation of Pope John Paul II's scheduled visit to the region — amid talk that he will try again in 1987.

Father Camille Piche, diocesan coordinator of the cancelled papal visit to the Diocese of Mackenzie-Fort Smith and a member of the Fort Simpson papal visit committee, told National Catholic News Service May 2 there is "an 80 percent chance" the pope will return to Canada's Northwest Territories during his expected 1987 visit to the Western United States.

Father Piche expressed satisfaction with the insurance settlement.

"I was really glad we have received a settlement. It was quite fair," Father Piche said.

During his 1984 papal visit to Canada, the pope was to have met with Canadian Indians and others at Fort Simpson. Heavy fog forced the cancellation of the visit.

Fort Simpson, a town of about 1,000 people, is 600 miles south of the Arctic Circle. About 5,000 people had turned out for the papal visit, including 2,000 Indians and Inuit (Eskimos).

The Canadian bishops' conference had insured the papal visit early in 1984 to cover losses that would result if all or part of the papal visit could not be completed. The bishops' conference spent an estimated \$16 million on the papal visit.

The insurance policy was brokered by Reed Stenhouse Limited of London, Ontario.

The negotiated settlement for \$256,189 represents 50 percent of the claims made by church organizations, Father Piche said. The settlement covers \$51,934 of losses suffered by Fort Simpson's papal visit committee.

The Diocese of Mackenzie-Fort Smith and neighboring dioceses received \$106,500, and the Canadian bishops' conference received \$97,755. Minus a \$50,000 deductible, the total amount to be received by all parties will be \$206,189.

Father Piche said a particular concern was the reimbursement of those who had traveled great distances to meet the pope. He said one group traveled more than 1,000 miles by bus from the northern Saskatchewan and Manitoba provinces. Another group flew 1,000 miles from White Horse, Yukon Territory.

Claims made by these groups were settled through the diocese.

Other costs to be reimbursed included administrative expenses, the construction of a podium, monument and campsites for visitors, he said.

The bishops' conference was reimbursed for money it gave to Fort Simpson's papal visit committee.

Father Piche said the money received by that committee, which represented the area's Indian groups, would be put in a trust fund in preparation for the return visit of the pope.

The pope, who had expressed regret about the canceled trip, has repeated a desire to try again to visit Fort Simpson. Father Piche said the pope has met with both Indian representatives and the governor general of Canada in recent months.

"There are many rumors," Father Piche said, "but nothing definite now." However, he said he felt there was an 80 percent chance of a visit next year.

He said many gifts for the pope, including a chair constructed from moose antlers, a tree trunk and beaver fur, have been awaiting the papal return since 1984.

"We still have an empty chair here," the priest said.

END

BRZEZINSKI May 2, 1986 (450 words) With photo

U S BISHOPS AMBIGUOUS ON DETERRENCE, BRZEZINSKI SAYS

By Tracy Early

NEW YORK (NC) — National security strategist Zbigniew Brzezinski, speaking at the annual John Courtney Murray

(MORE)

Forum May 1, said the U S bishops' 1983 pastoral letter on war and peace was ambiguous on nuclear deterrence in a way that could make it counterproductive

"Many things in the pastoral are helpful, command respect and provide a framework for long-range efforts," he said "The part that troubles me most concerns deterrence and what we do if deterrence fails It seems to come to the point that if it fails, nuclear weapons should not be used The problem is that this destroys deterrence "

Brzezinski, a Catholic born in Poland, served as national security adviser under President Jimmy Carter He is now professor of government at Columbia University in New York and counselor at the Georgetown University Center for Strategic and International Studies in Washington

Jesuit Father John Courtney Murray, who died in 1967, was noted for his pioneering work in relating Christian thought to political and social issues. The forum honoring him is held under Jesuit auspices in New York each year with funding from the Henry Luce Foundation and Luce's widow, Clare Boothe Luce

Brzezinski said he was more impressed by a statement by the French bishops on deterrence that same year The French bishops declared that nuclear deterrence is "still legitimate" and said the cause of peace can be served by forcing an aggressor into "an appropriate fear" and a more prudent course of action

The U S bishops, meanwhile, had declared a "strictly conditioned moral acceptance of nuclear deterrence" only as an interim policy on the way to disarmament

Said Brzezinski, "The American bishops maybe were in some inner disagreement they couldn't resolve Their statement is ambiguous, and, if taken literally, counterproductive "

Brzezinski titled his address "The Strategic Implications of 'Thou Shalt Not Kill,'" and began by declaring that he was not a pacifist but believed "the use of force should be influenced, to the extent possible, by moral considerations "

He argued that it would not be possible to eliminate nuclear weapons as a problem for strategists

"Whether we like it or not, they are part of our consciousness, of our knowledge, of our memory, and thus they are an integral and organic part of our living reality," he said He added that even if nuclear weapons were totally dismantled, a nation that was losing a war "would be almost certain to reconstruct them and to use them in order to avert defeat "

Analyzing possible approaches to the problems of nuclear weapons, Brzezinski said he favored combining an immediate move toward a "limited strategic defense" with a "limited U S first strike capability." He said this approach would "enhance our security without generating Soviet insecurity "

END

TV REVIEWS SECOND ADD May 2, 1986 (210 words) With photo to come

Add to TV REVIEWS of May 1, 1986

"Johnny Bull," May 19, ABC

"Johnny Bull," a new drama developed at the National Playwrights Conference at the Eugene O'Neill Theater Center, features Jason Robards and Colleen Dewhurst and airs Monday, May 19, 9-11 p m EDT on ABC

Arriving from England after she marries an American soldier, Iris Kovacs (Suzanna Hamilton), a lighthearted and optimistic Cockney girl, discovers that life in America is not quite what she expected

Newly wed and expecting a baby, Iris moves in with her husband, Joe, his developmentally disabled sister, and his quirky parents, played with eloquent touches of humor and anger by Robards and Ms Dewhurst

Frustrated in her attempts to bring some joy into the gloomy household beset by unemployment and a mysterious tragedy, Iris is given the option of conforming to the narrow vision of her stubborn and antagonistic father-in-law, who dominates the homestead, or creating her own alternatives

As she makes her decision, we know that it is in the spirit of a young woman who still believes in the American dream

Directed by Claudia Weill, the program offers a positive assessment of one woman's responsibility to herself and

(MORE)

to her baby in a drama which should make rewarding, if not empathetic viewing (TZ)
END

PRESSURES May 2, 1986 (500 words)

SOUTHERN AFRICAN BISHOPS BACK ECONOMIC 'PRESSURES' AGAINST APARTHEID

By Carmel Rickard

DURBAN, South Africa (NC) — The South African bishops have become the first governing body of a South African church to support economic attacks on apartheid, their country's system of racial discrimination

The bishops gave their qualified support to "economic pressure for justice" May 2 after an April 29-May 1 special meeting in Durban. They did not identify specific actions.

Their stand is outlined in a pastoral letter intended for reading in South Africa's Catholic parishes. Some priests and laity, however, are opposed to the bishops' decision.

The bishops said that they took their stand because of "the unprecedented seriousness of our present crisis, the enormity of the present suffering of the oppressed people of South Africa and the horrifying specter of escalating violence."

Economic pressure, they said, seems to be the most effective of the non-violent forms of pressure available. In their decision the bishops said they were "deeply concerned about the additional suffering that some forms of economic pressure might cause," but against this was balanced "the enormity of the present suffering and rate of unemployment and the prospects for the future if the system of apartheid is not dismantled soon."

Black South Africans are barred from voting in national elections or running for national office. In addition, there are several laws regarding residence, employment and interracial relations.

The bishops backed those South Africans who have already decided that economic pressure was justified. "We not only respect their decision but express our admiration for their dedicated service in working for justice here."

Some of the pressures include strikes, a call for various foreign sanctions against South Africa and disinvestment by foreign firms with South African branches.

However, the bishops said they "cannot give specific advice on how exactly economic pressure can or should be applied."

The bishops said they believe "that economic pressure has been justifiably imposed to end apartheid. Moreover, we believe that such pressure should continue and if necessary be intensified should developments show little hope of fundamental change."

They said that genuine change would include releasing imprisoned political leaders and allowing their banned organizations to function again. The bishops said they would decide on the need to increase or decrease pressure depending on movement on these issues.

However, the bishops said that economic pressure is only justified if it is not applied in such a way as to destroy the economy or increase unemployment.

"At the moment we can see no justification for the sort of pressure that would leave a liberated South Africa in an economically unviable situation," they said.

The bishops said they realized that they have taken "a bold stand on controversial issues in the sphere of politics and economics" and that not all Catholics will agree with them. Nevertheless, they said they believe they are giving a lead "that must be taken seriously."

A special commission is to be established within the bishops' conference to provide ongoing advice to the bishops on these and related issues.

END

CASTRILLON May 2, 1986 (680 words)

LIBERATION THEOLOGY DOCUMENTS WILL STIMULATE CHURCH, BISHOP SAYS

By Tracy Early

MANHASSET, N Y (NC) — The two recent Vatican documents on liberation theology will stimulate the Latin American church to do more for the poor, said Bishop Darío Castrillón Hoyos of Pereira, Colombia, secretary general of the Latin American bishops' council, in an interview May 1.

He also praised the record of Cuba in providing social services, and said he saw "a little light" for the future of the Cuban church.

The bishop also commended the U S bishops' proposed pastoral letter on the U S economy and stressed the need of Latin America for help in dealing with its international debt.

Bishop Castrillon was interviewed at the Jesuit St Ignatius Retreat House in Manhasset, Long Island. He was giving a retreat, sponsored by the Northeast Catholic Pastoral Center for Hispanics, for priests who are Hispanic or involved in Hispanic ministries.

Asked to assess the documents on liberation theology issued by the Congregation for the Doctrine of the Faith, one in 1984 and the other last April, he said they had given the liberation theology concept formal acceptance after a time of uncertainty and would bring greater church activity for justice.

"Many people in the church were timid because of the struggle over the ideas of liberation theology," Bishop Castrillon said. "They were afraid to follow in that line which was not clear. Now when the Holy See has spoken so freely, the timid will act with more energy to accompany the poor and to unmask the injustices."

While the original concept of liberation theology as laid out by Peruvian Father Gustavo Gutierrez in 1971 was "good," Bishop Castrillon said, a number of Latin Americans took a "more extreme line." Many bishops were sympathetic to the concept, he said, but did not use the term in the documents of their 1979 meeting at Puebla, Mexico.

But after the first Vatican document on liberation theology came out, he said, "every bishop began to use the term, and liberation theology was accepted in the church, but with a critical approach."

The first document criticized branches of liberation theology which use "concepts uncritically borrowed from Marxist ideology."

"Many people say that document was negative," the bishop said. "From my point of view it is not a negative document. It is a document aware of the negative points of liberation theology, but it opened the door to the word and the idea, which is a Christian one of liberation in Christ. So the document as such is very positive, even for liberation theology."

The positive points included in the first document are developed in the second, Bishop Castrillon said.

Bishop Castrillon called for greater freedom in Chile, Cuba and Nicaragua, but also freedom in other countries. "not to die of hunger." In emphasizing the urgency of overcoming disparities between rich and poor, he gave credit to Cuba for its accomplishments in social welfare, including health and schools.

"Two months ago I was in Cuba for a week, and also last year," he said. "One must say that if there is poverty in Cuba, one cannot see misery as in many other countries."

He also saw hope in Cuba for greater religious freedom. "In this moment I see a little light is shining in Cuba for the church, a little opening," he said. The strategy of the church there, he said, should not be to "look backward to the difficulties in the past," but to look at the new situation and the opportunities for future participation in the life of the country.

Bishop Castrillon and other Latin American bishops met April 16-18 in Miami with the U S bishops' committee drafting the pastoral on the economy. "I like it," he said of the draft document.

Among the topics covered in the draft pastoral and in the Miami discussion was the Latin American debt crisis.

"Latin America has to pay the debt, but exceptions must be considered," Bishop Castrillon said. "There are nations

(MORE)

that can't pay, and most nations are not able to pay under the present conditions. They need more time and not so high interest."

END

SANCTUARY—BISHOPS May 2, 1986 (540 words)

SANCTUARY WORKERS DESERVE RESPECT, CHANCE TO APPEAL, SAY ARIZONA BISHOPS

TUCSON, Ariz (NC) — Sanctuary workers convicted May 1 in Tucson for illegally aiding Central Americans deserve respect and a chance to appeal, said Arizona's three Catholic bishops.

The statement was issued by Bishops Thomas J. O'Brien of Phoenix, Manuel D. Moreno of Tucson and Jerome J. Hastrich of Gallup, N.M., whose diocese includes part of Arizona.

Among the eight convicted were School Sister of St. Francis Darlene Nicgorski, Father Anthony Clark, a priest of the Diocese of Davenport, Iowa, in residence at Sacred Heart Church, Nogales, Ariz., and Father Ramon Dagoberto Quinones of Nogales, Mexico.

"The help offered refugees by the sanctuary workers continues to deserve our respect, as flowing from valid religious, humanitarian motives and beliefs, and is consistent with the ideals upon which our country was founded," the bishops said in their statement, issued the same day as the convictions.

They said the United States "has still failed to address the problems faced by refugees from Central American countries in the just and generous manner in which it has helped refugees fleeing danger in other areas of the world."

Saying they were pleased that three defendants were found innocent, the bishop called it premature to assume that the eight convicted are guilty before all the avenues of appeal have been explored.

"It is obvious that several aspects of this case have been handled in a restrictive, legalistic manner that has made it difficult for all the issues to be presented and argued fully," the bishops said. "Review of the proceeding in the sanctuary case by a higher court is important in order to make sure that the legal rights of those convicted are fully protected."

Throughout the trial, which began last October, U.S. District Judge Earl H. Carroll had ruled that testimony about the defendant's religious views or about conditions in Central America could not be allowed in the case.

The bishops called for "a humane, consistent application of the Refugee Act of 1980" by the U.S. Immigration and Naturalization Service.

They also urged passage of a bill in Congress, introduced by Sen. Dennis DeConcini, D-Ariz., and Rep. Joe Moakley, D-Mass., which would allow Salvadorans to stay in the United States temporarily.

In a statement issued May 1 in Milwaukee the School Sisters of St. Francis pledged to "stand with our sister, Darlene Nicgorski."

The statement said, "We believe the meaning of the long sanctuary trial in Tucson is clear. More people have heard the heretofore silent cries of the displaced, the detained, the dead, the refugee. A trial cannot silence the hundreds of sanctuary workers who heard their cries and responded. Rather, the trial impels us to join our voices in support of the voiceless."

"As School Sisters of St. Francis we will continue to side with the poor and powerless, whatever the cost," the statement said.

At a press conference in Phoenix, Father Anthony Sotelo, diocesan vicar for Spanish-speaking in the diocese, said that in the early days of the church it was against the law to be a Christian. Now again, "it is against the law to be a Christian to the fullest. Before Christians were thrown to the lions, now they are thrown to the government."

END

PARE May 5, 1986 (100 words) With photo

GERARD PARE TO HEAD COUNCIL FOR EVANGELIZATION

CHICAGO (NC) — Gerard Pare has been named the first executive director of the National Council for Catholic Evangelization, a 3-year-old organization linking dioceses, religious congregations and parishes in evangelization efforts

Pare has been director of Rite of Christian Initiation of Adults programs and associate director of liturgical services in the Diocese of Fort Wayne-South Bend, Ind. He holds master's degrees in theology from the University of Notre Dame and in Scripture from the School of Theology at Claremont College in California

The president of the council is Father Patrick Brennan of Chicago
END

NEWS BRIEFS May 5, 1986 (690 words)

NATION

TUCSON, Ariz (NC) — Eight church workers found guilty May 1 of aiding illegal Central Americans vowed to continue their work in the sanctuary movement. After the verdict was returned Sister Darlene Nicgorski, a School Sister of St. Francis, said, "I have no regrets at all." Another defendant found guilty, Father Anthony Clark, a priest of the Diocese of Davenport, Iowa, in residence at Sacred Heart Parish in Nogales, Ariz., said in an interview after the trial that "so long as there are refugees there will always be sanctuary. If people come to me and ask my assistance I will respond accordingly."

MORRISTOWN, N.J. (NC) — Sexual molestation of children by Catholic clergy is the church's most serious problem "in centuries" and has far-reaching consequences, said Dominican Father Thomas P. Doyle, a canon lawyer. The church has a deep obligation to the laity to look into the problem of priests afflicted by such a disorder, known as pedophilia, he added. Father Doyle, from the Dominican House of Studies in Washington, spoke April 29 during the annual Eastern regional conference of the Canon Law Society of America, held in Morristown. Father Doyle said pedophilia cases could cost the church massive monetary settlements paid to victims and their families, the jailing of priests, the possible suicide of priests, suicide of victims, the prosecution of bishops for criminal negligence, and a nationwide class action suit against the church for billions of dollars.

NEW YORK (NC) — National security strategist Zbigniew Brzezinski, speaking at the annual John Courtney Murray Forum May 1, said the U.S. bishops' 1983 pastoral letter on war and peace was ambiguous on nuclear deterrence in a way that could make it counterproductive. "Many things in the pastoral are helpful, command respect and provide a framework for long-range efforts," he said. "The part that troubles me most concerns deterrence and what we do if deterrence fails. It seems to come to the point that if it fails, nuclear weapons should not be used. The problem is that this destroys deterrence."

WORLD

DURBAN, South Africa (NC) — The South African bishops have become the first governing body of a South African church to support economic attacks on apartheid, their country's system of racial discrimination. The bishops gave their qualified support to "economic pressure for justice" May 2 after an April 29-May 1 special meeting in Durban. They did not identify specific actions. The bishops said that they took their stand because of "the unprecedented seriousness of our present crisis, the enormity of the present suffering of the oppressed people of South Africa and the horrifying specter of escalating violence." Economic pressure, they said, seems to be the most effective of the non-violent forms of pressure available.

(MORE)

VATICAN CITY (NC) — A Vatican progress report on religious sects should help promote “more understanding than aggressiveness” by Catholics toward new religious movements, said a priest who helped prepare the document. The study also might help open up the possibility of ecumenical dialogue with the movements, said the priest, Nigerian Father Jude Okolo, an expert in new religions at the Vatican’s Secretariat for Non-Christians. Father Okolo was one of three people in charge of writing “Sects or New Religious Movements: Pastoral Challenge” from a survey of bishops’ conferences around the world. He said he hoped the report would “increase awareness of the average Catholic’s duties and responsibilities toward these groups.” As the document suggests, he added, that means discovering some of the good elements in sects.

VATICAN CITY (NC) — Pope John Paul II has asked Italian bishops to take a “patient and loving” attitude toward couples who have not had church marriages. “Pastors never tire of telling people who live together that they should not consider themselves separated from the church,” the pope said. “Even though it is impossible to admit them to eucharistic Communion, they are not excluded from our affection, benevolence and prayer,” he said. The pope spoke May 2 to 16 bishops from Italy’s northern Adriatic coast region of Emilia-Romagna. The pope cited unmarried people living together as one of the main social conditions causing the “disintegration of the family” and asked the bishops to increase efforts to improve family life.

END

POPE—WEEKEND May 5, 1986 (870 words) Roundup

POPE EXPRESSES ‘AFFECTION’ FOR UKRAINIAN VICTIMS OF NUCLEAR ACCIDENT

By John Thavis

VATICAN CITY (NC) — Pope John Paul II has expressed his “particular affection” for the victims of a Soviet nuclear power plant accident in the Ukraine that released radiation over a large section of the region.

The pope’s expression of solidarity with Ukrainians came on Orthodox Easter, celebrated May 4 this year by the world’s approximately 35 million Orthodox Christians and some Catholics. The pope, in a noon talk, said he hoped the continuing dialogue between the two churches would lead to “full communion.”

In other meetings over the May 3-4 weekend, the pope told an Australian group that he looked forward to a trip to their country next November and underlined the importance of the parish to an international meeting of Focolare members.

“To all those who today celebrate Easter, Orthodox and Catholics, I send my thoughts, with particular affection for those who, for whatever reason, are suffering. I am thinking with a special intensity of feeling of the peoples of Kiev and the Ukraine,” the text of the pope’s “Regina Coeli” talk said.

Although the pope did not speak the two sentences when he addressed some 80,000 people in St. Peter’s Square, he did so later in the day during a parish visit. He added that he was thinking especially of Ukrainians because of “the circumstances of these last few days of which we are all aware.”

The explosion at the nuclear reactor at Chernobyl, some 60 miles north of the Ukrainian capital of Kiev, killed two people and injured about 200, the Soviet Union has said. But Western sources said they believe the death toll might have been higher.

Fallout has spread to several neighboring European countries, in quantities which experts said were many times greater than average but not life-threatening.

An estimated 3 million to 4 million Ukrainian Catholics live in the Soviet republic.

The pope said he was pleased that in many countries, Catholics who live with an Orthodox majority have decided to celebrate Easter on the Orthodox date. He said the practice “promotes the unity that is desired so much.”

“We would have liked to have celebrated together, on the same date, the one Easter,” the pope said of the different

(MORE)

Catholic and Orthodox celebrations "Until now it has not been possible Let's hope it will be in the future "

The pope pronounced the phrase, "Christ is risen," in Greek, Slavic and Romanian, major languages among Orthodox Christians

Speaking to about 8,000 members of the worldwide Focolare movement May 3, the pope strongly defended the traditional parish as the way to bring Catholics together in community

"The parish is not principally a structure, a territory, an edifice The parish is in the first place a community of faithful," the pope said in a talk at the Vatican

Some in recent years have suggested that the parish might be outdated, the pope said Especially in cities, he said, objections have been made that the parish is inadequate to meet the spiritual needs of children and elderly, or "the emarginated, disappointed or indifferent "

The parish alone cannot meet all these needs, the pope said, but he added that "even today the parish can live a new and great season " It is still the place where contemporary people, confused and disoriented, can seek real encounter and real communion, he said

The same day, the pope met with a group of students and teachers from Sacred Heart Regional Girls' College in Melbourne, Australia, and spoke publicly of his planned visit there this fall

"As you can imagine, I very much look forward to visiting Australia in November I ask you to pray for the pastoral success of that part of my apostolic ministry," he told the group

The pope is expected to visit New Zealand and Fiji during the visit, which Vatican sources said will end during the first week in December

In a brief talk May 3 to a group of Yugoslavian Catholics, the pope emphasized the importance of living the faith in everyday society

"The faith that does not become culture is a faith that is not accepted sufficiently and not lived in a complete way," the pope said, speaking in Croatian

The Croatian people, the pope said, have "roots in the Christian faith" and should develop their "Christian culture " The group was from Split and Zagreb, cities in Croatia, a heavily Catholic region of Yugoslavia Yugoslavia maintains diplomatic relations with the Vatican, but the church there has been limited in its activities to a strictly religious sphere. About one-third of the country's 22 million people are Catholic

Speaking to a group of Italian students and their parents, the pope the same day stressed that parents have a primary responsibility for their children's education That includes carefully choosing schools that promote Christian values, he said

The pope ended his weekend with a visit May 4 to the Rome parish of San Felice di Cantalice, located in the poor Roman suburb of Centocelle Speaking in a square that overlooked acres of high-rise apartment buildings, the pope offered a "special word of encouragement" to "those who don't feel themselves to be participants" in the parish

A recent parish study showed that only about 10 percent of parishioners attend weekly Mass
END

TRIDENTINE May 5, 1986 (320 words)

FRENCH CATHOLICS PETITION FOR TRIDENTINE MASS AT CHARTRES CATHEDRAL

CHARTRES, France (NC) — Some French Catholic groups are petitioning for the right to celebrate the Tridentine Mass at the Gothic cathedral in Chartres

Bishop Michel Kuehn of Chartres has denied permission for the Mass, sought by a coalition calling itself Christian Solidarity

The Tridentine Mass, established in the 16th century, was replaced by the new form of the Mass instituted by the

(MORE)

Second Vatican Council

In October 1984, Pope John Paul II restored the Tridentine Mass on a limited basis, at the discretion of the local bishops. One condition spelled out in the pope's permission was that "there must be unequivocal, even public evidence that the priest and people petitioning have no ties with those who impugn the lawfulness and doctrinal soundness of the Roman Missal promulgated in 1970 by Pope Paul VI."

Bishop Kuehn said in April that the groups had refused to provide that evidence.

Last year, the groups ignored the directives of the bishop and celebrated a Tridentine Mass inside the cathedral at the end of a Pentecost pilgrimage. About 3,000 people attended.

The Tridentine followers, known in France as "Integrists" — members of a movement opposed to Vatican II changes — said they hoped to repeat the Mass this year at the end of a Pentecost pilgrimage May 19.

In the petition, the group asked signers to act "against this discrimination and for Catholic peace."

Politically, some Christian Solidarity groups favor the militant extreme right of Jean-Marie Le Pen, leader of the National Front.

Cardinal Jean-Marie Lustiger of Paris has criticized the National Front, which has been accused of racism and is harshly anti-immigrant.

In a Washington interview in April, Cardinal Lustiger said that "some groups related to (dissident) Archbishop (Marcel) Lefebvre" are involved in the National Front, and National Front meetings sometimes feature Tridentine Masses.

Followers of Archbishop Lefebvre have petitioned for wider use of the Tridentine Mass.
END

METHODIST—REACT May 5, 1986 (550 words)

METHODIST GROUP OBJECTS TO NUCLEAR LETTER, CATHOLIC BISHOP PRAISES IT

By Jerry Filteau

NC News Service

The United Methodists for Religious Liberty and Human Rights has attacked the United Methodist bishops' war and peace pastoral, while Catholic Bishop Thomas Gumbleton, head of Pax Christi USA, praised it.

The pastoral letter rejected any actual use of nuclear weapons and opposed nuclear deterrence "even as an interim ethic." It was issued unanimously by the United Methodists' 61-member Council of Bishops at its spring meeting April 29.

The liberty and rights group declared two days later that the letter did "a serious disservice to the church" by its "failure to discuss the Soviet system."

"There is no discussion — in over 100 pages — of Marxism-Leninism or of democratic values," the group said. It said the Methodist bishops "try to solve the problem of nuclear weapons by denying the nature and the threat of totalitarianism."

Those adhering to the position on nuclear deterrence and disarmament taken by the letter "would be more honest if they frankly endorsed unilateral disarmament," it added.

The liberty and rights group is a committee of the Institute on Religion and Democracy. Diane Knippers, program coordinator of both the institute and the committee, said the institute, with a membership of about 1,500, was founded five years ago by Protestants and Catholics "concerned about the tilt to the radical left of the mainline churches on (U.S.) foreign policy."

The United Methodist letter was approved almost three years to the day after the Catholic bishops of the United States approved their own pastoral letter on war and peace. Like the Methodist document, the Catholic letter also rejected virtually any conceivable use of nuclear weapons. It seriously questioned U.S. nuclear defense policies but did not condemn deterrence outright.

(MORE)

In a brief statement marking the third anniversary, Cardinal Joseph Bernardin of Chicago praised the Methodist bishops for adding their voices to the public policy discussion. Cardinal Bernardin, who headed the committee that wrote the Catholic pastoral, said that document "has had a dramatic impact" on the views of many Americans toward nuclear weapons.

Bishop Gumbleton, an auxiliary in Detroit, said in a phone interview that the Methodist document reflects his personal stance on nuclear deterrence more accurately and adequately than the Catholic pastoral did.

"That's not to say I disagree with ours," said the bishop, who was a member of the Catholic pastoral's writing committee. "I voted for it and I go along with it."

But, he said, the Methodist bishops gave a "more explicit and clearer" statement of the moral difficulty with nuclear deterrence. "They were absolutely correct in saying you can't build peace on hostility," he said.

The Catholic bishops said the same thing when they dealt with the political and diplomatic atmosphere for peace, Bishop Gumbleton said. But when the Catholic bishops addressed nuclear deterrence itself "we weren't quite so willing (as the Methodists) to step right up to the problem," Bishop Gumbleton said.

Bishop Gumbleton is also a member of a new committee of Catholic bishops, formed at his request last November, to assess the morality of U.S. deterrence policies since 1983 in light of the Catholic pastoral.

He said that in repudiating the recent directions of U.S. deterrence policy as immoral, the Methodist bishops did "what I hope our committee will do."

END

EXPLOSION May 5, 1986 (320 words)

POLICE HEAD ASKED TO STEP DOWN AFTER LINKING PRO-LIFERS TO EXPLOSION

By Teresa Coyle

ST. LOUIS (NC) — Eleven state legislators have called for the removal of a St. Louis County police superintendent after he linked anti-abortion demonstrators to an industrial plant explosion.

In a letter to county government leaders, the legislators said the superintendent, Col. G. H. Kleinknecht, made "scurrilous, slanderous" remarks "without any evidence or foundation in fact."

Anti-abortion leaders also have called for an investigation into Kleinknecht's allegations and have said the superintendent has defamed the entire pro-life movement.

Kleinknecht's remarks stemmed from an April 19 anti-abortion demonstration and explosions a mile away at a plant owned by Ramsey Corp., a manufacturer of piston rings.

The first in a series of explosions at the plant occurred during the abortion clinic protest, which was coordinated by the National Pro-Life Network as part of its annual convention.

The cause of the blasts, which leveled a storage shed containing acetylene tanks, was still under investigation in early May.

Kleinknecht was quoted by reporters at the scene as saying the blasts were a "diversionary tactic" to draw police away from the demonstration. He also called the explosions "more than coincidental."

"The whole movement has been indicted and judged guilty by proximity," said pro-life activist Loretto Wagner in an interview with the St. Louis Review, the archdiocesan newspaper.

"It was an act of desperation due to the fact that they can't seem to get pro-life people to stop (demonstrating) out at the clinic," despite jail sentences, fines and "very rough treatment that they've had recently from the police," she said. She said lawyers for the pro-life group may file suit for defamation of character.

Father Joseph F. Naumann of the St. Louis archdiocesan Pro-Life Committee said Kleinknecht's statements "seemed rather wild and irresponsible."

But he said the pro-life committee was working on legislation to curb abortions and did not consider it a priority to bring about the removal of Kleinknecht.

END

CLERGY May 5, 1986 (330 words)

ORDAINING MARRIED MEN AS PRIESTS WOULD HELP AFRICAN CHURCH, MISSIONER SAYS

By Robert Nowell

LONDON (NC) — The church needs to ordain married men to the priesthood if Africa's fast-growing Catholicism is to remain a Eucharist-centered church, a British missionary has said

Writing in Clergy Review, a magazine for British priests, Augustinian Father Raymond Hickey said that many African Catholic communities are losing their Catholic identity because there are not enough celibate priests to serve them

During the past 25 years Africa's Catholics have increased by 300 percent to more than 70 million, he wrote, but the number of priests has not kept pace, despite a steady climb in ordinations

Most Catholic communities are unable to receive the Eucharist regularly because of the priest shortage, wrote Father Hickey. He has been a missionary in Maiduguri, in northeastern Nigeria

The Eucharist, consequently, is not seen as "the source and summit of Christian life," as the Second Vatican Council described it, the priest said

The emphasis in the villages away from the central mission stations has shifted from ordained priests to the local catechists, Father Hickey wrote. Along with that has come a switch in priority from the celebration of the Eucharist to the celebration of the Word, he wrote

"In practice, it means that the local Catholic community is losing its sacramental and eucharistic character and shows little visible difference from neighboring Protestant communities," Father Hickey wrote

"The day-to-day spiritual needs of the community are catered for by the catechist, by their attachment to the Bible and to prayer, and by their innate sense of community," he wrote. "The parish priest, whether African or expatriate, becomes more and more irrelevant to the real life of the community, and his infrequent visits for Mass and the sacraments are welcomed but not seen as essential to the life of the community."

Father Hickey rejected changing the rule against priests marrying after ordination, writing that it is as important to retain a celibate priesthood as it is to extend the priesthood to married men

END

QUINTS May 5, 1986 (330 words) Follow-up With photos sent May 2

QUINTS' BIRTHDAY CELEBRATION INCLUDES VOLUNTEERS, PARISH COMMUNITY

By Marianné Comfort

WATKINS, Colo (NC) — Kathy and Gregg Miller of Watkins ended a week of first birthday parties with a big "thank you" to all the volunteers who helped feed, change diapers and play with their quintuplets throughout the year

The five — Joseph, Tyler, Michael, Mallory and Timothy — were born April 22, 1985. Donations and offers of help soon followed

Nearly a hundred volunteers and their families dropped by the Miller home April 27 for a game of basketball, some bocce ball and a glimpse of the quintuplets

"I think this is it," Mrs. Miller told The Denver Catholic Register, newspaper of the Denver Archdiocese. "The second year won't be as big. We can go back to our privacy."

By the end of the afternoon the five babies weren't the only ones whose faces were smeared with the chocolate of birthday cupcakes — friends smeared their parents' faces with leftover crumbs and frosting so they wouldn't feel left out

A year after the babies' birth, Mrs. Miller said she has their schedules down pat and requires fewer hands at home. But she remembers last summer, when friends, people from the community and parishioners from Our Lady of the Plains Church in Byers, the Millers' parish, helped out with her instant family

(MORE)

Fellow parishioners were on hand once a week to feed the five hungry mouths. Relatives spent days at a time at the Miller home changing diapers and preparing formula.

Even Father Andrew Gottschalk, pastor of Our Lady of the Plains, came by every so often to visit and bring an occasional take-out Chinese dinner.

Volunteers who still help out include high school students and friends and relatives, who come over to entertain the babies.

One volunteer makes a 70-mile round trip to allow Mrs. Miller some time to herself.

"I come out here and make her leave, even if it's only to stand in the driveway," said volunteer Katie Earley.
END

MILITARY May 5, 1986 (700 words)

NEW NORMS RESTRUCTURE MILITARY ORDINARIATES, GIVE INDEPENDENCE

By Agostino Bono

VATICAN CITY (NC) — New Vatican norms give military ordinariates greater independence, restructuring them along the lines of dioceses.

However, the decision to establish ordinariates under the new rules would be left to national bishops' conferences, a Vatican official said.

The norms include allowing an ordinariate to form its own seminary, ruling that the ordinariate not be part of a diocese and requiring that its head have no pastoral responsibilities outside the military framework.

The head of the ordinariate also automatically becomes a member of the national bishops' conference.

The norms are contained in a new apostolic constitution on military ordinariates, signed by Pope John Paul II and made public May 5 at a Vatican news conference.

The new rules codify what has developed as the de facto situation in many of the 29 military ordinariates around the world, said Cardinal Bernardin Gantin, head of the Vatican Congregation for Bishops, which supervised the drafting of the constitution.

The cardinal said the constitution is a juridical document which tells national bishops' conferences how to set up a military ordinariate, but does not require that one be established. The decision as to whether a military ordinariate should be set up is left to bishops' conferences, he added.

The document provides general rules for establishing an ordinariate and asks national bishops' conferences to draft specific rules based on local situations.

"It is a general plan which allows local bishops to set up a system in keeping with local pastoral needs," he said.

This flexibility is needed because military situations and the relationship of church personnel to military institutions vary from country to country, he added.

The new rules go into effect July 21. Church military jurisdictions which currently are not in line with the new regulations have a year to reorganize and submit their new structure to the Vatican for approval, said the apostolic constitution.

Under the past rules, some church military jurisdictions were set up as part of a diocese.

Besides allowing ordinariates to establish their own seminaries, the norms also allow for continuation of the practice of incorporating diocesan priests and religious order priests into the chaplaincy.

The new rules also give military ordinariates primary responsibility for ministering to family members of the armed forces and civilians working under military contract. The previous rules gave the local diocese primary responsibility for these people.

With permission of the local diocese, the military ordinariate often provided the primary ministry to civilians attached to the military, said Archbishop Gaetano Bonicelli, head of the Italian military ordinariate. Archbishop Bonicelli helped

(MORE)

prepare the document

Cardinal Gantin said there currently are 12 military ordinariates in North and South America, nine in Western Europe, three in Africa, three in Asia and two in Oceania

Archbishop Bonicelli said there are no ordinariates in communist-ruled Eastern European countries, although there are priests working as military chaplains

The new rules follow the previous ones of not saying how priests should be integrated into the military system because different situations exist around the world, said Archbishop Bonicelli

He said there are three basic situations

In some countries, such as the United States, the chaplain is integrated into the military hierarchy and given a rank, he said

In others, such as West Germany, clergymen are assigned to work with the military but are not integrated into the military system, he said

In other situations, such as in France, the chaplain is integrated into the military system but not into the hierarchical system of rank, he said. The need for military ordinariates is based on the belief that "armed defense is still valid at this stage of human development," said Archbishop Bonicelli

As long as there are military personnel, the church must provide them with spiritual care, he added

This position is compatible with church belief that conscientious objection to military service is also a valid option, he said

"The role of the chaplain is to help everyone make choices based on conscience without giving any alternative a preference," said Archbishop Bonicelli

The document does not mention conscientious objection. It asks priests to see military service "as a ministry for the security and freedom of peoples" and as a way of contributing "to the establishment of peace."

END

VISION May 5, 1986 (280 words)

POPE TELLS EYE DOCTORS TO HAVE SPIRITUAL VISION

By Sister Mary Ann Walsh

VATICAN CITY (NC) — Ophthalmologists, who specialize in eye care, must keep "an integral vision of the person," Pope John Paul II told 3,000 eye doctors and technicians visiting the Vatican

Specialization in medicine is "more and more stressed," the pope said May 5 to participants in the 25th World Congress of Ophthalmologists. "But the specialist should never disregard an integral vision of the person, who is a complex bodily and spiritual unity."

Pope John Paul further warned the medical personnel not to permit themselves to become so businesslike in their work that they do not see their patients as individuals

"The actual organization of medical activities frequently risks jeopardizing personal rapport with the patient" by transforming medicine into "anonymous, bureaucratic assistance, based on dossiers," rather than patient contact, the pope warned

Physicians and medical personnel should "not forget the unity of the person" and should always "bring a human dimension to their professional work," he added

The pope also told the ophthalmologists that through eye care, they see patients as people, since the eyes reveal not just the state of the body but also that of the soul

The ophthalmologist, in looking into person's eyes, is able "to discover the psychological and spiritual inner reality, to establish a deep and respectful contact" with the patient, the pope said

(MORE)

He also reiterated his oft-stated teaching that "science and faith are not in opposition," since both have as their object "the service of man."

"The experience of scientists and of believers, and, I would say, of believing scientists, shows this every day in our modern world," the pope added.

END

SANCTUARY—NICGORSKI May 5, 1986 (510 words)

NUN SAYS BISHOPS FOLLOW 'CORPORATE LAWYERS' ON SANCTUARY

By Tracy Early

NEW YORK (NC) — A nun convicted of smuggling refugees into the United States said the U.S. Catholic bishops pay more attention to "corporate lawyers" than the Holy Spirit regarding the sanctuary movement sheltering illegal aliens.

Sister Darlene Nicgorski, a School Sister of St. Francis convicted with two priests and other sanctuary workers May 1 in Tucson, Ariz., appealed in a New York press conference the next day for greater church support of the sanctuary movement.

She said her order, with headquarters in her home city of Milwaukee, and some bishops, such as Archbishop Rembert Weakland of Milwaukee, gave strong support to the sanctuary movement.

"But unfortunately, the bishops as a group took the legal opinion of corporate lawyers instead of following the Spirit," Sister Nicgorski said.

"Most of the refugees are Catholic," she added. "The church is alive and growing in Central America where there are martyrs today and where the church is having to stand up for what it is about. This is now being offered to us, and I hope slowly all will be able to hear."

A spokesman for the National Conference of Catholic Bishops had no immediate comment on Sister Nicgorski's criticism. The bishops' conference has taken no public position on sanctuary, but one of its members, Bishop Ricardo Ramirez of Las Cruces, N.M., said after the Tucson convictions that while bishops can be supportive of sanctuary efforts they cannot "advocate" that people violate immigration laws.

The press conference was held at New York's interdenominational Riverside Church, a sanctuary church which has been sheltering a young Catholic couple from Guatemala and their child.

The couple, identified only as Ana and Federico, appeared at the press conference with handkerchiefs tied around their faces, and spoke through an interpreter. They said political oppression was continuing in Guatemala, and the recent election of a civilian president was only a "smokescreen" to conceal continuing control by the same oligarchy.

The Rev. John Fife, a Presbyterian minister who was among those found guilty in the jury verdict, also appeared at the press conference, and took note of New York's plans for celebrating renovation of the Statue of Liberty on July 4, just after the scheduled July 1 sentencing of the defendants in the sanctuary case.

"As a result of this verdict, the Statue of Liberty will look pretty on the outside, but she will have lost her soul," he said.

Sister Nicgorski said the U.S. government's purpose had been to "intimidate" people. "Unless the refugees are now moved into churches in the North where they can tell their story, the government will have been successful," she said. "If they (immigration officials) can make it just a border problem in Arizona, as they did in Texas, they will have intimidated people."

A former missionary in Guatemala, Sister Nicgorski said she had to leave when the local pastor was killed and her life was threatened. She later worked with Guatemalan refugees in Honduras and Chiapas, Mexico. "The Catholic Church in Mexico has a clear commitment to the refugees," she said.

END

SANCTUARY—RAMÍREZ May 5, 1986 (420 words)

PRELATES CAN'T BACK LAWBREAKING OR CONDEMN SANCTUARY CHARITY, BISHOP SAYS

By Tracy Early

BROOKLYN, N Y (NC) — American bishops cannot "advocate" that people violate laws, but neither can they "restrain people from following their own consciences" in providing sanctuary to illegal aliens, Bishop Ricardo Ramirez of Las Cruces, N M , said May 4

He commented three days after the convictions in Tucson, Ariz , of several sanctuary workers, including a Catholic nun and two priests, on charges of smuggling Latin American refugees into the United States

"These people were acting out of a strong moral conviction," he said "There is no denial of that "

"I don't think any bishop is sponsoring a sanctuary project because of the legal question," added the bishop, who is of Mexican ancestry though born in Texas "But we are supportive of their effort We can't condemn compassion or charity "

The bishop was interviewed by National Catholic News Service while in Brooklyn for an address in the Shepherds Speak series at St James Cathedral

Bishop Ramirez said he had not become actively involved in the sanctuary movement and that because of depressed economic conditions in the area covered by his diocese the refugees from Central America were not coming there

But in reference to those convicted for their activities in the sanctuary movement, he said he was taking the position of the Arizona bishops He described the position as "We support them, we are behind them, we admire them, we are glad they did what they did "

"My only concern is that we might overshadow the greater problem of the other immigrants," Bishop Ramirez said "There are many more hundreds of thousands of them In my diocese last week, 20 families were about to be evicted from public housing because they were undocumented And that goes on all over the country "

He said he agrees with those who draw a distinction in identifying immigrants from Central America as political refugees "But in another sense, they're all political refugees because the economies of the countries they are leaving are often based on political considerations," he said "They're all refugees from a Christian and human standpoint "

The bishop also said he supports the declaration of New Mexico as a sanctuary state by Gov Toney Anaya, a Democrat

"I wrote the governor and congratulated him on his courageous stand," Bishop Ramirez said "He meant it as a symbolic stand in keeping with the thinking that some of the immigration laws contradict other legal principles concerning the definition of a refugee I am in agreement with his intent "

END

RAMIREZ—HISPANICS May 5, 1986 (570 words)

BISHOP URGES ADAPTING COMUNIDADES MOVEMENT TO U S CHURCH

By Tracy Early

BROOKLYN, N Y (NC) — Bishop Ricardo Ramirez of Las Cruces, N M , called in a May 4 address for adapting the base community movement of Latin America — comunidades de base — to conditions in the United States as a way of slowing the loss of Hispanic Catholics to fundamentalist sects

"To my knowledge, there are relatively few places in the United States where these comunidades have been successful," he said "We should keep on trying to make them work, adapting them to our situation We are in need of United States-style comunidades "

Bishop Ramirez made his recommendation as part of an address on "Hispanic Catholics in the United States The Drift Toward Fundamentalism" in the Shepherds Speak series of St James Cathedral in Brooklyn He was the last of five speakers in this year's series, which annually brings bishops from across the country to address topics of general

(MORE)

interest on the Sundays between Easter and Pentecost, except for Mother's Day

In the Brooklyn address and an interview afterward at the cathedral rectory, Bishop Ramirez said the base community approach could meet some of the needs that Hispanics sometimes find satisfied by fundamentalist sects. Particularly important, he said, are the psychological support a small group can give uprooted, alienated people and the opportunities they offer lay people for active participation.

Bishop Ramirez said some lay Hispanics value the chance they get in non-Catholic groups to speak about their faith. "There is a call to preach God's word," he said. "Many Hispanics have this call, and they see no way to express it in their Catholic community."

In the Las Cruces Diocese, the bishop said, he got his pastoral team to work on adapting features of the base communities to their various activities. He said that he did not yet have his ideas worked out in a practical way, but that doing so was "a pastoral imperative" and "something we must do."

Bishop Ramirez also said some of the weaknesses making Hispanic Catholics vulnerable to fundamentalist proselytizing could also be offset by use of the weekend retreat-like experiences known as cursillos. "Don't sell the cursillo short," he said. "There's something very life-giving about it."

While emphasizing the importance of lay ministry in its own right and not merely as a second-best resolution to the priest shortage, Bishop Ramirez called for measures to help more U.S. Hispanics become priests.

He said the number of vocations produced by Mexico and Spain showed that the Hispanic culture carried no intrinsic obstacle to recruiting a celibate clergy. Where shortages exist in Latin America, he said, they are partly due to continuation of traditions going back to the colonial period, when local vocations, Hispanic as well as American Indian, were officially discouraged.

In the United States, he said, the problem has been largely due to the unsettled conditions of migrant laborers and to lack of sufficient education.

A young man from a minority community has to be "strong" to persevere in studies for the priesthood where little "affirmation" comes from the school and surrounding culture, Bishop Ramirez said. "I don't know how I did it," he said. "This is a very crucial question."

Bishop Ramirez said bishops are often approached by young Hispanic men who are recent immigrants and have minimal education but want to be priests. He said they have "legitimate vocations" and it was up to the church to find the means for them to fulfill their vocations.

END

WEEKLY ROUNDUP May 5, 1986 (870 words)

CHURCH, HUMAN RIGHTS OFFICIALS REACT TO SOVIET NUCLEAR ACCIDENT

By Greg Erlandson

NC News Service

In the wake of the Soviet nuclear accident at Chernobyl in the Ukraine and the subsequent spread of radiation throughout most of Europe, church leaders have stressed the interdependence of countries in the nuclear age.

They have also joined human rights experts in criticizing the lack of Soviet forthrightness concerning the accident and the continuing lack of information on its victims.

Services for Ukrainian victims of the disaster were held throughout the United States, while Pope John Paul II expressed his concern for the people who lived near the reactor.

The accident prompted a new debate about the dangers and benefits of nuclear power, with Catholic experts coming down on both sides of the issue.

What may be the worst nuclear reactor accident ever involved a possible meltdown of the Chernobyl plant's nuclear

(MORE)

core and the release of large quantities of radiation into the atmosphere April 26. No Western nation was informed of the accident until April 28 when Sweden detected increased radioactivity in the air and questioned the Soviet government as to its cause.

Soviet spokesmen say two died and 197 were injured in the accident. Western scientists suspect these figures are low. In addition, the Communist Party chief of Moscow said May 5 that 49,000 people were evacuated from the area.

In a May 1 statement the president of the National Conference of Catholic Bishops, Bishop James Malone, said the Soviet nuclear reactor accident illustrates "the lesson of human solidarity in an increasingly interdependent world" and the need for a commitment to peace.

Archbishop Stephen Sulyk of the Ukrainian Archdiocese of Philadelphia said May 1 he could not understand why the Soviet Union has remained silent about the extent of the damage.

Pope John Paul expressed his "particular affection" May 4 for the affected Ukrainians. On April 30 a Vatican statement said the pope was praying for the "victims of the grave disaster" and for "those exposed to suffering from it in neighboring countries."

Ukrainian Catholic priests in Philadelphia and elsewhere offered special prayers and memorial services for the accident victims. There are more than 1 million Ukrainian-Americans.

An April 30 service at the Ukrainian church of St. George in Manhattan drew 500-600 people, and was led by five priests, including two Ukrainian Orthodox priests.

Special services were held at the Byzantine Catholic Chapel at Washington's National Shrine of the Immaculate Conception May 3, which followed a May 2 candlelight vigil outside the Soviet Embassy by Ukrainians concerned about relatives in the Soviet Union.

The lack of information about casualties, and the inability of Ukrainian-Americans to reach relatives by telephone has provoked widespread criticism by Ukrainian spokesmen.

Myron Wasylyk, director of the Washington office of the Ukrainian Congress Committee of America, said April 30 he was "appalled at the Soviet government for its blatant disregard for the safety of Ukrainian nationals."

Human rights expert Jiri Pehe of the New York-based Center for Appeals for Freedom said such things as the apparent lack of warning about the radiation leak, exclusion of the press from the affected area, and the inability of Ukrainians to contact or receive information about relatives were "a clear breach of human rights."

Sister Ann Gillen, executive director of the National Interreligious Task Force on Soviet Jewry, said May 1 that by suppressing accident information the Soviets had violated the Helsinki human rights accords.

John W. Crossley, a representative of the Christian Rescue Effort for the Emancipation of Dissidents, Erwinna, Pa., said April 30 he was concerned political and religious prisoners may be used for the highly dangerous job of cleaning up the nuclear reactor accident.

"In Czechoslovakian accidents in the uranium mines, they always send political or religious prisoners," Crossley said.

The Chernobyl accident has provoked a new round of the controversy over nuclear power.

The Vatican newspaper L'Osservatore Romano said May 4 the accident illustrated the need for a system of international consultation and controls on atomic energy.

Accurate information, the editorial added, should not be considered merely "a journalistic curiosity to satisfy," but an "essential element of international collaboration."

The Soviet Union has harshly criticized Western news media's demand for information about the accident as sensationalistic.

In South Carolina, Bishop Ernest L. Unterkoefler of Charleston called for further studies of the dangers of U.S. nuclear reactors in an April 30 statement.

Bishop Unterkoefler expressed concern about four nuclear power plants in South Carolina which lack containment.

structures

The Chernobyl plant also lacked a containment structure, allowing radiation to be released into the atmosphere

"A government or corporation has a grave obligation to use every means available to protect the safety of the people working in a nuclear plant and also those in the geographic environs of the facility," the bishop said

Sister Rosalie Bertell, a scientist who is president of the International Institute of Concern for Public Health in Toronto, Canada, said April 30 "the present nuclear industry is not compatible with human survival "

But another nun-scientist, Sister Kathryn Bissell, a physicist who worked as an assistant for two commissioners of the U S Nuclear Regulatory Commission, said critics of nuclear energy should emphasize safety "instead of being off in left field" trying to close down all plants

END

PHOTOS CORRECTION May 5, 1986

Editors Correct spelling of father's name

In PHOTOS of May 2, 1986, correct the caption titled HAPPY BIRTHDAY to read

. Parents Kathy and Gregg Miller

END



Marc Tannenbaum

Tom Roden
I believe

H. Bookbinder
S. Rabinovitch

J. Russo (file - church state)

AMERICAN JEWISH

5 Tuesday, May 6, 1986 / The Miami Herald 7A

Pat Robertson's Christian backers gain influence in GOP

By ROBERT S. BOYD and ANGELIA HERRIN
Herald Washington Bureau

WASHINGTON — The Republican Party in a number of states is rapidly being infiltrated by evangelical Christians who support the unannounced candidacy of the Rev. Marlon "Pat" Robertson for president in 1988.

Religious conservatives organized and trained by the Freedom Council, the political offshoot of Robertson's Christian Broadcasting Network, dominated Republican district conventions over the weekend in Des Moines, Iowa, and Minneapolis. An estimated 400 of the 450 delegates at the Des Moines meeting were evangelicals.

In Indiana, a Robertson-backed evangelical, State Sen. Jim Butcher, is considered to have a good chance of beating Julian Ridlen, the candidate favored by the regular Republican organization, in a congressional primary today.

Evangelicals also are running in two North



Robertson

Carolina congressional primaries today.

And evangelicals are competing in Republican congressional or gubernatorial primaries later this year in Arizona, Michigan, Nebraska, Oregon, South Carolina and Tennessee.

Their political tactics have angered and alarmed some regular Republicans, who accuse them of deception and who fear that the evangelicals' intense focus on issues like abortion, school prayer and pornography will drive away traditional GOP voters.

A Freedom Council instruction paper given to evangelicals at training classes in Minnesota, for example, advised them to play down their religious affiliation. "Experience has shown it is best not to say you are entering politics because of your Christian beliefs," it said.

"It is better to say you favor the Republican platform and support President Reagan."

In Iowa, an instruction sheet that Republican officials said came from the Freedom Council included these tips:

- "Give the impression that you are there to work for the party, not to push an ideology."
- "Try not to let on that a close group of friends are becoming active in the party together."

• "Hide your strength."

Mary Louise Smith, a former Republican national chairman, almost was denied election at her county convention in Iowa in March by a coalition of evangelicals and extreme conservatives.

"It's frustrating," she said. "They have a perfect right to be there, but they don't represent the majority of views of Republicans in my precinct. ... I don't think it bodes well for a healthy party to narrow down the things you must subscribe to."

The Freedom Council, a tax-exempt foundation created by Robertson in 1981, claims 50,000 members and a budget of more than \$2 million. National Field Director Richard Minard said that he has salaried field workers in 14 states, including Florida.

The Council has nine full-time employees in Michigan recruiting and training candidates for precinct delegates, who will be elected on Aug. 5 and ultimately select Michigan's delegates to the 1988 GOP convention.

Field Reichardt, formerly the Republican chairman in Michigan's Ninth Congressional District (Muskegon), last fall said that the Freedom Council's delegate drive is "designed to advance the candidacy of Pat Robertson."

Minard objected. "We're not running a presidential campaign. Our goal is just to get people involved."

Some regular Republicans dispute that.

Iowa Republican Chairman Sally Novetzke said that the takeover of the Des Moines district convention by the evangelicals means "look out in 1988 because they're doing things the right way. They're training their people now. They're proving that they can get the delegates."

But Steve Scheffler, the Freedom Council's Iowa representative, said, "We didn't come here to take over the party. ... We are not off the wall."

Scheffler said that a majority of evangelicals probably "would vote for Robertson" as the candidate "most closely identified with the traditional values they support."

Robertson, who reaches 30 million viewers through daily broadcasts of *The 700 Club*, has said he won't make up his mind whether to run for president until 1987, after observing evangelicals' political strength in the 1986 elections.

CBN, the base of Robertson's appeal, has 200 stations and takes in more than \$200 million a year in contributions.

The Midwest's Rising Hate Virus

Rabbi A. James Rudin, the American Jewish Committee's director of interreligious affairs, is in the front line of the struggle against extremist groups who are targeting desperate farmers in the U.S. heartland.

BY SHERWOOD D KOHN
Associate Editor

Anti-Semitism among depression-hit farmers in the Midwest is a virus, not an epidemic, but extremist activity is on the increase, according to Rabbi A. James Rudin, the American Jewish Committee's director of interreligious affairs.

"It's in certain counties and areas of the Midwest," said Rudin, who was in Baltimore recently to speak at the annual meeting of the local AJC chapter, "and like all viruses it has to be treated."

"What makes this different than previous reports of extremism and anti-Semitism is the amount of weapons, particularly automatic weapons, that some of these groups have in their arms caches."

The situation, Rudin intimated, is dangerous because it exists in a context of desperation. In North Dakota, where Rabbi Rudin spoke two weeks ago on "Rural Economic Distress and the Rise of Religious Extremism," the state's four main industries, coal, oil, livestock and agriculture, are all in a depressed state.

Elsewhere in the Midwest, an unsettling number of farmers are committing suicide, shooting bankers, abusing their wives and children, experiencing family breakup. They are vulnerable and therefore singled out as targets by such groups as the Posse Comitatus, the Populist Party and the CSA (which stands for the Covenant Sword and Arm of the Lord, but was



Rabbi A. James Rudin. A spotlight helps

deliberately named to evoke the Confederate States of America) not to mention Lyndon LaRouche's political organization and a host of other radical right groups.

Leonard Zeskind, research director for the Center for Democratic Renewal in Kansas City, who has made a study of the problem, believes, said Rudin, that there are about 15,000 hard core radical right followers in a four or five-state area of the Midwest.

"That doesn't sound like much," said Rudin, "but in areas where 300 people represent ten percent of an entire county, that's a lot."

"And then combined with that, we're

seeing not just the political extremism of LaRouche, but something called the Christian Identity Movement. That's a theological aberration that forms a bridge between religious and political anti-Semitism. So you've got hate groups linked together. There's a lot of work to do."

"The farming community," said Rabbi Rudin, "is no more anti-Semitic or extremist than any other segment of our society. It's not just anti-Semitism that's out there. You have a very distressed community that constitutes less than three percent of the population (the proportion is very similar to that of Jewish population figures) who feel totally misunderstood by 97 percent of the society."

"Most of their young people are leaving and going to California, Arizona, Florida, New Mexico — the Sun Belt — and they're fair game for extremists."

In an attempt to defuse the situation, Rudin met with an interreligious group at North Dakota State University recently and helped draft resolutions urging the national farm organizations to speak out on the issues of extremism and anti-Semitism and the religious communities of the Midwest to intensify their educational campaigns.

Overall, it seems apparent to the 51-year-old New Yorker that there are two basic approaches to coping with the problem.

The first, he said, is education. We must make the farmers aware that they are being targeted by the radical right, and make the Jewish community aware of the farm problem. In addition, the electorate should be alerted to the real intentions and affiliations of the Lyndon LaRouche candidates.

Second, said Rabbi Rubin, we must work to develop an interreligious network with the farming community, a network made up of Jews and Christians who can communicate with each other.

"You can't wring your hands over it," he said. "You just have to reeducate the public. If you put spotlights on the radical right and you let the general public know that these are dangerous groups, that they are mouthing poison and that they have weapons, that helps a great deal."

Rabbi Rudin, a Pittsburgh native whose family moved to Alexandria, Va., when he was six years old, has been deeply involved with the relationships between Judaism and other religions for many years, and has handled the job for the AJC since 1968. He was given a title to go with his responsibilities in 1983, when the AJC named him National Director of Inter-religious Affairs.

Not surprisingly, Rudin's dealings with other religious groups have led him into some fascinating areas, two of which are cults and bioethics.

About ten years ago, the AJC was receiving a lot of mail about cults. Rudin became interested in the anti-Semitic implications in the Rev. Sun Yung Moon's tract, *The Divine Principle*, and published a study of it. Subsequently, Rudin and his wife Marsha, a former professor of comparative religion, wrote a book about cults called *Prisoner In Paradise*, published in 1980 on the heels of the interest that followed the Jonestown incident.

"The media has gotten a little weary of the bigger cults," said Rudin. "The Moonies, the Hare Krishnas. The Rajneesh's group blew up when he was arrested and deported. L. Ron Hubbard is reported to have died and Scientology is going through an upheaval."

"We're seeing a proliferation of little cults, groups of ten or 15 people who follow

a master or a mistress or a guru, self-appointed. But I guess the cult of choice in the '80s is Satanism, the oldest cult in the world."

"A lot of little destructive cults are growing like weeds, far from the eyes of the media," said Rudin. "I wouldn't say that the big cults have gone away. They're still dangerous, and they still have a high percentage of Jews in them."

Jews are attracted to cults because the groups recruit on college campuses, where there are many who fit neatly into the cultist pattern: young people from affluent, upper middle class, hard working families, but who are, in Rudin's words, "often tragically unsure of their own identities and filled with a lot of undirected idealism."

"Along come cults who say, 'You want to save the world? We'll do it. Let's do it together. We have this community. We know the truth.' So Jews are physically in a place where they are recruited."

"The other thing," said Rabbi Rudin, "is that there is a receptivity to any kind of submission movement. Submission is a key word in a lot of these cults. Give up, surrender, life is very hard, there are a lot of decisions to be made and you can do it in a kind of controlled way. You can do it in a community. You don't have to be out on the street by yourself. You're part of a group, and you can, as they say, 'bliss out,' do your spiritual trip in a community. It has a lot of appeal to a lot of people."

Rudin's other serious interest these days is bioethics. And he is, in fact, a member of New York Gov. Mario Cuomo's Task Force on Life and the Law.

Having co-authored a book called *Why Me, Why Anyone?* (with his wife and a rabbi named Hershel Jaffe) about a close friend, a rabbi, who contracted cancer at age 46, Rudin is deeply concerned with the issues surrounding the ethical implications of medical technology.

"Judaism is in a good position to consider these issues," he said, "because we've been very realistic historically. We've never taken the position that you are passive in the face of illness. Judaism has been a very interventionist, very activist faith where medicine is concerned. We say *l'chaim*, 'to life,' and we work with God, as a partner with God. Illness is not something we have to accept theologically."

So the problems are twice as knotty. Such questions as when and how a person can be judged to be dead are being forced on physicians who are able, with the new medical technology, to keep someone breathing well beyond the death of his brain.

"The whole thing," said Rabbi Rudin, "is that technology is so far ahead of where we're at. I consider my work on the task force one of the most important things that I'm doing."

A NEW WAR ON POVERTY:
THE REPUBLICAN PARTY AND THE POLITICS OF PROSPERITY FOR ALL

Remarks Prepared for Delivery to the
Council of One Hundred:
An Organization of Black Republicans

Washington, D.C., March 18, 1986

by Hon. Jack Kemp

Milton, I want to thank you for that fine introduction. I'm honored to speak to the Council today. The Council of One Hundred is an organization whose loyalty to the Republican Party makes every Republican proud. From the time Samuel Jackson founded the Council during the Nixon years, through some pretty low points in the last decade and a half, you never left our party. I believe the Council remained loyal because you recognized that the party formed by Lincoln and others to extend the ideals of the Declaration of Independence to every human being in this country was the party committed to economic growth, to opportunity for all, and to the encouragement of black entrepreneurs.

I'm really pleased to see Portia Scott here. Portia is running for Congress from Atlanta as a Republican. We have talked about her campaign, and I believe she can win it, not just by talking about the value of the two-party system -- though that is important -- but by showing that the Republican Party has far more to offer all the people of Atlanta than the other party. There has been a burst of new policy proposals and ideas from Republicans to advance the cause of blacks and minorities in the 1980s, and that is what I came to discuss with you today.

America and our national economy have made great strides in the last six years: ten million new jobs, an amazing recovery which is breaking records right and left, the lowest interest rates since 1978, the smallest inflation rate in a decade or more, combined with a high rate of formation of new enterprises and new jobs. I'm not just being partisan in saying that these are accomplishments the Republican Party can look to with some pride, giving the American people great hopes for the future.

We Republicans have been looking forward to becoming this country's true majority party in the 1980s. In order to do that we spelled out the most comprehensive platform and vision of America's future in half a century. We must say where we believe America should be moving, and -- just as important -- how we should get there. We need an agenda that suits a great country, an inclusive design that encompasses every man and woman in America and touches the freedom and well being of people all over

the world. It will be an absolutely essential part of a great and comprehensive agenda that we include within it a fight against poverty and the conditions of poverty.

Almost since the days of the American Revolution, writers and thinkers on both sides of the Atlantic predicted that America was to be the land of destiny, the land of the future where freedom would be revealed in its final form and greatest potential. One hundred fifty years ago a French writer, Alexis de Tocqueville, came to America to write his classic book, Democracy in America; he said that he wanted to describe what the whole world would some day look like. He wanted to see the potential of democracy in terms of what had yet to be accomplished, as an example to the rest of the world. America is indeed a land of destiny; it is destined for greatness.

Let me be specific about the greatness of America. America's destiny is to prove to the whole world that any nation that commits itself to the idea that all people are created equal will not only endure, but will prosper and become a model for people everywhere to follow. America's greatness is to show that when men and women are free to govern themselves, when they are free to follow their dreams, there are no limits to what they can do or what they can be.

For 210 years America has endured and prospered, in dedication to the idea of the Declaration of Independence, the standard of equality, liberty, and opportunity. By no means was that idea a reality at first; in fact it is not a complete reality even now. No -- for all that time America's greatness has been that it is always trying to take that idea and bring it closer to reality, to reduce the gap between the American dream and our performance.

It is impossible to talk about the agenda for this great country without thinking of the founder of the Republican Party, Lincoln. The brilliant black orator Frederick Douglass said that on the margin of American opinion, Lincoln was "swift, zealous, radical, and determined." As a one term Congressman in 1849 Lincoln proposed legislation that amounted to a breathtaking plan to completely emancipate the black bondsmen and bondswomen of Washington D.C. The bill did not pass, but Lincoln advanced the cause of freedom, equality, and opportunity, and finally made that cause the basic idea behind the Republican Party's platform of 1856 and 1860.

In the 1960s Reverend Joseph H. Jackson, who was President of the National Baptist Convention, preached that "The civil rights struggle...is America's struggle to be herself, to fulfill the highest promises of her being, and to build a social order after the pattern and dreams of our founding fathers and in the light of the wisdom of the ages."

I believe the American people stand ready to fulfill their destiny. A great political party will show in a practical way

that freedom is in fact superior to oppression, and opportunity for all is in fact a better thing than statism or privilege. A people of great destiny will support the advance of human rights and the progress of democracy at home and abroad, and not just with words but with deeds. What we will not do is silently accept the permanent oppression of any people anywhere. Our basic principles as well as our highest goals, our roots and our destiny, forbid silence.

There can be no greatness in a people that neglects any of its own at home. Long ago, one of the greatest black American teachers, Booker T. Washington, put it perfectly: "We are one in this country," he said; "We rise as you rise; when we fall you fall. When you are strong we are strong; when we are weak you are weak. There is no power that can separate our destiny." The most far sighted American leaders have always taught us that in order to move ahead we can't leave anyone behind.

By and large the struggle for political rights for all has been won. America moved far up the road of its destiny when the promise of the Civil War amendments was fulfilled in the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Now we Republicans want to complete the revolution and make our party the party of civil rights and of human rights and voting rights and legal rights and economic opportunities for all people. We need to guarantee the greatness of our people by guaranteeing that no American is condemned to a life cycle of poverty and despair. If we ever hope to succeed in our campaign for freedom around the world, we need to launch a new war on poverty in America. The two go hand in hand.

The first war on poverty of the late 1960s reflected a deep American concern with poverty as a way of life, but we depended so exclusively on government that the effort foundered on the rock of 1970s austerity politics. We have learned much more since those days. We have learned better ways to mobilize the resources of the private sector, where wealth is created, rather than looking exclusively to government, where wealth is only redistributed.

For those who are familiar with Charles Murray's study, Losing Ground, whatever else might be questioned about the conclusions, when Murray says that assistance programs can't reduce people's need for welfare, he is right. That means that the economic component of a great politics needs two parts, not just one. The first part is to direct government assistance so that we have a social safety net to protect the poor, the disadvantaged, and the unemployed. But, second, we need to increase incentives to the maximum needed to build a ladder of opportunity for the poor to climb by their own God-given efforts and God-given potential. Above all we have learned that real jobs and real opportunity can only arise from revitalizing democratic capitalism and restoring the possibilities of jobs and entrepreneurship for every man and woman in America.

With all the dramatic achievements of the Reagan Administration, Republicans can't be satisfied until we have eliminated poverty as a way of life in America. And that means jobs -- first and foremost -- real private sector jobs with a future. It means quality health care and education for employment as well as excellence; it means decent housing and equal rights and opportunity for every American regardless of their color or religion or socio-economic status.

What we really need is a second war, or what we hope will be a successful war, on poverty. What would a new war on poverty be like? Our strategy focuses on three major facets: creating jobs, strengthening the neighborhood, and providing schools and education.

As Republicans, the member of my party cannot rest until every American who wants a job has the opportunity to have one. Strong economic growth is the necessary condition for full employment; but, as we see today, it is not sufficient. We need extraordinary efforts to target job creation toward those areas that specially need that assistance. We need to break the back of unemployment just as we've broken the back of inflation, if we are to fight the war on poverty effectively.

The first step is really simple: we must remove the poor from the tax rolls. You know, I sometimes get the feeling that liberal policymakers think that just because a person is poor, he or she is economically illiterate. In fact, the inner city poor person probably understands more about economic disincentives and price theory than the most learned member of the President's Council of Economic Advisors. Urban residents who give up welfare to take an entry level job at the minimum wage face a higher tax rate than any millionaire. The first challenge in this new war on poverty must be to lift the burden of federal taxation from the backs of minimum income working people and provide incentives for working and saving in the minority and poor communities.

The Congressional Black Caucus Foundation researched three original tax reform bills offered to Congress in 1985, and I was pleased that Congressman Bill Clay of the Caucus called the Kemp-Rosten tax reform bill "the most favorable of the three proposals for Blacks, especially for low income Blacks." As far as I am concerned, which particular tax reform bill finally passes in Congress matters less than the fact that any tax reform must take this crucial first step of making the bottom rung of the ladder of opportunity accessible to all Americans and beginning to reverse the stifling cycle of welfare and dependency.

One major reason the poor need tax reform is the necessity of strengthening the American family, especially among minorities. The family is one of society's essential institutions creating the sense of responsibility which generates the spiritual incentive needed to break out of the cycle of

poverty. Yet over the years since the late 1940s, the income tax burden has fallen disproportionately on American families. If the original personal exemption had been indexed to per capita income, it would be worth nearly six thousand dollars in 1986 terms. The current deduction of little more than one thousand dollars has put enormous disintegrative pressure on our families, making it prohibitively expensive to bear and raise children. But children are not a drain on our resources -- they are our greatest resource for the future, and that is why one of the most important provisions of any tax reform must be a pro-family personal exemption of no less than two thousand dollars.

The second challenge lies in creating new jobs and enterprise in the inner city communities where the poor actually live. Great cities were always the center of any nation's life and vitality; and it is obvious that people still think of the cities as places to live, work, and prosper in. Our great cities today are undergoing something of a revival but in very narrow and limited ways. The revival is hardly touching the core of poor inner city residents. Some additional incentives are badly needed.

For several years now Congressmen Bill Gray, Bob Garcia, and I have been proposing to meet this challenge through the creation of dozens of urban enterprise zones. Robert Kennedy once said that "to ignore the potential of private enterprise is to fight the war on poverty with a single platoon while great armies are left to stand aside." Urban enterprise zones would mobilize great armies of private sector capital and enterprise; they would open a great campaign, putting incentives to work creating new jobs, new entrepreneurs, new employers, and new opportunity in so-called decaying urban areas. No city can thrive without a dynamic economy. You need two powerful forces to sustain economic dynamics -- a push from the bottom by people escaping poverty, and the attraction at the top of potential new wealth and prosperity. Enterprise zones can bring the dynamic "push" and "pull" to the most blighted inner cities by sharply reducing tax rates for individuals and businesses and by providing powerful incentives for capital formation and mobilization through the use of equity expensing or first year write offs of zone enterprise investment.

There are already 27 states where enterprise zones are at work; they have already created or saved thousands of jobs and income opportunities. Yet while the states race ahead, Congress drags its feet. Why? Some say enterprise zones cost too much -- they lose tax revenues the federal government needs. Well, let's ask ourselves a different question: what is the cost of not having enterprise zones? How much revenue can you lose from a worker who is now collecting welfare or unemployment? What loss of revenue is there from lessening the tax burden on a small business that has not yet opened its doors? The real costs come from not enacting enterprise zone legislation. I say it's time to stop talking about revenues that don't exist and pull out all the stops to pass this legislation and create some real jobs and

some real revenue in the inner city.

Another salient in the fight against poverty in the community is to revitalize urban neighborhoods by creating property owners. The family home is at the heart of the American dream, yet the inner city poor often live in housing that fails to meet even minimum standards. One reason that happens is that housing conditions tend to deteriorate when neither the residents nor the owners have a real vested interest in improving it. I believe we should turn over our public housing stock to the people who live there. This proposal has been advanced by a liberal black Democrat from Washington D.C., Delegate Walter Fauntroy, and a conservative white Republican from Buffalo, Jack Kemp. When a team like that introduces legislation to turn public housing projects into private housing opportunities, you get the feeling that this is an idea whose time has come.

Kimi Gray, who organized Kenilworth-Parkside Courts in Washington as a model tenant-managed public housing project, has helped make her community a shining example and a cause of hope for poor people in cities all over the country. Kenilworth's resident owners, having experienced at first hand the frustrations of trying to get a huge federal bureaucracy to respond to their most basic problems, now manage their own community. "We were accustomed to calling downtown and marching on HUD and cussing everybody out," Kimi wrote, "and then we became downtown and now we only curse ourselves out; and when pipes burst we're the first once there, and we stay up all night until the problem's resolved...what we did was to return respect and pride back to the residents of the community, to give them back the responsibility that was rightfully theirs to maintain the community in which they resided."

Current tenants under the Fauntroy-Kemp plan would be able to enjoy pride of ownership by getting the chance to purchase their dwelling units at a large discount, and where individual sales are not feasible we would arrange tenant management of the projects. Nothing, in my view, attracts people to the advantages of private property as effectively as home ownership. In Britain hundreds of thousands of public housing tenants have bought what are called 'council houses under their home ownership plan. In a great nation there is no reason for anyone to be homeless, and all the poor should have a chance to share in the American dream.

Giving people a stake in the future and control over their own destiny is the third and deepest thrust of the war on poverty. Burghardt Du Bois, the founder of the NAACP, is known as the Thomas Jefferson of black American political thinking. He once wrote that "Education and work are the levers to uplift a people. Work alone will not do it unless inspired by the right ideals and guided by intelligence."

One component for giving the poor a stake in the future is education, particularly vocational training. I recently joined with Congressman Bill Gray of Philadelphia in sponsoring

legislation to allow community groups like the Urban League and Reverend Leon Sullivan's Opportunities Industrialization Centers into the various federal boards and councils that administer vocational training programs, and to allow them to receive a share of federal funds for this purpose. These groups have an enormous amount of successful experience in training disadvantaged workers for jobs in the private sector. I am happy to say that our legislation passed, and I believe these community based, individually tailored programs will continue and grow.

Vocational training must not be limited to those entering the work force for the first time. It should address the needs of dislocated workers who need retraining in new skills. I have cosponsored legislation to give employers tax incentives for training new workers and to allow dislocated workers to take advantage of all their own assets such as IRAs without suffering penalties, for purposes of retraining. Along with the Job Training Partnership Act, this legislation could go far toward proving the unemployed and the underemployed with hope for the future.

Whatever the right mix of vocational training and education in arts and letters should be, urban schools must play a powerful, indeed a pivotal role in the strategy. One concept that has been proven successful in providing educational opportunities for inner city blacks, Hispanics, and whites is magnet schools. These are special schools which attract students through individualized programs that put special stress on excellence and achievement, responsibility, and the unique character and needs of each individual student. Magnet schools offer innovative classes, they enhance community involvement, they maximize the benefits of the urban "melting pot" and minimize alienation and dislocation. In my home district of Buffalo, New York, many low income parents are choosing to send their children to magnet schools. Magnet schools work, and I believe they offer an educational alternative that should be expanded where needed, and protected as a vehicle for educational opportunity and scholarly choice.

The war on poverty which I have addressed so far can wipe out that form of poverty that has to do with not having food to eat or clothes to wear, or a real home to live in. It includes proposals to guarantee a social safety net and proposals for a ladder of opportunity. But even as we care for the material needs of our people, we cannot forget that there is another kind of poverty as well -- a poverty of the spirit. We must make certain that no human being goes hungry, yet we must also remember that "man does not live by bread alone." As Du Bois said, "Education must not simply teach work -- it must teach Life." Education has long been recognized as the true cornerstone of democracy and self-government.

A great democratic people concern themselves with the needs of the whole human being, but they do it in different ways. Reverend Albert Cleage Jr. was known as a radical minister, but

listen to what he said in one of his sermons: "If you are going to believe that you are somebody, that you have worth and value, then you must know that that worth and value was built into you...You were created by God with certain inalienable rights...[So] don't be afraid to say the word 'God' because this is the 20th century." The "radicalism" in these lines is no different from the radicalism of Jefferson or Washington, Madison or Lincoln or Hamilton. "Radicalism" comes from a Latin word meaning "the root of things," and in America the root of all our ideas of government and society is our old faith in the equal and inalienable rights of all human beings.

Writing from Birmingham jail, Martin Luther King, Jr. said that in asking for their equal rights, black Americans "were in reality standing up for what is best in the American dream and for the most sacred values in our Judaeo-Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence." This is the radicalism of American greatness, and that is the revolutionary greatness that has made the American experiment of equal opportunity for all the model and envy of the world.

There have been times when one party has carried the torch of American greatness: Washington's Federalists, Jefferson's Democratic-Republican Party, Lincoln's Republicans, and FDR's Democrats again. Today I believe that once again the torch has passed to the Republican Party. There is an agenda to fight the war against poverty in America and move our nation to full employment without inflation, and it is a Republican agenda; just as there is an agenda to campaign for freedom and foster democracy around the world, and that agenda too is a Republican agenda.

Ultimately the great political design I have been talking about is not essentially a partisan idea. In the fulfillment of our destiny in the world we are still what Jefferson said we were -- all Republicans, all Democrats -- because we are Americans first of all.

THE RELIGIOUS RIGHT AND THE "OCTOBER SURPRISE"

If the past is a guide to the future, no story about religion and politics will be complete without reporting what happens the Sunday before Election Day.

Every two years since 1980, the Religious Right has launched its "October Surprise" of last-minute negative campaigning, including distributing "Moral/Family Report Cards" and "Biblical Scoreboards" to church-goers on the Sunday before Election Day, as well as last-minute mailings and politically oriented broadcasts by television evangelists.

The Tactics

The Religious Right produces two documents nationally, as well as hundreds of local campaign pieces, all of which are frequently distributed during the final days of the campaign.

In 1984, Christian Voice a slick magazine-style brochure called the "Presidential Biblical Scoreboard" comparing the records and positions of the Democratic and Republican presidential tickets, as well as candidates for the U.S. Senate and House, and claiming right-wing candidates and issue positions are supported by the Bible. This year, a similar brochure has been published entitled the "Candidates Biblical Scoreboard," and Christian Voice has announced plans to distribute from five to seven million copies through Election Day.

Another publication, also produced by Christian Voice, is the Congressional Report Card on "Moral/Family Issues" rating members of the Senate and House on their voting records. Both the "Scoreboard" and the "Report Card" have suggested the "Christian" and "Biblical" positions include supporting the Strategic Defense Initiative, aid to the Contras, and a constitutional amendment requiring a balanced federal budget, and opposing funds for the Legal Services Corporation and the National Science Foundation.

Efforts at the state and local levels are an important part of the "October Surprise."

In Oklahoma, Indiana and South Dakota, Religious Right groups have teamed up to distribute copies of the Scoreboard through churches, highlighting key races. These groups include Pat Robertson's Freedom Council, Concerned Women for America, the American Coalition for Traditional Values, Americans for Biblical Government, Phyllis Schlafly's Eagle Forum, and such statewide groups as the Indiana Alliance, Oklahoma Christian Action Coalition, and the South Dakota PSALM (People Serious About Liberty and Morality).

The California Alliance plans to distribute 100,000 copies of the newly published 35-page "California Christian Voters

Guide" and 700,000 one-page regional versions. The literature is distributed at 19,000 local churches, Christian bookstores, and neighborhood doorsteps. The California branch of ACTV has begun to pass out 250,000 copies of its own 16-page "moral issues voters guide" to more than 5,000 churches statewide.

The television evangelists also have engaged in last-minute campaigning.

Moral Majority leader Jerry Falwell mailed an "eleventh-hour blitz" letter on Oct. 29, 1984, "to bring moral Americans to the polls on election day." He asked for money to call "100,000 pastors by Saturday, Nov. 3 [three days before the election]" who could then alert 30 million parishioners of the "dishonest, unprofessional, and unfair" nature of the Democratic Presidential ticket.

On Nov. 4, 1984, two days before the polls would open, Falwell turned up the rhetorical heat:

"I'm convinced that this is the most serious election in the history of our country. I'm convinced that we're either going to stand up for the principles that God can honor and bless, put an end to the murder of the unborn, stand up against every moral cancer in our society, stand up for a strong defense and leadership that will lead us on to peace for our children and our children's children (by voting for President Reagan), or we are going to lose the freedoms and privileges that we have known for so long in this country (by voting for former Vice President Mondale)."

Jimmy Swaggart, the television evangelist with the largest weekly audience, also declared that Sunday night:

"God give us men in America. God give us men that'll stand up. God give us men that'll believe in the Bible. God give us men that'll have some convictions. God give us Congressmen who'll stand for something. Senators that'll stand for something."

In addition to those two, Pat Robertson, then a host of the "700 Club" television program and himself now a prospective Presidential candidate said in October 1984:

"We're asking for godly people to be in office. We're praying, particularly in this election, you want men of God in various levels of life,...men and women who love God [and] who believe in the Bible."

On Nov. 3, 1982, Robertson reported the wife of Virginia Republican Senatorial candidate Paul Trible asked him to pray for

her husband's victory because she expected the race to be close. Robertson said God gave him "a real peace and understanding" of the final results. That same feeling was registered when Robertson prayed for another Republican Senatorial candidate, Pete Wilson of California.

The Incidents

Here's a snapshot of "October surprises":

*In October 1984, Rep. Mark Siljander (R-MI) signed a letter asking fundamentalist ministers to "send another Christian to Congress" by supporting a challenger to incumbent Rep. Harold Wolpe (D-MI), who is Jewish.

*In another letter sponsored by the National Republican Congressional Committee and mailed Oct. 20, 1984, the wife of Congressional candidate Pat Swindall urged recipients to vote for her husband because "he is one of us." Swindall was running against incumbent Rep. Elliott Levitas (D-GA), who is Jewish. Moreover, Swindall arranged for local ministers to mail out a letter stating Swindall is a "good American and a good Christian."

*The Religious Right staunchly defended its chief apostle, Republican Sen. Jesse Helms of North Carolina. A letter written by Southern Christians for Helms warned readers in October, 1984: "May Christ enter your heart before the election on Nov. 6, because afterwards God's wrath will be unmerciful through his Christian servants."

*On the Sunday before the 1984 election in Texas, fundamentalists placed 850,000 pieces of literature on the windshields of cars parked at churches throughout the state. The pamphlets compared the abortion records of candidates for President, Senator, and Representatives, and were paid for by the Reagan-Bush and Gramm for Senate campaigns.

*Also in the last week of the 1984 campaign, Texas Republican Congressional candidate Dick Armey mailed a four-page pamphlet detailing incumbent Democratic Rep. Tom Vandergriff's alleged support for abortion and opposition to guaranteeing medical care to newborn babies. The back-page of the pamphlet read: "Respect for America begins with respect for the family and traditional family values." A spokeswoman for Vandergriff later said her campaign had no time to respond to these "distort[ments] of Vandergriff's record."

*Rep. Thomas Daschle (D-SD) has witnessed the Religious Right's last-minute wrath and battled back. Daschle responds to

Sunday-before-the-election flyers with a direct-mail letter discussing his positions on social and educational issues. The

letter is timed to appear in voters' mailboxes the Monday before the election. Daschle is a candidate for Senate this year.

The Results

All these activities pay off. The ACTV claimed its registration drives at 200,000 churches in 1984 added 3.5 million fundamentalists to the voter rolls. These voters contributed to narrow upset victories for Republican challengers over Democratic incumbents in 1984.

To help re-elect Helms, Moral Majority-led fundamentalists claimed they registered 150,000 new voters in North Carolina through a network of 2,400 fundamentalist pastors and their churches. Helms won by 71,000 votes.

In other 1984 races in North Carolina, William Cobey, who recently called himself an "ambassador for Christ," defeated incumbent Rep. Ike Andrews by 3,000 votes; William Hendon, supported by Helms' Congressional Club, beat incumbent Rep. James Clarke by 4,300 votes; and Howard Coble, with help from anti-abortion television advertisements, upset incumbent Rep. Charles Britt by 2,600 votes.

In 1984 races in Texas, Armev, supported by 250 "Christian activists" on his campaign staff, defeated incumbent Rep. Tom Vandergriff 51-49%; Beau Boulter, with help from the ACTV and the Pat Boone 1984 Prayer Crusade, defeated incumbent Rep. Jack Hightower; and Mac Sweeny slipped past incumbent Rep. Bill Patman 51-49%.

Jerry Falwell's October, 1986, Surprise

Despite his claims that he is withdrawing from electoral politics, Jerry Falwell announced his own "October Surprise" in a mailing October 6, 1986. Appealing for donations to his Liberty Federation, Falwell declared: "You and I may be only a few weeks away from a national disaster -- and for that reason -- we have just launched a "Thirty Day National Blitz" -- a strategic action which we used very successfully in 1982...the liberals are already bragging that conservative and pro-moral candidates will lose 30 seats in the House and -- worst of all -- that the liberals will take control of the Senate for the first time since 1980." Falwell said contributions would help him "launch a desperately needed campaign to reach hundreds of thousands of people right before the election" and "contact millions of voters by direct mail, television, and radio."



PAT ROBERTSON'S BATTING AVERAGE --- .533

Listed below are the 15 races in which Robertson endorsed a candidate who had a primary or was challenged for the party's nomination. Robertson backed eight winning candidates and seven losing candidates. All the candidates that Robertson backed are Republican. Besides candidates listed below, Robertson supported eight other candidates -- from Senate races to state auditor -- who did not have opponents.

CANDIDATES	RACE	STATUS
<u>California</u>		
Michael Antonovich	Senate	lost June 3
H.L. Richardson	Lt. Governor	lost June 3
<u>Colorado</u>		
Ken Kramer	Senate	won August 12
Mike Norton	2nd CD	won August 12
<u>Illinois</u>		
Judy Koehler	Senate	won March 18
<u>Indiana</u>		
James Butcher	5th CD	won June 3
<u>Michigan</u>		
Mark Siljander	4th CD	lost August 8
William Lucas	Governor	won August 8
<u>New Mexico</u>		
Paul Becht	Governor	lost June 3
<u>North Carolina</u>		
David Funderbunk	Senate	lost May 6
<u>Oklahoma</u>		
Jim Inhoff	6th CD	won August 23
<u>South Carolina</u>		
Dr. Henry Jordan	Senate	lost June 10
<u>South Dakota</u>		
Dale Bell	House-at-Large	won June 10
<u>Texas</u>		
Kent Hance	Governor	lost May 3
<u>Virginia</u>		
Flo Traywick	6th CD	won June 10

Interreligious Affairs Department
AMERICAN JEWISH COMMITTEE
165 East 56th Street
New York, New York 10022

Date May 9, 1986
From: Rabbi A. James Rudin
To: Marc Tanenbaum

For Your Information:



THE RELIGIOUS RIGHT IN THE 1986 ELECTIONS

The shape and tactics of the Religious Right have changed this year, reflecting growing activity at the grassroots level, shifts in national leadership and institutionalization within the Republican Party.

The first year the Religious Right made a concerted national effort was in 1980, when it worked to elect Ronald Reagan and to target liberal Democrats, primarily in the Senate. The most visible personality was Jerry Falwell, who became the living symbol -- sometimes the caricature -- of the movement. His organization, the Moral Majority, shared the spotlight with two other organizations -- Christian Voice, which produced a "Christian report card," and the Religious Roundtable, led by Ed McAteer, a Republican activist. It was the Roundtable which sponsored a national pastors' conference in Dallas at which Reagan appeared and made a strong appeal to the Religious Right.

It is arguable how great a role the Religious Right played in Reagan's election; it may well have made a difference in voter registration and turn-out in some southern states Reagan won by a close margin. It is less clear how much of an influence the movement was in the Senate elections, but most political observers credit it with helping elect Sen. Jeremiah Denton (R-AL) and Sen. Don Nickles (R-OK). A number of other Republican senators elected that year had the support of the Religious Right: James Abdnor (South Dakota); Charles Grassley (Iowa); Robert Kasten (Wisconsin); John East (North Carolina); Steve Symms (Idaho); Dan Quayle (Indiana); Paula Hawkins (Florida) and Mack Mattingly (Georgia).

The 1982 mid-term elections were a different story. Reagan was not running at the head of the ticket and, with the economy in the depths of a recession, it was clearly a "Democratic year." The Religious Right was all but invisible.

But it returned to prominence in the 1984 elections. Falwell was again the most visible leader; he and Robison preached at the Republican National Convention in Dallas. The televangelists played a more visible role: Pat Robertson, Jimmy Swaggart and others called for the election "godly people" and "Bible-believing people." Falwell, Swaggart, Robison, Jim Bakker, D. James Kennedy, Rex Humbard, Kenneth Copeland and Jack Van Impe joined with other Religious Right leaders to form the American Coalition for Traditional Values (ACTV), which was chaired by Tim LaHaye.

The Roundtable had faded, but Christian Voice was still active, distributing 5 million copies of a "Candidates Biblical Scoreboard" and organizing heavily in Texas as a pilot project for 1986 and beyond. In 1984, moderate and conservative Democrats were the major target and most political observers credit the Religious Right with helping elect Republican congressmen in

Georgia (Pat Swindall); North Carolina (Bill Hendon, Bill Cobey and Bill Coble); Texas (Joe Barton, Mac Sweeney, Richard Armey and Beau Bolter) and California (Robert Dornan).

There were several important differences in 1986:

1) After targeting liberal Democrats in 1980 and moderate and conservative Democrats in 1984, the Religious Right turned on moderate and traditionally conservative Republicans and made a concerted effort to take over the Republican Party. The Religious Right mounted efforts to overthrow Republican candidates and local party leaders in Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, North Carolina, Oregon, South Carolina and Texas. The movement had a significant influence on party platforms in Iowa, Nebraska, Texas and several other states.

2) Grassroots activity by the Religious Right has increased. In 1985, Falwell and LaHaye had said more fundamentalists would run for office at the local level, and that is exactly what happened. Robertson in particular, through the Freedom Council, used veteran political activists to organize fundamentalists at the local level. This grassroots emphasis was sparked by the encouragement of national leaders as well as the spontaneous effort of local people encouraged by the Religious Right's past success. The grassroots emphasis included Christian Voice's inclusion of candidates for governor, lieutenant governor and state legislature in its "Biblical Scoreboard" of which it plans to distribute at least 5 million copies.

3) In 1986, the Religious Right had to play more defense than offense in order to protect the "Senate Class of 1980" and the "House Class of 1984"; most candidates with Religious Right backing in 1986 were incumbents.

**Races to Watch for the Interaction of Religion and Politics,
Particularly Religious Right Activity** (* = incumbent)

Alabama:

Lt. Governor:

Don McGriff (R)
Jim Folsom, Jr. (D)

Pat Robertson's PAC has contributed to McGriff's campaign.

U.S. Senate:

Jeremiah Denton (R) *
Richard Shelby (D)

Denton won with Religious Right support in 1980 and is receiving help again this year.

Arkansas:

U.S. Senate:

Asa Hutchinson (R)
Dale Bumpers (D)

Religious Right leaders, including Pat Robertson, have backed Hutchinson.

California:

U.S. House of Representatives:

27th District...Rob Scribner (R)
Mel Levine (D) *

Scribner says God told him to run and charges Levine is "diametrically opposed to nearly everything the Lord's Church stands for in this nation." [Levine is Jewish.]

Colorado:

Governor:

Ted Strickland (R)
Roy Romer (D)

Strickland has called for a Christian-centered government.

U.S. Senate:

Ken Kramer (R)
 Tim Wirth (D)

Kramer has Religious Right support, including a Pat Robertson endorsement.

Florida:**U.S. Senate:**

Paula Hawkins (R)*
 Bob Graham (D)

Hawkins had Religious Right support in 1980. Her re-election is a priority for Falwell.

U.S. House of Representatives:

16th District... Mary Collins (R)
 Larry Smith (D)*

Collins has distributed material saying, "His (Smith's) positions on infanticide, gun control, abortion and prayer in the school make Larry Smith the antithesis of what the Christian community in the District would prefer." [Smith is Jewish.]

Georgia:**U.S. Senate:**

Mack Mattingly (R)*
 Wyche Fowler (D)

Mattingly was the surprise winner over Herman Talmadge in 1980, with significant help from the Religious Right. This year, Falwell has endorsed Mattingly.

House of Representatives:

4th District... Pat Swindall (R)*
 Ben Jones (D)

Swindall won an upset victory over Elliot Levitas with strong Religious Right support in 1984.

7th District... Joe Morecraft (R)
 Buddy Darden (D)

Morecraft is a "theonomist" minister who believes civil law should duplicate biblical law. He has prayed for the death of Supreme Court justices and he is a member of the John Birch Society.

Idaho:

U.S. Senate:

Steve Symms (R)
John Evans (D)

Symms was supported by the Religious Right in 1980 and has stayed closer to the Far Right line than others in the class of '80. His re-election is a priority for the Religious Right.

Indiana:

U.S. House of Representatives:

1st District...William Costas (R)
Peter Visclosky (D)*

Costas is a Religious Right candidate who said God told his wife he should run for Congress.

2nd District...Don Lynch (R)
Phil Sharp (D)*

Lynch, an associate pastor at a local church, is a Religious Right candidate who defeated a candidate endorsed by the Republican organization in the primary. Beverly LaHaye, a leader of the Religious Right group Concerned Women for America, addressed a rally for Lynch.

5th District...James Butcher (R)
Jim Jontz (D)

Like Costas and Lynch, Butcher is a Religious Right candidate who upset an organization-supported candidate in the Republican primary.

Statewide developments: Christian Voice, in cooperation with other Religious Right organizations, including the American Coalition for Traditional Values and Americans for Biblical Government, is distributing fliers through the churches attacking the voting records of Reps. Sharp, McCloskey, and Andy Jacobs (10th District), as well as statewide candidates.

Michigan:**U.S. House of Representatives:**

3rd District...Jackie McGregor (R)
Howard Wolpe (D)*

McGregor ran an unsuccessful campaign against Wolpe in 1984 and still has strong Religious Right support. During the 1984 campaign, Rep. Mark Siljander (R-Mich.) sent a letter to voters in the district urging they elect McGregor and "send another Christian to Congress." MacGregor mailed a letter with Republican Cong. Camp Comm. funds that attacked Wolpe for raising money outside the district from members of his religion. [Wolpe is Jewish.]

Minnesota:**Governor:**

Cal Ludeman (R)
Rudy Perpich (D)

Ludeman, backed by the Religious Right, beat a moderate Republican for the nomination.

North Carolina:**U.S. Senate:**

James Broyhill (R)*
Terry Sanford (D)

After being opposed by the Religious Right in the primary, Broyhill has been lining up its support in the general election. The Broyhill campaign's "Christian liason" sent a mailing with campaign funds that charged Sanford with supporting the one-world government "foretold in the Book of Revelation" (a reference to the Anti-Christ), and urged support for Broyhill because: "God's people must not sit idle while the battle rages. Please contact as many leaders of our persuasion in your county as possible."

U.S. House of Representatives:

2nd District...Bud McElhaney (R)
Tim Valentine (D)*

McElheney, who led an effort to recall the Mayor of Durham for signing a proclamation supporting civil rights for homosexuals, has Religious Right backing.

4th District...William Cobey (R)*
David Price (D)

Cobey, who won with Religious Right support in 1980, has called himself an "ambassador for Christ" in Congress and warned he may be replaced by someone who does not believe the word of God. Price is a Southern Baptist graduate of Yale Divinity School.

Ohio:

Governor:

James Rhodes (R)
Richard Celeste (D)

Rhodes is appealing to the Religious Right. A mailing distributed by his campaign addressed "Dear Christian Leader" declares: "As a leader under God's authority, you cannot afford to resign yourself to idle neutrality in an election that will determine the future moral environment of our state.... It is vital that you know there is a distinct contrast between Dick Celeste and Jim Rhodes on the question of traditional family values."

In a letter mailed on Rhodes' behalf, the Ohio Citizens for Decency and Health PAC chairman said, "The Lord is calling for mighty men of God who will stand in the gap for our land, that God should not destroy it."

U.S. Senate:

Thomas Kindness (R)
John Glenn (D)

Kindness, whose responses to Christian Voice's questionnaire received a 92% rating, has accused Glenn of waging war on fundamentalist Christians.

Oklahoma:

U.S. Senate:

Don Nickles (R)
Jim Jones (D)

Nickles is, along with Denton, one of two Senators who can most clearly point to Religious Right support as making a difference in 1980.

U.S. House of Representatives:

1st District...Jim Inhofe (R)

Gary Allison (D)

Inhofe, a former Mayor of Tulsa, has been state coordinator for Pat Robertson's Freedom Council and Robertson recently held a fundraising rally for him.

Statewide developments:

A cooperative effort called the Christian Action Coalition, consisting of Pat Robertson's Freedom Council, Oklahomans Against Pornography, and the Oklahoma Christian Voice, is distributing the results of a questionnaire of candidates' views on religious and social issues. The questionnaire results will also be available through churches and religious bookstores.

South Dakota:

U.S. Senate:

James Abdnor (R)

Tom Daschle (D)

Abdnor was another member of the "Class of '80" elected with support from the Religious Right.

U.S. House of Representatives:

At Large...Dale Bell (R)

Tim Johnson (D)

Bell has a 92% Christian Voice rating and has received support from Pat Robertson.

State Developments:

A coalition of national and local Religious Right groups are distributing the Christian Voice Scoreboard which highlights the South Dakota races.

Tennessee:**U.S. House of Representatives:**

3rd District...Jim Golden (R)
Marilyn Lloyd (D)*

Golden is endorsed by Pat Robertson, who sponsored a fundraiser for him. However, Lloyd is a member of the Christian Voice Advisory Board.

Texas:**Governor:**

William Clements (R)
Mark White (D)

Clements is wooing the Religious Right with a staff member whose title is "Christian Liaison."

Lieutenant Governor:

David Davidson (R)
Bill Hobby (D)

Davidson is a Religious Right leader and is supported by the Texas Grassroots Coalition.

U.S. House of Representatives:

5th District...Tom Carter (R)
John Bryant (D)*

Carter has Religious Right support. Pat Robertson sponsored a fundraiser for Carter, and Carter said the voters shouldn't re-elect any Congressman who received a zero rating from Christian Voice.

6th District...Joe Barton (R)*
Pete Geren (D)

Barton had strong support from the Religious Right in his 1984 victory. Jerry Falwell has contributed to Barton's campaign.

13th District...Beau Boulter (R)
Doug Seal (D)

Pat Robertson's PAC has contributed to Boulter, who has a 100% rating from Christian Voice. Boulter has said the Christian Voice report cards were a key to his victory in 1984.

14th District...Mac Sweeney (R)*
Greg Laughlin (D)

Sweeney, elected with Religious Right support in 1984, has a 100% rating from Christian Voice.

19th District...Larry Combest (R)*
Gerald McCathen (D)

Combest, elected with Religious Right support in 1984, has a 100% rating from Christian Voice.

26th District...Richard Armev (R)*
George Richardson (D)

Armev, elected with Religious Right support in 1984, has received a contribution from Jerry Falwell's PAC. He is a member of Christian Voice's Congressional Advisory Board and has a 100% rating from Christian Voice.

Statewide Developments:

During the county and state GOP conventions, an ultra-fundamentalist group called the Texas Grassroots Coalition distributed a sheet called the "Oath and Covenant" asking delegates to the conventions to sign in order to prove they were the "right" Christians.

Virginia

House of Representatives:

1st District...Herbert Bateman (R)*
Robert Scott (D)

A conservative Christian group circulated a flyer in support of Bateman that accuses Scott of supporting measures in favor of state control of religion. This CD includes suburbs of Virginia Beach, Pat Robertson's home base.

6th District...Flo Neher Traywick (R)
James Olin (D)*

This is Jerry Falwell's home district, and he has endorsed Traywick.

10th District...Frank Wolf (R)
John Milliken (D)

Milliken has raised the issue of Wolf's support of positions favored by the Religious Right, such as organized prayer in the public schools.

Wisconsin:

U.S. Senate:

Bob Kasten (R) *
Ed Garvey (D)

Kasten had Religious Right support in 1980, and has a 100% rating from Christian Voice.



NATIONAL CONFERENCE ON RELIGIOUS FREEDOM

JEFFERSON'S STATUTE FOR RELIGIOUS FREEDOM:

Historical, Societal, and Constitutional Concerns

James H. Smylie

Union Theological Seminary

Virginia

During 1986, the Commonwealth of Virginia has been observing the 200th anniversary of Thomas Jefferson's Statute for Religious Freedom. Bernard Bailyn, Harvard historian, in his study of The Ideological Origins of the American Revolution (1967) speaks of this act as an aspect of the "contagion of liberty" which accompanied the American Revolution, and has called it the "most important document in American history, bar none." While many would consider the Declaration of Independence of 1776 which preceded the act and the Constitution of the United States (1787) and the Bill of Rights (1791) more important, clearly Jefferson's Statute deserves serious consideration as one of the milestones in religious and political history of the United States and of the western world. In it Jefferson and Virginia's legislators attempted to deal with all of the "diabolical hell-conceived . . . Imps," or devils of persecution, as James Madison called them, which had been a part of western life for so long and from which the New World had not escaped. Some Virginians thought the New World should be different from the Old in this respect, and they began the experiment with religious liberty which would be a model for other states and the nation.

Jefferson, in proposing the Statute for Religious Freedom, and Madison, in championing the cause, intended to write into the Constitution of the Commonwealth of Virginia the right of its citizens to religious freedom and to underscore their belief that this right is a natural one given by God and not bestowed or to be taken away by the state. There is no space and no need to retell in detail the history of the passage of this Statute. (Thomas E. Buckley) has done this well in Church and State in Revolutionary Virginia, 1776-1787 (1977), while Robert Allen Rutland has placed this Virginia history in its larger context in The Birth of the Bill of Rights, 1776-1791 (1962, rep., 1985). Rather, after a brief rehearsal of the legislative history which lead to the passage of the Statute in (1786), we shall focus on larger historical, societal, and constitutional concerns in which the debate took place and the Statute was passed. Virginians were quite conscious of the long history of western civilization as they engaged (1) in a redefinition of the relationship between religious and political ideas and institutions; (2) a debate over the importance of religion as a source of virtue and the need of society for religion and virtue; and (3) an attempt to separate religious and political spheres constitutionally to deal with their fears of absolute and arbitrary, or capricious power, over which they were fighting a bloody revolution. By focusing attention on these larger issues we shall better understand Jefferson's contribution to religious freedom, and also the matters which have been a part of the debate about the First Amendment to the Constitution from the latter part of the eighteenth century to our own time.

I

83 Legislative History

Thomas Jefferson (1743-1826) drafted his Statute in 1777, nine years before it was finally guided through the legislature by James Madison (1751-1836) and became the law of the Commonwealth in 1786. Thus the Statute had a long legislative history beginning with the passage of Virginia's Declaration of Rights of 1776. This was after hostilities broke out between England and America and Americans declared independence. Because of the "contagion of liberty" other states began to debate the issue of religious rights. The relations between religious bodies and the governments varied from state to state. In the north, for example, Massachusetts decided to support a system of Protestant teachers of piety and morality, while South Carolina established the "Christian Protestant religion" for the well-being of the society. In Rhode Island and Pennsylvania laws encouraged a religious pluralism, freedom of worship, and voluntary support of religious institutions. Virginia, in which the Church of England had been established throughout the colonial period and supported by the government to the disadvantage of Presbyterians, Baptists, and other dissenters, moved to disestablish the church and provide for religious liberty. Even with the growth of toleration under an establishment, Anglicans enjoyed privileges and possessions by law. For example, the vestry of the church played the decisive role in the social and political affairs of communities, and clergy were supported by property paid for by the taxes levied against all Virginians. Furthermore, all clergy had to be licensed by a political system in which Anglicans determined the criteria for such licensure. Immediately before the revolution, Baptists suffered persecution and imprisonment because some clergy refused to be licensed to preach--contrary to the dictates of their conscience.

In May of 1776 the Virginia legislature appointed a committee to draw up a Declaration of Rights as the country moved toward independence. The committee included Patrick Henry, James Madison, and George Mason, who seemed to be the chief among the "Political Cooks," as they were called. The last article of this Declaration pertained to religion, and caused a spirited discussion. It read in one of its first versions:

That Religion, or the duty we owe to our CREATOR, and the manner of discharging it, can be directed only by reason and conviction, not by force of violence: and therefore, that all men should enjoy the fullest toleration in the exercise of religion, according to the dictates of conscience, unpunished, and unrestrained by the magistrate, unless under colour of religion, any man disturb the peace, the happiness, or safety of Society. And that it is the mutual duty of all to practice Christian forbearance, Love, and charity, towards each other.

Young Madison apparently did not like the use of the word "toleration." In the process of amending this article, he managed to substitute for Mason's word the phrase which states that "all men are equally entitled to the free exercise of religion." Madison's substitution became a part of the final version of the sixteenth article of the Declaration of Rights which Presbyterians invoked as the "magna charta of our Commonwealth." In deleting the word "toleration," members of the legislature indicated that they considered liberty of conscience

in religious matters a natural right and not one granted or withheld at the pleasure of the civil authorities. It may be that many legislators did not catch the implications of this shift.

While Jefferson first drafted his own bill on this subject in 1777, it was not introduced in the legislature until 1779 when it became part of the vigorous discussion over religious liberty which ensued. The Declaration of Rights left the Church of England in place, with its privileges, including the right to perform marriages, and possessions. This was an offense to numerous Anglicans themselves, to the Presbyterians, Baptists, and others who felt themselves unjustly treated and burdened as they continued the revolutionary struggle against England for "liberty, civil and religious." "A Preacher of the Gospel" denounced clergy of the establishment as "dumb dogs" and "drones who have long lived on the sweets of the land, unprofitable to, and a heavy charge on the public." A "Philoepiscopus" responded by charging the writer with "nonsense and blasphemy" and for undermining the doctrines and discipline of the church, and therefore of society.

In the ten-year debate, Virginians tried to clarify the ambiguities left by the Declaration of Rights with regard to religion. In the first place, they discussed the incorporation of the newly formed Protestant Episcopal Church, freed it from the state legislature, and finally gave it control over its own affairs, a privilege which dissenters already enjoyed to an extent. In the second place, they discussed and finally rejected a general assessment policy which would have levied a tax upon Virginians for the support of a religious teacher or a church of the citizen's own choice. Thirdly, Virginians continued to fight over the glebes, revenue producing land which had been purchased by all citizens of the Commonwealth but left in the hands of the Episcopalians in the act for incorporation. Not until 1802 did the legislature, often filled with Episcopalian sympathizers, seize the glebes and sell them for public purposes. It did so under Jefferson's Statute for Religious Freedom.

Although Jefferson was in Europe, the movement for the passage of the Statute began in earnest in 1785 and culminated in January, 1786. Jefferson had relied heavily upon his careful study of John Locke's A Letter Concerning Toleration (1689) for ideas. In his apology for the Toleration Act of 1688 in England, Locke defined the church as a voluntary society. Jefferson moved beyond toleration to define religious freedom for Virginians. Jefferson prefaced his bill with a long Preamble beginning with a basic assumption that "Almighty God hath created the mind free," and that coercion in matters of religion only beget "hypocrisy and meanness" in the people. Often called a Deist, Jefferson was deeply influenced by the Enlightenment. He stressed the "reasonableness of Christianity" and tended to reduce it merely to a system of morality, according to the more orthodox among the Anglicans, Presbyterians, and Baptists. On the basis of his argument, other aspects of which will be noted later, Jefferson then presented his Statute.

Be it enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

To these words Jefferson added a note that the rights mentioned here are natural rights. Attempts of future legislatures to repeal or narrow this Statute would represent an infringement of these rights. With a "Memorial and Remonstrance," Madison led the fight against "A Bill establishing a provision for Teachers of the Christian Religion" and for the Statute. In this legislative struggle, Patrick Henry emerged as Madison's and the Statute's most eloquent opponent as a member of the legislature. Jefferson wrote Madison from France that his supporters might pray for Henry's providential death. Madison helped resolve the problem less drastically by managing to have Henry elected governor, thus removing his powerful voice and vote from the legislature.

During these legislative battles, Anglicans, later known as Protestant Episcopalians, were in control of the Senate and the House of Delegates in Williamsburg, and later, Richmond when the capitol was moved. The "Church of England" men, as they were called, were divided, however, between those who fought first for the rights of the established church and then for an official place for religion in the life of the Commonwealth, and persons, such as Jefferson and Madison who championed religious rights at the expense of their own denomination, but for the health of the whole society and its religious and political life. Jefferson and Madison did not win their struggle without the help of dissenters such as the Presbyterians, Baptists, and others, who, while not as well represented in the legislature, nevertheless, used the right of petition to present the cause in numerous memorials with thousands of signatures to their representatives. While being very suspicious of and even hostile to the Deism they perceived in such leaders as Jefferson and the rationalism which seemed to undergird their religious ideas, these evangelical Christians, mainly in the Calvinist tradition, made their alliance with those who stood for religious liberty in the state. As Buckley shows in his study, the northern and western parts of the state, where dissenters from the established church were strongest, opposed incorporation and assessment, and supported Jefferson's statute. The eastern section where the Church of England was prominent, opposed the statute proposed by one of their own adherents. It should be noted that while clergy played an important role in this debate, the laity in the legislature finally decided the issues and passed the Statute for Religious Freedom in January 1786.

II

Western Civilization, History and Religious Freedom

What is the significance of this Statute and what was the debate in the 1770s and 1780s in Virginia all about? We may be helped in our understanding if we focus attention on some of the concerns over history, society, and constitutions which surfaced during the period between the enactment of Mason's Declaration of Rights and Jefferson's Statute, and later. In the first place Virginians who supported religious freedom drew upon the experience of western civilization, history of the earliest Christian communities, and indeed some believed that they were returning to the condition of the church described in the Christian scriptures. In his Preamble to the Statute Jefferson wrote that "the Holy author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either as was in his Almighty power to do. . . ." In his "Memorial," Madison also maintained that the Christian religion "existed and flourished, not only without the support of human laws, but in spite of every opposition from them." Such a religion, Madison

concluded, needs only the "patronage of its Author," not that of the civil magistrate. To argue otherwise would be a "contradiction in fact." The Baptist Churches put it succinctly in 1786: "New Testament Churches, we humbly conceive, are, or should be, established by the Legislature of Heaven and not earthly power; by the Law of God and not the Law of the State; by the acts of the Apostles and not by the Acts of the Assembly." Dissenters from the established church and Deists such as Jefferson, who thought of himself as a true follower of Jesus of Nazareth, shared such an historical perspective. As Madison suggested, they sought a "restoration of this primitive state."

This meant, on the one hand, that Virginians thought of themselves as reversing the history of western civilization from the fourth century onward. Petitioners for religious liberty from Westmoreland County in 1785 argued that the Church was not better "when Constantine first established Christianity by human laws." Madison was not as explicit in pointing the finger at Constantine, but he did suggest in the same year that for fifteen centuries the legal establishment of Christianity had been on trial. Here we should recall that the Roman Emperor Constantine, after his conversion to Christianity in 311, proclaimed a full toleration for all religions throughout the empire, and became a munificent benefactor of Christianity and a power in its councils. By the time of Theodosius in the latter part of the fourth century, the empire had been transformed into a Christian state. Christians became Caesar. Christian and civil institutions became mutually dependent upon the other. Christians, who had been persecuted, became persecutors. What was the result of these years of legal establishment? The Presbyterians, meeting in Augusta County, wrote the legislature that such dependency had been an "injury rather than an aid" and had introduced corruption among Christian professors "in proportion to zeal, of the powers of this world, in arming it with the sanction of legal terrors, or inviting to its profession by honors and rewards." Madison concluded that the chief fruits of the arrangement had been pride and indolence in the clergy, ignorance and servility among the laity,--in a word, "superstition, bigotry, and persecution," corrupting state as well as church.

Since most Virginians were heirs of the Protestant Reformation, those who championed religious freedom thought of themselves as continuing and fulfilling a process which began in the sixteenth century. The Presbytery of Hanover claimed in a 1777 memorial that the "reformation from popery" carried on the "principles" upon which the "gospel was first propagated." The problem with this angle of vision is that Protestants also carried over from medieval Catholicism at the time of the Reformation much of what they were now objecting to in their fight in Virginia for religious liberty. At first Lutheranism and then Anglicanism and Calvinism became established churches in Europe, the latter traditions being the most prominent in colonial America. Anglicanism was established not only in England but in the British possessions in America, while English Puritanism established itself in New England. Both were sometimes intolerant of dissent from their own views of Christian faith and life, and denied dissenters civil as well as religious rights. Jefferson, as his notebooks and his Notes on the State of Virginia (1787) demonstrate, knew of this history. In the New World, the Puritan-Baptist-Seeker Roger Williams of Rhode Island, Quaker William Penn of Pennsylvania, and Roman Catholic Lord Baltimore of Maryland, experimented with religious pluralism. Toleration grew during the eighteenth century also in colonies such as New York.

Scotland's Presbyterians were established in the Old World, although Presbyterians did not benefit from such an arrangement in America throughout the colonial period. Clergyman Samuel Davies, who founded Hanover Presbytery in 1755 expressed his convictions earlier in the century. He condemned the "patrons of persecution, those common enemies of liberty, religion and human nature," including St. Augustine, for use of coercion and the "terrors of the secular power" in religious matters. Davies continued:

. . . it is sufficient to observe, that it is evident Christ never commissioned his apostles, nor did they ever pretend to propagate his religion, like Mohomet, with a sword in their hand, but by dint of evidence, and the power of the Holy Spirit:—and, indeed, no other arms were fit to propagate a rational religion. The terrors of the secular arm may scare men into the profession of a religion, but they have no tendency to enlighten the understanding, or to produce a real faith; and therefore they are fitted only to make hypocrites, but can never make one genuine, rational Christian. The weapons of the apostolic warfare, which were so mighty through God, were miracles, reasoning, entreaty, and the love of a crucified Savior; and these were adapted to the nature of the human mind, to subdue it without violence, and sweetly captivate every thought into obedience to Christ.

After some difficulty, Davies was licensed to preach by the Anglican establishment although he did not challenge the establishment decisively. Ideas similar to his may be found in the writings of Jefferson, Madison, and numerous petitions which went to the Virginia legislature during the debate over religious freedom in Virginia. A more tolerate spirit grew in the colonies as indicated by the concerns of George Mason written in the Declaration of Rights. Despite such growth, Presbyterians, Baptists, and other dissenters grew tired of having their Christianity and their citizenship measured by the articles and forms of the Book of Common Prayer of sixteenth century and the Church of England whose long arm extended to America.

There is one other aspect of this historical concern which should be mentioned. Since Christianity had been established for so many centuries how can any new society be viable without such an establishment? We shall explore this matter more fully in our next point. Here we should note that some memorialists to the legislature in this debate picked up the lamp of American experience for guidance. At the very outset in 1776 Presbyterians called attention to the population growth and prosperity of Northern provinces where religious toleration and religious pluralism existed. Virginians had nothing to fear from religious freedom. Indeed, Virginia might have been the capital had it not been for the establishment. In a memorial, apparently more widely circulated than Madison's, the patrons of liberty of Westmoreland County were explicit in mentioning Virginia's neighbor to the north:

That religious Establishment and government are linked together and that the latter cannot exist without the former is contrary to experience. Witness the state of Pennsylvania wherein no such Establishment hath taken place; their government stands firm; and which of the neighboring states has better members, of brighter morals and more upright Characters.

Madison argued in his "Memorial" that the establishment curbed population growth and tended to banish citizens to other states, thus causing Virginia further lost. Moreover, he also maintained that it kept the Commonwealth from being an "asylum to the persecuted." The historical movement, Madison claimed, should be away from the inquisitorial spirit of the past, of both Roman Catholicism and of Protestantism, and toward religious liberty. The citizens of Prince Edwards County looked forward to the time when Virginians would "break the long night of ecclesiastical bondage," a bondage which extended back in time to Constantine and St. Augustine.

II

Religion, Virtue, and a Free Society

Some Virginians had more on their minds than fifteen hundred years of persecution. As Gordon S. Wood has shown in The Creation of the American Republic, 1776-1787 (1969), Virginians joined other Americans in building a new society. They were asking questions about what would transform colonies into a viable nation, Virginia into a viable state. When Constantine converted to Christianity and Theodosius created a Christian state, they were under the conviction that religion was needed to give cohesion to the empire and to provide for the welfare of the Roman society. In Virginia, the concern for society was expressed in terms of whether or not public virtue was a public care, as one writer put it, and whether the public support of religion was necessary for public virtue. Mason, whose sixteenth article of the Declaration of Rights included the "free exercise" of religion, was concerned. "Whether our Independence shall prove a Blessing or a Curse," he wrote to Patrick Henry, "must depend upon our own Wisdom or Folly, Virtue or Wickedness; judging of the future from the Past, the Prospect is not promising. Justice & Virtue are the vital Principles of republican Government; but among us, a Depravity of Manners and Morals prevails, to the Destruction of all Confidence between Man & Man." Patrick Henry, Virginia's brilliant revolutionary orator, was so concerned that he supported incorporation and an assessment policy for the state.

Many Virginians considered virtue an essential ingredient of society especially for governments based upon the participation of the people as well as their leaders. Although the nature and extent of human sinfulness was being debated during the latter part of the eighteenth century, Virginians knew something of the corruptibility of all human life and institutions, and also tended to agree that virtue was based on religion. In 1776 a considerable number of the clergy of the established church supported a religious establishment as conducive to the "peace and happiness" of the state. They considered that

opinions of mankind have a very considerable influence over their practice, and that it therefore cannot be improper for the legislative body of a State to consider how such opinions as are most consonant to reason, and of the best efficiency in human affairs, may be propagated and supported; that they are of the opinion the doctrines of Christianity have a greater tendency to produce virtue amongst men than any human laws or institutions, and that these can best be taught and preserved in their purity in an established church, . . .

A "Social Christian," writing in the Virginia Gazette in 1779 supported the Anglicans by arguing that the individual had to yield to the will of the majority for the common good in this matter. While he would tolerate "Jews, Mohamedans, Atheists or Deists," they should not be allowed to hold public office nor claim exemption from supporting Christian teachers of various denominations. An assessment policy would guarantee support of churches. Competent religious teachers would provide religious education and instruction in morality to the poor. Compulsory attendance at religious services would provide the cement of the community by commending public virtue. Even some Presbyterians, most of whom sided with the Baptists on the matter of religious freedom, were concerned about the cultivation of virtue. In its 1784 memorial to the House of Delegates, the Presbytery of Hanover, agreed that religion and the support of its "solemn institutions" was "absolutely necessary to the existence and welfare of every combination of men in society," because of the "happy influence upon the morality of its citizens." At this point, Virginians disagreed with Jefferson who seemed to imply in his Preamble to the Statute that religious opinions were of no more importance in connection with civil rights than "opinions in physics or geometry." He also wrote in his Notes on the State of Virginia that it did him no injury for his "neighbor to say there are twenty gods, or no god," because it neither picked his pocket nor broke his leg. Some Virginians seemed to hold that the relation between religious opinions and acts was more complicated than Jefferson made it.

The Virginia legislature finally came out for Jefferson's Statute. Whatever might be the relationship between religious and virtue, virtue and society, in matters of religious opinions and institutions, persuasion rather than coercion was the better part of wisdom and public policy. Persuasion in these matters is better than coercion for both civil and religious institutions and society as a whole. Jefferson put the matter negatively and succinctly in the preamble to the Statute. To use temporal "punishments or burthens, or ... civil incapacitations" to force a religious conformity only produced "habits of hypocrisy and meanness" in people. To allow the civil magistrate to exercise power in religious matters, Madison wrote in 1785, implies that he is the "competent judge of religious truths, or that he may employ religion as an engine of civil policy." Moreover, he saw the principle: Any authority which could establish Christianity to the exclusion of other religions, could establish one denomination to the exclusion of others. Clergy, Presbyterians wrote in the same year, become "hirelings" with an establishment, and such arrangements become "destructive of genuine morality," as has already been noted. The Baptists made it clear that true "Disciples do not follow Christ for Loaves, and Preachers do not preach for Benefices." Madison and others also spoke of the divisiveness of such coercion in religious matters, a divisiveness not good for the society. Opposing the assessment bill before the legislature Madison claimed it would "destroy that moderation and harmony which the forbearance of our laws to intermeddle with religion has produced among its several sects. Torrents of blood have been spilt in old world by vain attempts of the secular arm to extinguish religious discord by proscribing all differences in religious opinion."

On a more positive note, Hanover Presbytery, meeting in Augusta County, seemed to understand that it is best for the society when people submit to the authority of the government voluntarily. After arguing for Jefferson's Statute and against an assessment policy the Presbytery wrote to the legislature: "And we beg leave to assure you, that however warmly we may engage in preserving our religion, free from the shackles of human authority, and opposing claims of

spiritual domination in civil powers, we are zealously disposed to support the government of our country, and to maintain a due submission to the lawful exercise of its authority."

In this debate, Virginians were clear, on the one hand, that civil government had responsibility to provide for the public good in matters temporal. It had no authority, on the other hand, to abridge the rights of conscience, for which human beings are responsible to God alone. Jefferson implies this in the preamble to his Statute, and Madison supported him in his "Remonstrance" when he wrote that the abuse of rights of conscience was "an offense against God, not against man." Why? "To God," Madison explained, ". . . and not to man, must an account be rendered." Baptists were particularly insistent upon this accountability. They, therefore, had even refused to seek licenses to preach from the established government, at personal risk to themselves as the history of their persecution in Virginia suggests. Each person must be accountable to God for herself or himself, including, by the way, the civil magistrate, who had no rights to intrude himself into this relationship by denying religious freedom to others. The Presbytery of Hanover put it this way in explaining the responsibility of government and restrictions upon its powers over conscience:

The existence, preservation and happiness of society should be their only object, and to this theory public cares should be confined. Whatever is not materially connected with this lies not within their province as statesmen. The thoughts, the intentions, the faith and the consciences of men, with their modes of worship, lie beyond their reach, and are ever to be referred to a higher and more penetrating tribunal. Their internal and spiritual matter cannot be measured by human rule, nor be amenable to human laws. It is the duty of every man for himself to take care of his immortal interests in a future state, where we are to account for our conduct as individuals; and it is by no means the business of the Legislature to attend to this, for THERE governments and states, as collective bodies, shall no more be known.

We should note at this point that while the assertion about the rights of conscience may appear as an extreme example of individualism, those who argued the case did so in a deferential manner before the magistrate. They did not deny the need for public virtue. Moreover, the implication of the plea is that God will hold all citizens and civil magistrates responsible and accountable for the way in which they promote the public good. The memorialists were not attempting to escape their responsibilities. They claimed they were accountable to a higher authority than flesh and blood, for behavior as well as believing.

Not all Virginians were happy about the direction in which the legislature was moving. The Presbyterians illustrate some ambiguity about this societal concern. They were more kin to the Anglicans in their sense of responsibility for the public good. In the 1770s Presbyterians spoke strongly: ". . . we ask no ecclesiastical establishments for ourselves; neither can we approve of them when granted to others." They did not want civil authority deciding "who shall preach, what they shall preach; to whom, when, at what places they shall preach; or to impose any regulations and restrictions upon religious societies that they may judge expedient." In the later debate over assessment Samuel

Stanhope Smith, President of Hampden-Sydney College, worried about an "extreme idea of liberty" in which Virginians held that "heaven will take care of the church, if they take care of the state."

In 1784, the legislature was considering an assessment policy. Presbyterians, after expressing strong support for religious freedom, advised that such a policy, if considered necessary, be implemented in the most liberal manner possible. Upon hearing of this memorial, Zachariah Johnston, the principal Presbyterian leader in the House, allegedly said in the floor debates:

Mr. Chairman, I am a Presbyterian, a rigid Presbyterian as we are called; my parents before me were of the same profession; I was educated in that line. Since I became a man, I have examined for myself, and I have seen no cause to dissent. But, sir, the very day that the Presbyterians shall be established by law, and become a body politic, the same day Zachariah Johnston will be a dissenter.

Even the generally taciturn George Washington expressed his doubts about the direction Virginians were moving. After receiving a copy of Madison's Memorial from Mason he wrote in his response for the gift although

no man's Sentiments are more opposed to any kind of restraint upon religious principles than mine are; yet I must confess, that I am not amongst the number of those who are so much alarmed at the thoughts of making People pay towards the support of that which they profess, if of the denominations of Christians; or declare themselves Jews, Mohomitans or otherwise, & thereby obtain proper relief.

In the end Madison and others inside and outside the legislature prevailed, voting against assessment and for Jefferson's Statute. It was better not to tax persons for the support of the religious convictions and institutions of others, nor to force them to support their own. Moreover, in connection with virtue, the legislature seemed to agree with Jefferson that there would be time enough for civil government to intervene when overt acts disturb the "peace and good order" of the community. Risk for risk, Virginians decided that Jefferson's Statute for Religious Freedom was better for the society than an assessment policy and a plural establishment of religious communities. A strong coalition of "Church-of-England Men," Presbyterians, and Baptists helped pass the Statute.

III

Separation of Religious and Political Power

In his volume on the Ideological Origins of the American Revolution, Bernard Bailyn reminds us how the revolutionary generation expressed their concern for "dominion," or the exercise of power by some persons over others involving the use of force. Power is of an encroaching nature, they believed, and corruptible. Americans engaged in writing constitutions which would keep power from becoming absolute and arbitrary, or capricious, abuses of power of which they accused George III. If we keep in mind this larger context about "dominion" and also the attempt of the eighteenth century Americans to diffuse

power, to bring it under some checks and balances for the public good, then we can better understand a dimension of the debate over religious liberty in Virginia.

What was at stake in the assessment controversy in the 1780s? The Baptists saw the assessment policy as "a Bitumen to Cement Church and State together." Another author suggested that incorporation was a first step "towards absolute, arbitrary power in spirituals as well as temporals, . . ." and the first steps towards an "inquisition." Madison, drawing once again on the historical experience, asked what had been the impact of ecclesiastical establishments on civil society. He concluded that in "some instances they have been seen to exact a spiritual tyranny on the ruins of civil authority: in more instances they have been seen upholding the thrones of political tyranny. . . ." Virginians were struggling with the problem of dominion as they debated the Statute for Religious Freedom, the worse combination of which was collusion between political power with the sanction of religious establishments. As they discussed the "checks and balances" and the "separations of powers" needed for a free government, they also had to face the questions of how religious and political power could be deflated, diffused so that it would not be abused.

In the Statute for Religious Freedom, Jefferson refers to religious freedom as a "natural right." Madison referred to it as "unalienable" because what was "right towards man is a duty towards God" and does not depend upon the whims of the political process. Baptists called it "heaven born." But, as the Presbyterians noted in 1784, in the English tradition the fate of religious freedom had been left to the "precarious fate of common law" instead of being made "a fundamental part" of the constitution as it should have been. So in an age of constitution writing, Virginians wrote religious freedom into the law of the Commonwealth. After insisting that the civil magistrate had nothing to do with religious opinions or religious institutions, the argument at this point was against what the Presbyterians called "ecclesiastical domination" or "hierarchical domination" in order to deal with potential corruption of power.

Presbyterians condemned the idea some legislators seem to have of the state "as possessed of supremacy in spirituals as well as temporal; . . ." as intimated in the assessment policy. In connection with both the debate over incorporation of the Protestant Episcopal Church and the assessment bills, Presbyterians argued in the first instance that incorporation erected a body of clergy into a distinct "order in the community," a "distinct political body" with considerable public estate - before the question of the glebes had been settled. Moreover, as in the case of political leaders whose powers should be subject to the will of the people whom they are elected to serve, so in the case of religious leaders. Presbyterians argued against any kind of support which would "render the ministers of religion independent of the will of the people whom they serve." Another thing should be noted. Laws had to be so written as to guard against "any monopoly of the honors or rewards of government by any one sect of Christians more than the rest" to keep any from reaping "superior advantages." The representatives of a free people, according to the Presbyterians in 1784, had to lay aside "all partiality and prejudice on any account whatever" so that the "happiness of the citizens at large" would be "secured upon the broad basis of perfect political equality."

In this connection it is instructive to think of this issue in connection with ideas of James Madison which he took to the Constitutional Convention in

Philadelphia in 1787, just a year after he had helped to engineer the passage of Jefferson's Statute into law. On the one hand he thought that in religious matters the state ought to avoid stimulating religious divisiveness and he was grateful for harmony among various religious bodies. On the other hand, he also believed that the multiplicity of religious interests, as in the case of economic interests, for example, was good for body politic as well as religious institutions. It provided for the competition of opinions. He expressed in private correspondence some satisfaction over the jealousies between Episcopalians and Presbyterians in Virginia because he felt that this would help curb the tendency toward a monopoly of power and undue influence of one religious body in affairs of society.

In the Federalist papers, especially Ten and Fifty-one, written in defense of the Constitution in 1787, he was more explicit. He believed that a government would be helped in this matter of diffusing power by the freedom of various factions which would provide for the safety of the society. This was true of religious freedom for which he had campaigned in Virginia. As in the case of other interests so in religious matters: "A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source." In "a free government the security for civil rights must be the same as that for religious rights," he held. It "consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects." By providing in the Constitution for a large degree of freedom, Madison promoted the purposes of government, such as justice, the general welfare, and even a more perfect union.

So Jefferson's Statute made its way into the laws of the state of Virginia. Not long after in 1791, the First Amendment with its religious clauses became a part of the Constitution of the United States of America. Jefferson's Statute provided for freedom of persons from any kind of compulsion to attend or pay for "any religious worship, place, or ministry whatsoever," and from being "enforced, restrained, molested, or burthened" in body or goods for religious opinions or beliefs. Moreover, in terms of participating in the society, it provided for the freedom of all persons "to profess, and by argument to maintain, their opinion in matters of religion." It provided that no person so exercising this right should have their "civil capacities" diminished, enlarged, or affected. So Virginians enacted into law a far more explicit expression of religious freedom in 1786 than was expressed in Mason's Declaration of Rights. Just as Americans were diffusing legislative, executive, and judicial power, and exploring other checks and balances against the encroaching nature of dominion, to make power serve the public good, so they attempted to separate in a constructive and creative manner, religious and political power. While the line from Jefferson's Statute on Religious Freedom and the First Amendment to the Constitution of the United States of America of 1791 is complex, nevertheless it is direct through Madison. The constitutional issues are similar. Madison went from the struggles for religious freedom in Virginia to the Constitutional Convention in Philadelphia in 1787. In the Constitution religious tests for office in the new national government were eliminated. Later in the first sessions of Congress, Madison, as a representative from Virginia, was one of the chief authors of the First Amendment as it was finally adopted. It reads:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of people peaceably to assemble, and to petition the government for a redress of grievances.

We should note that in this amendment the framers sharpened their expression. These have been the rubrics under which matters in this area of the law have been debated and decided. Some see in these clauses two distinct and not always compatible ideas which have caused tension within subsequent years. Others have interpreted them as been coordinate, equally important to the purposes of the founders and the health of the society, despite, indeed, because of the tension caused thereby. The failure of the framers to define more closely the meaning of religion in its personal and corporate dimensions has also complicated the debate over both its possible establishment and free exercise. The founders united the clauses having to do with religious rights, with the protection of civil rights, freedom of speech, press, assembly, and the right to petition Congress for a redress of grievances. In the minds of Virginians and Americans in general these religious and civil rights were essential to each other as they began their societal experiment and their attempt to keep "dominion," religious and political, from becoming absolute and capricious.

ARCHIVES

IV

A "Wall" and "Line" of Separation

So Virginians, and then the new nation, began the experiment with religious freedom with Jefferson's Statute and subsequently the First Amendment to the Constitution. Even Samuel Stanhope Smith, who had left his post at Hampden Sydney College for the College of New Jersey at Princeton, was willing to accept this experiment. In his sermon entitled The Divine Goodness to the United States of America (1795) he explained:

Among us truth is left to propagate itself by its native evidence and beauty. Stripped of those meretricious charms that, under the splendor of an establishment, intoxicate the sense, it possesses only those modest and simple beauties that touch the heart. . . . In America, a diligent and faithful clergy resting on the affections, and supported by the zeal of a free people, can secure their favour only in proportion to their useful services. A fair and generous competition among the different denominations of Christians; while it does not extinguish their mutual charity, promotes an emulation that will have a beneficial influence on the public morals.

Although speaking about the Constitution of the United States, Smith sounds like he had paid close attention to the debates over Jefferson's Statute in Virginia in the 1770s and 1780s, and the historical, societal, and constitutional concerns in which those expressions of religious freedom were framed and ratified.

Matters were not settled once and for all. Virginians and Americans have been engaged in a continual debate over the meaning of religious

freedom. The movement away from toleration to religious freedom was a slow process in other states besides Virginia, for example, and religious tests and assessment policies existed well into the nineteenth century. In Virginia, while there was talk and writing about the religious freedom of Catholics, Jews, Mohametans, Deists and atheists, there were very few representatives of these religious denominations. Many Virginians, moreover, were upset about the spread of Deism. However, the language of Jefferson's Statute and also of the many memorials and petitions is full of references to Deity, to the "Holy Author of our religion," to the "Governor of the Universe," to the "Supreme Lawgiver," for example, and suggests the fact that this matter of religious freedom was being discussed by a community of believers. Virginia, as was the country in general, was dominated by a Protestant pluralism, which while being disestablished, nevertheless, shaped the life of the state and the nation.

Often Christians did not consider the rights of the non-Christians, and Protestants often quarreled among themselves. In Virginia, legislators passed laws dealing with the proper observance of Sunday as a day of rest and worship. Often, "even the servants of one common Master who differ in some particulars from each other"--as the Presbyterians put it in 1785--adherent to denominations, did not exercise even among themselves a spirit of "forbearance and charity" toward one another. "O, Virginia! O, America! - a people favored of the Lord!" John Leland wrote in his The Virginia Chronicle in 1790 "may the goodness of God excite our obedience. There are yet remaining some vestiges of religious oppression, . . ." both in the state and in the nation. Baptist preacher Leland even suggested that religious freedom should extend into the home where heads of families ought to allow freedom of conscience to wives, children and servants. Problems having to do with religious freedom persisted and grew as Virginia and the United States became a more pluralistic and complicated place to live.

What did Virginians and Americans contribute to the long history of western society in which persecution has played such a part? Jefferson and Madison spoke in metaphors, both of which some people still feel to be useful in the continuing debate. In a letter to the Danbury Baptist Association of the state of Connecticut in 1802, Jefferson wrote, in connection with the continuing debate in that state about this issue, that the powers of government should reach only actions and not opinions, and there was in the nation a "wall of separation between church and state" in this matter. While for some people this metaphor of the wall may not describe, as a matter of fact, the many relations between religious communities and the civil government--it is serpentine like Jefferson's walls at the University of Virginia. Others say it is a wall full of holes. It does express, however, something of the intention of Jefferson who was present at the creation of the Virginia and national experiment in religious freedom and his concern about religions and political life.

Madison softened the metaphor somewhat, although in his ideas and policies he was often what may be called a strict separationist. In a letter which he wrote in 1832 to the Reverend Jasper Adams in South Carolina, the Virginian reviewed some of the relations between church and state throughout the history of western history. Then he explained his position as one of our founders:

I must admit moreover that it may not be easy, in every possible case, to trace the line of separation between the rights of religion and the Civil authority with such distinctness as to avoid

collisions & doubts on unessential points. The tendency to a usurpation on one side or the other, or to a corrupting coalition or alliance between them, will be best guarded against by an entire abstinence of the Government from interference in any way whatsoever, beyond the necessity of preserving public order, & protecting each sect against trespasses on its legal rights by others.

Since 1776 and the adoption of Mason's Declaration of Rights, since 1786 and the adoption of Jefferson's Statute for Religious Freedom, and since 1791 and the adoption of the First Amendment of the Constitution, Americans have been engaged in a debate about the nature of the wall and the place of the line and the "safety and happiness" of all of the people.

Washington, we should remember, was a cautious man and was not adverse at one point, to making persons pay for the support of their religious opinions and institutions. Even Washington, however, spoke eloquently to the Hebrew Congregation of Newport, Rhode Island in 1790 in expressing his gratitude for its expression of congratulations on his inauguration to the presidency of the United States of America and of the congregation's concern for religious freedom. Washington reassured them:

The citizens of the United States have the right to applaud themselves for having given to mankind examples of an enlarged and liberal policy worthy of imitation. All possess a like liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of as if it were by the indulgence of one class of people that another enjoyed the exercise of their inherent rights, for happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support.

Washington was eloquent. Madison and Jefferson were realistic. In his "Memorial and Remonstrance" in defense of Jefferson's Statute, Madison implied that just as Americans had taken "alarm at the first experiment" on their liberties in 1776, so Americans should not wait "until usurped power" strengthens itself by exercise and entangles this question in precedent. As eternal vigilance was for Jefferson and Madison two hundred years ago, the price of freedom, religious as well as civil, so it is now.

* * *

Citizens Committee to Commemorate the Virginia
Statute for Religious Freedom

/7/28/86

NEWS FROM

NEWS ADVISORY

October 29, 1986



FOR FURTHER INFORMATION CALL:
David Kusnet, Nancy Stella,
Jackie Blumenthal, Jim Kurtzke or
Matt Freeman (202) 462-4777

RELIGION & POLITICS '86: BACKGROUND INFORMATION

Washington, D.C.,

In a political season distinguished largely by the lack of national issues or even national campaign themes, there has been one common denominator in dozens of state and local contests: the interaction of religion and politics.

Sometimes, this interaction has taken the form of blatant religious bigotry. Sometimes, there has been a healthy political participation by religious leaders, religious institutions, and religious people.

More often, in this campaign season, as in every election since 1980, the issue of religion and politics has been raised by a growing national movement, the Religious Right. As the enclosed background materials reveal, 1986 has been the year when the Religious Right indisputably became more than the instrument of a handful of television evangelists and national political operatives -- and became a powerful force at the grassroots in communities throughout the nation.

These informational materials should provide story ideas and background information for your pre-election, election night, and post-election coverage, including:

- 1) An overview of the Religious Right in Campaign '86.

2) A listing of key races to watch where religious issues and/or the Religious Right have been a factor.

3) A description of a favorite tactic of the Religious Right: the "October Surprise" of last-minute negative campaigning, particularly at churches the Sunday before the election.

4) And a fast summary of Pat Robertson's political batting average so far in '86; check the key races list to determine his cumulative batting average this year.

Additional Information/Availability

On Election Night, People For the American Way will be available for interviews by telephone and in-person. (Note to TV: Background visuals will include an Election Night information-gathering operation, with staffers working the phones and gathering the latest news from key elections.) Spokespeople available for interviews will include: PEOPLE FOR's Chairman, John Buchanan, an ordained Southern Baptist minister and former eight-term Republican Congressman from Alabama; and PEOPLE FOR's President, Anthony Podesta.

The following day, PEOPLE FOR will release a report on religion and politics during the 1986 elections. Of course, we'll be available for further interviews following the election.

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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

ANNUAL MEETING
NATIONAL EXECUTIVE COUNCIL
OCT. 30 - NOV. 1, 1986
SEATTLE SHERATON HOTEL
1400 SIXTH AVENUE
SEATTLE, WA 98101
(206) 621-9000

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FOR RELEASE AFTER 9:30 A.M.,
FRIDAY, OCT. 31, 1986

SEATTLE, Oct. 31....An expert on racist and anti-Semitic organizations today warned that far-right extremist groups still had an impact even though their numbers were not rising as rapidly as they were a few years ago.

Leonard Zeskind, research director of the Center for Democratic Renewal, singled out the growth of the Christian Identity movement -- an anti-Semitic group that often uses violent tactics -- as being "perhaps the most sinister" recent development among these groups. Particularly insidious, said Mr. Zeskind, is the movement's practice of spreading hate messages while purporting to "share key areas of concern with large numbers of Christians."

Mr. Zeskind, whose organization monitors the activities of racist and anti-Semitic groups, spoke at a session of the American Jewish Committee's Annual National Executive Council Meeting, which continues through Saturday at the Seattle Sheraton Hotel here.

The session dealt with "Combating the Roots of Extremism." On the discussion panel with Mr. Zeskind were Henry Feingold, professor of history, City University of New York; M.J. Rosenberg, AJC Washington representative, and the Rev. William Wassmuth, chair of the Kootenai County (Idaho) Task Force on Human Relations and the target of a widely reported extremist bomb attack.

Other speakers at the session were Bruce Ramer, who released the recommendations of AJC's Task Force on Anti-Semitism and Extremism, of which he is chairman, and Harold Applebaum, assistant to the AJC executive vice president on anti-Semitism and extremism programming, who reported on AJC programs and strategies for combating anti-Semitism.

"The anti-Semitic and racist far-right organizations," said Mr. Zeskind,

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"grew exponentially between 1978 and 1982, and since that time their growth rate has tapered off, and become slow and steady.

"However, since 1982 they have developed a greater degree of political sophistication, which has given them wider areas of influence, even if large numbers of people have not officially joined them. They have, for example, being using very up-to-date technology -- videotapes, cable TV, computer bulletin boards, and the like -- and they have been attracting people from a wider number of walks of life."

The Christian Identity movement, said Mr. Zeskind, gains much of its potency by appearing to address the concerns of many Christians and by using terms and language meaningful to them.

"Identity speaks in a Biblical language," he said, "and they speak of such matters as end-times theology, sin, and modern society, all key areas of concern to many Christians. And because they work in this way, and gain many of their successes in this way, they represent a danger hitherto unexplored."

Discussing another aspect of anti-Semitism, AJC Washington representative M.J. Rosenberg focused on the dangers of anti-Zionism, while also stressing that by anti-Zionism he did not mean "mere criticism of the policies of Israel."

"There is no question in my mind that anti-Zionism is the new anti-Semitism," said Mr. Rosenberg. "If these anti-Israel 'critics' can reconcile themselves to the existence of every nation on the planet except Israel, then they are anti-Semitic. After all, what is anti-Semitism other than wishing the Jews ill or acting on that wish? The logical extension of anti-Zionism is the elimination of Israel and its 4 million Jewish citizens, and it is hard to be more anti-Jewish than that."

Emphasizing that "it is obviously legitimate to criticize Israeli policies and Israeli leaders," Mr. Rosenberg added: "However, it is not legitimate to suggest that one way to combat those policies is by returning to the status quo that prevailed before 1948. That is where criticism of Israel crosses the line and becomes anti-Semitism."

Father Wassmuth, looking at some of the roots of extremism, said that "right-wing extremism, whether political or in other forms, is attractive to some today because those people find it difficult if not impossible to cope with the crises of society and the crises within their own lives." Thus, he said, "these people look to groups to provide them with answers and with scapegoats."

"People today," continued Father Wassmuth, "are living with their own economic problems, world economic problems, the questions of war and nuclear devastation, and the struggle of living in a fast-moving, high-level-communication society. Today we're neighbors to everybody, we have to get along with everybody, and the solution to these problems must be aimed at the ultimate roots. We can keep on killing the mosquitos, but ultimately we have to drain the swamps."

Professor Feingold maintained that keeping tabs on anti-Semitism in the United States today was a difficult task, partly because "the media highlight

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real and imagined inequities in sound and color, thus making it difficult for the contemporary researcher to draw a balanced picture, and partly because "the Holocaust compounded the problem of distinguishing between latent and overt anti-Semitism."

Latent anti-Semitism, Professor Feingold said, is "present in the history of all Diaspora communities," but, he continued, "processed murder, which is what the Holocaust was, is not."

In the United States, Professor Feingold went on, "there are actually few instances of overt anti-Semitism, anti-Semitism officialized by government policy, while the evidence of philo-Semitism is manifest." Nevertheless, he stressed, American society does contain "latent anti-Semitism, which must be constantly monitored."

The dilemma for those concerned about the survival of the Jewish people, added Professor Feingold, is that "the Jewish penchant for finding anti-Semitism everywhere overshadows a greater threat to Jewish survival in America, the threat that comes from being loved to death, from being absorbed by a benevolent society."

AJC's strategies for combating anti-Semitism and extremism, said Mr. Applebaum, include these: (1) "Measuring and evaluating what Americans think about Jews and about issues vital to Jews, and working to sustain a favorable climate of opinion;" (2) "Working with other groups to ameliorate social, economic, and political dislocations that enable extremists to capitalize on deprivation, anxiety, and alienation," and (3) "Monitoring the activities of anti-Semites and other extremists and working to confine them to the periphery of society."

Mr. Ramer, summing up the findings of AJC's Task Force on Anti-Semitism and Extremism, said:

"Extremist movements threaten to break down social conventions against hate, even when these are deeply ingrained. Their open espousal of venom and violence violates society's underlying values of pluralism and democracy, and encourages those prone to extremism to act out their will to do harm.

"In both the long and the short term, legislation and law enforcement are essential for dealing effectively with violent activities, whether organized or isolated. In terms of a long-range, pro-active program, however, the problem of extremism cannot be viewed primarily as one of law enforcement. It is a fundamental issue involving nothing less than the education of society. The proponents of tolerance must carry their message to the public so that ideologies of hate will ultimately find no breeding ground."

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.

NEWS

FROM THE

COMMITTEE



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**ANNUAL MEETING
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**FOR RELEASE AFTER 9:30 A.M.,
FRIDAY, OCTOBER 31, 1986**

SEATTLE, Oct. 31 . . . Racism and anti-Semitism in America have diminished over the last 20 years, yet extremist movements today are spreading their philosophies, sometimes violent, in new, sophisticated ways, according to an American Jewish Committee report released today. Moreover, the report notes, there appears to be an increase in incidents of synagogue desecrations and other manifestations of antireligious behavior.

The report, which contains the recommendations of the AJC National Affairs Commission Task Force on Anti-Semitism and Extremism, was released at a session of the agency's annual National Executive Council meeting, which continues through Saturday at the Seattle Sheraton Hotel here. Bruce Ramer of Los Angeles, chairman of the Task Force, presented the report. The report was prepared by Richard T. Foltin, associate legal director of the National Affairs Department of the AJC, who also staffed the Task Force.

The Task Force, which met over the course of a year, heard the testimonies and suggestions of experts in law enforcement, legislation, research, media, education and community relations in areas as geographically different as New York, Los Angeles and Chicago. They also incorporated the AJC's own trends analysis information.

The report emphasizes that "while hate groups represent a small proportion of the population, anti-Semitism or related doctrines cannot go unnoticed because of the ever-present potential for harm." These groups must be closely monitored and dealt with on both communal and national levels, the report continues.

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Theodore Ellenoff President Leo Nevas Chair Board of Governors, Robert S. Jacobs Chair National Executive Council Edward E. Elson Chair Board of Trustees

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Extremist groups are characterized in the report as preaching "demonized" views of Jews and non-whites, and of advocating the overthrow of the Federal Government.

Calling the violent activities of some hate groups "domestic terrorism," the report quotes an expert witness who described such extremist groups as "well trained...violent, mercurial and unpredictable...[They] have been able to replenish their ranks with new recruits and...are motivated by controversial, popular political issues to enlarge their...base."

The Task Force paper stresses also the danger posed by extremist organizations that have infiltrated the political process through candidates who espouse their ideologies, such as the followers of Lyndon La Rouche.

The report also warns of the "respectability" given to ideologues such as Louis Farrakhan when they are afforded forums by respectable institutions.

The more established extremist groups today include the Ku Klux Klan and the American Nazi Party, which, the report notes, often coordinate their efforts with newer racist movements, like the Aryan Nations and the Posse Comitatus, so as to spread their doctrines, especially among the economically depressed.

Paramilitary training camps are an important indoctrination tool for these groups, the report states, where camp leaders attempt to sway those who go to the camps who do not initially share extremist ideologies.

Focusing on legislation, the report says that acts of violence motivated by race, religion or ethnicity are illegal in all but six states, but, it points out, anti-racism laws differ from state to state. It notes, for example, that only 17 states have statutes that prohibit the activities commonly associated with the Klan (wearing masks, burning crosses, etc.), and several but not all states allow victims to sue for civil remedies. The paper also points out that no federal statute prohibits paramilitary training camps, although there are laws against the use of firearms to further civil disorder.

Stressing that the Task Force took First Amendment rights carefully into account before making any recommendations, the report calls for these actions in the area of law and legislation:

- a) specialized training of enforcement officials to deal with "hate-crimes"
- b) the creation of victim-assistance programs
- c) the creation of local and state task forces to determine the extent of the problem in a given area
- d) statutes calling for standardized reporting of incidents
- e) the imposition of flexible punishments
- f) a Federal law to ban unauthorized paramilitary organizations
- g) a Federal law penalizing violence directed against religious real property or intended to interfere with individuals in their right of free exercise of religion

The report recommends the following regarding the media's role in dealing with extremists:

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- a) media decision makers should meet with Jewish or communal leaders to hear their concerns
- b) develop guidelines for the coverage of extremism, similar to those developed for covering international terrorism
- c) extremist activities should be condemned, and their ideologies rebutted whenever possible, but never in head-to-head confrontations, which can only serve to legitimize extremist views
- d) seek opportunities, when warranted, to challenge the right of any broadcaster to hold an FCC license when the programming is seen as NOT "in the public interest"

Changes in law enforcement, legislation and the media are important steps, but coalition-building and education are vital, the report stresses, in waging a long-range battle against the ideologies of extremists. "Combating these ideologies is an American -- not exclusively a Jewish -- problem," it states.

Inter-group coalitions are essential, the paper continues, for gathering and disseminating information, coordinating responses to extremist activities on local and national levels, and promoting the use of democratic and pluralistic materials.

The report concludes that through public education we can sensitize youngsters to democratic and pluralistic values, and alert them to the dangers of intolerance. The Task Force suggests that schools offer human-relations classes that teach the history of discrimination; American and world history classes that illustrate the dangers of extremism; ethnic sharing programs, and programs taught with innovative teaching tools, such as videos, to teach the young in ways they can relate to and understand.

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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A Forgotten Fight for Religious Freedom

By JOY HAKIM

Thomas Jefferson was in France when on Jan. 16, 1786, James Madison finally was able to get the Virginia General Assembly to adopt "A Statute for Religious Freedom." Jefferson had written the statute seven years earlier. Getting it passed was, he said, "the severest contest in which I have ever been engaged."

That bill, little remembered today, was the first in Western history to outlaw religious persecution. No longer could the state compel residents to support a religious establishment, nor could it deny public office because of personal beliefs.

The idea of separation of church and state, which the statute articulated, was too much for many Virginia residents. Patrick Henry argued against it. (So did George Washington and James Monroe.) Henry, who had so eloquently denounced taxation without representation, championed a bill to establish general assessment for Christian worship. It would replace the tax that had supported the Anglican Church. Henry's bill passed its first two readings in 1784. Passage on its third and final reading seemed a certainty.

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What were those ideas? How did Jefferson actually feel about religion? Back in 1776, Jefferson had addressed the Virginia House and asked the rhetorical question,

"Has the state a right to adopt an opinion in matters of religion?" He answered with a strong negative. Men are answerable for their religion solely to God. History shows that religious establishments are always oppressive, he told the legislators. In Virginia, he reminded them, laws on the books made it a criminal offense to deny the validity of the Trinity, heresy was punishable by death, and free thinkers might have their children taken from them. That these laws were rarely enforced was not the point, he said. Besides, they all knew of cases of persecution, particularly of Baptist preachers.

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Public schools ignoring study of religion, R-MC professor says

By The Associated Press

WASHINGTON — America's public schools, which was sponsored by the Education Department and quickly embraced by religious conservatives, are ignoring the study of religion because of a growing fear of controversy, says a group devoted to religious liberty. The group, Americans United for Separation of Church and State, released a study of textbooks and other classroom materials in which Charles Haynes, a professor at Randolph-Macon College in Ashland, Va., concluded that the study of religious freedom — and even religion in any form — "is largely ignored in the curriculum of our nation's public schools."

Similar conclusions were reached earlier this year in a separate study of public school texts, which was sponsored by the Education Department and quickly embraced by religious conservatives. Many of those religious fundamentalists also are fighting to return prayer to public schools, and they therefore tend to see groups such as Americans United for Separation of Church and State as foes rather than potential allies.

The group is itself known for court actions against the mixing of religion and public affairs, including mandatory school prayer. But while state-sponsored prayer violates constitutional rights, that's no reason for young Americans to be denied education about religious issues and how they helped shape the country, said Robert Maddox, the group's executive director.

"If we have learned anything from history, we know that religious conflict and persecution flourish best in a climate of ignorance," Maddox told a news conference yesterday. Maddox, himself an ordained minister, said the issue of religious education could be a common ground for joint action by his group and religious fundamentalists.

"I know most of these TV-preacher types, and I plan to sit down with them informally to at least let them know of his group's plans," he said.

Haynes said those plans include immediate preparation of up-to-date lists of what supplementary material is available on religion in America — to help teachers who don't have time for that needle-in-a-haystack chore — and later efforts aimed at increasing the treatment of religious issues in history, social studies and government textbooks.

Haynes said at present, he said in his report, "many educators wish to avoid controversy, especially in the area of religion" — an attitude he said may be partly because of confusion over Supreme Court rulings that have opposed mandatory school prayer but not unbiased religious education.

"The very fact that schools are a battle ground for many church-state disputes may also contribute to teacher reluctance to raise these issues," he said.

Asked whether his group were not partly to blame for that situation, Maddox said, "the problems we're encountering predate Americans United," a non-denominational group which was founded 39 years ago and which "has always encouraged an understanding of the role of religion in American life."

A third speaker at the news conference, Wynell Burroughs, research director at the National Archives in Washington, agreed that religious education is lacking in American schools, and she said there may be no better time than the present to change things.

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By JOY HAKIM

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A Courtroom Clash over Textbooks

Evangelicals attack secular humanism in Alabama schools

"It's one of the most important trials of the last several decades." So maintains Robert Skolrood, executive director of Televangelist Pat Robertson's conservative National Legal Foundation and chief counsel for the 624 plaintiffs, all Christian Evangelicals. Anthony Podesta, president of the liberal lobby People for the American Way (P.A.W.), which is providing the legal team for the defense, counters that the case is a "hoax perpetrated by people who don't want the 42 million schoolchildren in this country to learn about ideas these people disagree with—everything from divorce to evolution." The two sides are clashing in a federal courtroom in Mobile, where the plaintiffs have brought a suit against the Alabama state board of education. At issue: whether some 45 texts used in Alabama schoolrooms illegally espouse a religion, called secular humanism by the Evangelicals, which they argue elevates man at the expense of God.

One of the most extraordinary features of the trial is that the presiding judge, W. Brevard Hand, has previously made his sympathies clear. Nearly four years ago, in a case that gave birth to this one, Hand challenged several landmark Supreme Court decisions with a ruling that not only authorized school prayer in Alabama schools but also stated that the First Amendment did not apply to the states in such cases. Although an appeals court reversed Hand's decision, he provided grounds for restructuring the issue so that the original plaintiff, Lawyer Ishmael Jaffree, was replaced by the 624 Evangelicals and the central argument became not prayer but secular humanism.

"Our claim," says Attorney William Bradford, who is defending the school board, "is that secular humanism is not a religion, and even if it were a religion, there is no evidence it is being espoused in these texts." The common legal definition of a religion specifies belief in a superior being, which would seem to be the very antithesis of secular

humanism. Before the plaintiffs' attorneys rested their case last week, they called expert witnesses in an attempt to resolve this apparent contradiction. University of Virginia Sociologist James D. Hunter characterized secular humanism as the functional equivalent of a religion, and, by implication, subject to the law.



Judge W. Brevard Hand

Hunter, however, subsequently acknowledged that the phrase functional equivalent is absent from the Constitution's First Amendment, which forbids the establishment of any religion by the Government. He also conceded that "vegetarianism, socialism, environmentalism and bureaucracy" might be construed as functionally equivalent religions.

If, as seems likely, Judge Hand rules for the plaintiffs, the defense says it will count on the prospect that his ruling may again be overturned. Yet during the 18 or more months that an appeal might take, school officials fear Evangelicals could get offending texts removed

from classrooms or impose their own choices of teaching materials, thus breaking down the public school curriculum. A case similar to the one at Mobile is in progress in Tennessee, where Evangelicals object to classroom teachings that they claim do not give creationism its due and to texts that support objectionable doctrines like feminism and a child's right to

defy his parents. Last year P.A.W. counted 130 incidents of analogous if less serious challenges to curriculum content in 44 states. Thus the defense sees classroom chaos spreading far beyond Alabama.

Several Mobile plaintiffs, however, argue that they seek only to restore balance to classrooms where texts and teachings have drifted so far toward secularism that history, among other key subjects, is being badly taught. Last year Nurse Judy Whorton and her husband Robert withdrew their two sons, Ben and Andy, from public school in Mobile to underline their convictions. Whorton cites a social studies text that failed to identify the Rev. Martin Luther King Jr. "as a pastor of a church and never mentioned the role that religion played in the civil rights movement." Such objections are seconded by Marcia Greger of Biloxi, Miss., who sat in on the trial. Greger protests of her teenage daughter's texts, "They never say what the Pilgrims came for." Some books depict the settlers' harvest celebration at Plymouth Colony as merely a congenial festivity with the Indians, making no mention of God and Thanksgiving. "Everything is from a humanistic point of view," says Greger. New York University Psychologist Paul Vitz, who testified for the plaintiffs last week, suggests that their suit is the right tactic for offsetting the bias they perceive. Says he: "They're going on the 'squeaking-wheel theory' to get into textbooks the same way that women, blacks and minorities have done it."

In mounting their legal defense, P.A.W. and the school board are aware of seeming to defend inferior texts. Says Podesta: "We agree that religion has been given short shrift in history books, but lousy books don't violate the Constitution." However, the single point on which plaintiffs, judge and defense appear to agree is that many pupils are being short-changed by texts that lean beyond the point of neglect in avoiding religion and

other potentially controversial issues. Publishers protest that their products should not be judged too harshly and that, in any case, they are untainted by secular humanism. "I don't know what secular humanism is," says Donald Ecklund, vice president of the school division of the Association of American Publishers. Perhaps not. But the Mobile case makes clear that lawyerly issues aside, schoolchildren in Alabama, Tennessee and elsewhere deserve less curricular confusion in the classroom and a more profound image of, say, Thanksgiving than as a pumpkin-pie party with the Indians.

—By Ezra Bowen.

Reported by Joseph J. Kane/Mobile



Robert and Judy Whorton with Son Ben: a principled withdrawal

Thanksgiving as a congenial festivity, with no mention of God.

RELIGION

Secular Humanism in the Dock

Are public schools teaching a false religion?

To Christian fundamentalists, secular humanism is as deadly and difficult to unmask as the Devil himself. Like Satan, the secular humanist assumes many disguises: he controls the government, the media and worst of all, public education. But in a federal district courtroom in Mobile, Ala., Judge W. Brevard Hand has at last trapped this protean evil spirit. Before him is a case, arranged by the judge himself, in which 600 parents and teachers are challenging four dozen textbooks used in Alabama public schools on the ground that they promote secular humanism at the expense of traditional religious faiths. Both sides have summoned an impressive array of religious and educational experts to debate the basic issues: Is secular humanism itself a religion? And is it being taught in Alabama's public schools?

Now in its third week, the case has attracted national attention as a kind of courtroom exorcism. If secular humanism is indeed a religion, as the plaintiffs contend, then it has no more constitutional right to be taught in public schools than the Protestant, Roman Catholic or Jewish faiths. A victory for the parents would allow an apparently eager Judge Hand—or any other judge—to purge public classrooms of offending humanist texts. The defendants, state and local school boards, argue that the fundamentalists are using the issue of secular humanism as a cover to force their own sectarian values on the public schools.

Ignoring God: In the first two weeks of the nonjury trial, witnesses for the plaintiffs offered various definitions of secular humanism and testified to its pervasiveness as a functional equivalent of religion. Essentially, they argued that secular humanism is a philosophy of life that ignores or repudiates God and makes human reason the source of all values. Historically, European humanism included a belief in Biblical revelation. But as conservative Catholic scholar James Hitchcock of St. Louis University testified, secular humanism—as an “ism”—evolved out of 18th-century rejection of revealed religion and the Enlightenment's faith in reason alone. “Often,” Hitchcock said, “in academic and intellectual circles, humanism is indeed a religion.”

Witnesses for the plaintiffs seemed unable to demonstrate that secular humanism has the coherence that is characteristic of a religion. Under cross-examination, University of Virginia sociologist James



© 1986 ALAN WHITMAN

Preparing an exorcism? Judge Hand

Hunter conceded that almost any secular enthusiasm—including feminism, vegetarianism and socialism—could be defined as the equivalent of a religion. To defense witness Paul Kurtz, a professor of philosophy at the State University of New York at Buffalo and the only acknowledged secular humanist to take the stand, the term “refers to humanistic development and is non-religious... It uses science, reason and evidence to test theory.” In short, secular humanism seems to be the faith some people get when they don't get religion.

Far more telling was the testimony on how public-school textbooks studiously avoid religion. Prof. Timothy L. Smith, a distinguished historian of American religion at Johns Hopkins, said he was “profoundly shocked” by the almost total lack of religious references in the state's 11th-grade history texts. There was little mention, he said, of religion's role in the development of American pluralism or of the “absolutely central role” of Christians in the abolition of slavery. Psychologist Paul Vitz of New York University reported a “total absence of any references to American religious life of any kind, Protestant, Catholic or Jewish” in a series of primary-school books he studied for the National Institute of Education. He found no mention of God in any of the materials for five out of the eight grade levels. In one book, the

Pilgrims' first Thanksgiving was mentioned, but not the God to whom they prayed. And even a story by Isaac Bashevis Singer for sixth graders was amended so that “Thank God” was converted into “Thank goodness.”

Similarly, public schools were criticized for substituting psychology for hard moral reasoning. Among other examples, Dr. William Coulson, a professor of psychology at the United States International University in San Diego, cited a course on decision making in family life in which, he testified, never once “is it suggested that [what is morally] right can be known.”

This week, witnesses for the defense will include Harvard psychiatrist Robert Coles, whose testimony is likely to surprise both sides. Coles thinks that the parents are confusing culture with religion in their attack on secular humanism. In his view, secular humanism is a kind of odorless gas that permeates the entire society. Nonetheless, Coles believes, the parents have good reason to complain about what their children are being taught in school. “What you find in these texts is the exaltation of looking at the world through psychological theories, especially of the self and its needs,” he observes. “There's no reference to the self as subject to something else.”

Distorting history: Although the plaintiffs are Alabama fundamentalists, the issues they have raised transcend the Bible belt. At the very least, evidence introduced in this and earlier schoolbook cases indicates that American teachers and textbook publishers are so wary of discussing religion in the classroom that they are willing to distort history—and literature—in order to avoid the subject. Moreover, it appears that when questions of morality arise in public-school classes, they are routinely processed like cheese into the individualistic jargon of humanistic psychology. Thus, pupils are encouraged to discover their own “identities,” to learn how to express their true “selves” and to “clarify” their values.

“Are students really better off with the theories of psychologists,” asks Harvard's Coles, “than with the hard thoughts of Jeremiah and Jesus?” Indeed, the U.S. Supreme Court has allowed educators to find ways to teach about religion, so long as they do not proselytize. One way would be to include key books from the Bible along with the fables and fairy tales that now clog the curricula. That approach may not satisfy fundamentalists, who want it taught only as sacred Scripture. But it would introduce pupils to what, by any standard, are essential documents in the tradition of Western culture, which is built on religious humanism. Secular humanism may not be a religion, but Judaism and Christianity are most certainly humanistic.

KENNETH L. WOODWARD with
KATHERINE TAYLOR in Mobile

Report on the Republic

A noted historian examines our government's strengths and weaknesses

He turned 69 just a few days ago, yet now in his book-laden office overlooking New York City's Bryant Park, he looks trim, even fit. Something of the *enfant terrible* who became famous while in his 20s lurks still in his red shirt with white collar, his jaunty bow tie, his mobile face and ready laughter. The do-gooders of the health industry tell us that fitness increases in direct ratio to exercise taken, fatty substances avoided—and the effects of such discipline are evident on Arthur M. Schlesinger Jr. today. Let a man display the fat between his ears and you can actually see Schlesinger's face fall as he turns in search of brighter company. As for exercise, Schlesinger has always had his critics to contend with; even when none is in sight, his demeanor suggests a man in a hurry, a man who fills the unforgiving minute with 70 seconds' worth of distance run.

Arthur Schlesinger is what the football writers call a triple threat. Though he never acquired a Ph.D., he is for the most part a scholar, winner of one Pulitzer Prize for history ("The Age of Jackson") and another for biography ("A Thousand Days"). He has published three volumes of his monumental biography of Franklin Roosevelt, and anticipates writing three or four more. For the past 20 years he has been Schweitzer Professor of Humanities at City University of New York, teaching American history to graduate students. He has also been an activist in liberal politics, serving variously as a founder of Americans for Democratic Action, a theoretician for both of Adlai Stevenson's presidential campaigns and a special assistant to John F. Kennedy in the White House.

Trenchant opinions: To occupy his idle moments, Schlesinger combines these two careers into a third: for decades he has been a prolific journalist, arguing high and low concerns with exemplary force and clarity. Very likely there's no issue touching upon American culture to which he's indifferent. In the essays that frame his trenchant opinions, the line between history and advocacy dims. What Schlesinger gives us is an argument in context—which is to say an assertiveness made plausible by a greater background in history and a greater experience in politics than other journalists can muster. To the consternation of his critics

right and left, Schlesinger writes not as an ideologue, but as a rationalist with access to an elegant prose.

All this is evident in his new book, *The Cycles of American History* (Houghton Mifflin, \$22.95). It is in fact a collection of essays that previously appeared in publications ranging from textbooks to Sunday supplements, but instead of just tacking the pieces together, Schlesinger took a year to rewrite and reorganize them.

"Cycles" bristles with ideas. Taking his lead from Machiavelli, Schlesinger argues that people can put human rights above other issues; nations cannot. Individuals can consider self-sacrifice; nations must act in their own interest. In a long essay on the presidency, Schlesinger concludes that the institution is "indestructible," though we may be ambivalent about it, cursing

our president one year and demanding leadership the next. He praises President Reagan for understanding what Carter did not: that a president must point the nation in a clear direction and explain to the electorate why his direction is right. Schlesinger wants to eliminate the long and costly transition between presidencies; he thinks we are wise to cast our ex-presidents adrift; he would repeal the 22nd Amendment, which limits presidents to two successive terms.

Addressing the vice presidency, Schlesinger concludes it "cannot be made a working job"; he would abolish the office in favor of a special election should a president die. In conversation, Schlesinger speaks more particularly than he does in his book: George Bush is "an old friend, a decent, civilized man. But I find it hard to

The morality of nations cannot follow from individual ethics: Schlesinger

ROBERT R. McELROY—NEWSWEEK



believe he can ever be elected president. I think the vice presidency unmans a person. The longer in it, the less you can be yourself, the less in the end you know what you are. After years of suppressing what you think yourself, you begin not to be sure what you do think. That's going to be a problem for George. On television he comes across as both uncertain and strident."

Schlesinger is often most persuasive when his analysis touches upon the nature of the republic. He argues convincingly, for instance, that our country moves from a tradition and a countertradition, both proceeding from the Calvinist ethic. The tradition emphasizes the depravity of man and the conviction that life is a testing; it suggests that an attempt to establish a republic that can escape the fate of Rome is an improbable undertaking. The countertradition, equally Calvinist, argues that Americans are an elect people, builders of a City Upon a Hill; we have a destiny which makes us a redeemer nation, obliged to inflict our standards upon other people.

Picking up a theme from Henry Adams, and from his own father, a historian at Harvard, Schlesinger discusses the apparent alternation of periods of conservatism and liberalism in our society. A period devoted to expanding social responsibility, and ideas of freedom and equality, will inevitably be followed by an equal

period of retrenchment, years devoted to emphasizing private interest. Schlesinger's father charted the change as coming every 16½ years; his son suggests a cycle of 30 years.

"People get bored by private interest," Schlesinger says. "There must be a basic swing in human nature itself of concern and pursuit." He sees the next turn toward the public interest as coming in or about 1990. Does that mean that we get another conservative president in 1988? "Not necessarily. I see signs that this present conservative swing is running its course. Partly the beginnings of a new emotional idealism on the campuses, misdirected, perhaps. Why are they more concerned about South Africa than Central America? Partly the financial troubles of the evangelical groups: Jerry Falwell has had to change the name of the Moral Majority because that's become unpopular."

Ideological fervor: The rational historian finds himself constantly at odds with the ideologues. "They're the bane of everything," Harold Macmillan said when you start believing in doctrines, you're finished." Reagan, Schlesinger believes, surpasses every American president in ideological fervor; Hoover is a remote second, and there really isn't a third. "Most of our presidents have been practical politicians. Reagan is a curious combination of an ideologue and an accommodator. He's not a mad fanatic. He has certain abstract views which he holds to and protects. But he's willing to make practical adjustments when confronted by overwhelming political reality. Then he persuades himself he's entirely consistent. South Africa was the exception."

This teacher of history understands that Americans are losing interest in his subject: "Historians don't seem to speak to the culture as once they did." Nevertheless, Americans should have "some analytical sense of what this country has been about, of the available traditions. The sense of the richness of the American past improves the intelligence of the choices we make about the American future. History is to the nation what memory is to the individual. Without memory, the individual would be absolutely rudderless." And without an understanding of the disasters in our past—our war in Vietnam, the ignominy of a recent president—we may, as another American remarked, be doomed to repeat them.

PETER S. PRESCOTT

Schlesinger's Syllabus

Arthur Schlesinger considers 12 books "indispensable to an understanding of the principles of American history." His syllabus:



BETTMANN

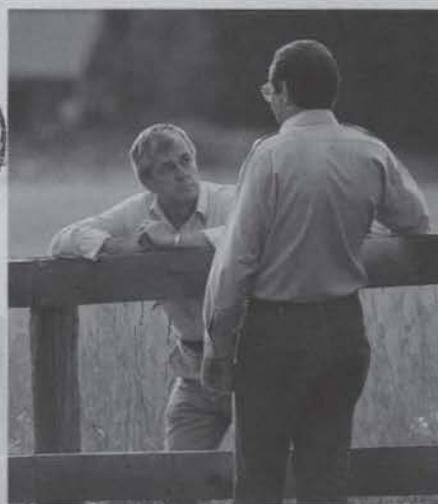
De Tocqueville



CULVER

Edmund Wilson

- The Federalist*, A. Hamilton and J. Madison
- Essays*, R. W. Emerson
- Democracy in America*, Alexis de Tocqueville
- The Promise of American Life*, Herbert Croly
- An American Dilemma*, Gunnar Myrdal
- American Renaissance*, F. O. Matthiessen
- The Irony of American History*, Reinhold Niebuhr
- The Shock of Recognition*, Edmund Wilson
- The American Political Tradition*, Richard Hofstadter
- The Education of Henry Adams*, Henry Adams
- The American Language*, H. L. Mencken
- The American Commonwealth*, James Bryce



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ballistic missiles and a detailed plan to reduce Euromissiles. A final deal may be left to Reagan's successor. Wild card: Will Gorbachev break off talks if Reagan breaks through SALT II limits this November?

TALKING TOUGH ON PAY HIKES

Employers are getting ready to prove who's boss in 1987 contract negotiations. Some three quarters of 181 companies surveyed by the Bureau of National Affairs, a private research group, say they're prepared to hire nonunion workers during strikes. Four of 5 employers expect to raise wages--but some 90 percent of them will try to hold pay hikes to 4 percent or less--near the inflation rate most economists expect. More than half of firms now guaranteeing that salaries will keep pace with inflation will try to end or modify that protection. Employers say they'll also hold the line against demands for more paid time off and child-care benefits. Workers hoping to win broader insurance coverage will have to overcome employers trying to shift more health-care costs to workers. And bosses will probably get their way if slow growth keeps unemployment high and a lid on profits.

'87 TACKS TO NARROW '88 RACE

In politics, the race to the White House has two years to run. But 1987 could separate the serious from the also-rans. For the GOP, "supply side" Congressman Kemp, Senate leader Dole and evangelist Robertson will try to become the conservative alternative to front-runner Bush. Kemp will talk less economics, more hard-line foreign policy. Dole will try to stake out his own positions while leading Reagan's charge in Senate. Robertson will hunt for followers outside the religious right. If no one catches fire, winds from the right could shift to Nevada's Laxalt, Colorado Senator Armstrong. Also piquing conservatives' interest: Delaware ex-Governor du Pont.

The Democratic pack--Arizona Governor Babbitt, Missouri Representative Gephardt, Delaware Senator Biden--will scramble for money and support to head South. They know an early 1988 victory in Iowa or New Hampshire won't be enough to stop front-runner Hart in the 12-state sun-belt superprimary without spadework in 1987. New York Governor Cuomo's big money and name won't keep him in the running if he doesn't get in the race by spring. Long shots--Massachusetts Governor Dukakis, Virginia ex-Governor Robb--have even less time to set up shop.

TROUBLES AT BANKS SAP FUNDS

Washington is going to need ingenuity--and deep pockets--to keep afloat the federal funds insuring most private bank and savings and loan deposits. The General Accounting Office says the fund for S&L deposits will need \$15 billion to \$20 billion in the next few years to close or merge bankrupt institutions. The fund has \$2.7 billion today, and it's dropping fast. In the world of commercial and mutual savings banks, failures could reach 160 this year, a modern record. And 1,600 more may have trouble making ends meet. Farm Credit System has \$3.4 billion to pay depositors of failed land banks. Losses could hit \$2.9 billion this year, more in 1987. Congress will make the government's word good next year with a bill authorizing the savings and loan fund to borrow \$20 billion, another to ease restrictions on commercial-bank mergers, and a major rescue package for the farm-credit system.

by Robert J. Shapiro
with Melissa Healy and Richard L. DeLouse

TOMORROW

MEESE TURNS TO STATES' RIGHTS TO PUSH SOCIAL ISSUES

MEESE TAKES AIM AT COURT

Attorney General Meese's increasing criticism of the Supreme Court will help shape the conservative movement and mold the GOP agenda.

Meese will be the conservatives' designated hitter for 1987 because no one else wants to play. Reagan won't go to bat next year on abortion or school prayer--not while aides believe that divisive social issues could undermine broad support for arms control and budget reform. Congress and the Court aren't about to line up with Meese and let states decide if they want to ban abortion or restore school prayer. That's all right with Meese's fans. They see next year's bicentennial of the Constitution as a strategic moment for a debate pitched to the people, pitting Supreme Court authority against majority rule by each state. Meese will face opposition from allies on the religious right, worried that state-by-state decisions could foul efforts to get national edicts on prayer and abortion. Still, the intramural conflict on the right will keep social issues on the agenda of Republican White House hopefuls more concerned today with taxes and foreign policy.

Some Justice Department aides wish Meese would focus less on public polemics, more on law enforcement. But conservative activists say Meese's exhortations could stiffen Senate GOP resolve to fight for Reagan judicial nominees in '87. Next on Meese's game plan: Attacks on Congress for passing broad laws that require judicial interpretation and a call to rein in regulatory independence of agencies such as the Federal Reserve Board and the Federal Communications Commission.

ARMS DEAL STILL OUT OF REACH

Political and military realities are raining on the arms-control parade. Soviets may get talks moving with new concessions when Foreign Minister Shevardnadze meets Secretary of State Shultz in Vienna this month. But tentative agreement in Iceland to cut strategic missiles by half over five years leaves unsolved the puzzle of how to do it. Soviets want to halve land, air and sea-based systems across-the-board. U.S. needs deeper cuts in the Soviets' largest and most accurate land-based ICBM's to keep the strategic balance from tipping to the U.S.S.R. And Star Wars still blocks the path of arms progress. Experts say Gorbachev may go along with limited testing for Star Wars systems. But Reagan will never accept Soviet demands to hold off deploying space-defense weapons after 10 more years of research.

MISSILES IN EUROPE TO STAY

Prospects are better for a meeting of superpower minds over medium-range missiles in Europe. Verification won't stop a deal: Soviets are ready to agree to some on-site inspection. Public debate is focusing on removing all U.S. and Soviet missiles from Europe. Private pressure is building to leave some in place on both sides. European leaders worry that a treaty barring U.S. missiles from Europe will weaken U.S. commitment to defend the allies in a crisis. Military strategists say some medium-range missiles must remain to offset Soviet superiority in short-range systems; conventional forces. But a Soviet demand to link medium-range weapons to Star Wars could keep agreement out of reach.

Both sides will keep talking to fashion a general framework to cut

Was Hungary's revolt a Stalinist plot?

CHARLES FENYVESI on the revolution 30 years later

It was the most direct challenge to Soviet dominance of Eastern Europe, and Moscow's response was brutal. Waves of Russian tanks rolled over the Hungarian border and rumbled through the streets of Budapest, shelling apartment buildings. By the time the fighting ended, more than 5,000 lay dead—martyrs in a rebellion remembered as the finest hour in 1,000 years of Hungarian history.

But what really prompted the invasion? On the 30th anniversary, intriguing questions persist, and evidence grows stronger that Stalinists in the Kremlin at odds with Party Boss Nikita Khrushchev may have stoked the fires of rebellion as a pretext for sending in the tanks.

Without question, there was a spontaneous uprising. When they marched through the streets demanding freedom of speech and independence from Moscow, the students, housewives, factory workers and writers were moved by aspirations of their own. It's doubtful, however, that they meant to push things so far as to bring the Russian fist crashing down on their heads. That, it now appears, may have been the work of agents provocateurs dispatched by Kremlin hard-liners. The reasons: To make Hungary an object lesson for others in the Soviet bloc intoxicated by Khrushchev's anti-Stalin reforms and to reinforce the dictum that "the Party" must always be No. 1.

Consider, for example, the strange events in Budapest's Koztársaság Square on October 30. The rebellion was only a week old, and Imre Nagy had been thrust into the Prime Minister's chair just a few days before. Suddenly, two tanks lurched to a halt in the square and opened fire on the headquarters of the city's Communist Party, sparking a binge of violence against those inside. To this day, it is not known where the tanks came from, who dispatched them, or even who drove them. No rebel took credit. And in all the official retributions after the rebellion ended, no one was charged with this offense. Significantly, in the week before the attack, Hungarian tanks were stripped of ammunition. Soviet advisers, afraid of military support for the rebellion, ordered the tanks' shells confiscated. Thus, the question: Did the mystery tanks come from the Soviet garrison?

Less dramatic, but somehow more persuasive, are the recollections of participants in a debating club named for the 19th-century poet Sandor Petöfi. Discussions were freewheeling, but the most strident language and extreme opinions often came from ex-Stalinists. In one instance, during a students' debate a few weeks before the uprising,

someone stood up and urged that the Russians be "kicked out." It turned out that the speaker was not a student and had not been invited. Even then, there was suspicion that he had been sent to stir up trouble.

After the uprising broke out, Nagy was called "the Communist Hungarians can trust." But he was reluctant to bend to popular pressure and break the alliance with Moscow. Not so Janos Kadar, then, as now, party boss. Witnesses recall Kadar's pressing Nagy to adopt a hard line challenging the Soviets. "Kadar was always Moscow's most obedient servant," recalls a man who met him in the 1930s, when both were in the underground.

Like Nagy, Khrushchev was wavering, eager to keep his reforms alive and reluctant to crush a popular uprising. But the Stalinists wanted to carry things too far so there would have to be an intervention. "In a revolution, you don't get anywhere counseling restraint," says one Stalinist, now a Hungarian diplomat. He says that a loyal Party member could do only two things: Fire back at the rebels or "provoke the enemy into revealing his true colors."

After the Soviets installed Kadar as the new Premier, Nagy spurned all offers to join the regime. Perhaps martyrdom was the only way for Nagy to prove that he was not following Moscow's orders. He refused



October, 1956: Rebels shoot at secret police in Budapest street

to save his life by signing a statement admitting "mistakes." He was hanged in 1958, and the location of his grave is a state secret. Khrushchev was ousted in 1964.

Perhaps it is not surprising that one of the stage managers of the Budapest events would go on to great things. On the strength of his performance, first encouraging Nagy, then cutting him off at the knees, Yuri Andropov—then Soviet ambassador to Hungary—became Moscow's top expert on reform and revolt, jetting off to Prague in 1968 and Warsaw in 1971. Successes there led to the top job in the KGB and, later, the Kremlin itself.

Today, it is one of the many ironies of the Hungarian uprising that, with Andropov dead, Kadar remains, and few remember his five years of terror. At 74, Kadar is widely praised as conciliatory and innovative, the pragmatic leader of one of the most prosperous states in the Soviet bloc. And so, three decades after the events that made Kadar's career, his government broadcast a 6-hour television special on the uprising, referring to it as a "counterrevolution." Along the broad boulevards, there were no public remembrances. Just a few dissidents holding melancholy gatherings at home.

Edwin Meese lifts his lance

■ Atty. Gen. Edwin Meese, President Reagan's point man on social issues, was on the march again, taking fresh aim at two favorite targets of conservatives: The Supreme Court and pornography. First came a declaration that High Court rulings shouldn't necessarily be regarded as the "supreme law of the land." Then Meese launched a long-promised offensive against the "vulgar stain" of smut.

Meese has frequently taken issue with Supreme Court decisions on abortion, religion and affirmative action—but his latest salvo seemed to challenge the Court's basic authority. Because decisions can be reversed by constitutional amendment or by the Justices themselves, Meese reasoned, Americans should not "submit to government by judiciary" and accept all Supreme Court rulings uncritically.

As much as Meese's tone nettled liberals, scholars said the Attorney General's views had historical support—so long as they are not read as encouraging wide disobedience of the Court. Citing the landmark 1954 order desegregating Topeka schools, A. E. Dick Howard of the University of Virginia Law School said: "It would be stretching to say that every other school board is entitled to remain segregated until it is a party in a specific Supreme Court case." American Bar Association President Eugene Thomas declared that "public officials and private citizens alike are not free" to disregard the Court's decisions, and that if many of them did so, it would "shake the foundations of our system."

Meese won support from conservatives. Said Paul Kamenar of the Washington Legal Foundation: "When Supreme Court Justices disagree among themselves on an issue, everyone else doesn't have to roll over and play dead."

In his war on obscenity, Meese announced a new Justice Department task force to press porn prosecutions, promised aid for state and local investigators and proposed laws to ban obscene cable-TV programs and "dial a porn" services. "It's magnificent," said Paul McGeady of Morality in Media. "Federal obscenity laws haven't been enforced for years." The American Civil Liberties Union retorted that Meese was diverting "serious law-enforcement efforts to little skirmishes against 'dirty' books."

Pat Robertson declares war

They shipped out as Marine buddies in the Korean War, but now they are ready to fight it out with a possible presidential bid at stake.

The feud between TV evangelist Pat Robertson and former Representative Pete McCloskey (R-Calif.) began with McCloskey's letter to Representative Andrew Jacobs (D-Ind.) on August 4. McCloskey said Robertson had boasted in 1951 that his father, Senator Willis Robertson (D-Va.), could

keep him out of combat—and that a phone call had got him headquarters duty. Jacobs released the letter as Robertson took steps to seek the GOP nomination for President.

Now, Robertson has filed a \$35 million libel suit against both men, saying he must disprove the charges or "How could I, as Commander in Chief, ever order a young American into combat?" Said McCloskey: "There is no better place than a court to determine the truth."

DELOREAN'S RETURN TO DETROIT

Two years after his acquittal on cocaine-distribution charges, there was John DeLorean in the defendant's chair again—this time accused of defrauding investors in his defunct auto company of \$12 million. "I think God didn't save me in the last one to stick me into this," said the founder of DeLorean Motor Company, who became a born-again Christian before his previous trial. But prosecutors at his Detroit trial said DeLorean laundered investor funds through foreign-bank and business accounts before taking the money as personal loans. DeLorean's lawyers argued that the transactions were legitimate.

AN 'EMPEROR' MAKES HIS BED

As self-crowned Emperor of the impoverished Central African Republic, Jean Bédel Bokassa had a \$13 million gold bed, gold-plated Cadillac and gilded throne. But he was toppled in a French-backed coup in 1979 amid charges of murder, torture and cannibalism. "I never ate anybody," he said. Though sentenced to death in absentia, Bokassa, 65, using the pseudonym "Christian Sole," sneaked home from exile in France last week. Friends say he hoped to stage his own coup. Instead, he was arrested—and may now face a firing squad.

A FELLED CANARY CROONS ON

At New York's Metropolitan Opera, critics of a production of "Tosca" acclaimed the action as realistic—and with good reason. In a stage scuffle, baritone Juan Pons, playing Scarpia, accidentally dislocated the jaw of Eva Marton, playing Tosca, with his elbow. When Marton sang "Vissi d'arte," lying on the floor as is customary, some of the pain was undoubtedly real. "Now I know how a boxer feels when he is knocked out," she explained later. When it came time to stab Scarpia, Marton played the scene with "lunging ferocity," one critic wrote.



CHUCK HARTLEY—AP/WIDEWORLD

■ "What we are witnessing now... is part of a game of poker." West German Chancellor Helmut Kohl, saying that superpower squabbling is part of the negotiating process and he expects another summit in 1987.



■ "I'm on the radio, minding my business. He calls up... and pees on my shoe." New York Governor Mario Cuomo, defending his verbal abuse of GOP challenger Andrew O'Rourke on a radio talk show.

THE AMERICAN JEWISH COMMITTEE

date September 30, 1986
to Ted Ellenoff, Bill Trosten, Irving Levine, Marc Tanenbaum
 Jim Rudin, Yehuda Rosenman, Sam Rabinove, David Singer,
 Shula Bahat, Sonya Kaufer, Mort Yarmon
from Gary E. Rubin
subject WASHINGTON NEWSLETTER

Attached are the drafts for the first AJC Washington Newsletter. Publication deadline is tomorrow. If you have any substantial problem with any of the material, please contact me as soon as possible.

GER/ha



[Handwritten signature]

1

Our goal is to inform our readers about policies which affect them and to do what we can to affect those policies as they are being formulated. This issue--Volume I, Number 1--is a first step.

Why This Newsletter?

The first issue of any new publication requires some explanations. Why is it being published and why now?

The Washington Report, which will be appearing bi-weekly, is being offered by the American Jewish Committee (AJC) to fill a need that exists now. That need is for a Washington-based newsletter which will inform government officials, opinion leaders, and other figures in the Nation's capital of the Jewish community's view--or views--on those matters which constitute the Jewish agenda. At the same time, it will inform the Jewish community about how key policy issues are being handled in Congress, the executive branch, and in the courts.

The focus of The Washington Report will be a broad one. No single issue, in itself, represents the totality of interests of the American Jewish community. Israel is, of course, the Jewish community's number one "issue." More than that, it is our passion. American Jews will do everything in their power to ensure that Israel's future is a secure and peaceful one. The Washington Report will monitor U.S. aid to Israel as well as other actions within Congress and the Administration which affect the U.S.-Israel relationship and Israel's overall standing. There can be no compromise on Israel's basic security.

However, neither the Jewish community nor The Washington Report limits concern to Israel. American Jews are full participants in every aspect of our national life. And we intend to remain so. That is why we will combat those forces which have as their goal the replacement of a pluralist America--the America in which we have flourished--with a narrow, sectarian, and exclusivist one. Those who would "Christianize" America, who would make their religious views the law of the land, would also--intentionally or not--transform Jews and other minorities into second class citizens.

The Washington Report will follow the attempts that are being made toward eroding the standing of Jews and other groups. Informing the community is a first step toward galvanizing it to action--hopefully in coalition with other affected groups.

Both the security of Israel and the preservation of a pluralist society in America are clear Jewish issues. But there are others which must concern us as well. We have not abandoned our concern for those living in poverty merely because most Jews have been fortunate enough to escape it. We are not indifferent to the travails of immigrants and refugees merely because most American Jews completed the immigration experience a generation or two ago. We do not ignore the threat posed by the growing nuclear stockpile or by a Soviet Union determined to advance its interests through ~~conventional~~ means and by backing terrorism merely because Jews are not the only potential victims.

The American Jewish community is not an island. We are affected by--and must attempt to affect--the conditions under

(2)

which our fellow Americans and our fellow Jews worldwide live. Jewish history has taught us that we cannot afford the luxury of indifference. Nor would we choose it.

That, in brief, is why the AJC offers The Washington Report. Our goal is to inform our readers about policies which affect them and to do what we can to affect those policies as they are being formulated. This issue--Volume 1, Number 1--is a first step.



10: Gary Rubin

Religious Right: Advances and Setbacks

In mid-September the Reverend Pat Robertson announced on closed-circuit television that he would seek the Republican nomination for President if three million Americans signed petitions urging him to run. Most observers in Washington think that the television evangelist will ultimately declare his candidacy despite a relatively weak showing in the August 5 Michigan election for precinct delegates. Robertson was swamped by Vice-President George Bush in that vote.

On the same day that Robertson was testing the waters in Michigan, Republican voters in that state's 4th district were ousting a three-term Congressman who had made a mark for himself as perhaps the most outspoken evangelical in the House of Representatives. In his six years in the House, Mark Siljander had used his office as a pulpit from which he denounced the "perverted" philosophy of "humanists." Naturally, he was an advocate of the anti-abortion, pro-school prayer, "Christian" agenda. In 1984, he sent a letter urging ministers in a neighboring district to help defeat Rep. Howard Wolpe who is Jewish. Siljander called on them to "send another Christian to Congress. Wolpe won but Siljander continued in his attempt to fuse religion and politics.

But in this year's primary he went too far. In a taped appeal for support just before the vote, he asked voters to pray and fast to help secure his renomination. He said that his victory was necessary "to break the back of Satan." He concluded with the hope that "God will clearly speak to each and every voter" so that "truth, in the name of Jesus, will prevail."

Siljander's opponent, Fred Upton, a strong Christian but not a fundamentalist, released the Siljander tape to the press and it caused a sensation in the conservative Republican district. On primary day, Siljander lost to Upton by 55% to 45%--the first time this year that a House incumbent has been denied renomination. Siljander attributed his defeat to his taped statement but stressed that he stood by those remarks. Observers in Michigan and Washington said that Siljander's downfall may be the first sign of a backlash against politicians who insist on mixing politics and religion in a blatant way.

A first sign it may be. But Siljander's loss by no means indicates that candidates like him are dropping their emphasis on the politics of religion. In Indiana's 2nd district, Congressman Phil Sharp, a moderate Democrat first elected in 1975, is facing a serious challenge from Republican candidate Reverend Don Lynch. Lynch, a preacher and faith healer, calls for the "isolation" of AIDS victims, believes abortion is murder, and asserts that Sharp is not representative of the "God-fearing, conservative people of the 2nd district."

Congressman Mel Levine (D-Calif.), who represents the Santa Monica area, is being challenged by Republican nominee Rob Scribner, a lay minister. Scribner has said that Levine, a Jew, is "diametrically opposed to nearly everything the Lord's church stands for in this nation."

In North Carolina, incumbent Congressman Bill Cobey (R-N.C.)

says that his Democratic opponent, David Price, would not take a strong stand for "principles outlined in the Word of God." In a campaign letter Rep. Cobey called himself "an ambassador for Christ." The letter was addressed: "Dear Christian Friend."

Unfortunately, the Lynch, Scribner, and Cobey candidacies are not isolated or insignificant examples. There are many more campaigns where candidates are using religion as a weapon to defeat their more "secular" opponents. It is a dangerous trend. Haynes Johnson, The Washington Post columnist, wrote about the Cobey campaign and concluded, "The North Carolina example is not isolated. Increasingly, religion is becoming entwined in political races. The prospect of...evangelical Robertson's 1988 Presidential candidacy guarantees that it will become even more so. That is reason enough to reflect on how well separation of church and state, the cornerstone of American democracy, has worked for believers and non-believers for two centuries and why it must be kept inviolate."



To: ~~David Gordon's~~ Gary Rubin
From: M. J. Rosenberg
Newsletter copy

The Peres Legacy

Later this month, Israel's Prime Minister Shimon Peres will exchange jobs with Foreign Minister Yitzhak Shamir. The ascension to office of Shamir comes as a surprise to all those who believed that Labor's Peres would never relinquish the premier's office to his Likud rival and predecessor. Many observers--perhaps even most--thought that Peres would either engineer some sort of government crisis that would jettison the rotation agreement or that Shamir would be deposed within Likud which also would have had the effect of negating the 1984 agreement.

It didn't happen that way. Instead, after 25 successful months as prime minister, Peres is moving to the Foreign Ministry. Many Israelis believe, however, that the 63 year-old Peres has not seen the last of the prime minister's office. He remains the uncontested head of the Labor alignment and leaves office with 80% of the Israeli public approving of the way he handled his job. For Peres, this record popularity must be a source of deep satisfaction. Prior to becoming Israel's eighth prime minister, Peres was not a popular figure even within his own Labor party. Neither a product of the army or the kibbutz, he was always regarded as, in American parlance, a "pol"--one who was thrust into power because he was a personal favorite of David Ben-Gurion. That has all changed.

Ehud Olmert, a Likud Knesset member and a rising star in Israeli politics, told The Washington Post that the revolution in Peres' public standing results from the transformation he has wrought in Israel's image. Peres has made us look flexible, genuine, and dedicated to the idea of peace. It's been a real asset for Israel."

Olmert is right. Peres has helped restore Israel's image to what it was prior to the Lebanon war. In fact, a Roper poll commissioned by the American Jewish Committee shows that today, for the first time since 1984, a majority (53%) of the American public supports Israel in contrast to the 8% which backs the Arabs. Israel's improved image can also be seen in more positive newspaper and television coverage of the Jewish state.

Peres hasn't accomplished that through mirrors or clever press statements. He withdrew the army from Lebanon. He met with Moroccan King Hassan, Egyptian President Hosni Mubarak, and Soviet Foreign Minister Edward Shevardnadze. He achieved an agreement with Cairo to bring the Taba dispute to international arbitration. He also succeeded in turning Israel's economy around--from triple digit inflation to virtually none.

Most important of all, he made it clear that the government of Israel was willing to break with longstanding policy to entice King Hussein and the Palestinians to the peace table. Specifically Peres agreed to accept peace negotiations with the Arabs under an international framework--even with limited Soviet participation. He asserted that although he would not negotiate with the PLO, he was prepared not to thoroughly check into the background of Palestinians ready to talk to Israel. As long as

they were not known PLO members, Peres would sit down with them. Peres also let the Arabs know that he was anxious--indeed, almost desperate--to achieve some kind of West Bank agreement.

Unfortunately, however, none of Peres' initiatives brought Israel much closer to peace with its Arab neighbors. King Hussein remains on the fence. Mubarak let the trivial Taba dispute block a summit with Peres until the Prime Minister's last month in office. West Bank Palestinians ready to negotiate with Israelis are still hanging back. In short, it is a depressing picture.

One associate of Peres put it this way. "The failure of the Arabs to respond to Peres' initiatives will only strengthen our hardliners. After all, Peres offered the Arabs better terms than they are likely to get from any future prime minister. He said that virtually everything is negotiable. And what was their response? Nothing. This is another example of the Arabs missing an opportunity. In a few months, they will wish for the terms Peres offered them but it will be too late. He won't be running the show."

But he will be Foreign Minister. Moreover, the incoming Prime Minister Yitzhak Shamir has accepted most of the Peres foreign policy. Nevertheless, the lesson of the last 25 months may be that there is not much that any Israeli prime minister can do alone to achieve peace. Peres was imaginative and bold in its pursuit. But he didn't achieve it. As ever, the ball remains in the Arabs' court. Peres, however, deserves credit for his efforts which most certainly helped advance the peace process and greatly enhanced Israel's image. Those, in themselves, are no small accomplishments. (



To: David Gardis
Gary Rubin

John Lewis Puts It Together

Time magazine once called him a "living saint" but John Lewis doesn't buy that. "I am no saint," he says. Nevertheless, there is something special about the 46-year old civil rights leader who last month defeated Julian Bond for nomination to Congress from Atlanta's 5th district.

His uniqueness does not stem merely from the sheer improbability of his victory over Bond. The headlines in Atlanta's newspapers on the day he won told of Lewis' "Stunning Upset" and of the political "miracle" pulled off by "The Little Engine That Could."

It certainly was that. No one gave Lewis much of a chance when he undertook his campaign against the elegant, better known Julian Bond. But that didn't stop Lewis. He kept plugging away. After all, winning a Congressional race was by no means the most difficult task John Lewis had ever undertaken.

The son of a sharecropper, Lewis was born in 1940 in rural Alabama. At age 21, he was one of the original Freedom Riders, who put their bodies on the line to help desegregate public transportation facilities. At 24, Lewis was organizing Mississippi Freedom Summer and a year later it was Lewis who put together the historic freedom march from Selma to Montgomery, Alabama. Lewis led the marchers and when the Alabama state troopers attacked they went right for Lewis who was severely beaten on the head. That wasn't the last time Lewis was beaten or thrown into southern jails (he was arrested 40 times) as he struggled to break the back of Jim Crow.

With a history like that, one might think that John Lewis would be a bitter man. But he is anything but that. "When I look back over the events of the last 20 years, I believe that a revolution has taken place in this country and especially in the south." He says that revolution was accomplished "not by blacks alone. But by blacks, and whites. Christians and Jews. We did it together," he says.

Lewis is dedicated to coalition-building. In fact, in 1966, he was ousted as leader of the Student Nonviolent Coordinating Committee (SNCC) because his belief in working with whites led to a clash with black militants. In his campaign for the House of Representatives, Lewis courted white as well as black support, while Bond focused almost exclusively on the black community. Lewis gave particular attention to the Jewish community. He issued a detailed position paper on Israel which emphasized his support for "secure and defensible borders" for the Jewish state as well as his opposition to any U.S. dealings with the PLO.

Lewis is well-known to the Jewish community. As co-chair of the Black-Jewish Coalition of Atlanta, Lewis had worked with Jewish community leaders on a wide variety of issues. The Coalition had pushed for--among other things--extension of the Voting Rights Act, for the Martin Luther King birthday bill, and for a posthumous pardon for Leo Frank, the Atlanta Jew who was framed on a charge of murder and lynched in 1913. Lewis himself

took to the airwaves with a public service message urging a pardon for Frank. The Coalition strongly condemned the Reagan Bitburg visit.

In an interview with The Washington Report, Lewis said that he has always felt close to the Jewish community. He said that "the Jewish community--more than any other segment of the American population--has been at the forefront of the struggle for equal rights. I'm not talking only about financial support. I'm talking about the young Jews who came down south for Freedom Summer in 1964 to register black voters. I'm talking about Jews like Andy Goodman and Mickey Schwerner who--along with a young black, James Chaney--were murdered because of their work for civil rights. The Jewish community has been involved in every aspect of the struggle. I'll never forget that."

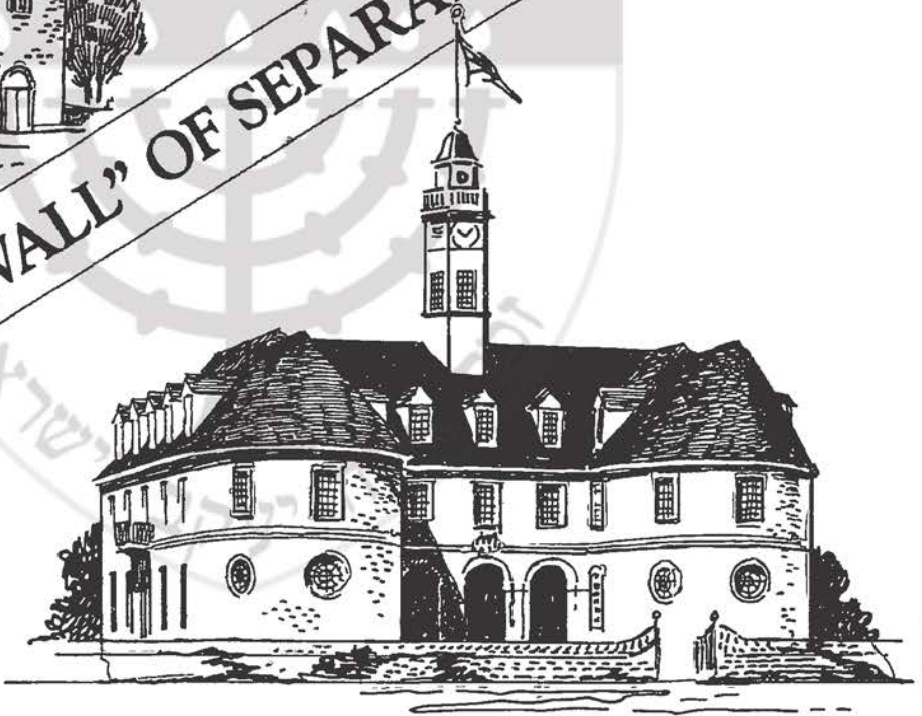
John Lewis intends to continue his coalition building if--as is expected--he wins the November general election. "Twenty years ago we could only dream about some of the things we have achieved together. In 1964, there were restaurants in Atlanta that I couldn't walk into. Today, blacks and white, Jews and Christians, made me the Democratic nominee for the United States House of Representatives. We have accomplished a non-violent revolution. If we just stick together, there is just no limit to what we can achieve."



Two Hundred Years of Mr. Jefferson's Idea



A "WALL" OF SEPARATION



*The Expansion of Religious Freedom
in the United States*



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INTRODUCTION

One of the glories of the United States is the freedom it has offered to all varieties of religious beliefs; the First Amendment to the Constitution prohibits any interference with the free exercise of religion or the establishment of any one creed at the expense of others.

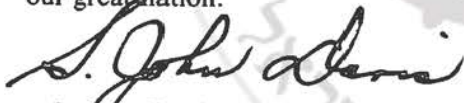
Virginians played an important role in establishing freedom of religion as a basic component of American democracy. Virginia Baptists petitioned for relief from paying taxes to support the established Church of England in colonial times. After independence was won, Thomas Jefferson, James Madison, George Mason and others led in securing the adoption of the Virginia Statute for Religious Freedom, the prototype of all other state guaranties of religious freedom, and the direct forbear of the First Amendment.

In the two hundred years since the General Assembly of Virginia passed the Statute, the idea of religious freedom has spread and expanded. This publication traces the growth of "Mr. Jefferson's idea," one of the most important legacies he and his beloved Virginia gave to the nation.

Important objectives of this publication are:

- To emphasize the fact that religious freedom is not a given, but has been fought for over the past two centuries;
- To develop a better understanding of what the Free Exercise and Establishment Clauses of the First Amendment mean;
- To provide both documents and an analysis for expanding an understanding of one of the most important elements of American democratic society; and
- To further an appreciation of our heritage of freedom.

This publication was prepared in cooperation with the Citizens' Committee to Commemorate the Bicentennial of the Virginia Statute for Religious Freedom. It is hoped that the contents contained herein will prove to be a valuable asset to teachers and other educators in efforts to commemorate this memorable event in the history of our great nation.



S. John Davis
State Superintendent
of Public Instruction



S. Joseph Ward
Chairman, Board of Directors
Citizens Committee to Commemorate
the Virginia Statute for Religious
Freedom

THE STATUTE OF VIRGINIA FOR RELIGIOUS FREEDOM

Drafted by Thomas Jefferson
in 1777 and adopted by
the General Assembly in 1786

WHEREAS ALMIGHTY GOD HATH created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world, and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and

emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow-citizens he has a natural right; that it tends only to corrupt the principles of that religion it is meant to encourage, by bribing with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them:

Be it enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall other-

wise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

And though we well know that this assembly elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies, constituted with powers equal to our own, and that therefore to declare this

act to be irrevocable would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right.

The text is from William Waller Hening, *The Statutes at Large* (1823), XII, 84-86. Made available in a limited printing by the University Press of Virginia, Charlottesville, 1964.



TWO HUNDRED YEARS OF MR. JEFFERSON'S IDEA

An Essay

The adoption of the Virginia Statute for Religious Freedom in 1786 (Document 1) marked a major step away from state support and enforcement of one particular religious belief and toward an open, tolerant society in which each individual could practice his or her own faith without fear of governmental coercion. Important and revolutionary as the disestablishment of the Anglican Church may have appeared at the time, the greater significance of the Statute lay in its assumption that religious matters were of a totally personal nature, beyond the legitimate scope of the state. Jefferson personified this view when he wrote to a friend in 1816: "I never told my own religion, nor scrutinized that of another. I never attempted to make a convert, nor wished to change another's creed. I never judged the religion of others. . . or it is in our lives and not our words that our religion must be read." The past two centuries have seen the playing out of this idea, of keeping government and religion separate, so as to allow each person the right to believe, or not to believe, according to the dictates of his or her own conscience.

In the period between the Declaration of Independence and the establishment of government under the Constitution, several states moved in the direction of greater religious freedom. None went so far as Virginia (except Rhode Island, which had pioneered in protecting individual conscience), and some resisted the trend, but well before the Civil War, disestablishment and individual religious freedom had become hallmarks of the new nation, perhaps the brightest flame in the torch of opportunity which beckoned millions of immigrants from the Old World to these shores. But, as Mr. Justice Douglas later wrote, "We are a religious people whose institutions presuppose a Supreme Being," and it has been impossible to separate totally state action and individual conscience. The history of Mr. Jefferson's idea has been a constant reevaluation of where the line should be drawn. That has not been an easy task, and as Mr. Justice Powell noted, "Jefferson's metaphoric 'wall of separation' between Church and State has become 'as winding as the famous serpentine wall' he designed at the University of Virginia."

The spirit of liberty which suffused the Declaration of Independence spread into several of the new states in the form of bills of rights, and nearly all of these included references to religious freedom (Document 5); Virginia, in fact, adopted its Declaration of Rights a few days before the Continental Congress proclaimed independence from Great Britain. Pennsylvania also quickly asserted the "unalienable right" of all men to

worship God "according to the dictates of their own consciences and understanding," and condemned compulsory public worship and the required support of religion. But while no one who acknowledged "the being of God" should suffer loss of civil rights because of religious belief or practice, the new state constitution did establish a test oath for membership in the assembly. Would-be office holders had to declare their belief in the divine inspiration of the Old and New Testaments; the last removed disabilities from Catholics, but still left Jews and other non-Christians in a distinctly inferior position.

North Carolina's bill of rights, also adopted in 1776, disestablished the Anglican Church, but limited office holders to Protestants, and precluded clergymen who occupied pulpits from holding state office. Not until 1835 would the word "Protestant" be changed to "Christian," and Jews continued to be excluded from office until 1868, when the post-Civil War constitutional revision finally did away with any reference to religion, although applicants for office still had to affirm their belief in God.

New York came closest to Virginia and Rhode Island in establishing religious freedom; the New York Constitution of 1777 guaranteed the free exercise of "religious profession and worship . . . without discrimination or preference," although John Jay attempted unsuccessfully to limit the rights of Catholics, whom many Protestants at that time believed owed their primary loyalty to the Vatican. Jay did succeed in requiring all applicants for citizenship (a matter of state control until passage of the Fourteenth Amendment) to renounce "all allegiance and subjection to all and every foreign king, prince, potentate and State, in all matters ecclesiastical as well as civil." New York also excluded clergy from office, and while disestablishing the Anglican Church, allowed it to retain earlier royal grants of land. In 1784 a constitutional revision revoked these grants, but anti-Catholic prejudice then triumphed in the establishment of test oaths, which were not repealed until 1806.

Where in New York and the southern states the Anglican Church had been identified with royal government in Great Britain, in New England the established Congregational churches were of local origin, and strongly defended by influential elites. Connecticut did not write a new constitution, nor did it disestablish the churches; not until 1818 did the state finally adopt a new constitution with a religious freedom clause. Massachusetts, which had the most conservative declaration of rights of the thirteen original states, also did not disestablish the church despite a clause

declaring that "no subordination of any one sect or denomination to another [should] ever be established by law." In fact, the state constitution of 1780 included a clause on the duty of religious worship, and Catholics were disqualified from holding public office.

The other states, even while disestablishing the Anglican Church, nonetheless enacted a variety of constraints aimed primarily at Catholics, Jews, and non-believers. Maryland and South Carolina recognized Christianity in their constitutions, and several states permitted legislation to require citizens to contribute to religion, although allowing them the choice of which church to support; test oaths were also common. One can certainly discern major steps forward from colonial conditions, but the revolutionary generation for the most part still considered religion so important a part of civil life as to justify some degree of state coercion for its support.

The Articles of Confederation, under which the United States was governed from 1781 to 1789, left matters of religion almost entirely to the states. As John Adams wrote, "I hope that Congress will never meddle with religion further than to say their own prayers, and to fast and to give thanks once a year. Let every colony have its own religion without molestation." In the most important statute enacted under the Articles, the Northwest Ordinance of 1787 (Document 2), Congress affirmed that "the fundamental principles of civil and religious liberty . . . form the basis whereon true republics, their laws and constitutions are erected." In the pact which Congress made with the new states to be carved out of the territory, the first article guaranteed that "No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiment." If Congress decided that some of the profits from the sale of public lands might go to support churches, the money would be apportioned according to the number of adherents each denomination claimed.

The adoption of the Constitution itself did little to advance the cause of religious freedom in general, although the Founding Fathers did prohibit any religious tests for federal office in Article VI, Section 3, the only reference to religion in the document. During the debates over ratification, a few people defended the idea of a test; far more, however, wanted the Constitution to have definite guarantees of religious liberty (Document 3). Jefferson, then American minister to France, upon receiving a copy of the Constitution from Madison, wrote that on the whole "there is a great mass of good in it," but "a bill of rights is what the people are entitled to against every government on earth." Several states in effect ratified the Constitution on condition that it be amended to include a bill of rights, and to this task James Madison applied his considerable talents in the first Congress to meet under the Constitution. From his labors came the first ten amendments, ratified in 1791, of which the First Amendment has been the bulwark of civil liberties in America for nearly two hundred years:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech,

or of the press; or the right of the people peaceably to assemble and to petition the Government for redress of grievances.

The bunching of these various rights within the same amendment is far more than an act of economy, for they all deal with the right of the people to express themselves, to be free of state coercion in voicing their religious beliefs, their ideas, and even their complaints. Not surprisingly, many of the First Amendment cases which have come before the Supreme Court cut across the artificially imposed categories of simple speech or press or religion; rather they deal with the limits of governmental power to restrict man's mind and the untrammelled rights of expression.

Much of the litigation over the two religion clauses would not occur until the modern era, however, for the first century after passage of the Bill of Rights it applied only to the federal government. This was certainly the view of the Framers (Document 8), and confirmed by the Supreme Court in *Barron v. Baltimore* (1833). A decade later the Court upheld a local ordinance regulating burial practices on the basis of health reasons, and specifically ruled that the First Amendment did not apply to the states; *Permol v. First Municipality of New Orleans* (1845). Thus, the limits of religious freedom in the nineteenth century were defined not by the national government, but in the states. While the tale is one of increasing liberty, the pace was ragged, with declarations on the subject often contradictory. Nearly every state adopted in its constitution some clause proclaiming religious freedom, but upon closer examination this liberty was far from absolute.

Religious tests for public office remained in effect in some states until after the Civil War. In many places one had to swear to a belief in a Christian religion, thus barring Jews (Maryland allowed Jews to qualify by taking a special oath that they believed in a future state of rewards and punishments). In some states Catholics were also debarred, as were atheists. de Tocqueville recorded a case where an atheist's testimony was rejected because he could not swear to the appropriate oath. Gradually, however, the test oath disappeared in most of the country, not only for public office but for jury duty as well. The Oregon constitution of 1859, for example, prohibited religious tests for jurors and witnesses, and also forbade putting any questions to a witness regarding religious beliefs, lest it "affect the weight of his testimony." The Supreme Court finally declared test oaths unconstitutional in *Torcaso v. Watkins* (1961).

Today we would consider a law excluding clergy from holding public office as a violation of civil liberty, but Americans in the late eighteenth and early nineteenth centuries saw this as one means of separating church and state. Restrictions of this type appeared most frequently in the older seaboard states, which remembered the days of established churches and ministerial meddling in political affairs. The younger, transmontaine states, which had never known the problems of establishment or clerical politicking, rarely utilized this restraint. By the eve of the Civil War, though, most states had abandoned the practice.

Americans of the revolutionary and post-revolution-

any generation were not opposed to religion, and in fact sought the fullest freedom for each person to worship as he or she chose. But the vast majority never believed in total separation of religion and the state, only that the government should not favor one denomination above others. In what some people today consider a gross violation of the First Amendment, state and localities have always granted tax exemptions to church-owned property used for religious purposes. The practice began when governments routinely granted preferences and direct support to religion, since the church provided theological support to maintain civil harmony. Since the adoption of separation, defenders of tax exemption point to the social, cultural and philanthropic work of religious agencies to justify the policy. A true separation of church and state would, of course, do away with the practice, but most Americans see it as a harmless method of supporting religion, and since all denominations can benefit, no one group gains a preference.

During the nineteenth century many states also enforced laws against blasphemy, on the ground that by offending religious-minded people, it would disturb the public peace. In the 1830's, Massachusetts imprisoned Abner Kneeland, a free-thinker who had published statements "scandalous, impious, obscene, blasphemous and profane . . . concerning God." A number of prominent churchmen, although obviously not in sympathy with Kneeland's views, petitioned for his pardon, on the grounds that his religious views had been restrained. Some states have retained these laws on their books until today, but have not enforced them for decades.

The most serious interference by state governments with religious liberty came in the form of restrictions on Catholics, Jews and atheists. Test oaths have already been mentioned, but these groups suffered under other restrictions as well. Anti-Catholic sentiment in the United States stemmed directly from the post-Reformation prejudices of western Europe, which viewed the Church in Rome as a threat to secular independence. That the Church had been, and would continue to be, involved in affairs of the state cannot be denied, for Church doctrine held that its responsibility for the care of souls extended into all domains of temporal as well as spiritual activities. Nor can one overlook the extensive political activity of many high church figures, such as the Medici popes, Cardinal Richelieu in France, or Cardinal Wolsey in England. By the time of American colonization, the fear of a world-wide Catholic conspiracy directed from St. Peter's had become a staple of Protestant thought.

For Catholics, an important struggle during the early decades of the new nation involved the Church's view of its control over all aspects of religious affairs, including control of church property, which ran against the American tradition of local, lay ownership of congregational tangibles. Most states passed special incorporation laws to provide for supervision of church buildings and property by lay-elected trustees, while the Catholic Church insisted that its bishops determine such use and disposition. Pope Pius VII directly addressed this issue in *Non Sine Magno* (1822), in which he wrote to Bishop Marechal of

Philadelphia that goods "which are offered for divine worship, and for the support of the church, and its ministers, fall under the power of the Church. Thus, since Bishops by divine ordination are those who are placed over the church, therefore they cannot be excluded from the care, disposition, and supervision of these goods." Although the Church continued to press for clerical control, in the end it had to abandon the effort; whatever might be said about state interference with religion, the tradition of local, lay control proved triumphant in America.

Unfortunately, harsh and intemperate words were said on both sides of this long-simmering dispute, which inflamed existing prejudice and played into the hands of a rising anti-Catholic movement in the second quarter of the nineteenth century. The religious and secular press carried one article after another on such topics as "Is Popery Compatible with Civil Liberty?" many of which passed well beyond the limits of truth and decency. In the 1830s, a young girl dismissed from her job at the Ursuline Convent in Charlestown, Massachusetts, told lurid and false tales which spread like wildfire. The town fathers then refused permission for burial of two Catholic children in the Bunker Hill cemetery on the grounds that the health regulations permitted the internment of Protestants, but not of Catholics! On the night of August 11, 1834, a mob attacked the convent and burnt it to the ground. A local jury acquitted the accused ringleaders when they were tried for arson, and when the bishop applied to the state legislature for funds to rebuild the convent, a new wave of anti-Catholic sentiment spread across the state.

Perhaps no other religious issue in the pre-Civil War era so inflamed public passion, however, as the Catholic drive to secure public funds for parochial schools. In Europe, state support of religious schools was commonplace; in those countries where both Protestants and Catholics operated academies, the state normally gave money to both. In America, however, the principle of separation precluded such support, although the Catholics correctly claimed that public schools implicitly taught Protestant religious principles. Public schools, for example, used the King James Bible, and the religious epigrams in the widely-used Webster Speller embodied Protestant views. In the 1830s and 1840s, the Catholic Church, primarily through its teaching orders, established numerous primary schools in order to protect Catholic children from the suspected proselytizing influence of public schools. During this same period, the drive for expansion of tax-supported common schools, led by Horace Mann, gained enormous ground, and the Catholic hierarchy reasoned that since it shared the burden of teaching children, it should also share in tax revenues allocated toward education.

Combined with a growing Catholic immigration to the United States, the parochial school issue triggered a massive nativist movement which charged the Pope with trying to gain control of the country. Various political parties sprang up, committed to thwarting the alleged papist conspiracy. Anti-Catholic revolts occurred in several cities, including Philadelphia, the "city of brotherly love," and lurid stories circulated

widely about the evils of the Church, and the persecution it inflicted on those attempting to escape its clutches. The climax came in the Know-Nothing Party, which grew out of the nativist Order of the Star Spangled Banner. Article II of the Know-Nothing platform declared that the party's object was "to resist the insidious policy of the Church of Rome, and other foreign influences against the institutions of our country, by placing in all offices . . . none but native-born Protestant citizens."

Fortunately, the decline of the Know-Nothing Party was as rapid as its meteoric rise. Responsible citizens recognized the danger of religious bigotry carried to such extremes; as former president John Tyler wrote to his son, the Know-Nothing hatred of Catholics seemed unfounded, for "that sect seems to me to have been particularly faithful to the Constitution of the country, while their priests have set an example of non-interference in politics." (Document 9) Abraham Lincoln also denounced the Know-Nothings, and declared that if the movement gained ground, he would prefer to move to Russia, "where despotism can be taken pure, and without the base alloy of hypocrisy." The anti-Catholic sentiment faded as public attitudes focused on the evil of slavery, and the Civil War it caused.

Fortunately, anti-Catholic prejudice, despite repeated efforts, did not succeed in securing statutory expression, despite a stream of petitions to Congress and the state legislatures to "do something" about the Papists. Moreover, the Catholics won an important victory in 1813 for themselves and for the cause of religious liberty. An essential component of Catholic doctrine is the sacrament of the confession, and for centuries matters discussed by priest and penitent in the confessional booth had been considered sealed, beyond the reach of secular inquiry. A priest, Father Anthony Kohlmann, S.J., had been handed goods by a thief after the culprit had repented and confessed his sin, and Father Kohlmann then returned the property to its rightful owner. The police summoned Father Kohlmann, and wanted him to name the burglar; he refused, claiming he could not repeat information given to him in confession.

In the court case that followed, it should be noted that the four judges of the Court of General Sessions of New York City, as well as counsel for both sides, were Protestant. (Document 6). The court unanimously upheld the principle of confessional sanctity, and in 1828, the State of New York passed legislation giving statutory enforcement to the old common law doctrine of priest-penitent confidentiality. Over the years other states have enacted similar laws. The Supreme Court of Nebraska, in *Hill v. State* (1901), upheld that state's statute, declaring that confession must be made "in confidence of the relation and under such circumstances as to imply that it should forever remain a secret in the breast of the confidential advisor." Although Catholics alone have confession as a rite, the idea of confidentiality surrounding communications between a person and his or her spiritual advisor, be it priest, minister or rabbi, has been accepted in both statutory and common law through most of the coun-

try. What started as a test of one religion's practices has now spread to enhance the freedom of conscience of all. Slowly the old prejudices against Catholics as disloyal pawns of a foreign potentate began to fade, although they have appeared in this century in relation to the candidacies of two Catholic politicians, Alfred E. Smith and John F. Kennedy, for the nation's highest office. (Documents 10, 11)

Although Protestants did not fear a Jewish conspiracy (in fact, the early Puritans admired Judaism), Jews also suffered from centuries-long religious bigotry. The New World, because it was "born free," did not have to overthrow the medieval institutions which had sanctioned antisemitism; nonetheless, seeds of prejudice did cross the Atlantic, and the small Jewish communities which dotted the seaboard had to overcome their fruits. And, like the Catholics, they received aid from Protestants who firmly believed that in the United States no room existed for the type of religious persecution so prevalent in the Old World. "Happily, the Government of the United States," as George Washington told the Jewish community of Newport, "which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens." Madison and Jefferson offered similar assurances that in this country religious freedom, and not tyranny, would be the rule.

But many Americans considered this a Christian country, and if they feared a Catholic conspiracy, they felt less than comfortable with Jews as well. In Maryland, as in other states, the post-revolutionary Bill of Rights provided a long step toward religious freedom, but limited it to Christians. Thomas Kennedy, a devout Christian, led the fight to extend liberty to Jews as well, beginning in 1818. (Document 7) He was unable to get the so-called "Jew bill" passed by the state legislature until 1822, but since it involved a constitutional amendment, it had to pass the subsequent assembly as well. Religious toleration thus became the central issue of the 1823 election, and nativists, already upset at the growing Catholic presence in America (despite the fact that Maryland had been founded as a Catholic refuge), came out to defeat Kennedy and the bill.

Perhaps because Jews were so small a group, or perhaps because other states looked upon Jews as good citizens, or perhaps because the blatant prejudice offended many citizens, the battle for Jewish rights now received strong support from other states. Newspaper editorials called on Maryland to redeem itself. The influential *Niles Register* wrote: "Surely, the day of such things has passed away and it is abusive of common sense, to talk about republicanism, while we refuse liberty of conscience in matters so important as those which have relation to what a man owes his Creator." The pressure had its effect, and Maryland gave full political and religious rights to Jews in 1826. By the Civil War, only North Carolina still restricted Jewish rights, and that disability disappeared in 1868.

On the federal level, the bill establishing government for the District of Columbia included provisions for chartering churches, but, probably due to an

oversight, did not mention non-Christian houses of worship. There had been no Jewish community in Washington at the time of its founding, but by the 1850s a small congregation had come into existence, and it petitioned Congress for an act allowing it to build a synagogue. Senator Lewis Cass of Michigan championed the cause, and called the existing act with its limitations to Christian churches "an act of gross injustice, and . . . a disgrace to our jurisprudence." Had there been a test case, a court might well have found the old law in violation of the First Amendment, but Congress quickly remedied the defect.

By the Civil War, then, the idea of religious freedom had expanded significantly from the early issue of disestablishment. Nearly all states had adopted and implemented bills of rights to provide individual liberty of conscience, and despite a pervasive sense that America was primarily a Protestant Christian nation, had removed civil and political disabilities from Catholics and Jews. The federal government, bound by the First Amendment, had never attempted to intrude into religious matters, and in religious freedom as in the political domain, the United States appeared to those suffering from oppression in the Old World to be "the best hope of freedom."

After the war, however, the United States underwent significant economic, social and demographic changes, and with them came new problems of religious freedom. With the passage of the Fourteenth Amendment in 1868, the strictures of the First Amendment gradually came to be applied to the states as well, and in nearly all cases, the issue would be resolved by the Supreme Court. As de Tocqueville noted long ago, in America nearly all important issues ultimately become judicial questions. The trend is apparent in the latter third of the nineteenth century in a handful of cases, but the full impact, and the constitutional expansion of those ideas first articulated by the Founding Fathers, would only reach fruition in modern times. The rest of this essay, then, properly focuses on our high court's determination of what the religion clauses of the First Amendment mean.

The most important religion case before the Court in the latter nineteenth century involved a new religious sect, the Church of the Latter Day Saints, commonly called the Mormons, which, among other things, believed in polygamy. A federal law prohibited bigamy in the territories, and a Mormon challenged the statute as violating his right to free exercise of religion; his faith, he claimed, required him to take more than one wife. Chief Justice Waite, in the first important case before the Court on the religion clauses, drew an important distinction between "belief" and "action." The First Amendment prohibited Congress from passing any law interfering with what a person believes, but left it power to reach action subversive of social order. "Suppose," he wrote, "one believed that human sacrifices were a necessary part of religious worship, would it be seriously contended that the civil government [could] not interfere to prevent a sacrifice?" Modern society, he noted, had condemned polygamy. To permit it, on the basis of religious belief, would make religion superior to the law of the land, "and in

effect to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances." (*Reynolds v. United States* [1878])

The belief/action dichotomy has been a crucial element of First Amendment jurisprudence ever since, and while it holds the potential for abuse of the free exercise clause, it strikes a necessary balance between social order and individual conscience. One can believe what one wants, no matter how strange or idiosyncratic that belief may be; but the state has an imperative need to protect civil peace, and under a free government, that need must also be met. Waite implied that conduct outside the First Amendment need not be protected at all; subsequent courts, as we shall see, have extended the ring of protection so as to include more "action" that qualifies as legitimate religious expression.

The applicability of the First Amendment to the states did not become automatic with the passage of the Fourteenth Amendment, which primarily concerned itself with the Reconstruction of the Union and the citizenship of the former slaves. But the first section read: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Eventually, through a doctrine called *incorporation*, the Supreme Court determined that the rights guaranteed in the first eight amendments limited the actions of states as well as of the federal government. But in the nineteenth century, the Court was not ready to take that step. In *Spies v. Illinois* (1887), Chief Justice Waite, for a unanimous Court, ruled that the Bill of Rights still applied only to the national government; not until 1923 did the Court begin to expand the First Amendment to include the states.

In *Meyers v. Nebraska*, the Court examined a state law passed in the midst of the anti-foreign sentiment of World War I, which prohibited foreign language schools for children under ten. The Court's decision came from the pen of Justice James C. McReynolds, supposedly one of the most reactionary men ever to sit on the high bench. In a path-breaking decision, McReynolds expanded the Fourteenth Amendment's concept of liberty to denote "not merely freedom from bodily restraint but also the right of the individual to . . . acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience." Two years later, in *Pierce v. Society of Sisters*, McReynolds upheld a challenge by parochial and private schools to a nativist-inspired Oregon law requiring children to attend only public schools. If one chose to have one's child educated in a religious environment, the Court declared, the state had no power to deny this right. With these two cases, the process of incorporation began.

There are two clauses in the First Amendment dealing with religion, the *establishment* clause and that on *free exercise*. Naturally, the two are related, for

state preference of one denomination would inevitably restrict the free exercise by adherents of another. But, and on such items do our constitutional guaranties of liberty develop, a comma separates the two clauses. As a result, two separate strands of jurisprudence have developed. The two are not totally isolated; indeed, all the various guaranties of individual liberty and expression are intertwined. But for purposes of analysis, it is useful to examine them as the Court has done.

The cases on the *establishment* clause have dealt primarily with two issues, the intrusion of religious matters into governmental activity, especially religious activities in public schools, and governmental aid to religious organizations. The *free exercise* cases often raise problems of the belief/action nature, but also deal with the extent to which believers in certain doctrines may be exempted from general state regulations.

ESTABLISHMENT OF RELIGION

What Does it Mean?

Provides that a state or federal government shall not

- *establish an official state religion;*
- *prefer one religion over another or aid one or all religions;*
- *inhibit worship according to individual preferences or conscience;*
- *levy taxes in any amount, to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt for teaching and the practice of religion.*

An important fact to keep in mind is that the Court is never interested in the "truth" or "accuracy" of any religious doctrine. The key case is *United States v. Ballard* (1944), involving the conviction of members of the "I Am" movement for mail fraud. The sect claimed that its members had been chosen as "divine" messengers of "Saint Germaine," and as such had the power to heal. The Court barred submission to the jury of any statements bearing on the veracity of their beliefs. Mr. Justice Douglas held that under the First Amendment, "Men may believe what they cannot prove. They may not be put to the proof of their religious doctrines or beliefs . . . If one could be sent to jail because a jury in a hostile environment found those teachings false, little indeed would be left of religious freedom." Final Amendment jurisprudence is content neutral; its rights and limitations can be applied to all groups, for to single out any one faith for special treatment would be to violate the spirit of the law itself.

The Court's first encounter with the establishment clause came in *Everson v. Board of Education* (1947), which by a five-to-four vote upheld a New Jersey statute permitting the transportation of parochial school students on public school busses. (Document 12) In his opinion, Mr. Justice Black reviewed the history and justification of the disestablishment movement in the United States, including Madison's Memorial and Remonstrance and Jefferson's Bill for Reli-

gious Liberty. The intent of the Framers of the First Amendment was, in Jefferson's words, "to erect a wall of separation between church and State." But Black found no breach of that wall, for the purpose of the statute was not to promote one or more religions above others, but to aid students in their education. The minority, fearing that such a step would only be an opening wedge to break down the wall, believed that the aid went far beyond what a state could legitimately offer religious institutions. "Certainly the fire department must not stand idly by while the church burns," wrote Mr. Justice Rutledge, but neither should the state help in any way to promote the goals of a religious movement.

Mr. Justice Douglas, in the majority in *Everson*, ultimately found the dissenting view persuasive, so that he helped form a new majority in other cases involving various forms of public aid to religious institutions. Over the years, the Court has struck down "released time" for religious instruction in the public schools (*McCullum v. Board of Education* [Document 13]), although permitting schools to dismiss students early for religious instruction off school grounds (*Zorach v. Clauson* [Document 14]); it invalidated a Pennsylvania statute reimbursing non-public schools for teacher salaries, textbooks and instructional materials, even if used solely for "secular" purposes (*Lemon v. Kurtzman* [1971]), a similar New York law reimbursing schools for certain "secular expenses" (*Levett v. Committee for Public Education* [1973]), and Pennsylvania's second effort to help religious schools, because the Court ruled that in parochial schools, there is often no line demarcating secular from religious instruction (*Meeks v. Pittenger* [1975]).

FREE EXERCISE OF RELIGION

What Does it Mean?

- *Freedom of conscience*
- *Freedom of mind and spirit*
- *Freedom of the individual from compulsion as to what he or she shall think or what they shall say*
- *Right of the individual to worship*
- *Right of each church to exist as an organization without government approval or assistance*

More recently the Court seemed to have softened this attitude by allowing some state aid to religious schools to cover secular subject textbooks (*Board of Education v. Allen* [1968]); for some secular functions provided a clear audit procedure was followed to ensure that no money went for religious purposes (*Wolman v. Waters* [1977]); and to cover the costs of state-required testing and reporting procedures (*Committee for Public Education and Religious Liberty v. Regan* [1980]). In general, the Court seemed to say that state laws designed solely to benefit the child, and which would not further religious purposes, are constitutional. Some observers thought the Court had gone too far in that direction when in 1983 it sustained a Minnesota law allowing citizens to deduct part of the cost of sending their children to private or parochial schools from their state income taxes (*Mueller v. Allen*).

The Court has also drawn a distinction between secondary and higher education, on the grounds that college students are more mature and thus less easily "indoctrinated" by religious activities, and that it is also easier to draw the line between religious and secular activities in a university. It thus upheld federal construction grants to church-related colleges for buildings of a solely secular nature, such as dormitories (*Tilton v. Richardson* [1971]). Similar state programs involving state-issued bonds (*Hunt v. McNair* [1973]) and categorical grants (*Roemer v. Maryland Public Works Board* [1976]) also received Court sanction. In its most recent term, however, the Court evidently felt it had gone far enough in this direction, and struck down New York and Michigan statutes providing public school teachers for remedial instruction in parochial schools; *Grand Rapids School District v. Ball* (Document 15) and *Aguilar v. Felton* (1985).

In all these cases, the Court adhered to a tripartite test first enunciated in the *Lemon* case: For state aid to religious schools to be constitutionally permissible: (1) it must have a secular legislative purpose; (2) its primary effect must neither advance nor inhibit religion; and (3) it must not foster excessive government entanglement with religion. Although this test seems straightforward enough, in practice it often takes on the semblance of the serpentine wall, with both the majority and minority invoking the test to support their arguments.

In *Committee for Public Education and Religious Liberty v. Regan* (1980), for example, the majority upheld a New York law reimbursing church-related and private schools for the costs of standardized testing and reporting services mandated by the state. The majority, speaking through Mr. Justice White, found that this reimbursement met the three prongs of the test. It had a secular purpose, in that the state needed data on pupil performance. The majority did not believe the amount of money large enough to advance religion, and the procedures appeared simple enough to avoid government entanglement. The minority, Justices Blackmun, Brennan and Marshall, appealed to the same test. While conceding the secular legislative purpose, they contended that the amount of money involved would underwrite a significant enough portion of total personnel costs as to constitute an "advancement" of religion. Since the state would expend some ten million dollars, they also believed that the required auditing would lead to excessive entanglement.

As Justice White admitted, there is no "litmus-paper test to distinguish permissible from impermissible aid. . . . [Establishment Clause] cases are not easy; we are divided among ourselves. What is certain is that our decisions have tended to avoid categorical imperatives and absolutist approaches at either end of the range of possible outcomes. This course sacrifices clarity and predictability for flexibility." While flexibility is certainly a virtue, however, the Court approach does make it difficult to understand how the Court reaches its decisions.

Purists argue that under the tripartite test, no state aid could ever meet constitutional scrutiny. Money

given for secular purposes always aids religious purposes, for it frees up monies which would have been required to pay for the secular instruction and which can now support religious programs. Proper accounting procedures, and the strict rules of accountability, would also bring government into too close a relation with religious bodies. The Supreme Court, however, has declined to take so absolute an approach, but has tried to balance the strict ideals of total separation with the proposed benefits to students, recognizing that in a pluralist society such as ours, there is a positive role for parochial schools to play. But there is no bright line test, and there will no doubt be future cases testing the means by which legislatures, responding to interest group pressure, will try to aid religious schools without breaching the by-now serpentine wall of separation.

Public aid is one strand of establishment clause cases; a far more controversial area involves state sanction of specific religious practices. The leading case is certainly *Engel v. Vitale* (1962), which struck down a New York Regents "non-denominational" prayer mandated for use in public schools. (Document 16) Mr. Justice Black saw a clear violation of the establishment clause, for imposed prayer of any sort smacked of governmental compulsion. Few cases have ever aroused public sentiment as much as the school prayer decision, for it seemed to many people that the Court had gone well beyond the First Amendment's prohibition against the establishment of a religion to deny the very idea of religion, or of God, any place in public education. Mr. Justice Stewart in his dissent argued that the New York practice merely recognized "the deeply entrenched and highly cherished spiritual tradition of our Nation."

The Court triggered further protest two years later in *Abington School District v. Schempp*, when it ruled that the First Amendment also prohibited the public reading of the Lord's Prayer and verses from the Bible, even if dissenting students were excused. (Document 17) In his opinion, Mr. Justice Clark also went back to the Virginia experience to develop the idea of total state neutrality in the area of religion. To require students to read from the Bible, not as a study of religion or literature, constituted a religious exercise. The fact that a majority of the population approved did not matter; the First Amendment was not designed to implement the will of the majority, but to protect the rights of minorities.

Here indeed is one of the key ideas of religious liberty, that although the majority is free to practice its religion, it may not use the instrumentalities of the state to impose these beliefs on others. The state must be neutral.

Neutrality, however, is at times a difficult concept to define. For the devout, neutrality may appear as hostility, while for the non-believer, any aid may seem to be too much. The Court has not always been consistent, because we as a people are far from consistent. As Mr. Justice Douglas noted, "We are a religious people," and our traditions are not always religiously neutral. Congress and state legislatures often begin their sessions with a prayer, and the Court upheld this practice in *Marsh v. Chambers* (1982),

even though the Nebraska legislature paid a chaplain out of state funds. Christmas, one of the holiest days in the Christian calendar, has become a secular holiday as well, with religious symbols displayed on public grounds and in store fronts, a practice so ubiquitous that the Court found no constitutional ban to the presence of a crèche in a public park (*Lynch v. Donnelly* [1984]). The idea of a sabbath is religious in origin, yet many states enforce Sunday closing laws, and the Court has ruled such regulations do not violate the First Amendment (*McGowan v. Maryland* [1961]). Yet when Massachusetts gave churches an effective veto over granting liquor licenses within 500 feet of a church building, the Court said the state had gone too far (*Larkin v. Grendel's Den* [1982]).

If one has difficulty in delineating the proper line of neutrality in the establishment clause cases, the task grows no easier when we seek a clear test in the free exercise cases. The earliest rule, dating to the Mormon case of 1878, drew a distinction between belief and conduct, granting the former absolute protection, but limiting the latter to those actions which were socially acceptable. Thus, in the *Draft Cases* (1918), the Court unanimously rejected challenges to World War I draft laws on religious grounds; the social imperative of a nation at war demanded the registration of all eligible males. Even in peacetime, a state regulation that all male students at state-sponsored colleges take military science courses was upheld against protests that it violated the religious beliefs of conscientious objectors (*Hamilton v. Regents* [1934]).

In 1940, the Court refined the belief/action rule in *Cantwell v. Connecticut*. Mr. Justice Roberts acknowledged that the freedom to act could not be absolute, but also noted that freedom of religion "embraces two concepts, freedom to believe and freedom to act." If one cannot carry out one's beliefs (within reason), then in effect the beliefs themselves are circumscribed. The free exercise cases since then have been an effort to strike a balance between the greatest possible leeway for action motivated by religious belief, and the need of the state to preserve order and civil peace.

How difficult this balancing is can be seen in the two flag salute cases, which also show the interconnectedness of the speech and religion clauses of the First Amendment. Jehovah's Witnesses, who have helped forge a large portion of the free exercise jurisprudence, objected to a Pennsylvania statute requiring students to salute the American flag. The Witnesses took the biblical command against worship of graven images literally, and to them the flag salute violated their religious beliefs. Mr. Justice Frankfurter wrote the majority opinion in the first case, *Minersville School District v. Gobitis* (1940), and rejected the free exercise claim. "The mere possession of religious convictions which contradict the relevant concerns of a political society does not relieve the citizen from the discharge of political responsibilities." Frankfurter recognized the dilemma between majority power and minority rights, but he thought the interest of the state in fostering patriotism a legitimate goal, especially with part of the world already at war, and with a real possibility that the United States would soon be in-

involved. "National unity is the basis of national security," he declared, since "the ultimate foundation of a free society is the binding tie of cohesive sentiment." Only Mr. Justice Stone dissented (Document 20).

The Court has changed its mind in the past, but rarely in so dramatic a way and with such rapidity. Within three years, an eight-to-one majority disappeared; two justices retired, and three others changed their opinions. In part, the *Gobitis* opinion, reflecting the rampant nationalism of the day, went against many precedents protecting the rights of minorities. Also, the continued resistance of the Witnesses to the flag salute led to numerous assaults on them, which causes the justices to recognize the dangers of unfettered majority power. In *West Virginia State Board of Education v. Barnette* (1943), the Court overruled *Gobitis*, and found that no clear and present danger (the traditional test for determining when freedom of speech could be limited) existed to warrant the state's action.

Mr. Justice Jackson, in one of his most forceful opinions, found the central issue to be less one of religious liberty than of freedom of expression. "Many citizens who do not share these religious views hold such a compulsory rite to infringe constitutional liberty of the individual." Then in an oft-quoted passage he declared: "The very purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. . . . [If] there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." (Document 21)

The flag salute decisions initiated a new standard by which to judge free exercise cases, and which eventually expanded to cover speech, civil rights, and civil liberties as well. Justices Douglas and Black would later argue for a "preferred" position for First Amendment rights, claiming that they represented a higher rung on the ladder of constitutionally guaranteed rights. While the entire Court has never fully endorsed this view, it has in practice adopted a double standard. When economic liberties are involved, such as restrictions on how one may conduct business (i.e., minimum wages, maximum hours, antitrust, etc.), the Court applies a "rational basis" test: Does the Congress under its commerce power, or the state legislatures under their police powers, have a reasonable justification for imposing such rules? If the answer is yes, the Court will enquire no further.

But in First Amendment areas, rational basis is not enough, and the Court imposes a "strict scrutiny." Does the state or federal government have a compelling state need which is of such importance that it is warranted in limiting fundamental rights? The state must prove that a crucial social need will suffer unless the right is limited, and the limitation must be content-neutral, specific, and aimed at the problem. A war, for example, may justify some restriction on speech, or, in Mr. Justice Holmes's famous statement, "There is no right to cry 'fire' in a crowded theater." But, especial-

ly in the free exercise area, there is a heavy burden on the government to prove the existence of an overriding need.

It is not an impossible burden, and the belief/action dichotomy has allowed the Court to sustain a variety of state regulations challenged by religious groups. The Jehovah's Witnesses were in court again in 1944 protesting a Massachusetts law forbidding a female minor to sell newspapers, periodicals or merchandise in public places.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; . . .

First Amendment Clauses

The girl claimed it was her religious duty to perform the work, but the Court found the state had a legitimate interest in limiting such activities by children (*Prince v. Massachusetts*). Similarly, Jewish merchants attacked the Sunday closing laws on the grounds that their religion forbade them to work on Saturday, and the laws impaired their ability to earn a livelihood. The Court said the laws did not impinge on their religious beliefs by requiring them to work on Saturdays, and the state's interest in securing a common day free from commercial noise and tension did not impede their beliefs (*Braunfeld v. Brown* [1961]).

Modern cases rarely deal with the state requiring a citizen to act in a manner contrary to his or her beliefs; rather, they raise the more complex issue of when is religiously directed conduct exempt from general state regulations which nominally have no religious impact. Does the state unwittingly impose a burden, directly or indirectly, on a group holding unorthodox views? Although the Court will not inquire into the "truth" of dissenting beliefs, it often has to examine the content to see whether the objections are legitimate. If one religious group is then exempted from a regulation, does this somehow imply that the state has transgressed the neutrality standard of the establishment clause? All this is a long way from Mr. Jefferson's "I never told my own religion, nor scrutinized that of another." Scrutiny, close scrutiny, becomes the key to determining when the free exercise clause has been violated.

The South Carolina unemployment insurance program barred benefits to workers who failed, without good cause, to accept suitable work when offered. A member of the Seventh-day Adventists lost her job when she refused to work on Saturday, that denomination's Sabbath, and the state refused her claim for unemployment compensation. The Court found that the state's decision violated the woman's right to free exercise, since it placed her in the dilemma of either following the dictates of her conscience or losing needed benefits. South Carolina did not impose this burden on those with Sunday worship, and had no compelling interest in discriminating against Saturday observers. Moreover, by favoring those who regarded Sunday as the Sabbath, the state also violated the neutrality requirement of the establishment clause (Document 22).

Perhaps one modern case which Jefferson and Madi-

son would have intuitively applauded came in 1972, when the Court struck down provisions of Wisconsin's compulsory school attendance law as it affected the Amish, who believed that sending their children to public schools would endanger their souls and salvation. As Chief Justice Burger wrote, the law raised "a very real threat of undermining the Amish community and religious practices as they exist today; they must either abandon belief and be assimilated into society at large, or be forced to migrate to some other and more tolerant religion. Enforcement . . . would gravely endanger if not destroy the free exercise of respondents' religious beliefs." Burger recognized that exempting the Amish would create an exception to the neutrality principle, but he tipped the scales in favor of the Amish and the free exercise of their beliefs (Document 23).

The Amish case, *Wisconsin v. Yoder*, is a direct descendant not only of Jefferson's and Madison's views that the state should not interfere with individual religious beliefs, but of the Court's own sensitivity to the needs of minorities; it is one of the glorious landmarks in the two hundred year history of Mr. Jefferson's idea. Probably no other group has resisted modernity as have the Amish; by almost any standard, except their own, they are out of step with the temper of our times. They constitute but a tiny fraction of the population in a handful of states, and they called into question one of the hallmarks of American society, compulsory schooling. Yet when they appealed for aid, the nation's highest court, invoking the majesty of the First Amendment, granted them relief.

A final area to examine, and one where the Court has had a difficult task in forging clear standards, involves conscientious objectors. Federal statutes have traditionally exempted conscientious objectors, who oppose "war in any form" on religious grounds, from all or some military service, and the Court long held such exemptions a matter of legislative grace, not a constitutional right. In fact, in the World War I *Draft Cases*, the Court had refused even to entertain a First Amendment challenge. During the Second World War, the problem of conscientious objectors received serious, and for the most part sympathetic, attention from the government. This resulted in a broader exemption embodied in the 1948 draft law, which now defined "religious training or belief" as a "belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but [not including] essentially political, sociological, or philosophical views or a merely personal code." The section drew almost immediate fire as a violation of the establishment, free exercise, and due process clauses, because it failed to exempt non-religious objectors, and discriminated among the various forms of religious expression.

The Court has thrice evaded the constitutional issues when the law came before it. First it interpreted the reference to religion so broadly that almost any one could avail himself of the coverage (*United States v. Seeger* [1965]). Then it read the word "religion" into the "personal code" part so as to include non-religious objectors (*Welch v. United States* [1970]). But the Court refused to allow selective objection; one

had to oppose “war in any form,” not just particular conflicts such as Vietnam, which the protestor claimed he opposed on religious grounds as an “unjust” war (*Gillette v. United States* [1971]). While the latter two cases abounded with references to the free exercise clause, the Court wisely avoided a sweeping declaration of policy.

CONCLUSION

The line from the Statute of Virginia for Religious Freedom to the most recent decisions of the nation’s highest court has not always been straight and well-defined, but the march has been steadily away from any governmental involvement with religion and toward the greatest possible freedom of individual conscience. Yet religion is not, and cannot be, totally separated from secular affairs, because it touches upon important questions of ethics and morality. For many people, the absence of religion in political affairs is a condition to lament, for they see modern ills as stemming from the abandonment of traditional religious values. The Court’s rulings against compulsory prayer, Bible readings and creationism, and in favor of abortion (*Roe v. Wade* [1973]), strike them as a distortion of constitutional doctrine, as do the rulings limiting state assistance to religious education. The Attorney General of the United States, in an unusual attack, denounced the Court at the end of its last

session for a “mistaken understanding of constitutional theory” regarding the religion clauses, and charged the justices with departing from the original intent of the Founding Fathers.

Reliance on “original intent” is, of course, a basic tenet of constitutional adjudication, but it is only one means by which we interpret and re-interpret the Constitution and the Bill of Rights to determine their applicability to contemporary affairs. As Mr. Justice Holmes said, the Constitution is not a straight-jacket, but a suit of clothes, and it has to allow for growth and movement. In the area of religious freedom, however, the Founding Fathers made clear that they wanted a wall of separation between church and state; they saw religion as essentially a matter of individual conscience, free from majoritarian pressures. Of all the freedoms they bequeathed us, none save free speech has been so important in making this country a bastion of liberty. The wall may at times appear serpentine, and there have been some breaches, but it still stands, a monument not only to Jefferson, Madison and Mason, but to the Baptists and other dissenting sects who began the struggle for religious freedom over two centuries ago. In that struggle, which continues in our time albeit in somewhat different form, the words of the Virginia Statute for Religious Freedom still ring clear, a message relevant not only to the citizens of the Commonwealth, but to the world. □



APPENDIX-DOCUMENTS

authorship of the Declaration of Independence and his founding of the University of Virginia.

* * *

1. The Virginia Statute for Religious Freedom (1786)
2. The Northwest Ordinance (1787)
3. Edmund Randolph in the Virginia Ratification Convention (1788)
4. A Declaration of Certain Fundamental Rights and Liberties of the Protestant Episcopal Church of Maryland (1790)
5. Selected Clauses on Religious Freedom from State Constitutions
6. Argument of Counsel in Defense of Seal of Confession (1813)
7. Thomas Kennedy Seeking Equal Rights for Jews of Maryland (1818)
8. Joseph Story on the Religion Clauses of the First Amendment (1833)
9. John Tyler on the Know-Nothings (1854)
10. Alfred E. Smith on Catholicism and Patriotism (1927)
11. John F. Kennedy on Church and State (1960)
12. *Everson v. Board of Education* (1947)
13. *McCullum v. Board of Education* (1948)
14. *Zorach v. Clauson* (1952)
15. *Grand Rapids School District v. Ball* (1985)
16. *Engel v. Vitale* (1962)
17. *Abington Township v. Schempp* (1963)
18. *Wallace v. Jaffree* (1985)
19. *Epperson v. Arkansas* (1968)
20. *Minersville School District v. Gobitis* (1940)
21. *West Virginia State Board of Education v. Barnette* (1943)
22. *Sherbert v. Verner* (1963)
23. *Wisconsin v. Yoder* (1972)

Document 1. The Virginia Statute for Religious Freedom (1786)

The Virginia Statute for Religious Freedom resulted from decades of agitation by dissenting sects, especially the Baptists, against the establishment of the Church of England in the Commonwealth. The Tory bias of the Church led to a steep decline in its influence during the Revolution, and with the support of Thomas Jefferson, James Madison, George Mason and others, the legislature enacted the bill on January 16, 1786. Jefferson thought this one of his most important contributions to the public weal, and asked that it be inscribed on his tombstone, along with his

Whereas Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world, and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow-citizens he has a natural right; that it tends only to corrupt the principles of that religion it is meant to encourage, by bribing with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural

weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them:

Be it enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

And though we well know that this assembly elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies, constituted with powers equal to our own, and that therefore to declare this act to be irrevocable would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right.

Document 2. The Northwest Ordinance (1787)

Here again the Jeffersonian influence is clear, although by this time Jefferson was minister to France. The larger states, including Virginia, New York and Massachusetts had agreed, in return for the smaller states ratifying the Articles on Confederation, to cede their claims to the "western reserve" to the nation. In the land ordinances of 1785 and 1787, Congress established the basic rules for creating new states out of territories; perhaps most important, it set down the principle that the new states would be equal to the older ones, and even while territories, would enjoy full civil liberties. Since by then most states had adopted some guaranty of religious freedom, Congress extended this right to the settlers of the Northwest Territory as well.

* * *

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory. . . .

It is hereby ordained and declared. . . . that the following articles shall be considered as articles of compact between the original States and the people and the States in said territory, and forever remain unalterable, unless by common consent, to wit:

Article I. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territory.

Article III. Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. . . .

Article V. . . . The constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles

Document 3. Edmund Randolph in the Virginia Ratification Convention (1788)

Randolph, a former governor of the Commonwealth, actually departed from many of his colleagues in stating his belief that the Constitution, even without a Bill of Rights, would provide sufficient protection for religious liberty. In Virginia and most states, however, the general sentiment was that a Bill of Rights was necessary.

* * *

Freedom of religion is said to be in danger. I will candidly say, I once thought that it was, and felt great repugnance to the constitution for that reason. I am willing to acknowledge my apprehensions removed—and I will inform you by what process of reasoning I did remove them. The constitution provides, that "the senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath, or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States." It has been said, that if the exclusion of the religious test were an exception from the general power of congress, the power over religion would remain. I inform those who are of this opinion, that no power is given expressly to congress over religion. The senators and representatives, members of the state legislatures, and executive and judicial officers, are bound by oath, or affirmation, to support this constitution. This only binds them to support it in the exercise of the powers constitutionally given it. The exclusion of religious tests is an exception from this general provision, with respect to oaths, or affirmations. Although officers, &c. are to swear that they will support this constitution, yet they are not bound to support one mode of worship, or to adhere to one particular sect. It puts all sects on the same footing. A man of abilities and character, of any sect whatever, may be admitted to any office or public trust under the United States. I am a friend to a variety of sects, because they keep one another in order. How many different sects are we composed of throughout the United States? How many different sects will be in congress? We cannot enumerate the sects that may be in congress. And there are so many now in the United States that they will prevent the establishment of any one sect in prejudice to the rest, and will forever oppose all attempts to infringe religious liberty. If such an attempt be made, will not the alarm be sounded throughout America? If congress be as wicked as we are foretold they will, they would not run the risk of exciting the resentment of all, or most of the religious sects in America.

Document 4. A Declaration of Certain Fundamental Rights and Liberties of the Protestant Episcopal Church of Maryland (1790)

As one state after another disestablished what had been the dominant church, the leaders of these churches feared that the so-called "democratic sentiment" might lead to worse travails, such as the loss of autonomy and property as well as previous privileges. Ministers of the Maryland Episcopalian Church (formerly the established Church of England), demanded as their right that their church be treated fairly and on an equal basis will all other Christian churches, and not be singled out for any specific penalties.

* * *

Whereas, by the Constitution and Form of Government of this State, "All persons, professing the Christian Religion, are equally entitled to protection in their religious liberty, and no person, by any law (or otherwise), ought to be molested in his person, or estate, on account of his religious persuasion or profession, or for his religious practice; unless, under color of religion, any man shall disturb the good order, peace, or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil, or religious rights:" And *whereas*, the ecclesiastical and spiritual independence of the different religious Denominations, Societies, Congregations and Churches of Christians in this State, necessarily follows from, or is included in, their civil independence:

Wherefore, we the Clergy of the Protestant Episcopal Church of Maryland (heretofore denominated the Church of England, as by law established), with all duty to the civil authority of the State, and with all love and good will to our fellow Christians of every other religious denomination, do hereby *declare, make known and claim* the following, as certain of the *fundamental Rights and Liberties* inherent in, and belonging to, the said Episcopal Church, not only of common right, but agreeably to the express words, spirit and design, of the Constitution and Form of Government aforesaid, viz.:

I. We consider it as the undoubted right of the said Protestant Episcopal Church, in common with other Christian Churches under the American Revolution, to complete and preserve herself as an entire Church, agreeably to her ancient usages and profession, and to have the full enjoyment and free exercise of those purely spiritual powers, which are essential to the being of every Church or Congregation of the faithful, and which, being derived only from CHRIST and His Apostles, are to be maintained, independent of every foreign, or other, jurisdiction, so far as may be consistent with the civil rights of society.

II. That ever since the Reformation, it hath been the received doctrine of the Church whereof we are members (and which, by the Constitution of this State, is entitled to the perpetual enjoyment of certain property and rights under the denomination of the CHURCH OF ENGLAND), "That there be these three orders of Ministers in CHRIST'S Church; Bishops, Priests, and Deacons," and that an Episcopal Ordination and Commission are necessary, to the valid administration of

the Sacraments, and the due exercise of the Ministerial Functions, in the said Church.

III. That, without calling in question the Rights, Modes, and Forms, of any other Christian Churches or Societies, or wishing the least contest with them on that subject, we consider and *declare* it to be an essential right of the said Protestant Episcopal Church, to have and enjoy the continuance of the said three Orders of Ministers forever, so far as concerns matters purely spiritual; and that no persons, in the character of Ministers, except such as are in the communion of said Church and duly called to the Ministry by regular Episcopal Ordination, can or ought to be admitted into, or enjoy, any of the "Churches, Chapels, Glebes, or other property," formerly belonging to the Church of England, in this State, and which, by the Constitution and Form of Government, is secured to the said Church forever, by whatsoever name she, the said Church, or her superior Order of Ministers, may, in future be denominated.

IV. That, as it is the right, so it will be the duty, of the said Church, when duly organized, constituted and represented, in a *Synod or Convention*, of the different Orders of her Ministry and People, to revise her Liturgy, Forms of Prayer, and Publick Worship, in order to adapt the same to the late Revolution, and other local circumstances of America; which, it is humbly conceived, may and will be done, without any other or farther departure from the venerable Order and beautiful Forms of Worship of the Church from whence we sprung, than may be found expedient in the change of our situation from a Daughter to a Sister Church.

The foregoing Declaration was made in a Convention of the Clergy of this Church, held at Annapolis, on the Thirteenth day of August, in the year of our Lord 1783; and recognized and confirmed in Convention of the Clergy and Lay Delegates at Easton, on the Thirty-first day of May, in the year of our Lord, 1790: And signed, Attest:

John Bissett,
Secretary

William West,
President

Document 5. Selected Clauses on Religious Freedom from State Constitutions

Even before the Federal government adopted its Bill of Rights in 1791, many of the states had already incorporated some basic guaranties of individual liberty into their constitutions. The following clauses date from 1780 to 1901, and indicate the steady spread of Mr. Jefferson's idea.

* * *

ARTICLE I. DECLARATION OF RIGHTS

Sec. 3. Religious freedom. That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination or mode of worship; that no one shall be compelled by law to attend any place of worship; nor to pay any

tithes, taxes, or other rate for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this state; and that the civil rights, privileges, and capacities of any citizen shall not be in any manner affected by his religious principles.

ARTICLE II. BILL OF RIGHTS

Sec. 4. Religious freedom. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his opinions concerning religion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness or justify practices inconsistent with the good order, peace or safety of the state. No person shall be required to attend or support any ministry or place of worship, religious sect or denomination against his consent. Nor shall any preference be given by law to any religious denomination or mode of worship.

ARTICLE VII. OF RELIGION

Sec. 1. Compulsory support of religion prohibited; all denominations of Christians to have equal rights. It being the duty of all men to worship the Supreme Being, the Great Creator and Preserver of the Universe, and their right to render that worship, in the mode most consistent with the dictates of their consciences; no person shall by law be compelled to join or support, nor be classed with, or associated to, any congregation, church or religious association. But every person now belonging to such congregation, church, or religious association shall remain a member thereof until he shall have separated himself therefrom, in the manner hereinafter provided. And each and every society or denomination of Christians in this state, shall have and enjoy the same and equal powers, rights and privileges; and shall have power and authority to support and maintain the ministers or teachers of their respective denominations, and to build and repair houses for public worship, by a tax on the members of any such society only, to be laid by a major vote of the legal voters assembled at any society meeting, warned and held according to law, or in any other manner.

Sec. 2. Right to separate from Christian societies or denominations. If any person shall choose to separate himself from the society or denomination of Christians to which he may belong, and shall leave a written notice thereof with the clerk of such society, he shall thereupon be no longer liable for any future expenses which may be incurred by said society.

ARTICLE II. BILL OF RIGHTS

Sec. 3. Religious freedom. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify

practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent nor shall any preference be given by law to any religious denomination or mode of worship.

ARTICLE VII. EDUCATION

Sec. 3. Public funds for sectarian purposes forbidden. Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose.

ARTICLE IX. REVENUE

Sec. 3. Tax exemptions. The property of the State, counties, and other municipal corporations, both real and personal, and such other property, as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes, may be exempted from taxation; but such exemption shall be only by general law. . . .

PART THE FIRST. A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE COMMONWEALTH OF MASSACHUSETTS

ARTICLE II. Right and duty of public religious worship; protection therein. It is the right as well as the Duty of all men in society, publicly, and at stated seasons to worship the Supreme Being, the great Creator and preserver of the Universe. And no Subject shall be hurt, molested, or restrained, in his person, Liberty, or Estate, for worshipping God in the manner and season most agreeable to the Dictates of his own conscience, or for his religious profession or sentiments; provided he doth not Disturb the public peace, or obstruct others in their religious Worship.

ARTICLE III. Legislature empowered to compel provision for public worship. As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a Community, but by the institution of the public Worship of God, and of public instructions in piety, religion and morality: Therefore, to promote their happiness and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and The legislature shall, from time to time, authorize and require the several Towns, Parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own Expense, for the institution of the Public worship of God, and for the support and maintenance of public protestant teachers of piety, religion and morality, in all cases where such provision shall not be made Voluntarily.—And the people of this Commonwealth have also a right to, and do, invest

their legislature with authority to enjoin upon all the Subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can Conscientiously and conveniently attend—Provided notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public Teachers, and of contracting with them for their support and maintenance.—And all monies, paid by the Subject to the Support of public worship, and of the public teachers aforesaid shall, if he require it, be uniformly applied to the support of the public teachers of his religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said monies are raised—And every denomination of Christians, demeaning themselves peaceably, and as good Subjects of the Commonwealth, shall be equally under the protection of the Law: And no subordination of any one sect or denomination to another shall ever be established by law.

ARTICLE XVIII. Moral qualifications for office; moral obligations of law-givers and magistrates. A frequent recurrence to the fundamental principles of the constitution and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their Officers and Representatives; and they have a right to require of their law-givers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

ARTICLE I. DECLARATION OF RIGHTS

Sec. 26. Religious liberty. All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

ARTICLE V. REVENUE AND TAXATION

Sec. 5. Property exempt from taxation. Property belonging to the State or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable, or religious purposes; . . .

ARTICLE VI. SUFFRAGE AND ELIGIBILITY TO OFFICE

Sec. 8. Disqualification for office. The following classes of persons shall be disqualified for office: first, all persons who shall deny the being of Almighty God . . .

Document 6. Argument of Counsel in Defense of Seal of Confession (1813)

The facts of this case are set out in the text, but it is interesting to note that Richard Riker, the Protestant

lawyer who defended Father Kohlmann, set out his argument in the broadest possible terms of free exercise. By the early nineteenth century, therefore, at least some people who thought about what religious freedom meant had reached the essentially modern position.

* * *

Having thus stripped the cause of embarrassment, and shown, I trust, to the satisfaction of your Honours, that this Court is at perfect liberty, in the judgment that it shall finally pronounce in this cause, to follow the guidance of liberality and wisdom, unfettered by authority; I shall proceed to examine the first proposition which I undertook to maintain, that is, that the 38th Article of the Constitution, protects the Reverend Pastor in the exemption which he claims, *independent of every other consideration.*

The whole article is in the words following:

“And whereas we are required by the benevolent principles of rational liberty, not only to expel civil tyranny, but also to guard against that spiritual oppression and intolerance, wherewith the bigotry and ambition of weak and wicked priests and princes have scourged mankind: This convention doth further, in the name and by the authority of the good people of this state, **ORDAIN, DETERMINE AND DECLARE**, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within this state to all mankind. *Provided*, that the liberty of conscience hereby granted, shall not be so construed, as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.”

Now we cannot easily conceive of more broad and comprehensive terms, than the convention have used. Religious liberty was the great object which they had in view. They felt, that it was the right of every human being, to worship God according to the dictates of his own conscience. They intended to secure, forever, to all mankind, without distinction or preference, the free exercise and enjoyment of religious profession and worship. They employed language commensurate with that object. It is what they have said.

Again, the Catholic religion is an ancient religion. It has existed for eighteen centuries. The sacrament of penance has existed with it. We cannot in legal decorum, suppose the convention to have been ignorant of that fact: nor were they so in truth. The convention was composed of some of the ablest men in this or in any other nation. Their names are known to the court. A few still live, and we revere the memories of those who are no more. They all knew the Catholic faith, and that auricular confession was a part of it. If they had intended any exception would they not have made it? If they had intended that the Catholics should freely enjoy their religion, excepting always, auricular confession, would they not have said so? By every fair rule of construction we are bound to conclude that they would have said so:—And as the convention did not make the exception neither ought we to make it.

Again there is no doubt that the convention intended to secure the liberty of conscience.—Now, where is the liberty of conscience to the Catholic, if the priest and the penitent, be thus exposed? Has the priest, the

liberty of conscience, if he be thus coerced? Has the penitent the liberty of conscience, if he is to be dragged into a court of justice, to answer for what has passed in confession? Have either the privilege of auricular confession? Do they freely enjoy the sacrament of penance? If this be the religious liberty, which the constitution intended to secure—it is as perplexing as the liberty which, in former times, a man had of being tried by the water ordeal, where, if he floated he was guilty—if he sunk he was innocent. . . .

I confess I feel a deep interest in this cause. I am anxious that the decision of the Court should be marked with liberality and wisdom. I consider this a contest between toleration and persecution. A contest involving the rights of conscience. A great constitutional question, which as an American Lawyer, I might, with strict right and perfect propriety have discussed, independent of adjudged cases. To compel the Reverend Pastor to answer, or to be imprisoned, must either force his conscience or lead to persecution. I can conceive of nothing, more barbarous—more cruel—or more unjust than such an alternative. To compel him to answer, against his religious faith or to confine his person, would be the highest violation of right that I have ever witnessed. It would cast a shade upon the jurisprudence of our country. The virtuous and the wise, of all nations, would grieve that America should have so forgotten herself, as to add to the examples of religious despotism!

I cannot express my convictions on this important and delicate subject, better than in the language of that enlightened judge [Lord Mansfield] whose opinion I before quoted. “Conscience is not controllable by human laws, nor amenable to human tribunals. Persecution or attempts to force conscience, will never produce conviction, and are only calculated to make hypocrites, or—Martyrs.”

“There is nothing, certainly, more unreasonable, more inconsistent with the rights of human nature, more contrary to the spirit and precepts of the Christian Religion, more iniquitous and unjust, more impolitic than PERSECUTION. It is against natural religion, revealed religion, and sound policy.”

Thus have I closed a subject of vast interest to the parties concerned. I could have wished that my argument had been more perfect, and more persuasive. The learned counsel however who is associated with me will more than supply its defects. It only remains for me to make my acknowledgments to the court for the very attentive hearing which it has been pleased to give me, and to express the entire confidence which my reverend client feels, in the wisdom and in the purity of those, to whose judgment he now cheerfully submits himself.

Document 7. Thomas Kennedy Seeking Equal Rights for Jews of Maryland (1818)

Ironically Maryland, which had been founded as a refuge for persecuted Catholics, was among the last to do away with restrictions on religious minorities. But there as elsewhere, leaders in the fight for religious equality could be found in the Protestant majority.

Kennedy's argument also has the ring of the modern about it, in his claim that persecution of any one group represents a danger to all minorities.

* * *

It is with feelings of no ordinary kind, that I now rise to address this honourable house; the Bill which we are called to decide upon, is, in my estimation, the most important that has yet come before us; the most important that will come before us during the present session.

And, if I am asked why I take so much interest in favour of the passage of this Bill—to this I would simply answer, because I consider it my DUTY to do so. There are no Jews in the county from whence I come, nor have I the slightest acquaintance with any Jew in the world. It was not at their request; it was not even known to any of them, that the subject would be brought forward at this time.

And if there is any merit in bringing the case of these oppressed people before this house, that merit does not belong to me; I wish not to enjoy honours that I do not deserve, nor wear laurels that I have not earned. The subject was mentioned to me in Baltimore during the last session, not by a Jew, but by a Gentile gentleman. My situation was then like that of many of the people of Maryland . . . [I was faced with] a subject indeed that had never until that time occupied a moment's reflection in my mind; but the moment it was mentioned, I was convinced that such distinctions were wrong and that they ought to be abolished forever.

It is well known to most of the members of this House that I am not a public speaker. Never before the last session of the Legislature did I ever venture to address a public assembly; yet although I know little of law and less of logic, and although I am master of no language but that which my mother taught me, on this occasion I am not afraid to meet any opponent, let his talents, learning and eloquence be what they may; and even if my frail vessel should meet with a storm, or suffer shipwreck on this voyage, I see many a friendly hand around me, who will not suffer the unskillful pilot to perish.

There is only one opponent that I fear at this time, and that is PREJUDICE—our prejudices, Mr. Speaker, are dear to us, we all know and feel the force of our political prejudices, but our religious prejudices are still more strong, still more dear; they cling to us through life, and scarcely leave us on the bed of death, and it is not the prejudice of a generation, of an age or of a century, that we have now to encounter. No, it is the prejudice which has passed from father to son, for almost eighteen hundred years. . . .

. . . There are few Jews in the United States; in Maryland there are very few, but if there was only one—to that one, we ought to do justice. I have already observed that I have no acquaintance with any of them, but I have good authority for saying, that those among us are worthy men, and good citizens; and during the late war, when Maryland was invaded, they were found in the ranks by the side of their Christian brethren fighting for those who have hitherto

denied them the rights and privileges enjoyed by the veriest wretches. . . .

Document 8. Joseph Story on the Religion Clauses of the First Amendment (1833)

Next to John Marshall, Joseph Story ranks as the most influential member of the United States Supreme Court in the first half of the nineteenth century, and his Commentaries have long been considered one of the definitive interpretations of early constitutional thought. Yet Story represents an older and now discredited view that government can and should interfere to promote religiosity, and he also assumes that all one has to be concerned about are Christian sects. Although Story is explicit in his prohibitions against government involvement in particular religious affairs, he ignores non-Christian groups for the most part, seeming to assume that whatever would apply to the majoritarian Christian sects would apply to them as well.

* * *

Let us now enter upon the consideration of the amendments, which, it will be found, principally regard subjects properly belonging to a bill of rights.

The first is, "Congress shall make no law" respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition government for a redress of grievances."

And first, the prohibition of any establishment of religion, and the freedom of religious opinion and worship.

How far any government has a right to interfere in matters touching religion, has been a subject much discussed by writers upon public and political law. The right and the duty of the interference of government, in matters of religion, have been maintained by many distinguished authors, as well as those, who were the warmest advocates of free governments, as those, who were attached to governments of a more arbitrary character. Indeed, the right of a society or government to interfere in matters of religion will hardly be contested by any persons, who believe that piety, religion, and morality are intimately connected with the well being of the state, and indispensable to the administration of civil justice. The promulgation of the great doctrines of religion, the being, and attributes, and providence of one Almighty God; the responsibility to him for all our actions, founded upon moral freedom and accountability; a future state of rewards and punishments; the cultivation of all the personal, social, and benevolent virtues;—these never can be a matter of indifference in any well ordered community. It is, indeed, difficult to conceive, how any civilized society can well exist without them. And at all events, it is impossible for those, who believe in the truth of Christianity, as a divine revelation, to doubt, that it is the especial duty of government to foster, and encourage it among all the citizens and subjects. This is a point wholly distinct from that of the right of private

judgment in matters of religion, and of the freedom of public worship according to the dictates of one's conscience.

The real difficulty lies in ascertaining the limits, to which government may rightfully go in fostering and encouraging religion. Three cases may easily be supposed. One, where a government affords aid to a particular religion, leaving all persons free to adopt any other; another, where it creates an ecclesiastical establishment for the propagation of the doctrines of a particular sect of that religion, leaving a like freedom to all others; and a third, where it creates such an establishment, and excludes all persons, not belonging to it, either wholly, or in part, from any participation in the public honours, trusts, emoluments, privileges, and immunities of the state. For instance, a government may simply declare, that the Christian religion shall be the religion of the state, and shall be aided, and encouraged in all the varieties of sects belonging to it; or it may declare, that the Catholic or Protestant religion shall be the religion of the state, leaving every man to the free enjoyment of his own religious opinions; or it may establish the doctrines of a particular sect, as of Episcopalians, as the religion of the state, with a like freedom; or it may establish the doctrines of a particular sect, as exclusively the religion of the state, tolerating others to a limited extent, or excluding all, not belonging to it, from all public honours, trusts, emoluments, privileges, and immunities.

Now, there will probably be found few persons in this, or any other Christian country, who would deliberately contend, that it was unreasonable, or unjust to foster and encourage the Christian religion generally, as a matter of sound policy, as well as of revealed truth. In fact, every American colony, from its foundation down to the revolution, with the exception of Rhode Island, (if, indeed, that state be an exception,) did openly, by the whole course of its laws and institutions, support and sustain, in some form, the Christian religion; and almost invariably gave a peculiar sanction to some of its fundamental doctrines. And this has continued to be the case in some of the states down to the present period, without the slightest suspicion, that it was against the principles of public law, or republican liberty. Indeed, in a republic, there would seem to be a peculiar propriety in viewing the Christian religion, as the great basis, on which it must rest for its support and permanence, if it be, what it has ever been deemed by its truest friends to be, the religion of liberty.

Probably at the time of the adoption of the constitution, and of the amendment to it, now under consideration, the general, if not the universal, sentiment in America was, that Christianity ought to receive encouragement from the state, so far as was not incompatible with the private rights of conscience, and the freedom of religious worship. An attempt to level all religions, and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation, if not universal indignation.

It yet remains a problem to be solved in human affairs, whether any free government can be permanent, where the public worship of God, and the support of religion, constitute no part of the policy or

duty of the state in any assignable shape. The future experience of Christendom, and chiefly of the American states, must settle this problem, as yet new in the history of the world, abundant, as it has been, in experiments in the theory of government.

The real object of the amendment was, not to countenance, much less to advance Mahometanism, or Judaism, or infidelity, by prostrating Christianity; but to exclude all rivalry among Christian sects, and to prevent any national ecclesiastical establishment, which should give to an hierarchy the exclusive patronage of the national government. It thus cut off the means of religious persecution, (the vice and pest of former ages,) and of the subversion of the rights of conscience in matters of religion, which had been trampled upon almost from the days of the Apostles to the present age.

Document 9. John Tyler on the Know-Nothings (1854)

Despite the hysteria of the mid-century nativist movement, the voice of reason could be found among many of the older leaders. In this letter to his son, the former President deplored what he considered unfounded bias against Catholics.

* * *

... The Catholics seem especially obnoxious to them, whereas that sect seems to me to have been particularly faithful to the Constitution of the country, while their priests have set an example of non-interference in politics which furnishes an example most worthy of imitation on the part of the clergy of the other sects at the North, who have not hesitated to rush into the arena and soil their garments with the dust of bitter strife. The intolerant spirit manifested against the Catholics, as exhibited in the burning of their churches, etc., will, as soon as the thing becomes fairly considered, arouse a strong feeling of dissatisfaction on the part of a large majority of the American people; for if there is one principle of higher import with them than any other, it is the principle of religious freedom

Document 10. Alfred E. Smith on Catholicism and Patriotism (1927)

The nativism of the Know-Nothings was reborn in the 1920s in the even more vicious form of the Ku Klux Klan, which attacked Blacks, Catholics, Jews and all other "foreigners" as un-American. The hysteria infected people who should have known better, and many people still claimed that Catholics took their orders from the Pope and could not be fully loyal Americans. This charge received wide circulation early in 1927 when it appeared certain that the Catholic governor of New York, Al Smith, would win the 1928 Democratic presidential nomination. Smith decided to meet the charge head-on in his response to Charles Marshall.

* * *

Dear Sir:

In your open letter to me in the April *Atlantic Monthly* you "impute" to American Catholics views which, if held by them, would leave open to question the loyalty and devotion to this country and its Constitution of more than twenty million American Catholic citizens. I am grateful to you for defining this issue in the open and for your courteous expression of the satisfaction it will bring to my fellow citizens for me to give "a disclaimer of the convictions" thus imputed. Without mental reservation I can and do make that disclaimer. These convictions are held neither by me nor by any other American Catholic, as far as I know. . . .

Taking your letter as a whole and reducing it to commonplace English, you imply that there is conflict between religious loyalty to the Catholic faith and patriotic loyalty to the United States. Everything that has actually happened to me during my long public career leads me to know that no such thing as that is true. I have taken an oath of office in this State nineteen times. Each time I swore to defend and maintain the Constitution of the United States. All of this represents a period of public service in elective office, almost continuous since 1903. I have never known any conflict between my official duties and my religious belief. No such conflict could exist. Certainly the people of this State recognize no such conflict. They have testified to my devotion to public duty by electing me to the highest office within their gift four times. You yourself do me the honor, in addressing me, to refer to "your fidelity to the morality you have advocated in public and private life and to the religion you have revered; your great record of public trusts successfully and honestly discharged." During the years I have discharged these trusts I have been a communicant of the Roman Catholic Church. If there were conflict, I, of all men, could not have escaped it, because I have not been a silent man, but a battler for social and political reform. These battles would in their very nature disclose this conflict if there were any.

But, wishing to meet you on your own ground, I address myself to your definite questions, against which I have thus far made only general statements. I must first call attention to the fact that you often divorce sentences from their context in such a way as to give them something other than their real meaning. I will specify. . . . You quote from the *Catholic Encyclopedia* that my Church "regards dogmatic intolerance, not alone as her incontestable right, but as her sacred duty." And you say that these words show that Catholics are taught to be politically, socially, and intellectually intolerant of all other people. If you had read the whole of that article in the *Catholic Encyclopedia*, you would know that the real meaning of these words is that for Catholics alone the Church recognizes no deviation from complete acceptance of its dogma. These words are used in a chapter dealing with that subject only. The very same article in another chapter dealing with toleration toward non-Catholics contains these words: "The intolerant man is avoided as much as possible by every high-minded person. . . . The man who is tolerant in every emergency is alone

lovable." The phrase "dogmatic intolerance" does not mean that Catholics are to be dogmatically intolerant of other people, but merely that inside the Catholic Church they are to be intolerant of any variance from the dogma of the Church.

Similar criticism can be made of many of your quotations. But, beyond this, by what right do you ask me to assume responsibility for every statement that may be made in any encyclical letter? As you will find in the *Catholic Encyclopedia* (Vol. V p. 414), these encyclicals are not articles of our faith. The Syllabus of Pope Pius IX, which you quote on the possible conflict between Church and State, is declared by Cardinal Newman to have "no dogmatic force." You seem to think that Catholics must be all alike in mind and in heart, as though they had been poured into and taken out of the same mould. You have no more right to ask me to defend as part of my faith every statement coming from a prelate than I should have to ask you to accept as an article of your religious faith every statement of an Episcopal bishop, or of your political faith every statement of a President of the United States. So little are these matters of the essence of my faith that I, a devout Catholic since childhood, never heard of them until I read your letter. Nor can you quote from the canons of our faith a syllable that would make us less good citizens than non-Catholics. . . .

Under our system of government the electorate entrusts to its officers of every faith the solemn duty of action according to the dictates of conscience. I may fairly refer once more to my own record to support these truths. No man, cleric or lay, has ever directly or indirectly attempted to exercise Church influence on my administration of any office I have ever held, nor asked me to show special favor to Catholics or exercise discrimination against non-Catholics.

It is a well-known fact that I have made all of my appointments to public office on the basis of merit and have never asked any man about his religious belief. In the first month of this year there gathered in the Capitol at Albany the first Governor's cabinet that ever sat in this State. It was composed, under my appointment, of two Catholics, thirteen Protestants, and one Jew. The man closest to me in the administration of the government of the State of New York is he who bears the title of Assistant to the Governor. He had been connected with the Governor's office for thirty years, in subordinate capacities, until I promoted him to the position which makes him the sharer with me of my every thought and hope and ambition in the administration of the State. He is a Protestant, a Republican, and a thirty-second-degree Mason. In my public life I have exemplified that complete separation of Church from State which is the faith of American Catholics to-day.

I summarize my creed as an American Catholic. I believe in the worship of God according to the faith and practice of the Roman Catholic Church. I recognize no power in the institutions of my Church to interfere with the operations of the Constitution of the United States or the enforcement of the law of the land. I believe in absolute freedom of conscience for all men and in equality of all churches, all sects, and all

beliefs before the law as a matter of right and not as a matter of favor. I believe in the absolute separation of Church and State and in the strict enforcement of the provisions of the Constitution that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. I believe that no tribunal of any church has any power to make any decree of any force in the law of the land, other than to establish the status of its own communicants within its own church. I believe in the support of the public school as one of the corner stones of American liberty. I believe in the right of every parent to choose whether his child shall be educated in the public school or in a religious school supported by those of his own faith. I believe in the principle of noninterference by this country in the internal affairs of other nations and that we should stand steadfastly against any such interference by whomsoever it may be urged. And I believe in the common brotherhood of man under the common fatherhood of God.

In this spirit I join with fellow Americans of all creeds in a fervent prayer that never again in this land will any public servant be challenged because of the faith in which he has tried to walk humbly with his God.

Very truly yours

Document 11. John F. Kennedy on Church and State (1960)

The belief that Catholics unhesitatingly took orders from the Vatican persisted well after the decline of the Klan, and John Kennedy, the first Catholic to receive a major party presidential nomination after the Smith defeat of 1928, found that it dogged his campaign. Finally, he decided to face it head-on, and spoke to a meeting of Southern Baptist ministers about his beliefs as a Catholic and his duties as an American citizen. It is widely believed that this talk, which received national attention, did much to defuse the religious issue in the election.

* * *

I am grateful for your generous invitation to state my views.

While the so-called religious issue is necessarily and properly the chief topic here tonight, I want to emphasize from the outset that I believe that we have far more critical issues in the 1960 election: the spread of Communist influence, until it now festers only ninety miles off the coast of Florida—the humiliating treatment of our President and Vice-President by those who no longer respect our power—the hungry children I saw in West Virginia, the old people who cannot pay their doctor's bills, the families forced to give up their farms—an America with too many slums, with too few schools, and too late to the moon and outer space.

These are the real issues which should decide this campaign. And they are not religious issues—for war and hunger and ignorance and despair know no religious barrier.

But because I am a Catholic, and no Catholic has

ever been elected President, the real issues in this campaign have been obscured—perhaps deliberately in some quarters less responsible than this. So it is apparently necessary for me to state once again—not what kind of church I believe in, for that should be important only to me, but what kind of America I believe in.

I believe in an America where the separation of church and state is absolute—where no Catholic prelate would tell the President (should he be a Catholic) how to act and no Protestant minister would tell his parishioners for whom to vote—where no church or church school is granted any public funds or political preference—and where no man is denied public office merely because his religion differs from the President who might appoint him or the people who might elect him.

I believe in an America that is officially neither Catholic, Protestant nor Jewish—where no public official either requests or accepts instructions on public policy from the Pope, the National Council of Churches or any other ecclesiastical source—where no religious body seeks to impose its will directly or indirectly upon the general populace or the public acts of its officials—and where religious liberty is so indivisible that an act against one church is treated as an act against all.

For while this year it may be a Catholic against whom the finger of suspicion is pointed, in other years it has been, and may someday be again, a Jew—or a Quaker—or a Unitarian—or a Baptist. It was Virginia's harassment of Baptist preachers, for example, that led to Jefferson's statute of religious freedom. Today, I may be the victim—but tomorrow it may be you—until the whole fabric of our harmonious society is ripped apart at a time of great national peril.

Finally, I believe in an America where religious intolerance will someday end—where all men and all churches are treated as equal—where every man has the same right to attend or not attend the church of his choice—where there is no Catholic vote, no anti-Catholic vote, no bloc voting of any kind—and where Catholics, Protestants and Jews, both the lay and the pastoral level, will refrain from those attitudes of disdain and division which have so often marred their works in the past, and promote instead the American ideal of brotherhood.

That is the kind of America in which I believe. And it represents the kind of Presidency in which I believe—a great office that must be neither humbled by making it the instrument of any religious group, nor tarnished by arbitrarily withholding it, its occupancy, from the members of any religious group. I believe in a President whose views on religion are his own private affair, neither imposed upon him by the nation or imposed by the nation upon him as a condition to holding that office.

I would not look with favor upon a President working to subvert the First Amendment's guarantees of religious liberty (nor would our system of checks and balances permit him to do so). And neither do I look with favor upon those who would work to subvert Article VI of the Constitution by requiring a religious test—even by indirection—for if they disagree with

that safeguard, they should be openly working to repeal it.

I want a Chief Executive whose public acts are responsible to all and obligated to none—who can attend any ceremony, service or dinner his office may appropriately require him to fulfill—and whose fulfillment of his Presidential office is not limited or conditioned by any religious oath, ritual or obligation.

This is the kind of America I believe in—and this is the kind of America I fought for in the South Pacific and the kind my brother died for in Europe. No one suggested then that we might have a "divided loyalty," that we did "not believe in liberty" or that we belonged to a disloyal group that threatened "the freedoms for which our forefathers died."

And in fact this is the kind of America for which our forefathers did die when they fled here to escape religious test oaths, that denied office to members of less favored churches, when they fought for the Constitution, the Bill of Rights, the Virginia Statute of Religious Freedom—and when they fought at the shrine I visited today—the Alamo. For side by side with Bowie and Crockett died Fuentes and McCafferty and Bailey and Bedillio and Carey—but no one knows whether they were Catholics or not. For there was no religious test there.

I ask you tonight to follow in that tradition, to judge me on the basis of fourteen years in the Congress—on my declared stands against an ambassador to the Vatican, against unconstitutional aid to parochial schools, and against any boycott of the public schools (which I attended myself)—instead of judging me on the basis of these pamphlets and publications we have all seen that carefully select quotations out of context from the statements of Catholic Church leaders, usually in other countries, frequently in other centuries, and rarely relevant to any situation here—and always omitting, of course, that statement of the American bishops in 1948 which strongly endorsed church-state separation.

I do not consider these other quotations binding upon my public acts—why should you? But let me say, with respect to other countries, that I am wholly opposed to the state being used by any religious group, Catholic or Protestant, to compel, prohibit or persecute the free exercise of any other religion. And that goes for any persecution at any time, by anyone, in any country.

And I hope you and I condemn with equal fervor those nations which deny their Presidency to Protestants and those which deny it to Catholics. And rather than cite the misdeeds of those who differ, I would also cite the record of the Catholic Church in such nations as France and Ireland—and the independence of such statesmen as de Gaulle and Adenauer.

But let me stress again that these are my views—for, contrary to common newspaper usage, I am not the Catholic candidate for President. I am the Democratic Party candidate for President, who happens also to be a Catholic.

I do not speak for my church on public matters—and the church does not speak for me.

Whatever issue may come before me as President, if I should be elected—on birth control, divorce, censor-

ship, gambling, or any other subject—I will make my decision in accordance with these views, in accordance with what my conscience tells me to be in the national interest, and without regard to outside religious pressure or dictate. And no power or threat of punishment could cause me to decide otherwise.

But if the time should ever come—and I do not concede any conflict to be remotely possible—when my office would require me to either violate my conscience, or violate the national interest, then I would resign the office, and I hope any other conscientious public servant would do likewise.

But I do not intend to apologize for these views to my critics of either Catholic or Protestant faith, nor do I intend to disavow either my views or my church in order to win this election. If I should lose on the real issues, I shall return to my seat in the Senate, satisfied that I tried my best and was fairly judged.

But if this election is decided on the basis that 40,000,000 Americans lost their chance of being President on the day they were baptized, then it is the whole nation that will be the loser in the eyes of Catholics and non-Catholics around the world, in the eyes of history, and in the eyes of our own people.

But if, on the other hand, I should win this election, I shall devote every effort of mind and spirit to fulfilling the oath of the Presidency—practically identical, I might add, with the oath I have taken for fourteen years in the Congress. For, without reservation, I can, and I quote, “solemnly swear that I will faithfully execute the office of President of the United States and will to the best of my ability preserve, protect and defend the Constitution, so help me God.”

Document 12. *Everson v. Board of Education* (1947)

A New Jersey statute allowed reimbursement by local school boards to parents who paid to have their children transported on local school buses to parochial schools. The Court had already adopted a general rule in Cochran v. Louisiana State Board of Education (1930) that the state could provide money for the benefit of the pupil, in that case the purchase of secular subject textbooks for parochial school students. Everson is the first of the modern Establishment Clause cases, and it is likely that had it been decided later, it might have gone the other way. Justice Douglas, in the majority here, later said that he believed the dissenting opinion of Justice Rutledge more in line with the idea of the “wall of separation” noted at the end of the majority opinion. But with Everson, the First Amendment’s proscriptions on religion would henceforth be applied to the states as well as to the federal government.

* * *

Mr. Justice BLACK delivered the opinion of the Court.

The only contention here is that the state statute and the resolution, insofar as they authorized reimbursement to parents of children attending parochial schools, violate the Federal Constitution in two re-

spects, which to some extent overlap. *First.* They authorize the State to take by taxation the private property of some and bestow it upon others, to be used for their own private purposes. *Second.* The statute and the resolution forced inhabitants to pay taxes to help support and maintain schools which are dedicated to, and which regularly teach, the Catholic Faith. This is alleged to be a use of state power to support church schools contrary to the prohibition of the First Amendment which the Fourteenth Amendment made applicable to the states.

First. It is much too late to argue that legislation intended to facilitate the opportunity of children to get a secular education serves no public purpose. The same thing is no less true of legislation to reimburse needy parents, or all parents, for payment of the fares of their children so that they can ride in public busses to and from schools rather than run the risk of traffic and other hazards incident to walking or “hitchhiking.” . . .

Second. The New Jersey statute is challenged as a “law respecting an establishment of religion.” Whether this law is one respecting an “establishment of religion” requires an understanding of the meaning of that language, particularly with respect to the imposition of taxes. . . .

The “establishment of religion” clause of the First Amendment 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. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. 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.”

We must not strike down the New Jersey law if it is within the State’s constitutional power even though it approaches the verge of that power. New Jersey cannot consistently with the “establishment of religion” clause of the First Amendment contribute tax-raised funds to the support of an institution which teaches the tenets and faith of any church. On the other hand, other language of the amendment commands that New Jersey cannot hamper its citizens in the free exercise of their own religion. Consequently, it cannot exclude individual Catholics, Lutherans, Mohammedans, Baptists, Jews, Methodists, Non-believers, Presbyterians, or the members of any other faith, *because of their faith, or lack of it*, from receiving the benefits of public welfare legislation. While we do not mean to intimate that a state could not provide transportation only to children attending public schools, we must be careful, in protecting the citizens

of New Jersey against state-established churches, to be sure that we do not inadvertently prohibit New Jersey from extending its general state law benefits to all its citizens without regard to their religious belief.

Measured by these standards, we cannot say that the First Amendment prohibits New Jersey from spending tax-raised funds to pay the bus fares of parochial school pupils as a part of a general program under which it pays the fares of pupils attending public and other schools. It is undoubtedly true that children are helped to get to church schools. There is even a possibility that some of the children might not be sent to the church schools if the parents were compelled to pay their children's bus fares out of their own pockets when transportation to a public school would have been paid for by the State. Similarly, parents might be reluctant to permit their children to attend schools which the state had cut off from such general government services as ordinary police and fire protection, connections for sewage disposal, public highways and sidewalks. Of course, cutting off church schools from these services, so separate and so indisputably marked off from the religious function, would make it far more difficult for the schools to operate. But such is obviously not the purpose of the First Amendment. That Amendment requires the state to be a neutral in its relations with groups of religious believers and non-believers; it does not require the state to be their adversary. State power is no more to be used so as to handicap religions than it is to favor them.

This Court has said that parents may, in the discharge of their duty under state compulsory education laws, send their children to a religious rather than a public school if the school meets the secular educational requirements which the state has power to impose. It appears that these parochial schools meet New Jersey's requirements. The State contributes no money to the schools. It does not support them. Its legislation, as applied, does no more than provide a general program to help parents get their children, regardless of their religion, safely and expeditiously to and from accredited schools.

The First Amendment has erected a wall between church and state. That wall must be kept high and impregnable. We could not approve the slightest breach. New Jersey has not breached it here.

Mr. Justice RUTLEDGE, with whom Mr. Justice FRANKFURTER, Mr. Justice JACKSON and Mr. Justice BURTON agree, dissenting.

The Amendment's purpose was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion. . . . Does New Jersey's action furnish support for religion by use of the taxing power? Certainly it does, if the test remains undiluted as Jefferson and Madison made it, that money taken by taxation from one is not to be used or given to support another's religious training or belief, or indeed one's own. The prohibition is absolute. The funds used here in fact give aid and encouragement to religious instruction. The reimbursement program not only helps the children to get

to school and the parents to send them. It aids them in a substantial way to get the very thing which they are sent to the particular school to secure, namely, religious training and teaching. There is undeniably an admixture of religious with secular teaching in all such institutions. That is the very reason for their being. Commingling the religious with the secular teaching does not divest the whole of its religious permeation and emphasis. Indeed, on any other view, the constitutional prohibition always could be brought to naught by adding a modicum of the secular. Transportation where it is needed is as essential to education as any other element. Its cost is as much a part of the total expense, except at times in amount, as the cost of textbooks, of school lunches, of athletic equipment, of writing and other materials. No rational line can be drawn between payment for such larger, but not more necessary, items and payment for transportation. Now, as in Madison's time, not the amount but the principle of assessment is wrong.

But we are told that the New Jersey statute is valid in its present application because the appropriation is for a public, not a private purpose, namely, the promotion of education, and the majority accept this idea in the conclusion that all we have here is "public welfare legislation." If that is true and the Amendment's force can be thus destroyed, what has been said becomes all the more pertinent. For then there could be no possible objection to more extensive support of religious education by New Jersey. It is not because religious teaching does not promote the public or the individual's welfare, but because neither is furthered when the state promotes religious education, that the Constitution forbids it to do so. In failure to observe that distinction lies the fallacy of the "public function"- "social legislation" argument, a fallacy facilitated by easy transference of the argument's basing from due process unrelated to any religious aspect to the First Amendment.

Public money devoted to payment of religious costs, education or other, brings request for more. It brings, too, the struggle of sect against sect for the larger share or for any. That is precisely the history of societies which have had an established religion and dissident groups. It is the very thing Jefferson and Madison sought to guard against, whether in its blunt or in its more screened forms. The end of such strife cannot be other than to destroy the cherished liberty. The dominating group will achieve the dominant benefit; or all will embroil the state in their dissensions.

No one conscious of religious values can be unsympathetic toward the burden which our constitutional separation puts on parents who desire religious instruction mixed with secular for their children. Nor can one happily see benefits denied to children which others receive. But if those feelings should prevail, there would be an end to our historic constitutional policy and command. No more unjust or discriminatory in fact is it to deny attendants at religious schools the cost of their transportation than it is to deny them tuitions, sustenance for their teachers, or any other educational expense which others receive at public cost. Discrimination in the legal sense does not exist. The child attending the religious school has the same

right as any other to attend public school. But he foregoes exercising it because the same guaranty which assures this freedom forbids any state agency to give or aid him in securing the religious instruction he seeks. Nor is the case comparable to one of furnishing fire or police protection, or access to public highways. These things are matters of common right, part of the general need for safety. Certainly the fire department must not stand idly by while the church burns. . . .

Two great drives are constantly in motion to abridge, in the name of education, the complete division of religion and civil authority which our forefathers made. One is to introduce religious education and observances into the public schools. The other, to obtain public funds for the aid and support of various private religious schools. Both avenues were closed by the Constitution. Neither should be opened by this Court. . . .

Document 13. *McCullum v. Board of Education* (1948)

In the nineteenth century, at the time the common school movement began, religious instruction was often part of the regular curriculum, although it was rarely called that. Later on, after the great wave of migration at the end of the century, schools adopted so-called "released time" programs when ministers would come into the school building once a week to provide outright religious instruction for those students whose parents desired it.

* * *

Mr. Justice BLACK delivered the opinion of the Court.

This case relates to the power of a state to utilize its tax-supported public school system in aid of religious instruction insofar as that power may be restricted by the First and Fourteenth Amendments to the Federal Constitution.

The appellant, Vashti McCollum . . . alleged that religious teachers, employed by private religious groups, were permitted to come weekly into the school buildings during the regular hours set apart for secular teaching, and then and there for a period of thirty minutes substitute their religious teaching for the secular education provided under the compulsory education law. The petitioner charged that this joint public-school religious-group program violated the First and Fourteenth Amendments to the United States Constitution. The prayer of her petition was that the Board of Education be ordered to "adopt and enforce rules and regulations prohibiting all instruction in and teaching of all religious education in all public schools in Champaign District Number 71, * * * and in all public school houses and buildings in said district when occupied by public schools." . . . In 1940 interested members of the Jewish, Roman Catholic, and a few of the Protestant faiths formed a voluntary association called the Champaign Council on Religious Education. They obtained permission from the Board of Education to offer classes in religious instruction to public school pupils in grades four to nine inclusive.

Classes were made up of pupils whose parents signed printed cards requesting that their children be permitted to attend; they were held weekly, thirty minutes for the lower grades, forty-five minutes for the higher. The council employed the religious teachers at no expense to the school authorities, but the instructors were subject to the approval and supervision of the superintendent of schools. The classes were taught in three separate religious groups by Protestant teachers, Catholic priests, and a Jewish rabbi, although for the past several years there have apparently been no classes instructed in the Jewish religion. Classes were conducted in the regular classrooms of the school building. Students who did not choose to take the religious instruction were not released from public school duties; they were required to leave their classrooms and go to some other place in the school building for pursuit of their secular studies. On the other hand, students who were released from secular study for the religious instructions were required to be present at the religious classes. Reports of their presence or absence were to be made to their secular teachers.

The foregoing facts show the use of tax-supported property for religious instruction and the close cooperation between the school authorities and the religious council in promoting religious education. The operation of the state's compulsory education system thus assists and is integrated with the program of religious instruction carried on by separate religious sects. Pupils compelled by law to go to school for secular education are released in part from their legal duty upon the condition that they attend the religious classes. This is beyond all question a utilization of the tax-established and tax-supported public school system to aid religious groups to spread their faith. And it falls squarely under the ban of the First Amendment (made applicable to the States by the Fourteenth) as we interpreted it in *Everson v. Board of Education*. . . .

Recognizing that the Illinois program is barred by the First and Fourteenth Amendments if we adhere to the views expressed both by the majority and the minority in the *Everson* case, counsel for the respondents challenge those views as dicta and urge that we reconsider and repudiate them. They argue that historically the First Amendment was intended to forbid only government preference of one religion over another, not an impartial governmental assistance of all religions. In addition they ask that we distinguish or overrule our holding in the *Everson* case that the Fourteenth Amendment made the "establishment of religion" clause of the First Amendment applicable as a prohibition against the States. After giving full consideration to the arguments presented we are unable to accept either of these contentions.

To hold that a state cannot consistently with the First and Fourteenth Amendments utilize its public school system to aid any or all religious faiths or sects in the dissemination of their doctrines and ideals does not, as counsel urge, manifest a governmental hostility to religion or religious teachings. A manifestation of such hostility would be at war with our national tradition as embodied in the First Amendment's guar-

anty of the free exercise of religion. For the First Amendment rests upon the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere. Or, as we said in the *Everson* case, the First Amendment has erected a wall between Church and State which must be kept high and impregnable.

Here not only are the state's tax-supported public school buildings used for the dissemination of religious doctrines. The State also affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through use of the state's compulsory public school machinery. This is not separation of Church and State.

The cause is reversed and remanded to the State Supreme Court for proceedings not inconsistent with this opinion.

Justices FRANKFURTER, JACKSON, RUTLEDGE, and BURTON filed a separate opinion concurring in the result.

Mr. Justice REED dissented.

Document 14. *Zorach v. Clauson* (1952)

Zorach appears as an anomaly in the Court's record of Establishment Clause cases, and it must be understood as an early step in the Court's effort to determine how high and impregnable the wall of separation should be. There was an enormous public outcry against the McCollum decision, and despite claims that the judiciary is insensitive to public opinion, judges, as Mr. Dooley noted, do "follow the election returns." Here the Court seized upon a surface distinction to support a program which differed only in form, but not in substance, from that which had been struck down in McCollum.

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Mr. Justice DOUGLAS delivered the opinion of the Court.

New York City has a program which permits its public schools to release students during the school day so that they may leave the school buildings and school grounds and go to religious centers for religious instruction or devotional exercises. A student is released on written request of his parents. Those not released stay in the classrooms. The churches make weekly reports to the schools, sending a list of children who have been released from public school but who have not reported for religious instruction.

This "released time" program involves neither religious instruction in public school classrooms nor the expenditure of public funds. All costs, including the application blanks, are paid by the religious organizations. The case is therefore unlike *McCollum v. Board of Education*, which involved a "released time" program from Illinois. In that case the classrooms were turned over to religious instructors. We accordingly held that the program violated the First Amendment. . . .

It takes obtuse reasoning to inject any issue of the

"free exercise" of religion into the present case. No one is forced to go to the religious classroom and no religious exercise or instruction is brought to the classrooms of the public schools. A student need not take religious instruction. He is left to his own desires as to the manner or time of his religious devotions, if any. There is a suggestion that the system involves the use of coercion to get public school students into religious classrooms. There is no evidence in the record before us that supports that conclusion. If in fact coercion were used, if it were established that any one or more teachers were using their office to persuade or force students to take the religious instruction, a wholly different case would be presented. Hence we put aside that claim of coercion both as respects the "free exercise" of religion and "an establishment of religion."

Moreover, apart from that claim of coercion, we do not see how New York by this type of "released time" program has made a law respecting an establishment of religion within the meaning of the First Amendment. There cannot be the slightest doubt that the First Amendment reflects the philosophy that Church and State should be separated and within the scope of its coverage permits no exception; the prohibition is absolute. The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter. Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes. Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; "so help me God" in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: "God save the United States and this Honorable Court."

We would have to press the concept of separation of Church and State to these extremes to condemn the present law on constitutional grounds. The nullification of this law would have wide and profound effects. A Catholic student applies to his teacher for permission to leave the school during hours on a Holy Day of Obligation to attend a mass. A Jewish student asks his teacher for permission to be excused for Yom Kippur. A Protestant wants the afternoon off for a family baptismal ceremony. In each case the teacher requires parental consent in writing. In each case the teacher, in order to make sure the student is not a truant, goes further and requires a report from the priest, the rabbi, or the minister. The teacher in other words cooperates in a religious program to the extent of making it possible for her students to participate in it. Whether

she does it occasionally for a few students, regularly for one, or pursuant to a systematized program designed to further the religious needs of all the students does not alter the character of the act.

We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses. We sponsor an attitude on the part of government that shows no partiality to any one group and that lets each flourish according to the zeal of its adherents and the appeal of its dogma. When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who do believe. Government may not coerce anyone to attend church, to observe a religious holiday, or to take religious instruction. But it can close its doors or suspend its operations as to those who want to repair to their religious sanctuary for worship or instruction. No more than that is undertaken here. The constitutional standard is the separation of Church and State. The problem is one of degree.

In the McCollum case the classrooms were used for religious instruction and the force of the public school was used to promote that instruction. Here, the public schools do no more than accommodate their schedules to a program of outside religious instructions. We follow McCollum. But we cannot expand it to cover the present released time program unless separation of Church and State means that public institutions can make no adjustments of their schedules to accommodate the religious needs of the people. We cannot read into the Bill of Rights such a philosophy of hostility to religion.

Affirmed.

Mr. Justice BLACK, dissenting.

In the New York program, as in that of Illinois (invalidated in McCollum) the school authorities release some of the children on the condition that they attend the religious classes, get reports on whether they attend, and hold the other children in the school building until the religious hour is over. As we attempted to make categorically clear, the McCollum decision would have been the same if the religious classes had not been held in the school building. New York is manipulating its compulsory education laws to help religious sects get pupils. This is not separation but combination of Church and State. . . .

Mr. Justice JACKSON, dissenting.

This released time program is founded upon a use of the State's power of coercion, which, for me, determines its unconstitutionality. Stripped to its essentials, the plan has two stages, first, that the State compel

each student to yield a large part of his time for public secular education and, second, that some of it be "released" to him on condition that he devote it to sectarian religious purposes. If public education were taking so much of the pupils' time as to injure the public or the students' welfare by encroaching upon their religious opportunity, simply shortening everyone's school day would facilitate voluntary and optional attendance at Church classes. But that suggestion is rejected upon the ground that if they are made free many students will not go to the Church. Hence, they must be deprived of freedom for this period, with Church attendance put to them as one of the two permissible ways of using it.

The greater effectiveness of this system over voluntary attendance after school hours is due to the truant officer who, if the youngster fails to go to the Church school, dogs him back to the public schoolroom. Here schooling is more or less suspended during the "released time" so the nonreligious attendants will not forge ahead of the churchgoing absentees. But it serves as a temporary jail for a pupil who will not go to Church. It takes more subtlety of mind than I possess to deny that this is governmental constraint in support of religion. I challenge the Court's suggestion that opposition to this plan can only be antireligious, atheistic, or agnostic. My evangelistic brethren confuse an objection to compulsion with an objection to religion. It is possible to hold a faith with enough confidence to believe that what should be rendered to God does not need to be decided and collected by Caesar. A number of Justices just short of a majority of the majority that promulgates today's passionate dialectics and "epithetical jurisprudence" joined in answering them in McCollum. The distinction attempted between that case and this is trivial, almost to the point of cynicism. The wall which the Court was professing to erect between Church and State has become even more warped and twisted than I expected. Today's judgment will be more interesting to students of psychology and of the judicial processes than to students of constitutional law.

Document 15. *Grand Rapids School District v. Ball* (1985)

The "parochial" program, as it was called, enjoyed much popular support, and many people believed that since its primary purpose was to benefit the children, it might pass constitutional muster. Although there is a sharp division between the majority and minority opinions, both indicate a heightened sensitivity to the need for a clear delineation between church and state activities. Although some justices supported the program, Justice Brennan's majority opinion is reflective of the strict standards the Court has adopted in Establishment Clause cases.

* * *

Justice BRENNAN delivered the opinion of the Court.

The School District of Grand Rapids, Michigan, adopted two programs in which classes for nonpublic

school students are financed by the public school system, taught by teachers hired by the public school system, and conducted in "leased" classrooms in the nonpublic schools. Most of the nonpublic schools involved in the programs are sectarian religious schools. This case raises the question whether these programs impermissibly involve the government in the support of sectarian religious activities and thus violate the Establishment Clause of the First Amendment.

At issue in this case are the Community Education and Shared Time programs offered in the nonpublic schools of Grand Rapids, Michigan. These programs, first instituted in the 1976-1977 school year, provide classes to nonpublic school students at public expense in classrooms located in and leased from the local nonpublic schools.

The Shared Time program offers classes during the regular school day that are intended to be supplementary to the "core curriculum" courses that the State of Michigan requires as a part of an accredited school program. Among the subjects offered are "remedial" and "enrichment" mathematics, "remedial" and "enrichment" reading, art, music, and physical education. A typical nonpublic school student attends these classes for one or two class periods per week; approximately "ten percent of any given nonpublic school student's time during the academic year would consist of Shared Time instruction." Although Shared Time itself is a program offered only in the nonpublic schools, there was testimony that the courses included in that program are offered, albeit perhaps in a somewhat different form, in the public schools as well. All of the classes that are the subject of this case are taught in elementary schools, with the exception of Math Topics, a remedial math course taught in the secondary schools.

The Shared Time teachers are full-time employees of the public schools, who often move from classroom to classroom during the course of the school day. A "significant portion" of the teachers (approximately 10%) "previously taught in nonpublic schools, and many of those had been assigned to the same nonpublic school where they were previously employed." The School District of Grand Rapids hires Shared Time teachers in accordance with its ordinary hiring procedures. The public school system apparently provides all of the supplies, materials, and equipment used in connection with Shared Time instruction.

Both programs are administered similarly. The Director of the program, a public school employee, sends packets of course listings to the participating nonpublic schools before the school year begins. The nonpublic school administrators then decide which courses they want to offer. The Director works out an academic schedule for each school, taking into account, *inter alia*, the varying religious holidays celebrated by the schools of different denominations.

Nonpublic school administrators decide which classrooms will be used for the programs, and the Director then inspects the facilities and consults with Shared Time teachers to make sure the facilities are satisfactory. The public school system pays the nonpublic schools for the use of the necessary classroom

space by entering into "leases" at the rate of \$6 per classroom per week. The "leases," however, contain no mention of the particular room, space, or facility leased and teachers' rooms, libraries, lavatories, and similar facilities are made available at no additional charge. Each room used in the programs has to be free of any crucifix, religious symbol, or artifact, although such religious symbols can be present in the adjoining hallways, corridors, and other facilities used in connection with the program. During the time that a given classroom is being used in the programs, the teacher is required to post a sign stating that it is a "public school classroom." However, there are no signs posted outside the school buildings indicating that public school courses are conducted inside or that the facilities are being used as a public school annex.

Although petitioners label the Shared Time and Community Education students as "part-time public school students," the students attending Shared Time and Community Education courses in facilities leased from a nonpublic school are the same students who attend that particular school otherwise. There is no evidence that any public school student has ever attended a Shared Time or Community Education class in a nonpublic school. The District Court found that "though Defendants claim the Shared Time program is available to all students, the record is abundantly clear that only nonpublic school students wearing the cloak of a 'public school student' can enroll in it." The District Court noted that "whereas public school students are assembled at the public facility nearest to their residence, students in religious schools are assembled on the basis of religion without any consideration of residence or school district boundaries." Thus, "beneficiaries are wholly designated on the basis of religion," and these "public school" classes, in contrast to ordinary public school classes which are largely neighborhood-based, are as segregated by religion as are the schools at which they are offered.

Forty of the forty-one schools at which the programs operate are sectarian in character. The schools of course vary from one another, but substantial evidence suggests that they share deep religious purposes. For instance, the Parent Handbook of one Catholic school states the goals of Catholic education as "a God oriented environment which permeates the total educational program." "a Christian atmosphere which guides and encourages participation in the church's commitment to social justice," and "a continuous development of knowledge of the Catholic faith, its traditions, teachings and theology." A policy statement of the Christian schools similarly proclaims that "it is not sufficient that the teachings of Christianity be a separate subject in the curriculum, but *the Word of God must be an all-pervading force in the educational program.*" These Christian schools require all parents seeking to enroll their children either to subscribe to a particular doctrinal statement or to agree to have their children taught according to the doctrinal statement. The District Court found that the schools are "pervasively sectarian," and concluded "without hesitation that the purposes of these schools is to advance their particular religions," and that "a

substantial portion of their functions are subsumed in the religious mission." . . .

Since *Everson* made clear that the guarantees of the Establishment Clause apply to the States, we have often grappled with the problem of state aid to nonpublic, religious schools. In all of these cases, our goal has been to give meaning to the sparse language and broad purposes of the Clause, while not unduly infringing on the ability of the States to provide for the welfare of their people in accordance with their own particular circumstances. Providing for the education of schoolchildren is surely a praiseworthy purpose. But our cases have consistently recognized that even such a praiseworthy, secular purpose cannot validate government aid to parochial schools when the aid has the effect of promoting a single religion or religion generally or when the aid unduly entangles the government in matters religious. For just as religion throughout history has provided spiritual comfort, guidance, and inspiration to many, it can also serve powerfully to divide societies and to exclude those whose beliefs are not in accord with particular religions or sects that have from time to time achieved dominance. The solution to this problem adopted by the Framers and consistently recognized by this Court is jealously to guard the right of every individual to worship according to the dictates of conscience while requiring the government to maintain a course of neutrality among religions, and between religion and nonreligion. Only in this way can we "make room for as wide a variety of beliefs and creeds as the spiritual needs of man deem necessary" and "sponsor an attitude on the part of government that shows no partiality to any one group and lets each flourish according to the zeal of its adherents and the appeal of its dogma."

With respect to the Community Education Program, the District Court found that "virtually every Community Education course conducted on facilities leased from nonpublic schools has an instructor otherwise employed full time by the same nonpublic school." These instructors, many of whom no doubt teach in the religious schools precisely because they are adherents of the controlling denomination and want to serve their religious community zealously, are expected during the regular school day to inculcate their students with the tenets and beliefs of their particular religious faiths. Yet the premise of the program is that those instructors can put aside their religious convictions and engage in entirely secular Community Education instruction as soon as the school day is over. Moreover, they are expected to do so before the same religious-school students and in the same religious school classrooms that they employed to advance religious purposes during the "official" school day. Nonetheless, as petitioners themselves asserted, Community Education classes are not specifically monitored for religious content.

We do not question that the dedicated and professional religious school teachers employed by the Community Education program will attempt in good faith to perform their secular mission conscientiously. Nonetheless, there is a substantial risk that, overtly or subtly, the religious message they are expected to convey during the regular school day will infuse the

supposedly secular classes they teach after school. The danger arises "not because the public employee [is] likely deliberately to subvert his task to the service of religion, but rather because the pressures of the environment might alter his behavior from its normal course."

It follows that an important concern of the effects test is whether the symbolic union of church and state effected by the challenged governmental action is sufficiently likely to be perceived by adherents of the controlling denominations as an endorsement, and by the nonadherents as a disapproval, of their individual religious choices. The inquiry into this kind of effect must be conducted with particular care when many of the citizens perceiving the governmental message are children in their formative years. The symbolism of a union between church and state is most likely to influence children of tender years, whose experience is limited and whose beliefs consequently are the function of environment as much as of free and voluntary choice. . . .

In the programs challenged in this case, the religious school students spend their typical school day moving between religious-school and "public-school" classes. Both types of classes take place in the same religious-school building and both are largely composed of students who are adherents of the same denomination. In this environment, the students would be unlikely to discern the crucial difference between the religious-school classes and the "public-school" classes, even if the latter were successfully kept free of religious indoctrination. As one commentator has written: "This pervasive [religious] atmosphere makes on the young student's mind a lasting imprint that the holy and transcendental should be central to all facets of life. It increases respect for the church as an institution to guide one's total life adjustments and undoubtedly helps stimulate interest in religious vocations. . . . In short, the parochial school's total operation serves to fulfill both secular and religious functions concurrently, and the two cannot be completely separated. Support of any part of its activity entails some support of the disqualifying religious function of molding the religious personality of the young student." . . . This effect—the symbolic union of government and religion in one sectarian enterprise—is an impermissible effect under the Establishment Clause.

Document 16. *Engel v. Vitale* (1962)

No other Establishment Clause case has generated as much public controversy, nor has any been so misunderstood. In terms of classic Jeffersonian theory, nothing could have been more out of line with the idea of religious freedom than a state-mandated prayer. The case, despite much criticism that it forbade students to pray, did no such thing; it only forbade the state from requiring students to pray, and in a specified manner.

* * *

Mr. Justice BLACK delivered the opinion of the Court.

The respondent Board of Education of Union Free School District No. 9, New Hyde Park, New York, acting in its official capacity under state law, directed the School District's principal to cause the following prayer to be said aloud by each class in the presence of a teacher at the beginning of each school day:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country."

This daily procedure was adopted on the recommendation of the State Board of Regents, a governmental agency created by the State Constitution to which the New York Legislature has granted broad supervisory, executive, and legislative powers over the State's public school system.¹ These state officials composed the prayer which they recommended and published as a part of their "Statement on Moral and Spiritual Training in the Schools," saying: "We believe that this Statement will be subscribed to by all men and women of good will, and we call upon all of them to aid in giving life to our program." . . .

We think that by using its public school system to encourage recitation of the Regents' prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause. There can, of course, be no doubt that New York's program of daily classroom invocation of God's blessings as prescribed in the Regents' prayer is a religious activity. It is a solemn avowal of divine faith and supplication for the blessings of the Almighty. The nature of such a prayer has always been religious, none of the respondents has denied this and the trial court expressly so found:

The petitioners contend among other things that the state laws requiring or permitting use of the Regents' prayer must be struck down as a violation of the Establishment Clause because that prayer was composed by governmental officials as a part of a governmental program to further religious beliefs. For this reason, petitioners argue, the State's use of the Regents' prayer in its public school system breaches the constitutional wall of separation between Church and State. We agree with that contention since we think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government.

It is a matter of history that this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America. The Book of Common Prayer, which was created under governmental direction and which was approved by Acts of Parliament in 1548 and 1549, set out in minute detail the accepted form and content of prayer and other religious ceremonies to be used in the established, tax-supported Church of England. The controversies over the Book and what should be its content repeatedly threatened to disrupt the peace of that country as the accepted forms of prayer in the established church changed with the views of the particular ruler that happened to be in control at the time. Powerful groups representing

some of the varying religious views of the people struggled among themselves to impress their particular views upon the Government and obtain amendments of the Book more suitable to their respective notions of how religious services should be conducted in order that the official religious establishment would advance their particular religious beliefs. Other groups, lacking the necessary political power to influence the Government on the matter, decided to leave England and its established church and seek freedom in America from England's governmentally ordained and supported religion.

It is an unfortunate fact of history that when some of the very groups which had most strenuously opposed the established Church of England found themselves sufficiently in control of colonial governments in this country to write their own prayers into law, they passed laws making their own religion the official religion of their respective colonies. Indeed, as late as the time of the Revolutionary War, there were established churches in at least eight of the thirteen former colonies and established religions in at least four of the other five. But the successful Revolution against English political domination was shortly followed by intense opposition to the practice of establishing religion by law. This opposition crystallized rapidly into an effective political force in Virginia where the minority religious groups such as Presbyterians, Lutherans, Quakers and Baptists had gained such strength that the adherents to the established Episcopal Church were actually a minority themselves. In 1785-1786, those opposed to the established Church, led by James Madison and Thomas Jefferson, who, though themselves not members of any of these dissenting religious groups, opposed all religious establishments by law on grounds of principle, obtained the enactment of the famous "Virginia Bill for Religious Liberty" by which all religious groups were placed on an equal footing so far as the State was concerned. Similar though less far-reaching legislation was being considered and passed in other States.

By the time of the adoption of the Constitution, our history shows that there was a widespread awareness among many Americans of the dangers of a union of Church and State. These people knew, some of them from bitter personal experience, that one of the greatest dangers to the freedom of the individual to worship in his own way lay in the Government's placing its official stamp of approval upon one particular kind of prayer or one particular form of religious services. They knew the anguish, hardship and bitter strife that could come when zealous religious groups struggled with one another to obtain the Government's stamp of approval from each King, Queen, or Protector that came to temporary power. The Constitution was intended to avert a part of this danger by leaving the government of this country in the hands of the people rather than in the hands of any monarch. But this safeguard was not enough. Our Founders were no more willing to let the content of their prayers and their privilege of praying whenever they pleased be influenced by the ballot box than they were to let these vital matters of personal conscience depend upon the succession of monarchs. The First Amendment was

added to the Constitution to stand as a guarantee that neither the power nor the prestige of the Federal Government would be used to control, support or influence the kinds of prayer the American people can say—that the people's religions must not be subjected to the pressures of government for change each time a new political administration is elected to office. Under that Amendment's prohibition against governmental establishment of religion, as reinforced by the provisions of the Fourteenth Amendment, government in this country, be it state or federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity.

There can be no doubt that New York's state prayer program officially establishes the religious beliefs embodied in the Regents' prayer. The respondents' argument to the contrary, which is largely based upon the contention that the Regents' prayer is "nondenominational" and the fact that the program, as modified and approved by state courts, does not require all pupils to recite the prayer but permits those who wish to do so to remain silent or be excused from the room, ignores the essential nature of the program's constitutional defects. Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause, as it might from the Free Exercise Clause, of the First Amendment, both of which are operative against the States by virtue of the Fourteenth Amendment. Although these two clauses may in certain instances overlap, they forbid two quite different kinds of governmental encroachment upon religious freedom. The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce nonobserving individuals or not. This is not to say, of course, that laws officially prescribing a particular form of religious worship do not involve coercion of such individuals. When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain. But the purposes underlying the Establishment Clause go much further than that. Its first and most immediate purpose rested on the belief that a union of government and religion tends to destroy government and to degrade religion. The history of governmentally established religion, both in England and in this country, showed that whenever government had allied itself with one particular form of religion, the inevitable result had been that it had incurred the hatred, disrespect and even contempt of those who held contrary beliefs. That same history showed that many people had lost their respect for any religion that had relied upon the support of government to spread its faith. The Establishment Clause thus stands as an expression of principle on the part of the Founders of our Constitution that religion is too personal, too sacred,

too holy, to permit its "unhallowed perversion" by a civil magistrate. Another purpose of the Establishment Clause rested upon an awareness of the historical fact that governmentally established religions and religious persecutions go hand in hand. The Founders knew that only a few years after the Book of Common Prayer became the only accepted form of religious services in the established Church of England, an Act of Uniformity was passed to compel all Englishmen to attend those services and to make it a criminal offense to conduct or attend religious gatherings of any other kind—a law which was consistently flouted by dissenting religious groups in England and which contributed to widespread persecutions of people like John Bunyan who persisted in holding "unlawful [religious] meetings * * * to the great disturbance and distraction of the good subjects of this kingdom * * *." And they knew that similar persecutions had received the sanction of law in several of the colonies in this country soon after the establishment of official religions in those colonies. It was in large part to get completely away from this sort of systematic religious persecution that the Founders brought into being our Nation, our Constitution, and our Bill of Rights with its prohibition against any governmental establishment of religion. The New York laws officially prescribing the Regents' prayer are inconsistent both with the purposes of the Establishment Clause and with the Establishment Clause itself.

It has been argued that to apply the Constitution in such a way as to prohibit state laws respecting an establishment of religious services in public schools is to indicate a hostility toward religion or toward prayer. Nothing, of course, could be more wrong. The history of man is inseparable from the history of religion. And perhaps it is not too much to say that since the beginning of that history many people have devoutly believed that "More things are wrought by prayer than this world dreams of." It was doubtless largely due to men who believed this that there grew up a sentiment that caused men to leave the cross-currents of officially established state religions and religious persecution in Europe and come to this country filled with the hope that they could find a place in which they could pray when they pleased to the God of their faith in the language they chose. And there were men of this same faith in the power of prayer who led the fight for adoption of our Constitution and also for our Bill of Rights with the very guarantees of religious freedom that forbid the sort of governmental activity which New York has attempted here. These men knew that the First Amendment, which tried to put an end to governmental control of religion and of prayer, was not written to destroy either. They knew rather that it was written to quiet well-justified fears which nearly all of them felt arising out of an awareness that governments of the past had shackled men's tongues to make them speak only the religious thoughts that government wanted them to speak and to pray only to the God that government wanted them to pray to. It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people

themselves and to those the people choose to look to for religious guidance.

It is true that New York's establishment of its Regents' prayer as an officially approved religious doctrine of that State does not amount to a total establishment of one particular religious sect to the exclusion of all others—that, indeed, the governmental endorsement of that prayer seems relatively insignificant when compared to the governmental encroachments upon religion which were commonplace 200 years ago. To those who may subscribe to the view that because the Regents' official prayer is so brief and general there can be no danger to religious freedom in its governmental establishment, however, it may be appropriate to say in the words of James Madison, the author of the First Amendment:

It is proper to take alarm at the first experiment on our liberties. * * * Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?"

The judgment of the Court of Appeals of New York is reversed and the cause remanded for further proceedings not inconsistent with this opinion.

Document 17. *Abington Township v. Schempp* (1963)

Coming only a year after Engel, this case fueled criticism that the Court wanted to banish God and religion from the schools. But, as in the prayer decision, the Court did not banish the Bible from public school; it only forbade the use of the Bible for religious purposes. Considering the protest against Engel, it is a sign of the Court's increased commitment to erecting the wall of separation that it agreed to hear and to decide this case so soon afterward.

* * *

Mr. Justice CLARK delivered the opinion of the Court.

Once again we are called upon to consider the scope of the provision of the First Amendment to the United States Constitution which declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * * ." These companion cases present the issues in the context of state action requiring that schools begin each day with readings from the Bible. While raising the basic questions under slightly different factual situations, the cases permit of joint treatment. In light of the history of the First Amendment and of our cases interpreting and applying its requirements, we hold that the practices at issue and the laws requiring them are unconstitutional under the Establishment Clause, as applied to the States through the Fourteenth Amendment. . . .

On each school day at the Abington Senior High School between 8:15 and 8:30 a.m., while the pupils are attending their home rooms or advisory sections, opening exercises are conducted pursuant to the statute. The exercises are broadcast into each room in the school building through an intercommunications system and are conducted under the supervision of a teacher by students attending the school's radio and television workshop. Selected students from this course gather each morning in the school's workshop studio for the exercises, which include readings by one of the students of 10 verses of the Holy Bible, broadcast to each room in the building. This is followed by the recitation of the Lord's Prayer, likewise over the intercommunications system, but also by the students in the various classrooms, who are asked to stand and join in repeating the prayer in unison. The exercises are closed with the flag salute and such pertinent announcements as are of interest to the students. Participation in the opening exercises, as directed by the statute, is voluntary. The student reading the verses from the Bible may select the passages and read from any version he chooses, although the only copies furnished by the school are the King James version, copies of which were circulated to each teacher by the school district. During the period in which the exercises have been conducted the King James, the Douay and the Revised Standard versions of the Bible have been used, as well as the Jewish Holy Scriptures. There are no prefatory statements, no questions asked or solicited, no comments or explanations made and no interpretations given at or during the exercises. The students and parents are advised that the student may absent himself from the classroom or, should he elect to remain, not participate in the exercises. . . .

II.

It is true that religion has been closely identified with our history and government. As we said in *Engel v. Vitale*, "The history of man is inseparable from the history of religion. And * * * since the beginning of that history many people have devoutly believed that 'More things are wrought by prayer than this world dreams of.'" In *Zorach v. Clauson*, (1952), we gave specific recognition to the proposition that "we are a religious people whose institutions presuppose a Supreme Being." The fact that the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him is clearly evidenced in their writings, from the Mayflower Compact to the Constitution itself. This background is evidenced today in our public life through the continuance in our oaths of office from the Presidency to the Alderman of the final supplication, "So help me God." Likewise each House of the Congress provides through its Chaplain an opening prayer, and the sessions of this Court are declared open by the crier in a short ceremony, the final phrase of which invokes the grace of God. Again, there are such manifestations in our military forces, where those of our citizens who are under the restrictions of military service wish to engage in voluntary worship. Indeed, only last year an official survey of the country indicated that 64% of our people have church membership, Bureau of the Cen-

sus, U.S. Department of Commerce, Statistical Abstract of the United States (83d ed. 1962), 48, while less than 3% profess no religion whatever. *Id.*, at p. 46. It can be truly said, therefore, that today, as in the beginning, our national life reflects a religious people who, in the words of Madison, are "earnestly praying, as * * * in duty bound, that the Supreme Lawgiver of the Universe * * * guide them into every measure which may be worthy of his [blessing * * *]." Memorial and Remonstrance Against Religious Assessments. . . .

V.

The wholesome "neutrality" of which this Court's cases speak thus stems from a recognition of the teachings of history that powerful sects or groups might bring about a fusion of governmental and religious functions or a concert or dependency of one upon the other to the end that official support of the State or Federal Government would be placed behind the tenets of one or of all orthodoxies. This the Establishment Clause prohibits. And a further reason for neutrality is found in the Free Exercise Clause, which recognizes the value of religious training, teaching and observance and, more particularly, the right of every person to freely choose his own course with reference thereto, free of any compulsion from the state. This the Free Exercise Clause guarantees. Thus, as we have seen, the two clauses may overlap. As we have indicated, the Establishment Clause has been directly considered by this Court eight times in the past score of years and, with only one Justice dissenting on the point, it has consistently held that the clause withdrew all legislative power respecting religious belief or the expression thereof. The test may be stated as follows: what are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion. . . .

The Free Exercise Clause, likewise considered many times here, withdraws from legislative power, state and federal, the exertion of any restraint on the free exercise of religion. Its purpose is to secure religious liberty in the individual by prohibiting any invasions thereof by civil authority. Hence it is necessary in a free exercise case for one to show the coercive effect of the enactment as it operates against him in the practice of his religion. The distinction between the two clauses is apparent—a violation of the Free Exercise Clause is predicated on coercion while the Establishment Clause violation need not be so attended.

Applying the Establishment Clause principles to the cases at bar we find that the States are requiring the selection and reading at the opening of the school day of verses from the Holy Bible and the recitation of the Lord's Prayer by the students in unison. These exercises are prescribed as part of the curricular activities of students who are required by law to attend school. They are held in the school buildings under the super-

vision and with the participation of teachers employed in those schools. None of these factors, other than compulsory school attendance, was present in the program upheld in *Zorach v. Clauson*. The trial court in No. 142 has found that such an opening exercise is a religious ceremony and was intended by the State to be so. We agree with the trial court's finding as to the religious character of the exercises. Given that finding, the exercises and the law requiring them are in violation of the Establishment Clause.

The case came up on demurrer, of course, to a petition which alleged that the uniform practice under the rule had been to read from the King James version of the Bible and that the exercise was sectarian. The short answer, therefore, is that the religious character of the exercise was admitted by the State. But even if its purpose is not strictly religious, it is sought to be accomplished through readings, without comment, from the Bible. Surely the place of the Bible as an instrument of religion cannot be gainsaid, and the State's recognition of the pervading religious character of the ceremony is evident from the rule's specific permission of the alternative use of the Catholic Douay version as well as the recent amendment permitting nonattendance at the exercises. None of these factors is consistent with the contention that the Bible is here used either as an instrument for nonreligious moral inspiration or as a reference for the teaching of secular subjects.

The conclusion follows that in both cases the laws require religious exercises and such exercises are being conducted in direct violation of the rights of the appellees and petitioners. Nor are these required exercises mitigated by the fact that individual students may absent themselves upon parental request, for that fact furnishes no defense to a claim of unconstitutionality under the Establishment Clause. Further, it is no defense to urge that the religious practices here may be relatively minor encroachments on the First Amendment. The breach of neutrality that is today a trickling stream may all too soon become a raging torrent and, in the words of Madison, "it is proper to take alarm at the first experiment on our liberties." Memorial and Remonstrance Against Religious Assessments.

It is insisted that unless these religious exercises are permitted a "religion of secularism" is established in the schools. We agree of course that the State may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe." We do not agree, however, that this decision in any sense has that effect. In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment. But the exercises here do not fall into those categories. They are religious exercises, required by the States in violation of the command of

the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion.

Finally, we cannot accept that the concept of neutrality, which does not permit a State to require a religious exercise even with the consent of the majority of those affected, collides with the majority's right to free exercise of religion. While the Free Exercise Clause clearly prohibits the use of state action to deny the rights of free exercise to *anyone*, it has never meant that a majority could use the machinery of the State to practice its beliefs.

The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. *In the relationship between man and religion, the State is firmly committed to a position of neutrality.* Though the application of that rule requires interpretation of a delicate sort, the rule itself is clearly and concisely stated in the words of the First Amendment.

Document 18. *Wallace v. Jaffree* (1985)

The opposition to the Engel decision has remained persistent, and it has taken a variety of forms, including efforts to amend the Constitution. Recently, a number of states have passed so-called "moment of silence" laws. While the Supreme Court has not yet ruled definitively on this subject, it has made it clear, as in this case, that where the purpose of the moment of silence is to foster overt prayer, the law violates the First Amendment.

* * *

Justice STEVENS delivered the opinion of the Court.

At an early stage of this litigation, the constitutionality of three Alabama statutes was questioned: (1) § 16-1-20, enacted in 1978, which authorized a one-minute period of silence in all public schools "for meditation"; (2) § 16-1-20.1, enacted in 1981, which authorized a period of silence "for meditation or voluntary prayer"; and (3) § 16-1-20.2, enacted in 1982, which authorized teachers to lead "willing students" in a prescribed prayer to "Almighty God . . . the Creator and Supreme Judge of the world."

. . . Before analyzing the precise issue that is presented to us, it is nevertheless appropriate to recall how firmly embedded in our constitutional jurisprudence is the proposition that the several States have no greater power to restrain the individual freedoms protected by the First Amendment than does the Congress of the United States.

As is plain from its text, the First Amendment was adopted to curtail the power of Congress to interfere with the individual's freedom to believe, to worship, and to express himself in accordance with the dictates of his own conscience. Until the Fourteenth Amend-

ment was added to the Constitution, the First Amendment's restraints on the exercise of federal power simply did not apply to the States. But when the Constitution was amended to prohibit any State from depriving any person of liberty without due process of law, that Amendment imposed the same substantive limitations on the States' power to legislate that the First Amendment had always imposed on the Congress' power. This Court has confirmed and endorsed this elementary proposition of law time and time again. . . .

Just as the right to speak and the right to refrain from speaking are complimentary components of a broader concept of individual freedom of mind, so also the individual's freedom to choose his own creed is the counterpart of his right to refrain from accepting the creed established by the majority. At one time it was thought that this right merely proscribed the preference of one Christian sect over another, but would not require equal respect for the conscience of the infidel, the atheist, or the adherent of a non-Christian faith such as Mohammedism or Judaism. But when the underlying principle has been examined in the crucible of litigation, the Court has unambiguously concluded that the individual freedom of conscience protected by the First Amendment embraces that right to select any religious faith or none at all. This conclusion derives support not only from the interest in respecting the individual's freedom of conscience, but also from the conviction that religious beliefs worthy of respect are the product of free and voluntary choice by the faithful, and from recognition of the fact that the political interest in forestalling intolerance extends beyond intolerance among Christian sects—or even intolerance among "religions"—to encompass intolerance of the disbeliever and the uncertain. . . .

The sponsor of the bill that became § 16-1-20.1, Senator Donald Holmes, inserted into the legislative record—apparently without dissent—a statement indicating that the legislation was an "effort to return voluntary prayer" to the public schools. Later Senator Holmes confirmed this purpose before the District Court. In response to the question whether he had any purpose for the legislation other than returning voluntary prayer to public schools, he stated, "No, I did not have no other purpose in mind." The State did not present evidence of *any* secular purpose. . . .

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. . . . Thus, only two conclusions are consistent with the text of § 16-1-20.1: (1) the statute was enacted to convey a message of State endorsement and promotion of prayer; or (2) the statute was enacted for no purpose. No one suggests that the statute was nothing but a meaningless or irrational act.

We must, therefore, conclude that the Alabama Legislature intended to change existing law and that it was motivated by the same purpose that the Gover-

nor's Answer to the Second Amended Complaint expressly admitted; that the statement inserted in the legislative history revealed; and that Senator Holmes' testimony frankly described. The Legislature enacted § 16-1-20.1 despite the existence of § 16-1-20 for the sole purpose of expressing the State's endorsement of prayer activities for one minute at the beginning of each school day. The addition of "or voluntary prayer" indicates that the State intended to characterize prayer as a favored practice.

The importance of that principle does not permit us to treat this as an inconsequential case involving nothing more than a few words of symbolic speech on behalf of the political majority. For whenever the State itself speaks on a religious subject, one of the questions that we must ask is "whether the Government intends to convey a message of endorsement or disapproval of religion." The well-supported concurrent findings of the District Court and the Court of Appeals—that § 16-1-20.1 was intended to convey a message of State-approval of prayer activities in the public schools—make it unnecessary, and indeed inappropriate, to evaluate the practical significance of the addition of the words "or voluntary prayer" to the statute. 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 § 16-1-20.1 violates the First Amendment.

Document 19. *Epperson v. Arkansas* (1968)

One of the most famous trials of the early twentieth century was that of John Scopes for teaching evolution in violation of a Tennessee law forbidding the teaching of any theory which contradicted the story of creation in the Bible. After the seeming triumph of the modernists in the twenties, few states lent support to so-called "creationism" theory. With the rise of modern religious fundamentalism, however, there has been a concerted drive in some areas to either ban the teaching of evolution altogether, or to at least give equal to emphasis to evolution and creationist ideas. The Epperson decision, while remaining the Court's definitive statement, has not gone unchallenged, and there are several cases now in the courts testing various efforts to go around Epperson.

* * *

Mr. Justice FORTAS delivered the opinion of the Court.

I.

This appeal challenges the constitutionality of the "anti-evolution" statute which the State of Arkansas adopted in 1928 to prohibit the teaching in its public schools and universities of the theory that man evolved from other species of life. The statute was a product of the upsurge of "fundamentalist" religious fever of the twenties. The Arkansas statute was an adaption of the famous Tennessee "monkey law" which that State adopted in 1925. The constitutionality

of the Tennessee law was upheld by the Tennessee Supreme Court in the celebrated *Scopes* case in 1927.

The Arkansas law makes it unlawful for a teacher in any state-supported school or university "to teach the theory or doctrine that mankind ascended or descended from a lower order of animals," or "to adopt or use in any such institution a textbook that teaches" this theory. Violation is a misdemeanor and subjects the violator to dismissal from his position. . . . Only Arkansas and Mississippi have such "anti-evolution" or "monkey" laws on their books. There is no record of any prosecutions in Arkansas under its statute. It is possible that the statute is presently more of a curiosity than a vital fact of life in these States. Nevertheless, the present case was brought, the appeal as of right is properly here, and it is our duty to decide the issues presented.

II.

At the outset, it is urged upon us that the challenged statute is vague and uncertain and therefore within the condemnation of the Due Process Clause of the Fourteenth Amendment. The contention that the Act is vague and uncertain is supported by language in the brief opinion of Arkansas' Supreme Court. That court, perhaps reflecting the discomfort which the statute's quixotic prohibition necessarily engenders in the modern mind, stated that it "expresses no opinion" as to whether the Act prohibits "explanation" of the theory of evolution or merely forbids "teaching that the theory is true." Regardless of this uncertainty, the court held that the statute is constitutional. . . .

In any event, we do not rest our decision upon the asserted vagueness of the statute. On either interpretation of its language, Arkansas' statute cannot stand. It is of no moment whether the law is deemed to prohibit mention of Darwin's theory, or to forbid any or all of the infinite varieties of communication embraced within the term "teaching." Under either interpretation, the law must be stricken because of its conflict with the constitutional prohibition of state laws respecting an establishment of religion or prohibiting the free exercise thereof. The overriding fact is that Arkansas' law selects from the body of knowledge a particular segment which it proscribes for the sole reason that it is deemed to conflict with a particular religious doctrine; that is, with a particular interpretation of the Book of Genesis by a particular religious group.

III.

The antecedents of today's decision are many and unmistakable. They are rooted in the foundation soil of our Nation. They are fundamental to freedom.

Government in our democracy, state and national, must be neutral in matters of religious theory, doctrine, and practice. It may not be hostile to any religion or to the advocacy of no-religion; and it may not aid, foster, or promote one religion or religious theory against another or even against the militant opposite. The First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.

As early as 1872, this Court said: "The law knows no heresy, and is committed to the support of no

dogma, the establishment of no sect." This has been the interpretation of the great First Amendment which this Court has applied in the many and subtle problems which the ferment of our national life has presented for decision within the Amendment's broad command.

Judicial interposition in the operation of the public school system of the Nation raises problems requiring care and restraint. Our courts, however, have not failed to apply the First Amendment's mandate in our educational system where essential to safeguard the fundamental values of freedom of speech and inquiry and of belief. By and large, public education in our Nation is committed to the control of state and local authorities. Courts do not and cannot intervene in the resolution of conflicts which arise in the daily operation of school systems and which do not directly and sharply implicate basic constitutional values. On the other hand, "[t]he vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools." As this Court said in *Keyishian v. Board of Regents*, the First Amendment "does not tolerate laws that cast a pall of orthodoxy over the classroom."

In the present case, there can be no doubt that Arkansas has sought to prevent its teachers from discussing the theory of evolution because it is contrary to the belief of some that the Book of Genesis must be the exclusive source of doctrine as to the origin of man. No suggestion has been made that Arkansas' law may be justified by considerations of state policy other than the religious views of some of its citizens. It is clear that fundamentalist sectarian conviction was and is the law's reason for existence. Its antecedent, Tennessee's "monkey law," candidly stated its purpose: to make it unlawful "to teach any theory that denies the story of the Divine Creation of man as taught in the Bible, and to teach instead that man has descended from a lower order of animals." Perhaps the sensational publicity attendant upon the *Scopes* trial induced Arkansas to adopt less explicit language. It eliminated Tennessee's reference to "the story of the Divine Creation of man" as taught in the Bible, but there is no doubt that the motivation for the law was the same: to suppress the teaching of a theory which, it was thought, "denied" the divine creation of man.

Arkansas' law cannot be defended as an act of religious neutrality. Arkansas did not seek to excise from the curricula of its schools and universities all discussion of the origin of man. The law's effort was confined to an attempt to blot out a particular theory because of its supposed conflict with the Biblical account, literally read. Plainly, the law is contrary to the mandate of the First, and in violation of the Fourteenth, Amendment to the Constitution.

The judgment of the Supreme Court of Arkansas is reversed.

Document 20. *Minersville School District v. Gobitis* (1940)

The Court's traditional distinction between belief and action began to undergo modification as the justices recognized that in some instances, belief

would be stifled unless it could be accompanied by action, or in the flag salute cases, by refusal to act. Gobitis must be read in the context of an America confronted by a war already raging in Europe, and which threatened to engulf this country as well. Although the majority opinion has been overruled, it does provide a good example of how the court attempts to balance competing and legitimate interests.

* * *

Mr. Justice FRANKFURTER delivered the opinion of the Court.

A grave responsibility confronts this Court whenever in course of litigation it must reconcile the conflicting claims of liberty and authority. But when the liberty invoked is liberty of conscience, and the authority is authority to safeguard the nation's fellowship, judicial conscience is put to its severest test. Of such a nature is the present controversy.

Lillian Gobitis, aged twelve, and her brother William, aged ten, were expelled from the public schools of Minersville, Pennsylvania, for refusing to salute the national flag as part of a daily school exercise. The local Board of Education required both teachers and pupils to participate in this ceremony. The ceremony is a familiar one. The right hand is placed on the breast and the following pledge recited in unison: "I pledge allegiance to my flag, and to the Republic for which it stands; one nation indivisible, with liberty and justice for all." While the words are spoken, teachers and pupils extend their right hands in salute to the flag. The Gobitis family are affiliated with "Jehovah's Witnesses", for whom the Bible as the Word of God is the supreme authority. The children had been brought up conscientiously to believe that such a gesture of respect for the flag was forbidden by command of scripture. . . .

We must decide whether the requirement of participation in such a ceremony, exacted from a child who refuses upon sincere religious grounds, infringes without due process of law the liberty guaranteed by the Fourteenth Amendment.

Centuries of strife over the erection of particular dogmas as exclusive or all-comprehending faiths led to the inclusion of a guarantee for religious freedom in the Bill of Rights. The First Amendment, and the Fourteenth through its absorption of the First, sought to guard against repetition of those bitter religious struggles by prohibiting the establishment of a state religion and by securing to every sect the free exercise of its faith. So pervasive is the acceptance of this precious right that its scope is brought into question, as here, only when the conscience of individuals collides with the felt necessities of society.

Certainly the affirmative pursuit of one's convictions about the ultimate mystery of the universe and man's relation to it is placed beyond the reach of law. Government may not interfere with organized or individual expression of belief or disbelief. Propagation of belief—or even of disbelief in the supernatural—is protected, whether in church or chapel, mosque or synagogue, tabernacle or meetinghouse. Likewise the Constitution assures generous immunity to the individ-

ual from imposition of penalties for offending, in the course of his own religious activities, the religious views of others, be they a minority or those who are dominant in government.

But the manifold character of man's relations may bring his conception of religious duty into conflict with the secular interests of his fellow-men. When does the constitutional guarantee compel exemption from doing what society thinks necessary for the promotion of some great common end, or from a penalty for conduct which appears dangerous to the general good? To state the problem is to recall the truth that no single principle can answer all of life's complexities. The right to freedom of religious belief, however dissident and however obnoxious to the cherished beliefs of others—even of a majority—is itself the denial of an absolute. But to affirm that the freedom to follow conscience has itself no limits in the life of a society would deny that very plurality of principles which, as a matter of history, underlies protection of religious toleration. . . . Our present task then, as so often the case with courts, is to reconcile two rights in order to prevent either from destroying the other. But, because in safeguarding conscience we are dealing with interests so subtle and so dear, every possible leeway should be given to the claims of religious faith. . . .

Situations like the present are phases of the profoundest problem confronting a democracy—the problem which Lincoln cast in memorable dilemma: "Must a government of necessity be too strong for the liberties of its people, or too weak to maintain its own existence?" No mere textual reading or logical talisman can solve the dilemma. And when the issue demands judicial determination, it is not the personal notion of judges of what wise adjustment requires which must prevail.

Unlike the instances we have cited, the case before us is not concerned with an exertion of legislative power for the promotion of some specific need or interest of secular society—the protection of the family, the promotion of health, the common defense, the raising of public revenues to defray the cost of government. But all these specific activities of government presuppose the existence of an organized political society. The ultimate foundation of a free society is the binding tie of cohesive sentiment. Such a sentiment is fostered by all those agencies of the mind and spirit which may serve to gather up the traditions of a people, transmit them from generation to generation, and thereby create that continuity of a treasured common life which constitutes a civilization. "We live by symbols." The flag is the symbol of our national unity, transcending all internal differences, however large, within the framework of the Constitution. This Court has had occasion to say that " * * * the flag is the symbol of the nation's power,—the emblem of freedom in its truest, best sense. * * * it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression." . . .

The wisdom of training children in patriotic impulses by those compulsions which necessarily pervade so much of the educational process is not for our

independent judgment. Even were we convinced of the folly of such a measure, such belief would be no proof of its unconstitutionality. For ourselves, we might be tempted to say that the deepest patriotism is best engendered by giving unfettered scope to the most crochety beliefs. Perhaps it is best, even from the standpoint of those interests which ordinances like the one under review seek to promote, to give to the least popular sect leave from conformities like those here in issue. But the court-room is not the arena for debating issues of educational policy. It is not our province to choose among competing considerations in the subtle process of securing effective loyalty to the traditional ideals of democracy, while respecting at the same time individual idiosyncracies among a people so diversified in racial origins and religious allegiances. So to hold would in effect make us the school board for the country. That authority has not been given to this Court, nor should we assume it. . . .

What the school authorities are really asserting is the right to awaken in the child's mind considerations as to the significance of the flag contrary to those implanted by the parent. In such an attempt the state is normally at a disadvantage in competing with the parent's authority, so long—and this is the vital aspect of religious toleration—as parents are unmolested in their right to counteract by their own persuasiveness the wisdom and rightness of those loyalties which the state's educational system is seeking to promote. Except where the transgression of constitutional liberty is too plain for argument, personal freedom is best maintained—so long as the remedial channels of the democratic process remain open and unobstructed—when it is ingrained in a people's habits and not enforced against popular policy by the coercion of adjudicated law. That the flag-salute is an allowable portion of a school program for those who do not invoke conscientious scruples is surely not debatable. But for us to insist that, though the ceremony may be required, exceptional immunity must be given to dissidents, is to maintain that there is no basis for a legislative judgment that such an exemption might introduce elements of difficulty into the school discipline, might cast doubts in the minds of the other children which would themselves weaken the effect of the exercise. . . .

Judicial review, itself a limitation on popular government, is a fundamental part of our constitutional scheme. But to the legislature no less than to courts is committed the guardianship of deeply-cherished liberties. . . . Where all the effective means of inducing political changes are left free from interference, education in the abandonment of foolish legislation is itself a training in liberty. To fight out the wise use of legislative authority in the forum of public opinion and before legislative assemblies rather than to transfer such a contest to the judicial arena, serves to vindicate the self-confidence of a free people.

Mr. Justice STONE (dissenting).

The law which is thus sustained is unique in the history of Anglo-American legislation. It does more than suppress freedom of speech and more than prohibit the free exercise of religion, which concededly

are forbidden by the First Amendment and are violations of the liberty guaranteed by the Fourteenth. For by this law the state seeks to coerce these children to express a sentiment which, as they interpret it, they do not entertain, and which violates their deepest religious convictions. It is not denied that such compulsion is a prohibited infringement of personal liberty, freedom of speech and religion, guaranteed by the Bill of Rights, except in so far as it may be justified and supported as a proper exercise of the state's power over public education. Since the state, in competition with parents, may through teaching in the public schools indoctrinate the minds of the young, it is said that in aid of its undertaking to inspire loyalty and devotion to constituted authority and the flag which symbolizes it, it may coerce the pupil to make affirmation contrary to his belief and in violation of his religious faith. And, finally, it is said that since the Minersville School Board and others are of the opinion that the country will be better served by conformity than by the observance of religious liberty which the Constitution prescribes, the courts are not free to pass judgment on the Board's choice. . . .

The guaranties of civil liberty are but guaranties of freedom of the human mind and spirit and of reasonable freedom and opportunity to express them. They presuppose the right of the individual to hold such opinions as he will and to give them reasonably free expression, and his freedom, and that of the state as well, to teach and persuade others by the communication of ideas. The very essence of the liberty which they guaranty is the freedom of the individual from compulsion as to what he shall think and what he shall say, at least where the compulsion is to bear false witness to his religion. If these guaranties are to have any meaning they must, I think, be deemed to withhold from the state any authority to compel belief or the expression of it where that expression violates religious convictions, whatever may be the legislative view of the desirability of such compulsion.

History teaches us that there have been but few infringements of personal liberty by the state which have not been justified, as they are here, in the name of righteousness and the public good, and few which have not been directed, as they are now, at politically helpless minorities. The framers were not unaware that under the system which they created most governmental curtailments of personal liberty would have the support of a legislative judgment that the public interest would be better served by its curtailment than by its constitutional protection.

Document 21. West Virginia State Board of Education v. Barnette (1943)

Although this is a case about free exercise of religion, note Justice Jackson's emphasis on freedom of expression. In the 1940s a consensus had not yet developed that religion-based conduct should be exempt from general regulatory laws. But the Court had developed a quarter-century's record of expanding the First Amendment's free speech clause, and as noted in

the essay, all of the First Amendment's freedoms deal with various forms of expression.

* * *

Mr. Justice JACKSON delivered the opinion of the Court.

Following the decision by this Court on June 3, 1940, in *Minersville School District v. Gobitis*, the West Virginia legislature amended its statutes to require all schools therein to conduct courses of instruction in history, civics, and in the Constitutions of the United States and of the State "for the purpose of teaching, fostering and perpetuating the ideals, principles and spirit of Americanism, and increasing the knowledge of the organization and machinery of the government."

The Board of Education on January 9, 1942, adopted a resolution containing recitals taken largely from the Court's *Gobitis* opinion and ordering that the salute to the flag become "a regular part of the program of activities in the public schools," that all teachers and pupils "shall be required to participate in the salute honoring the Nation represented by the Flag; provided, however, that refusal to salute the Flag be regarded as an Act of insubordination, and shall be dealt with accordingly."

What is now required is the "stiff-arm" salute, the saluter to keep the right hand raised with palm turned up while the following is repeated: "I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands; one Nation, indivisible, with liberty and justice for all."

Failure to conform is "insubordination" dealt with by expulsion. Readmission is denied by statute until compliance. Meanwhile the expelled child is "unlawfully absent" and may be proceeded against as a delinquent. His parents or guardians are liable to prosecution, and if convicted are subject to fine not exceeding \$50 and jail term not exceeding thirty days.

Appellees, citizens of the United States and of West Virginia, brought suit in the United States District Court for themselves and others similarly situated asking its injunction to restrain enforcement of these laws and regulations against Jehovah's Witnesses. The Witnesses are an unincorporated body teaching that the obligation imposed by law of God is superior to that of laws enacted by temporal government. Their religious beliefs include a literal version of Exodus, Chapter 20, verses 4 and 5, which says: "Thou shalt not make unto thee any graven image, or any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; thou shalt not bow down thyself to them nor serve them." They consider that the flag is an "image" within this command. For this reason they refuse to salute it.

Children of this faith have been expelled from school and are threatened with exclusion for no other cause. Officials threaten to send them to reformatories maintained for criminally inclined juveniles. Parents of such children have been prosecuted and are threatened with prosecutions for causing delinquency. . . .

The freedom asserted by these appellees does not

bring them into collision with rights asserted by any other individual. It is such conflicts which most frequently require intervention of the State to determine where the rights of one end and those of another begin. But the refusal of these persons to participate in the ceremony does not interfere with or deny rights of others to do so. Nor is there any question in this case that their behavior is peaceable and orderly. The sole conflict is between authority and rights of the individual. The State asserts power to condition access to public education on making a prescribed sign and profession and at the same time to coerce attendance by punishing both parent and child. The latter stand on a right of self-determination in matters that touch individual opinion and personal attitude. . . .

There is no doubt that, in connection with the pledges, the flag salute is a form of utterance. Symbolism is a primitive but effective way of communicating ideas. The use of an emblem or flag to symbolize some system, idea, institution, or personality, is a short cut from mind to mind. Causes and nations, political parties, lodges and ecclesiastical groups seek to knit the loyalty of their followings to a flag or banner, a color or design. The State announces rank, function, and authority through crowns and maces, uniforms and black robes; the church speaks through the Cross, the Crucifix, the altar and shrine, and clerical raiment. Symbols of State often convey political ideas just as religious symbols come to convey theological ones. Associated with many of these symbols are appropriate gestures of acceptance or respect: a salute, a bowed or bared head, a bended knee. A person gets from a symbol the meaning he puts into it, and what is one man's comfort and inspiration is another's jest and scorn.

Over a decade ago Chief Justice Hughes led this Court in holding that the display of a red flag as a symbol of opposition by peaceful and legal means to organized government was protected by the free speech guaranties of the Constitution. Here it is the State that employs a flag as a symbol of adherence to government as presently organized. It requires the individual to communicate by word and sign his acceptance of the political ideas it thus bespeaks. Objection to this form of communication when coerced is an old one, well known to the framers of the Bill of Rights.

It is also to be noted that the compulsory flag salute and pledge requires affirmation of a belief and an attitude of mind. It is not clear whether the regulation contemplates that pupils forego any contrary convictions of their own and become unwilling converts to the prescribed ceremony or whether it will be acceptable if they simulate assent by words without belief and by a gesture barren of meaning. It is now a commonplace that censorship or suppression of expression of opinion is tolerated by our Constitution only when the expression presents a clear and present danger of action of a kind the State is empowered to prevent and punish. It would seem that involuntary affirmation could be commanded only on even more immediate and urgent grounds than silence. But here the power of compulsion is invoked without any allegation that remaining passive during a flag salute ritual creates a clear and present danger that would

justify an effort even to muffle expression. To sustain the compulsory flag salute we are required to say that a Bill of Rights which guards the individual's right to speak his own mind, left it open to public authorities to compel him to utter what is not in his mind.

Whether the First Amendment to the Constitution will permit officials to order observance of ritual of this nature does not depend upon whether as a voluntary exercise we would think it to be good, bad or merely innocuous. Any credo of nationalism is likely to include what some disapprove or to omit what others think essential, and to give off different overtones as it takes on different accents or interpretations. If official power exists to coerce acceptance of any patriotic creed, what it shall contain cannot be decided by courts, but must be largely discretionary with the ordaining authority, whose power to prescribe would no doubt include power to amend. Hence validity of the asserted power to force an American citizen publicly to profess any statement of belief or to engage in any ceremony of assent to one presents questions of power that must be considered independently of any idea we may have as to the utility of the ceremony in question. . . .

The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections. . . .

National unity as an end which officials may foster by persuasion and example is not in question. The problem is whether under our Constitution compulsion as here employed is a permissible means for its achievement.

Struggles to coerce uniformity of sentiment in support of some end thought essential to their time and country have been waged by many good as well as by evil men. Nationalism is a relatively recent phenomenon but at other times and places the ends have been racial or territorial security, support of a dynasty or regime, and particular plans for saving souls. As first and moderate methods to attain unity have failed, those bent on its accomplishment must resort to an ever-increasing severity. As governmental pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be. Probably no deeper division of our people could proceed from any provocation than from finding it necessary to choose what doctrine and whose program public educational officials shall compel youth to unite in embracing. Ultimate futility of such attempts to compel coherence is the lesson of every such effort from the Roman drive to stamp out Christianity as a disturber of its pagan unity, the Inquisition, as a means to religious and dynastic unity, the Siberian exiles as a means to Russian unity, down to the fast failing efforts of our present totalitarian enemies. Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard.

It seems trite but necessary to say that the First Amendment to our Constitution was designed to avoid these ends by avoiding these beginnings. There is no mysticism in the American concept of the State or of the nature or origin of its authority. We set up government by consent of the governed, and the Bill of Rights denies those in power any legal opportunity to coerce that consent. Authority here is to be controlled by public opinion, not public opinion by authority.

The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own. Nevertheless, we apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization. To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds. We can have intellectual individualism and the rich cultural diversities that we owe to exceptional minds only at the price of occasional eccentricity and abnormal attitudes. When they are so harmless to others or to the State as those we deal with here, the price is not too great. But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

We think the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control.

The decision of this Court in *Minersville School District v. Gobitis* and the holdings of those few per curiam decisions which preceded and foreshadowed it are overruled, and the judgment enjoining enforcement of the West Virginia Regulation is affirmed.

Mr. Justice FRANKFURTER, dissenting.

One who belongs to the most vilified and persecuted minority in history is not likely to be insensible to the freedoms guaranteed by our Constitution. Were my purely personal attitude relevant I should whole-heartedly associate myself with the general libertarian views in the Court's opinion, representing as they do the thought and action of a lifetime. But as judges we are neither Jew nor Gentile, neither Catholic nor agnostic. We owe equal attachment to the Constitution and are equally bound by our judicial obligations whether we derive our citizenship from the earliest or the latest immigrants to these shores. As a member of this Court I am not justified in writing my private notions of policy into the Constitution, no matter how

deeply I may cherish them or how mischievous I may deem their disregard. The duty of a judge who must decide which of two claims before the Court shall prevail, that of a State to enact and enforce laws within its general competence or that of an individual to refuse obedience because of the demands of his conscience, is not that of the ordinary person. It can never be emphasized too much that one's own opinion about the wisdom or evil of a law should be excluded altogether when one is doing one's duty on the bench. The only opinion of our own even looking in that direction that is material is our opinion whether legislators could in reason have enacted such a law. In the light of all the circumstances, including the history of this question in this Court, it would require more daring that I possess to deny that reasonable legislators could have taken the action which is before us for review. Most unwillingly, therefore, I must differ from my brethren with regard to legislation like this. I cannot bring my mind to believe that the "liberty" secured by the Due Process Clause gives this Court authority to deny to the State of West Virginia the attainment of that which we all recognize as a legitimate legislative end, namely, the promotion of good citizenship, by employment of the means here chosen.

What one can say with assurance is that the history out of which grew constitutional provisions for religious equality and the writings of the great exponents of religious freedom—Jefferson, Madison, John Adams, Benjamin Franklin—are totally wanting in justification for a claim by dissidents of exceptional immunity from civic measures of general applicability, measures not in fact disguised assaults upon such dissident views. The great leaders of the American Revolution were determined to remove political support from every religious establishment. They put on an equality the different religious sects—Episcopalians, Presbyterians, Catholics, Baptists, Methodists, Quakers, Huguenots—which, as dissenters, had been under the heel of the various orthodoxies that prevailed in different colonies. So far as the state was concerned, there was to be neither orthodoxy nor heterodoxy. And so Jefferson and those who followed him wrote guaranties of religious freedom into our constitutions. Religious minorities as well as religious majorities were to be equal in the eyes of the political state. But Jefferson and the others also knew that minorities may disrupt society. It never would have occurred to them to write into the Constitution the subordination of the general civil authority of the state to sectarian scruples.

The constitutional protection of religious freedom terminated disabilities, it did not create new privileges. It gave religious equality, not civil immunity. Its essence is freedom from conformity to religious dogma, not freedom from conformity to law because of religious dogma. Religious loyalties may be exercised without hindrance from the state, not the state may not exercise that which except by leave of religious loyalties is within the domain of temporal power. Otherwise each individual could set up his own censor against obedience to laws conscientiously deemed for the public good by those whose business it is to make laws.

By 1963 a series of cases had established that religious dissenters could, within reason, be exempted from general statutory regulations if compliance restricted their free exercise of religion. The problem that arises, however, is whether by exempting the practitioners of one belief from such rules, the state has violated the Establishment Clause by granting them a preference. The Court has not always been consistent, but it has tried whenever possible to interpret the Free Exercise Clause broadly, provided the results were not unfair either to the state or to members of other religious bodies.

* * *

Mr. Justice BRENNAN delivered the opinion of the Court. . . .

Appellant, a Seventh-day Adventist, was discharged by her employer "because she would not work on Saturday, the Sabbath Day of her faith." She was unable to obtain other employment because she would not take Saturday work. Her claim for South Carolina state unemployment compensation was denied because the state compensation law barred benefits to workers who failed, without good cause, to accept "suitable work when offered." The highest state court sustained the denial of benefits.

If the state decision is to stand it must be either because her disqualification as a beneficiary represents no infringement by the State of her constitutional rights of free exercise; or because any incidental burden on the free exercise of appellant's religion may be justified by a "compelling state interest in the regulation of a subject within the State's constitutional power to regulate." We turn first to the question whether the disqualification for benefits imposes any burden on the free exercise of appellant's religion. We think it is clear that it does. In a sense the consequences of such a disqualification to religious principles and practices may be only an indirect result of welfare legislation within the State's general competence to enact; it is true that no criminal sanctions directly compel appellant to work a six-day week. But this is only the beginning, not the end, of our inquiry. The ruling forces her to choose between following the precepts of her religion and forfeiting benefits, on the one hand, and abandoning one of the precepts of her religion in order to accept work, on the other hand. Governmental imposition of such a choice puts the same kind of burden upon the free exercise of religion as would a fine imposed against appellant for her Saturday worship. Significantly South Carolina expressly saves the Sunday worshiper from having to make the kind of choice which we here hold infringes the Sabbatarian's religious liberty. When in times of "national emergency" the textile plants are authorized by the State to operate on Sunday, "no employee shall be required to work on Sunday who is conscientiously opposed to Sunday work." The unconstitutionality of the disqualification of the Sabbatarian is thus compounded by the religious discrimination which South

Carolina's general statutory scheme necessarily effects.

We must next consider whether some compelling state interest justifies the substantial infringement of appellant's First Amendment right. The appellees suggest no more than a possibility that the filing of fraudulent claims by unscrupulous claimants feigning religious objections to Saturday work might not only dilute the unemployment compensation fund but also hinder the scheduling by employers of necessary Saturday work. But no such objection appears to have been made before the state courts, and there is no proof whatever to warrant such fears of malingering or deceit. Even if consideration of such evidence is not foreclosed by the prohibition against judicial inquiry into the truth or falsity of religious beliefs, it is highly doubtful whether such evidence would be sufficient to warrant a substantial infringement of religious liberties. For even if there were such risks, it would plainly be incumbent upon the appellees to demonstrate that no alternative forms of regulation would combat such abuses without infringing First Amendment rights.

In these respects, then, the state interest asserted in the present case is wholly dissimilar to the interests which were found to justify the less direct burden upon religious practices in *Braunfeld*. That statute was saved by a countervailing factor which finds no equivalent in the instant case—a strong state interest in providing one uniform day of rest for all workers. That secular objective could be achieved, the Court found, only by declaring Sunday to be that day of rest. Here no such justifications underlie the determination of the state court that appellant's religion makes her ineligible to receive benefits. . . .

In holding as we do, plainly we are not fostering the "establishment" of the Seventh-Day Adventist religion in South Carolina, for the extension of unemployment benefits to Sabbatarians in common with Sunday worshippers reflects nothing more than the governmental obligation of neutrality in the face of religious differences, and does not represent that involvement of religious with secular institutions which it is the object of the Establishment Clause to forestall. Nor do we, by our decision today, declare the existence of a constitutional right to unemployment benefits on the part of all persons whose religious convictions are the cause of their unemployment. This is not a case in which an employee's religious convictions serve to make him a nonproductive member of society. [Our] holding today is only that South Carolina may not constitutionally apply the eligibility provisions so as to constrain a worker to abandon his religious convictions respecting the day of rest. . . .

Reversed and remanded.

Mr. Justice HARLAN, whom Mr. Justice WHITE joins, dissenting.

The highest state court consistently held that one is not "available for work" if his unemployment has resulted not from the inability of industry to provide a job but rather from personal circumstances, no matter how compelling. The fact that these personal consider-

ations sprang from her religious convictions was wholly without relevance to the state court's application of the law. Thus in no proper sense can it be said that the State discriminated against the appellant on the basis of her religious beliefs or that she was denied benefits *because* she was a Seventh-day Adventist. She was denied benefits just as any other claimant would be denied benefits who was not "available for work" for personal reasons. With this background, this Court's decision comes into clearer focus. What the Court is holding is that if the State chooses to condition unemployment compensation on the applicant's availability for work, it is constitutionally compelled to *carve out an exception*—and to provide benefits—for those whose unavailability is due to their religious convictions. Such a holding has particular significance in two respects.

First, despite the Court's protestations to the contrary, the decision necessarily overrules *Braunfeld*. Clearly, any differences between this case and *Braunfeld* cut against the present appellant. *Second*, the implications of the present decision are far more troublesome than its apparently narrow dimensions would indicate at first glance. The meaning of the holding is that the State must *single out* for financial assistance those whose behavior is religiously motivated, even though it denies such assistance to others whose identical behavior (in this case, inability to work on Saturdays) is not religiously motivated.

It has been suggested that such singling out of religious conduct for special treatment may violate the constitutional limitations on state action. My own view, however, is that at least under the circumstances of this case it would be a permissible accommodation of religion for the State, if it *chose* to do so, to create an exception to its eligibility requirements for persons like the appellant. The constitutional obligation of "neutrality" is not so narrow a channel that the slightest deviation from an absolutely straight course leads to condemnation. There are too many instances in which no such course can be charted, too many areas in which the pervasive activities of the State justify some special provision for religion to prevent it from being submerged by an all-embracing secularism. But I cannot subscribe to the conclusion that the State is constitutionally *compelled* to carve out an exception to its general rule of eligibility in the present case. Those situations in which the Constitution may require special treatment on account of religion are, in my view, few and far between. Such compulsion in the present case is particularly inappropriate in light of the indirect, remote, and insubstantial effect of the decision below on the exercise of appellant's religion and in light of the direct financial assistance to religion that today's decision requires. . . .

Document 23. *Wisconsin v. Yoder* (1972)

Although the Amish case has been widely praised, it has also elicited some criticism on grounds that it violates the principle of neutrality. The Court has not only protected the free exercise of the Amish, goes this argument, it has actually put them in a preferred

position. At the very least, cases such as this raise the question of whether the Court should establish certain rules and stick to them, or be more flexible and accommodate to particular needs even at the risk of violating the wall of separation.

* * *

Mr. Chief Justice BURGER delivered the opinion of the Court.

We granted certiorari to review a decision of the Wisconsin Supreme Court holding that respondents' convictions of violating the State's compulsory school-attendance law were invalid under the Free Exercise Clause. Respondents Jonas Yoder and Wallace Miller are members of the Old Order Amish Religion, and respondent Adin Yutzy is a member of the Conservative Amish Mennonite Church. Wisconsin's compulsory school attendance law required them to cause their children to attend public or private school until reaching age 16 but the respondents declined to send their children, ages 14 and 15, to public school after they completed the eighth grade. Respondents were convicted and fined \$5 each. Trial testimony showed that they believed that by sending their children to high school, they would endanger their own salvation and that of their children. The State stipulated that respondents' religious beliefs were sincere. . . .

Amish beliefs require members of the community to make their living by farming or closely related activities. They object to formal education beyond the eighth grade because it tends to emphasize intellectual and scientific accomplishments, self-distinction, competitiveness, worldly success, and social life with other students. Amish society emphasizes informal learning-through-doing; a life of "goodness," rather than a life of intellect; wisdom, rather than technical knowledge; community welfare, rather than competition; and separation from, rather than integration with, contemporary worldly society. An expert testified that compulsory high school attendance could not only result in great psychological harm to Amish children, because of the conflicts it would produce, but would also ultimately result in the destruction of the Old Order Amish church community. Another expert testified that the Amish succeeded in preparing their high school age children to be productive members of the Amish community. The evidence also showed that the Amish have an excellent record as law-abiding and generally self-sufficient members of society.

A State's interest in universal education, however highly we rank it, is not totally free from a balancing process when it impinges on fundamental rights and interests, such as those specifically protected by the Free Exercise Clause, and the traditional interest of parents with respect to the religious upbringing of their children so long as they "prepare them for additional obligations." It follows that in order for Wisconsin to compel school attendance beyond the eighth grade against a claim that such attendance interferes with the practice of a legitimate religious belief, it must appear either that the State does not deny the free exercise of

religious belief by its requirement, or that there is a state interest of sufficient magnitude to override the interest claiming protection under the Free Exercise Clause. Only those interests of the highest order and those not otherwise served can overbalance legitimate claims to the free exercise of religion. . . .

We come then to the quality of respondents' claims. In evaluating them, we must be careful to determine whether the Amish religious faith and their mode of life are, as they claim, inseparable and interdependent. A way of life, however virtuous and admirable, may not be interposed as a barrier to reasonable state regulation of education if it is based on purely secular considerations; to have the protection of the Religion Clauses, the claims must be rooted in religious belief. Although a determination of what is a "religious" belief or practice entitled to constitutional protection may present a most delicate question, the very concept of ordered liberty precludes allowing every person to make his own standards on matters of conduct in which society as a whole has important interests. Thus, if the Amish asserted their claims because of their subjective evaluation and rejection of the contemporary secular values accepted by the majority, much as Thoreau rejected the social values of his time and isolated himself at Walden Pond, their claim would not rest on a religious basis. Thoreau's choice was philosophical and personal rather than religious, and such belief does not rise to the demands of the Religion Clause.

Giving no weight to such secular considerations, however, we see that the record in this case abundantly supports the claim that the traditional way of life of the Amish is not merely a matter of personal preference, but one of deep religious conviction, shared by an organized group, and intimately related to daily living. This is shown by the fact that the Amish life is in response to their literal interpretation of the Biblical injunction from the Epistle of Paul to the Romans, "be not conformed to this world." This command is fundamental to the Amish faith. Moreover, for the Old Order Amish, religion is not simply a matter of theocratic belief. As the expert witnesses explained, the Old Order Amish religion pervades and determines virtually their entire way of life, regulating it with the detail of the Talmudic diet through the strictly enforced rules of the church community. . . .

The impact of the compulsory-attendance law on respondents' practice of the Amish religion is not only severe, but inescapable, for the Wisconsin law affirmatively compels them, under threat of criminal sanction, to perform acts undeniably at odds with fundamental tenets of their religious beliefs. It raises a very real threat of undermining the Amish community and religious practice as they exist today; they must either abandon belief and be assimilated into society at large, or be forced to migrate to some other and more tolerant region. In sum, enforcement of the State's requirement of compulsory formal education after the eighth grade would gravely endanger if not destroy the free exercise of respondents' religious beliefs. The Court must not ignore the danger that an exception from a general obligation of citizenship on religious grounds may run afoul of the Establishment Clause,

but that danger cannot be allowed to prevent any exception no matter how vital it may be to the protection of values promoted by the right of free exercise. . . .

The State advances two primary arguments in support of its system of compulsory education. It notes that some degree of education is necessary to prepare citizens to participate effectively and intelligently in our open political system and that education prepares individuals to be self-reliant and self-sufficient participants in society. We accept these propositions. However, the evidence adduced by the Amish in this case is persuasively to the effect that an additional one or two years of formal high school for Amish children in place of their long-established program of informal vocational education would do little to serve those interests. It is one thing to say that compulsory education for a year or two beyond the eighth grade may be necessary when its goal is the preparation of the child for life in modern society as the majority live, but it is quite another if the goal of education be viewed as the preparation of the child for life in the separated agrarian community that is the keystone of the Amish faith.

The state attacks respondents' position as one fostering "ignorance" from which the child must be protected by the State. But this record strongly shows that the Amish community has been a highly successful social unit within our society, even if apart from the conventional "mainstream." Its members are productive and very law-abiding members of society; they reject public welfare in any of its usual modern views. The Congress itself recognized their self-sufficiency by authorizing exemption of such groups as the Amish from the obligation to pay social security taxes. A way of life that is odd or even erratic but interferes with no rights or interests of others is not to be condemned because it is different.

The State, however, supports its interest because of the possibility that some such children will choose to leave the Amish community, and that if this occurs they will be ill-equipped for life. However, on this record, that argument is highly speculative. There is no specific evidence of the loss of Amish adherents by attrition, nor is there any showing that upon leaving the Amish community Amish children, with their practical agricultural training and habits of industry and self-reliance, would become burdens on society because of educational shortcomings. In fact, not only do the Amish accept the necessity for formal schooling through the eighth grade level, but continue to provide an "ideal" vocational education for their children in the adolescent years. Wisconsin's interest in compelling attendance of Amish children to age 16 emerges as somewhat less substantial than requiring such attendance for children generally. . . .

Finally, the State, on authority of *Prince v. Massachusetts*, argues that a decision exempting Amish children from the State's requirement fails to recognize the subsequent right of the Amish child to a secondary education. But the Court was not confronted in *Prince* with a situation comparable to that of the Amish as revealed in this record. This case is not one in which any harm to the physical or mental health of

the child or to the public safety, peace, order, or welfare has been demonstrated. The record is to the contrary.

Contrary to the suggestion in Justice Douglas' dissent, our holding today in no degree depends on the assertion of the religious interest of the child as contrasted with that of the parents. It is the parents who are subject to prosecution here and it is their right of free exercise, not that of their children, that must determine Wisconsin's power to impose criminal penalties on the parent. The dissent argues that a child who expresses a desire to attend public high school in conflict with the wishes of his parents should not be prevented from doing so. There is no reason for the Court to consider that point since it is not an issue in the case. The children are not parties to this litigation. The State has at no point tried this case on the theory that respondents were preventing their children from attending school against their expressed desires, and indeed the record is to the contrary. . . .

Our holding in no way determines the proper resolution of possible competing interests of parents, children, and the State in an appropriate state court proceeding in which the power of the State is asserted on the theory that Amish parents are preventing their minor children from attending high school despite their expressed desires to the contrary. Recognition of the claim of the State in such a proceeding would, of course, call into question traditional concepts of parental control over the religious upbringing and education of their minor children recognized in this Court's past decisions. It is clear that such an intrusion by a State into family decisions in the area of religious training would give rise to grave questions of religious freedom. On this record we neither reach nor decide those issues.

It cannot be over-emphasized that we are not dealing with a way of life and mode of education by a group claiming to have recently discovered some "progressive"

or more enlightened process for rearing children for modern life. In light of the "convincing showing" by the Amish here, one that probably few other religious groups or sects could make, and weighing the minimal difference between what the State would require and what the Amish already accept, it was incumbent on the State to show with more particularity how its admittedly strong interest in compulsory education would be adversely affected by granting an exemption to the Amish.

Affirmed.

