

## THAT OLD TIME RELIGION

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The first amendment to the United States Constitution is reasonably clear. It safeguards religious groups from improper meddling by the government, and keeps religions from interfering unduly in the workings of government. While it cannot be denied that there are gray areas, the general principal has served us, as a nation, quite well.

This summer, however, in two distinct instances, that separation has come under attack in Washinton. If those attacks are permitted to go unchecked, the principles underlying the first amendment will be shaken to their core.

In the first instance, Representative William E. Dannemeyer (R-CA), along with 35 co-sponsors, introduced a constitutional amendment innocuously called the "Community Life Amendment." The language of that amendment is far from innocuous. Section 1 states: "The right of the people to allow voluntary school prayer and the teaching of the Judeo-Christian ethic in public schools shall not be denied or abridged by the United States." Section 2 then goes on to define what is meant by Section 1: "the term 'teaching of the Judeo-Christian ethic' shall include the Ten Commandments, and the creation of the earth as accepted in Judeo-Christian tradition."

What Dannemeyer and his fundamentalist co-conspirators intend is for a literal interpretation of the King James version of Genesis to be taught in public schools. No other explanation is possible because all mainstream religions in this country accept the scientific version, rather than the biblical version, of Earth's history. Only the religious fringe groups, politically powerful far beyond their numbers, feel impelled to proselytize in the public schools. And as bad as science education is currently, it will get much worse if these people get their way. Henry Morris, head of the largest creation organization in the world wrote about the creation of the Earth: "The only way we can determine the true age of the Earth is for God to tell us what it is. And since He has told us, very plainly, in the Holy Scriptures that it is several thousand years in age, and no more, that ought to settle all basic questions of terrestrial chronology." This is not stuff for the public schools. Nor is the pap advanced by the editors of the Tychonian Bulletin, a magazine published out of Cleveland in the Judeo-Christian tradition to advance Judeo-Christian ideals. The magazine's main focus is an unyielding beliefs in the public schools, something is seriously amiss.

This summer's second attack on the first amendment demonstrates exactly why that amendment is so important. The Bureau of Land Management and the Department of Agriculture unequivocally opposed an amendment to the American Indian Religious Freedom Act introduced by Representative Morris Udall (D-AZ). His amendment says simply that "Federal lands that have historically been either part of, or necessary to, or been used by, a traditional Native American religion shall not be managed in a manner that will pose substantial and realistic threat to undermine and frustrate any traditional Native American religious practices."

The rationale is equally straightforward. Unlike most religions, those practices by Native Americans are intricately tied to specific locations. If these sacred places are destroyed, spirituality itself is compromised. All that Udall's amendment requests is that the Federal government respect Native American religious rights to the extent that it not destroy those sites that have, for

generation, served as the focus for religious activities. That hardly seems unreasonable. Apparently, Washington bureaucrats' disdain for the religious freedom of minorities has lead to their willingness to destroy Native American heritage for the possibility of a timber harvest, a mining operation or a ski resort. Ironically, that disdain does not extend to the dogma of a vocal minority when it is couched in the Judeo-Christian tradition, which might someday be forced on all Americans. These are exactly the abuses that the first amendment was written to prevent. A bit of respect for our Constitution would go a long way in Washington these days.

### "PEYOTE RITUAL IS NO MENACE"

FROHNMAYER IS WASTING TIME,  
MONEY

By Michael Donnelly

Attorney General Dave Frohnmayer would have you believe that a friend of mine is a dangerous drug offender.

He feels so strongly about this that he has spent more than \$1 million of our tax money and countless hours of prosecutorial time trying to convince court after court all the way to the Supreme Court of the United States that Al Smith and Galen Black - and by inference the entire Native American Church - should be denied employment if they engage in sacramental use of the substance peyote in church rituals.

The facts of the case are not in dispute. The case started when Smith and Black were fired from their jobs as alcohol counselors in a Douglas County Program. Both are recovering alcoholics and as such, quite qualified for their jobs.

However, the county has a policy that any drug use by an employee is a violation requiring termination of employment. And Smith and Black attended a Native American Church tipi meeting where the use of peyote is an integral part of the ritual.

Frohnmayer argues speciously that if Native American are allowed the right to use peyote, then what's to keep other groups from seeking a sacramental exemption to existing drug laws? He cites the far-fetched example of motorcycle groups demanding the right to ceremonial use of the deadly drug methamphetamine.

Let's get real, Dave. Unlike the supposed motorcycle groups. Native Americans can show a centuries-old tradition of the peyote ritual. Wasn't this country founded by those upset with religious persecution? How ironic that we would seek to prohibit religious practices of the indigenous folks who were engaged in those practices long before the first Europeans set foot on this continent.

Even the United State Supreme Court granted Christian Churches an exemption to laws outlawing the consumption of alcohol during Prohibition!

Al Smith has suffered personal harm in all of this. He's not an overly crusading type of guy. He's a soft-spoken, older Klamath with two young children and could truly use the benefits that he's been denied as a result of his stand. I have gained from my friendship with Al. He's one of those rare persons who can brighten up your day whenever you're around him. I can't stress enough how well he can put an individual or a group at ease. You go away from a time with Al with a much better feeling about yourself and your fellow humans. I can't imagine a finer skill for a counselor who is helping people recover from substance-abuse problems.

At the same time that tax dollars are being wasted on

this case, Frohnmayer allies himself with the Citizens for a Drug-Free Oregon and the business-oriented Citizen's Crime Commission. He's recriminalized the use of marijuana and incarcerated more Oregonians and spent tens of millions on new prisons and jails that have done little to reduce crime. In fact, these knee-jerk methods have taken sorely needed money away from jobs programs and substance-abuse rehabilitation efforts (like the one that Smith and Black were involved with) that evidence shows actually reduce crime.

Interesting to note, Precision Castparts, a major donor to the recriminalization effort, recently was cited for dumping radioactive waste into the Portland Sewer System for the past 15 years. That's a social crime worth prosecuting.

What's a more serious public health problem: someone attending a Native American Church ritual, someone lighting up a joint in their home, or someone who, in the throes of their wealth addition, acts with such

Come one, Mr. Attorney General. Get serious about the real "drug" problems we face. We've got to get a handle on drugs such as methamphetamine, cocaine, heroin - the deadly white powders - not to mention the enormous problems associated with the legal drugs, tobacco and alcohol, with their 400,000 deaths per year and countless millions in societal costs. To claim that denying basic religious freedoms is a form of getting tough on drugs is as silly as fighting alcohol addiction by denying churches their ceremonial use of wine.

-Michael Donnelly is a Salem resident  
-Courtesy of the Statesman Journal

## INDIAN RELIGIOUS FREEDOM:

*The Great Balancing Act?*

Traditional Yurok representative Walt Lara, Sr., recently told the Senate Select Committee on Indian Affairs, "All my life I have been involved with the ceremonial practices of the Yurok people. These beliefs and practices have been passed on to me by my family before me...These practices are threatened when the government seeks to destroy the sacred sites which are part of our religious ceremonies but that are now located on land taken by the government. These sites were there and were part of our beliefs and practices long before they became government land."

The First Amendment's guarantee that "Congress shall make no law...prohibiting the free exercise" of religion often requires a unique kind of protection for geographically-based Native American religious practices. Congress is currently struggling with the issue of how to balance "competing interests" is the continuing practice of an ancient religion, the balancing question is especially critical. The question arises now as Congress considers legislation. (H.R. 1546 and S. 1124) to amend the "American Indian Religious Freedom Act of 1978" (AIRFA).

The amendments come as a congressional response to court decisions since 1978 that have diminished Indian religious freedom. In these cases, the "American Indian Religious Freedom Act" has been ineffective in its purpose of protecting Native American religious practices. In a startling 1988 decision in *Lyng*, Secretary of Agriculture, et al., v. Northwest Indian Cemetery Protective Association, et al., the Supreme Court held that Indians had no First Amendment protection against Forest Service plans to build a logging road through an area of traditional religious importance, even though the action would "virtually destroy the Indians' ability to practice their religion." First Amendment protection could be invoked only if Indian practitioners were (Continued on page 13).