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THE WHITE HOUSE
WASHINGTON

June 2, 1983

MEMORANDUM FOR MORTON C. BLACKWELL
SPECIAL ASSISTANT TO THE PRESIDENT
FOR PUBLIC LIAISON

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Gaylor v. Reagan; Zwerling v. Reagan
(Year of the Bible Litigation)

This memorandum is in response to your note of May 27 to David Waller requesting our review of the attached memorandum you have prepared for mailing to religious leaders who have expressed interest in this matter.

We have no problem with the draft vis-a-vis the pending litigation. Our only comment, a very minor one, is that according to our records, the bill which passed in the House was introduced by Congressman William Ford of Michigan, not Carlos Moorhead of California.

Thank you for referring your draft to this office.

I have manager

never heard Ford's name till now

ask Dan Jones about this

This was given to Jean Lamb 6/8 at 2:30 for OK.

M.S.



National Committee for the Year of the Bible, a broad coalition of religious leaders headed by Dr. Bill Bright and three national co-chairmen:

- Dr. Gerson D. Cohen, Chancellor, The Jewish Theological Seminary of America
- John Cardinal Krol, Senior Prelate, The Roman Catholic Archdiocese of Philadelphia
- Dr. Thomas F. Zimmerman, General Superintendent, The General Council of the Assemblies of God

For your information and use, enclosed are copies of the following items:

- *Senator Armstrong's S.J. Res. 165 which became* Public Law 97-280, authorizing and requesting the President to declare 1983 the Year of the Bible.
- The President's Year of the Bible Proclamation of February 3, 1983.
- The Opinion and Order of U.S. District Court Judge James Doyle of Wisconsin refusing to enjoin the President from declaring 1983 the Year of the Bible.
- The complaint filed by the A.C.L.U. urging the U.S. District Court from the Central District of California to declare the President's proclamation unconstitutional.

Because of your expressed interest in the prayer issue, I hope this information will be of interest and use to you.

Sincerely,

Morton C. Blackwell

Morton C. Blackwell
Special Assistant to the President
Office of Public Liaison

- *Day of Prayer - 82 Rose Garden*
- *Morality in Media List*
- *Religious Broadcasters on schedule recommend sent June 6*
- *25 addresses from Glen Jones suggested names*

THE WHITE HOUSE

WASHINGTON

A legal action was filed against the President April 21, 1983 in Federal court in California by American Civil Liberties Union attorneys. At issue is the President's proclamation of 1983 as the Year of the Bible.

The government is vigorously defending this suit.

Here is a summary of the background of this issue.

In April of 1982, the President was asked by Dr. Bill Bright of Campus Crusade for Christ to support legislation calling for a proclamation declaring 1983 Year of the Bible. The President strongly endorsed the proposal.

Senator Bill Armstrong (R-Colorado) introduced appropriate legislation in the U.S. Senate, and Representative Carlos Moorhead (R-California) introduced companion legislation in the House of Representatives. The legislation passed both Houses and was signed into law by the President October 4, 1982.

A self-described "non-theist," Anne Gaylor of Madison, Wisconsin, filed suit against the President in Federal court in Wisconsin, asking that the court enjoin the President from issuing the proclamation authorized and requested by the Congress.

The U.S. District Court judge in Wisconsin refused to intervene prior to the issuance of the proclamation, deciding that there was no "virtual certainty" that the President would designate 1983 the Year of the Bible in an unconstitutional manner.

The President signed this proclamation at the National Prayer Breakfast in Washington, D.C., February 3, 1983. At that time he also accepted honorary chairmanship of the

*package is with
Jean Lamb.*

National Committee for the Year of the Bible, a broad coalition of religious leaders headed by Dr. Bill Bright and three national co-chairmen:

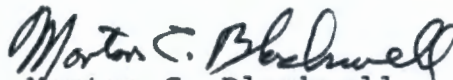
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Sincerely,



Morton C. Blackwell
Special Assistant to the President
Office of Public Liaison

97TH CONGRESS
2D SESSION

S. J. RES. 165

Authorizing and requesting the President to proclaim 1983 as the "Year of the Bible".

IN THE SENATE OF THE UNITED STATES

MARCH 15 (legislative day, FEBRUARY 22), 1982

Mr. ARMSTRONG (for himself, Mr. THURMOND, Mr. HEFLIN, Mr. RANDOLPH, Mr. LUGAR, Mr. DENTON, Mr. MATTINGLY, Mr. GORTON, Mr. SYMMS, Mr. DOLE, Mr. QUAYLE, Mr. PEYOR, Mr. KASTEN, Mr. JOHNSTON, Mr. ANDREWS, Mrs. KASSEBAUM, Mr. HARRY F. BYRD, JR., Mr. DECONCINI, Mr. STENNIS, Mr. DOMENICI, Mr. HUMPHREY, Mr. D'AMATO, Mr. JEPSEN, Mr. RUDMAN, Mr. BOBEN, Mr. MURKOWSKI, Mr. CHILES, Mr. STEVENS, Mr. HATFIELD, and Mr. INOUE) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Authorizing and requesting the President to proclaim 1983 as the "Year of the Bible".

Whereas the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed nation and people;

Whereas deeply held religious convictions springing from the Holy Scriptures led to the early settlement of our Nation;

Whereas Biblical teachings inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States;

Whereas many of our great national leaders—among them Presidents Washington, Jackson, Lincoln, and Wilson—paid tribute to the surpassing influence of the Bible in our country's development, as in the words of President Jackson that the Bible is "the rock on which our Republic rests";

Whereas the history of our Nation clearly illustrates the value of voluntarily applying the teachings of the Scriptures in the lives of individuals, families, and societies;

Whereas this Nation now faces great challenges that will test this Nation as it has never been tested before; and

Whereas that renewing our knowledge of and faith in God through Holy Scripture can strengthen us as a nation and a people: Now, therefore, be it

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 That the President is authorized and requested to designate
- 4 1983 as a national "Year of the Bible" in recognition of both
- 5 the formative influence the Bible has been for our Nation,
- 6 and our national need to study and apply the teachings of the
- 7 Holy Scriptures.

○

Philip Zwerling, John Crossley, Jr.,
John A. Hutchison, J. Hugh Anwyl, Ger-
ald LaRue, Maxine Negri, Herbert Liv-
ingston, Elliot Burk, Krishna Kaur,
Khalsa, Albert Lewis, Leonard Beerman,
Ryo Imamura, Simon Cohen, Michi Naka-
yama, Elson Snow, Richard Kato,

CASE NUMBER **COMPUTERIZED**

CV- 53 2504 K

Ronald Reagan, President of the
United States of America,

S U M M O N S

DEFENDANT(S)

THE ABOVE-NAMED DEFENDANT(S), You are hereby summoned and required to serve upon

Eve Triffo
Fred Okrand

plaintiff's attorney, whose address is:

ACLU Foundation of Southern California
633 South Shatto Place
Los Angeles, California 90005

an answer to the complaint which is herewith served upon you within 60 days
after service of this summons upon you, exclusive of the day of service. If you
fail to do so, judgment by default will be taken against you for the relief de-
manded in the complaint.

DATE: April 21, 1983

EDWARD M. KRITZMAN, CLERK

P324362539
CERTIFIED _____
REGISTERED _____
INSURED _____
1/80) CV-1A _____

By **EW**

Deputy Clerk

SEAL 145-1-1010

(SEAL OF THE COURT)

DEPARTMENT OF JUSTICE

NO TO FILES
COMPLY AFTER
ACTION THIS ITEM
RETURN TO SUMMONS JACKET.
NO RETURN OF MATERIAL.
DO NOT FILE IN
OFFICE FILE

25 APR 25 1983

CIVIL

RECORDED

PROOF OF SERVICE OF SUMMONS AND COMPLAINT

CIVIL NO. CV-83 2504 R

I certify that I have been appointed to serve the summons and complaint in the within action pursuant to F.R.Civ.P. 4(c) and CCP 414.10 and that I served the summons and complaint as follows:

(TYPE OR PRINT)

Name and title of person served: Hon. William F. Smith, Attorney General

Person with whom left: Title or relationship to person served:

Date and time of delivery:

Mailing date; class of mail:

April 21, 1983 First Class, Certified
Address, City and State: Return Receipt
Attorney General, Washington, D.C. 20530

Place of Mailing

Los Angeles, California

() Home (x) Business

Manner of service, (Check applicable box and complete separate proof of service for each defendant served.)

PERSONAL SERVICE

PERSONAL SERVICE, by handing copies to the person served (F.R.Civ.P. 4(d)).

UPON THE UNITED STATES OR AN OFFICER OR AGENCY OF THE UNITED STATES, by serving in a manner as prescribed by Rule 4(d)(4) and (5) F.R.Civ.P.

UPON A STATE OR MUNICIPAL CORPORATION OR OTHER GOVERNMENTAL ORGANIZATION THEREOF SUBJECT TO SUIT, C.C.P. 415.30(a); F.R.Civ.P. 4(d)(6), by delivering a copy of the summons and complaint to the chief executive officer thereof or by serving the summons and complaint in a manner prescribed by law of that state for the service of summons or other like process upon any such defendant.

SERVICE BY MAIL PROVISION

MAIL AND ACKNOWLEDGMENT SERVICE, C.C.P. 415.30: F.R.Civ.P. 4(d)(7). By mailing (by first-class mail or airmail) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (ATTACH WRITTEN ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT)

The service by mail provision does not apply to service upon the United States or an officer or agency of the United States, but applies only to service upon a defendant of any class referred to in Rules 4(d)(1) and (3) F.R.Civ.P.

Continued on Reverse

SUBSTITUTED SERVICE PROVISIONS:

UPON AN INDIVIDUAL OTHER THAN AN INFANT OR AN INCOMPETENT PERSON, by delivering a copy of the summons and complaint to him personally or by leaving copies thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process; or in a manner consistent with C.C.P. 415.20(b). F.R.Civ.P. 4(d)(1). (Attach separate attempting personal service.)

UPON AN INFANT OR AN INCOMPETENT PERSON, C.C.P. 415.20(b); F.R.Civ.P. 4(d)(1), by leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of his office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first class mail, postage prepaid) copies to the person served at the place where the copies were left.

UPON A DOMESTIC OR FOREIGN CORPORATION OR UPON A PARTNERSHIP OR OTHER UNINCORPORATED ASSOCIATION WHICH IS SUBJECT TO SUIT UNDER A COMMON NAME, by delivering a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant; or in a manner consistent with C.C.P. 415.20(a); F.R.Civ.P. 4(d)(3).

OTHER F.R.Civ.P. 4(e)(i). Attach separate pages if necessary.

Declare under penalty of perjury that the foregoing document is true and correct.

Served at Los Angeles, State

California, this 21st day of

April, 19 83.

Gregory Nelson

Signature of person authorized to make service

for service \$ _____, Mileage \$ _____, Total \$ _____.

ACKNOWLEDGMENT OF SERVICE

_____, received a true copy of the within document
_____, 19____.

(Signature)

for

(Party Served)

CIVIL COVER SHEET (Reverse Side)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by any court as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of indexing the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

INSTRUCTIONS. After completing the front side of form JS 44C, complete the information requested below.

<p>CITIZENSHIP OF PRINCIPAL PARTIES (IF DIVERSITY)</p> <p>CITIZEN OF THIS STATE <input type="checkbox"/> PTF <input type="checkbox"/> DEF</p> <p>INCORPORATED THIS STATE <input type="checkbox"/> 1 <input type="checkbox"/> 1</p> <p>FOREIGN CORPORATION-PRINCIPAL PLACE OF BUSINESS IN _____ (STATE) <input type="checkbox"/> 2 <input type="checkbox"/> 2</p> <p>OTHER NON-CITIZEN OF THIS STATE <input type="checkbox"/> 3 <input type="checkbox"/> 3</p> <p>OTHER NON-CITIZEN OF THIS STATE <input type="checkbox"/> 4 <input type="checkbox"/> 4</p>	<p><i>Check/Fill in if demanded in complaint:</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%;"><input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23</td> <td style="width:20%;">DEMAND \$</td> <td style="width:20%;">OTHER</td> </tr> </table> <p>Has this Cause of Action previously been filed and dismissed: <input checked="" type="radio"/> No Yes Case No. _____</p> <p>RELATED CASE(S) IF ANY</p> <p>JUDGE _____ DOCKET NO. _____</p> <p>CIVIL CASES ARE DEEMED RELATED IF A PREVIOUSLY FILED CASE INVOLVES:</p> <ol style="list-style-type: none"> 1. Property included in previously filed case 2. Same issue of fact or grows out of the same transaction 3. Validity or infringement of the same patent copyright or trademark <p>(PARTIES SHOULD REFER TO THIS COURT'S LOCAL RULE 2 FOR COMPLETE INFORMATION REGARDING RELATED CASES)</p>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	OTHER
<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	OTHER		
<p><i>Check YES only if demanded in complaint:</i></p> <p>JURY DEMAND: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>	<p>Date April 21, 1983</p> <p>Signature of Attorney of Record <i>EVK INTD</i></p>			

Key to statistical codes relating to social security cases:

NATURE OF SUITE CODE	ABBREVIATION	SUBSTANTIVE STATEMENT OF CAUSE OF ACTION
861	RIA	All claims for health insurance benefits (medicare) under Title XVIII, Part A, of the Social Security Act, as amended. Also includes claims by hospitals, skilled nursing facilities, etc. for certification as providers of services under the program. (42 USC 1935FF.(b)).
962	EL	All claims for "black lung" benefits under Title IV, Part B, of the Federal Coal Mine Health and Safety Act of 1969 (30 USC 923).
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title II of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability (42 USC 405-(g)).
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title II of the Social Security Act, as amended. (42 USC 405 (g)).
864	SSID	All claims for supplemental security income payments based upon disability filed under Title XVI of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title II of the Social Security Act, as amended. (42 USC

1 EVE TRIFFO
2 FRED OKRAND
3 ACLU Foundation of
4 Southern California
5 633 South Shatto Place
6 Los Angeles, CA 90005
7 (213) 487-1720

8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10
11 REV. PHILIP ZWERLING, REV. JOHN CROSSLEY,) No.
12 JR., REV. JOHN A. HUTCHISON, REV. J. HUGH)
13 ANWYL, DR. GERALD LaRUE, MAXINE NEGRI,) COMPLAINT FOR
14 HERBERT LIVINGSTON, REV. RYO IMAMURA,) DECLARATORY RELIEF
15 KRISHNA KAUR KHALSA, REV. GEORGE W. COLE,)
16 RABBI ALBERT LEWIS, RABBI LEONARD I. BEER-)
17 MAN, CANTOR SIMON G. COHEN, MICHI NAKAYAMA,)
18 ELSON SNOW, and RICHARD KATO,)
19 Plaintiffs,)
20 vs.)
21 RONALD W. REAGAN, President of the)
22 United States of America,)
23 Defendant.)

24 Plaintiffs allege:

25 1. This is an action arising under the First Amend-
26 ment to the United States Constitution for declaratory relief
27 pursuant to 28 U.S.C. §§2201 and 2202. This action challenges
28 Public Law 97-280, a copy of which is attached to this complaint
as Exhibit A, and the Presidential Proclamation, "Year of the
Bible, 1983," a copy of which is attached to this complaint as
Exhibit B, as violative of the establishment clause of the

1 First Amendment to the United States Constitution.

2 2. This Court has jurisdiction over this action
3 pursuant to 28 U.S.C. §1331.

4 3. Venue lies in this Court pursuant to 28 U.S.C.
5 §1391(e).

6 4. Plaintiff PHILIP ZWERLING, a resident of Los Angeles, ⁽¹⁾
7 California and a taxpayer, is the minister of the First Unitarian
8 Church of Los Angeles. Reverend Zwerling is not a Christian
9 and does not accept the teachings of the Bible as the "Word of
10 God." Reverend Zwerling encourages his congregation to find
11 religious truths in many different religious writings and tradi-
12 tions. Accepting the Bible as the Word of God would inhibit the
13 purpose of the First Unitarian Church, which is to endeavor to
14 resist formalizing religion into ritual, cult or sect.

15 5. Plaintiff JOHN CROSSLEY, JR., is a taxpayer, a resi-
16 dent of Los Angeles, California, a Professor of Religion at ⁽²⁾
17 the University of Southern California and an ordained minister
18 of the United Presbyterian Church of the United States of
19 America. Reverend Crossley believes that the Bible is the
20 Word of God and that the contents of P.L. 97-230 and the Presi-
21 dential Proclamation are substantially true, but believes it
22 is wrong for the President to make it a civic duty to read the
23 Bible. Reverend Crossley believes that the United States of
24 America is a pluralistic nation which believes in the separation
25 of church and state and which should never hypostatize the
26 texts of any religions to be the definitive religious text of
27 the whole nation. He further believes that this attempt to
28 take the holy text of particular religions and to make it the

1 preeminent text of the whole nation damages him in two ways:
2 first, it takes the Bible away from people whose holy text it
3 is and utilizes it for political purposes, and secondly, it
4 makes more difficult the beneficial ecumenical dialogue between
5 peoples of all faiths who hold different texts to be the Word
6 of God.

7 6. Plaintiff JOHN A. HUTCHISON is a taxpayer, a resident
8 of Claremont, California, Professor Emeritus of the Philosophy
9 of Religion at the Claremont Graduate School and an ordained
10 minister of the United Presbyterian Church of the United States ³
11 of America. Reverend Hutchison reads the Bible devotionally as
12 the Word of God and also critically as a scholar. He believes
13 that in this religiously pluralistic society, it is necessary
14 for the largest religious group, Protestant Christians, to play
15 fair and not ask for special advantages. He further believes
16 that P.L. 97-280 and the Presidential Proclamation do not play
17 fair in that they hypostatize one religious text, the Bible, and
18 make it a civic duty to read it. Reverend Hutchison believes
19 that he is damaged in several ways by P.L. 97-280 and the Presi-
20 dential Proclamation: first, they encourage the least rational,
21 least critical forms of understanding of the Bible, while he has
22 always tried to promote a fair-minded, objective and critical
23 study of the Bible; second, they take the Bible away from people
24 whose holy text it is and utilize it for political purposes;
25 third, they make more difficult the beneficial interfaith dia-
26 logue between peoples of all faiths who hold divergent texts to
27 be the Word of God.

28 7. Plaintiff J. HUGH ANWYL, a resident of San Pedro,

1 California and a taxpayer, is an ordained minister of the United
2 Church of Christ and President of the Ecumenical Fellowship, a
3 member congregation of the United Church of Christ in Los Angeles,
4 California. Reverend Anwyl, as the minister of the Ecumenical (4)
5 Fellowship, works to promote ecumenism with his fellow non-
6 Christian journeyers on the religious quest. Reverend Anwyl
7 believes that P.L. 97-280 and the Presidential Proclamation
8 ignore the many faiths which have contributed and continue to
9 contribute to this country and that their highlighting of only
10 the Christian faith impedes his efforts to promote ecumenism.
11 Additionally, Reverend Anwyl believes that P.L. 97-280 and the
12 Presidential Proclamation turn the Bible, a book he holds sacred,
13 into a political ploy.

14 8. Plaintiff GERALD LaRUE, Th.D., is the leader of the
15 Ethical Culture Society of Los Angeles, California, which is
16 associated with the American Ethical Union. Dr. LaRue is Emeri-
17 tus Professor of Biblical History and Archeology at the Univer-
18 sity of Southern California and a taxpayer and a resident of Los
19 Angeles, California. Dr. LaRue, who is not a Christian, be-
20 lieves that the Bible is a collection of documents produced by
21 the Hebrew, Jewish and Christian communities between 2000 to
22 3000 years ago and that it has no authority except that which
23 human beings give to it. Dr. LaRue does not urge the Ethical
24 Culture Society, of which he is the religious leader, to read
25 the Bible as the "Word of God" or to extract from it any "mes-
26 sage". Dr. LaRue believes that P.L. 97-280 and he Presidential
27 Proclamation disadvantage Ethical Culturists by ignoring their
28 beliefs.

1 9. Plaintiff MAXINE NEGRI, is the president of the Human-
2 ist Society of Friends, an affiliate of the American Humanist
3 Association of which she is vice-president and senior counselor,
4 and a resident and taxpayer of Los Angeles, California. Humanist
5 minister Negri believes that Humanism is a scientific religion
6 for a scientific age. She further believes that the Bible is a
7 man-written document and not the "Word of God" and as such has
8 no religious authority. Hence, Ms. Negri does not encourage
9 those who look to her for religious leadership to accept some
10 parts of the Bible as moral authority for the way they lead
11 their lives, especially those portions which deal with the sub-
12 missive role of women. Additionally, Ms. Negri believes that
13 governmental urging of Bible reading is an insensitive disservice
14 to persons of other faiths.

15 10. Plaintiff HERBERT LIVINGSTON is the president of
16 Atheists United, a California nonprofit corporation, and a resi-
17 dent and taxpayer of Los Angeles, California. Mr. Livingston is
18 an Atheist and as such, believes that the Bible is superstition
19 and mythology. Mr. Livingston does not believe in the existence
20 of God and therefore does not believe the Bible is the "Word of
21 God." Mr. Livingston does not encourage the Atheists who look
22 to him for leadership to read the Bible. Mr. Livingston further
23 feels singled out by virtue of his Atheism for disadvantageous
24 treatment through governmental approval of the Bible and thus
25 disapproval of his beliefs.

26 11. Plaintiff RYO IMAMURA is a Jodo Shinshu Buddhist, True
27 Pure Land Sect, a taxpayer and a resident of Alameda, California.
28 Reverend Imamura's religion does not accept the Bible as the

1 "Word of God," nor does he believe that it has a "message" which
2 is important for Buddhists of his sect to receive. Reverend
3 Imamura does not urge the Buddhists who look to him for spiritual
4 guidance to read the Bible.

5 12. Plaintiff KRISHNA KAUR KHALSA is a resident of Los
6 Angeles, California, a taxpayer and the head minister, the
7 Mukhia Sardani Sahiba, of the Sikh Dharma of the Western Hemis-
8 phere for Los Angeles. Mukhia Sardani Sahiba Khalsa does not
9 accept the Bible as the "Word of God,"; she believes that the
10 Siri Guru Granth Sahib is the embodiment of the Word of God
11 and a living teacher in written form, although she respects
12 the right of Christians to believe in the Bible. Mukhia Sardani
13 Sahiba Khalsa is offended by her government's urging her and
14 the members of her congregation to read the Bible.

15 13. Plaintiff GEORGE W. COLE, D. Min., is a resident of
16 Montebello, California, a taxpayer, an ordained minister of
17 the United Presbyterian Church of the United States of America
18 and the immediate past President of the Interreligious Council (5)
19 of Southern California. Reverend Cole believes that the Old
20 and New Testaments are both the Word of God and that P.L. 97-
21 280 and the Presidential Proclamation elicit his affirmation
22 in terms of his own faith experience. Reverend Cole has devoted
23 and continues to devote substantial effort to building an inter-
24 faith religious community in Southern California, an effort
25 which involves honoring other religious traditions and experien-
26 ces outside the Judeo-Christian community, traditions and experi-
27 ences which have faith commitments based on non-Biblical
28 scriptural roots. Reverend Cole has had to fight against

1 community paranoia about Eastern and new religions as strange
2 cults in building an interfaith religious community, and this
3 endeavor has taught him to resist strong movements to decry the
4 presence of other religions in this country. He is further
5 convinced that more ecumenism is the religious future of our
6 country. Reverend Cole believes that when a clarion call comes
7 from this nation's highest political office to read the Bible,
8 giving religious appeal the weight of law, that his job of fos-
9 tering mutual interfaith respect and understanding is made more
10 difficult because such an appeal constitutes an affront to those
11 with faith commitments and experiences not rooted in the Bible,
12 an affront which is difficult to overcome. As a Christian,
13 Reverend Cole is himself affronted by the federal government's
14 use of holy scriptures central to his faith experience as a
15 political platform and the exploitation of his religious symbols
16 for political purposes.

17 14. Plaintiff ALBERT LEWIS is a taxpayer, a resident of
18 Los Angeles, California, and Rabbi Emeritus of Temple Isaiah of
19 Los Angeles. Plaintiff LEONARD I. BEERMAN is a taxpayer, a
20 resident of Los Angeles, California and a Rabbi. Rabbi Lewis
21 and Rabbi Beerman are Jews who believe that the Hebrew Bible,
22 what Christians refer to as the Old Testament, is holy. They
23 also believe that the people who founded this country intended
24 that no civil authority should ever aid, abet or sanction any
25 religious observance whatsoever. Rabbi Lewis and Rabbi Beerman
26 believe that the use of the Bible in P.L. 97-280 and the Presi-
27 dential Proclamation creates a linkage between political power
28 and religious power which is abhorrent because where such

1 linkages have occurred, Jews as a people have suffered. Rabbi
2 Lewis and Rabbi Beerman further believe that where political
3 authority has given religious authority the power to determine
4 what is right as P.L. 97-280 and the Presidential Proclamation
5 do, Judaism and all minority religions and their members have
6 suffered.

7 15. Plaintiff SIMON G. COHEN is a taxpayer, a resi-
8 dent of Oakland, California and has served as cantor for 26
9 years in conservative Jewish congregations. Cantor Cohen is a
10 Jew who believes that the Biblical Old Testament but not the
11 New Testament is the Word of God. Cantor Cohen believes that
12 the Presidential Proclamation and P.L. 97-280 force him as a
13 Jew to point out that Jews do not consider the United States a
14 Christian country nor do they consider the New Testament holy
15 scripture. Cantor Cohen fears that the statement of his dis-
16 agreement with P.L. 97-280 and the Presidential Proclamation
17 can only be resented by his Christian neighbors. Cantor Cohen
18 believes that P.L. 97-280 and the Presidential Proclamation
19 have caused the federal government to turn its back on him and
20 other non-Christians and non-believers who have the right to
21 call themselves good Americans with pride which it is now
22 harder for them to do.

23 16. Plaintiff MICHI NAKAYAMA is a resident of Los
24 Angeles, California, a taxpayer and a Shinto Buddhist. Ms.
25 Nakayama believes that the Bible is great literature but is
26 not the "Word of God" and is appalled that her President is
27 urging her to read it in violation of her own religious
28 beliefs.

1 17. Plaintiff ELSON SNOW is a resident of Daly
2 City, California, a taxpayer and the English editor of Wheel
3 of Dharma for the Buddhist Churches of America. Mr. Snow is a
4 Jodo Shinshu Buddhist, True Pure Land sect, and as such, does
5 not accept the Bible as the "Word of God" nor does he wish to
6 be urged by his President to read a Christian book in violation
7 of his own religious beliefs.

8 18. Plaintiff RICHARD KATO is a resident of Monterey
9 Park, California, a taxpayer and an agnostic. Mr. Kato believes
10 that it is impossible to know whether there is a God, given
11 that no known religious writings including the Bible provide
12 concrete evidence other than a basis in faith for the existence
13 of a monotheistic or polytheistic deity; yet, many natural
14 phenomena such as healing have no single root causal explanation
15 in fact, thereby lending themselves to the rationale that a
16 deity is responsible. Hence, Mr. Kato does not believe that
17 the Bible is the "Word of God" nor does he wish to be encouraged
18 by his President to read a Christian book in violation of his
19 own religious beliefs.

20 19. Defendant RONALD REAGAN is the President of the
21 United States of America and in that capacity he has declared
22 1983 the Year of the Bible.

23 20. During 1982 the United States Congress approved
24 Public Law 97-280, 96 Stat. 1211, a joint resolution of the
25 Senate and the House of Representatives authorizing and re-
26 questing the President of the United States to proclaim 1983
27 as the "Year of the Bible." P.L. 97-280 declares the Bible,
28 as distinct from any other religious book, to be "the Word of

1 God," declares that "renewing our knowledge of and faith in
2 God through Holy Scripture can strengthen us as a nation and a
3 people," and declares "our national need to study and apply the
4 teachings of the Holy Scriptures." Defendant President Reagan
5 signed P.L. 97-280 on or about October 4, 1982.

6 21. P.L. 97-280 authorized and requested the President
7 of the United States to designate 1983 as a national "Year of
8 the Bible."

9 22. On or about February 3, 1983 pursuant to P.L. 97-
10 280, President Reagan issued a proclamation entitled "Year of
11 the Bible, 1983." In this proclamation President Reagan "en-
12 courage[s] all citizens, each in his or her own way, to re-
13 examine and rediscover its [the Bible's] priceless and timeless
14 message."

15 23. P.L. 97-280 singles out the Bible from all other
16 spiritual and religious teachings as the "Word of God." The
17 Presidential Proclamation limits the definition of the Bible to
18 the Christian Bible by specifying both the Old and New Testa-
19 ments. Both P.L. 97-280 and the Presidential Proclamation
20 stress the need for this nation to read only the Bible and rec-
21 ognize the influence of only the Bible.

22 24. Plaintiffs believe that P.L. 97-280 and the
23 Presidential Proclamation of February 3, 1983 are unconstitutional
24 in that they violate the separation of church and state mandated
25 by the establishment clause of the First Amendment to the United
26 States Constitution.

27 25. Plaintiffs are suffering direct, personal harm
28 from P.L. 97-280 and the Presidential Proclamation of February

1 3, 1983. Some of the plaintiffs do not accept the Bible as the
2 "Word of God" and cannot read it for any "priceless and timeless
3 message" without violating their own non-Christian religions and
4 atheist beliefs. The non-Christian plaintiffs have been singled
5 out for disadvantageous treatment by P.L. 97-280 and the Presi-
6 dential Proclamation by virtue of their minority religion status.
7 The non-Christian plaintiffs who are religious leaders suffer
8 the additional harm of having the prestige and power of the
9 United States of America endorse the Christian Bible, a book
10 whose religious teachings they do not necessarily endorse to
11 those who look to them for religious, spiritual and atheist
12 leadership, and thus undermining that leadership. The Christian
13 plaintiffs suffer the harm of having their religious book, the
14 Bible, used for political rather than religious purposes and
15 also suffer damage to their efforts to promote and engage in
16 beneficial ecumenical dialogue with members of non-Christian
17 faiths.

18 26. An actual controversy exists in that plaintiffs
19 allege that P.L. 97-280 and the Presidential Proclamation of
20 February 3, 1983 violate the First Amendment to the United
21 States Constitution, while defendants allege to the contrary,
22 and declaratory relief will effectively adjudicate the rights of
23 the parties to this action.

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WHEREFORE, plaintiffs respectfully pray that this

Court:

(1) Declare P.L. 97-280 and the Presidential Proclamation of February 3, 1983, "Year of the Bible, 1983," to be a violation of the establishment clause of the First Amendment to the United States Constitution;

(2) Award plaintiffs their costs and reasonable attorneys fees;

(3) Grant such other and further relief as the Court may deem just and proper.

DATED: April 21, 1983

EVE TRIFFO
FRED OKRAND

By Eve Triffo
EVE TRIFFO

Attorneys for Plaintiffs

YEAR OF THE BIBLE—DESIGNATION

Joint Resolution authorizing and requesting the President to proclaim 1933 as the "Year of the Bible".

Whereas the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed nation and people;

Whereas deeply held religious convictions springing from the Holy Scriptures led to the early settlement of our Nation;

Whereas Biblical teachings inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States;

Whereas many of our great national leaders—among them Presidents Washington, Jackson, Lincoln, and Wilson—paid tribute to the surpassing influence of the Bible in our country's development, as in the words of President Jackson that the Bible is "the rock on which our Republic rests";

Whereas the history of our Nation clearly illustrates the value of voluntarily applying the teachings of the Scriptures in the lives of individuals, families, and societies;

Whereas this Nation now faces great challenges that will test this Nation as it has never been tested before; and

Whereas that renewing our knowledge of and faith in God through Holy Scripture can strengthen us as a nation and a people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate 1933 as a national "Year of the Bible" in recognition of both the formative influence the Bible has been for our Nation, and our national need to study and apply the teachings of the Holy Scriptures.

Year of the Bible.

Approved October 4, 1932.

LEGISLATIVE HISTORY—S.J. Res. 165:

CONGRESSIONAL RECORD, Vol. 122 (1932):

Mar. 21, considered and passed Senate.

Sept. 21, considered and passed House.

96 STAT. 1211

EXHIBIT "A"

A-13.

FOR RELEASE AT 9:00 A.M. EST

February 3, 1983

YEAR OF THE BIBLE, 1983

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Of the many influences that have shaped the United States of America into a distinctive Nation and people, none may be said to be more fundamental and enduring than the Bible.

Deep religious beliefs stemming from the Old and New Testaments of the Bible inspired many of the early settlers of our country, providing them with the strength, character, convictions, and faith necessary to withstand great hardship and danger in this new and rugged land. These shared beliefs helped forge a sense of common purpose among the widely dispersed colonies -- a sense of community which laid the foundation for the spirit of nationhood that was to develop in later decades.

The Bible and its teachings helped form the basis for the Founding Fathers' abiding belief in the inalienable rights of the individual, rights which they found implicit in the Bible's teachings of the inherent worth and dignity of each individual. This same sense of man patterned the convictions of those who framed the English system of law inherited by our own Nation, as well as the ideals set forth in the Declaration of Independence and the Constitution.

For centuries the Bible's emphasis on compassion and love for our neighbor has inspired institutional and governmental expressions of benevolent outreach such as private charity, the establishment of schools and hospitals, and the abolition of slavery.

Many of our greatest national leaders -- among them Presidents Washington, Jackson, Lincoln, and Wilson -- have recognized the influence of the Bible on our country's development. The plainspoken Andrew Jackson referred to the Bible as no less than "the rock on which our Republic rests." Today our beloved America and, indeed, the world, is facing a decade of enormous challenge. As a people we may well be tested as we have seldom, if ever, been tested before. We will need resources of spirit even more than resources of technology, education, and armaments. There could be no more fitting moment than now to reflect with gratitude, humility, and urgency upon the wisdom revealed to us in the writing that Abraham Lincoln called "the best gift God has ever given to man . . . But for it we could not know right from wrong."

more

EXHIBIT "B"
P-14.

(OVER)

The Congress of the United States, in recognition of the unique contribution of the Bible in shaping the history and character of this Nation, and so many of its citizens, has by Senate Joint Resolution 165 authorized and requested the President to designate the year 1983 as the "Year of the Bible."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in recognition of the contributions and influence of the Bible on our Republic and our people, do hereby proclaim 1983 the Year of the Bible in the United States. I encourage all citizens, each in his or her own way, to reexamine and rediscover its priceless and timeless message.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of February, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

RONALD REAGAN

#

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANNE GAYLOR,)
)
 Plaintiff,)
)
 v.) OPINION AND ORDER
) 82-C-985-D
)
 RONALD REAGAN, President of)
 the United States;)
 97th Congress of the U.S.A.,)
)
 Defendants.)

This is an action for declaratory and injunctive relief, challenging the constitutionality of a proposed presidential designation of 1983 as a national "Year of the Bible." Plaintiff has moved for a preliminary injunction ordering the President not to make such a designation, pending a final judicial determination of its constitutionality. This opinion and order are addressed to that motion.

Jurisdiction is claimed under 28 U.S.C. §§1331 and 1343. No basis for jurisdiction under §1343 is suggested or suggests itself.

The Complaint

In determining whether plaintiff enjoys standing to bring and to maintain this action, it is appropriate to look to the allegations of the complaint, liberally construed in plaintiff's favor. South East Lake View, Etc. v. Dept. of Housing, 685 F.2d 1027, 1034 (7th Cir. 1982). The factual allegations of this complaint may be summarized as follows:

The Congress of the United States has approved Senate Joint Resolution 165, Public Law 97-280, 96 Stat. 1211. (A copy of P.L. 97-280 is attached to the complaint. A copy is also attached to this opinion and order as Appendix A and made a part hereof.) There is a substantial likelihood that in response to the authorization and request embodied in P.L. 97-280, the defendant President will proceed "to designate 1983 as a national 'Year of the Bible.'"

Plaintiff is a Wisconsin taxpayer, an adult resident of Madison, Dane County, Wisconsin, and president of the Freedom From Religion Foundation, Inc., a national organization headquartered in Madison. That organization is dedicated to the principle of separation of church and state. If the President declares 1983 as a national year of the bible, the declaration will directly and substantially harm the ability of Freedom From Religion Foundation, Inc., to carry out its function.^{1/}

Biblical teachings are unscientific.^{2/} Issuance of the presidential declaration will erode the ability of "our

^{1/}No organization is a party to this action. That injury may befall a non-party is not a material fact.

^{2/}In large part the complaint consists of a series of allegations that the plaintiff believes certain propositions (e.g., "plaintiff believes Biblical teachings are unscientific"). Construing the complaint liberally, I take it to allege that those propositions are true (e.g., biblical teachings are unscientific). But it appears that plaintiff also means to allege that she is a person who holds a certain

people--presumably, the citizens or residents of the United States--to deal effectively with individual, local and national problems and will negatively affect the future of the United States. The teachings of the bible contain violent sexist and racist overtones which potentially could encourage persons who rely on them to act in a manner harmful to plaintiff and others. If P.L. 97-280 is put into effect it will become a strong tool in the hands of theocrats and religious revivalists. The inherent power and prestige of the United States government makes it very likely its citizens will be influenced by such a presidential declaration.

Plaintiff is a non-theist. She believes that: biblical teachings are unscientific and represent a denial of the objective reality of nature; encouragement of the government to rely on these teachings will erode the ability of our people to deal effectively with individual, local and national problems and will negatively affect the future of our nation; the teachings of the bible contain violent sexist and racist overtones which potentially could encourage persons who rely on them to act in a manner harmful to herself and others. She personally finds repugnant these violent sexist and racial overtones.

Plaintiff believes that if the President is not enjoined from executing P.L. 97-280, plaintiff's first amendment right to be free from laws respecting the establishment of religion will be violated.^{3/}

^{3/} This latter statement of belief on plaintiff's part is repeated in various forms within the complaint. Whether a plaintiff believes that the constitution has a certain meaning is not a material fact.

Comment on Factual Showing

Although it is to the complaint that I must look to determine standing, it is to evidence that I must look to determine whether plaintiff is entitled to a preliminary injunction. The complaint, unverified and signed only by plaintiff's attorney, as permitted by Rule 11, Fed. R. Civ. P., is not evidence. The material facts alleged in plaintiff's affidavit executed November 22, 1982 are evidence. Although I have not been expressly requested to take judicial notice of the content of P.L. 97-280 and its history, as they appear in exhibit A to the complaint and in appendix A to this opinion, see Rule 201, Fed. R. Evid., it is not unfair to the defendant President for me to consider that plaintiff has implied the request and I do take such notice. Similarly, although the burden of proof is upon the plaintiff, it seems not unfair to the defendant President to accept the representation by the United States Attorney that the President did in fact approve and sign P.L. 97-280. In the course of informal oral independent inquiry which I have made to confirm that the President did in fact approve and sign P.L. 97-280, I have been informed that the President made a public statement explaining his action. However, I have deliberately refrained from further inquiry on that point, and I have no knowledge of the content of any such statement. I proceed on the basis that there is no evidence of record in this case that the President has issued any public statement concerning P.L. 97-280 and no evidence of the content of any

such statement, if one was made. Upon the basis of the entire record in this case and solely for the purpose of deciding plaintiff's motion for a preliminary injunction, I find as fact those matters set forth hereinafter under the heading "Facts."

Facts

Senate Joint Resolution 165 passed the United States Senate March 31, 1982, passed the House of Representatives September 21, 1982, and was signed and approved by the President on October 4, 1982. It thus became Public Law 97-280 and appears at 96 Stat. 1211. It is probable that the President will issue a proclamation in some form designating 1983 as a national "Year of the Bible."

Plaintiff is an adult resident of the City of Madison, Dane County, Wisconsin. She is the founder and president of Freedom From Religion Foundation, an incorporated 1100-member national organization headquartered in Madison, Wisconsin. She has spent a large part of her adult life endeavoring to keep state and church separate in this country. As a non-theist, she believes that biblical teachings are unscientific and represent a denial of objective reality of nature and that reliance upon them erodes the ability to deal effectively with problems. She believes that the teachings of the bible contain violent sexist and racist overtones and potentially could provide justification for people to act in a similar manner.

Opinion

1. Standing

In her complaint, plaintiff presents herself principally as an advocate of the separation of church and state, as a constitutional theorist, so to speak. In this role, she is indistinguishable from a person who believes that the states should not unduly burden interstate commerce or a person who believes that the right of the people to keep and bear arms shall not be infringed. Perhaps more to the point, in this role she is indistinguishable from a person who believes, in the language of P.L. 97-280, that "renewing our knowledge of and faith in God through Holy Scripture can strengthen us as a nation and people," but who also advocates the separation of church and state and who would have opposed Senate Joint Resolution 165 and who would presently oppose a designation of 1983 as "the Year of the Bible." In this role, she appears to be merely a person interested in a problem, a concerned bystander, however intense may be her interest and concern. United States v. SCRAP, 412 U.S. 669, 687 (1973); Sierra Club v. Morton, 405 U.S. 727, 739 (1972). In such a role, she lacks standing.

In her complaint, plaintiff appears also to allege that the biblical teachings are in fact unscientific and represent a denial of the objective reality of nature; that in fact reliance on those teachings erodes the ability of people to

deal effectively with problems; and that in fact biblical teachings contain violent sexist and racist overtones which can encourage persons who rely on them to act in a manner harmful to plaintiff and others. It is as if plaintiff seeks findings by the court that these propositions are true. But such propositions, whether true or false, are not material to this lawsuit based on the establishment clause of the first amendment. Whether an established religion is bad, unscientific, violent, sexist, or racist is immaterial. None of these allegations is relevant to plaintiff's standing to bring this action (or to any other issue in the lawsuit).

However, with the benefit of the liberal construction which I am bound to accord the complaint, it may be read to present the plaintiff as a person who does not share a system of thought founded on the belief in one or more gods,^{4/} and thus as a person who is not an adherent of a "religion," within the meaning of the establishment clause of the first amendment, the teachings of which are to be found in "the Bible," as that term is used in P.L. 97-280. The question is whether these allegations, and only these allegations of the complaint, afford plaintiff standing to challenge the implementation of P.L. 97-280 by a presidential designation of 1983 as "the Year of the Bible."

^{4/} See definition of "theism" in Webster's Third New International Dictionary (1971).

It is familiar law that the first branch of the standing doctrine is jurisdictional and stems from Article III of the Constitution. That is, the plaintiff must allege "such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions." Baker v. Carr, 369 U.S. 186, 204 (1963). As corollaries to this constitutional test of standing, there are requirements that the personal stake, or threatened bona fide injury, be fairly traceable to the challenged conduct and that the exercise of the court's remedial powers would redress the injury asserted. See Chayes, Foreword: Public Law Litigation and the Burger Court, 96 HARV. L. REV. 4, 22-26 (1982).

So-called prudential limitations have been added by the Supreme Court. One is that the injury must be peculiar to the plaintiff or the group she represents, rather than one shared generally with the citizenry at large. Another is that the plaintiff must ordinarily assert her own legal interest rather than those of other persons. Another is that the plaintiff's interest must be arguably within the zone of protection of the relevant constitutional provision. Id. See South East Lake View, Etc., supra, 685 F.2d, at 1034-1036.

Assuming for a moment that the personal stake or threatened bona fide injury is made out in the allegations of this plaintiff's complaint, it is clear that such injury is traceable to the challenged conduct (namely the enactment of P.L. 97-280 and a presidential designation of 1983, in

tandem) and that an injunction against the presidential designation would avert at least some substantial portion of the threatened injury. It is also clear that plaintiff is asserting her own interest as a "non-theist," although she necessarily asserts as well the interests of many others who do not adhere to that form of theism, the teachings of which appear in the bible. Also, the interest she asserts falls squarely within the protection of the establishment clause.

The two serious questions relating to plaintiff's standing are: (1) whether she has made out a bona fide threatened injury; and (2) whether that injury is peculiar to her or the group she represents, rather than one shared generally with the citizenry at large.

The suggestion is that this is a tempest in a teapot because P.L. 97-280 and a presidential designation of 1983, in tandem, can be expected to have so little actual impact upon anyone. A decent respect for the legislative and executive branches bars acquiescence in this suggestion. The Senate and the House obviously regarded Senate Joint Resolution 165 as a matter of great moment. By his approval and signature, the President has demonstrated that he shares this view. I may not assume that they consciously engaged in an idle pursuit, nor would it be seemly for me to find that they have erred in their assesement that the designation of 1983 as "the Year of the Bible" will have a real impact upon the lives of the people of the United States. It follows that the impact will be experienced not only by those who already adhere to the teachings of the bible and

those who may be persuaded in 1983 and thereafter to do so, but also by those like the plaintiff who do not adhere and are unlikely to be persuaded. But the impact will vary as between those two broad groups.

The boldness and aggressiveness of P.L. 97-280 cannot be ignored. It pronounces the bible to be "the Word of God" and it calls for the presidential designation of 1983 in recognition of our national need "to apply the teachings of the Holy Scriptures." P.L. 97-280 represents a Congressional pronouncement--and, if the President makes his designation in the terms of P.L. 97-280--a pronouncement by the government of the United States that truth and virtue lie within the bible and that falseness and evil lie without it. The implication is so powerful as hardly to be described as implication, that those who fail or refuse to accept and to apply biblical teachings abide in falseness and evil. To be subjected to such reproach by one's government is to suffer bona fide injury.

There may be a suggestion, too, that this kind of injury pales in contrast to injury to one's body or pocketbook. It is true that much of the Constitution is directed to the physical order, to tangible things and activity, such as commerce and currency and property. But the very opening words of the Bill of Rights are: "Congress shall make no law respecting an establishment of religion" In the constitutional hierarchy, primacy is given to the life of the mind and spirit, to religion and to the absence of religion, to the values we shape for ourselves between birth

and death. To assign minor significance to injury to those values wrought by governmental censure is to misapprehend the Constitution.

I hold that the threatened injury to plaintiff described in the complaint is bona fide, for the purpose of the standing doctrine.

With respect to the remaining prudential test, the threatened visitation of opprobrium upon the plaintiff by her government is not peculiar to her. It is a threat directed to a considerable segment of our population. However, it is definitely not shared by the citizenry at large. Although statistics immediately available to me are not readily translatable in terms of adherence to the bible^{5/} as "the word of God," the members of Roman Catholic and Protestant churches in 1979 constituted about 55% of the estimated total population of the United States.^{6/} It can be assumed safely that a large portion of that 55% are persons who do accept the bible as "the word of God" and who are not threatened with governmental censure for non-adherence to that belief.

I conclude that because the threat of injury here cannot fairly be considered as shared by the whole people of the United States, the plaintiff meets this portion of the standing test.

^{5/}I assume throughout that the "bible" referred to in P.L. 97-280 includes the new testament.

^{6/}Statistical Abstract of the United States, U.S. Bureau of Census (102d ed. 1981), p.

I conclude, more generally, that the allegations of the complaint, liberally construed, are sufficient to confer standing upon the plaintiff.

2. Merits of motion for preliminary injunction

The injury with which plaintiff is threatened is serious. It would be irreparable. Once the President had designated 1983 as "the Year of the Bible," incorporating the terms of P.L. 97-280, later efforts by him to repair the damage could hardly be totally successful. Remedies at law, such as money damages, would be unavailable. Nixon v. Fitzgerald, 102 S. Ct. 2690 (1982). On the other hand, unless I were to find as a fact, judicially, that the bible is indeed "the Word of God," from which I consider myself constitutionally prohibited, one or two years of delay in the designation of a "Year of the Bible" appear not unduly injurious to the defendant President, the Congress, and those who desire such a designation.

Nevertheless, it is doubtful whether it is within the power of the national judiciary to intervene in advance of any act contemplated by the President and to exercise its injunctive power to forbid it. State of Mississippi v. Johnson, 71 U.S. (4 Wall.) 475, 501 (1866). Even assuming the judiciary enjoys the power anticipatorily to enjoin the President, who, with the Vice-President, is the only officer of the United States elected by the whole people, this is not the occasion for its exercise.

I have made plain my view that the issue here is grave. But what is missing is a virtual certainty that unless enjoined, the President will actually choose to designate 1983 as "the Year of the Bible" and, more to the point, that if he does so, he will express the designation in an unconstitutional manner.

As chief executive it is surely within the power of the President to exhort the entire nation to mark 1983 as a year of reflection and contemplation. It is surely within his power to exhort the people of the United States in 1983 to draw upon those wonderfully rich and various wellsprings of tradition--ethnic, regional, religious, and non-religious--from which they draw their strength and resolve. It is surely within his power to identify and to proclaim his own tradition and to express his respect for those differing but equally proud traditions. To accomplish such constitutional exhortation in the context of a "Year of the Bible" would be a remarkable feat. But doubt that he can perform it does not justify the exercise of the injunctive power of this court against the President, if such power exists.

Order

It is ordered that plaintiff's motion for a preliminary injunction is denied.

Entered this 23d day of December, 1982.

BY THE COURT:

James E. Doyle
District Judge

Public Law 97-280
97th Congress

Joint Resolution

Authorizing and requesting the President to proclaim 1983 as the "Year of the Bible".

Oct. 4, 1982
[S.J. Res. 165]

Whereas the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed nation and people;

Whereas deeply held religious convictions springing from the Holy Scriptures led to the early settlement of our Nation;

Whereas Biblical teachings inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States;

Whereas many of our great national leaders—among them Presidents Washington, Jackson, Lincoln, and Wilson—paid tribute to the surpassing influence of the Bible in our country's development, as in the words of President Jackson that the Bible is "the rock on which our Republic rests";

Whereas the history of our Nation clearly illustrates the value of voluntarily applying the teachings of the Scriptures in the lives of individuals, families, and societies;

Whereas this Nation now faces great challenges that will test this Nation as it has never been tested before; and

Whereas that renewing our knowledge of and faith in God through Holy Scripture can strengthen us as a nation and a people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate 1983 as a national "Year of the Bible" in recognition of both the formative influence the Bible has been for our Nation, and our national need to study and apply the teachings of the Holy Scriptures.

Year of the
Bible.

Approved October 4, 1982.

LEGISLATIVE HISTORY—S.J. Res. 165:

CONGRESSIONAL RECORD, Vol. 128 (1982):

Mar. 31, considered and passed Senate.
Sept. 21, considered and passed House.

○

YEAR OF THE BIBLE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Of the many influences that have shaped the United States of America into a distinctive nation and people, the Bible has been and continues to be preeminent.

Deep religious beliefs stemming from the Old and New Testaments inspired the early settlers of our country, helping them to withstand great hardship and danger by providing the encouragement, sustenance, and guidance for them to persevere. Reverence for the Scriptures and their precepts helped forge a sense of common purpose among the widely dispersed colonies -- a sense of community which laid the foundation for the spirit of nationhood that was to develop in later decades.

The Scriptures were the basis for the Founding Fathers' abiding belief in the inalienable rights of the individual -- rights grounded in the very essence of the Bible and its emphasis on the implicit worth of each of us in the eyes of God. This sense of man patterned the convictions of those who framed the English system of law inherited by our own nation, as well as the ideals set forth in the Declaration of Independence and the Constitution.

For centuries the Bible has inspired such institutional and governmental expressions of compassionate outreach as private charity, the establishment of schools and hospitals, and the abolition of slavery. In case after case the roots of these actions lie unmistakably in the Scriptural teachings on compassion and love for our neighbor.

Many of our greatest national leaders -- among them Presidents Washington, Jackson, Lincoln, and Wilson -- have recognized the influence of the Bible on our country's development and its importance to the survival of our form of government and our shared life as a people. The plain-spoken Andrew Jackson referred to the Bible as no less than

"the rock on which our Republic rests." Today our beloved America and, indeed, the world is facing a decade of enormous challenge. As a people we may well be tested as we have seldom, if ever, been tested before. We will need resources of spirit even more than resources of technology, education, and armaments. There could be no more fitting moment than now to turn again with gratitude, humility, and urgency to the eternal wisdom revealed to us in the writing that Abraham Lincoln called "the best gift God has ever given to man. . . But for it we could not know right from wrong."

The Congress of the United States, in recognition of both the formative influence the Bible has been for our nation and our national need to study and apply the teachings of the Holy Scriptures, has by Senate Joint Resolution authorized and requested the President to designate the year 1983 as the "Year of the Bible."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim 1983 the Year of the Bible in the United States. I call upon all citizens, each in his or her own way, to search this Book of Books for the wisdom and guidance that over centuries have been a source of inspiration, strength, and blessing for mankind.

IN WITNESS WHEREOF, I have hereunto set my hand this
day of _____, in the year of
our Lord nineteen hundred and eighty-two, and of the
Independence of the United States of America the two
hundred and seventh.

Ronald Reagan

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THE WHITE HOUSE
WASHINGTON
May 27, 1983

Maiselle

Morton said this is to go to David Waller (115-EOB).

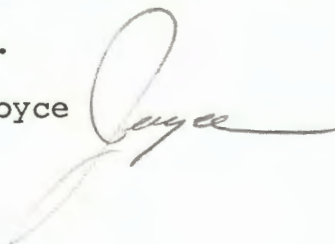
He is to give us clearance on it. He should note that on page 2 there are four enclosures indicated that are to go with the letter.

The letter has been changed per his instructions to note that "The government is vigorously defending this suit." (Previously the paragraph had indicated that the President was vigorously defending this suit.)

If Waller approves this, he should know that it will be sent out to religious leaders who have expressed an interest in the matter.

Thanks.

Joyce

A handwritten signature in cursive script, appearing to read "Joyce", written in dark ink.

THE WHITE HOUSE
WASHINGTON

May 27, 1983

TO: DAVID WALLER

FROM: MORTON C. BLACKWELL

Attached is a letter for your clearance concerning the Year of the Bible suit.

Please note that on page 2 there are four enclosures that are to go with the letter.

This letter will be sent to religious leaders who have expressed an interest in the matter.

Thank you for your prompt attention.