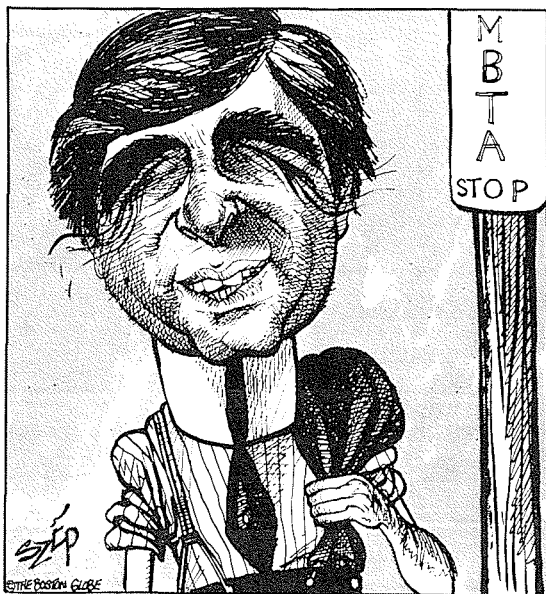


POLITICS & GOVERNMENT



During the 1978 Massachusetts gubernatorial election, many "New Class" Democrats were so disenchanted with their party's unabashedly conservative candidate, Edward J. King, that they voted Republican. But in 1982, after Michael Dukakis (left) beat King in the primary, these voters swung back into the Democratic camp.

leges and universities, these liberal-minded "New Class" Democrats acquired considerable political weight. Nowadays, say the authors, "the [Massachusetts] electorate could be described as a two-headed beast; on one rests a hard hat, on the other, a mortarboard."

The ideological rift between the two camps (over issues such as abortion and prayer in public schools) will not soon heal, according to the authors. Because it claims to be an "umbrella party open to all," the Massachusetts Democratic Party lacks any "recognizable political coherence." And without that coherence, the Democratic leadership cannot "take the support of either group for granted in the long run."

Separating State From Church

"Religion and Public Schools: Emerging Legal Standards and Unresolved Issues" by Martha M. McCarthy, in *Harvard Educational Review* (Aug. 1985), Longfellow Hall, Harvard Univ., 13 Appian Way, Cambridge, Mass. 02138-3752.

The First Amendment of the U.S. Constitution stipulates, in part, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Yet recent interpretations of those words by the U.S. Supreme Court have rekindled debates over the meaning of "religious liberty."

McCarthy, an education professor at Indiana University, argues that such

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debates will not be resolved by trying to decipher the "intentions" of the First Amendment's authors. The Founding Fathers "could not have foreseen" the switch from "private, sectarian schools" to a public system designed to educate most of the nation's youth. Nor could they have predicted "the *new* threats" posed by today's "politically involved" evangelists.

Justices and legal scholars have always regarded the language of the First Amendment—which Thomas Jefferson said in 1802 was intended to erect "a *wall* of separation between church and state"—as "opaque." In 1947, the U.S. Supreme Court referred to Jefferson's wall as "high and impregnable." Two decades later, the Court described it as "a blurred, indistinct, and variable barrier." To define that barrier more precisely, the Court in 1970 decided to judge cases challenging a state or federal action for alleged violation of religious liberty in light of three criteria: whether the contested law (or action) has any "secular (nonreligious) purpose"; whether it has "a primary effect that neither advances nor impedes religion"; and whether it "avoids excessive government entanglement with religion."

Subsequent U.S. Supreme Court decisions have been more consistent, in McCarthy's opinion. State-imposed Bible reading for religious purposes was barred from public schools in 1963. But teaching Biblical history is now permitted (even encouraged) because of its relevance to American culture—a secular purpose.

Moreover, under the second criterion, the Court struck down an Alabama law authorizing a one-minute period of silence for "meditation or voluntary prayer" on the grounds that it seemed to "promote" a religious cause. (Such laws are still on the books in 16 states, with similar legislation pending in nine others. McCarthy asserts that each statute will require separate court review.)

Excessive "entanglement" is the most complex criterion, notes the author. In 1979, for instance, the Court ruled that the U.S. National Labor Relations Board has no jurisdiction over lay faculty in religious schools, because federal meddling in the schools' administration would embroil Washington in their religious affairs. A later decision exempted such schools from the Federal Unemployment Tax Act for similar reasons.

In short, McCarthy sees no tidy ending to the controversy over church-state separation; she does fear that under pressure from the "Christian Right," Jefferson's wall may eventually give way.

State House Pros

"The Changing Character of State Legislators: Requiem for a Vanishing Breed" by Alan Rosenthal, in *Public Affairs Review* (vol. VI, 1985), 1255 23rd St. N.W., Ste. 750, Washington, D.C. 20037.

Gone are the days when farmers, union members, and "county board types" constituted a majority of America's state lawmakers. Now, career politicians dominate a growing number of state legislatures.

The change, contends Rosenthal, a Rutgers University political scientist, is not for the better. As U.S. Rep. David Obey (D.-Wis.) put it, nowadays