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Inside the First Amendment: Religious equality as an article of faith

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A right for one is a right for all

In theory, the government treats all religions equally in America. In practice, however, some religions are more equal than others.

But two victories by minority religious groups this month are small but significant steps toward leveling the religious-liberty playing field as promised in the First Amendment.

On April 23, Wiccans finally won their 10-year battle to have the symbol of their faith added to the list of 38 "emblems of belief" approved by the Department of Veterans Affairs for placement on government headstones and memorials.

A few days earlier, on April 17, a religious group called Summum won a key round in its fight to place monuments in Utah city parks alongside Ten Commandments monuments. (Summum, founded some 30 years ago, is difficult to summarize, but the group describes its beliefs as consistent with Gnostic Christianity.)

The message to government officials in both cases is simple but profound: Under the First Amendment, a right for one is a right for all.

Wiccans shouldn't have to file lawsuits (this one brought by Americans United for Separation of Church and State on their behalf) to be treated fairly by the government. But until lawyers got involved, the VA stonewalled repeated requests for approval of the pentacle -- the five-pointed star that symbolizes the Wiccan faith.

All signs point toward government bias against Wicca. While the Wiccans waited for an answer year after year, other groups had their symbols recognized in a matter of weeks.

Now the settlement agreement, filed with the U.S. District Court for the Western District of Wisconsin, requires that the government finally acknowledge the right of Wiccan soldiers to have pentacles placed on their headstones and plaques.

In the Summum case, a three-judge panel of the 10th U.S. Circuit Court of Appeals granted an injunction that would allow Summum to place its Seven Aphorisms in a public park in Pleasant Grove, Utah. The park already has a Ten Commandments monument donated years ago by the Fraternal Order of Eagles. Summum had argued that if the city allows one group to put up a monument in a public park, it must allow other groups the same opportunity.

Pleasant Grove officials could have avoided the problem entirely by not allowing any private groups to put up monuments in the park. Instead they decided that the Ten Commandments monument should be treated differently because of "historical relevance" to the city.

The court unanimously rejected that argument and ruled that "the city may further its interest in promoting its own history by a number of means, but not by restricting access to a public forum traditionally committed to public debate and the free exchange of ideas."

These legal victories by Wicca and Summum are stark reminders to government officials that religious diversity in America goes far beyond the "Protestant, Catholic, Jewish" description of the nation popular in the 1950s. As Harvard University professor Diana Eck documents in "A New Religious America," this is now the most religiously diverse place on earth.

As the religious playing field grows more crowded, the only way to avoid conflict and litigation is for the government to enforce the First Amendment ground rules without favoring one religion over others -- or religion over non-religion.

It doesn't matter whether the group is Wicca, Summum or any of the other hundreds of faiths in the United States; government officials are supposed to stay neutral toward religion. And that means -- to invoke a virtue we learned in kindergarten -- be fair to all.

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