



The Phyllis Schlafly Report



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Double Standards About the First Amendment

The First Amendment has suddenly become one of the hottest topics on television. It's time we separate what is and what is not a First Amendment issue and take a look at the liberals' double standards.

Five Justices of the U.S. Supreme Court have now invented the notion that the First Amendment includes the right to desecrate the American Flag. For 199 years, nobody else ever detected that "right" in the First Amendment, and 48 states and Congress enacted laws to punish such desecration.

Even that great liberal Justice and First Amendment absolutist, Justice Hugo Black, wrote in a dissenting opinion in 1969, "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American Flag an offense." The majority of Americans agree with Justice Black, and that's why they support a constitutional amendment to protect our Flag as a precious symbol and to deliver a needed comeuppance to the Supreme Court.

But the liberals are not content with saying they want to use the First Amendment to protect those who desecrate the Flag. The liberals have gone overboard in arguing that the First Amendment *requires* us to subsidize the desecration of the Flag and our other precious symbols! One of the obnoxious items funded by taxpayers' money through the National Endowment for the Arts (NEA) was an exhibit by an alleged artist named Dread Scott called "What Is the Proper Way to Display a U.S. Flag?" which spread an American Flag across the floor and invited viewers to trample on it.

The NEA awarded other grants of taxpayers' money to materials and performances that desecrate religious symbols, such as the \$15,000 paid to exhibit photographs by Robert Mapplethorpe including child pornography, and Andres Serrano's depiction of a crucifix submerged in urine. Do you think for a minute that the liberals would have tolerated this travesty if it had been a picture of Martin Luther King dunked in urine?

The liberals pretend that the First Amendment protects everyone's right to say anything anytime anywhere, no matter how obscene, blasphemous, harmful to children, degrading to women, or offensive to people's religion or sacred symbols. But let's look at many current restrictions on free speech rights which arouse no liberal outcry.

Nearly every day's news brings strident demands from the

liberals to restrict political speech by limiting the way we can express ourselves about candidates for public office. In hundreds of op-ed articles and TV talk shows since the 1988 election, the liberals have complained incessantly about the successful TV spots that exposed Michael Dukakis's dismal record (such as the fact that Massachusetts is the only state where Willie Horton — a murderer sentenced to life-without-parole — could have received his notorious furlough).

The liberals want to limit our right to spend money to disseminate political views in support of political candidates of our choice, and instead have the government appropriate tax money for "approved" political advertising. Uninhibited speech about politics should be the most protected of all kinds of free speech; that was the number-one purpose of the First Amendment.

Traditionally, a great deal of political communication in America has been transmitted by the door-to-door distribution of handbills, fliers, pamphlets, and election-related materials. But federal law makes it a criminal offense for anyone but a United States letter carrier to deposit a letter or communication in a mailbox.

This is a most curious interference with the rights of free speech since the mailbox is not even government property. It's also a terrible nuisance and interference with our ability to communicate speech about politics because it's not easy to make sure that your flier gets into a voter's hands without using the mailbox.

What about the laws that prohibit demonstrations on the steps of a courthouse? Go ahead and desecrate the Flag and protest all you want against other parts of our government, but no siree, the judges will not allow anyone to demonstrate against *them* or their decisions!

When it comes to schools and colleges, the liberals' idea of First Amendment rights depends on the content and not the principle. On many college campuses today the liberals are setting up thought police who threaten to censure or even expel any student who says anything deemed "insensitive" about some minority or other group. One of these campus codes even forbids "inappropriately directed laughter."

Finally, let's look at the liberal double standard about people expressing themselves by boycotts. According to the liberals, boycotts are to be condemned if they are conducted by the American Family Association against stores that sell

obscene magazines, but to be praised if they are conducted by the abortion advocates against Idaho potatoes in order to blackmail the Governor into vetoing an anti-abortion bill, or by the National Organization for Women against states that refused to ratify the Equal Rights Amendment.

The Flag Decision Was Wrong

The Supreme Court's Flag decision reminds us of the story about the mother who went to see her son drill in his new army job. "Everybody's out of step except my son Jim," she remarked. Just as it was obvious to everyone else that Jim was the only one out of step, the Court is the one out of step with the laws of 48 states, the Federal Government, and the overwhelming majority of the American people.

The way to tell the Court that it is out of step is to amend the Constitution to overturn this offensive decision. This would send a message that the American people are for patriotism and against judge-made law, and both are constitutional objectives.

Desecrating the Flag isn't "speech" anymore than a belch or a fist in your face. The purpose of the First Amendment is to promote freedom of public and private discourse, but there is no discourse involved in those obnoxious acts or in burning the Flag. The Supreme Court should have made the common-sense distinction between speech and conduct. The radicals could have *said* anything derogatory about the Flag and they would not have been prosecuted.

At two university campuses in the 1970s, college students protested my speeches by taking off all their clothes. Those were political acts, but they certainly were not "speech" protected by the First Amendment. We have laws against exposing yourself in public and they do not contravene the First Amendment, even when that act is done for a political purpose.

As Chief Justice William Rehnquist said in his dissent, "Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people."

It is good for a nation to have a shared value, something to help give us a national identity which binds us together despite the religious, political, economic and social forces that divide us. The Flag serves that purpose well.

That's why we pledge allegiance to the Flag as well as to the things for which it stands. That's why the millions of men who risked their lives in service to our country felt personally betrayed by the Supreme Court's decision.

The Flag, the Pledge, and the Star Spangled Banner are imbedded deep in our national consciousness. In these times when so many demonstrators who trample on patriotism, religion, family, decency, Western civilization, and American traditions have been constitutionally protected, we should preserve something precious that is beyond their destructive boot. That something is the Flag.

Look Who's Interfering with Free Speech

If the First Amendment rights of freedom of speech and press had a primary purpose, it surely was to guarantee freedom to participate fully in political debate and in the

process of electing candidates to office in our representative system. It's hard to believe, but some people are trying to interfere with this essential right.

Many of the same liberals who would fight to the death to defend the right of pornographers to make money out of printed or electronic materials that degrade women for the pleasure of spectators, are now trying to deny First Amendment rights to those who want to spend their own money to advocate electing a candidate to public office.

Of course, these double-standard liberals don't express their goals just like that. What they say is, it's terrible that Americans spend so much money on political campaigns.

It's not terrible at all! Nobody forced anybody to spend one dollar; all that spending was completely voluntary. Most important, it was the personal money of private individuals. Since when don't we have a right to spend our own money to exercise our rights of free speech and press in the political process? Americans spend more money on alcohol and on tobacco than they do for political candidates. More money is spent on advertising pet food than on all Congressional campaigns. Should we spend more money discussing pet food than discussing who will lead our nation and write our nation's laws?

Fortunately, nobody has yet set up a government bureau to determine how each of us should spend our own money. We enjoy the right to spend our money for purposes that other people may think are foolish.

It's bad enough that some liberals want to prevent us from spending our own money to support and elect the candidates of our choice, but it is really intolerable that their effort is accompanied by a proposal that we be forced to spend our money for candidates who are *not* of our choosing. Yet, that's what they want to do by requiring taxpayer financing of Congressional elections. Instead of allowing Americans voluntarily to finance the political candidates whom they wish to support, with no compulsion of any kind, the liberals want to force the taxpayers to finance hundreds of candidates we don't support.

The advocates of taxpayer financing argue that this will provide equal funding to candidates. But that is a plan to subsidize the candidate who doesn't have very much voter support. The money a candidate can raise is a good measure of his popular support. Voters can "put their money where their mouth is." In no way would it be fair to give equal taxpayer funding to a LaRouche candidate and a Bush candidate.

Equal taxpayer funding to Congressional candidates would mean giving a half-million-dollar advantage to every incumbent. Equal taxpayer funding would allow an incumbent Congressman to spend all his windfall allotment of tax dollars on media advertising, whereas his challenger would be compelled to spend a large part of his taxpayer funding on necessary activities of the sort a Congressman gets free because of his position of incumbency, such as franked mailings, official travel funds, paid staff, and complimentary media coverage.

If there is anything our country does *not* need, it is some busybody politicians or bureaucrats telling us how much of our own money we can spend to advocate electing candidates to political office. It is a great thing for democracy that people are so willing to spend their own hard-earned after-tax dollars

to take part in the process of self government.

For those who are worried about excessive campaign spending, there is a very easy way to solve the problem. Just require television stations to allocate an equal amount of free time to each candidate. This would not only be fair, but it would eliminate the three-fourths of current campaign spending which is now spent on television advertising. This plan could also improve the quality of campaigns by encouraging a shift from 30-second spots to more TV minutes in which the candidates could actually say something.

New Age and the First Amendment

Self-esteem is the latest fad in the public schools, and educators are starting courses and politicians are creating commissions to manufacture this wonderful quality. A lack of self-esteem is supposed to be the reason why children do poorly on standardized tests, and courses in self-esteem are now offered as the cure-all for everything from illiteracy to poverty to drug abuse to teen pregnancy to racism.

An argument could be made that some children have too much self-esteem. In an international math test last year for 13-year-olds, Americans came in last on math, but came in first in agreeing with the statement "I am good at mathematics."

Of course, it's good to feel good about yourself, but it's not good for students to feel good about doing bad. It reminds us of the pop psychology of the 1920s when Emile Coue made an international reputation promoting the slogan, "Every day in every way, I'm getting better and better."

Students should learn the difference between earned self-esteem based on achievement, and automatic self-esteem which may come from an artificial course having no relation to reality. To teach a child self-esteem when he is illiterate is setting him up for a rude awakening when he finds he cannot get a job.

The teaching of self-esteem in the classroom is clearly psychological, not academic. It is part of the 20-year trend to promote what is called the therapeutic classroom, making it a place for treating social problems instead of learning knowledge and skills.

Since there is no academic discipline called self-esteem, and there are no guidelines or standards, writers of self-esteem curricula reach out for any ideas they can find. To the dismay of many parents, some public school courses involve techniques and practices commonly associated with the New Age ideology, and that makes these courses a violation of the First Amendment rights of schoolchildren and their parents.

If you visit your local bookstore, you can note how many shelves display New Age books. Somebody must be buying these books for booksellers to stock so many, and if you do any browsing, you will quickly discover that it is a religious movement with identifiable beliefs and practices.

In Nebraska, a public school curriculum called "SOS: Strengthening of Skills" stirred up a firestorm of controversy. Parents testified at a school board meeting that they objected to its techniques of visualization, relaxation, and affirmations because they are elements of New Age, Hindu, and other Eastern religions.

The SOS curriculum taught students that they could "unblock themselves by visualizing a magic ring or wand or a

magic energy pill or a powerful companion." Parents took vigorous exception to the school teaching children about magic or a "powerful companion" who might be a spirit guide or deity of some alien religion.

Parents particularly object to the technique called "centering," that is, imagining that you have an empty space in the center of your body which can be filled by new energy. Parents believe that classroom visualizations encourage children to escape from reality by fantasizing themselves into a faraway situation.

In Indiana, a curriculum called "Tactics for Thinking" caused an uproar not only among parents, but teachers, too. They didn't like being used as amateur psychotherapists to practice "deep processing" (a type of visualization) or "power thinking" (a technique to change attitudes). They objected to the complete restructuring of the curriculum to conform to ambiguous experimental goals.

The guided imagery of this course taught students to close their eyes and pretend to be a snowflake, "imaging" what the snowflake tastes and smells and hears. Another exercise was to imagine seeing a blue ball in your mind's eye.

Michigan 7th graders were told to take a "mini-vacation" by closing their eyes and visualizing being somewhere else in "your own private place." In Alabama, students listened to relaxation tapes which led them on a guided fantasy trip to a secret place where they could sit in a white beam of light and get the answers to their questions from a wise rabbit.

Jack Canfield, who says he has observed "the application of guided imagery to the classroom" for ten years, calls it "a very powerful psychological tool." In his book, *The Inner Classroom: Teaching With Guided Imagery*, Canfield wrote that guided imagery is a tool to "facilitate psychological growth" and to "evoke inner wisdom."

As a result of numerous complaints, the Equal Employment Opportunity Commission has issued a statement allowing employees to invoke their First Amendment rights in refusing to attend training programs using meditation, guided visualization, self-hypnosis, and other New Age techniques. If such practices are questionable for adults, then their presence in the public school classroom is intolerable.

Parents Assert First Amendment Rights

Finally, parents are starting to have some success in their efforts to eliminate New Age religious practices from the public school classroom. A strong policy prohibiting the use of these techniques in public schools was passed on June 10, 1990 by the Mountain Brook Board of Education in Birmingham, Alabama.

The policy specifically prohibits the following four practices. First is Progressive Relaxation, defined as the "serial relaxation of the major muscles of the body." This type of relaxation is brought about by a narrator's directions and involves a process of first tensing and then relaxing major muscle groups in a prescribed order.

The second prohibited practice is Guided Imagery. This involves "the use of images communicated to the listener by narration while he or she is in a deeply relaxed state, hypnotic state, or altered state of consciousness."

Third, the policy prohibits the classroom technique of Deep

Breathing. The policy notes that this is sometimes used as a classroom exercise to accompany imagery, as, for example, "visualizing tension going out and relaxation going in."

The fourth prohibited practice is Meditation. This is defined as "any activity which involves repeated exposure to any sensory stimuli, including words or sounds, for the purpose of inducing a relaxed or altered mental state."

Why in the world would any school board think it necessary to adopt such a policy? It never would occur to most people that schools might be teaching hypnosis or imagery instead of reading, writing and arithmetic. Obviously, there must have been a reason for such a detailed policy to be suddenly adopted. And, indeed, the board's statement conceded that these practices "have occasionally been taught or recommended" in the schools.

These practices are objectionable because they "may be interpreted as religious activities and should therefore be subject to Board policies which prohibit the practice of religion in the school." One need only refer to current New Age literature to document that statement. According to the new policy, "students in the Mountain Brook Schools should not be requested, encouraged, or invited to participate in techniques such as progressive relaxation, guided imagery, deep breathing, meditation, or any similar or related activity."

The Mountain Brook School Board policy is believed to be a "first" in proscribing New Age practices. It was adopted as a result of parental complaints that such practices had been used in the curriculum called Pumsey, one of the psychological and self-esteem programs which have become so trendy in the classroom.

Pumsey is only one of many curricula which incorporate New Age techniques. Another is DUSO, which aroused so much concern in New Mexico that the State Senate passed a resolution demanding that "mind-altering psychological techniques be entirely eliminated in New Mexico's public schools."

The four-page Mountain Brook policy is entitled "Teaching About Religion," and the first part puts in constitutional perspective the whole subject of religion in the public schools. Public schools may teach "about" religion to "inform" the student, but may not try to get the student to "conform," or subject him to "indoctrination," or press for "acceptance" of any religion.

This policy is noteworthy for its friendliness to parental rights. It states that "this school system wishes to remain sensitive to the concerns and suggestions of parents regarding religious issues . . . since parents have the primary responsibility for directing the education of their children consistent with their religious convictions." The policy adds, "the Board of Education believes that parents should be kept informed of the content of elementary counseling programs and 7th, 8th, and 9th grade health programs."

In many parts of the country, parents have found schools very hostile to parents' First Amendment objections to the use of New Age practices. Some schools have forced such practices on school children despite parental objections, usually before parents are even informed.

Much of the current hostility to this type of arrogance could be eliminated if public schools would adopt the Mountain Brook policy, particularly the passage that reads: "It is the Board's policy that no student shall be required or persuaded

to participate in any activity that the student (or his or her parent or guardian) perceives to be in conflict with his or her moral, ethical, or religious beliefs." This policy should be recognized as a First Amendment right.

The United States will celebrate the Bicentennial of the adoption of the Bill of Rights in 1991. That should become a year when the American people develop a clear understanding of what the First Amendment means — and does not mean.

Phyllis Schlafly is a member of the national Commission on the Bicentennial of the United States Constitution, by appointment of President Reagan. The term extends from 1985 through the Bicentennial of the Bill of Rights (the adoption of the first ten Amendments to the Constitution) in December, 1991. The Commission will conduct appropriate ceremonies, observances, and educational endeavors in commemoration of the Bill of Rights.

Private organizations are urged to develop their own projects, activities and events honoring the Bill of Rights.

Eagle Forum, for example, had an outstanding program honoring the Bicentennial of the United States Constitution in 1987. It included a *Constitution Slide Program*, which was shown by nearly 500 local Eagle Bicentennial chairmen to local groups reaching a half million Americans and is now also available on video and audio cassettes; a one-minute musical radio spot called *Standing Proud for the Constitution*, which aired on 700 radio stations (and is still used weekly on the Saturday program called Radio Live with Phyllis Schlafly); and a 40-minute video on *American Inventors*, which describes how American prosperity is the direct result of the economic freedom established by the U.S. Constitution.

All three projects were officially "recognized" by the U.S. Commission as having "exceptional merit with national significance, and substantial educational and historical value." This recognition authorizes us to use the Bicentennial Logo in connection with these three projects.

Eagle Forum distributed tens of thousands of copies of a pocket-size U.S. Constitution, and Mrs. Schlafly made 150 three-minute radio commentaries on the Constitution which aired on 250 radio stations.

Your contributions (in ideas, volunteer energies, and financial donations) for an Eagle Forum Bill of Rights project will be welcome.



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