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IRONIC ENCOUNTER: AFRICAN-AMERICANS, AMERICAN JEWS, AND THE CHURCH-STATE RELATIONSHIP

Dena S. Davis*

I. INTRODUCTION

This Essay examines a paradox in contemporary American society. Jewish voters are overwhelmingly liberal and much more likely than non-Jewish white voters to support an African-American candidate. Jewish voters also staunchly support the greatest possible separation of church

* Assistant Professor, Cleveland-Marshall College of Law. For critical readings of earlier drafts of this Essay, the author is indebted to Erwin Chemerinsky, Stephen W. Gard, Roger D. Hatch, Stephan Landsman, and Peter Paris. For assistance with resources, the author obtained invaluable help from Michelle Ainish at the Blaustein Library of the American Jewish Committee, Joyce Baugh, Steven Cohen, Roger D. Hatch, and especially her research assistant, Christopher Janezic. This work was supported by a grant from the Cleveland-Marshall Fund.

1. In the 1982 California gubernatorial election, Jewish voters gave the African-American candidate, Tom Bradley, 75% of their vote; Jews were second only to African-Americans in their support for Bradley, exceeding even Hispanics, while the majority of the white vote went for the white Republican candidate, George Deukmejian. Murray Friedman, Introduction to SANDRA FEATHERMAN, PHILADELPHIA ELECTS A BLACK MAYOR: HOW JEWS, BLACKS, AND ETHNICS VOTE IN THE 1980s at iii (1984).

In 1983, Jews were a "key element" in the election of Harold Washington as mayor of Chicago, despite the fact that he ran against a Jewish Republican. See id. at v. In the 1983 primary election for the mayor of Philadelphia, black candidate W. Wilson Goode captured more than 30% of the Jewish vote, compared to 9% in Polish areas, and 11% in Irish areas (Frank Rizzo walked off with the Italian-American vote). FEATHERMAN, supra, at 5. Although turn-out in the general election was atypically low for Jewish voters, possibly signaling their reluctance to vote for either an African-American Democrat or a white Republican, they gave Goode 32% of their vote, as compared with 22% of the white vote overall. See id. at 8.

In 1986, Bradley and Deukmejian were pitted against each other again for the governor's seat. Although Jewish support for Bradley had eroded somewhat due to a 1985 incident involving Louis Farrakhan, they still gave him 63% of their votes, in an election where Bradley garnered only 38% overall. David Singer, The American Jewish Committee, AMERICAN JEWS AS VOTERS: The 1986 Elections (Am. Jewish Comm., Inst. of Human Relations), Dec. 1986, at 5. In the crucial 1989 vote which elected David Dinkins as New York City's first African-American mayor, Jewish support was lower than it usually is for a Democratic candidate, but even at one-third, the Jewish vote was still twice the percentage Dinkins received from ethnic whites, and a few points higher than from white Protestant voters. Scott McConnell, The Making of the Mayor 1989, COMMENTARY, Feb. 1990, at 29, 38.
and state (which they refuse to distinguish from separation of religion and society, and especially from separation of religion and politics). Many liberal African-American candidates, however, such as Jesse Jackson and Al Sharpton, are also religious leaders and consequently bring a "pulpit style" to their campaigns. African-American candidates often fail to understand the effect of their religious identity and style upon Jewish voters who would otherwise be among their natural constituents. Moreover, Jewish Americans often fail to understand the significance of the role of the church in African-American life and politics.

Liberal Jews (which is to say most Jews) are deeply committed to the notion of a secular public/political culture. In contrast, many African-American political leaders have previous experience in the black church and ground their approach to politics in that experience. Thus, no matter how appealing a candidate’s platform may be, liberal Jews still have great trouble casting their votes for a Protestant preacher.

Let me begin with two anecdotes from a series of casual conversations with the two American Jews I know best:

1. My father—a very sophisticated man—expressed outrage that Jesse Jackson and Pat Robertson, when candidates for the Presidency in 1984, were eligible for the funds raised by the $1 tax contribution to support electoral campaigns. When pressed, he stated that using public money to support their candidacies was like using public money to support "the church." I never convinced him that excluding candidates on the grounds that they were clergy was offensive to the Free Exercise Clause, moreover, I could not dissuade him from support for a hypothetical law that would prohibit members of the clergy from running for any public office. It is important to note that my father is just as opposed to a Jewish rabbi’s candidacy as he is to that of a Christian clergyperson.

2. Both my parents—knowledgeable voters and daily readers of the New York Times—when asked which of the many candidates in the 1984


3. In fact, such laws have existed, proving the deep suspicion many Americans feel about the very possibility of intermingling ecclesiastical and political power. In England, clergy were excluded from the House of Commons, a practice justified by the fact that the established Church of England had its own arena of political power. See McDaniel v. Paty, 435 U.S. 618, 621 (1978). In the United States, seven of the original states took over the practice of excluding clergy, and six new states enacted such laws. Most of the states abandoned these laws in the nineteenth century, leaving only Maryland, whose clergy-disqualification provision was struck down by a district court in 1974, Kirkley v. Maryland, 381 F. Supp. 327 (D. Md. 1974), and Tennessee, whose law disqualifying clergy from serving as constitutional delegates and state legislators was invalidated by the United States Supreme Court in 1978. McDaniel, 435 U.S. at 629.
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Presidential election most resembled Jesse Jackson, named Pat Robertson. The obvious fact that these two men are about as far apart on the political spectrum as it is possible to be, was overshadowed by the one factor they shared: both were Protestant clergymen. The great irony is that Jackson, who sees himself as the quintessential minority leader, is perceived by many Jews as the threatening voice of the majority: Christian America.

Part II of this Essay discusses American Jewish perspectives on church and state, analyzing the separationist view of the majority as well as the more accommodating views of the neoconservative minority. Part III looks to Jewish history to explain why most Jews believe that they fare better in a secular state where religion is largely confined to the private realm. Part IV analyzes African-American perspectives on church and state and religion and politics, through a number of lenses. Parts IV.B and IV.C look at the role of religion during the slavery era, and part IV.D carries that history up through the modern black church in America. Part IV.E analyzes the personal and political style of Jesse Jackson as the paradigm of a social justice candidate whose values and rhetoric are rooted in the African-American church. In Part V, I suggest some avenues for communication and comprehension understanding that may help African-Americans and Jews better to understand each other.

II. Jewish Perspectives on Church and State

A. The Jewish Mainstream

A 1989 study of Jewish political opinion commissioned by the American Jewish Committee is tellingly titled, The Dimensions of American Jewish Liberalism. The study shows Jews as strikingly more liberal than non-Jews, and “extraordinarily liberal in three broad areas: church-state separation, the social issues, and identification with the groups and symbols of liberal America.” Here we see the tension this Essay highlights: Jewish liberalism on social issues makes them more likely than their non-Jewish neighbors to vote for an African-American, social justice candidate, but their impassioned commitment to separation of church and state makes them dramatically less willing to vote for a candidate whose rhetoric and leadership are strongly identified with a religious tradition.

5. Id. at 35.
6. Despite the noise emanating from Commentary magazine, there is very little erosion of Jewish liberalism today, except on some very specific issues, such as affirmative action. More than thirty years ago, Marshall Sklare asked third-generation American Jews what it meant to be a “good Jew.” Almost all thought it “essential” or “desirable” to
"The Dimensions of Jewish Liberalism" documents this separationist commitment with figures that are enlightening, though not surprising. For example, only 18% of Jews support a constitutional amendment to permit prayer in public schools, as compared with 71% of other whites, and 74% of African-Americans. As for government displays during holiday seasons, 36% of Jews thought it was acceptable to have a manger scene on government property at Christmas, and 37% thought it was all right to put a menorah on government property during Hanukkah, as opposed to 89% and 81% of other white Americans, respectively. Thus twice as many non-Jews as Jews find acceptable the display of menorah on city property. African-Americans fell somewhere between Jews and other whites on the display issue, with only 70% accepting the creche and 60% accepting the menorah. In a 1987 study designed to explore differences between "mass" and "elite" attitudes toward church and state, 77% of rabbis fell into the most separationist category; the only group more consistently separationist was "academics."

On an institutional level, Jewish commitment to strict separation is evidenced by the legal activities of the American Jewish Congress, which has filed more amicus briefs on the separationist side of church/state litigation than any other group. The Synagogue Council of America has support humanitarian causes and help the underprivileged. Almost two-thirds thought it was desirable for Jews to be "liberal on political and economic issues." In 1988, the Los Angeles Times asked a survey of Jews to identify the most important element of their Jewish identity: commitment to social equality, religious observance, or support for Israel. Half chose commitment to social equality, the other half were equally divided between the other options. See id. at 2; see also Robert Scheer, Serious Splits; Jews in U.S. Committed to Equality, L.A. Times, Apr. 13, 1988 (detailing results of the L.A. Times survey); Robert Scheer, The Times Poll; U.S. Jews for Peace Talks on Mideast, L.A. Times, Apr. 12, 1988, at 1 (same).

7. COHEN, supra note 4, at 44.
8. Id.
9. In a 1987 study commissioned by the Williamsburg Charter Foundation, 17% of rabbis were in favor of menorah displays on public property, as compared to 84% of the ministers and 92% of the priests. Clyde Wilcox, et al., Public Attitudes Toward Church-State Issues: Elite-Mass Differences, 34 J. OF CHURCH & STATE 258, 267 n.22 (1992).
10. COHEN, supra note 4, at 44.
11. The other figures for the "no help/high wall" category were: business, 68%; government, 68%; media, 63%; ministers, 48%, and priests, 25%. Wilcox, supra, note 9, at 271.
12. Leo Pfeffer, Amici in Church-State Litigation, 44 LAW & CONTEMP. PROBS. 83, 86 (1981). The American Jewish Congress (AJC) was organized in 1917 "to help secure and maintain equality of opportunity, . . . to safeguard the civil, political, economic and religious rights of Jews everywhere' and ' . . . to help preserve, maintain and extend the democratic way of life." Id. at 87 (quoting Brief of American Jewish Comm. at 1, Stainback v. Mo Hock Ke Lok Pe, 336 U.S. 368 (1949) (No. 52)). Although membership is open only to Jews, the category is construed to include anyone who identifies as a Jew, including atheists or agnostics. See id.
been almost equally active.\textsuperscript{13} Jewish aversion to a public role for religion also shows up at the ballot box. A 1984 exit poll asked voters what they disliked most about the candidate they voted against: 23\% of Jews, compared to 7\% of other voters, said that they voted against Ronald Reagan because “he ‘mixes politics with religion,’” a view largely driven by Reagan’s association with the Reverend Jerry Falwell, of whom 78\% of Jews indicated a negative opinion.\textsuperscript{14}

American Jews tend to make few distinctions between separation of church and state, and separation of religion and society. As the historian Charles Silberman comments: “For many Jews . . . ‘separation of church and state’ is not (certainly not merely) a constitutional issue; it is a metaphor for religious and cultural pluralism, for a society in which Christian symbols and rhetoric are sufficiently muted for Jews to be accepted as full and equal members.”\textsuperscript{15} Notice the assumption that Silberman expects his readers to share: that only if the majority religion mutes its voice will Jews be accepted as equal members of society. This equation—that a louder, more robust Christian voice necessarily means a less secure and equal citizenship for Jews—is a deeply held tenet of American Jewish life.

**B. The Neoconservatives**

The equation of a secular political arena with increased Jewish security pits most American Jews against the philosophy of the neoconservatives, Jewish and Christian alike, whom I would loosely associate with Richard Neuhaus. In his thoughtful book, *The Naked Public Square*,\textsuperscript{16} Neuhaus argues that a misguided commitment to a secular society requires that persons “check their religious beliefs at the door” before entering the public arena where they will engage in discourse about what is right and
wrong with America and debate where we ought to be going. Thus, our political discourse becomes "empty," stripped of our most profound, deeply held, and valuable moral intuitions. As a result, the public square is "naked," because the evocative symbols of religious belief are banned. Neuhaus sees this as a prescription for cultural and political disaster, resulting in a purposeless, value-confused and increasingly alienated culture.

The doggedly separationist stand of even conservative Jews on matters of religion and politics frustrates Neuhaus and his associates, because their vision of a "clothed" public square must include a strong commitment to Jewish/Christian friendship, lest their "public Christianity" raise the specter of Christian anti-Semitism. It is interesting to see the irritation neoconservative Jews express when reporting on the unregenerate disestablishmentarianism of their coreligionists.

In a 1986 conference provocatively titled "Jews in Unsecular America," hosted by the Rockford Institute (with which Neuhaus was then associated), participants were chosen for their disaffection with the separationist perspective. The participants recognized that "the new assertiveness of religion in the public square... contains elements of a healthy democratic impulse to establish stronger connections between public discourse and the ultimate beliefs by which most of us claim to live." However, these participants must have been virtually the only Jews in America who feel this way, because most of them spent a great deal of time bemoaning the intransigence of their fellow Jews.

Four years later, a symposium on the same topic was organized by First Things, a journal conceived and edited by Neuhaus. From the perspective of the neoconservatives, the news was just as frustrating. Nicholas Wolfson contested the assumption that Jews are having "second thoughts" about church and state, and Marc D. Stern, Co-Director of

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17. Id. at 103.
20. "The public assertiveness of religion, however, is as much a challenge to Christians as it is to Jews. At least as much. If Jews are not to view a religiously grounded public morality as a threat, it must be unmistakably clear, as it is not now, that Christian morality includes a respect—indeed a reverence—for the reality of living Judaism." Id. at viii.
21. Id.
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the Commission on Law and Social Action for the American Jewish Congress, told them:

The jumping-off point for this symposium is the contention that Jews are "increasingly contending for 'equal time' in law and government programs that encourage rather than restrict the role of religion in public life." Both the poll evidence and the evidence of organizational behavior belie the existence of such a shift. No Jewish organization supported the Equal Access Act, which wrote the equal time principle into law and allowed religious students a platform from which to inject religion into the public high school environment.24

Dennis Prager finds himself forced to agree with Stern, speaking of:

the tragic irony that the Jews, the people who brought God into the world, are today among the leaders of virtually every American movement dedicated to removing God and religion from the world. To cite one of too many possible examples, a Jewish organization, the aggressively secularist American Jewish Congress, welcomed the Supreme Court ruling upholding a state ban on the posting of the Ten Commandments in public high schools. We Jews gave the world the Ten Commandments, and the secular Jews of the American Jewish Congress and the non-Jewish Jews of the ACLU devote their lives to taking them back.25

Nathan Lewin is an attorney and Vice-President of the National Jewish Commission on Law and Public Affairs (COLPA), founded to oppose the strict separationist viewpoint of most American Jewry. He says:

Rather than stimulating Jewish identity, observance, and pride, the national Jewish organizations have promoted Jewish ignorance, indifference, and insecurity by their determined campaign to eliminate religion from public life. It was momentarily satisfying for me to win in the Supreme Court, against the opposition of the Jewish disestablishmentarianists, the right to display a menorah in front of a city hall. I recognize that while we prevailed in a small battle, they have won the war.26

David Novak attributes this determined adherence to the ideal of a secular culture to a refusal by Jews to be authentically Jewish:

"With a few exceptions those Jews who have been in the forefront of de-Christianizing America were people of minimal Jewish commitment, minimal Jewish knowledge, who, I am convinced, in their heart of hearts were really threatened by the fact

24. Marc D. Stern, in Judaism Symposium, supra note 22, at 17 (untitled).
25. Dennis Prager, in Judaism Symposium, supra note 22, at 19 (untitled).
that a Christian America requires that Jews be more Jewish. . . .
The real Jewish fascination with secularism as a doctrine in and of itself is precisely that it offers a way out of Judaism."27

Novak espouses a basic neoconservative theme here: those who oppose the mixing of church and state are really opposed to religion itself.28 He is correct in his facts, although one may contest his conclusions. It is true that Orthodox Jews tend to be less separationist than their Conservative, Reform and secular neighbors. To some extent, that stance can be attributed to simple self-interest: the Orthodox are the most likely to send their children to parochial schools, but the least likely to be able to afford it.29 The Orthodox are also more committed to large families to replace the Jews lost to the Holocaust and assimilation, and the "ultra-Orthodox" are the most committed of all.30 Thus, in the 1960s, when it became clear that the large Jewish philanthropic federations were not committed to underwriting the cost of Jewish day schools,31 the Orthodox broke ranks politically to work for public aid to parochial schools. Their strategy included attacking separationist organizations as illegitimate representatives of American Jewry.32

Thus, Orthodox Jews who take an accommodationist stance may do so because their need for parochial school funding outweighs their fear that they will be marginalized and vulnerable in a more accommodationist America. Others might argue that Christianity is so pervasive in our society that it is impossible to separate it from our "secular" lives; the prudent approach for Jews, therefore, is to press for "equal time."33

28. Neuhaus can be quite blatant about this: "There is no denying that some Jews give every appearance of being anti-Christian, or at least of wanting to expunge every evidence of Christianity from our public life. The propensities of the dominantly Jewish leadership of the American Civil Liberties Union come immediately to mind." Christians, Jews, and Anti-Semitism, First Things, Mar. 1992, at 9, 10 (editorial).
32. The Chairman of the National Society for Hebrew Day Schools explained to the United States Senate that "[t]he American Jewish Congress does not represent the Jewish community," ignoring the fact that Reform and Conservative Jewish leaders had joined the AJC in opposition to parochial aid. Gilbert, supra note 30, at 61. Rabbi Schneerson, head of the ultra-Orthodox Lubavitz Chasidic Movement, pronounced, "[T]he entire matter of federal aid to parochial schools as far as Jews are concerned, should rest in the hands of the Halachikly competent Jewish clergy and certainly not in the hands of Jewish laymen or organizations." See id. at 62; see also Murray Friedman, The Utopian Dilemma: American Judaism and Public Policy 32-35 (1979).
But let us ignore issues of self-interest and examine Novak's claim on its merits. His argument is that separationist Jews want a secular society because they themselves are secular at heart. A robustly Christian society calls on Jews to be robustly Jewish. We can use *Lee v. Weisman* as a foil for this argument. The Weisman family objected, on First Amendment grounds, to having a rabbi give a religious invocation at their daughter's public school graduation. The principal of the school had made it a practice to invite clergy of different faiths on a rotating basis. We do not know if the Weismans are religious or not; they would certainly claim that their religious observance is irrelevant to the constitutional issue. Novak's argument, I presume, is that if the school were allowed to continue its practice of inviting clergy to participate in school graduations, the Weismans would be expected to be "more Jewish," perhaps by participating in the choice of rabbi, explaining Jewish prayer practices to others, and so on. With religion publicly acknowledged in this and other ways, Jewish families would feel pressure (internal and external) to become more religiously active and affiliated.

One can see this intriguing argument most clearly by comparing two cities with large Jewish populations: Montreal and New York City. Because Canadian law and society does not presuppose separation of church

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34. See Stallworth, *supra* note 18, at 66 (quoting comments of David Novak).
36. *Id.* at 2652.
37. *Id.*
38. Arthur Hertzberg has a somewhat different perspective on this issue. Although neither a neoconservative nor a proponent of the "clothed public square," Hertzberg has consistently argued for a less dogmatic, more nonpreferentialist approach:

Jews speak of the separation of church and state in absolute terms only on those occasions when they are asked to submit to practices which force them to admit to themselves that their status in America is no more than that of a generously tolerated minority. The first amendment is not the real dogma of the American Jew. His deepest and most messianic need is not a completely secular state; it is a truly equal status in American culture.

For Jews the participation of rabbis in the [presidential] inaugural ceremonies is undoubtedly far more impressive than is the participation of bishops to Christians. The matter-of-course appearance of a rabbi at the most sacral moment of American civic life is visible proof indeed that they are full co-owners of American culture.

and state, Jews in Montreal live surrounded by a largely Catholic culture which expresses itself in both the public and private arenas; the government is free to use its power to further the interests of the majority religion. The school system is "confessional," meaning that all public schools are either Roman Catholic or Protestant (the latter term officially encompasses anyone who is not Roman Catholic, including Jews, Eastern Orthodox, and so on), with crosses on the buildings and some form of moral and religious instruction in the curriculum. People are asked their religious affiliation on many official documents, and religious authorities act as agents of the state to register births. Until 1970, civil marriage did not exist in Quebec; people who did not wish to be married by clergy were forced to go to another province. In addition to these legal realities, cultural forces in Montreal encourage strong identification with one's religious or ethnic group.

Consequently, Jewish life in Montreal is quite different from Jewish life in New York. Jews in Montreal are more likely to live in close proximity to each other. The Montreal intermarriage rate is lower than in the United States. Eighty-five to ninety percent of Jewish households in Montreal participate in Jewish institutions, compared to forty percent of American Jews. Montreal Jewish day schools are heavily subsidized by government grants, making tuition affordable for everyone; about half the city's Jews choose this option.

It is certainly clear that this "coerced Jewish identification" in Montreal has resulted in a more tightly knit Jewish culture, less assimilated than we find in the United States. Whether this Jewish-identified culture is also "less secular" is more difficult to discern. A significant number of Montreal Jews define themselves culturally or ideologically. For example, some send their children to Yiddish-oriented nonreligious schools which emphasize Jewish culture. "[M]uch of the Jewish identification that exists in Montreal today has only a minimal religious component at best." Of course, without legal curbs on the expression of majority religion in public life and in public schools, Jews respond by creating their

40. DANIEL J. ELAZAR & HAROLD M. WALLER, MAINTAINING CONSENSUS: THE
41. Rosenberg, supra note 39, at 41.
42. ELAZAR & WALLER, supra note 40, at 104-05.
43. Rosenberg, supra note 39, at 40.
44. See id.
45. See id. at 39.
46. CHRISTIANS, JEWS, AND ANTI-SEMITISM, supra note 28, at 10.
47. ELAZAR & WALLER, supra note 40, at 100.
48. Id. at 105.
49. Id. at 103.
own institutions. These institutions foster a greater sense of "Jewish identity." However, the content of that identity may not be any more to Novak's liking than the secularism he deplores in the United States.

So where does this argument take us? Perhaps Novak is correct, and commitment to separation is really commitment to secularism, at least for some American Jews. The question is, what goal is being sought? Is the goal to create a world in which each person is encouraged to find the religious or secularist life which suits her best, or to establish a world in which the greatest possible percentage of Jews is actively religious and affiliated with some religious "mediating" structure?\(^5\)

The question represents the fundamental liberal/conservative split. For the liberal, the goal is a world where each person chooses important facets of her identity, such as whether or not to be religious; the core question is, not what is good for "the Jews" but what is good for individual human beings. Conservatives would describe this as "the radically individualistic concept of the self-constituted self."\(^5\) For the conservative, identity is embedded in culture, and the notion that people can decide de novo what to believe, how to conduct their sexual lives, how to raise their families if they chose to have them, is the height of folly and leads to moral disarray.

C. Consequences for Politics

Jewish hostility to religious language and symbols in the public square manifests itself in a strong antipathy to religious figures in political life. In this connection, it is worth noting how little exposure American Jews have had to sympathetic, non-threatening religious\(^5\) figures in electoral politics. Protestant political figures known for their religious connections tend to be very conservative and moralistic, for example, Jerry Falwell and Pat Robertson. The Roman Catholic figures frequently seen in public life have been remarkable for their rocky connections with the church hierarchy. For example, Mario Cuomo and Geraldine Ferraro, two politicians who would likely garner most of the Jewish vote, have pointedly separated their "private" religious beliefs from their "public" political ones. In this regard, the election of John F. Kennedy was a watershed

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50. The phrase "mediating structure" was coined by Peter Berger and Richard Neuhaus, and refers to families, churches, and fraternal organizations which mediate between the individual and the impersonal structures of government and marketplace. Peter L. Berger & Richard J. Neuhaus, To Empower People: The Role of Mediating Structures in Public Policy 2 (1977).


52. By "religious," I do not mean members of the clergy necessarily, but simply people associated in a vivid, positive manner with some form of organized religion.
event, because it highlighted the suspicion many Jews harbored about American Catholics: that they could not keep their religious beliefs appropriately "private." One reason why Kennedy won a large number of Jewish votes was because he confronted the religion issue head on and showed that he could and would make that distinction. In his inaugural address, Kennedy mentioned God, but in the vocabulary of civil religion, not of Catholicism or even of Christianity. As for Jewish politicians, no Jew has ever run on the Presidential ticket of a major party, and Jews who are visible in politics, such as Henry Kissinger, tend to be very secular.

Of course, there are many instances in American politics where the candidates are all robustly religious. In 1992, Jews voted for President Bill Clinton in great numbers, despite his unabashed religiosity. Further, few complained about Reverend Billy Graham's inaugural benediction, with its explicitly Trinitarian language. But Clinton's campaign avoided the shameless exploitation of religion for political gain prevalent at the Republican convention, and did not attempt to give the impression that only religious people were "real" Americans.

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53. The 1960 election had certain crucial consequences for Catholics and for America above and beyond the election of a Catholic to the presidency. In the height of the campaign several important statements were made on behalf of the American hierarchy; they amounted to a formal promise to abide by the self-limiting tradition of the sects in America—i.e., to behave in actual practice as one among many churches. It was thus that the Catholics purchased the inevitable ticket of full admission into American society.

This sundering of private faith from public policy is, for good historical reasons, extremely congenial to Jews, for they have experienced public policy over the centuries as a force inimical both to the practice of their religion and the safety of their lives. Hertzberg, supra note 38, at 155.

54. Father Robert Drinan, the liberal Congressman from Massachusetts during the era of the Vietnam War, may be the counter-example here; but in the end, his forced resignation from politics at the command of the Vatican probably reinforced Jewish suspicions that clergy and politics do not mix. See Robert F. Drinan, God and Caesars on the Potomac: A Pilgrimage of Conscience (1985) (collection of writings and addresses).


56. A recent study suggests that religious belief and activities are prevalent in Congress to a significantly greater degree than in the general public. This religiosity is underreported; most Americans, from the both right and the left, perceive Congress as a largely irreligious institution. Peter L. Benson & Dorothy L. Williams, Religion on Capitol Hill: Myths and Realities (1982).

III. Why Jews Are Committed to the Separation of Religion and Politics

Historically, Jews have been a minority in every place they have lived, with the exception of the modern state of Israel. Jews believe strongly that they fare better—in terms of physical safety, religious tolerance, and access to the majority society—in regimes where religion and politics are sharply separated.

Although anti-Semitism existed in the pre-Christian era, its virulence increased drastically with the political triumph of Christianity, until Jewish political and civil rights became "almost entirely a thing of the past." Whatever the political and social causes that grounded anti-Semitism, the reasons expressed were religious in nature, focusing on Jewish guilt for the death of Jesus, and on character flaws which included everything from gluttony and dissolute living, to a distinctive smell ("foetor judaicus") which contrasted with "the odor of sanctity." Against this background of pervasive anti-Semitism, specific massacres and atrocities were usually precipitated by religious catalysts.

For example, in the Middle Ages an increased focus on the Eucharist gave rise to a belief that Jews desecrated the Host and murdered Christian children to obtain blood to bake into the matzoth for Passover. One such accusation, which occurred in Italy in 1475, resulted in the extermination of the Jewish community in Trent. The allegedly murdered child was venerated as a martyr until 1965, when the cult was suspended by order of the Vatican. In addition, the catechism, the primary form of popular education in the Middle Ages, taught hostility toward Jews as the "executioners of Christ." The religious frenzy of the Crusades exacerbated Christian antipathy toward Jews. Although secular and ecclesiastical authorities afforded some protection to the Jews, with whom they were in silent financial partnership, each new Crusade was marked by massacres of the European Jewish communities that the Crusaders passed through on the way to Jerusalem.

The rise of Protestantism did little to enhance the situation of Jews in Europe. Although Calvin and his followers were relatively less Judeophobic than Catholics or other Protestants, Lutheranism took an extremely negative view of Jews. The pamphlets Luther wrote late in his

58. 3 Encyclopaedia Judaica, Anti-Semitism 95 (1971).
59. See 3 id. at 102.
60. 3 id. at 98.
61. 3 id.
62. See 3 id. at 107.
63. See 3 id. at 101-02.
life continue to embarrass Lutherans today. For example, in a 1543 pamphlet entitled “On the Jews and their Lies,” Luther put forth a seven-point plan for ridding Europe of this “insufferable devilish burden,” beginning with torching Jewish synagogues and homes and ending with expulsion.64 “This is to be done in honor of our Lord and of Christendom, so that God may see that we are Christians . . . .”65

The history of the Jews in Christian Europe is one of insecurity, persecution, and expulsion. Jews were expelled from England in 1290, from France in 1306, and from Spain in 1492.66 Christian holidays, especially Easter, were times for Jews to hide from the pogroms often triggered by the Easter sermon vilifying Jews as “Christ-killers.”

The Enlightenment transformed Western Europe into a place where Jews could live and work and break out of their ghetto existence. The Enlightenment philosophes expressed their anti-Christian hostility by championing Christianity’s most obvious victims. “[P]rotests against the persecution of Jews—and especially against the Inquisition, the Enlightenment’s bête noire—became one of the standard set pieces of 18th-century rhetoric.”67 The Jews of France were emancipated in 1791, largely as a result of Enlightenment thinking which “overcame the objections of churchmen and gentile economic interests.”68

The Enlightenment was not an unmixed blessing, however. Support for Jewish emancipation did not signal any real empathy with Jews themselves, much less the Jewish religion, which was as distasteful to Enlightenment deists as was Christianity. Further, the tightly-knit, mutually supportive Jewish society affronted Enlightenment values of individualism and autonomy. The most common argument for emancipation was that it would integrate and assimilate Jews into the majority culture. As a popular slogan stated: “‘To the man, everything; to the Jew, nothing.’”69

Despite the ambiguities of the Enlightenment, it clearly represented a decisive gain for Western Jewry70 and marked the Jewish political con-

64. Editor’s Preface to 47 LUTHER’S WORKS at x (Franklin Sherman & Helmut T. Lehmann eds., 1971).
65. MARTIN LUTHER, On the Jews and Their Lies, in 47 LUTHER’S WORKS, supra note 64, at 268.
66. 3 ENCYCLOPAEDIA JUDAICA, supra note 58, at 102.
67. 3 id. at 111.
68. 3 id.
69. 3 id. at 111-12.
70. [O]n balance, Jews liked the new regime; Christians did not. The triumph of the secular state radically lessened the role of Christianity in society. The established church was everywhere a major loser . . . . At least in its Catholic version, Christianity throughout the nineteenth century and into the twentieth remained opposed to “modernism”—that is, to the removal of the church from its centrality in society and to forcing it to behave as a mere equal to Christian heretics, Jews,
sciousness indelibly with a pronounced preference for self-consciously secular and liberal regimes. This preference helps explain the Jews’ relative lack of sensitivity toward anti-Semitism on the left, compared with their exquisite sensitivity to any perceived threats from the right or from religious forces. Thus, while a conservative minority focuses on anti-Semitism in socialist states, the more typical Jewish response is expressed in this letter:

[W]hile the pagans destroyed the Temple and sent the Jews into exile, it is important to point out that at least they did not burn them alive for the greater glory of God. Nor did . . . pagan books inculcate hatred of the “Christ killers” in every schoolchild in Europe . . . . Jews can therefore be forgiven if they are somewhat wary of Christianity, even as benign a form of Christianity as American Protestantism.

In America, as well as in Europe, the most obvious examples of virulent anti-Semitism have come from religious sources. For example, the infamous Father Coughlin had an anti-Semitic radio program with diatribes that reached millions of listeners in the 1930s and were later printed in official Catholic publications. American Jews have learned that lesson well, some would claim too well. Lucy Dawidowicz argues: “Convinced that old-style Christian anti-Semitism is an inevitable feature of our society, [Jews] have located its current home in the heart of Protestant evangelical territory.” The relative lack of anti-Semitism in America is attributed by Jews to the separation of church and state.

Jews recognize that American culture is saturated with Christian symbols and assumptions—from being asked one’s “Christian” name to the

and even unbelievers. For Jews, the new secularism did bring a major threat to the faith, for wherever they could, Jews rushed in their many thousands into the secular schools. Some Jews very rapidly became part of the most “advanced” intelligentsia. This danger to the faith was understood early; it was deplored and fought, but even the bulk of the Orthodox gladly accepted the new political era, for it brought Jews economic equality and it allowed them, for the first time since the Diaspora had begun some eighteen centuries earlier, to live in society and not on its margins.


74. 15 Encyclopedia Judaica 1655 (1971).

75. Dawidowicz, supra note 71, at 28.
ubiquitous “Silent Night” blaring through shopping malls in December. When city hall joins Macy’s in displaying a creche, however, Jews feel decisively marginalized, a feeling not merely of alienation, but of fear for survival. When city hall joins Macy’s in displaying a creche, however, Jews feel decisively marginalized, a feeling not merely of alienation, but of fear for survival.76 “Breach the constitutional barrier, and dominant religious forces will flood the schools and public life with the majoritarian religious beliefs of the day. There will soon be no breathing space for minority voices.”77

A classic example of the Jewish view of church and state is expressed in a recent talk by constitutional scholar Erwin Chemerinsky at the Jewish Community Center in Omaha, Nebraska.78 Chemerinsky began by reminding his audience that Jews have experienced persecution and expulsion in almost every country in the world except the United States, and believes the reason for the American exception lies in “the majestic first words of the First Amendment.”79 Predicting (incorrectly) that the Court would uphold the practice of prayers at graduation in Lee v. Weisman,80 Chemerinsky forecast a “bleak” future in which “[t]he wall that separates church and state will crumble and fall.”81 What was remarkable about this speech was not its content, but the audience’s response. The first questioner to raise her hand asked: “Should we be packing our suitcases?” The predominantly Jewish audience saw nothing irrational in this reaction: if the wall between church and state is crumbling, of course Jews should be concerned for their safety.82

76. It is almost impossible to overestimate the thinness of the membrane with which most American Jews view the cultural connections between mainstream evangelical Christianity and the anti-Semitic, lunatic fringe. Milton Himmelfarb describes a meeting of Jewish leadership at which the tiny, murderous group, the Aryan Nation, was under discussion: “Someone suggested and put it forth as a possibility with a question mark that these people were encouraged by the religious, evangelical noises emanating from the White House. I considered that to be an infamous, demagogic statement. Yet it received a real round of applause.” Milton Himmelfarb, Remarks at Jews in Unsecular America Conference (Jan. 13-14, 1986), quoted in Stallsworth, supra note 18, at 67. “The social insecurity of American Jews has been said to make Jews especially wary of any political movements that appear to encourage intolerance and bigotry.” KENNETH D. WALD, RELIGION AND POLITICS IN THE UNITED STATES 98 (1992).

77. Nicholas Wolfson, in Judaism Symposium, supra note 22, at 17 (untitled).

78. Erwin Chemerinsky, The Crumbling Wall Between Church and State, Address at the Jewish Community Center, Omaha, Neb. 1 (Oct. 6, 1991) (transcript on file with the Catholic University Law Review).

79. Id. at 1.


81. Chemerinsky, supra note 78, at 14.

82. The Neuhaus philosophy argues that Jews are safer in a society with a robust religious/political presence, because it provides a countervailing force to the power of the state. Most American Jews would disagree. In 1984, 15% to 20% of Jews thought all Americans were anti-Semitic, when the question was put to them simpliciter. However, when the question included sub-categories, 40% thought most Catholics anti-Semitic, 42%
IV. BLACK POLITICS AND THE BLACK CHURCH

A. The Black Church and Black Activism

The church has always played a central role in the African-American community. As a result, there will always be a substantial number of black politicians for whom the church is the natural conduit to a leadership role in the wider community, as the following discussion shows.

Slave owners in America were at first reluctant to sanction any form of slave religion. African religious practice was forbidden as fostering re-

thought mainstream Protestants anti-Semitic, and 46% believed fundamentalist Protestants were anti-Semitic. Milton Himmelfarb, Jewish Perceptions of the New Assertiveness of Religion in American Life, in JEWS IN UNSECULAR AMERICA, supra note 18, at 1, 5.

A good example of the Neuhaus philosophy would be his implied response to the holding in Lee, 112 S. Ct. at 2649. The issue in Lee was whether the Establishment Clause forbade a public junior high school from having a clergyperson give a Benediction and Invocation at graduation ceremonies. This case exemplifies the reigning American Jewish attitude to church and state: a Jewish family objected because a Rabbi gave the Benediction at a public school graduation. See Henry J. Reske, Does Prayer Belong at Graduation?, A.B.A. J., Feb., 1992, at 47. The Court struck down the practice, explaining that the Weismans were injured by government action which "in effect required participation in a religious exercise." Lee, 112 S. Ct. at 2659. The Court acknowledged the significance of graduation for the expression and formation of values:

Graduation is a time for family and those closest to the student to celebrate success and express mutual wishes of gratitude and respect, all to the end of impressing upon the young person the role that it is his or her right and duty to assume in the community and all of its diverse parts.

Id.

In an earlier case on a similar issue, concerning prayers before football games, the 11th Circuit struck down the practice in part because secular alternatives existed to meet the same goal. Jager v. Douglas County Sch. Dist., 862 F.2d 824 (11th Cir.), cert. denied, 490 U.S. 1090 (1989). The school could achieve its legitimate purpose through "inspirational speeches" and "secular invocations." Id. at 829-33. Neuhaus would probably argue that this gives the state a virtual monopoly on "public inspiration," while exiling from the public sector those institutions whose rival claims to truth and values are a salutary check on the possible excesses of the state. "[A] public square that is devoid of religiously grounded imperatives and inhibitions is a very dangerous place for a very small and very prominent population that is very importantly different." Chistians, Jews, and Anti-Semitism, supra note 28, at 11. One reason this argument convinces few Jews is the pathetic record of Christian churches in combatting official anti-Semitism in Europe and elsewhere, for example during the Nazi era. Historically, it does not appear that Jews have gained much protection from Christians in more accommodationist countries. As Marvin E. Frankel says:

Recall the Neuhaus proposition that the naked public square is likely to be invaded by the totalitarian enemies of freedom. Then recall what history teaches. Devoutly Catholic Italy, Spain, Portugal and Latin America; Czarist Mother Russia, drenched in Christian devotion; Germany, surely a Christian country despite the strains of "secular" variety and what many would see as dissipation in Weimar—all the bestial dictatorships entered public squares that were heavy with the trappings and doctrines of the Church.

volt, while Christianity was seen as problematic because slaveholders were not totally deaf to the implications of equality inherent in the Christian message. Although the practice of slave baptism and quasi-membership in white churches was present from the outset of slavery, it was not wholeheartedly embraced until slaveholders felt assured that baptism did not confer manumission. By the end of the seventeenth century, slaveholders were persuaded that a Christian slave was a more docile and valuable slave. However, except for the breakaway churches founded in the eighteenth century by free blacks who were disgusted by the segregation practiced by the white congregations, public African-American Christianity was in large part a creature of the dominant white culture, which distorted the Christian message for its own ends. Thus, we see

84. Id.; see also Albert J. Raboteau, Slave Religion: The "Invisible Institution" in the Antebellum South 102 (1978).

The danger beneath the arguments for slave conversion which many masters feared was the egalitarianism implicit in Christianity. The most serious obstacle to the missionary's access to the slaves was the slaveholder's vague awareness that a Christian slave would have some claim to fellowship, a claim that threatened the security of the master-slave hierarchy.

85. Raboteau, supra note 84, at 98-99. According to seventeenth century English law, a slave who was christened or baptized became free. By 1706 at least six American colonies had passed acts making clear that baptism did not confer freedom upon slaves. Id.
86. Frazier, supra note 83, at 18-19.
87. The first separate black church was founded in Silver Bluff, South Carolina by eight slaves who had been converted by a white Baptist preacher and who formed their own congregation after he was forced to leave. The first two African-American church leaders eventually escaped slavery by making their way to Nova Scotia and Jamaica, but by 1793 the church, reorganized and relocated twelve miles away in Augusta, Georgia, formed the First African Baptist Church in that city. Raboteau, supra note 84, at 139-40. The African Methodist Episcopal Zion Church was founded by James Varick, Peter Williams and others who withdrew from the John Street Methodist Church in New York City in 1796, in reaction to the refusal to commune blacks as well as whites at the chancel rail. At about the same time, and for similar reasons, Richard Allen formed the Bethel A.M.E. Church, the largest black episcopal church in America today. Calvin B. Marshall, The Black Church—Its Mission is Liberation, reprinted in The Black Experience in Religion 157-59 (C. Eric Lincoln ed., 1974).
88. From a catechism of that period, written by whites for slaves:
Q. What did God make you for?
A. To make a crop.
Q. What is the meaning of "Thou shalt not commit adultery"?
A. To serve our heavenly Father, and our earthly master, obey our overseer, and not steal anything.


A particularly gruesome distortion of Christianity characterized the slaveowner as the proper deity for a slave to worship, as illustrated in the following passage entitled Praying to the Right Man:
two forms of black Christianity during slavery times: the public church where whites supervised worship and acknowledged only ministers who preached the message of white superiority, and the "invisible institution" which preached a prophetic faith in which African-Americans identified with the enslaved peoples whom God had liberated in the Hebrew Bible.

Often African-American preachers operated on both levels:

I been preaching the gospel and farming since slavery time . . . . When I starts preaching I couldn't read or write and had to preach what Master told me, and he say tell them niggers iffen they obeys the master they goes to Heaven; but I knewed there's something better for them, but daren't tell them 'cept on the sly. That I done lots. I tells 'em iffen they keeps praying, the Lord will set 'em free.

For the many slaves who identified with the white man's church, Christianity had the desired effect of creating docile slaves who accepted their inferior status as God-given. But for the slaves who lived their true religious life in the "invisible institution," the emphasis was on the slave as a child of God, a person who retained inner dignity and power even when treated by the outside world as chattel. This sense of black worth and dignity as an essential concomitant of black Christianity is frequently echoed today:

God is trying to help people stand up as men, and if anything in our religion makes us less than men, there is something wrong with our religion. God says that we are created in his image. That means that we have to have some kind of power . . . .

Iffen you was caught, they whipped you till you said, "Oh, pray, Master!" One day a man was saying, "Oh, pray, Master! Lord, have mercy!" They'd say, "Keep whipping that nigger, goddam him." He was whipped till he said, "Oh, pray, Master! I got enough." Then they said, "Let him up now, 'cause he's praying to the right man."


89. FRAZIER, supra note 83, at 23.

90. According to Raboteau, the majority of slaves remained only "minimally touched" by either form of Christianity until the third and fourth decades of the nineteenth century, when "[a]n aggressive program of plantation missions" sparked "an unprecedented spread of Christianity among Afro-Americans, slave and free." RABOTEAU, supra note 84, at 149, 152-53.


92. See Marshall, supra note 87, at 159 (stating that the founders of many Black churches saw the "white church" as "inextricably locked into slavery and racism").

wants his chosen people to have power because if they don’t have power, they are slaves. . . .

. . . If God created us in his own image, he doesn’t want us running around acting like lap dogs for white people. 94

B. The Spirituals

The association of eschatological liberation with freedom from slavery is seen most clearly in the black spirituals of the slave era. Spirituals were an important part of slave religion because everyone could participate, and because they were a gospel teaching tool in a largely illiterate culture. Furthermore, communal singing was a way of bonding the slaves together95 and connecting a specific experience of joy or sorrow (being lashed, losing a child) with religious concepts (Jesus is thirsty, Jesus is lashed, Moses leads the people from slavery).

In many cases, words and phrases like “steal away to Jesus” masked an immediate temporal meaning beneath the heavenly hope for redemption. “Steal away to Jesus” might mean that there was a forbidden prayer meeting that night, or even that Harriet Tubman was on her way. The “River Jordan” often meant the Ohio River, with freedom waiting for the intrepid slave who could escape to the other side.96

“I thought I heard them say
There were lions in the way;
I don’t expect to stay
Much longer here.
Run to Jesus, shun the danger.
I don’t expect to stay
Much longer here[.]”97

Commentators differ over the extent to which the language of the songs was primarily spiritual or mundane,98 but this is an artificial distinction. As James Cone explains: “The theological assumption of black slave

95. Raboteau, supra note 84, at 246. “The flexible, improvisational structure of the spirituals gave them the capacity to fit an individual slave’s specific experience into the consciousness of the group. One person’s sorrow or joy became everyone’s through song. Singing the spirituals was therefore both an intensely personal and vividly communal experience.” Id.
96. Cone, supra note 88, at 80-81.
97. Raboteau, supra note 84, at 247-48 (quoting Frederick Douglass, who said that the passage “simply meant a speedy pilgrimage to a free state”).
98. Frazier, supra note 83, at 19 (“spirituals were essentially religious in sentiment,” investing them with “a revolutionary meaning” often reflected the biases of white radicals).
religion... was that slavery contradicts God, and God will therefore liberate black people."\textsuperscript{99} Just as God "delivered Daniel!" and the "Hebrew chillun f'om the fiery furnace,"\textsuperscript{100} so God would deliver his people from slavery once again. Harriet Tubman leading slaves across the Ohio River and the black preacher leading a prayer meeting were both engaged in the same work. "The message of liberation in the spirituals is based on the biblical contention that God's righteousness is revealed in deliverance of the oppressed from the shackles of human bondage."\textsuperscript{101}

The link between heavenly and earthly liberation was expressed again in the 1950s and 1960s, when time-honored spirituals became the freedom songs that Martin Luther King, Jr. called "the soul of the movement."\textsuperscript{102} Just as they had in slavery times, the songs welded people into a communal entity, and as the people reiterated faith in God as protector and liberator, the words served as a shield against the terror generated by police clubs and snarling dogs. Although some of the songs of the civil rights movement were newly written for the movement,\textsuperscript{103} the most popular and memorable songs were simply the old spirituals, or new words fitted to old songs. "If You Miss Me from Praying Down Here," became "If You Miss Me from the Back of the Bus”; “We Shall Overcome,” the anthem of the civil rights movement, was a synthesis of the spiritual “I’ll be Alright” with the hymn “I’ll Overcome Someday.”\textsuperscript{104} Thus, even if one were so blind as to miss the significance of the flocks of clergy at the head of the civil rights marches, one would need to be deaf as well not to hear that the modern movement for liberation was solidly grounded in the theology of the black church.

\textbf{C. The Modern Black Church}

It is simply not possible to understand the phenomenon of black political activism without coming to terms with the ubiquitous presence of the
black church.\textsuperscript{105} C. Eric Lincoln and Lawrence Mamiya, in \textit{The Black Church in the African American Experience}, describe the church as an institution which helps overcome the alienation from electoral politics that is pervasive among blacks.\textsuperscript{106} Furthermore, the role of black churches in providing a training ground for political leadership, public speaking and democratic selection of leaders, has catapulted clergymen such as Martin Luther King, Jr., Ralph Abernathy, Jesse Jackson, and Al Sharpton into the wider political arena. At a time when blacks were excluded from voting in the white churches or civil community, elections within the black churches were an important community activity.\textsuperscript{107} “With the rest of American society's institutions largely closed to blacks, the black church served as an all-purpose institution and the minister became the principal leader of the community . . . Within [this] religious tradition, combining the roles of preacher and politician is virtually mandatory.”\textsuperscript{108} Julius Lester, the son of a Southern preacher, describes his father's multifaceted role:

In the 1940s a black minister was the recognized and accepted authority in the community—the enforcer of divine law, adjudicator of disputes, provider for the poor, intermediary between the white and the black communities . . . . He was expected to respond to any plea for help, even if it wasn't from a church member.

. . . .

The white community regarded the black minister as a tribal leader. I accepted it as normal that Daddy went to court and on his word alone the judge paroled young black men into his custody, or waived bail. No wonder he sat in the pulpit as if he were the creator of life and death.\textsuperscript{109}

\textsuperscript{105} For a dissident view on what he describes as “the myth of a politically active black church,” see ADOLPH L. REED, JR., \textit{THE JESSE JACKSON PHENOMENON: THE CRISIS OF PURPOSE IN AFRO-AMERICAN POLITICS} 48 (1986); see also id. at 41-60.
\textsuperscript{106} LINCOLN & MAMIYA, \textit{supra} note 102, at 214.
\textsuperscript{107} FRAZIER, \textit{supra} note 83, at 49.
\textsuperscript{109} JULIUS LESTER, \textit{LOVESONG: BECOMING A JEW} 15 (1988); see also KENNETH D. WALD, \textit{RELIGION AND POLITICS IN THE UNITED STATES} 318 (1992):

From the perspective of organizational theory, leaders of the [black] church enjoy (1) regular opportunities to communicate their views on issues to members of the community, (2) immense prestige and credibility, and (3) control over a network of social agencies that meet human needs. Such resources can easily be turned to political advantage. When black politics was restricted by law and custom, the black church could still provide a basis for some limited bargaining with the white political elite.

\textit{Id.}
A rough analogy may be made between the benefits provided for African-American men by the black church and the opportunities offered to women by women-only schools and colleges. Both institutions created an arena in which the suppressed minority could hone its skills, strive to succeed and embrace political office without worrying about what the majority was thinking, and at the same time, provide an arena in which powerful leaders were expected to act as mentors. In Jesse Jackson’s words:

My daddy was without an education, wasn’t a politician, couldn’t vote, nobody knew his name—but he came back one day and said somebody had laid his hands on him. He said, I went to church today and the preacher recognized me, and now I’m a Trustee. Honey, I got an extra key; I can open the church when I want to. You know, I went down to the bank today for the first time, and I put my name on the check, and our church got a bank account. Next week I’m going down to Columbia to the state convention as a delegate, and I’ll meet other folk from all across the world. The church.

Jackson asserts that the black church was an indispensable instrument of black survival; first, because it gave blacks “a reason to live amid misery and oppression”; second, because it nurtured the earliest forms of black collective economic self-reliance by helping to establish black banks and black insurance companies; third, because it assisted in forming black educational institutions; fourth, because it served as a cradle for black

110. For women, the church’s contribution to leadership training and self-esteem is more ambiguous, with mainline churches being characterized by “predominantly female membership and a largely male leadership.” LINCOLN & MAMIYA, supra note 102, at 275. Nonetheless, women discovered alternate routes to empowerment within the church, as educators and community workers and through women’s conferences. For example, Mary McLeod Bethune founded a college, served as president of the National Council of Negro Women, and became the highest ranking Negro administrator in the federal government under the Roosevelt administration. Id. at 284-85. Other black women, impatient with the slowness of change in their own denominations, have served as clergy in white denominations, id. at 298, or have pastored independent “store-front” Holiness or Pentecostal churches. Id. at 288.

political emancipation,"^{112} fifth, by its prayer tradition; and finally, by its part in the civil rights struggle. As Jesse Jackson said in 1977:

[When Rosa Parks's feet were hurting,] her pride was hurting. Her sense of existence was crushed, and she went to the church. There she found a waiting ear in a prophet named Martin Luther King, Jr. So if a Montgomery bus boycott was organized, it was organized out of the black church, and it marched to Montgomery, Alabama. There was a march from Selma to Montgomery; it started at Browns Chapel A.M.E. Church. It was no accident today that we have as leader of OIC [Opportunities Industrialization Centers of America] Reverend Leon Sullivan; as head of NAACP Reverend Benjamin Hooks; as head of SCLC Reverend Ralph Abernathy; as UN Ambassador Reverend Andrew Young.\(^\text{114}\)

The connection between the civil rights struggle and the black church was so close that it was commonly said that "the black church was the NAACP on its knees."\(^\text{115}\) Both literally and figuratively, the black church provided a "home" for the early civil rights movement; black churches were often the only meeting places in town where the NAACP was welcome, and the minister one of the few people whose job was not dependent on the good will of whites.\(^\text{116}\) The forces of segregation were not unaware of the central role played by the black church; between 1962 and 1965, ninety-three black churches were bombed in the South, fifty in Mississippi alone.\(^\text{117}\)

112. The three most prominent slave uprisings were planned and led by slave preachers: Gabriel Prosser (1800), Denmark Vesey (1822), and Nat Turner (1831). Joyce A. Baugh & Rodger D. Hatch, Religion and Politics: Do Black Churches Impermissibly Mix Them? 2 (Jan. 11, 1992) (unpublished manuscript presented at the Society of Christian Ethics, on file with the Catholic University Law Review).

113. JESSE JACKSON, Our Spiritual and Prayer Roots, reprinted in JACKSON, supra note 111, at 115-17 (Sermon given at the Operation PUSH Saturday Morning Community Forum, Feb. 26, 1987).

114. Id. at 117-18.

115. LINCOLN & MAMIYA, supra note 102, at 209.


117. LINCOLN & MAMIYA, supra note 102, at 212.
The 1953 bus boycott in Baton Rouge, Louisiana, was one of the first post-War civil rights protests, and served as a model for its more famous successors in Montgomery (1955), Tallahassee (1956) and New Orleans (1957). A brief look at the Baton Rouge action serves to illuminate the role of the black church. The official leader of the boycott was Rev. T.J. Jemison, pastor of one of the city’s largest black congregations. Churches provided a network of communication, with other ministers joining the boycott that Jemison had initiated. Even individuals who were not church members learned about the action from churchgoing friends and relatives. Churches were also the vehicle for almost all the fund-raising required to make the boycott a success. The Sunday before the boycott began, Jemison asked permission to reroute to the boycott a $650 disbursement the congregation had given him for a business trip, which he had canceled because of the pending boycott. The congregation added an additional $1,500 to this “seed money” on that first Sunday alone. Jemison immediately called around to the other churches, urging them to follow suit; the result was almost $4,000 on that first day.

The first black United States Senator, elected in 1870, was Hiram Revels of Mississippi, an African Methodist Episcopal clergyman. This phenomenon is not present only in small, rural communities; Kansas City, for example, elected its first black mayor in 1991, the Reverend Emanuel Cleaver, who continues to serve as pastor of a United Methodist church.

Where ministers are not running for office themselves, they are likely to be found in the forefront of electoral campaigns for black candidates. During Harold Washington’s successful 1983 mayoral campaign in Chicago, 252 African-American ministers from fourteen different denominations met weekly and ran full-page advertisements endorsing his

118. Morris, supra note 115, at 25. Aldon Morris states that the Baton Rouge action, “largely without assistance from outside elites, . . . opened the direct action phase of the modern civil rights movement,” but was overshadowed by the attention focused on the Supreme Court’s 1954 school desegregation decision in Brown v. Board of Education, 347 U.S. 483 (1954).

119. Morris, supra note 115, at 19. At the same time, it was important to many people that he was a newcomer to the city.

120. Id. at 21.

121. Id. at 23.

122. Id. at 23-25.

123. Lincoln & Mamiya, supra note 102, at 204. It is interesting to note that approximately 10% of black mayors in the United States have been ordained clergy. See The Joint Center for Political Studies, Profiles of Black Mayors in America (1977) (providing a historical compilation of 178 black mayors).

The extensive voter registration drive that made Washing-
ton's victory possible grew out of the black churches. During Jesse Jackson's presidential campaigns, he not only received the public endorsement of over ninety percent of the black clergy, but his campaign was fueled largely by church energy and church-generated donations. Ministers, most of whom were associated with Operation PUSH, made up approximately half of Jesse Jackson's campaign organizers.

Of course, the close relationship of the black church and the civil rights movement should not suggest an absence of controversy and conflict. Even before Dr. King's assassination, younger people who were less patient, less religious, and more fired by "black power" rebelled against his integrationist, nonviolent, Christian approach. But it is crucial to note that the most important competitor for the loyalty of Christian African-Americans is itself a religious movement: the Nation of Islam.

Islam, with its roots in the urban ghettos of the North and its outreach to prisoners and others on the margins of black America, appeals to those for whom Christianity is fatally tainted by its historical associations with slavery and racism. As Malcolm X stated:

Christians made slaves here in America out of twenty million black people who today are called second-class citizens. . . . [Tod-
yay,] [t]he people in Africa . . . are trying to get free from coun-
tries who represented themselves to the Africans as Christian nations. . . . Wherever you find dark people or non-white peo-
ple today . . . trying to get freedom, they are trying to get free-

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125. Baugh & Hatch, supra note 112, at 1.
126. Id.; see also WALD, supra note 109, at 318 (noting the "dramatic" voter registra-

One prominent black minister bluntly told his parishioners that nonregistrants were not welcome in the congregation. A voter registration card was the price of access to free food distributed by one of the major Baptist churches in the black community. Under the slogan, "Praise the Lord and Register," the black churches committed themselves wholeheartedly to serving as registration centers.

127. Baugh & Hatch, supra note 112, at 1. Jackson and 70 other African-American leaders formed Operation PUSH (People United to Serve Humanity) in 1971. Until that time, Jackson had been national director of Operation Breadbasket, the predecessor of Operation Push and the economic arm of the Southern Christian Leadership Conference. Roger D. Hatch & Frank E. Watkins, Editor's Introduction to JACKSON, supra note 111, at xi. Operation PUSH has been described as "an ecumenical action arm of the church devoted to furthering the cause of human rights internationally. It believes that injustice anywhere is a threat to justice everywhere." Id. at xii.

128. The black Muslim movement began in Detroit during the Depression, led by a mysterious figure named Master Wall Fard Muhammed. For a history and evaluation of its influence in the black community, see C. ERIC LINCOLN, THE BLACK CHURCH SINCE FRA-
dom from the people who represent themselves as Christians ... In America the definition [of Christian] would be one who promises you equal rights for a hundred years and never gives it to you.\textsuperscript{129}

The point is that the only serious competitor to Christian political activism in the black community is not Marxism or some other nonreligious movement, but another religion—Islam. The two resistance traditions in African-American history: integration and nationalism,\textsuperscript{130} are both inextricably connected with religion.

\textbf{D. Jesse L. Jackson}

Jackson's presidential candidacy had tremendous symbolic power and a significant impact on many issues. Therefore, a discussion of his career is indispensable to a study of the religious roots of black politics. As James Melvin Washington asserted in 1985, “Jackson is the most influential black man in America since Booker T. Washington. The key for understanding ... how he rose to power ... lies not with his ability but with his willingness to take advantage of his religious roots.”\textsuperscript{131}

Jesse Louis Jackson was born in 1941, in an impoverished pocket of the black quarter of Greenville, South Carolina.\textsuperscript{132} In many ways, he personifies the pluralistic message of the Rainbow Coalition as well as the hardworking ethic of Operation PUSH. To the extent that Jackson's genealogy can be traced, his ancestors include African-Americans, Cherokees, and a great-grandfather who was an Irish sheriff in Greenville County.\textsuperscript{133} Like many of the black adolescents he attempts to reach, Jackson was born poor and illegitimate, an out-of-wedlock baby of a teenage mother.\textsuperscript{134} But Jackson, cherished by his mother and grandmother and adopted by the man his mother later married, grew up within a community he now describes as "a love triangle," with "mother, grandmother here, teacher over here, and preacher over here."\textsuperscript{135} It was the church that gave Jackson his sense of a secure structure for the "triangle," and also where he got his first experience of a moral order that con-

\begin{itemize}
\item \textsuperscript{129} Malcolm X, Address at Brandeis University (May 24, 1960), quoted in JAMES CONE, MARTIN & MALCOLM & AMERICA: A DREAM OR A NIGHTMARE 169 (1991).
\item \textsuperscript{130} \textit{See id.} at 3.
\item \textsuperscript{133} Marshall Frady, \textit{Profiles (Jesse Jackson—Part II)}, THE NEW YORKER, Feb. 10, 1992, at 41.
\item \textsuperscript{134} \textit{Id.}
\item \textsuperscript{135} \textit{Id.} at 52.
\end{itemize}
fronted and transcended the unjust economic and social order of the outside world:

In the black churches of Greenville . . . there was contained a certain vibrant and all-encompassing democracy that was wholly removed from the structures of weekday lives. . . . “Here Deacon Foster, who might be only a janitor at the school, he can be chairman of the deacon board and sit in the front row, while the principal of the school, who might be an ole drinkin’ sinner, he gonna have to sit ten rows back and keep quiet.”

At every point of this love triangle, the message for young Jesse was that there was a way out of the economic and racially troubled rural South, if one kept trying. Today, Jackson preaches that same message to inner-city youth:

“God does not make orange juice—God only makes the oranges. You got to peel ’em and squeeze the juice out yourselves. Same way, God gives us all a brain, but you got to squeeze it, exercise it, you got to use that brain to draw the genius out of it. If you a good athlete, it’s not just that you were born that way ‘cause you black—don’t believe that racist talk. It’s ‘cause you practice that way. Whatever you do much, you do well.”

In his personal life as well, Jackson has shown how one can break the cycle of illegitimacy and paternal abandonment. His wife, Jacqueline, whom he met in college, is the oldest child of a farm worker who picked beans for fifteen cents an hour; Jacqueline never knew her father. Today, the Jacksons are the proud parents of five high-achieving children, with a public family life that looks like a less affluent version of the Cosby Show.

After graduating from North Carolina Agricultural and Technical College, Jackson attended Chicago Theological Seminary, although he left six months before graduation to join the work of Martin Luther King, Jr. He was ordained a Baptist minister in 1968, and is currently on leave as co-pastor of the Fellowship Missionary Baptist Church in Chicago. Jackson launched his campaign for the Presidency on November 3, 1983, after a charismatic voter-registration drive in the South convinced him that there was enough anti-Reagan energy and general feeling of disenfranchisement that an African-American might actually have a
chance. Jackson said that Reagan had won in 1980 by the "margin of black non-participation," and compared the three million blacks who were not registered to vote as "[a]ll those rocks, little David, just layin' around."\textsuperscript{143} In the 1984 campaign, Jackson won sixty-one congressional districts, five states, and twenty-one per cent of the total vote.\textsuperscript{144} His speech at the Democratic National Convention electrified the country, and had the largest television audience of any speech at the Democratic or Republican conventions.\textsuperscript{145} Jackson ran again in the 1988 primaries, but declined to campaign for President in 1992.

Jackson is often most verbally compelling when he is most explicitly Christian, as the following examples from his 1984 Democratic Convention speech attest:

\begin{quote}
We must not measure greatness from the mansion down but from the manger up. Jesus said that we should not be judged by the bark we wear but by the fruit we bear. Jesus said that we must measure greatness by how we treat the least of these.
\end{quote}

\ldots

\ldots In his appeal to the South, Mr. Reagan is trying to substitute flags and prayer clauses for jobs, food, clothing, education, health care, and housing. But apparently President Reagan is not even familiar with the structure of a prayer. We must watch false prophecy. He has cut energy assistance to the poor, he has cut food stamps, children's breakfast and lunch programs, the Women, Infants, and Children (WIC) program for pregnant mothers and infants, and job training for children; and then says, "Let us pray." In a prayer, you are supposed to thank God for the food you are about to receive, not for the food that just left. I take prayer very seriously—I've come this way by the power of prayer. So we need to pray. But we need to pray to remove the man that removed the food. We need a change in November.\textsuperscript{146}

Although one identifies Jackson primarily with Chicago and the urban North, in fact his roots are in "the evangelical folk religion of the South," and his rhetoric is indelibly marked by those roots.\textsuperscript{147} His campaign stump speeches have been characterized as "really sermons . . . in the tradition of old-time black [folk] preaching,"\textsuperscript{148} as in this example:

\textsuperscript{143} Marshall Frady, \textit{Profiles (Jesse Jackson—Part III)}, \textsc{The New Yorker}, Feb. 17, 1992, at 39, 44.
\textsuperscript{144} Hatch & Watkins, supra note 127, at xiii.
\textsuperscript{145} \textsc{Jackson}, supra note 111, at 3.
\textsuperscript{146} \textit{Id.} at 7-9.
\textsuperscript{147} McTighe, supra note 108, at 596.
"Yesterday was a day of mixed emotions for me. Jesus was crucified on Friday, resurrected on Sunday. That's great joy because the stone was rolled away. But for the poor of Baltimore, for the malnourished of our nation . . . they were crucified on Sunday, crucified on Monday. The hands are still bleeding, the thorns are still in their heads. I say it's time for the poor to realize resurrection, to stop the hammers, stop the nails, wheel away the stone."

Because Jackson was an outsider who could not count on the usual routes to political prominence, he used the black church to provide his validation. The enthusiasm he was able to engender in his southern, church-targeted speaking tour was his proof of political viability which granted his claim to be taken seriously as a candidate with a constituency who could deliver votes. Thus "his initiative consistently fused religion and politics. During his instructively labeled 'Southern Crusade' the potential candidate entreated crowds to submit to a 'voter registration character oath,' sworn on the Bible and enlisting God on his behalf."

Michael McTighe, writing in *Journal of Church and State*, recognizes that "[s]uch direct involvement by a minister in politics heightens the anxieties of Americans who fear religion's capacity to impose and coerce." McTighe argues that Jackson tries to defuse these anxieties by his use of the rainbow symbol and his commitment to "cultural pluralism." "No particular viewpoint or faith-commitment dominates." But that view is not shared by others. In 1989 Abbie Hoffman said, "If you are close to [Jackson's] campaign it seems more like a religious revival than an American campaign. If you go to the office there aren't a lot of political analysts there—it's more like a prayer meeting." Speaking about an issue on which Hoffman and Jackson disagreed (mandatory drug testing), Hoffman said:

I can't raise this with the Rainbow Coalition, because Jesse Jackson is the Rainbow Coalition—it only exists where he is at the time. The staff and the directors have no control over him. They all call him "Reverend" with bowed heads. There is no attempt to spread the charisma."

149. *Id.*
150. Reed, supra note 105, at 42.
152. *Id.*
153. *Id.*
154. *Id.*
E. Prophets and Politicians

One obvious objection to my thesis is that there was, after all, a “Golden Age” of black-Jewish relations, at the height of the civil rights movement,\(^{156}\) despite the fact that the movement was led by the Reverend Martin Luther King, Jr., a man who identified himself as “fundamentally a clergyman, a Baptist preacher.”\(^{157}\) But one should not forget that King asked us to march with him, to support him financially, to live with him, even in some cases to die with him, but never to vote for him. King was a prophet, not a candidate. In March of 1968, two weeks before King’s assassination, Rabbi Abraham Joshua Heschel introduced him to a convention of rabbis in this fashion:

“Where in America today do we hear a voice like the voice of the prophets of Israel? Martin Luther King is a sign that God has not forsaken the United States of America. God has sent him to us . . . . I call upon every Jew to hearken to his voice, to share his vision, to follow in his way. The whole future of America will depend upon the impact and influence of Dr. King.”\(^{158}\)

Would Rabbi Heschel have been as enthusiastic had King been running for public office? In 1968, that was almost impossible to imagine.

V. Conclusion

Can Jews and African-Americans do better? I think so. In a recent thoughtful article, Letty Cottin Pogrebin analyzes some crucial differences between African-Americans and American Jews.\(^{159}\) Both groups

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\(^{156}\) This “Golden Age” masked some important ideological fault lines, but no one can deny the massive support American Jews gave to the civil rights movement in the 1950s and 1960s. Not only did Jews give massive financial support to burgeoning civil rights groups such as CORE, they also provided much of the legal talent. More than half the white Freedom Riders who went South were Jewish, as were two-thirds of the white students and organizers who went to Mississippi to register black voters in the “Freedom Summer” of 1964. Jonathan Kaufman, *Blacks and Jews: An Historical Perspective*, *Tikkun*, July-Aug. 1988, at 42. For a full study of black-Jewish relations since World War II, see Jonathan Kaufman, *Broken Alliance: The Turbulent Times Between Blacks and Jews in America* (1988). For an analysis by a Jewish community leader who was active in the civil rights movement for many decades, see Albert Vorspan, *Blacks and Jews*, in *Black Anti-Semitism and Jewish Racism* 191 (1969). “Jewish-black relations were once equivalent to parent-child relations. The child has now grown up and wants to do things his way.” *Id.* at 208.


are preoccupied with survival, but they mean very different things by it. For African-Americans, survival means sheer physical endurance in a world threatened by unemployment, drugs, violent crime, and an infant mortality rate three times that of white Americans. For Jews, survival means resisting the blandishments of intermarriage and assimilation, and “guarding against anti-Semitism and the slippery slope that could lead from hate speech to the gas chambers.” Each group sees itself as the quintessential vulnerable minority, and each in its own way is correct. For African-Americans, whether one looks at AIDS, illiteracy or unemployment, existence in America is a very scary business. For Jews, who have lived much of their history as a tiny minority of second-class citizens who could be massacred or expelled at any moment, the faintest hint of anti-Semitism (or of the Christian hegemony they associate with it) is freighted with intense anxiety. True, Jews are currently quite prosperous in America, but “[e]very Jew remembers that our people were powerful and well-off in the 1930s in Berlin and Prague and Warsaw, but their prosperity didn’t save them.” As Nat Hentoff wrote in 1969, “Rationally we ‘know’ there can be no pogroms here; but if the lead headline in tomorrow’s paper were to say, ALL JEWS ARE TO REPORT AT THE NEAREST ARMORY BY SUNSET FOR TRANSPORTATION, would those of us Jews over thirty-five, let us say, be totally surprised?”

Hentoff’s words find their parallel in Derrick Bell’s haunting story “The Space Traders,” in which the United States accedes to a bargain put to it by a group of aliens. The aliens promise to solve the nation’s financial, environmental and energy crises, if the United States hands over its entire black population, to be shipped off to an uncertain fate. The population agrees by legal, majority vote. In the final scene, twenty million black people are being herded into the space ships, chained and stripped almost naked, while U.S. guards, “guns at the ready,” cut off any possibility of escape.

160. Id. at 332.
162. Pogrebin, supra note 159, at 332.
163. See id. at 333.
166. Id.
167. Id. It is worth noting that the only group in the story to oppose the mass deportation of blacks is the Jews, who sign public statements of mass opposition, citing the terrible
Jews often forget that, with respect to African-Americans, Jews are the "goyim," that is, the powerful white majority. African-Americans often forget that, despite their ostensible comfort in America, Jews are still reeling from the massacre of one-third of their number, a massacre that took place in civilized, Christian, Western Europe. Although Jesse Jackson and other black preachers are aware from their own history that Christian oratory can be used in the service of oppression, nonetheless, the language coming out of their own mouths is that of liberation, activism, and hope. How ironic that the same language when uttered in a political context, sounds to Jews as if maybe they ought to be packing their suitcases.

To overcome these differences, African-American political figures can be more aware of Jewish sensitivities on church/state issues, and make their stance abundantly clear on questions that probably don't seem of burning importance to the black community, such as organized prayer in public schools. This issue highlights Pogrebin's point. For a black mother who fears every day that the streets will "get" her child, it must seem mystifying that a Jewish mother in suburbia will fear for her child's safety if a creche is displayed on the courthouse lawn, or a generic prayer uttered at a graduation ceremony. But the woman who asked Chemerinsky if she ought to be packing her suitcases was faithfully reporting a very real anxiety. African-Americans need to remember that when they face Jews as blacks and whites, then blacks are the minority, but when they face Jews as Christians and Jews, it is the Jews who are in the minority. At the same time, American Jews must educate themselves about the culture and history of the black church in America. Jews should labor to understand the importance of the church for black Americans, and learn to distinguish it from its white counterpart, the better to distinguish Jesse Jackson from Pat Robertson.