



The Legal Basis For Wicca

The following are four court rulings regarding the legal legitimacy of the Wiccan religion and other cases that support religious freedom. The text from this page was graciously reprinted with permission by [ShadowStorm](#) at [Pagans Unlimited](#). For original versions of this page, please visit [Pagan's Unlimited](#).

Dettmer Vs. Landon

The case was Dettmer v. Landon. A 29 year old inmate incarcerated at the Powhatan Correctional Center in State Farm, Virginia claimed that his First Amendment right to the free exercise of his religion, the Church of Wicca, was violated by prison officials who refused to give him any access to his religion's worship materials. Prison officials said that the worship materials that Dettmer sought--candles; a statue; a white robe; incens; and either sulfur, sea salt, or uniodized salt--would be hazardous to prison security. The prison officials also claimed that the Church of Wicca is not a religion entitled to First Amendment protection.

During the time from 1983-1985, Dettmer repeatedly sought permission to obtain the certain items (stated above), and the prison officials, understandably sensitive to potential security problems, denied each request, asserting that the items posed a threat to the security of the institution. For example, the prison officials stated that the incense could be used to mask the odor of drugs, a statue could be used as a weapon, sulfur could be used to make gunpowder, and a hooded robe could be used to hide a prisoner's face in an escape attempt.

Recognizing that the prison officials had legitimate security concerns with several of the items, Dettmer consulted his religious leaders and offered to substitute sea salt or uniodized salt for the sulfur, to remove the hood from the robe, and to use a plastic statue rather than a wooden or ceramic one. (If you notice, Dettmer didn't fight for the right to have an athame because he realized that such an item could not be kept within a prison facility.) However, despite Dettmer's efforts to provide a workable solution, and even though officials never questioned the sincerity of Dettmer's beliefs, the prison still denied Dettmer's access to the items. At the same time, prisoners worshipping more conventional religions such as Catholicism and Hinduism were given access to candles, incense, and crosses, and all prisoners were routinely given access to bathrobes and boxing robes.

Throughout this trial, the Court had to determine whether the Church of Wicca is a religion for purposes of the First Amendment. Because religion is so highly personal and private, dealing with spiritual rather than temporal matters, courts have traditionally been reluctant to examine and pass judgment upon these beliefs. However, when confronted with a dispute between religious conviction and the needs of the state, courts have a duty to make at least some inquiry into the nature of the faith to

ensure that purely secular beliefs and practices are not accorded the special protection afforded by the First Amendment. The courts have ruled though that the belief in a religion is different from the actions of a religion. (Ex. If a religion believed in killing a person at least one time during your life, obviously, the courts are not going to allow this. You may believe in it, but acting is different from believing.)

A decision was then reached: "Members of the Church of Wicca sincerely adhere to a fairly complex set of doctrines relating to the spiritual aspect of their lives, and in doing so they have 'ultimate concerns' in much the same way as followers of more accepted religions. Their ceremonies and leadership structure, their rather elaborate set of articulated doctrine, their belief in the concept of another world, and their broad concern for improving the quality of life for others gives them at least some facial similarity to other more widely recognized religions. While there are certainly aspects of Wiccan philosophy that may strike most people as strange or incomprehensible, the mere fact that a belief may be unusual does not strip it of constitutional protection. Accordingly, the Court concludes that the Church of Wicca, of which the plaintiff is a sincere follower, is a religion for the purpose of the free exercise clause."

The second part of the decision, though not actually dealing with the foundation of Wicca legally, is now discussed here. This decision was made in response to whether Dettmer should have the items at anytime that he requests.

In 1985, the District Court found that Dettmer shall have the items he requested. The prison officials, unsettled by this part of the decision, appealed this case and in 1986, the case was heard by the 4th Circuit Court of Appeals. Judge J. Butzner then affirmed in part and reversed in part the decision of the District Court. He reaffirmed the fact that Wicca is a religion but denied Dettmer the right to have the items he requested based on the fact that even though those prisoners of more conventional religions had incense, candles, and whatnot in their services, none of the prisoners ever touched them, the preacher or minister always handled them, and never the prisoners themselves.

If you want to get the above information in full, go to your local law library and ask for the Federal Supplement #617, p. 592-597 for the first case Dettmer v. Landon 1985, and for the Federal Supplement #799, p. 929-934 for the appealed case Dettmer v. Landon 1986.

Lamb's Chapel v. Center Moriches Union Free School District

Lamb's Chapel v. Center Moriches Union Free School District No. 91-2024 SUPREME COURT OF THE UNITED STATES Feb. 24, 1993 June 7, 1993 508 U.S. 384 New York law authorizes local school boards to adopt reasonable regulations permitting the after-hours use of school property for 10 specified purposes, not including meetings for religious purposes. Pursuant to this law, respondent school board (District) issued rules and regulations allowing, inter alia, social, civic, and recreational uses of its schools (Rule 10), but prohibiting use by any group for religious purposes (Rule 7). After the District refused two requests by petitioners, an evangelical church and its pastor (Church), to use school facilities for a religious-oriented film series on family values and childrearing on the ground that the film appeared to be church-related, the Church filed suit in the District Court, claiming that the District's actions violated, among other things, the First Amendment's Freedom of Speech Clause. The court granted summary judgment to the District, and the Court of Appeals affirmed. It reasoned that the school property, as a "limited public forum" open only for designated purposes, remained nonpublic except for the specified purposes, and ruled that the exclusion of the Church's film was reasonable and viewpoint neutral. Held: Denying the Church access to school premises to exhibit the film violates the Freedom of Speech Clause. Pp. ____.

(a) There is no question that the District may legally preserve the property under its control, and need not have permitted after-hours use for any of the uses permitted under state law. This Court need not address the issue whether Rule 10, by opening the property to a wide variety of communicative purposes, has opened the property for religious uses, because, even if the District has not

opened its property for such uses, Rule 7 has been unconstitutionally applied in this case. Access to a nonpublic forum can be based on subject matter or speaker identity so long as the distinctions drawn are reasonable and viewpoint-neutral. *Cornelius v. NAACP Legal Defense and Ed. Fund, Inc.*, 473 U.S. 788 , 806 . That Rule 7 treats all religions and religious purposes alike does not make its application in this case viewpoint-neutral, however, for it discriminates on the basis of viewpoint by permitting school property to be used for the presentation of all views about family issues and childrearing except those dealing with the subject from a religious standpoint. Denial on this basis is plainly invalid under the holding in *Cornelius*, supra, 473 U.S. at 806 , that the government violates the First Amendment when it denies access to a speaker solely to suppress the point of view he espouses on an otherwise includible subject. Pp. ____ . (b) **Permitting District property to be used to exhibit the film would not have been an establishment of religion under the three-part test articulated in *Lemon v. Kurtzman*, 403 U.S. 602 . Since the film would not have been shown during school hours, would not have been sponsored by the school, and would have been open to the public, there would be no realistic danger that the community would think that the District was endorsing religion or any particular creed, and any benefit to religion or the Church would have been incidental.** *Widmar v. Vincent*, 454 U.S. 263 , 271-272 . Nor is there anything in the record to support the claim that the exclusion was justified on the ground that allowing access to a "radical" church would lead to threats of public unrest and violence. In addition, the Court of Appeals' judgment was not based on the justification proffered here that the access rules' purpose is to promote the interests of the general public, rather than sectarian or other private interests. Moreover, that there was no express finding below that the Church's application would have been granted absent the religious connection is beside the point for the purposes of this opinion, which is concerned with the validity of the stated reason for denying the application, namely, that the film appeared to be church-related. Pp. ____ . 959 F.2d 381 (CA2 1992), reversed.

Church of Lukumi Babalu Aye, Inc. v. City of Hialeah

*Note From ShadowStorm

The case *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah* was a landmark decision that declared any law specifically concerning a certain religion unconstitutional. This case dealt with a Hialeah, Florida restricting the sacrifice rituals of the religion of Santeria. The Supreme Court declared this law unconstitutional on the grounds that it specifically dealt with a religion. This is different than the Oregon case *Employment Division of Oregon v. Smith* that restricted the Native American's use of peyote because of the fact it was an "across the board" law that declared it illegal for anyone to use, not specifically the Native Americans. If you would like an interesting quote, look at the lines I have highlighted. Now here's the case itself:

Church of Lukumi Babalu Aye, Inc. v. City of Hialeah No. 91-948 SUPREME COURT OF THE UNITED STATES Nov. 4, 1992 June 11, 1993 508 U.S. 520 Syllabus Petitioner church and its congregants practice the Santeria religion, which employs animal sacrifice as one of its principal forms of devotion. The animals are killed by cutting their carotid arteries, and are cooked and eaten following all Santeria rituals except healing and death rites. After the church leased land in respondent city and announced plans to establish a house of worship and other facilities there, the city council held an emergency public session and passed, among other enactments Resolution 87-66, which noted city residents' "concern" over religious practices inconsistent with public morals, peace, or safety, and declared the city's "commitment" to prohibiting such practices; Ordinance 87-40, which incorporates the Florida animal cruelty laws and broadly punishes "[w]hoever . . . unnecessarily or cruelly . . . kills any animal," and has been interpreted to reach killings for religious reasons; Ordinance 87-52, which defines "sacrifice" as "to unnecessarily kill . . . an animal in a . . . ritual . . . not for the primary purpose of food consumption," and prohibits the "possess[ion], sacrifice, or slaughter" of an animal if it is killed in "any type of ritual" and there is an intent to use it for food, but exempts "any licensed [food] establishment" if

the killing is otherwise permitted by law; Ordinance 87-71, which prohibits the sacrifice of animals, and defines "sacrifice" in the same manner as Ordinance 87-52; and Ordinance 87-72 which defines "slaughter" as "the killing of animals for food" and prohibits slaughter outside of areas zoned for slaughterhouses, but includes an exemption for "small numbers of hogs and/or cattle" when exempted by state law. Petitioners filed this suit under 42 U.S.C. § 1983, alleging violations of their rights under, inter alia, the Free Exercise Clause of the First Amendment. Although acknowledging that the foregoing ordinances are not religiously neutral, the District Court ruled for the city, concluding, among other things, that compelling governmental interests in preventing public health risks and cruelty to animals fully justified the absolute prohibition on ritual sacrifice accomplished by the ordinances, and that an exception to that prohibition for religious conduct would unduly interfere with fulfillment of the governmental interest, because any more narrow restrictions would be unenforceable as a result of the Santeria religion's secret nature. The Court of Appeals affirmed. **HELD:** By the Supreme Court, the judgment is reversed. 936 F.2d 586, (CA 11 1991) reversed. Opinions JUSTICE KENNEDY delivered the opinion of the Court with respect to Parts I, IIA-1, II-A-3, II-B, III, and IV, concluding that the laws in question were enacted contrary to free exercise principles, and they are void. (a) **Under the Free Exercise Clause, a law that burdens religious practice need not be justified by a compelling governmental interest if it is neutral and of general applicability. Employment Div., Dept. of Human Resources of Oregon v. Smith, 494 U.S. 872 . However, where such a law is not neutral or not of general application, it must undergo the most rigorous of scrutiny: it must be justified by a compelling governmental interest, and must be narrowly tailored to advance that interest.** Neutrality and general applicability are interrelated, and failure to satisfy one requirement is a likely indication that the other has not been satisfied. (b) The ordinances' texts and operation demonstrate that they are not neutral, but have as their object the suppression of Santeria's central element, animal sacrifice. That this religious exercise has been targeted is evidenced by Resolution 87-66's statements of "concern" and "commitment," and by the use of the words "sacrifice" and "ritual" in Ordinances 87-40, 8752, and 87-71. Moreover, the latter ordinances' various prohibitions, definitions, and exemptions demonstrate that they were "gerrymandered" with care to proscribe religious killings of animals by Santeria church members but to exclude almost all other animal killings. They also suppress much more religious conduct than is necessary to achieve their stated ends. The legitimate governmental interests in protecting the public health and preventing cruelty to animals could be addressed by restrictions stopping far short of a flat prohibition of all Santeria sacrificial practice, such as general regulations on the disposal of organic garbage, on the care of animals regardless of why they are kept, or on methods of slaughter. Although Ordinance 87-72 appears to apply to substantial nonreligious conduct and not to be overbroad, it must also be invalidated because it functions in tandem with the other ordinances to suppress Santeria religious worship. (c) Each of the ordinances pursues the city's governmental interests only against conduct motivated by religious belief, and thereby violates the requirement that laws burdening religious practice must be of general applicability. Ordinances 87-40, 87-52, and 87-71 are substantially underinclusive with regard to the city's interest in preventing cruelty to animals, since they are drafted with care to forbid few animal killings but those occasioned by religious sacrifice, while many types of animal deaths or kills for nonreligious reasons are either not prohibited or approved by express provision. The city's assertions that it is "self-evident" that killing for food is "important," that the eradication of insects and pests is "obviously justified," and that euthanasia of excess animals "makes sense" do not explain why religion alone must bear the burden of the ordinances. These ordinances are also substantially underinclusive with regard to the city's public health interests in preventing the disposal of animal carcasses in open public places and the consumption of uninspected meat, since neither interest is pursued by respondent with regard to conduct that is not motivated by religious conviction. Ordinance 87-72 is underinclusive on its face, since it does not regulate nonreligious slaughter for food in like manner, and respondent has not explained why the commercial slaughter of "small numbers" of cattle and hogs does not implicate its professed desire to prevent cruelty to animals and preserve the public health. (d) The ordinances cannot withstand the strict scrutiny that is required upon their failure to meet the Smith standard. They are not narrowly tailored to accomplish the

asserted governmental interests. All four are overbroad or underinclusive in substantial respects because the proffered objectives are not pursued with respect to analogous nonreligious conduct, and those interests could be achieved by narrower ordinances that burdened religion to a far lesser degree. Moreover, where, as here, government restricts only conduct protected by the First Amendment and fails to enact feasible measures to restrict other conduct producing substantial harm or alleged harm of the same sort, the governmental interests given in justification of the restriction cannot be regarded as compelling.

Wallace vs. Jaffree

*Note from ShadowStorm

The case Wallace vs. Jaffree declared the Alabama "moment of silence" unconstitutional. Now, before you go off and sue your local school board, make sure that the wording of you local moment of silence is the same. Alabama's statute stated that the minute of silence was for the purpose of "meditation or voluntary prayer." The reason that it was declared unconstitutional was the fact that it recognized prayer, a tool of religious worship, in it's public schools, plus the intent of the legislatures with their quote "to return voluntary prayer in our public schools and return to the basic moral fiber." If you would like an interesting quote, look at the lines I have highlighted. Now here's the case itself:

Wallace v. Jaffree No. 83-812 SUPREME COURT OF THE UNITED STATES 472 U.S. 38 December 4, 1984 June 4, 1985 APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT Syllabus in proceedings instituted in Federal District Court, appellees challenged the constitutionality of, *inter alia*, a 1981 Alabama Statute (§ 16-1-20.1) authorizing a one-minute period of silence in all public schools "for meditation or voluntary prayer." Although finding that § 16-1-20.1 was an effort to encourage a religious activity, the District Court ultimately held that the Establishment Clause of the First Amendment does not prohibit a State from establishing a religion. The Court of Appeals reversed. Held: Section 16-1-20.1 is a law respecting the establishment of religion, and thus violates the First Amendment. Pp. 48-61 . (a) The proposition that the several States have no greater power to restrain the individual freedoms protected by the First Amendment than does Congress is firmly embedded in constitutional jurisprudence. The First Amendment was adopted to curtail Congress' power to interfere with the individual's freedom to believe, to worship, and to express himself in accordance with the dictates of his own conscience, and the Fourteenth Amendment imposed the same substantive limitations on the States' power to legislate. **The individual's freedom to choose his own creed is the counterpart of his right to refrain from accepting the creed established by the majority. Moreover, the individual freedom of conscience protected by the First Amendment embraces the right to select any religious faith or none at all.** Pp. 48-55 . (b) One of the well-established criteria for determining the constitutionality of a statute under the Establishment Clause is that the statute must have a secular legislative purpose. *Lemon v. Kurtzman*, 403 U.S. 602 , 612-613 . The First Amendment requires that a statute must be invalidated if it is entirely motivated by a purpose to advance religion. Pp. 55-56 . (c) The record here not only establishes that § 16-1-20.1's purpose was to endorse religion, it also reveals that the enactment of the statute was not motivated by any clearly secular purpose. In particular, the statements of § 16-1-20.1's sponsor in the legislative record and in his [p*39] testimony before the District Court indicate that the legislation was solely an "effort to return voluntary prayer" to the public schools. Moreover, such un rebutted evidence of legislative intent is confirmed by a consideration of the relationship between § 16-1-20.1 and two other Alabama statutes -- one of which, enacted in 1982 as a sequel to § 16-1-20.1, authorized teachers to lead "willing students" in a prescribed prayer, and the other of which, enacted in 1978 as § 16-1-20.1's predecessor, authorized a period of silence "for meditation" only. The State's endorsement, by enactment of § 16-1-20.1, of prayer activities at the beginning of each schoolday is not consistent with the established principle that the government must pursue a course of complete neutrality toward religion.

WITCH WINS LAWSUIT IN DETROIT

- **Dateline: Detroit 22 March, 1999 Press Release from WADL**

Contact Information for WADL

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The Witches Anti-Discrimination League is very pleased to announce a settlement in the Crystal Seifferly Lawsuit against The Lincoln Park School Board. Ms. Seifferly filed a lawsuit against the Lincoln Park School board in February of this year challenging the Lincoln Park School District's 4-month-old rule against certain student uses of the pentacle, a five-pointed star that's a symbol of her Wicca faith and common in jewelry.

As of today, U.S. District Judge Gerald Rosen defined the terms to a consent decree between the Lincoln Park School District and Ms. Seifferly. This agreement states that all mentions of the words "Pagan" and "witch" will be removed from the dress code policy. The School Board also agreed to republish the dress code policy within five school days.

Additionally, in this decree, all students will be permitted to wear religious jewelry regardless of their denomination or religious/spiritual backgrounds. The word "pentacle" will not be removed from the school dress code however will be allowed if the wearer declares it a profession of religion. As per the agreement, there will be no need for any student to contact the administration informing them of their religious affiliation, however, if stopped by security or the administration, a student will only need to state that the symbol is a profession of their religion.

Ms. Seifferly waived her right to seek damages for religious freedom violations in lieu of this consent decree and the Lincoln Park School District agreed to pay all attorney fees.

Further information will be posted as it is received.

- **Press Release from [The Witch's Vox](#)**

For Immediate Release:

March 22, 1999
The Witches' Voice
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The Witches' Voice welcomes today's announcement by the ACLU of Michigan that the case brought forward by Teen Witch Crystal Seifferly against the Lincoln Park School District has been satisfactorily settled.

U.S. District Judge Gerald Rosen declared the terms of the "consent judgment" as follows:

* The words "Pagans" and "Witches" will be removed from the Lincoln Park policy.

* An exception is made for students wearing "jewelry or other symbols in the profession of their religion."

* Students do not need to initiate the contact informing the administration of their religious preference. If the student is approached by the administration or a security officer, the student simply needs to inform them the symbols are for the professing of their religion.

* The school agrees to pay the ACLU attorneys fees.

* The school will republish the policy within five school days.

"This judgment should send the clear and concise message to all public school districts that policies which single out any religion, religious symbol or other mode of religious expression for restriction will not go unchallenged," stated TWV Chairperson, Rev. Wren Walker. "Religious freedom as guaranteed in the Constitution of the United States applies to all religions and religious beliefs equally. This right has once again been verified and reinforced here today."

"Public school students who express an deep religious belief quite simply are guaranteed their rights under a "higher authority" than that allocated to the local school board."

"The settlement terms announced today," added TWV President Fritz Jung, "should aid in setting a new standard on how similar types of school code policies will be implemented in the future."

- **The ACLU Press Statement**

FOR IMMEDIATE RELEASE March 22, 1999

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Lincoln Park Changes Policy on Witch

As part of a settlement with the American Civil Liberties Union, Lincoln Park High School changed its policy prohibiting the wearing of pentagrams Monday, allowing senior Crystal Seifferly to outwardly wear the symbol of her religion for the first time since October.

At a March 2 hearing before U.S. District Judge Gerald Rosen, the ACLU argued that the district's policy violated Seifferly's religious rights. Seifferly, 17, is an honor student and a witch - a member of the Wicca religion. Wiccans consider pentacles - five-pointed stars enclosed in a circles - icons of their religion.

On Monday, Lincoln Park High School agreed to make an exception to its gang policy for students wearing religious jewelry or other symbols as a profession of their religion. It did away with the provision of its policy that stated that pagans and witches are inappropriate in a school setting. And it agreed to pay attorney's fees to the ACLU.

"I'm happy; I'm pleased; I'm glad it's over," Seifferly said. "The longer it went on and the more I thought about it, the more I realized that it wasn't just about me and just about Wicca. It was about

a lot of other people and religions," she said.

ACLU Michigan Executive Director Kary L. Moss applauded the school district for amending the policy and Seifferly for bringing the issue to the forefront.

"We are pleased that Lincoln Park High School recognizes the importance of religious freedom for its students. Ms. Seifferly should be applauded for her courage in standing up for what she believes is right."

The Wicca religion has been recognized in United States courts and by the United States Army Chaplain's Handbook. It stresses individual enlightenment and celebrates the seasons and the four elements: earth, wind, fire and water. Proselytization is forbidden.

Founded in 1920, the American Civil Liberties Union is the nation's foremost advocate of individual rights -- litigating, legislating, and educating the public on a broad array of issues affecting individual freedom in the United States.

Brightest Blessings from the WADL Staff and Officers

LINCOLN PARK, Mich., Feb. 9 (UPI)

The American Civil Liberties Union is representing a 17-year-old witch in a lawsuit against a Michigan school district for allegedly trampling her right to worship and free speech.

Crystal Seifferly filed the suit challenging the Lincoln Park School District's 4-month-old rule against certain student uses of the pentacle, a five-pointed star that's a symbol of her Wicca faith and common in jewelry.

Seifferly claims she's been a witch since age 13, and that the school district rules discriminate against her by lumping Wicca together with the Ku Klux Klan and hate groups.

At an ACLU-sponsored news conference today with her mother, Seifferly said she "will not be forced into shame" by opponents of her religion.

Lincoln Park Schools Superintendent Randall Kite says he can't comment on the charges because he has not seen the lawsuit.

But Kite also says, "Our aim is not to discriminate."

Kite says the dress-code rule that triggered the suit passed in October as an amendment to a longstanding ban on gang-related clothes and symbols.

Kite says the pentagram another name for the pentacle was added to the list of banned symbols "if it's worn in connection with other things and causes a disruption."

Seifferly's mother says she and her husband are Christian but support their daughter's lawsuit as well as her freedom to choose a religion.

[Webmistress Note: Please stay tuned to this page for updates as we receive them. WADL is working closely with the ACLU, TWV, and Miss Seifferly.]

TWV/WADL PLAN JOINT PRESS RELEASE:

From: Lowell McFarland (lowell@nassau.cv.net)
WADL Senior Media Advisors

President Steve Foster, Witches Anti-Discrimination League (WADL) has just informed me that a joint press conference was conducted this morning, Tuesday February 9, 1999, in Detroit, Michigan, USA., with The Witches Voice (TWV) and the American Civil Liberties Union (ACLU), in which the ACLU announced that it has filed a lawsuit against the Lincoln Park High School, Lincoln Park, Michigan, USA., on behalf of Pagan students relative to their right to peacefully display their religious beliefs by way of appropriate jewelry, pentacles, etc., in school and during school time.

The above is a voice report and I am awaiting the actual ACLU filing. As the press covering this press conference included CBS-TV News, there is the possibility that a CBS report on this press conference may appear on this evening's CBS News.

Wren Walker (TWV) has just informed me that some local and national new media are already carrying this story.

"Religious freedom is for everyone, including Wiccans. As more pagan children enter the public school system, it is imperative that educators and administrators alike become better informed on the practices and beliefs of all earth-based religions," Walker said.

Additionally, Steve Foster indicated that WADL and TWV are working on joint press releases, to be soon released on the Internet, to inform Pagan leaders, groups, covens, groves, circles, solitaires, etc., and others, of this important anti-discrimination effort by WADL/TWV/ACLU.

Steve Foster has indicated that this lawsuit by the ACLU may go a long way to establish proper respect and religious rights for all Pagan students in America.

U.S. Army Chaplain's Handbook

Wicca is nicely summed up in the U.S. Army Chaplain's Handbook: Religious Requirements and Practices of Certain Selected Groups. It can be ordered from the following address and we have referenced the section on Wicca below.

USAF Chaplain's Service Institute, Resource Division, 525 Chenault Circle, Maxwell AFB, Montgomery, AL 36112-6429.

Pages 231-236

WICCA

- ADDRESS:** No central address. Wiccan worship groups, called covens, are essentially autonomous. Many, but far from all, have affiliated with: Covenant of the Goddess, P.O. Box 1226 Berkeley, CA 94704

- OTHER NAMES BY WHICH KNOWN:** Witchcraft; Goddess worshippers; Neo-Paganism, Paganism, Norse (or any other ethnic designation) Paganism, Earth Religion, Old Religion, Druidism, Shamanism.

Note: All of these groups have some basic similarities and many surface differences of expression with Wicca.

- LEADERSHIP:** No central leadership. The Covenant of the Goddess annually elects a First Officer and there is a constitutional limit of two consecutive terms, but in practice officers have almost always served for one year only. In 1991, there are two co-First Officers, Phoenix Whitebirch and Brandy Williams.

- MEMBERSHIP:** Because of the complete autonomy of covens, this cannot be determined. There are an estimated of 50,000 Wiccans in the United States (1).

- HISTORICAL ORIGIN:** Wicca is a reconstruction of the Nature worship of tribal Europe, strongly influenced by the living Nature worship traditions of tribal peoples in other parts of the world. The works of such early twentieth century writers as Margaret Murray, Robert Graves and Gerald B. Gardner began the renewal of interest in the Old Religion. After the repeal of the anti-Witchcraft laws in Britain in 1951, Gardner publicly declared himself a Witch and began to gather a group of students and worshipers. In 1962, two of his students, Raymond and Rosemary Buckland (religious names: Lady Rowen and Robot), emigrated to the United States and began teaching Gardnerian Witchcraft here. At the same time, other groups of people became interested through reading books by Gardner and others. Many covens were spontaneously formed, using rituals created from a combination of research and individual inspiration. These self-created covens are today regarded as just as valid as those who can trace a "lineage" of teaching back to England. In 1975, a very diverse group of covens who wanted to secure the legal protections and benefits of church status formed Covenant of the Goddess (CoG), which is incorporated in the State of California and recognized by the Internal Revenue Service. CoG does not represent all, or even a majority of Wiccans. A coven or an individual need not be affiliated with CoG in order to validly practice the religion. But CoG is the largest single public Wiccan organization, and it is cross-Traditional (i.e. non-denominational).

- BASIC BELIEFS:** Wiccans worship the sacred as immanent in Nature, often personified as Mother Earth and Father Sky. As polytheists, they may use many other names for Deity. Individuals will often choose Goddesses or Gods from any of the world's pantheons whose stories are particularly inspiring and use those Deities as a focus for personal devotions. Similarly, covens will use particular Deity names as a group focus, and these are often held secret by the groups. It is very important to be aware that Wiccans do not in any way worship or believe in "Satan," "the Devil," or any similar entities. They point out that "Satan" is a symbol of rebellion against and inversion of the Christian and Jewish traditions. Wiccans do not revile the Bible. They simply regard it as one among many of the world's mythic systems, less applicable than some to their core values, but still deserving just as much respect as any of the others. Most Wiccan groups also practice magic, by which they mean the direction and use of "psychic energy," those natural but invisible forces which surround all living things. Some members spell the word "magick," to distinguish it from sleight of hand entertainments. Wiccans employ such means as dance, chant, creative visualization and hypnosis to focus and direct psychic energy for the purpose of healing, protecting and aiding members in various endeavors. Such assistance is also extended to non-members upon request. Many, but not all, Wiccans believe in reincarnation. Some take this as a literal description of what happens to people when they die. For others, it is a symbolic model that helps them deal with the cycles and changes within this life. Neither Reincarnation nor any other literal belief can be used as a test of an individual's validity as a member of the Old Religion. Most groups have a handwritten collection of rituals and lore, known as a Book of Shadows. Part of the religious education of a new member will be to hand copy this book for him or herself. Over the years, as inspiration provides, new material will be added. Normally, access to these books is limited to initiated members of the religion.

•**PRACTICES AND BEHAVIORAL STANDARDS:** The core ethical statement of Wicca, called the "Wiccan Rede" states "an it harm none, do what you will." The rede fulfills the same function as does the "Golden Rule" for Jews and Christians; all other ethical teachings are considered to be elaborations and applications of the Rede. It is a statement of situational ethics, emphasizing at once the individual's responsibility to avoid harm to others and the widest range of personal autonomy in "victimless" activities. Wicca has been described as having a "high-choice" ethic. Because of the basic Nature orientation of the religion, many Wiccans will regard all living things as Sacred, and show a special concern for ecological issues. For this reason, individual conscience will lead some to take a pacifist position. Some are vegetarians. Others will feel that, as Nature's Way includes self-defense, they should participate in wars that they conscientiously consider to be just. The religion does not dictate either position, but requires each member to thoughtfully and meditatively examine her or his own conscience and to live by it. Social forces generally do not yet allow Witches to publicly declare their religious faith without fear of reprisals such as loss of job, child custody challenges, ridicule, etc. Prejudice against Wiccans is the result of public confusion between Witchcraft and Satanism. Wiccans in the military, especially those who may be posted in countries perceived to be particularly intolerant, will often have their dogtags read "No Religious Preference." Concealment is a traditional Wiccan defense against persecution, so non-denominational dogtags should not contravene a member's request for religious services. Wiccans celebrate eight festivals, called "Sabbats," as a means of attunement to the seasonal rhythms of Nature. These are:

- January 31 [Called Oimele, Brigit, or February Eve],
- March 21 [Ostara or Spring Equinox],
- April 30 [Beltane or May Eve],
- June 22 [Midsummer, Litha or Summer Solstice],
- July 31 [Lunasa or Lammas],
- September 21 [Harvest, Mabon or Autumn Equinox],
- October 31 [Samhain, Sowyn or Hallows], and
- December 21 [Yule or Winter Solstice].

Some groups find meetings within a few days of those dates to be acceptable, others require the precise date. In addition, most groups will meet for worship at each Full Moon, and many will also meet on the New Moon. Meetings for religious study will often be scheduled at any time convenient to the members, and rituals can be scheduled whenever there is a need (i.e. for a healing). Ritual jewelry is particularly important to many Wiccans. In addition to being a symbol of religious dedication, these talismans are often blessed by the coven back home and felt to carry the coven's protective and healing energy.

•**ORGANIZATIONAL STRUCTURE:** Most Wiccans meet with a coven, a small group of people. Each coven is autonomous. Most are headed by a High Priestess, often with the assistance of a High Priest. Some are headed by a High Priestess or High Priest without a partner, and some regard themselves as a gathering of equals. Covens can be of mixed gender, or all female or male, depending on the preferences of the members. Every initiate is considered to be a priestess or priest. Most covens are small. Thirteen is the traditional maximum number of members, although not an absolute limit. At that size covens form a close bond, so Wiccans in the military are likely to maintain a strong affiliation with their covens back home. There are many distinct "Traditions" of Wicca, just as there are many denominations within Christianity. The spectrum of Wiccan practice can be described as ranging from "traditional" to "eclectic," with Traditions, covens and individuals fitting anywhere within that range. A typical difference would be that more traditional groups would tend to follow a set liturgy, whereas eclectic groups would emphasize immediate inspiration in worship. These distinctions are not particularly important to the military chaplain, since it is unlikely that enough members of any one Tradition would be at the same base. Worship circles at military facilities are likely to be ad-hoc cross-Traditional groups, working out compromise styles of worship for themselves and constantly adapting them to a

changing membership. Therefore, the lack of strict adherence to the patterns of any one Tradition is not an indicator of invalidity. While many Wiccans meet in a coven, there are also a number of solitaires. These are individuals who choose to practice their faith alone. They may have been initiated in a coven or self initiated. They will join with other Wiccans to celebrate the festivals or to attend the various regional events organized by the larger community.

•**ROLE OF MINISTERS:** Within a traditional coven, the High Priestess, usually assisted by her High Priest, serves both as leader in the rituals and as teacher and counselor for coven members and unaffiliated Pagans. Eclectic covens tend to share leadership more equally.

•**WORSHIP:** Wiccans usually worship in groups. Individuals who are currently not affiliated with a coven, or are away from their home coven, may choose to worship privately or may form ad-hoc groups to mark religious occasions. Non-participating observers are not generally welcome at Wiccan rituals. Some, but not all, Wiccan covens worship in the nude ("skyclad") as a sign of attunement with Nature. Most, but not all, Wiccan covens bless and share a cup of wine as part of the ritual. Almost all Wiccans use an individual ritual knife (an "athame") to focus and direct personal energy. Covens often also have ritual swords to direct the energy of the group. These tools, like all other ritual tools, are highly personal and should never leave the possession of the owner. Other commonly used ritual tools include a bowl of water, a bowl of salt, a censer with incense, a disk with symbols engraved on it (a "pentacle"), statues or artwork representing the Goddess and God, and candles. Most groups will bless and share bread or cookies along with the wine. All of these items are used in individual, private worship as well as in congregate rituals.

•**DIETARY LAWS OR RESTRICTIONS:** None.

•**FUNERAL AND BURIAL REQUIREMENTS:** None. Recognition of the death of a member takes place within the coven, apart from the body of the deceased. Ritual tools, materials, or writings found among the effects of the deceased should be returned to their home coven (typically a member will designate a person to whom ritual materials should be sent). It is desirable for a Wiccan priest or priestess to be present at the time of death, but not strictly necessary. If not possible, the best assistance would be to make the member as comfortable as possible, listen to whatever they have to say, honor any possible requests, and otherwise leave them as quiet and private as possible.

•**MEDICAL TREATMENT:** No medical restrictions. Wiccans generally believe in the efficacy of spiritual or psychic healing when done in tandem with standard medical treatment. Therefore, at the request of the patient, other Wiccan personnel should be allowed visiting privileges as though they were immediate family, including access to Intensive Care Units. Most Wiccans believe that healing energy can be sent from great distances, so, if possible, in the case of any serious medical condition, the member's home coven should be notified.

•**OTHER:** With respect to attitude toward military service, Wiccans range from career military personnel to conscientious objectors. Wiccans do not proselytize and generally resent those who do. They believe that no one Path to the Sacred is right for all people, and see their own religious pattern as only one among many that are equally worthy. Wiccans respect all religions that foster honor and compassion in their adherents, and expect the same respect. Members are encouraged to learn about all faiths, and are permitted to attend the services of other religions, should they desire to do so.

GENERAL SOURCE BOOKS

•The best general survey of the Wiccan and neo-Pagan movement is: Adler, Margot. *Drawing Down the Moon*. Boston: Beacon Press, 1986. 595pp

- For more specific information about eclectic Wicca, see: Starhawk. The Spiral Dance. New York: Harper & Row, 1979.
- For more specific information about traditional Wicca, see: Farrar, Janet, and Stewart Farrar:
- Eight Sabbats for Witches. London: Robert Hale, 1981. 192pp. •The Witches' Way. London: Robert Hale, 1984. 394pp.

FOR MORE INFORMATION

- Pagan Military Newsletter c/o Terri Morgan, Editor 829 Lynnhaven Parkway 114-198 Virginia Beach, VA 23452

Because of the autonomy of each coven and the wide variance of specific ritual practices, the best contact person would be the High Priestess or other leader of the member's home coven.

The Witches Federal Law Memorandum

This referandum was provided by the Witches League for Public Awareness, Salem, Mass:
<http://www.celticcrow.com/>

Statement of the Facts: Witchcraft in the United States is a living, growing religion. As a religion, Witchcraft is protected by the Constitution. The Law has the obligation to serve and protect Witches in their religious endeavors, equally as much as it protects the rights and freedoms of other groups. In the United States today, Witches are entitled to the same rights and protections as other groups under the First and Fourteenth Amendments.

ISSUE I: Is Witchcraft recognized as a legitimate religion in the United States?

ISSUE II: Does the practice of Witchcraft fall within the parameters of the First Amendment? protection clause?

ISSUE III: Are Witches entitled to rights under the equal protection clause of the Fourteenth Amendment?

ISSUE IV: Are Witches entitled to the same rights and protections under State Laws. applicable to where they live, as they are under Federal Law?

ISSUE I: Witchcraft is recognized in the United States as a legitimate religion. In 1985, Dettmer v Landon (617 F Supp 592) the District Court of Virginia pursuant to rule 52 (a) of the Federal Rules of Civil Procedure ruled that Witchcraft is a legitimate religion and falls within a recognizable religious category In 1986 in the Federal Appeals court fourth circuit. Butzner, J. affirmed the decision (799 F 2d 929) Since in most cases Federal law, even case law supersedes state law in this type of matter, the affirmation by judge Butzner clearly sets Witchcraft as a religion under the protection of constitutional rights. The Church of Wicca (or Witchcraft) is clearly a religion for First Amendment purposes.

Members of the Church sincerely adhere to a fairly complex set of doctrines relating to the spiritual

aspect of their lives, and in doing so they have ultimate concerns' in much the same way as followers of more accepted religions. Their ceremonies and leadership structure, their rather elaborate set of articulated doctrine, their belief in the concept of another world, and their broad concern for improving the quality of life for others gives them at least some facial similarity to other more widely recognized religions.

While there are certainly aspects of Wiccan philosophy that may strike most people as strange or incomprehensible. the mere fact that a belief may be unusual does not strip it of constitutional protection. Accordingly the Court concludes that the Church of Wicca. of which the plaintiff is a sincere follower. is a religion for the purpose of the free exercise clause." Williams. J. 1985 Dettmer v. Landon Supra. ³We agree with the district court that the doctrine taught by the Church of Wicca is a religion." Butzner. J. 1986 4th Circuit. Dettmer v. Landon Supra.

ISSUE II: The first amendment of the United States Constitution guarantees the right to freedom of religious belief. The USCA states that a practice is a religion if it is for an individual a belief system for their whole life. The constitution does not wish to dictate what an individual should hold as a belief system or how it is practiced and will not enter into a ruling on that. "Court may not inquire into worthiness of parties' religious belief to ascertain whether they merit. First Amendment protection, but need only consider whether beliefs are 'religious' in parties' own scheme of things and whether their beliefs are sincere. USCA Const. Amend. I "To be a bona fide religious belief entitled to protection under either the First Amendment or Title VII, a belief must be sincerely held" and within the believers own scheme of things religious. USCA Const. Amend. 1: Civil Rights Act 1964 701 et seq., 717 as amended 42 USCA 2000e-16"

ISSUE III: The equal protection clause is guaranteed to all people and groups. If one group of people is entitled to equal protection than all groups are. Witchcraft is accepted as a religion, therefore, Witches are entitled to the same protections as all other religious groups; under the equal protection clause of the Fourteenth Amendment. ³First and Fourteenth Amendments insures without qualification that a state may not forbid the holding of any religious belief or opinion, nor may it force anyone to embrace any religious belief or to say or believe anything in conflict with his religious tenets. USCA Const. Amend. 1, (14 Africa v. Anderson 542 F. Supp. 224.") (16 FPD 212-216)

ISSUE IV: USCA ARTICLE VII # 2 states: ³This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be The Supreme Law of the Land; and the Judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding."In light of the fact that Dettmer v. Landon supra, being a Federally Adjudicated case. it is thereby protected by the Constitution. No state can override this Federal adjudication. No Witch can be denied his/her civil liberty and right to be a Witch, open and free, in any state in the land; within the parameters of the Law.

CONCLUSION:

- Witchcraft is a legally recognized religion in the United States and Witches are entitled to every right and protection for freedom of religion, including freedom from harassment and prejudice as every other recognized religion in the United States.
- The United States Constitution, under the First and Fourteenth Amendments. supports the right of all peoples in the United States to practice their own belief system and to enjoy this in each their own manner.

- Lawyers and Law Enforcement Agencies have the obligation to protect the rights of all people in their religious endeavors, no matter what they may be, without bias or prejudice
- Witches desire only to retain their right of religious privacy and to practice their Craft as they see fit within the parameters of the law.

Know Your Legal Rights

This information is courtesy of The Witches Voice: <http://www.witchvox.com> and reprinted with permission.

Pagan anti-defamation organizations are springing up everywhere. But each individual Witch, Wiccan or Pagan should have a working knowledge of their fundamental rights and avenue to legal recourse. Here are some of the basics:

FEDERAL:

FREE EXERCISE OF RELIGION GUARANTEED-

The First Amendment to the United States Constitution provides:

"Congress shall pass no law respecting an establishment of religion, or prohibiting the free exercise thereof...."

Free exercise of religion is protected in the United States provided that the belief is sincerely held and is a religious belief of any kind. The belief or practice need not be a part of an organized religion or sect, and need not include a belief in any Supreme Deity. Individualistic, Indigenous, polytheistic, agnostic and atheistic beliefs all fall under the protection of law.

Cases: Church of Lukumi Babalu Aye, Inc. v. City of Hialeah, 113S.Ct. 2217 (1993)
 Frazee v. Illinois Dept. of Employment Security, 489 U.S. 829 (1989)
 Callahan v. Woods, 658 f. 2d.679 (9th Cir. 1981)

Courts cannot judge validity of any belief or doctrine;
 U.S. v. Ballard, 322 U.S. 78 (1944)

Free exercise of religious belief is protected by the First Amendment from intentional encroachment under all circumstances. The government cannot single out a particular religious belief or religion for special burdens or restrictions unless it can prove a compelling reason for doing so. This "compelling reason" must be grave concerns for the social welfare of society. Even if "compelling reasons" are proven, the government still must use the least amount of encroachment possible.

Cases: Church of Lukumi Babalu Aye, Inc. v. City of Hialeah (cited above)
 Employment Division, Dept. of Human Resources of Oregon v. Smith, 494 U.S. 872 (1990)
 Sherbert v. Verner, 374 U.S. 398 (1963)
 Religious Freedom Restoration Act, 42 U.S.C. 2000bb (1993)
 Lawson v. Dugger, 844 F. Supp. 1538 (S.D. Fla, 1994)

The Non-Establishment Clause of the First Amendment prohibits the official sponsorship of, support of,

or active involvement in, religious activity. This limits interference or undue influence by federal, state and local governments or their agents on the validity of any religious belief or religion. This recognizes the right of an individual to be free from laws and government decisions which aid one religion, all religions or prefer one religion over another.

Cases:

Walz v. Tax Commission, 397 U.S. 1 (1947)
Everson v. Board of education, 330 U.S. 1 (1947)
Lemon v. Kurtzman, 403 U.S. 602 (1971)
Larson v. Valente, 456 U.S. 228 (1982)

FREEDOM FROM RELIGIOUS DISCRIMINATION-

The Fourteenth Amendment to the U.S. Constitution states:

"No state shall...deny to any person within its jurisdiction the equal protection of the laws."

The Fourteenth Amendment protects against discrimination by state and local governments on the basis of religious beliefs, as well as gender or ethnicity.

Cases: Police dept. of Chicago v. Mosley, 408 U.S. 92 (1972)

Also see under RFRA 1993-

Campos v. Coughlin, 854 F. Supp. 194 (S.D.N.Y. 1994)
Western Presbyterian Church v. Board of Zoning Adjustment of District of Columbia, 849 F. Supp. 77 (D.D.C. 1994)

Additional protection is provided by-

The Civil Rights Act of 1871
1978 American Indian Religious Freedom Act (1978)

In conclusion: The United States is a multi-faith society; freedom of religion is constitutionally guaranteed. No religion has official support or preference from any governmental entity or any of its agents. Discrimination on the basis of religious preference is illegal.