

DATE: October 20, 2004
5 Chesvan 5765

TO: Rabbis, Presidents, and Temple Administrators

FROM: Robert Heller, Chair, Union for Reform Judaism Board of Trustees
Rabbi David Saperstein, Director, Religious Action Center

RE: Homeland Security Department Funding of Synagogue Security.

This past week, the Congress of the United States passed the 2005 Department of Homeland Security Appropriations Act. After much jockeying, \$25 million was added to the act to help with security funding for “high risk non-profits” (this is widely understood to include houses of worship and parochial schools including synagogues and Jewish day schools). Similar funding is also available through monies the Department of Homeland Security has provided to the states to distribute to local communities and institutions.

Our congregations will now have to decide whether or not to apply for such grants from the Department of Homeland Security or from similar state programs. Each of our congregations is autonomous and will need to make its own decisions on whether to apply for, or to accept, this funding.

The Union for Reform Judaism strongly opposed this legislation as a serious violation of church-state separation and is recommending that synagogues not participate in these programs.

The security needs of our nation’s high-risk non-profit institutions deserve the fullest attention of Congress. There is, however, no need to do so in a manner that dangerously threatens the wall separating church and state, which has been a bedrock of democracy and the foundation of religious liberty in our country for more than 200 years.

Vital Church/State Concerns – The Reasons the Union is Asking Synagogues Not to Apply for Government Security Grants.

After careful consideration, the 70-member Executive Board of the Union for Reform Judaism voted overwhelmingly to oppose this funding and the Union recommends that our synagogues not apply for these grants.

We took this position because this is a critical moment for the survival of religious freedom and church-state separation in America. Our abiding and strong commitment to church-state separation goes back generations. We have always been on the front-lines of

preserving this concept and now, when it is under unrelenting attack, when the Supreme Court has steadily cut back on these protections, it is more important than ever to do so.

A number of considerations lie behind this decision. Among them are:

1. Taking a position that accepting this money does not violate the Constitution will legitimize two of the key arguments made for years by the Religious Right and other staunch opponents of church-state separation. First, with all of the weakening changes made to the wall separating church and state by recent Supreme Court decisions, the High Court has never upheld direct financial support for houses of worship or parochial schools. If we abandon that position and say that such direct support is Constitutional, then we are going down the road to parochial aid and government funded religions, which have been a disaster in so many nations.
2. The second legal argument made by opponents is that all they want, in terms of benefits, is government neutrality to religion, i.e., that religious entities only be treated the same as equally to other organizations. But one of the glories of America is that the framers did not treat religion the same as everything else. Only religion has a non-establishment clause, separating government from religion, thereby giving religion special protections others do not have in return for government distance in terms of benefits as well. But if we are now to be treated the same as others, then all the rules, regulations, audits, monitoring, entanglement and interference that religion uniquely has been spared will now accompany government money. We endanger all of the special protections and exemptions for religious groups, as well as the vital doctrine of church autonomy, that have served us so well.
3. Congregations that accept the money now will find that decision thrown back in their face the next time they lobby against school prayer or parochial aid or the posting of religious symbols in government buildings – all of which are justified by their proponents on the same neutrality/equality principle.
4. Not only is it clear that a great deal will be lost for our religious freedom under these new programs but little will be gained for synagogue security. The Homeland Security bill has substantially less than the \$100 million sought by the community, and the final version was devoid of any of the church-state protections negotiated over months between the Jewish community and bipartisan sponsors on the Hill. In many regards, it is the worst of all possibilities.
5. In practice, this money will help a very modest number of congregations. Indeed, one can argue that the decision to include houses of worship (there are 300,000 churches in the nation), into competition for such limited funding will actually

siphon away money from Jewish high risk communal non-profits. A \$25 million appropriation spread across the likely thousands of high-risk houses of worship, hospitals, museums, schools, etc. will have little impact on the Jewish community and could have been better used beefing up first responders and police protection in high risk areas that would have benefited many more of our synagogues and high risk institutions. But whether the allocation is \$25 million or \$25 billion, the same damage is done to our priceless protections insuring the separation of church and state.

6. Our church-state concerns have been shared by many other national Jewish agencies. When legislation was first proposed in very much the same form as it passed, the ADL, American Jewish Committee, American Jewish Congress, and the Conservative, Reform and Reconstructionist congregational movements all expressed reservations. Over the past months, numerous efforts were made to minimize the church-state violations of the kind contained in the final legislation. These negotiations led some national Jewish agencies that opposed this legislation to drop their opposition, while for others, including the Union for Reform Judaism, even these did not go far enough. However, this was all for naught. In the final days of this Congressional session before recess, legislation ensuring those safeguards was abandoned. No safeguards or limitations pertain to the budget allocations that finally passed. What the other agencies will do is not yet clear; the Union is holding to the core church-state positions it has asserted throughout this debate.

Steps You Can Take (and the Union is Taking) to Enhance Synagogue Security

Whether you follow our recommendations or decide to participate in this program, we urge you to make use of the many resources that the Union has made available to our congregations to enhance security:

- Implement our security enhancement materials for congregations. Those materials are available in our comprehensive guide *None Shall Make Them Afraid: Thinking About Congregational Security* located at: http://urj.org/Articles/index.cfm?id=3534&pge_prg_id=17044&pge_id=1260; in posted additional information on synagogue security at the Union website <http://urj.org/sept11/index.cfm> and through our links to the ADL's excellent security guides on the RAC's website at <http://www.rac.org/security.html>;
- Make use of the ADL's security training programs with which we are partnering, coordinating and cooperating;
- Listen to the recording of the teleconference we held for our synagogues, bringing together experts from the FBI, counter terrorism personnel, and defense agencies such as the ADL available online at <http://uahc.org/reform/rac/security.html>;

- Check our analysis of Terrorism Risk Insurance prepared by temple administrator Esther Herst located at:
[http://urj.org/Articles/index.cfm?id=3535&pge_prg_id=17044&pge_id=1260;](http://urj.org/Articles/index.cfm?id=3535&pge_prg_id=17044&pge_id=1260)
- Remember that you are entitled to MUM deductions for expenses related to security against terrorism;
- You should also know that we have been active on a number of other fronts including ongoing meetings with the Department of Homeland Security aimed at better coordination with, and better training for, local police in protecting Jewish and other high risk non-profit targets; and have strongly advocated for legislation, some of which as passed, to provide more thorough training and better funding for first responders.

Conclusion

The separation of church and state in this country has allowed religion to flourish here, unmatched among all democratic nations. This is one of America's unique gifts to civilization and the chief guarantor of our religious liberty. Now, as we press forward in the fight against terror, we must not abandon the very ideals and freedoms upon which our country stands. This legislation, though earnest and compassionate in intent, seriously weakens the wall separating church and state, this vital protector of religious liberty for all Americans, and in doing so, adversely affects the long-term well being of American Jewry.

As each of you makes your own decisions on whether to apply for, or to accept, this funding, please do not hesitate to be in touch with our Religious Action Center if they can help you in your deliberations.