The Pentacle Quest: Wiccan Religion in the Media

Paula Johnson
Lynn University

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"The Pentacle Quest"
Wiccan Religion in the Media

By Paula Johnson

Thesis Submitted in Partial Fulfillment of the Requirements
for the Degree of Master's of Science in Mass Communications

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religions. I will always remember the day the lawsuit against the VA was announced at the National Press Club. What a privilege to be a part of that day.

In January 2005 I made a promise to my friend, Jan Deanna O’Rourke. Someday in the far away future when she died, she hoped she would be able to have a pentacle on her headstone. I gave her my promise that I would help her get the pentacle approved never guessing that she would die 9 days later. I kept my promise Jan. May you rest in peace beside your beloved husband at Arlington National Cemetery.

Last but not least, thank you to all of our heroes of all faiths for their willingness to preserve our democracy by placing their lives on the line. May those who have perished rest with the mighty dead with honor in Valhalla, the Summerland, Heaven or wherever they hoped they would go on the day they met their end.
<table>
<thead>
<tr>
<th>Chapter One</th>
<th>Introduction</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter Two</td>
<td>Historical Background of Wicca and Paganism</td>
<td>16</td>
</tr>
<tr>
<td>Chapter Three</td>
<td>Description of Media Theories</td>
<td>32</td>
</tr>
<tr>
<td>Chapter Four</td>
<td>Media Analysis of “The Pentacle Quest”</td>
<td>43</td>
</tr>
<tr>
<td>Chapter Five</td>
<td>Conclusion</td>
<td>59</td>
</tr>
<tr>
<td>Appendix A</td>
<td>Chronology of “The Pentacle Quest”</td>
<td>81</td>
</tr>
<tr>
<td>Appendix B</td>
<td>United States District Court</td>
<td>84</td>
</tr>
<tr>
<td></td>
<td>For The Western District of Wisconsin Complaint</td>
<td></td>
</tr>
<tr>
<td>Appendix C</td>
<td>United States District Court</td>
<td>123</td>
</tr>
<tr>
<td></td>
<td>For The Western District of Wisconsin Settlement Agreement and Stipulation of Dismissal</td>
<td></td>
</tr>
<tr>
<td>Appendix D</td>
<td>Veteran Pentacle Grave Markers</td>
<td>128</td>
</tr>
<tr>
<td></td>
<td>Across the USA</td>
<td></td>
</tr>
</tbody>
</table>
Background and Rationale

There is no argument that media has the power to shape public opinion and influence society. When the media uses unusual religious terminology unique to a marginalized religion like Wicca to sell newspapers or to get higher ratings on radio, television and in the movies, there can be serious negative consequences to its adherents. Wiccans often uses terminology to describe their religious beliefs and practices in ways that are perceived to be significantly different from mainstream religions and thus contributes to its marginalization. Differences in religious terminology can make it difficult for the public to have a frame of reference in relation to evaluating whether or not a religion fits the criteria of society’s consensual reality. There are certain elements society expects all religions to have in common. The media can illustrate and emphasize shared value systems or they can create schisms that make it even more difficult for religions that don’t fit neatly in the box of what people think a religion is. Media reports have the potential to create false beliefs that can encourage society to take a punitive stance against marginalized populations and force them into hiding in order to avoid persecution (Lynch, 2000; Bell, 2001, Fox: Shmuel, Sandler, 2003: Richardson, 2006, Burger, Luckmann, 1966: Bosmajian, 1983).

Americans United for Separation of Church and State filed two lawsuits on November 13, 2006 alleging that the VA had discriminated against members of the Wiccan religion by refusing to approve their religious emblem of belief alleging that “for more than nine years, members of the Wiccan faith and their religious congregations and clergy sought to add the pentacle - the Wiccan emblem of belief to the National Cemetery
Administration’s approved list” (US District Court for the Western District of Wisconsin, 2006). The movement to add the Wiccan emblem of belief to the VA’s list of already approved emblems of belief was named "The Pentacle Quest" by Wiccan activist and minister, Rev. Selena Fox, Senior Minister and High Priestess of Circle Sanctuary, one of the oldest Wiccan church’s in America. Circle Sanctuary was also one of the plaintiffs named in the lawsuit against the Veterans Administration.

There are many denominations that fall under the larger umbrella of Wiccan and Pagan religious practice. The terms Neo-Pagan, Earth-Centered or Nature religion are often referred to in literature that describes the history, belief’s and practices of this religion (Adler, 1979). Practitioners of Wicca are often referred to as “Witches”. This label in particular can be a public relations nightmare in the quest for legitimacy (Nadueau, 1999). Use of the word “Witch” conjures fear in the collective mind of the public sphere and has contributed to the problems practitioners of Wicca experience when they assert their right to religious accommodation as well as recognition of their First Amendment right to religious freedom. The function of witchcraft is largely misunderstood in the context of Wiccan religious practice and is not widely accepted by the mainstream as religious because society has been taught that the practice of witchcraft is evil and something to fear. It is important to note that many people incorrectly believe that Wiccans, Pagans and Witches engage in satanic practices. Wiccan theology does not acknowledge the existence of the devil or satanic entities. Wiccans do not worship the devil. Media coverage of Pagan religion often includes a disclaimer that describes what Wiccan’s, Pagans and Witches are “not”. Many of the newspaper articles reviewed for this analysis explain what Wiccans, Pagans and Witches do not believe. Journalists often

Media coverage of the quest to add the religious emblem of the Wiccan faith, the pentacle, to the US Department of Veteran’s Affairs list of 38 already approved emblems of belief, created a unique opportunity to observe the impact of media attention on issues relating to the religious accommodation of a marginalized religion by the government. The media defines the words and terms used to describe the political debate in the United States over Constitutional issues related to the free exercise of religion (Reichley, 2002). The ability of the press to use language and words effectively and in their proper context was particularly important in “The Pentacle Quest” because the Wiccan religion was largely unknown and alien to many consumers of the news. Media reports often justified support for the legitimization of Wiccan and Pagan religion in this particular controversy by showing support of the underlying Constitutional issues related to religious freedom. Most Americans agree that everyone has the right to freedom of religion in the United States, and certainly no one has more of a right to their First Amendment right to freedom of religion than a soldier who has died for his or her country (Whitehead, 2005).

**Literature Review**

Adherents of Wiccan and Pagan religion do not believe in a central doctrine or dogma in the same sense that mainstream organized religions do, however, there is a general agreement and consensus of what is defined as sacred and group practices that unite the community in their worship. Wiccans and Pagans seek to understand the
mystery of nature and its interconnectedness through their rituals and practice and adhere to a moral code of ethical behavior and thought. Wicca is a legally recognized religion (Adler, 1979; Berger, 1999; Starhawk, 1999; Cookson, 2000; Gardner, Gerald B., 2004).

Media portrayals of witches in newspapers, books, television and movies in the past have often been sensationalized and inaccurate. In the past, media reports failed to identify Wicca, Paganism and Witchcraft as a religion and they often focused on the aspects of Wiccan practice and belief that seemed to be the most different from accepted more mainstream religions rather than finding areas of shared belief. While sociologists believe that negative stereotypes exist because they serve a social function, negative stereotypical portrayals of any group are dangerous because from a perceptual standpoint they create an imagined enemy that provides society opportunities to scapegoat that particular group and effectively blame its members for its social problems. Once a stereotype is formed by the public it is difficult to change that image (Lewis, 1998).

Journalists have a responsibility to be clear about the words used to describe religious beliefs. For example, the vast majority of society views religion as monotheistic while most Wiccans and Pagans define themselves as polytheists (Nadeau, 2006). Wiccan and Pagan activists must educate the media about the differences in vocabulary used to define their belief system in order for the media to be accurate in their reporting. Wiccans and Pagans often experience adverse consequences when they make their religious beliefs known and as a result many Wiccans and Pagans experience discrimination and persecution as a result of their beliefs (Niebuhr, 1999).

The rhetoric of mainstream religion can often contribute to the controversies that surround the bigger question of what constitutes a valid religion. Understanding what
society and sociologists define as religion is critical to understanding the issues that face marginalized minority religions in their struggle for legitimacy. Legitimate practitioners of a religion are thought to possess a common set of shared beliefs and practice. It is assumed that a belief in “God” or in a higher power is one of the prerequisites to being acknowledged as a legitimate religion (Durkheim, 1995: James, 1962: Sharma, 2002: Tweed, 2005).

Members of mainstream religious groups already acknowledged as valid religions do not face the same challenges as new religious movements do. New religious movements like Wicca are often required to prove their beliefs are religious before they can even begin to defend their right to protection under the first amendment. The issue of defining what constitutes a religion is not much of a concern to most of society until a group with beliefs and practices different from the majority demands recognition, equal rights and the protection under the law that legitimacy provides for all recognized religions (Morant, 2004).

Americans believe the Constitution protects and guarantees religious freedom but the framers of the Constitution did not provide a definition of religion within the document itself. The legal definition of religion can differ from philosophical definitions. The job of defining whether or not a particular set of beliefs or practices is a religion has traditionally been a function of the judicial system. Free exercise of religion and religious accommodation can be limited or denied if the government can demonstrate what is referred to in case law as “compelling interest” (Evans, 1997: Goldwig, 2002: Morant, 2004).
Prior to September 11, 2001, many religious scholars felt that the practice of religion and its ability to impact society was a thing of the past (Swatos, Christiano, 1999). Secularization theorists felt that religion and religiosity would naturally decline in a modern industrialized society and that specific religious practices would become less religious and more widely practiced by society in ways that are more reflective of culture than belief in actual religious doctrines or dogma. McGill University’s, Berks Professor of Comparative Religion, Arvind Sharma argues that this theory has proved false and that the role of religion in society is more important than ever (Sharma, 2002: Berger, 2008: McDevitt, 2006: Fox, Sandler, 2003). Understanding the role of religion in both public and private life has become more important as the world becomes more industrialized and global. Technology has also changed the way people interact with regard to differences in religious beliefs. The internet has increased awareness of religious diversity and provides a forum for various faith groups to interact. Current world events illustrate the many ways in which religion can impact politics, war and human rights (Lynch, 2000: Fox, Sandler, 2003).

The media has the power to shape society and its perception of the nature of reality. Images created in the media reinforce stereotypes (Washburn, 2002). The media is an effective tool and it has the power to impact how a religion is perceived. The role of the media and its responsibility to a democratic society must be taken seriously. People often rely upon their understanding of religion and spirituality in order to make decisions about many of the hotly contested political issues of our time. Media coverage of religious issues can influence the formation of opinions and attitudes regarding political issues in the public domain. Politicians must be responsive to the norms dictated by their
constituents. Judges, juries, legislators and the average man on the street are consumers of the media. Our judicial system is subject to the interpretation of both judges and juries that make decisions based on what they perceive as real. For many people, whether they know it consciously or not, the media defines reality. Media coverage is a sword that can cut both ways: it can forward the cause of a movement by functioning as a linguistic bridge of understanding or it can undermine a movement by its negative portrayal of that movement (Lewis, 1998). There is reason to be concerned that the media has fallen victim to corporate ownership of media outlets. There is evidence that these corporations place their bottom line over the more altruistic responsibility of the press to be the watchdog of society. Many feel that the media has always been and should continue to be eyes and ears of the American people and should keep them informed about any issue that ultimately affects their constitutional rights (Shultz, 2002). The nature of capitalism has proven to be a challenge because the need to sell papers can place pressure on journalists to write stories that are marketable in a sensational way in order to stimulate sales. The journalist’s responsibility to the ideals of democracy can be influenced by their need to make money by writing and selling marketable stories (Washburn, 2002: Hackett, 2000: Bell, 2001: Lynch, 2001). The Religious Newswriters Association cautions journalists and editors to be clear regarding their own personal ethics and standards when reporting on matters of faith (RNA-Ethics).

The language used in the media can build public support of controversial issues related to religion or undermine it. The theory of logology, the study of words as they apply to theology, (Burke, 1961) illustrates the importance of understanding the vocabulary and terminology of unfamiliar religions reported on in the media. The idea
that is biblically permissible and even advisable to deal violently with Pagans and without mercy is problematic to Pagans and Wiccans. Kenneth Burke talks about biblical interpretations of prohibitions of Pagan practices in his book, *The Rhetoric of Religion*, “This is what you are to do to them: break down their altars, smash their sacred stones, cut down their Asherah poles and burn their idols in the fire” (Burke, 1961 in Duet 7:5-6-NIV). Many Wiccans and Pagans are forced to live in what is known as the “broom closet” as a result of what many people perceive is biblically permissible.

Knowledge is reflected in language and ideas (Burger, Luckman, 1966: Searle, 1995). The establishment of language and ideas encourage the development of a vocabulary that explains that knowledge. Language communicates meaning and is the vehicle used by both the media and religious activists to influence the acceptance or rejection of the Wiccan religion as legitimate. Theorists have observed that reality is dependant upon the majority of society agreeing on what something means (Searle: 1995). Society cannot agree on what something is unless there is knowledge of what it is and a consensus of agreement concerning the interpretation of that knowledge. Society must understand and agree that a religion is a religion before it can be universally recognized as one.

For much of society, the media plays a role in the social construction of what the public thinks is reality by the way they report on controversial issues and stories. The importance of the media’s role in the democratic process cannot be underestimated because the interpretation of a religion can be subjective to the society that religion is being practiced in. The mission of the media is to provide a forum in which opposing opinions can be presented with the ultimate goal of facilitating understanding between the
groups (Curran, 2002). One of the ways the media can help create a safe and equal playing field for all opposing opinions is to use language that is easily understood.

Stories in the media about Wiccans, Pagans and Witches don’t always reflect accurate representations of this religion’s symbols and that makes it difficult for society to see the pentacle as a legitimate symbolic representation of Wiccan and Pagan religious belief. Religious affiliation reinforces our understanding of religious symbolism (Davis, 2005: Washburn, 2002: Schutz, 1967: Berger, Luckmann, 1966). Freedom of speech applies to the use of symbols. Pagan religion and its symbolism has been unfairly maligned throughout modern history for a variety of reasons and as a result society does not have an accurate context to understand Wiccan and Pagan symbolism (Davis, 2005). Often the only context society has to frame the symbolism of Pagans and Wiccans is a negative construct that really amounts to no more than propaganda.

The meanings of a symbol can be negatively or positively reinforced in society by the media and, in the case of symbols that have been misrepresented or misunderstood, the history and meaning of such a symbol can be difficult to grasp for a society that has already agreed on what they think the actual meaning of that symbol is. The refusal of the US Department of Veterans Affairs to approve the Pentacle as a religious emblem for ten years is an example of this agency’s inability to grasp the idea that the pentacle has a significant religious meaning for sincere believers of the Wiccan faith and therefore worthy of inclusion by virtue of their sincere belief.

"The Pentacle Quest" gave Wiccan and Pagan activists an opportunity to learn how to gain media attention and educate the public about discrimination against their religious beliefs. Wiccan activists knew that the success of their movement depended on
their ability to attract positive media attention for "The Pentacle Quest" and was critical to the advancement of their goal. Wiccan activists used the media as a tool to educate the public about the practices and beliefs of the Wiccan religion and translate its unfamiliar vocabulary and religious narrative to the media who in turn were able to do the same for the public (Cookson, 1997; Baker, 2006).

Wiccan and Pagan activists communicated their belief that they are practicing a bone-fide religion and thus were entitled to protection under the first amendment of the constitution. Extensive media coverage gave them numerous opportunities to voice their opinion loud and clear. The effect of the media spotlight shining on any issue for a prolonged period of time can play an important role in raising public awareness and influence the outcome (Boyle, McCluskey, McLeod, Stein: 2005: Huckins, 2002: Hackett, 2000).

As the battle to gain acceptance of the pentacle continued, many journalists, religious leaders and politicians expressed support for "The Pentacle Quest" and went on the record expressing the opinion that anyone who dies fighting for freedom and democracy in life should be afforded the same respect for their freedom of religion in death. In many ways, whether or not the VA should have added the Pentacle to its list of approved religious emblems was a controversy that did not appear to be controversial at all.

Justification

While studies exist regarding the practice of the Wiccan and Pagan religion, its history as a new religious movement, as well as the way society has marginalized
adherents of this religion in society, a comprehensive search of communications literature of communications journals reveals that there are few studies relating to media coverage of Wiccan and Pagan activism. The controversy regarding the US Department of Veterans Affairs refusal to approve the Pentacle for use on the headstones of Wiccan and Pagan soldiers and veterans provides a fertile example for the study of media coverage. This study is interdisciplinary and includes research on sociology, history, and constitutional law. This thesis is important in three ways:

1. It provides an analysis of a current controversy and examines how media coverage constructs society's understanding of reality.

2. This study provides a look at the role of language in legitimizing and building tolerance of new religious movements and their diversity.

3. Furthermore, this study shows how the discussion of this controversy rejuvenated the public sphere and its interest in constitutional issues related to religious freedom by stimulating public discourse surrounding First Amendment rights and religion.

Methodology

This analysis examines media reports about the Wiccan religion, their representatives and coverage of the controversy over approval of their religious emblem with the VA. It looks at the language and vocabulary used by journalists in articles that describe the beliefs and practices of Wiccans in media reports about the quest for the addition of the Pentacle to the US Department of Veterans Affairs list of approved religious emblems. My rhetorical analysis will utilize three theories, Social Construction
of Reality theory, Kenneth Burkes’ theory of logology and Media Democratization theory.

The Social Construction of Reality theory looks at society’s ability to recognize legitimacy outside of the experiences the collective majority shares. Our experience of the world collectively defines what society as a whole expects everyone’s experience to be. Whatever the majority of society recognizes as “real” is deemed legitimate and whatever falls outside the norm is often deemed illegitimate. Berger and Luckmann theorize in the Social Construction of Reality that human beings create their reality based on their social interaction with other humans (Berger, Luckmann, 1966).

Kenneth Burkes’ theory of logology, the study of words as they apply to theology, is instrumental to understanding the vocabulary of religion and theology and has the power to translate theological vocabulary into words that describe theological ideas. Although there are many differences between Judeo-Christian religion and that of Pagan religions, there are many elements that all religion have in common. Theology is a language and through the study of logology one can look at the meaning of the theological word used to describe a belief or practice and then translate it for a wider audience. Kenneth Burke’s theory of logology explains that human beings are not born with any knowledge of shared language or vocabulary. Religions do not always share a common vocabulary to describe theological words. Through the study of the words we use to describe theology it is possible to find ways to translate theological vocabulary that describes beliefs and practices (Burke, 1961: Sharma, 2002).

The theory of Media Democratization looks at the role of the media in the public sphere. The media can play a major role in upholding the democratic ideals that shaped
America in its early days by reminding media consumers of the parameters of democracy in this country. This theory examines the way mass media can potentially affect public perceptions of religions striving to have their constitutional rights recognized. Media democratization is dependant on how the media understands their responsibility and role in the democratic process.

The nature of capitalism has proven to be a challenge in the realm of media democracy. The need to sell papers has at times has placed journalists in the difficult position of having to write marketable pieces that will stimulate the business of the media and sometimes compromise their responsibility to society because of the need to make money pandering to the very institutions that threaten the ideals of democracy (Washburn, 2002: Hackett, 2000: Bell, 2001: Lynch, 2001).

Limitations

While the study of the controversy over the acceptance of the Wiccan religious emblem by the US Department of Veterans Affairs can provide important insight into the perception of Wiccan and Pagan religion in contemporary America, it is only specific to the media coverage spanning a brief timeline pertaining to one specific issue. Further studies of other controversies surrounding this religion could complement this study and provide studies of other marginalized religions and give insight into the role the media plays in facilitating understanding and tolerance between the public and marginalized religions.
There are many different names for the various traditions or denominations of Wiccan and Pagan religion. Contemporary Wiccans and Pagans are sometimes referred to as Neo-Pagans and/or Witches. The word Pagan is derived from the Latin and it means “country dweller”. The word Wicca originates in the old English language and means, “to bend”. Paganism has a section dedicated to its study in the American Academy of Religion and The Pluralism Project at Harvard University includes Pagan and Wiccan religion in its list of “America’s Many Religions” (http://www.pluralism.org). The Wiccan religion is practiced at United States military bases all over the world and Wiccan and Pagan soldiers have the ability to declare their religion on their military issued dogtags. The first Wiccan church was awarded tax-exempt status by the IRS in 1972 and there are many other Wiccan churches established since then that receive the same tax-exempt status that other churches, synagogues and mosques enjoy in the United States. The United States Supreme Court recognized the Wiccan religion through stipulation by judicial notice in Cutter et al v. Wilkinson. This opinion was delivered by Justice Ginsberg on behalf of a unanimous court (Cutter et al v. Wilkinson, 544, U.S. 709, 125 S. Ct. 2113, 2005).

Wicca and contemporary Paganism does not fit neatly into the box of new religious movements. The Wiccan religion is considered by some scholars to be a new religious movement (Lewis, 2001: Gallagher, 2004). Wiccan beliefs are based on a blend of reconstructed ancient beliefs and Pagan practice with newer eclectic approaches to worship and ritual style. Wicca’s Pagan roots can be found in the archeology and history of ancient civilizations and cultures such as Egypt, Babylon, Greece, Rome and pre-
Christian Europe (King, 2003). While many new religious movements revolve around the teachings of a single charismatic religious leader or teacher, the Wiccan religion is somewhat unique in that it does not have a central teacher, leader or authority figure (Fox in Melton, Bauman, 2002). "Wicca is a voluntary association of individuals that share one faith but practice it in a myriad of different ways" (Holland, 2000). Contemporary Pagans don’t subscribe to the idea that they are being moved around the chessboard of life by a higher being. "Paganism tends to reject determinism when it comes to beliefs. Determinism denies that you have free will and states that factors such as genetics and environment determines our choices" (Higgenbothem, 2002).

Helen A. Berger, author of *A Community of Witches; Contemporary Neo-Paganism in the United States* explains; "Wicca is a gentle nature religion, in which the goddess of fertility and the horned god are venerated. The forms and names of the Gods are represented in mythology" (Berger, 1999). The history of Paganism is an area of debate and discourse in the newly emerging field of Pagan studies. This chapter is my interpretation of the available scholarship and is not inclusive of all viewpoints.

Pagan theology encompasses nature, immanence, polytheism, animism, and direct experience. Mythology is to Wiccan and Pagan theology what the bible is to Judeo-Christian religious theology. Religious scholar Karen Armstrong explains five important things about myth, "It is nearly always rooted in the experience of death and the fear of extinction. Mythology is usually inseparable from ritual. The most powerful myths are about extremity, they force us to go beyond our experience. Myth is about the unknown; it is about that for which we initially have no words. It teaches us how to behave and, correctly understood, mythology puts us in the correct spiritual or psychological posture"
for right action, in this world or the next. Finally, mythology speaks of another plane that exists alongside our own world, and that in some sense supports it” (Armstrong, 2005).

Contemporary Pagans and Wiccans base their history on foundational myths. All religions employ the use of foundational myth to explain the historical meaning of their religions root. “Theology proper presents intellectual deductions from a foundational myth (or the primary myth on which religion is based), as well as “reasonable” extrapolations on such a myth” (D’Aquili, Newberg, 1999). One possible foundational myth about the history of the Wiccan religion involves a retired British civil servant Gerald Gardner and his claim that he was initiated into one of the last remaining English groups practicing witchcraft in the late 1930’s. The term “Wicca” was adopted by Gardner to describe the religion, and depending on whom you ask, he either helped to found or revive Wicca from ancient prehistoric roots. Paganism is an umbrella term that is descriptive of many forms of pre-Christian religion. Wicca is a denomination of Paganism and therefore its members are referred to as Wiccan. Wicca is sometimes referred to as “the Craft”; Gardner began using this term, originally a Masonic term for Freemasonry, as a name for the movement in the late 1950’s. Gardner blended his knowledge of indigenous tribal religion with elements of Buddhism, Kabbalah, spiritualism and rituals taken from the Freemasons. Gerald Gardner played a large role in attempts to portray Wicca as a religion as early as 1951, just after the Witchcraft Act of 1736 was repealed in England.

Rev. Selena Fox, High Priestess and Senior Minister of Circle Sanctuary, one of the oldest Wiccan church’s in America, describes several central Wiccan spiritual principles in the Encyclopedia of Beliefs and Practices; “(1) Honor the Divine,
understanding It as immanent and transcendent, as well as both multifaceted and as a united connected whole, (2) Live life with consideration of others as well as oneself, endeavoring to be of service and to do no harm, and (3) Celebrate and attune to Nature and Nature’s rhythms understanding this to be as central to the Divine understanding and worship.” (Fox in Melton, Baumann, 2002) Contemporary Wiccans and Pagans associate nature with numerous male and female deities. Wiccans often describe themselves as polytheistic, and reverence a feminine version of “Goddess” as well as “God”. Worship occurs in the small groups or congregations otherwise known as a coven. Covens may have three to thirteen or more members and meet monthly according to the phase of the moon. Monthly meetings for worship at the full moon can sometimes include practical magic and are referred to as esbats. Wiccans celebrate eight sabbats per year on solstices, equinoxes and cross quarter days based on an agricultural wheel of the year.

If it seems like Wiccans and Pagans observe their holiday’s around the same time as the Christian ones, it is because the ancient Pagan beliefs those holidays are based on were merged with religions like Christianity as a way to encourage the conversion of Pagans to Christianity through compromise. Many modern holidays have ancient Pagan roots linked to the changing of the seasons. The pre-Christian observance of Samhain has reinvented itself as Halloween (Davis, 2005) and on Christmas early Christians celebrated the birth of the newborn s-o-n near the Winter Solstice, close to the day when ancient Pagans celebrated the birth of the newborn s-u-n after the years longest night. Most people are not aware of the ancient Pagan origins of lesser-known secular holidays like Groundhog Day. Groundhog Day was celebrated by the Celts as Imbolc and was replaced by the Christian Feast of Candlemas. Celebrations in the first days of February
were common in many cultures and religions. "These days were important for the making of contracts, marriage divination, and weather prognostication. In central Europe the emergence of bears and badgers from hibernation on February 2 was used in weather divination" (Kruesi, 2007). The ancient Celts of Europe, England and Ireland tied their religious observances to the seasonal cycles of life and death and believed that the goddess was linked to the fertility of the land. "Paganism is a perennial plant that seeds itself from its own multicultural influence. Evidence of Pagan influence can be found in folklore, myths and culture. Paganism never really disappeared, it just recycled itself and mutated in various forms." (Personal communication with Rev. Selena Fox, August 4, 2007)

Archeologists are the stewards of Pagan pre-history. Author of The Alphabet Versus the Goddess, Leonard Schlain, explains that pre-historic Goddess worship is verifiable by the numerous stone-age artifacts found long before written history began, "There is overwhelming archaeological and historical evidence that during a long period of pre-history both men and women worshipped goddesses, women functioned as chief priests, and property commonly passed through the mother's lineage" (Schlain, 1998). Ancient female fertility statues found in Europe, Russia and Siberia indicate prehistoric Goddess worship dates back as far back as 30,000 BC. "The female principal was personified as the Great Mother. As the mother of the race, woman was regarded essentially as the life producer" (Parrinder, 1983). In the book Drawing Down the Moon, author Margot Adler writes, "Witchcraft is a religion that dates back to Paleolithic times, to the worship of the god of the hunt and the goddess of fertility. One can see remnants of it in cave paintings and in the figurines of goddesses that are many thousand years old.
This early religion was universal. The names changed from place to place but the basic deities were the same" (Adler, 1979).

Much of Paganisms written history has been erased by Christianity’s 2000 yearlong march across the globe. History is most often written by the conquerors and many practitioners of the Wiccan religion feel that their history has been lost to the global spread of Christianity. “Ancient Pagans were polytheists that believed in Gods and Goddesses that had different names, personalities, attributes. Each one presided over various aspects of both the natural world and human experience. Polytheistic belief accommodates different interpretations of symbolic knowledge and the various ways the individual will manifests itself when specific Gods respond to supernatural requests made in the material world” (King, 2003). Roman history books document the fall of Paganism to Christianity during the reign of Constantine. Prior to convening what he referred to as the first Christian ecumenical council, or the Council of Nicea, the Emperor Constantine was Pagan. (Alfoldi, 1969) As Christianity spread throughout Rome and grew in its power, Constantine made it the state religion of Rome and used Christianity as a tool to consolidate his kingdom. Roman citizens who observed the Christian religion were given preferential treatment and Paganism was all but outlawed altogether. “During the fourth century B.C.E., the first Christian emperor Constantine and his colleague Licinius made Christianity the sole legal religion of the Roman Empire. The Christian or Catholic Church as we call it now approved both the Roman governments’ suppression of Paganism as idolatry” (Barnes, 1981). Specific Christian doctrine was written prohibiting Pagan religious practices originated in the year 325, at the Council of Nicea. The Nicean Creed, the belief that “the son was begotten by the father,” made belief in Christ as the
one true God mandatory in Rome (Barnes, 1981). Pagan temples were subsequently
destroyed and observers of Pagan religion became “enemies of the truth”. In the year 384
Roman Senator Quintus Aurelius Symmachus made what was to be the Senator’s last
public plea to save the old religion of Rome and restore the altar of the Goddess Victory
to the Senate House. “Each nation has its own gods and peculiar rites. The Great Mystery
cannot be approached by one avenue alone.” In spite of his pleas, the altar of the Goddess
was banished from Rome by the Christian cross. (Zagorian, 2003) Many Pagan writings
were destroyed in bonfires. Ramsey MacMullen writes, “Copyists were discouraged from
replacing them by the threat of having their hands cut off.” There was a significant
difference in the number of books written by Pagans after the year 400 AD. In the same
time period the writings of the Christian religion became prolific (MacMullen, 1997).

As society became more patriarchal, monotheistic Judeo-Christian religion feared,
demonized and suppressed feminine power. Worship of an all-powerful transcendent
male deity resulted in the end of Goddess oriented, matriarchal cultures. Christianity
changed the way women were regarded in society and women who might have been
Priestesses were required to pray through a male Priest. Pagan women were forbidden to
approach or even touch the sacred altars of the Christian religion and their role as
members of the clergy were suppressed by the laws of the then new patriarchal religion
that required women to relinquish their property and give up their power to dominant
males (MacMullen, 1997). “The patriarchal forces that overturned goddess culture also
suppressed the power of the female, both human and divine” (Gadon, 1998).

Finding ways to historically link ancient Pagan religious practice to contemporary
Pagan and Wiccan practice may be more important to Pagan scholars that its
practitioners. It is difficult to assess whether historical links to an ancient history really
matter in this religion's quest for legitimacy. More often than not, when those outside the
Wiccan and Pagan community want to learn about this religion they are more interested
in finding out what Wiccans believe and practice rather than in finding out its history.

Typically Wiccans approach their religious practice in highly individual ways. There is no central governing authority dictating religious doctrine in Wicca. "We collect
no dues; have no central organization, no governing body, no supreme leader" (Holland,
2000). The lack of religious dogma is often what attracts adherents to the Wiccan
religion. Sometimes the lack of doctrine and dogma challenges the ability of mainstream
faiths like Christianity to wonder how Wicca can be a religion at all. Understanding what
the word dogma means in a religious context might explain why a religion like Wicca
might not have one. The First Vatican Council adopted the word dogma in 1917 and it
describes an infallible teaching (or doctrine) of the Church. According to the
Encyclopedia of Catholicism, a Christian's rejection of the churches' dogma could lead to
the serious consequence of being declared a heretic (McBrien, 1995). Belief in the same
doctrines or dogma is an example of a religious belief centered on shared values.
Mainstream monotheistic religions use dogma and doctrine to unify their religious
community. "The monotheistic approach requires each member to endorse the doctrines
of the sect, a genuine difference in beliefs could be a crisis, requiring the church
hierarchy to suppress dissent, modify its views, or face schism" (King, 2003). Faith in
Judeo-Christian religion might be described as "a conviction that an individual (or group
of individuals) holds independently of the need for empirical support" (King, 2003).
Wicca is a religion of experience and as such, belief is based more on experience and less
on a shared conviction or article of faith that unifies its practitioners. Wiccans and Pagans do not lay claim to “Truth” in the same way that many other religions traditions seem to do, so there may be less need for dogma or doctrines that are fallible or infallible. Its practitioners see the lack of a governing authority or hierarchy in Wicca as positive and from a sociological perspective, participation in non-hierarchal religion might even promote a healthy level of freedom from societal pressure and control through religious belief (Chaves, 1993). Everything Wiccans take from worship and ritual is deeply personal. Wiccans do not proselytize, nor do they believe that their religion is the right religion for everyone. Wiccans and Pagans shy away from the one-size-fits-all worldview of religion. “Because of the individualistic and anti-authoritarian nature of Wicca, a vast array of materials, old and new could be considered representative or illustrative of its beliefs and practices—as could none for that matter” (Daschke, Ashcroft, 2005).

Since Wiccans and Pagans draw their spiritual inspiration from many sources and paths, there are no hard and fast rules that require adherents to denounce or change their beliefs. This approach makes its practice very adaptable. There is a wide range of choices available to Wiccans and Pagans in determining how they relate to each other and their religious practice. Pagan's and Wiccan's are not as unique as one would believe in regards to a lack of doctrine in their faith. Karen Armstrong contrasts various religions and their varying degrees of emphasis on doctrine in “The Battle for Gods.” According to Armstrong, Christianity focuses on doctrine and creeds while adherents of both Jewish and Muslim religion emphasize deeds or practice. Non-belief in dogma or doctrine is not only consistent with the perspective of other world religions, it is also characteristic of the way many people in America practice their religion. There are many people who
identify as Christian or Jewish but do not have a particular attachment to their religions dogma, doctrines or laws (Armstrong, 2002).

Contemporary Pagans and Wiccans use a different vocabulary than Judeo-Christian religion to describe their beliefs and practices. As a result its theology and terminology is often misunderstood. Monotheistic exoteric world religions commonly use god and devil terms to convey theology. Monotheistic words tied to mythological concepts of good and evil taught in western religious narratives are designed to teach adherents of Christian religion to learn the difference between right and wrong, between God and the Devil as a part of their own personal salvation (Burke, 1966).

Words associated with Paganism, Wicca and Witchcraft such as witch, magic, spells and occult, conjure deeply ingrained feelings of fear in the public sphere. (Gunn, 1996). People fear what they do not understand. Lack of understanding and fear are obstacles the Pagan and Wiccan religious and social movement must overcome in order to achieve legitimacy. “Conservative and fundamentalist Christians continue to fan the flames of fear, portraying contemporary Pagans as servants of Satan, ignoring the rejoinder that Satan is an entity that preoccupies Western religions but not those involved in contemporary Paganism” (Queen, Prothero, Shattuck, 1996). Stereotypical portrayals of Witches are a serious matter in the Wiccan and Pagan community. “Stereotypes portray certain, most often derogatory characteristics of a whole group of people. Stereotypes are held rigidly, we tend to ignore or dismiss evidence that flies in the face of out generalization” (Pike, 1998).

It is common for most descriptions of Wiccan belief to include a disclaimer concerning the things they do not believe in. The first questions to be asked and answered
by both scholars and journalists usually have to do with whether or not Wiccans worship the devil. Misconceptions and misinformation can have serious consequences. Some Wiccan’s practice a modern version of witchcraft and are referred to as witches. “To wear the label (Witch) can pose a social risk, given that in many people’s minds, witchcraft is associated with black magic, a result of biblical warnings against sorcery as well as historically more recent accusations. Witches and Pagans have frequently been the target of fear and persecution” (Niebuhr, 1999). Many Wiccan's and Pagans prefer to practice their religion in secret rather than risk the loss of job or custody of a child as a result of misinformation in regards to their religious beliefs. “The problem, say followers of the tradition, is essentially one of a reputation complicated by history of the Salem witch burnings and fear of new religions” (Holmes, 2006).

Environmentalists are attracted to Wiccan and Paganism because of its focus on earth-centered spirituality. Contemporary Pagans and Wiccan’s see nature as more than just something pretty to look at and enjoy and remember that in ancient times it was understood, “Nature gave food and drink, warmth or cool shade; she was useful, or she was awesome and destructive. Nature meant living power. So nature was sacred” (Parrinder, 1983). Biblical scholar Christoph Levin looks at humanity’s relationship to the earth in the Old Testament and concludes that in a biblical sense the earth is sacred because the humans are created from the earth. “This fundamental premise is the theme of the creation narrative (Genesis 2) in the edited version we have today: the human being is created from the earth, and at the end of his [sic] life he will return to it. The trees in the garden and the animals too originate from the earth-indirectly. The woman also, since she was fashioned out of the man’s rib.” The earth is to be respected in this
narrative, “for the relationship between human beings and the earth to be disturbed is a curse” (Levin, 2007). Levin argues that belief in the sanctity of the earth extends as far back as and is expressed in The Old Testament. This may be evidence of a recycled Pagan belief that, “Humans are viewed as part of nature, not as dominators or as owners of nature” (Fox in Melton, Baumann, 2002).

Many world religions employ the use of ritual in their worship services. Wiccans and Pagans usually conduct worship in ritual circles. Author Judy Grahn explains the origin, evolution and diverse application of the word ritual as well as its connection to the divine feminine in her book, *Blood, Bread, and Roses: How Menstruation Created the World*.

“Ritual, from Sanskrit r ’tu, is any act of magic toward a purpose. Rita, means a proper course, Ri, meaning birth is the root of red, pronounced “reed” in Old English and still in some modern English accents (New Zealand). R ’tu means menstrual, suggesting that ritual began as menstrual acts. The root of r ’tu is in “arithmetic” and “rhythm”; I hear it also in “art,” “theatre,” and perhaps in root as well. The Sanskrit terms is still alive in India, where Goddess worship continues to keep r ’tu alive in its menstrual senses; r ’tu also refers to special acts of heterosexual intercourse immediately following menstruation, and also to specific times of year (Grahn, 1993).

Wiccans and Pagans include the practice of ritual magic in their worship. “Wiccans find it acceptable to use magic to help themselves and others with the problems of everyday life, providing magic is backed up by appropriate action of the material
plane. Examples might be finding a new job, gaining a college place or acceptance, and finding a new home. When it comes to other magical activity, healing features highly in Wiccan magic making, though here, too, it is recognized that healing is not straightforward. An illness may be a presenting symptom of underlying problems of a psychological nature" (Crowley in Doniger, 1999). Early Christians did not begin to discourage the practice of magic until just prior to the Middle Ages and did not see a substantial difference between magic, miracles and religious belief, “Medieval Christianity had been profoundly influenced by Neo-Platonism, a philosophy that emphasizes the continuum between the physical and spiritual realms. Reality was thought to be organized into a great chain of being, proceeding upward from inanimate matter to plants, animals, humans, and into the realm of angels, with God at the pinnacle” (Stahl, 2002).

The practice of magic is sometimes likened to a form of prayer but it is not always recognized as such because it looks different to observers who practice contemporary forms of mainstream religion (Berger, 1999). Author William Stahl explains the historical significance link between magic and religion in his book Social Perspectives on Science and Religion, “It is helpful to consider magic as an instrumental component of religion, in the same way that technology is the instrumental counterpart to theorist science. This relationship may be surprising, because most of us would consider our age as a scientific one in which magic has no role. However, at one time science, religion, magic and technology were all intimately linked” (Stahl, 2002).

Wiccans look at worship, prayer and magic as a partnership between themselves and the Gods and thus the act of prayer itself is transformed from an experience of hoping
a prayer will be answered into an experience in which the petitioner knows it will. The
old adage, be careful what you wish for because you just might get it, takes on a whole
new meaning within this context. Magic is a form of prayer that combines a request for
help with an act of will. There are as many ways to interpret the practice of magic, as
there are prayers to pray. According to author Margot Adler, “Magic is a convenient
word for a collection of techniques, all of which involve the mind” (Adler, 1979).
Occultist Aleister Crowley defined magic as “the art and science of causing change to
occur in conformity of will” (Gallagher, 2004). Contemporary Pagans and Wiccans
believe that everything in nature in interconnected and thus ritual magic and prayer when
accompanied by practical action on the mundane level has the ability to manifest desired
outcomes for practitioners.

When followers of mainstream religion want to control or change their
circumstances their prayers often address God as though God had a human form, “Just as
if they are dealing with a human person, they ask favors, plead for help, call down
revenge, and make vows of love, loyalty, or obedience” (Pals, 1996). The very act of
addressing deity as a human being transforms the act of prayer and worship. Whether or
not the supernatural being people pray to is one or many, addressing deity as though it
were human is a way of connecting with and making the divine more accessible. Many
religions teach that belief in deity requires surrender to a higher being and the practice of
believing in what cannot be seen, otherwise known as faith, is an accepted religious
practice. Most religions encourage and promote superstitious beliefs with no empirical
foundation in science. While the accepted practice of prayer and faith is no more or less
empirical than the practice of magic, within the framework of religious observance, it can
be difficult for other religions to conceptualize the Wiccan practice of magic as religious because it falls outside the boundaries of their consensual reality. Wiccan belief in magic is not as different as it seems. Faith and belief in the unseen is part of all normative religious practice and experience and not exclusive to Wiccans and Pagans.

The ethical principle, do unto others as they would do unto you, is an example of a universal ethical principle embraced by many religions. Christianity, Judaism and Wicca each have a version of the "Golden Rule". When asked to comment on his interpretation of God's law, Jesus of Nazareth is credited with saying "Thou shall love they neighbor as thyself." Jesus may have been influenced by the Rabbi Hillel, "Hillel the elder, a contemporary of Jesus, also advanced this doctrine. When he was asked by a Pagan to summarize the Torah while standing on one foot, Hillel, accepting the challenge, lifted one foot off the ground and said, "What is hateful to you, do not do unto your neighbor, this is the entire Torah. All the rest is commentary" (Shlain, 1998). Most practitioners of Wicca share a common ethical principal called the Wiccan Rede, "An it harm none and do as thou will". While Wiccan's might be apt to describe the Wiccan Rede as an ethical guideline and not a doctrine, its interpretation is the subject of much discussion and concern among practitioners of the Wiccan religion. Covenant of the Goddess, a legally recognized credentialing organization for Wiccan clergy requires a written statement affirming belief in the Wiccan Rede as a prerequisite for conferring ministerial credentials. "Witches within CoG generally agree on an ethical code known as the Wiccan Rede, "An it harm none, do what ye will," which honors the freedom of each individual to do what she or he believes is right, but also recognizes the profound responsibility that none may be harmed by one's actions" (COG, 2007).
The emblem of the Wiccan religion is the pentacle. The pentacle is a five-pointed star surrounded by a circle. The pentacle’s five-pointed star, or pentagram, represents the elements of earth, air, fire, water and spirit. “The mystic pentacle or pentagram seems to have originated in Mesopotamia 4,000 years ago, probably as an astronomical plot of the movements of the planet Venus. It became a Sumerian and Egyptian stellar sign, and it is thought to have been the figure used on the seal of King Solomon of Israel” (Tresidder, 2004). The pentacle became the focus of a lawsuit filed by Americans United for Separation of Church and State in November 2006. The lawsuit alleged that the United States Veterans Affairs had engaged in a decade long campaign of religious discrimination against the Wiccan religion by refusing to add the Wiccan emblem of religious faith, the pentacle, to their list of approved religious emblems for use on headstones, memorials plaques and markers for deceased Wiccan and Pagan soldiers and veterans.
Chapter 3

Description of Media Theories

Social Construction of Reality

What is the relationship between human thought and the ideas that form the social construction of reality? Exploring reality from the perspective of what is factually real as opposed to contextually real is one of the challenges theorists face in the study of sociology. Are reality and knowledge, both interconnected actually definable at all? Author Jay Ciaffa references Max Weber’s theory of scientific validity in sociology, “It has been and remains true that a systematically correct proof in the social sciences, if it is to achieve its purpose, must be acknowledged as correct even by a Chinese” (Ciaffa, 1998).

“Sociologists can gain knowledge of social phenomena and occurrences whose existence is external to and independent of them where by “knowledge” is meant true, justified beliefs. Such knowledge might well clash with beliefs that the sociologists held prior to their investigations and they might clash with beliefs that those who are studied hold about their actions, behavior and societies. However, with reference to truth and justification, such sociological knowledge can be superior to everyday commonplace beliefs. This holds whether sociologists are studying their own or any other societies or cultures” (McLachlan, 2005).

The term “social construction” was developed to refer to what is called the sociology of knowledge. The study of social construction is interdisciplinary and integrates empirical scientific observation with knowledge of how humans interact and integrate their behavior and perspectives in community. The social construction of reality is defined by relationships that are inclusive of many viewpoints and potential
realities. Reality is not absolute, and truth is subjective to beliefs that are mutually agreed upon. The study of social construction changes and requires researchers to approach concepts of reality in a whole new way. Kenneth Gergen writes, "No longer can scientists remove themselves from responsibility to the human project with knowledge claims simply demanded by what there is" (Gergen, 2001). Phillip Mellor points to Berger and Luckmann’s early research on socially constructed reality, “Sociologists cannot possibly remove the quotation marks from “reality” since the meaning of this term is always socially and culturally constructed in specific context” (Mellor, 2004).

Sociologists study reality relative to what society perceives as socially acceptable and correlate the experience of reality to subjective human experience. Defining reality can be challenging because human beings interpret reality in different ways. Although perspectives regarding individual and personal experience can vary, humans consensually arrive at what is defined as reality based on shared aspects of collective reality. The collective reality of social construction theory adds up to a truth that can be agreed upon in the establishment of social order. Pertti Alasuutari writes, “In a paradoxical way, human reality as we live it is a dream world of our own making, in principal, changed by every move or turn of talk that any of us makes” (Alasuutari, 2004).

German philosopher Max Scheler first coined the term “sociology of knowledge” in the 1920’s. Scheler believed that our beliefs about what define reality have their basis in a priori reasoning and he referred to this as a “relative-natural worldview” (Berger, Luckmann, 1966). Sociologist’s applying Scheler’s theory approach phenomenology, the study of what is perceived, from the perspective of the ordinary person or “man on the
street.” Other theories vary on what mechanisms ordinary people utilize to make sense of the world organize their perceptions of what a normative sense of consensual reality actually is (Berger, Luckmann, 1966).

Berger and Luckmann define knowledge “as the certainty that phenomena are real and that they possess specific characteristics” (Berger, Luckmann, 1966). The study of relativism in the sociology of knowledge sheds some light on the search for truth as it relates to the social construction of reality. “Knowledge pertains to a relationship between the propositions entertained by a potential knower and the evidence for them. It is not determined by the social pedigree of the person or the propositions concerned” (McLachlan, 2005). “Knowledge is transmitted and maintained in social situations and is thus the sociology of knowledge concerned with the analysis of the social construction of reality” (Berger, Luckmann, 1966).

If there is a relationship between class and the social construction of reality then it seems reasonable to assume the class into which you are born invests you in whatever version of reality your community subscribes to. Karl Marx believed that our perceptions of reality are influenced by the consciousness of perceptual reality relative to what he referred to as the ruling class. Marx felt that the bourgeoisie defined the social construction of acceptable reality for the proletariat. Marx’s theory of the sociological knowledge breaks down society into two categories, the substructure of society relates to economic relationships and superstructures are the ideas that find their basis in cultural and intellectual realms and include politics, law, religion and art. The ruling class constructs the dominant worldview in all of these areas by virtue of the power it wields over society.
Nietzsche's theory of "false consciousness" finds knowledge and reality to be a socially constructed illusion that has little to do with actual reality and is attributable to what he describes as the "art of mistrust" and the tendency human beings have to engage in self-deception. According to Nietzsche, socially constructed reality would require that a majority of society agree to engage to a common deception of self, resulting in an illusionary sense of consensual reality (Berger, Luckmann, 1966).

Sociologists that study the social construction of reality from an historical perspective theorize that knowledge and reality is relative to society's collective experience of past events. Berger and Luckmann point out the issue of context in the formulation of consensual reality, "The logical structure of this trouble is basically the same in all cases: How can I be sure, say, of my sociological analysis of American middle class mores in view of the fact that the categories I use for this analysis are conditioned by historically relative forms of thought that I myself and everything I think is determined by my genes and by my ingrown hostility to my fellowmen, and that to cap it all, I am myself a member of the American Middle Class." (Berger, Luckmann: 1966)

Often what Americans perceive as right, wrong, good, evil, legitimate or illegitimate is influenced through the socially constructed window of majority belief formed by what part of society we are born into, what values or beliefs we identify with through indoctrination by our peers.

Modern sociologists most often reference the work of Karl Mannheim. "Mannheim believed different social groups vary greatly in their capacity thus to transcend their own narrow position" (Berger, Luckmann, 1966). Mannheim defined the
ideology of socially constructed belief as a paradigm that supports the idea of reality remaining unchanged in the future because it has ideologically worked in the past.

Logology

Logology is the study of words and can be used to describe the words that describe theology. Dramatism treats language and thought as primarily modes of action (Burke, 1966). In his book *Realism and Relativism: A Perspective on Kenneth Burke*, writer Robert L. Heath interprets Burkes dramatistic theory, “To study language and society he coined the term logology, the discipline for understanding philosophical treatises and motivational and analytic systems through the examination of words. In this way, logology is to the study of language what theology is to religion” (Heath, 1986). Kenneth Burke writes, “Theological doctrine is a body of spoken or written words. Whatever else it may be, whether it be true or false, theology is preeminently verbal. It is words about God” (Burke, 1966). Burke goes on to point out that the study of theological words is secular. Society recognizes that there are certain words that describe religion and belief in God and the supernatural and those words exist independently of belief in either. Many of the words used in theological discourse have secular meanings that can also be applied to the study of God and the Word of God. Society’s ability to understand secular words within a theological construct is dependant on the religious meanings assigned to those words by and through religious doctrines. The dominant religious worldview will affect perceptions of theological context. The consequences of inadequate translation can be serious and can affect understanding of text significantly.
Logology in a theological context endeavors to understand the words used to describe the supernatural existence of a transcendent reality that is ineffable.

Secular words used in theological contexts do not have the same meaning and can be highly subjective to individual human experience. Authors George W. Watson and Farooq Sheikh observe that the ability to contextually understand morality is shaped by what they refer to a normative self-interest. Self-interest can create a situational disconnect that can lead to moral hypocrisy. “Normative self-interest is the culturally sanctioned motivation to act in one’s own best interest” (Watson, Sheikh, 2007).

In a *Grammar of Motives*, Kenneth Burke explains the five key terms of “dramatism” and points out that the examination of terminology used in understanding “what is involved when we say what people are doing and why they are doing it” (Burke, 1966). Theologically charged words with ambiguous meanings can be invented or misappropriated to describe words that describe unfamiliar or unpopular theological constructs in negative ways and be used as a rhetorical tool to persuade the public to regard unfamiliar words describing theology as less than legitimate. “It is a principal of drama that the nature of acts and agents should be consistent with the nature of the scene” (Burke, 1966). Thus, the study of the words used to describe theological words can be applied to the study of religion as it relates to public opinion as to whether a religion is a religion at all based on the theological terminology of the religion.

Language is the means by which society names and gives power to its agreed upon construction of reality. Burke defines language as symbolic action. Words describe, name and evaluate people, places, thoughts, things and ideas and have the ability to legitimize or demonize. In prehistoric times there was no written word and
communication was limited to the oral transmittal of myths and legends and was often portrayed in both images and art that formed the basis of the symbolic meaning of early religious belief.

Anthropologists learn about ancient cultures and translate the meanings of ancient ideas using language and vocabulary in way that modern society can understand. “In its broadest sense, translation means cross cultural understanding” (Rubel, Rosman, 2003). One example of language and the need to translate meaning can be found in early accounts in which explorers of the New World explained the new people, places, plants and animals they found on their journeys to European contemporary’s. “How does one approximate as closely as possible the original words and ideas of the culture being studied in the translation” (Rubel, Rosman 2003).

**Media Democratization Theory**

The media plays a major role in upholding the democratic ideals that shaped America in its early days by reminding media consumers of the parameters of democracy in this country. While there seems to be a consensus of opinion that the media has the ability to affect public perceptions and opinions, it is unclear whether or not the media truly understands the importance of its role and its position of responsibility to the public in the democratic process.

The media has historically been the watchdog of society, acting as the interpreter, translator, and supplier of information the public relies on to separate truth from political rhetoric and agenda’s. “Full and fair reporting has legitimacy beyond its tendency to expose wrongs or influence behavior. It also correlates to media’s ethical responsibility
to provide information to a diverse populace” (Morant, 2004). In order to discuss ethical standards in journalism in relation to media’s role in the democratic process, it is important to understand that the idea of democracy is somewhat abstract. It is the job of the media to report on matters that are important to a democratic society. When media representatives investigate and disseminate information about the workings of government, it makes government accountable in a way that preserves democracy. "A true democracy conjures images of a society in which each member enjoys a right to life, liberty, and the pursuit of happiness” (Morant, 2005).

The media provides countless opportunities a day for consumers to gather information that will help them in important decision making tasks related to issues related to and relevant to democracy. Whether media reports are factually inaccurate or completely fictional doesn’t seem to make a difference in the way people process information they use to support their opinions in regards to public policies. The public generally assumes that information in the media is true and often trusts that the information is completely reality based. Special interest stories often base their reports on fictional content provided by sources with political agendas can influence the public just as profoundly as sources that are thought to be unquestionably ethical. This means that “facts” reported on in a tabloid known for fictional stories such as The National Enquirer can later be confused and remembered as actual fact. Helena Bilandzice argues that, “fictional information does enter real-world beliefs. An explanation might be that respondents forget the source of their information or confuse it with a real world source and use fictional information anyway” (Bilandzic, 2006). Most Americans consider the media to be a reliable source of information
The nature of capitalism has proven to be a challenge in the realm of media democracy. The need to sell papers has at times placed journalists in the difficult position of having to write marketable pieces that will stimulate the business of the media and sometimes compromise their responsibility to society because of the need to make money pandering to the very institutions that threaten the ideals of democracy (Washburn, 2002: Hackett, 2000: Bell, 2001: Lynch, 2001). When the media sensationalizes or embellishes people and stories in ways that make for more interesting headlines and thus more marketable headlines they are turning their back on their role in the democratic process. Capitalism and a new focus on the bottom line of the media changes the power dynamic of the media in relation to the stories it is supposed to report and inform about. “The need for profit fuels the quest for larger audiences. Profit maximization seems to overshadow media’s ethical duty to disseminate full information about societal matters. Indeed the drive for audience often encourages feeding frenzy, which can significantly distort news reports” (Morant, 2005).

Contemporary media is dominated by at least ten major corporations. Some of those corporations include Disney/ABC, AOL Time Warner, Viacom, Sony, and General Electric/NBC (Downie, Kaiser, 2002). This places a huge amount of the media’s power into the hands of a very small number of corporate executives. “Reporters report what people in power say, and debate what they debate. This gives the news an establishment bias. Even when there is a disagreement, the range of debate only extends as far as does the disagreement of those with a vested interest in limiting the scope of the discourse” (McChesney, Nichols, 2005).
The Democracy Owners’ Manual points out that we live in a world in which many stories compete for public attention. Stories are often generated as a result of a press release as opposed to good old-fashioned investigative journalism. “A 1990 study of U.S. newspapers found that almost 40 percent of news reports originated with some kind of news release.” (Shultz, 2002) It can be difficult to conclusively determine the affect the media has on political outcomes. “While it is debatable whether news reports and editorial commentary can change attitudes, there is historical proof that the media acts subtly to influence public behavior.” Blake Morant, author of Democracy, Choice, and the Importance of Race in Contemporary Media, points out the possible influence colonial American Thomas Paine’s publication, Common Sense, had on revolutionary ideology, as well as publisher William Randolph Hearts support of the war against Spain in 1898. “While no one can say that Hearst’s publication sparked the movement towards war, it undoubtedly contributed to a climate of war fever” (Morant, 2004).

The perception that the media reports the news that is most newsworthy and relevant may not be accurate. Social movements, for example, understand that media coverage serve three main purposes in forwarding their movement. The media mobilizes the population and helps the movement raise public awareness. The media validates the existence of the social movement and affirms the political importance of the movement. Authors William K. Carroll and Robert A. Hackett further define the relationship between the media and social movements by referencing Gamson and Wolfsfelds 1993 article Movements and Media as Interacting Systems, “For Gamson and Wolfsfeld this is a relation of asymmetrical dependency: movements rely on the media for access to publics much more than media rely on movements for copy” (Carroll, Hackett, 2003).
Media coverage can influence whether a social movement gains sympathy and support from political figures and the public sphere. The media can give a group with little or no influence a voice in the democratic process, “Voice is a holistic concept that constitutes a distinct perspective, among many, on critical social issues. Society’s increasing diversity ensures a variety of perspectives, a phenomenon that contributes to a multiplicity of voice. Multiplicity compels a heightened sensitivity to the variety of viewpoints and perspectives of societal members” (Blake, 2004).

“Government, news media, and citizens form the necessary triad for democracy. Democracy can truly work only with active, informed citizens who have reason to trust the information that they get from the government and the information they get from the government and the information they get from the news media” (Elliot, 2004). The media has the ability to attract third parties and get them involved in their movement thus shifting the power balance in a positive way. The media is a necessary component of healthy democracy.
Every morning, Monday through Friday, millions of American school children place their hand over their heart and recite the Pledge of Allegiance. Most Americans have repeated the Pledge so many times that by adulthood, they will instinctively recall the pledge from memory decades after their mandatory social obligation to recite it has ended. School prayer has long been a constitutional issue that many feel is in conflict with fundamental concepts of constitutional freedom. The idea of one nation under God violates the establishment clause of the constitution. Saluting a flag and pledging allegiance to one God is a troublesome notion. Aside from the obvious issues related to religious freedom arises the question to whose God are our children pledging their allegiance anyway? What happens to children who come from families that believe in many Gods, the Goddess or no God at all when they are asked to make their pledge? Is the statement that we are under one god and thus indivisible really translate into liberty and justice for all or only for those under the protective umbrella of the most politically correct God? There is no one religion that represents absolute truth for everyone in society, and while no one can point to a singular reliable interpretation of “religion” there are certain well-known majority religions that are more accepted than others.

In spite of this contradiction and many others, liberty and justice for all is not an aspiration or an ideal we strive for; it is who we are and how we define ourselves as Americans. It is the image we portray of our country around the world. We are taught to expect liberty. It is easy to maintain the illusion of freedom, justice and liberty for all if

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1 For complete chronology of the timeline of “The Pentacle Quest” and copies of lawsuit and settlement, see Appendix A, B & C.
you practice a mainstream religion. “From blasphemy and blue laws to the more recent debates over the presence of God in The Pledge of Allegiance, religion has certainly influenced the law in America” (Drakeman, 2007). Liberty is the law and religion represents the law of God as seen through the eyes of man.

While many wars have been fought throughout the history of man over religion and in the name of God, bullets and bombs bring equal opportunity of death for all that fight on battlefields all over the world. This is the story of a soldier who died fighting the “war against terror” and was denied his religious freedom in return for his sacrifice because he practiced a little known religion called Wicca.

For nearly a decade, the U.S. Department of Veterans Affairs had blocked efforts by the Wiccan religion to get the pentacle approved as a religious emblem for use on the headstones, markers and plaques of Wiccan veterans and soldiers. The denial of Sgt. Patrick Stewarts first amendment right to express his religious preference on his headstone on the “Wall of Heroes” in Reno, Nevada inspired a social movement. The media documented each step in what would later be called “The Pentacle Quest”.

Journalist Steve Chapman of The Chicago Tribune wrote, “When he was alive, the U.S. government had no trouble finding a place for Patrick Stewart, never mind his unconventional beliefs. It inducted him into the Army National Guard, issued him dog tags giving his religion as “Wiccan,” and deployed him to Afghanistan. He died there in 2005 when Taliban forces shot down his helicopter. It was only later that Uncle Sam had second thoughts” (Chapman, 2007).

When Patrick Stewart died, his wife Roberta knew only of the beautiful journey she and her husband had shared together in life. As couples so often do when they are
very lucky, they shared the same religious and spiritual beliefs. Patrick and Roberta Stewart were practitioners of the Wiccan faith. Wiccan widow Roberta Stewart told *The Associated Press* on August 12, 2006. “Our spirituality got us through Desert Storm, training missions, this war and it’s continuing to give me strength to fight for the love of my life” (Widow Wants Symbol, 2006). In the wake of Sgt. Stewart’s death, Roberta Stewart was forced to embark upon a different kind journey on behalf of her dead husband. This journey would take her from the unresponsive offices of the Department of Veterans Affairs and into the media spotlight in search of a basic right she thought she already enjoyed as a citizen of the United States of America: freedom of religion.

Sgt. Stewart first enlisted in the military on his eighteenth birthday, served in Korea, fought for his country in Operation Desert Storm and later re-enlisted to fight the “war on terror” after the attacks of September 11, 2001. Associated Press reporter Sean Whaley listed Sgt. Patrick Stewart’s accomplishments in *The Las Vegas Review*, “Patrick Stewart enlisted in the Nevada Army National Guard and went to Afghanistan with Task Force Storm in early 2005. He was posthumously awarded the Air Medal, the Bronze Star, the Purple Heart, the Nevada Distinguished Services Medal and the Combat Action Badge” (Whaley, 2006).

When Sgt. Stewart was deployed to Afghanistan in March 2005 he did not place his life on the line for a country that aspired to be free. He believed America was already free and that he was helping to protect America’s freedom. Sgt. Stewart died doing more than just “talking the talk” of freedom. He was the embodiment of freedom but the United States Department of Veteran Affairs desecrated his sacrifice and questioned the legitimacy of this soldier’s religion when his widow, Roberta unsuccessfully attempted to
order his memorial plaque after he was killed in action. Much to Roberta Stewart's shock and surprise, Sgt. Patrick Stewart's religious symbol, the pentacle, was not on the list of VA approved religious emblems for use on headstones markers and plaques for deceased Wiccan and Pagan soldiers and war dead. *The Grand Rapids Press* explained, “The National Cemetery Administration of the Department of Veterans Affairs’ allows only approved religious emblems on government headstones and there is no approved emblem for Wiccans” (Grand Rapids Press, 2006) The Associated Press reported, “The U.S. Department of Veterans Affairs and its National Cemetery Administration prohibit graphics on government-furnished headstones or markers other than those they have approved as “emblems of belief.” More than 30 such emblems are allowed on gravestones and markers in veterans cemeteries, from the Christian cross to the Buddhist wheel of righteousness. A symbol exists for atheists too” (Whaley, 2006).

Roberta Stewart told *The Las Vegas Review*, “I had no idea that they would decline our veterans this right that they go to fight for. What religion we are doesn’t matter. It’s like denying who my husband is” (Whaley, 2006). Roberta Stewart was indignant that in his 13 years of military service her husband was not told that his religion would not be recognized in the event of his death.

Freedom of religion is an important function of democracy. The first amendment protects and guarantees both freedom of religion and freedom of the press. In a democracy, freedom of the press provides protection for the free exercise of religion. Sgt. Stewart’s widow Roberta told journalist Viktoria Pearson, “I haven’t felt like I’ve had freedom of religion since my husband was killed defending that very liberty. I know what it feels like to have your freedom stripped away” (Pearson, 2006).
“News media have the responsibility to be an independent chorus in the triad of government, citizens and journalism. Like the Greek Chorus of ancient dramatic performances, journalists have the responsibility to be separate from government and separate from citizens as well” (Elliot, 2004). In the year 2006 and 2007, there were hundreds of stories about Sgt. Patrick Stewart in the mainstream media. When the Associated Press or other wire services like Gannett or UPI published the latest development in "The Pentacle Quest", one single story would appear in newspapers, websites and on television news updates online hundreds of times all over the country.

Media Frame #1: The Media Defines Wicca

The importance of the media getting the story right and accurately when describing Sgt. Patrick Stewart’s religion was not lost upon the activists working to shine the media spotlight brightly enough on the VA in hopes they would do the right thing and approve the pentacle. The story of a fallen soldier who just happened to practice a controversial religion being denied his right to religious freedom after dying in a largely unpopular war, in which he was allegedly fighting for democracy, was a big story. Media coverage and most editorials were in consensus. According to First Amendment scholar and attorney Charles Haynes, if a Wiccan was good enough to fight and die in a war, Wiccans should receive the same respect and honor due a fallen hero of any other religion Haynes wrote, “Despite the fact that the 38 approved emblems include religions of every stripe (and atheism), the VA will not add the pentacle. Does this mean Wiccan soldiers are good enough to die abroad, but not good enough to be buried with respect at home?” (Haynes, 2007).
In the months following Sgt. Patrick Stewarts death, his widow Roberta Stewart continued to check the status of the application. *The Las Vegas Review* reported, “The couples daughter, age 12 wrote a letter asking for approval of the symbols use.” The letter asked, “Why won’t you put my dad’s religion sign on a plaque, Alexandria Maxwell-Stewart wrote to R. James Nicholson, secretary of veterans affairs, on February 27. He respected you and your rules and went and fought for our country and died for our country and this is how you treat him and his family?” (Whaley, 2006).

The media provided opportunities for Wiccan widow Roberta Stewart to convey her anger towards the VA as well as her grief as each holiday and milestone passed. “On Father’s Day, Stewart along with her daughter placed a picture and roses in the holes where her husbands plaque should be, took a photo and sent it to Senate Majority Leader Harry Reid’s office with a message. I want you to experience what our Father’s Day was like” (Pearson, 2006). *The Washington Post* described Roberta Stewart’s first Father’s Day without her husband, “At the Veteran’s Memorial Cemetery in the small town of Fernley, Nevada, there is a wall of plaques for local heroes, but one space is blank. There is no memorial for Sgt. Patrick Stewart. That’s because Stewart was a Wiccan, and the Department of Veterans Affairs has refused to allow a symbol of Wiccan religion—a five-pointed star within a circle, called a pentacle—to be inscribed on U.S. military memorials or grave markers” (Cooperman, 2006). Associated Press writer Scott Sonner reported that lawmakers were working with the VA to get Sgt. Stewart properly recognized, “Every veteran and military member deserves recognition for their contributions to our country,” said Time Tetz, executive director of the Nevada Office of Veterans Services. “The state’s top veterans official said Thursday that he was diligently

During the decade in which the VA kept the Wiccan emblem in limbo, at least 6 other religious emblems had been approved. At the time of Sgt. Stewart’s death there were 38 emblems of religious belief approved by the Department of Veterans Affairs. Many religions had more than one symbol approved. For example, at least 16 of the approved emblems represented various Christian denominations and versions of the cross. Three symbols represented Buddhists. Many religious emblems already approved belonged to minority religions not well known by most American’s such as Eckankar. Even groups that most Americans would not categorize as a religion such as Atheists and Humanists had VA approved religious emblems. In addition, the VA had approved two emblems for adherents of the Muslim faith one of which was strikingly similar to the proposed Wiccan symbol, a five-pointed star surrounded by a circle around it. The Muslim faith darkened their star in contrast to Wicca’s interlaced star. The Muslim 5 pointed star does not appear on the Department of Veterans Affairs website because of copyright issues, so its existence was not widely known.

When the media first began reporting on “The Pentacle Quest” newspaper articles typically explained what Wiccans believe and practice before addressing the constitutional issues related to the VA’s refusal to approve the pentacle for use on the headstones, markers and memorials in VA cemeteries. The Associated Press reported on May 30, 2006, “Wiccans worship the Earth and believe they must give to the community. Some consider themselves “white” or good witches, pagans or neo-pagans” (AP, 2006)
An important part of the media coverage educated readers and attempted to demystify its practices, beliefs and theology.

James Beckford pointed out in his article *Mass Media and New Religious Movements*, (Beckford, 1994) “Unconventional forms of religion have become especially problematic at a time when large numbers of people find even the most conventional religion alien. In these circumstances it is the new and unusual kinds of religious groups which encounter the most hostility.” Journalists often had to transcend their own religious beliefs and understanding of theology and their concepts of the social construction of religion in order to accurately translate the language and vocabulary of Wiccan theology in a way that the average American could understand.

Alan Cooperman took on the logology of Wicca theological language in *The Washington Post*, “Some Wiccan’s call themselves Witches, Pagans or Neo-Pagans. Most of their rituals revolve around the cycles of nature, such as equinoxes and phases of the moon. Wiccans often pick and choose among religious traditions, blending beliefs in reincarnation and feminine gods with ritual dancing, chanting and herbal medicine” (Cooperman, 2006). Words such as witchcraft, magic, spells, God and Goddess are frequently used to describe Wiccan and Pagan practice and belief. Media reports of Pagan religious practice began to reflect the media’s ability to grasp and utilize Wiccan and Pagan theological terminology and use it in a context that their readers could relate to and understand. The media began to demonstrate their understanding of Wicca by finding areas of common ground that reflected the common goals and values shared by all religions in a way the public can identify with.
Along with the task of identifying what Wiccans did believe and practice the media attempted to explaining away superstitions and misperceptions of what Wiccans did not believe and practice. In Burke’s rhetorical analysis of Creative Evolution he acknowledges the power of negative analogy by writing, “The negative is a particular linguistic marvel. If you try to conceive of ‘nothing’ you can only do so by conceiving of something. Insofar as an idea of “nothing” implies an image, it must be an image of “something” since there can be no other kinds of image. Or you can get the point by stopping to realize that you can go on forever saying what a thing is not” (Burke, 1961).

Washington Post writer Alan Cooperman addressed one of the most pervasively inaccurate misunderstandings about the Wiccan religion “Wiccans suffer from the misconception that they are devil worshippers” (Cooperman, 2006). Kenneth Burke addressed the concept of negative analogy in logology with his observation that the negative “plays a major role in both language and theology” (Burke, 1961). In the past, labeling the practice of Wicca as devil worship was a misconception that interfered with in the public’s ability to include the Wiccan religion in their consensual reality of what religion is. Charles Haynes explained what Wiccans are not to his readers using contemporary examples found in pop-culture, “As Wicca grows-and it’s one of the fastest-growing religions in America-so will conflicts over witches. That is because of what most people think they know about witches and Wicca is wrong. Contrary to popular myth, Wiccans have nothing to do with the “evil arts” or Satanism. Nor do Wiccans conform to the stereotypes rooted in fantasies from “The Wizard of Oz” to “Sabrina, the Teenage Witch” (Haynes, 2007).
Media Frame # 2: Protecting the Rights of Soldiers

Since the United States government had already recognized Wicca in other areas, the VA’s continued refusal to approve the pentacle was perplexing for many who wrote about it and followed the story. Religion journalist Alan Cooperman noted, “Prisons across the country treat Wicca as a legitimate faith, and the U.S. Military allows Wiccan ceremonies on its bases” (Cooperman, 2006). At the time of the VA’s refusal to acknowledge the Wiccan religious emblem, regular observances of the Wiccan religion were being conducted on military bases all over the world. Steve Chapman wrote in the Chicago Tribune, “It’s not as though Wicca is any less of a religion than these others. The Pentagon, which says there are 1,800 Wiccans serving in the ranks, allows Wiccan groups to hold services on military bases. The Justice Department treats Wicca as an authentic religion in the reference manuals given to federal prison chaplains. The IRS grants tax exemptions to Wiccan churches” (Chapman, 2007).

Although the VA never issued a definitive statement explaining its refusal to approve the emblem over the decade long period of time the application was held in limbo, KIROTV.com reported on October 5, 2005 that “A Veterans Administration spokeswoman said the agency would add the words “wiccan” or pentacle” to a headstone but not the symbol. She said policies are being updated and Wiccans will be able to make their suggestions again under new guidelines” (Pagan Vet Wants, 2005). If the VA felt they had a compelling interest in continuing to deny the addition of the Wiccan emblem to their list of approved emblems, they never made any statements to that effect. In fact, the VA never outright refused to approve the pentacle; it simply changed the guidelines for approval each time a Wiccan group applied. Articles and editorials in the
media began to ask the same question over and over; why was the VA blocking the emblem of this religion's choosing?

Roberta Stewart and her minister, Rev. Selena Fox, the High Priestess and Senior Minister of one of the oldest Wiccan Church's in America, Circle Sanctuary, became the main focus of media attention in "The Pentacle Quest" and in a sense the central spokespeople for the Wiccan religion during the time of the quest. A comprehensive review of newspaper articles written about "The Pentacle Quest" confirms that numerous articles reviewed mention Wiccan widow Roberta Stewart; her deceased husband Sgt. Patrick Stewart and Rev. Selena Fox of Circle Sanctuary. Journalists and readers began to identify "The Pentacle Quest" and the Wiccan religion with widow Roberta Stewart, Rev. Selena Fox and her church, Circle Sanctuary (Bauer, 2007: AP, 2007: Whaley, 2006: Sonner, 2006)

As media attention continued and increased, the Wiccan religion improved its image by helping readers understand what to expect in terms of belief and practice from the Wiccan religion. Rev. Selena Fox and Roberta Stewart were consistent in how they presented and explained the practice of Wicca in all the articles reviewed. Rev. Selena Fox and Roberta Stewart successfully packaged the Wiccan religion and Circle Sanctuary and in many ways built a recognizable brand in so much that the public was starting to understand what Wiccans represented in a very basic way. Religious branding is addressed in the book, *Brand Nation*. Author James B. Twitchell asks the question, "What does religion look like from a marketing point of view? Mind you, I'm not talking about God. That's a belief, not a brand. A brand is a story that travels with a product or service or, in this case, a concept" (Twitchell, 2004). According to Richard Resing,
President of Artistry Marketing Concepts, “There is not a church in this world that doesn’t market itself. Church branding helps outsiders understand what to expect when they step inside” (Colyer, 2005). Roberta Stewart and Rev. Selena Fox accomplished something that had never been attempted before in the history of the Wiccan religion. Roberta Stewart and Selena Fox marketed Wicca in a way the public could depend upon and understand within the framework of their consensual reality. Acceptance fostered by media reports translated to acceptance of the Wiccan religion and "The Pentacle Quest" in the public sphere. Religion News Service reporter Nate Herpich observed, “Now, several secular and religious organizations—including Americans United for Separation of Church and State—and a well-known constitutional scholar say Stewart’s widow should be allowed to have the Wiccan pentacle placed on his marker. In a letter to Secretary of Veterans Affairs Jim Nicholson and Undersecretary for memorial Affairs William Tuerk, Americans United said Wiccans have been trying to get the pentacle, a five-pointed star in a circle, on the list of approved religious symbols to no avail. The group says this is in direct violation of the First Amendment and has asked the VA to respond within 30 days to avoid litigation (Herpich, 2006). Rev. Barry Lynn, the executive director of Americans United added, “A brave man died in service to his country. The federal government has a duty to allow his widow to honor his chosen faith” (Herpich, 2006).

Media Frame #3: Protecting Religious Freedom For All

As news of the controversy spread, Wiccan activists found support coming from some unlikely places in the media. Christian support for the addition of the pentacle was
a surprising and welcome development. Having the support and media attention of Christians made a positive contribution to public support and awareness of “The Pentacle Quest” in the media. When John W. Whitehead, evangelical Christian, founder and President of The Rutherford Institute wrote an editorial in Christianity Today about Sgt. Stewart’s right to have the Pentacle on his government issued memorial marker, the question of whether or not Wicca was a legitimate religion shifted into a discussion of constitutional rights. Whitehead did not engage in a theological debate as to whether the Wiccan religion was legitimate and thus worthy of a religious emblem. John Whitehead explained to readers that understanding the issue of religious freedom had nothing to do with defining religion at all. “If we are to keep faith with Sgt. Stewart and the other brave men and women who have died in service to the United States, then we must remember that all rights hang together. That is both the genius and strength of the American system. Although our country was founded on a Judeo-Christian base, the framers of the U.S. Constitution understood that religious freedom was for everyone, not just Christians. In other words the only way that freedom can prevail for Christians is for Christians to stand up and fight for the minority beliefs of others.” (Whitehead, 2006) John Whitehead had a message and he was able to convey his message through the media from a Christian point of view. Whitehead pointed out that the extension of constitutional rights to a religious group is not an expression or endorsement of theological approval or agreement. He referenced the first amendment and emphasized his belief that America’s founding fathers believed in religious freedom for all faiths. Whitehead wrote, “Whatever one’s opinion might be about the Wiccan faith, there should be no doubt in anyone’s mind that the First Amendment to our Constitution provides for religious freedom for all
individuals of all faiths—whether they are Christian, Jews, Muslims, Atheists, Wiccans and others.” Whitehead pointed out that supporting religious freedom was important even if one found the religious beliefs of another diametrically opposed to their own beliefs and Whitehead cited a Supreme Court Opinion written by Justice William J. Brennan to support his argument, “Government may neither compel affirmation of a repugnant belief, nor penalize or discriminate against individuals or groups because they hold religious views abhorrent to the authorities” (Whitehead, 2006).

The publication of “Stand Up, Stand Up for Wicca” on Christianity Today.com was a significant turning point for “The Pentacle Quest”. Never before, in the history of the Wiccan religion had a high profile Christian evangelical stood up for the first amendment rights of Wiccans. Having the support of Christians was critically important to the success of “the quest”. The Pew Study, published in February 2007 found that nearly 80 percent of all Americans identify and practice some form or denomination of a Christian faith. (Pew Forum, 2008) As a result it is reasonable to conclude that the dominant religious worldview in America is strongly influenced by Christian opinion. The shared worldview of the majority defines reality for the minority through its politics, laws and governance. Since Christians represent the dominant religious worldview, its population has the potential ability to set the political agenda and define religious freedom for the majority of Americans. Dionne, Elshtain, Drogosz, and Meltzer write in One Electorate Under God?: A Dialogue On Religion and Public Life, “The chief thing that religion and politics have in common is that both are concerned with the pursuit of values—personal, social, or transcendent” (Dionne, Elshtain, Drogosz, Meltzer, 2004). Carl Esbeck argues in the Journal of Church and State that, “Religion, by its very
definition, is the fixed point from which all else is surveyed.” Esbeck adds, “Primary to governance and the religion question is the matter of individual conscience, that is religiously informed conscience” (Esbeck, 2006) In *The Social Construction of Reality*, James R. Searle points out that the creation of institutional facts are self-referential. (Searle, 1995) Positive media reports in the Christian media circumvented self-referential Christian based institutional facts as to what constitutes a religion by successfully referencing the first amendment and the constitution as the institutional fact and frame of reference the issue should be viewed through.

Moving forward, continuing positive media coverage of “The Pentacle Quest” enabled all readers to see the larger constitutional issues at stake. Whether or not Wiccans were practicing a legitimate religion and what they did or did not practice or believe became less germane to the story. When Wiccan widow Roberta Stewart first brought her grievance with the VA to the attention of the press, at first the media merely reported there was a conflict. It was not until much later that reports began to ask what would appear to be an obvious question. Why had the VA refused to approve the Wiccan religious emblem of belief for nearly a decade? Why did they continue to refuse to add the pentacle after the death of a Wiccan soldier on active duty during wartime? Who gave the VA the authority to do something the constitution does not? CNN Correspondent, Randi Kaye asked on the Anderson Cooper 360 Blog, “This case raises some interesting questions: Do you think it took too long for the military and the VA to agree to place the Wiccan pentacle on gravesites? Should service members and their families have complete control over which symbols are displayed on their gravesite? Or
is it important for the VA to maintain some restrictions on religious symbols?” (Kaye, 2007)

Although this is a story about alleged discrimination against members of the Wiccan religion, it could easily be a story about any minority religion. The consequences of allowing a government agency to define religion for anyone could be far reaching. A precedent set by one government agency could affect acceptance of Wicca in other government agencies as well as the acceptance of other minority faith groups. The outcome of “The Pentacle Quest” could potentially affect more than just this religious movement’s future claim of legitimacy for years to come.
Rev. Selena Fox wrote about the effect of the media spotlight on “The Pentacle Quest”, Americans United for Separation of Church and State (AU) began providing legal assistance and other support to the Veteran Pentacle Quest shortly after Roberta Stewart, the US military chaplain, Rev. William Chrystal, and I held the Sgt. Patrick Stewart Freedom For All Faiths Memorial Day Service on May 29, 2006. The national media attention that came in the wake of that event, held near Roberta’s home in Fernley, Nevada, resulted in our receiving a variety of offers of legal help” (Fox, 2007).

In June 2006, attorneys for Americans United for Separation of Church and State wrote a letter to the Secretary of the U.S. Department of Veterans Affairs, James Nicholson, demanding that it approve the pentacle for use on the headstones, markers and plaques of fallen Wiccan soldiers and veterans or risk litigation. Americans United (AU) sent out a press release putting the VA on notice and on August 1, 2006, AU announced their representation of Circle Sanctuary and Roberta Stewart while Rev. Selena Fox and Roberta Stewart persistently worked behind the scenes with government officials and lawmakers, “We also continued our collaboration with US Senator Harry Reid and his staff which led to the crafting of a piece of federal legislation which put additional pressure on the VA” (Fox, 2007).

On September 11, 2006, journalist John Tyson was the “Master of Ceremonies” at a 9/11 service commemorating the fifth anniversary of 9/11 in Reno, Nevada. Tyson dedicated the event to Sgt. Patrick Stewart and his widow Roberta and called for the VA to approve the pentacle for use on government approved headstones, markers and plaques for all Wiccan and Pagan soldiers and veterans. The event was covered by local print and
television media. The following morning brought surprising news to widow Roberta Stewart. Rev. Selena Fox describes the events surrounding the next important break in the continuing story;

“No longer willing to wait for the VA to approve the pentacle for use on VA-issued memorial plaques, Nevada Governor Kenny Guinn, a Republican, took action. He decided to have the State order a plaque with Pentacle for Sgt. Stewart so that this war hero from Nevada would at last be properly honored at the veterans cemetery. Once the Governors office made the official announcement on Wednesday, September 13, 2006, news began to spread and the story appeared in hundreds of stories in both the American and international press” (Fox, 2007).

Sgt. Patrick Stewart’s plaque dedication was attended by representatives of Senate Majority leader Harry Reid’s office and the aide to Nevada’s Governor elect Jim Gibbons. The approval of Sgt. Stewart’s plaque, complete with the emblem of his religion, the Pentacle, was a breakthrough but the US Department of Veterans Affairs continued to steadfastly refuse to approve the pentacle for use on other headstones, markers and plaques for deceased Wiccan veterans and soldiers. Sgt. Patrick Stewart was now properly memorialized in a VA cemetery in Reno, Nevada with the very first pentacle to ever be inscribed on a government issued memorial plaque. A battle had been won but the war to gain VA approval of the Wiccan and Pagan religious emblem marched on.

On November 13, 2006, Americans United for Separation of Church and State filed two lawsuits on behalf of Circle Sanctuary and Roberta Stewart against the United States Department of Veterans Affairs. Rev. Selena Fox describes the series of events,
“On November 13, 2006, AU filed lawsuits (Circle Sanctuary vs. Nicholson) in two different federal courts—the US District Court of the Western Wisconsin District, in Madison, Wisconsin, and in the Court of Appeals for the Federal Circuit. ACLU’s suit (Egbert vs. Nicholson) was filed on September 29 in a third court—the US Court of Appeals for Veterans Claims.

As a result of these three lawsuits, the VA was now legally surrounded, and had to fight on three judicial fronts instead of one. The VA moved to dismiss the lawsuit brought by the ACLU in the specialized VA oversight court by claiming that jurisdiction in this matter belonged in a federal district court, but in doing so, this put the VA on the legal battle front we had chosen. The VA also moved to dismiss the lawsuit brought by AU in the US Court of Appeals for the Federal Circuit. And, on January 22, 2007, one business day after it released its new proposed procedures for emblems of belief addition to the Federal Register, the VA used this newly launched administrative procedure in its motion calling for the judge to stay (put on hold) our federal lawsuit in the federal district court in Madison, Wisconsin.

Fortunately, on January 26, the judge in the US District Court of Western Wisconsin denied the VA’s motion, which, had it been granted could have delayed the hearing of our case for more than a year. The judge’s decision let our litigation proceed. He set May 1, 2007 as our deadline for filing for summary judgment and he set June 29, 2007 as our trial date” (Fox, 2007)

On April 23, 2007, the Associated Press reported; “The Wiccan pentacle has been added to the list of emblems allowed in national cemeteries and on government-issued
headstones of fallen soldiers" (Wiccan Symbol OK, 2007) Americans United for Separation of Church and State issued press releases and held a press conference to spread the word that they had found evidence in the discovery process directly linking the Bush administration to a decade-long campaign of discrimination against the Wiccan religion.

When Wiccans and Pagan activists first began the “Quest” to add their religious emblem to list of existing 38 approved religious emblems of belief the United States Department of Veterans Affairs authorized to be engraved on government issued headstones, markers and plaques of Wiccan and Pagan veterans and war dead, very few mainstream members of society could see the significance of the prolonged bureaucratic foot-dragging the practitioners of this minority faith were subjected to by the executive branch of the United States government. The first amendment of the United States constitution guarantees the free exercise of religion but the Wiccan religion was faced with a problem that mainstream religions never experience. In order to secure religious freedom for their faith they had to prove they were practicing a religion and thus worthy of the first amendment protection all religions in the United States are supposed to enjoy.

In an article announcing the settlement, Americans United Assistant Legal Director and Lead Attorney Richard B. Katskee said, “It normally takes a few months for a petition by a faith group to win the department’s approval, but the effort on behalf of the Wiccan symbol took about 10 years and a lawsuit” (Banerjee, 2007). The media’s documentation of President George W. Bush’s public remarks revealing inimicality towards the Wiccan faith was a key development in the media’s ability to connect the
dots between evidence of religious discrimination and its link to President Bush's considerable influence over the executive branch of government that he directly oversees.

Media reports began to surface that referenced records of President Bush's influence found in the discovery process of the lawsuit filed against the Veterans Administration.

"In reviewing 30,000 pages of documents from Veterans Affairs, Americans United said it found email and memorandums referring to negative comments President Bush made about Wicca in an interview with Good Morning America in 1999, when he was Governor of Texas. The interview had to do with a controversy at the time about Wiccan soldiers' being allowed to worship at Ft. Hood, Texas. 'I don't think Witchcraft is a religion,' Mr. Bush said at the time, "I hope the military officials would take a second look at the decision they made" (Banerjee, 2007)

I asked Rev. Selena Fox of Circle Sanctuary to talk about the impact the media made on the public perceptions of what Wicca is. Rev. Fox feels strongly that the media was a driving force in raising public awareness of the constitutional issues related to religious freedom and can be correlated to the successful conclusion of the lawsuit. In a personal interview she addressed her experience with the media prior to the Veterans Pentacle Quest as well as her experiences with the media during and post-Quest.

"The Veteran Pentacle Quest brought the need for equal rights for Nature religions practitioners in the public eye greater than any other Pagan civil rights battle before. In addition, it also helped build public understanding about the Wiccan religion and related forms of Paganism. The Veteran Pentacle Quest
appeared in national and global media repeatedly for a year and a half. Coverage was respectful and for the most part accurate. Fair and accurate coverage resulted in the Wiccan religion joining the list of other world religions in the context of overall discussions in media reports and op-ed pieces regarding religious diversity and pluralism. Over the past 30 years various forms of media about the Wiccan religion have interviewed me. My press, radio, and television work began in the mid-1970s, and in 1979, I began doing interviews for national and international media. In the early years of my media work, the media was intrigued by the existence of Nature religion, and I got quite a few questions wanting to know what we did and our connections with folklore Witches. Media coverage of the Wiccan religion has evolved over time as more information became readily available and Paganism grew in numbers. By the time I started doing media work connected with the Veteran Pentacle Quest, the scope of questions and interviews broadened and deepened. I not only was asked more sophisticated questions about the religion including views on ethics, environment, and social justice, I was able to discuss the religion in the larger context of First Amendment Rights in America. The Veteran Pentacle Quest success not only was an important civil rights victory, it has resulted in greater understanding and more respectful treatment for the Wiccan religion in the media. There is still a long ways to go before prejudice, discrimination, and misconceptions disappear, but we have gone through a threshold of public acceptance and understanding in the media and other aspects of society that appears to be enduring” (S.Fox, personal communication, February 25, 2008).
Many Americans take the idea of religious freedom for granted and do not realize that free exercise of religion and religious accommodation can be limited or completely denied for those who do not practice a mainstream religion. While the issue of what freedom means would seem self-explanatory, it is in practice subjective to the consensual reality of what society considers being worthy of freedom. The rhetoric of freedom can be easily influenced by the tone of media reports and then later manipulated by politicians with personal and religious agendas.

In the final analysis it seems that the public was not comfortable with denying soldiers their first amendment rights. These brave men and women had fought and died for their country in the name of democracy and their first amendment right to express their religious affiliation on their memorials, headstones and markers regardless of their religious beliefs seemed as though it should be treated in a particularly sacred way. The general consensus in the media seemed to be that soldiers should have the right to enjoy the same freedoms in death they fought for and gave their life to in wartime.

Newspaper publisher Phillip L. Graham of The Washington Post once said, "News is the first rough draft of history" (Andrews, 2001). The media may influence the first and subsequent rough drafts but the headstones, markers and plaques of our nation's deceased veterans and war dead represent a final draft of history that is etched in stone and granite in makes important statements about the brave men and women who have pledged their life to our nation's democracy. Ghandi wrote, "Religion is a matter of life and death. A man does not change religion as he changes his garments. He takes it with him beyond the grave" (Ghandi, 1951).
While it is impossible to determine quantitatively whether or not media coverage had an effect on the quest to add the pentacle to the VA’s list of approved religious emblems, the ability of this social movement to bring its message effectively to the media seems to, at least in this case, have an impact overall in the movement’s success. The first amendment right to free speech was key to the ability of activists to secure another first amendment right; freedom of religion. The media can only report fairly and accurately if journalists are free to exercise their first amendment right to freedom of speech in partnership with a free press that can politically and economically afford the potential consequences of objectivity.

On May 1, 2007, the first headstone with a pentacle inscribed on it arrived at Arlington National Cemetery for Jan Deanna O’Rourke and Rosemary and Abe Kooiman. In addition, grey granite markers were delivered to Circle Cemetery at Circle Sanctuary in Wisconsin to memorialize Korean War veteran, Jerome Birnbaum and Sgt. Patrick Stewart. All in all, the settlement affected more than 11 families, some of whom were waiting for pentacles to memorialize their dead for over 10 years. There appears to be some truth to the old adage that says the squeakiest wheel gets the grease. At the end of the day, Roberta Stewart, Rev. Selena Fox and the Wiccan religion became one loud and squeaky wheel that just simply would not go away.

In the case of “The Pentacle Quest”, the media provided an analysis of the controversy as well as contributed to society’s understanding of what President Franklin Roosevelt described in a speech to Congress in 1941 as four essential human freedoms; freedom of speech, religion, want and freedom from fear (Heale, 1999). Media reports about “The Pentacle Quest” deconstructed the Wiccan religion in a way that society
could understand, making it possible for those outside of the religion to be free from fear of Wiccans and for those practicing Wicca to be able to do so without fear of negative repercussions. Coverage of “The Pentacle Quest” clearly built bridges of tolerance and contributed to further legitimizing the Wiccan religion and stimulated public discourse surrounding First Amendment rights in relation to religious freedom.

Wiccan in the Media – Post Pentacle Quest Media Coverage

“The Pentacle Quest” and Sgt. Patrick Stewart continued to get media coverage after the lawsuit with the VA was settled in April 2007. In September 1, 2007, Washington Post Staff Writer Jacqueline Salmon reported,

“President Bush has apologized to the widow of a Wiccan soldier after she was excluded from a Nevada meeting this week that the president held with families of soldiers killed in combat. Roberta Stewart, whose husband, Sgt. Patrick Stewart, was killed in Afghanistan in 2005, was left off the invitation list for the private meeting Tuesday even though other members of her husband’s family were invited. When she heard about the exclusion from her mother-in-law, Stewart said, she concluded that it was done because of her public fight to force the federal government to engrave the Wiccan symbol for the Wiccan faith on her husband’s marker on a memorial. “I was devastated, Stewart said. I was crying and upset. I couldn’t believe that my country would continue this discrimination’’ On Thursday, after publicity about the omission, the White House and the military scrambled to put things right” (Salmon, 2007).
What remains yet to be seen is the long term affect “Pentacle Quest” media coverage will have going forward. How will the Wiccan religion be treated in the media now that the controversy has passed?

NPR journalist and author Margot Adler wrote in *Witches, Pagans, and the Media*,

“Ministers, priests, and rabbis are asked about morality and ethics; they are questioned about the issues of the day—about euthanasia, abortion, gay marriage, and the environment. Pagan attitudes about these issues are as varied and complex as Christian and Jewish attitudes. Perhaps it’s because Wicca and Paganism are, in part, magical religions that journalists and interviewers are always looking for spells and unusual rites, hoping to find something nefarious or just plain weird.

As a member of an earth-based religion, I would love to be asked the plight of the earth not just whether witches wear robes or go naked. Earth-based spirituality will have finally have won the respect it deserves when interviewers ask us to address the hard questions of our age—during every season of the year” (Adler, 2000)

While media coverage of “The Pentacle Quest” raised public awareness about Wiccan and Pagan religion, the jury is still out regarding whether or not Wiccans and Pagans will be included in meaningful discussions about what Margot Adler referred to as “issues of the day”. In the year since “The Pentacle Quest” was won it does seem that Wiccans and Pagans are beginning to enjoy media coverage that is inclusive of their
viewpoint and accepts their legitimacy as a religion. In December 2007, Wicca was once again in the news when it placed a pentacle wreath next to a public display that included a nativity scene in Green Bay, Wisconsin. Media coverage discussed the controversy surrounding public displays of religious symbols on city property. In this case the media reported that Wiccans had successfully added their religious symbol to the City Hall display but did not question its right to be included. “A Wiccan symbol now stands alongside the Christmas manger scene above Green Bay City Hall’s northwest entrance” (Srubas, 2007) The Wiccan symbol was not at the center of this controversial storm. This storm was about public policy concerning separation of church and state on public property. Wiccans were just one of numerous religious groups that wanted to place their religious symbols near the existing nativity scene that initially stirred up the public outcry against any religious symbols in the public square.

Other articles of interest in 2008 included coverage Wiccan Chaplain Patrick McCollum’s testimony for the U.S. Commission on Civil Rights, “Recently, McCollum testified in front of the U.S. Commission on Civil Rights. He documented incidents of discrimination and spoke of the necessity for all prison chaplains to have training in interfaith work and tolerance” (Starhawk, 2008) McCollum added, “They really listened. They are finally beginning to see Pagans as a group with a voice that needs to be listened to” (Starhawk, 2008)

While it may be true that Wicca does not fit into the consensual reality of what all of society considers being mainstream religion, media coverage does appear to have carried the Wiccan religion over a threshold that has enabled the public to see that it is a religion worthy of enjoying the same protection under the law all legitimate religions
receive. Recent coverage shows that Wiccans and Pagans are beginning to be included in public discourse about important issues of the day. There may still be a long road ahead before Wiccans and Pagans are treated exactly the same as other mainstream faiths across the board. It is safe to say however that "The Pentacle Quest" went a long way in improving and raising awareness about the Wiccan faith. Wiccans and Pagans are entitled to religious freedom. After all the ultimate "Social Construction of Reality" in America is freedom and the democratic ideal of liberty and justice for all.
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Appendix A

Chronology of “The Pentacle Quest” 2

1) Multiple Wiccan and Pagan organizations file applications to add the pentacle, the Wiccan religious emblem to the list of VA approved religious emblems between 1997 and 2005. Each application was filed under separate sets of rules.

2) Application submitted in April 2005 for Jan Deanna O’Rourke,

3) August 2005 – VA is revising rules and procedures for approval of new religious emblems authorized for use on gravestones, markers and plaques it issues to honor deceased veterans and soldiers.

4) October 2005 – VA has approved new rules and invites Wiccan groups to reapply under new rules.

5) January 2006 – Application submitted under new rules and procedures for Jerome Birnbaum thorough Wiccan church Circle Sanctuary.

6) February 2006 – Widow of Sgt. Patrick Stewart attaches her application to Circle Sanctuary’s pending application after being told by the VA she can not have her husband’s memorial inscribed with a pentacle after his death in Afghanistan because the VA had not yet authorized it for use on VA grave markers.

7) March 2006 – Rev. Selena Fox visits Under Secretary Tuerk and other VA officials at VA headquarters in Washington DC and urges approval.

8) May 2006 – Roberta Stewart holds alternative memorial service for her husband. The concrete wall that should have his memorial plaque is blank. Mainstream media begins to run stories about Sgt. Patrick Stewart and the “Freedom for All Faiths” service in Nevada.

9) June 2006 – AP runs stories about Wiccan widow Roberta Stewarts first father’s day without her husband.

10) June 2006 – Americans United for Separation for Church and States sends a letter to the VA, asking them to approve the pentacle or face legal action.


12) July 5, 2006 – Wiccan widow Roberta Stewart, Senior Minister for Circle Sanctuary, Selena Fox and a staff member from Sen. Harry Reid’s office meets with VA Undersecretary, William Tuerk. Undersecretary Tuerk tells Stewart and

2 Information for Chronology provided by Circle Sanctuary
Fox that the current rules were improperly implemented and they are writing new rules and regulations for the addition of religious emblems.

13) August 2006 – Americans United is retained to legally represent Circle Sanctuary and church members Roberta Stewart, widow of Sgt. Patrick Stewart, Karen DePolito and Isis Invicta Military Mission.


15) September 13, 2006 – Gov. Kenny Guinn of Nevada announces that his office is over-riding the VA and is going to supply Sgt. Patrick Stewart with a memorial inscribed with a pentacle. The VA continues to refuse to approve the pentacle for others who are waiting.


18) January 5, 2007 – VA moves to have Circle Sanctuary’s case dismissed.


20) January 22, 2007 – Another new set of rules and procedures are released. The VA asks the court for a “Stay” on the case to give the rules an opportunity to be implemented.

21) January 26, 2007 – Judge in Western Wisconsin District Court denies VA motion for dismissal and/or stay. A trial date is set for June 29, 2007.

22) February 2007 – Discovery begins.

23) March 20, 2007 – Public comment period on VA’s new rules and regulations ends. More than 500 Wiccans, Pagans and other faiths in support of equal rights for all religions post comments protesting the new rules.
24) April 20, 2007 – VA settles the lawsuit and agrees to pay $225,000 dollars in legal fees to Americans United for Separation of Church and State after evidence of discrimination and hostility towards the Wiccan faith was found in several emails written by high ranking members of the Bush Administration. These emails point to discriminatory remarks made President George W. Bush in a 1999 interview with Diane Sawyer on Good Morning America.

25) May 1, 2007 – Jan Deanna O’Rourke’s headstone is delivered to Arlington National Cemetery. It is the first in history to have a Christian cross on one side and a pentacle on the other. Deceased veteran Abe Kooiman and his wife Rosemary receive their new headstones at Arlington as well. Grey granite markers for Korean War veteran Jerome Birnbaum and Sgt. Patrick Stewart are delivered to Circle Cemetery at Circle Sanctuary in Wisconsin.

26) May 1, 2008 – Through a FOIA request from the VA, Rev. Selena Fox learns that the VA has issued 26 memorial markers in the year since the pentacle was approved. Six of the markers were for Wiccan soldiers killed in the war in Iraq.
UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF WISCONSIN

CIRCLE SANCTUARY,
ROBERTA STEWART,
KAREN DePOLITO, and
ISIS INVICTA MILITARY MISSION,

Plaintiffs,

v.

R. JAMES NICHOLSON, Secretary of
Veterans Affairs, individually and in his
official capacity; and
WILLIAM F. TUERK, Under Secretary
for Memorial Affairs, individually
and in his official capacity,

Defendants.

Case No.: ___________________

COMPLAINT

James H. Hall Jr. (State Bar No. 1004338)
F. Thomas Olson (State Bar No. 01010170)
HALL LEGAL, S.C.
Suite 410
759 North Milwaukee Street
Tel: ____________________

Ayesha N. Khan
Richard B. Katskee
Alex J. Luchenitser
Aram A. Schvey
AMERICANS UNITED FOR SEPARATION
OF CHURCH AND STATE
518 C Street, NE
Washington, DC 20002
Tel: ____________________

Counsel for Plaintiffs
Introduction

1. The Department of Veterans Affairs' National Cemetery Administration maintains a list of 38 approved emblems of belief. The list includes, among other emblems, 16 variations of the Christian cross, representing a wide array of major and minor Christian denominations; the Star of David representing Judaism; the Baha’i nine-pointed star; the Unitarian Flaming Chalice; the Buddhist Wheel of Righteousness; and two Muslim emblems — the crescent and star, and a solid, circumscribed, five-pointed star. When a member or veteran of the U.S. Armed Forces dies, the Department provides the family with an official headstone, grave marker, or memorial plaque, allowing the family members to select a religious emblem from the approved list to adorn the memorial in order to commemorate their loved one’s faith — just as civilian families often choose a religious symbol for a grave marker. But if the symbol of the servicemember’s or veteran’s faith is not on the official list, the family members are out of luck: Because their loved one lacked the good sense to subscribe to one of the Department’s officially approved religions, the National Cemetery Administration forbids them to acknowledge the faith the way that other veterans’ families do.

2. For more than nine years, members of the Wiccan faith and their religious congregations and clergy have sought the Department’s approval to add the Pentacle — the Wiccan emblem of belief — to the National Cemetery Administration’s approved list. But the Secretary has refused to act on any of the many applications submitted by or on behalf of Wiccans, making excuse after excuse for the Department’s failure to approve the Pentacle. In the meantime, the Department has approved religious symbols for members of other religions — in a matter of weeks or months, not years — while utterly ignoring the Pentacle applications. Most recently, the Secretary has been claiming that the Department lacks valid rules under which to approve any more emblems at all, thus
freezing the Department’s list at 38 officially approved faiths and belief systems, and discriminatorily excluding all others.

3. With the support and spiritual leadership of Circle Sanctuary, Roberta Stewart (whose husband, Patrick Stewart, was killed while on active duty in Afghanistan in 2005) and Karen DePolito (whose husband, Jerome Birnbaum, was a Korean War veteran who also died in 2005) have sought to commemorate their husbands’ lives and faith the same way that other spouses, parents, and children do — by placing a memorial bearing the symbol of their husbands’ faith next to those of their husbands’ fallen comrades-in-arms. But alas, Sgt. Stewart and Mr. Birnbaum were Wiccan. And the Secretary does not approve of Wiccans. So he does not afford Wiccan families equal rights with people of other faiths, and does not allow them to display memorials bearing the Pentacle.

4. Ms. Stewart and Ms. DePolito are thus left with an untenable set of options: They can select an emblem of a religion to which their husbands did not subscribe, thus dishonoring their husbands and denying their faith; or they can accept a marker without any symbol, as though their faith and their husbands’ religious convictions meant nothing to them; or they can stand on their right to be treated the same as people who subscribe to religions that the Secretary endorses. But if they do stand on their rights, they will get no memorial, and must live with the fact that their husbands will not receive the same recognition as other servicemembers and veterans. Meanwhile, Circle Sanctuary and the Isis Invicta Military Mission — two religious institutions representing Wiccan congregants — wait and wait and wait for the Secretary even to issue a decision on applications they have made to have the Pentacle placed on the approved-emblems list, so that
Wiccans like Ms. Stewart and Ms. DePolito, who look to them for spiritual guidance, can lay their loved ones to rest with the same dignity afforded any other veteran.

5. Nine years' discrimination is long enough. Plaintiffs ask this Court to hold that the Department of Veterans Affairs has discriminated against the Wiccan faith and its adherents, thus violating the First and Fifth Amendments to the U.S. Constitution and the Religious Freedom Restoration Act,1 by refusing to act or issue a decision on adding the Wiccan Pentacle to the Department's list of officially approved religious symbols, and by maintaining the discriminatory list. Plaintiffs seek a preliminary and permanent injunction, writ of mandamus, or other appropriate relief under 5 U.S.C. § 706(1), compelling the Secretary to issue a constitutionally permissible, non-discriminatory decision on the Pentacle applications without further delay.

Jurisdiction and Venue


7. Although 38 U.S.C. § 511 deprives this Court of jurisdiction to hear challenges to “a decision by the Secretary under a law that affects the provision of benefits,” plaintiffs are not challenging the Secretary’s provision of memorial markers. Rather, plaintiffs are challenging the Secretary’s failure to act on the applications to add the Pentacle to the National Cemetery Administration’s list of officially approved emblems of belief, as well as the Secretary’s discriminatory maintenance of a list of approved religions — an exclusive club that the Secretary forbids Wiccans to join. This Court has jurisdiction to hear those claims under 5 U.S.C. § 702 and 28 U.S.C. §§ 1331 and 1343.

8. Plaintiffs are also aware that, just as this Court has exclusive jurisdiction over as-applied challenges like this one to rules and actions of the Department of Veterans Affairs, the U.S. Court of Appeals for the Federal Circuit has exclusive jurisdiction over facial challenges to VA statutes, rules, and regulations. Because the controversy here concerns both facial and as-applied constitutional violations by the Secretary, plaintiffs are simultaneously filing a petition in the Federal Circuit making a facial challenge to the Secretary's Emblems-of-Belief Rule, while bringing the as-applied challenge in this Court. Plaintiffs are not filing two actions in order to circumvent preclusion rules, or for any other improper purpose. Rather, the jurisdictional division of labor between the Federal Circuit and this Court makes it necessary to bring each claim in a different forum rather than as separate or alternative claims in a single action. Plaintiffs are also notifying the Federal Circuit of the as-applied challenge that they are filing in this Court.

9. This Court has the authority to grant declaratory relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

10. Venue is proper in this Court under 28 U.S.C. § 1391(b) and (e).

Facts

A. The Wiccan Faith and the Pentacle

11. The Wiccan faith is nature-based and grounded in pre-Christian beliefs. In the Wiccan faith, people are considered to be part of nature rather than masters of it. Wiccans strive to live life in accordance with the Wiccan Rede: "An it harm none, do what you will."

12. As with any faith, adherents of the Wiccan faith hold a variety of beliefs about the most important spiritual matters, such as what happens when we die and whether there is an afterlife.
Most Wiccans, for example, believe in an afterlife; many believe in reincarnation; and some believe that it is possible to contact and communicate with ancestors and other beloved dead.

13. Wiccans honor the divine in one or more sacred forms. Most Wiccans view the divine as internal or immanent, and therefore as personally accessible through ritual or meditation. At the same time, many Wiccans see the divine as transcendent and beyond human comprehension. Although Wiccans believe in the unity of the divine, the divine can take many forms. Many Wiccans, for instance, honor the divine feminine (the Goddess) and the divine masculine (the God), while others honor a pantheon of deities. Because the unitary divine can take many forms in the Wiccan faith, as it does, for example, in Hinduism, the faith is often classified as a polytheistic one.

14. Wiccans have historically suffered discrimination because of the false but widely held belief that they are Satanists, a belief unfortunately encouraged by Hollywood representations of the Wiccan faith that bear no resemblance to the actual religion or its adherents.2

15. The federal courts have long recognized that the Wiccan religion is entitled to the same legal status and constitutional protections as any other faith. In 1986, for example, the U.S. Court of Appeals for the Fourth Circuit held that “the Church of Wicca occupies a place in the lives of its members parallel to that of more conventional religions. Consequently, its doctrine must be considered a religion.”3 And the U.S. Supreme Court implicitly acknowledged that the Wiccan faith is a religion with the same legal status as other faiths when, just last year, the Court upheld the


3 Dettmer v. Landon, 799 F.2d 929, 932 (4th Cir. 1986); see also Van Koten v. Family Health Mgmt., Inc., 955 F. Supp. 898 (N.D. Ill. 1997) (applying Title VII analysis to a Wiccan’s claim of religious discrimination).
constitutionality of the Religious Land Use and Institutionalized Persons Act— a statute protecting the religious freedom of prison inmates and other institutionalized persons — in a case involving a Wiccan plaintiff.  

16. According to the U.S. Department of Defense, more than 1,800 self-identifying Wiccans currently serve in this nation's armed forces. The U.S. Army Chaplain's Handbook has included an explanation of the Wiccan faith since 1978. And for decades, the military has permitted soldiers to list the Wiccan faith on their dogtags as their religion. The various branches of the armed forces authorize and permit Wiccan and Pagan organizations, like the Isis Invicta Military Mission, to minister to servicemembers by, among other things, conducting religious services at U.S. military installations.

17. The United States Department of Justice also expressly recognizes the Wiccan faith as a religion in its reference manual on religious beliefs and practices for the federal Bureau of Prisons.  

18. The Pentacle — an encircled, outlined, five-pointed star — is a recognized symbol of the Wiccan faith throughout the United States and worldwide. The five-sided star represents balance, with the five points representing earth, air, fire, water, and spirit. The circle encompassing

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8 See, e.g., id. (recognizing the Pentacle as both a personal religious item and an item for use in religious ceremonies by adherents of the Wiccan faith).
the star represents unity and eternity. Adherents of the Wiccan faith wear the Pentacle the way that a Christian might wear a cross or a Jew might wear a Star of David. And the Pentacle appears in religious art, literature, and architecture.

B. Parties

19. Plaintiff Circle Sanctuary is a prominent Wiccan church founded in 1974 by the Rev. Selena Fox. It currently has more than 54,000 members in the United States, and more than 2,700 members in other countries. Circle Sanctuary's spiritual ministries include worship, celebration of the seasons and the cycles of the sun and moon, charity work, networking, research, spiritual healing, community celebrations, and education. Circle Sanctuary serves not only as a traditional house of worship for Wiccans in southwestern Wisconsin, but also as a source of spiritual guidance and support for Wiccans nationwide and around the world — and most especially for Wiccans who live in areas not served by a local Wiccan church.

20. Since 1980, the U.S. government has recognized Circle Sanctuary as a § 501(c)(3) tax-exempt religious institution. In the early 1980s, Circle Sanctuary assisted the U.S. Army in updating its Chaplain's Handbook to include information on the Wiccan faith. And Circle Sanctuary and the Rev. Fox have been listed in the authoritative Encyclopedia of American Religions since its original printing in 1978, and in every revised version, including the current 2002 edition. A copy of the entry on Circle Sanctuary from the 1978 edition of the Encyclopedia of American Religions is attached as Exhibit A; a copy of the entry on Circle Sanctuary from the 2002 edition is attached as Exhibit B.

21. In addition to holding worship services and sponsoring religious activities, Circle Sanctuary publishes the quarterly Circle Magazine (a religious periodical providing readers with
spiritual guidance and other religiously themed content). And Circle Sanctuary coordinates the Lady Liberty League, a ministry providing information and other support to those in the Wiccan and nature-religion communities working on religious-freedom issues.

22. Circle Sanctuary and its congregants suffer invidious religious discrimination because of the Secretary’s refusal to act on the Pentacle applications and the Secretary’s discriminatory maintenance of a list of government-approved faiths.

23. Plaintiff Isis Invicta Military Mission is a Wiccan and Pagan congregation serving the spiritual needs of men and women in the U.S. Armed Forces. Originally known as the Temple and Lyceum of Isis Fortuna and based at the Taylor Barracks Chapel in Mannheim, Germany, Isis Invicta is now based in Cookeville, Tennessee. Isis Invicta currently serves approximately 200 servicemembers in the U.S. Army, Navy, and Air Force at several locations: Fort Campbell, Kentucky; Fort Meade, Maryland; and Redstone Arsenal, Alabama. Since 1996, the federal government has recognized Isis Invicta’s tax-exempt status under § 501(c)(3). Isis Invicta is led by the Rev. Coomer-Russell, a disabled U.S. Army retiree.

24. Isis Invicta and its congregants suffer invidious religious discrimination because of the Secretary’s refusal to act on the Pentacle applications and the Secretary’s discriminatory maintenance of a list of government-approved faiths.

25. Plaintiff Roberta Stewart is the widow of Sgt. Patrick Stewart. She lives in Fernley, Nevada.

26. Sgt. Stewart enlisted in the Army in 1989 and remained on active duty until 1996. During that time, he served in Operation Desert Storm and in Korea. In 2002, he enlisted in the
Nevada Army National Guard, and his unit was deployed to Afghanistan for combat duty in early 2005, where he served as a flight engineer on a helicopter.

27. Taliban forces shot down Sgt. Stewart’s helicopter on September 25, 2005, killing him and four others with whom he served.

28. Sgt. Stewart was a decorated veteran, receiving more than 19 awards, including the Bronze Star, the Purple Heart, and the Air Medal.

29. Sgt. Stewart was Wiccan, as is his wife. Ms. Stewart is a member of Circle Sanctuary.

30. Ms. Stewart would like to display a memorial plaque for her husband in her local veterans’ cemetery. And as the spouse of a servicemember and veteran, she is also entitled to a government-furnished headstone for herself when she dies. She would like those memorials to bear the Pentacle to commemorate her husband’s and her own Wiccan faith. But the Secretary’s refusal to act on the Pentacle applications and discriminatory maintenance of a list of approved faiths means that she cannot commemorate her family’s faith as she wishes.

31. Plaintiff Karen DePolito is the widow of Jerome Birnbaum. She lives in Utah.

32. Mr. Birnbaum enlisted in the U.S. Army and served in the Korean War, attaining the rank of Private First Class. He was a prisoner of war, and was honorably discharged on November 30, 1962. Mr. Birnbaum died on November 17, 2005.

33. Mr. Birnbaum was Wiccan, as is his wife. Both have been members of Circle Sanctuary since 1988.

34. Ms. DePolito would like her husband’s government-furnished headstone to bear the Pentacle to commemorate his Wiccan faith. But the Secretary’s refusal to act on the Pentacle
applications and discriminatory maintenance of a list of approved faiths means that she cannot
commemorate her family’s faith as she wishes.

35. Defendant R. James Nicholson is Secretary of the Department of Veterans Affairs.
The Secretary has final authority over all decisions, actions, and inaction of the National Cemetery
Administration and the VA generally, including over the Department’s refusal to act on the Pentacle
applications and the Department’s discriminatory maintenance of a list of officially approved faiths.
He is being sued both in his official capacity and individually.

36. Defendant William F. Tuerk is Under Secretary for Memorial Affairs at the
Department of Veterans Affairs. He has direct authority over the National Cemetery
Administration’s discriminatory maintenance of its list of approved religious emblems, and over the
agency’s refusal to act on the Pentacle applications. He is being sued both in his official capacity
and individually.

C. The Emblems-of-Belief Rule

37. The National Cemetery Administration maintains a list of government-approved
emblems of belief that are available for inscription on government-furnished headstones, markers,
and plaques. Thirty-eight emblems currently appear on the list. Nearly half are Christian symbols,
such as the Presbyterian Cross, the Russian Orthodox Cross, the Lutheran Cross, and the like. The
list also includes the Jewish Star of David; the Muslim Crescent and Star; the Muslim circumscribed,
solid, five-pointed star; the Sikh Khanda; an atheist emblem; and the Humanist Emblem of Spirit.
The list bears the Department of Veterans Affairs’ official rule that “[n]o graphics (logos, symbols,
etc.) are permitted on Government-furnished headstones or markers other than the approved

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emblems of belief, the Civil War Union Shield, the Civil War Confederate Cross of Honor, and the Medal of Honor insignias." A copy of the Emblems-of-Belief Rule is attached as Exhibit C.

38. The Secretary's maintenance of the official list is, among other things, an application of 38 U.S.C. §§ 2306(a) and 2404, and 38 C.F.R. § 38.630.

39. Before 2001, no published rule governed the addition of new emblems to the list.\(^\text{19}\)

40. In July 1997, however, John Machate, coordinator of the Military Pagan Network, sent an e-mail message to the Department of Veterans Affairs inquiring about the "process of getting a symbol added to the approved religious symbols list for [officially] provided headstones."

41. In August 1997, the VA responded, stating that an application for official approval of an emblem not already on the list would "need to contain a formal letter from an ordained Rabbi, Priest, or Minister including detailed information on the emblem as well as a graphic." The VA also included a warning: "Please understand that submissions do not automatically constitute approval." A copy of the July 1997 letter and the August 1997 response are attached as Exhibit D.

42. On information and belief, the 1997 Rules, as stated in the letter, were, until May 2001, the only formal requirements for applying to have an emblem of faith added to the Department's officially approved list.

43. At that time, however, the National Cemetery Administration issued its Directive 3310, which contained new rules for adding emblems to the list of officially approved ones. The 2001 Rules specified that:

\(^{10}\) In response to plaintiffs' Freedom of Information Act request seeking "[a]ll regulations, rules (whether formal or informal), policies, guidelines, directives, orders, statements of policy, interpretations, procedures, or guidance documents in effect during any period since 1995" relating to the process for approving new emblems, the VA sent only documents issued since May 2001.
a. [The Department] will consider on a case-by-case basis, requests for emblems of belief not currently on the approved list on VA Form 40-1330, Application for Standard Government Headstone or Marker for Installation in a Private or State Veterans’ Cemetery.

b. To make a determination to include an emblem not currently on the approved list, the following information will be requested from the applicant and his/her organization of belief:

(1) A written request to include the emblem, with an accompanying letter signed by the recognized head of the organization approving such request, and

(2) A camera-ready copy of the requested emblem in black and white; the emblem must not exceed three (3) inches at its widest point (i.e., the emblem copy should fit entirely within a 3-inch diameter circle).

44. The 2001 Rules did not specify the Department’s procedures for approving or denying applications, or the factors that the Department would consider in evaluating them. The 2001 Rules are attached as Exhibit E.

45. In October 2005, the National Cemetery Administration issued a new version of Directive 3310 that superseded the 2001 Rules. The 2005 Rules provide, in relevant part:

a. [The agency] maintains a list of emblems of belief that can be inscribed on a new, first Government-furnished headstone or marker at no cost to the applicant. These emblems are meant to represent the personal beliefs practiced by a particular individual, and are not meant to represent any other type of affiliation (e.g., social, cultural, ethnic, fraternal, or military).

... 

d. [The agency] will consider requests to add emblems of belief not on the current list when the required information outlined in this directive is submitted.

e. The request will be evaluated against the following criteria:

(1) Whether there is an immediate need to inscribe the emblem on a new, first headstone or marker issued for a deceased eligible veteran;

(2) Whether there is a letter signed by a recognized leader of the organization supporting the addition of the emblem;
(3) Whether the organization’s (the decedent’s) belief/faith system:

(a) Is comprehensive in nature, consisting of a system of beliefs that provides the believer with answers to many, if not most, human problems and concerns, in contrast to an isolated belief or teaching;

(b) Addresses fundamental and ultimate questions, such as questions concerning the nature of life and man’s purpose in it.

(c) Is shared by an organized, structured group of substantial membership; and

(d) Is characterized by certain formal and external signs, such as regular services, ceremonial functions, existence of clergy, organizational structure, efforts at propagation, observance of holidays, and any other signs characteristic of traditional beliefs/faiths.

(4) Whether there is a statement from a recognized leader of the organization certifying the emblem is currently used and recognized as the symbol of the organization or its belief system, and attesting to the widespread use of the emblem to represent the organization or its belief system;

(5) Whether the organization sponsoring the emblem promotes activity that is illegal or contrary to public policy; and

(6) Whether [the National Cemetery Administration’s] Memorial Programs Service has determined that the requested emblem or [sic] belief can be replicated onto a stone or bronze surface for use in a headstone or marker production line environment. (There cannot be a copyright or other restriction in place that would prohibit publication of a replica of the emblem).

The 2005 Rules also explain that:

[a] ‘belief system’ is a group of opinions, doctrines, and/or principles believed or accepted as true, a body of tenets accepted by a group of persons or an organization. A ‘faith system’ may include a system of beliefs that appears to be ‘secular’ rather than religious, but which nevertheless assumes the functional significance of a religion in the believer’s life.

The 2005 Rules are attached as Exhibit F.

46. In July 2006, Lindee L. Lenox, the director of the Department’s Memorial Programs Service, issued a memorandum (attached as Exhibit G) to VA staff, stating:
We have temporarily suspended consideration of requests to add new emblems of belief to our list of emblems available for inscription on Government Headstones and Markers. The purpose of this temporary suspension is to allow us to develop and publish regulations outlining the procedures for requesting, evaluating, and approving new emblems. We are not presently taking action on pending applications, nor are we accepting new applications.

We are unable to give a timeframe as to when the rulemaking process will be complete.

47. Thus, on information and belief, the Secretary has now frozen the list of officially approved emblems of belief, affording no mechanism for those who do not belong to one of the 38 government-approved religions or belief systems to obtain memorial markers commemorating their officially disfavored faiths.

48. On information and belief, the VA did not provide a copy of the July 2006 memorandum to any Wiccan religious organization or Wiccan veteran’s survivor who has applied to have the Pentacle added to the Department’s list of approved emblems of belief.

D. Plaintiffs’ Applications to Add the Pentacle to the List of Approved Emblems of Belief

i. Isis Invicta’s Applications

49. In September 1998, the Rev. Rona Coomer-Russell, priestess of the Isis Invicta Military Mission (which at that time was called the Temple and Lyceum of Isis Fortuna), applied to the VA on behalf of Isis Invicta and its Wiccan congregation members on active duty in the U.S. military to have the Pentacle added to the list of officially approved emblems of belief. In the request, Coomer-Russell explained that she is an ordained minister of the Wiccan and Pagan faiths, and that she coordinated and performed Wiccan and Pagan religious services at the Taylor Barracks Chapel in Mannheim, Germany. She also explained the meaning of the Pentacle and its importance to Wiccans.
50. Isis Invicta’s first Pentacle application satisfied all the requirements of the Secretary’s 1997 Rules. A copy of the September 1998 application is attached as Exhibit H.

51. The VA did not acknowledge receipt of Isis Invicta’s application, nor did it issue any decision approving or denying the Pentacle.

52. In February 1999, Coomer-Russell, who had by that time relocated to Tennessee, resubmitted Isis Invicta’s request to add the Pentacle to the official list. Again, the VA neither acknowledged receipt of the application nor issued any decision with respect to the Pentacle.

53. In June 1999, therefore, Coomer-Russell again wrote the VA, submitting Isis Invicta’s request for the third time. She wrote, “I have yet to receive any notification of any kind, either approval or disapproval. I fear that my applications have been discarded out of discrimination. I would appreciate a timely reply this time around.” She then called the Department and left a message inquiring about the third application’s status and underscoring the concerns about anti-Wiccan discrimination stated in Isis Invicta’s third application.

54. In mid-July 1999, VA representative M’Liz McLendon sent the Rev. Coomer-Russell an e-mail message stating, “thank you for your telephone call. your letter did arrive. we expect to have a final response to you within a week or so.” But the VA never issued the promised response.

55. Instead, Lawrence J. De Meo Jr., the director of the Department’s Memorial Programs Service, wrote to the Rev. Coomer-Russell, stating, “Your request will be submitted for the [Advisory Committee on Cemeteries and Memorials’] consideration at their fall 1999 meeting.” De Meo added that the committee’s recommendation on whether to add the Pentacle would be submitted to the VA and its National Cemetery Administration for consideration. De Meo also noted that the National Cemetery Administration “is currently reviewing and drafting proposed
regulations pertaining to national cemeteries, including the Headstone and Marker Program." And he added that he hoped to have the proposed regulations published in the Federal Register by the end of the year.

56. The VA never contacted the Rev. Coomer-Russell after the fall committee meeting.

57. So on January 2, 2000, Coomer-Russell sent an e-mail message to the VA stating, "I have yet to receive any news of what the committee's actions were. I would really like to hear some kind of reply." But she did not receive any reply.

58. A few weeks later, therefore, the Rev. Coomer-Russell telephoned M'Liz McLendon at the VA and left a voicemail message asking for a response. But again, no one ever responded.

59. In February 2000, Coomer Russell again telephoned the VA, this time managing to speak to a Department official who promised to send her a letter reporting the status of Isis Invicta's Pentacle applications. But the agency failed to send the promised status report.

60. In sum, the Rev. Coomer-Russell and Isis Invicta filed three separate applications and made numerous attempts, both orally and in writing, to obtain a decision. But in more than eight years, neither the Secretary nor any officer or employee of the Department has ever issued a determination — not under the 1997 Rules; not under the 2001 Rules; and not under the 2005 Rules.

ii. Circle Sanctuary's Applications

61. On April 8, 2005, Circle Sanctuary's Senior Minister, the Rev. Selena Fox, submitted Circle Sanctuary's first request to add the Pentacle to the VA's list of officially approved emblems of belief. The application explained that Circle Sanctuary is one of America's oldest Wiccan churches, representing more than 50,000 members in the United States. The application also explained the meaning and importance of the Pentacle for Wiccans. A copy of the application...
(without the accompanying camera-ready graphic that Circle Sanctuary supplied) is attached as Exhibit I.

62. A month later, Lindee L. Lenox, the acting director of the Memorial Programs Service, responded to the Rev. Fox and Circle Sanctuary. Lenox’s letter stated, “We are in the process of revising our procedures and criteria for evaluating requests to add new emblems of belief to our current listing. We will evaluate any such requests once the revised procedures and criteria are in place.” Lenox added that, at whatever point the Department developed other procedures and evaluation criteria, Circle Sanctuary, “if [it] wish[ed] to pursue a request to add an emblem of belief,” could then request “full instructions on how to proceed.” Lenox invited the Rev. Fox to contact the Memorial Programs Service office if she had additional questions, supplying Fox with an address and telephone number for further inquiries.

63. The Rev. Fox accepted Lenox’s invitation, called the number, and left a voicemail message. But no one returned her call. Indeed, over the course of the next few months, Fox tried calling the agency several more times during regular business hours, but no one ever answered the phone; and no one ever responded to any of the multiple voicemail messages that Fox left.

64. Finally, in early November 2005, the VA sent the Rev. Fox a letter outlining the requirements for applying to have the Department add a religious symbol to the list under the agency’s new 2005 Rules.

65. In early January 2006, Circle Sanctuary and Ms. DePolito submitted a new request to the VA under the 2005 Rules. The application asked the Department to make the Pentacle an approved emblem and to inscribe it on a granite headstone for Ms. DePolito’s husband, Mr. Birnbaum. The application included the required VA Form 40-1330 and Mr. Birnbaum’s service
records. The application also explained in detail how it conformed to each requirement in the 2005 Rules, leaving no doubt that Circle Sanctuary and Ms. DePolito had done everything required of them in order to request that the Pentacle be added to the officially approved list. And the application included numerous attachments, including: a graphic image of the Pentacle suitable for engraving; a statement explaining the Pentacle’s importance to Wiccans as an emblem of belief; and letters of support from the heads of two other major Wiccan congregations, Covenant of the Goddess and the Sacred Well Congregation. A copy of Circle Sanctuary’s January 2006 application is attached as Exhibit J.

66. In a cover letter to the January 2006 application, the Rev. Fox asked the VA to expedite the approval process so that a Pentacle-inscribed marker could be delivered in time for Mr. Birnbaum’s upcoming May 4 memorial service.

67. Fox then called the VA and verified that the application had been received and would be processed. But the VA would not provide any timeframe for rendering a decision on adding the Pentacle to its list of approved emblems of belief.

68. Shortly thereafter, on February 8, 2006, Roberta Stewart applied for a memorial plaque for her husband, Sgt. Stewart. On the application form’s section for “desired Emblem of Belief,” Ms. Stewart checked the box labeled “Other,” and wrote in “Wiccan.” A copy of Ms. Stewart’s application form is attached as Exhibit K.

69. After learning that the Pentacle was not yet on the VA’s list of approved emblems of belief, Ms. Stewart appended her application to Circle Sanctuary’s, with Circle Sanctuary thereby providing the additional, supporting documentation required under the 2005 Rules.
Next, Ms. Stewart contacted the office of U.S. Senator Harry Reid of Nevada, asking the Senator for his help in expediting the VA’s approval of the Pentacle. On February 23, 2006, the VA told Sen. Reid’s staff that it would issue a decision on the Pentacle applications in two to four weeks. But the VA did not do as promised.

Meanwhile, on March 13, the Rev. Fox sent an e-mail message to Anissa Alford at the Memorial Programs Service. In that e-mail, Fox again expressed her concern about the Department’s unexplained delays and failure to render a decision on the Pentacle applications. (Fox had been in contact with the VA repeatedly since reapplying on January 6, 2006.)

On March 15, the Rev. Fox sent an e-mail message to Patrick K. Hallinan, the acting director of the Department’s Office of Field Programs, asking about the status of the Pentacle application.

And on March 16, Fox wrote Under Secretary Tuerk directly, asking for his assistance in expediting the emblem-approval process.

After a month had passed with no decision from the VA, the Rev. Fox wrote to Secretary Nicholson directly, asking him to expedite the decision on the Pentacle. Fox explained that Circle Sanctuary would be holding memorial services in Spring 2006 for three deceased veterans, all of whose spouses had requested that their official memorials bear the Pentacle emblem.

On March 29, Fox met with Tuerk and two of his subordinates at the National Cemetery Administration, Steve Muro (the director of the Office of Field Programs) and Lindee Lenox (the acting director of the Memorial Programs Service), at the VA’s headquarters in Washington, D.C. Fox told Tuerk and the others that Circle Sanctuary had three widows wanting Pentacle-inscribed markers — Ms. DePolito, Ms. Stewart, and the widow of a Vietnam War
veteran. Tuerk offered blank interim markers (i.e., ones without any religious emblem), but Fox explained that all three widows had told her that they were not willing to settle for those markers, even on a supposedly temporary basis. They were unwilling to settle for the blank interim markers, Fox explained, because the widow of another Wiccan veteran (who is buried in Arlington National Cemetery) had accepted an “interim” headstone without a religious emblem three years before; the agency has since made no effort to replace the interim headstone with a permanent one inscribed with the Pentacle; and the widow had recently died without her wishes for her husband’s grave being fulfilled.

76. During the March 29 meeting, Tuerk repeatedly claimed that the VA’s general counsel would not allow him to approve the Pentacle because the agency was in the process of revising its rules. But the agency had in the past exercised its authority to approve other emblems (as explained below) while the VA was supposedly revising its rules.

77. The Rev. Fox had an hour-long follow-up telephone conference with Under Secretary Tuerk on April 17. During that conversation, Tuerk stated that the VA’s general counsel was investigating whether the 2005 Rules had been properly adopted, and that this investigation could take a year or more — during which the agency would not be acting on the Pentacle applications.

78. The following day, Deputy Secretary Gordon H. Mansfield sent Fox a letter stating that he was “unable to give [her] a definite time frame for VA’s consideration of [the] request.”

79. In May 2006, Circle Sanctuary conducted a memorial service for Mr. Birnbaum — without a Pentacle-inscribed memorial marker to commemorate his faith. Circle Sanctuary has held two other memorial services for Wiccan veterans, neither of whom received Pentacle-inscribed markers.
80. On July 5, the Rev. Fox and Ms. Stewart again met with Under Secretary Tuerk in the VA’s headquarters in Washington, D.C. This time, Tuerk was joined by David K. Schettler (the director of the National Cemetery Administration’s Communications Management Service), and Charles K. Likel (a congressional-relations officer in the VA’s Congressional and Legislative Affairs Office). At that meeting, Tuerk stated that the VA’s general counsel believed that the 2005 Rules were not adopted correctly and that new procedures would have to be drafted and approved. Tuerk refused to give a timetable for any decision on the Pentacle applications. Fox and Stewart then asked Tuerk to approve the Pentacle under the pre-existing 2001 Rules — the legally required procedure whenever, for example, a court holds that a set of administrative regulations is invalid. Tuerk responded that he would check with the VA’s general counsel to see if that was possible.

81. In early August 2006, three members of Sen. Reid’s staff met with Under Secretary Tuerk about the Pentacle application and the VA’s plans to revise, yet again, the rules for approving additional religious emblems. Following that meeting, Tuerk called Stewart and told her that the VA’s general counsel believed that the agency could not approve the Pentacle under the 2001 Rules, and that no decision could be made until the agency had finished drafting and adopting yet another set of procedures governing the approval of new emblems of belief. But less than a week earlier, Tuerk had personally sent a letter to Ms. Stewart’s mother, acknowledging that six emblems of belief had been approved since the first Pentacle application was submitted; all were approved during periods when the agency was telling Wiccan applicants that it was revising its rules, and was stalling or refusing to act on Isis Invicta’s and others’ pending Pentacle applications.

82. On September 13, the Nevada Office of Veterans Services publicly announced that it would provide a Pentacle-inscribed memorial plaque to commemorate Sgt. Stewart —
notwithstanding the Secretary's refusal to do so. The promised plaque would be installed on the Wall of Heroes at the Northern Nevada Veterans Memorial Cemetery in Fernley. But the Nevada officials have yet to provide that plaque. And in all events, the Secretary has not sanctioned the plaque; nor has the Secretary added the Pentacle to the VA's approved-emblems list; nor has the Secretary given other veterans or family members the option to obtain a memorial bearing a Wiccan Pentacle.

E. Other Wiccan Churches' Applications

i. Aquarian Tabernacle Church

83. Isis Invicta and Circle Sanctuary are not the only churches to apply to have the Pentacle added to the Department's officially approved list. Nor, as far as that goes, are they even the first.

84. In August 1997, the Rev. Peter Pathfinder Davis, Archpriest of the Aquarian Tabernacle Church, submitted what plaintiffs believe to be the first Wiccan application.

85. Aquarian Tabernacle Church is a Wiccan congregation located in Washington State.

86. As required under the 1997 Rules, Aquarian Tabernacle's 1997 application explained the Pentacle's spiritual significance and included a graphic image of the emblem.

87. The VA did not act on, or even acknowledge receipt of, Aquarian Tabernacle's request — despite the fact that the Rev. Davis's application contained all the materials required under the then-applicable 1997 Rules. Instead, the VA ignored the application entirely — for the next four years. And while the agency in the meantime issued its 2001 Rules, it neither considered Aquarian Tabernacle's application under those 2001 Rules, nor invited the Rev. Davis or Aquarian Tabernacle to reapply once the new rules were in place.
88. On information and belief, neither the Rev. Davis nor Aquarian Tabernacle heard anything from the Department of Veterans Affairs until November 2001, when David K. Schettler, the director of the Memorial Programs Service, wrote Davis to inform him that the Department was “currently in the process of preparing a regulation that will provide guidance to organizations interested in having their emblems placed on Government-furnished headstones and markers.” Schettler added that once the regulation was drafted, it would undergo a “comprehensive internal examination,” followed by a review by the Office of Management and Budget. Then, Schettler explained, the government would publish the proposed regulation in the Federal Register to allow for public comment. Schettler concluded by assuring Davis that “[w]e will notify you when the regulation is published in the Federal Register, and look forward to any suggestions or comments you may have at that time.”

89. But the agency never followed through on its promises: On information and belief, it did not draft new regulations; it did not submit them for the Office of Management and Budget’s review; it did not circulate or publish them in the Federal Register for public comment; and it did not follow up with Davis.

90. In December 2003, therefore, the Rev. Davis wrote to the VA, reiterating Aquarian Tabernacle’s request that the Pentacle be added to the list of approved emblems of belief.

91. But the VA did not respond to Davis’s December 2003 letter; nor did it approve the Pentacle.

92. In April 2005, Davis wrote yet another letter asking the VA to add the Pentacle to the list of approved emblems of belief.
93. In May 2005, Lindee L. Lenox (who was at the time the acting director of the Memorial Programs Service) wrote to Davis to say that the VA had lost Davis’s December 2003 application letter. Lenox also stated that the VA was “in the process of revising [its] procedures and criteria for evaluating requests to add new emblems of belief,” and that the VA would contact Davis “as soon as [the new rules] become available.”

94. In responding to a subsequent Freedom of Information Act request, the VA provided a copy of Davis’s December 2003 letter — the same letter that Lenox had previously claimed that the agency had lost.

95. To date, the Secretary has failed to approve Aquarian Tabernacle’s request to add the Pentacle to the list of approved emblems.

ii. Other Pentacle Applications

96. Documents obtained through Freedom of Information Act requests reveal that the VA has received several other requests to add the Pentacle to its list of approved emblems of belief as well. Among these, the Nomadic Chantry of the Gramarye (a Wiccan congregation in Maryland), the Correllian Nativist Church International (a Wiccan congregation in New York), and several individuals have submitted applications in addition to those submitted by Circle Sanctuary, Isis Invicta, Ms. Stewart, Ms. DePolito, and Aquarian Tabernacle.

97. The Secretary has not acted on any of those applications.

F. The Secretary Approved Other Emblems of Belief While Failing to Issue a Decision on Pentacle Applications

98. To date, the agency has neither approved nor denied plaintiffs’ Pentacle applications. More than nine years after the first Wiccan application, and more than eight years after Isis Invicta’s first application, the Pentacle still is not on the officially approved list in the Department’s
Emblems-of-Belief Rule. And because the Emblems-of-Belief Rule provides that only officially approved emblems of belief may be displayed on grave markers and memorials in veterans’ cemeteries, the upshot of the Secretary’s failure to act on the Pentacle applications and the Secretary’s discriminatory maintenance of a list of officially approved faiths is that Wiccans may not display a Pentacle on memorials to their deceased loved ones in veterans’ cemeteries.

99. But in the more than nine years since the first Pentacle application was submitted, the VA has received and approved applications to add at least six other emblems of belief to its officially approved list.

100. In a July 2006 letter to Ms. Stewart’s mother, Under Secretary Tuerk listed the following request and approval dates for those six religions and belief systems:

<table>
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<tr>
<th>Emblem</th>
<th>Requested</th>
<th>Approved</th>
</tr>
</thead>
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<tr>
<td>Christian &amp; Missionary Alliance</td>
<td>03/12/2002</td>
<td>07/09/2002</td>
</tr>
<tr>
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<td>09/30/2003</td>
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<td>Izumo Taishakyo</td>
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</tr>
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<td>Soka Gakkai 8-Petal Lotus</td>
<td>02/03/2004</td>
<td>04/21/2004</td>
</tr>
<tr>
<td>Sikh Khanda</td>
<td>03/09/2004</td>
<td>05/25/2004</td>
</tr>
</tbody>
</table>

A copy of Tuerk’s July 2006 letter is attached as Exhibit L.

101. With the exception of the Humanist Emblem of Spirit, the Department took between two and five months to approve each emblem — obviously, far less than the nine years that Wiccan applicants have been waiting.
102. On information and belief, the Department expedited its approval process for the Sikh Khanda so that the Khanda could be inscribed on the headstone of a soldier killed in combat and buried in Arlington National Cemetery.

103. The agency took approximately a year to approve the Humanist emblem — substantially longer than it took to approve the other emblems, but still just a fraction of the time that it has allowed to pass without acting on the Pentacle applications.

104. David K. Schettler, the director of the agency’s Memorial Programs Service, explained the several months’ delay for the Humanist emblem in an August 2002 letter to Tony Hileman, the executive director of the American Humanist Association, by stating:

   Our proposed regulations regarding [the process of approving emblems of belief] are in draft and not yet implemented. Until these regulations are finalized, we will accept and review written requests, on a case-by-case basis, to include an organization’s emblem on our approved list of emblems for Government headstones and markers.

In other words, the Secretary’s practice has been to evaluate and approve emblems on a case-by-case basis even when the National Cemetery Administration had no formal rules or procedures in place, or was working on changing the rules. A copy of Schettler’s August 2002 letter is attached as Exhibit M.

105. Yet during the same period, the Department simply declined to decide — whether under the rules or on a case-by-case basis — any of the Pentacle applications pending before it. In other words, the Secretary employed a discriminatory standard under which most religious groups obtain approval in a matter of months; Humanists must wait a year; and in nine years, Wiccans cannot even get a decision one way or the other.
G. Plaintiffs' Demand Letters

106. On June 7, 2006, plaintiffs' counsel sent a demand letter to Secretary Nicholson and Under Secretary Tuerk. Counsel explained that the Wiccan religion is legally entitled to the same First Amendment protections as any religion on the Department's officially approved list. Counsel also explained that the Secretary's and the Under Secretary's continuing refusal to act on and approve the Pentacle, while approving emblems of other religious groups, constitutes unconstitutional religious discrimination against Wiccans.

107. On July 27, Under Secretary Tuerk responded, stating:

I understand your desire to have the National Cemetery Administration expeditiously process pending applications to add the Wiccan Pentacle to VA's list of emblems of belief. However, the VA General Counsel recently advised us that before making decisions on pending applications, we must initiate a rulemaking to establish procedures for including new emblems of belief on the listing of emblems that will be inscribed on Government-furnished headstones and markers. I am presently unable to give you a definite time frame within which that rulemaking will be accomplished.

108. On September 26, plaintiffs' counsel sent a final-demand letter to Nicholson and Tuerk. In it, plaintiffs again explained that the VA's failure to act on the Pentacle applications while approving numerous other emblems of belief constitutes unconstitutional discrimination against Wiccans. Plaintiffs asked the Secretary to respond within fourteen days, and to approve the Pentacle as an officially sanctioned emblem of belief. And to the extent that the Secretary might be basing his refusal to act on any rule, regulation, policy, or other administrative action, plaintiffs requested a waiver of the offending rule.

109. To date, the VA has not responded to plaintiffs' final-demand letter.

Claims for Relief

110. The Secretary has a duty to act on the Pentacle applications because his failure to do
so leaves in place an unconstitutional Emblems-of-Belief Rule that unlawfully discriminates against Wiccans, and his discriminatory maintenance of the list similarly constitutes unlawful religious discrimination. As described in greater detail below, plaintiffs seek an order in this as-applied constitutional challenge holding that the Secretary’s actions with respect to the Wiccan Pentacle applications and discriminatory maintenance of the list violate the First and Fifth Amendments, the Religious Freedom Restoration Act, and the Administrative Procedure Act.

A. Establishment Clause Violation

111. Paragraphs 1 through 110 above are incorporated as if fully set forth here.

112. The Establishment Clause of the First Amendment to the U.S. Constitution provides that “Congress shall make no law respecting an establishment of religion.”

113. The Secretary’s discriminatory maintenance of the official emblems-of-belief list and the Secretary’s refusal to act on or approve the Pentacle requests violate the Establishment Clause by preferring religions whose emblems appear on the list over the Wiccan religion and other faiths whose emblems are excluded.

114. The Secretary’s exercise of discretion in refusing to approve (or even act on) the Pentacle applications constitutes invidious discrimination against the Wiccan faith and its adherents, violating the Establishment Clause by favoring other, more mainstream or well-known religions.

B. Free Exercise Clause and Religious Freedom Restoration Act Violations

115. Paragraphs 1 through 114 above are incorporated as if fully set forth here.

116. The Free Exercise Clause of the First Amendment to the U.S. Constitution provides that “Congress shall make no law . . . prohibiting the free exercise” of religion.

“Government shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability, [unless] it demonstrates that application of the burden to the person — (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.”

118. Laying a deceased family member to rest is a deeply spiritual experience for Wiccans no less than for people of other faiths. The display of a religious emblem on a memorial marker is a traditional and important ritual and form of religious exercise; an affirmation of the religious beliefs of the decedent and the decedent’s family; and for many people an affirmation of the divine or of an afterlife.

119. By preventing family members from marking the graves of deceased veterans with the Wiccan Pentacle, the government has substantially burdened the practice of the Wiccan faith, both for the families and for the deceased veterans who are being denied the rite of having their graves marked with the symbol of their faith.

120. The Secretary’s refusal to add the Pentacle to the list of officially approved religious emblems and discriminatory maintenance of the list violates the Free Exercise Clause by forbidding Wiccans to memorialize and sanctify the graves and monuments to their deceased loved ones with the symbol of their faith, the way that adherents of government-approved faiths do.

121. The Secretary’s refusal to approve the Pentacle and discriminatory maintenance of the list of government-approved faiths do not further any compelling governmental interest, as the RFRA requires. Nor, even if they did, would the conduct be the least restrictive means to further that interest, as the RFRA also requires.
C. Free Speech Clause Violation

122. Paragraphs 1 through 121 above are incorporated as if fully set forth here.

123. The Free Speech Clause of the First Amendment to the U.S. Constitution provides that "Congress shall make no law . . . abridging the freedom of speech."

124. The Secretary has established a limited public forum for private speech on the headstones and other memorial markers in VA cemeteries by allowing deceased veterans’ families to express with inscribed emblems their loved ones’ faiths or spiritual beliefs.

125. The Secretary has violated the Free Speech Clause by engaging in viewpoint discrimination against those who wish to express adherence to the Wiccan faith with a Pentacle on their loved ones’ memorials, while allowing those who wish to express adherence to the 38 government-approved faiths to do so.

D. Due Process Clause Violation

126. Paragraphs 1 through 125 above are incorporated as if fully set forth here.

127. The Due Process Clause of the Fifth Amendment to the U.S. Constitution provides that “[n]o person shall . . . be deprived of life, liberty, or property, without due process of law.”

128. The Fifth Amendment’s Due Process Clause contains an equal-protection component applicable to the federal government. The scope of the Fifth Amendment’s equal-protection component is the same as that of the Fourteenth Amendment’s Equal Protection Clause.

129. The Fifth Amendment’s equal-protection component prohibits the government from engaging in discrimination on the basis of religion. Religion — like race — is a suspect classification that triggers strict scrutiny: The government is forbidden to treat people differently
based on their religious beliefs, unless the official action is narrowly tailored to serve a compelling governmental interest.

130. By refusing to act on the Pentacle applications while simultaneously approving the emblems of other religions and belief systems, and by discriminatorily maintaining a list of government-approved faiths, the Secretary has discriminated against Wiccans on the basis of their religion and denied them the equal protection of the laws. The Secretary’s failure to approve the Pentacle and maintenance of the discriminatory list are not narrowly tailored to serve a compelling governmental interest and are motivated by anti-Wiccan bias.

E. Administrative Procedure Act Violation

131. Paragraphs 1 through 130 above are incorporated as if fully set forth here.

132. The Administrative Procedure Act provides that “[a] person suffering a legal wrong because of agency action, or adversely affected or aggrieved by agency action . . . is entitled to judicial review thereof.” 5 U.S.C. § 702. The reviewing court “shall compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1).

133. The Secretary has a legal duty to act on the Pentacle applications, because his failure to do so leaves in place an unconstitutional and discriminatory system.

134. The Secretary has unlawfully withheld and unreasonably delayed agency action by failing to decide whether to add the Pentacle to the list of officially approved emblems of belief, and by discriminatorily maintaining a list of government-approved religions.

Prayer for Relief

135. Paragraphs 1 through 134 above are incorporated as if fully set forth here.
A. Declaratory Relief

136. An actual controversy exists between the parties as to whether the Secretary's refusal to act on the Pentacle applications and the Secretary's discriminatory maintenance of a list of officially approved faiths violate the U.S. Constitution, the Religious Freedom Restoration Act, and the Administrative Procedure Act.

137. Accordingly, plaintiffs respectfully request a declaratory judgment that defendants are violating the First and Fifth Amendments, the RFRA, and the APA by refusing to issue any decision on the Pentacle applications and by discriminatorily maintaining a list of government-approved religions.

B. Injunction or Writ of Mandamus

138. Plaintiffs have no adequate remedy at law. They therefore respectfully request a preliminary and permanent injunction, writ of mandamus, or other appropriate relief under 5 U.S.C. § 706(1), compelling defendants to issue a decision on the Pentacle applications, and to add the Pentacle to the official list.

C. Nominal Damages

139. The Secretary and Under Secretary violated plaintiffs' constitutional and statutory rights. Plaintiffs therefore request that this Court impose nominal damages on both defendants in their individual capacities.

D. Attorneys' Fees and Costs

140. Plaintiffs further request an order awarding them their costs in this action, including attorneys' fees, under 28 U.S.C. § 2412, 42 U.S.C. § 1988, and any other applicable provisions of federal law.
E. Other Relief

141. Plaintiffs further request any other relief that the Court deems just and proper.

Respectfully Submitted,

/s/ Richard B. Katskee
Ayesha N. Khan
Richard B. Katskee
Alex J. Luchenitser
Aram A. Schvey

AMERICANS UNITED FOR SEPARATION
OF CHURCH AND STATE
518 C Street, NE
Washington, DC 20002
Tel:

/s/ James H. Hall Jr.
James H. Hall Jr. (State Bar No. 1004338)
F. Thomas Olson (State Bar No. 01010170)
HALL LEGAL, S.C.
Suite 410
759 North Milwaukee Street
Milwaukee, Wisconsin 53202
Tel:

Counsel for Plaintiffs

Dated: November 13, 2006

* Motion for admission pro hac vice pending.

* Admitted only in the State of New York and in the Commonwealth of Massachusetts (inactive); supervised by Richard B. Katskee, a member of the Bar for the District of Columbia and for the State of Maryland.
Available Emblems of Belief for Placement on Government Headstones and Markers

<table>
<thead>
<tr>
<th>EMBLEM</th>
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<tbody>
<tr>
<td>01</td>
<td>CHRISTIAN CROSS</td>
</tr>
<tr>
<td>02</td>
<td>BUDDHIST (Wheel of Righteousness)</td>
</tr>
<tr>
<td>03</td>
<td>HEBREW (Star of David)</td>
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<tr>
<td>04</td>
<td>PRESBYTERIAN CROSS</td>
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<td>05</td>
<td>RUSSIAN ORTHODOX CROSS</td>
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<tr>
<td>06</td>
<td>LUTHERAN CROSS</td>
</tr>
<tr>
<td>07</td>
<td>EPISCOPAL CROSS</td>
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<tr>
<td>08</td>
<td>UNITARIAN CHURCH (Flaming Chalice)</td>
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Exhibit C
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<tr>
<th>No.</th>
<th>Emblems of Belief for Placement on Government Headstones</th>
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<tbody>
<tr>
<td>09</td>
<td>UNITED METHODIST CHURCH</td>
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<tr>
<td>10</td>
<td>AARONIC ORDER CHURCH</td>
</tr>
<tr>
<td>11</td>
<td>MORMON (Angel Moroni)</td>
</tr>
<tr>
<td>12</td>
<td>NATIVE AMERICAN CHURCH OF NORTH AMERICA</td>
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<tr>
<td>13</td>
<td>SERBIAN ORTHODOX</td>
</tr>
<tr>
<td>14</td>
<td>GREEK CROSS</td>
</tr>
<tr>
<td>15</td>
<td>BAHAI (9 Pointed Star)</td>
</tr>
<tr>
<td>16</td>
<td>ATHEIST</td>
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</table>
Emblems of Belief for Placement on Government Headstones

17 MUSLIM (Crescent and Star)

18 HINDU

19 KONKO-KYO FAITH

20 COMMUNITY OF CHRIST

21 SUFISM REORIENTED

22 TENRIKOY CHURCH

23 SEICHO-NO-IE

24 CHURCH OF WORLD MESSIANITY (Izunome)

25 UNITED CHURCH OF RELIGIOUS SCIENCE
<table>
<thead>
<tr>
<th>Page</th>
<th>Emblems of Belief for Placement on Government Headstones</th>
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</thead>
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<tr>
<td>26</td>
<td>![Christian Reformed Church Emblem] (<a href="http://www.cem.va.gov/cem/nm/nmemob.asp">http://www.cem.va.gov/cem/nm/nmemob.asp</a>)</td>
</tr>
<tr>
<td>27</td>
<td>![United Moravian Church Emblem]</td>
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<tr>
<td>28</td>
<td>![Eckankar Emblem]</td>
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<tr>
<td>29</td>
<td>![Christian Church Emblem]</td>
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<tr>
<td>30</td>
<td>![Christian &amp; Missionary Alliance Emblem]</td>
</tr>
<tr>
<td>31</td>
<td>![United Church of Christ Emblem]</td>
</tr>
<tr>
<td>32</td>
<td>![Humanist Emblem of Spirit]</td>
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<tr>
<td>33</td>
<td>![Presbyterian Church (USA) Emblem]</td>
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<td>No.</td>
<td>Emblems of Belief for Placement on Government Headstones</td>
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<tr>
<td>34</td>
<td>IZUMO TAISHAKYO MISSION OF HAWAII</td>
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<tr>
<td>35</td>
<td>SOKA GAKKI INTERNATIONAL - USA</td>
</tr>
<tr>
<td>36</td>
<td>SIKH (KHANDA)</td>
</tr>
<tr>
<td>97</td>
<td>CHRISTIAN SCIENTIST (Cross &amp; Crown)</td>
</tr>
<tr>
<td>98</td>
<td>MUSLIM (Islamic 5 Pointed Star)</td>
</tr>
</tbody>
</table>

No graphics (logos, symbols, etc.) are permitted on Government-furnished headstones or markers other than the approved emblems of belief, the Civil War Union Shield, the Civil War Confederate Southern Cross of Honor, and the Medal of Honor insignias.
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

CIRCLE SANCTUARY; ROBERTA STEWART; KAREN DEPOLITO; ISIS INVICTA MILITARY MISSION; and JILL MEDICINE HEART COMBS as spouse and guardian of Gerwin Dee Combs, Incapacitated,

Plaintiffs,

v.

R. JAMES NICHOLSON, Secretary of Veterans Affairs, individually and in his official capacity; and WILLIAM F. TUERK, Undersecretary for Memorial Affairs, individually and in his official capacity,

Defendants.

SETTLEMENT AGREEMENT AND STIPULATION OF DISMISSAL

The Plaintiffs by Hall, Charne, Burce & Olson by F. Thomas Olson and Americans United for Separation of Church and State by Ayesha N. Khan, Richard B. Katskee, Alex J. Luchenitser, and Aram A. Schvey; and Defendants by United States Department of Justice by Richard G. Lepley and Eric J. Soskin, hereby STIPULATE and AGREE that:

1) Individuals of the Wiccan faith are entitled to have the Pentacle (as depicted in Plaintiffs' Complaint, Exhibit J at page 12) made available as an emblem of belief for inscription on headstones, grave markers, and memorial plaques, as described in 38 C.F.R. Part 38. The
Wiccan Pentacle will henceforth have the same status as the other emblems of belief on VA’s list of emblems available for inscription on government-furnished headstones and markers.

2) VA will promptly add the Pentacle to its list of available emblems of belief and publish this addition online during the first business day after execution of this Stipulation.

3) Within 14 days from execution of this Stipulation, VA will provide a headstone, marker, or memorial plaque (of a type suitable for placement in the relevant cemetery) inscribed with a Pentacle for Sgt. Patrick Stewart, PFC Jerome Birnbaum, PFC James Price, and any other eligible individuals who have submitted complete applications for Pentacle-inscribed headstones, markers, or memorial plaques, and who have been identified before the execution of this Stipulation. VA will coordinate with the Department of the Army, which controls Arlington National Cemetery, to promptly order headstones, markers, or memorial plaques inscribed with a Pentacle for Abraham and Rosemary Kooiman and for any other eligible individuals who have submitted complete applications for Pentacle-inscribed headstones, markers, or memorial plaques, and who have been identified before the execution of this Stipulation.

4) Within 21 days after receiving a complete application on VA Form 40-1330 from the next-of-kin or personal representative of an eligible decedent for a Pentacle-inscribed replacement for a government-furnished headstone, marker, or memorial plaque without an inscribed emblem of belief, VA will furnish at government expense a replacement headstone, marker, or memorial plaque (of a type suitable for placement in the relevant cemetery) inscribed with the Pentacle. VA will consider an application for a Pentacle-inscribed replacement for a government-furnished headstone, marker, or memorial plaque with another inscribed emblem of belief on a case-by-case basis using secular, non-discriminatory criteria.
5) For any complete application requesting a Pentacle-inscribed headstone, marker, or memorial plaque that is submitted to VA on Form 40-1330 by the next-of-kin or personal representative of the decedent within 30 days from the date that this Stipulation is executed, where the applicant has immediate need at the time that this Stipulation is executed and where the applicant otherwise qualifies to receive a government-provided memorial, VA will provide a Pentacle-inscribed headstone, marker, or memorial plaque (of a type suitable for placement in the relevant cemetery) on an expedited basis. After that 30-day period has expired, applications for Pentacle-inscribed headstones, markers, or memorial plaques will be processed in accordance with the VA’s regular procedures applicable to requests for headstones, markers, or memorial plaques bearing any other emblem of belief.

6) Each party agrees not to publish or otherwise disclose any documents produced in discovery or any copies, reproductions, excerpts, or images made of those documents in any form, including but not limited to copies stored in paper, electronic, and photographic form. The parties agree that upon execution of this Stipulation, all such documents and copies (except for Bates No. PR4199-PR4200) shall be remitted to the possession of their Counsel. Within 7 days after the later of (a) the addition of the Pentacle to the online list of emblems of belief, and (b) VA’s delivery of Pentacle-inscribed headstones, markers, or memorial plaques for Sgt. Stewart and PFC Bimbaum, each party agrees to return or to destroy all such documents and copies (including PR4199-PR4200). This agreement does not restrict Plaintiffs’ retention or use of any documents obtained through a Freedom of Information Act request or obtained from nonparties. Nor does it restrict Plaintiffs’ rights to speak or write about this action or about their attempts to obtain Pentacle-inscribed markers or to have the Pentacle placed on the list of available emblems of belief.
7) To the maximum extent permitted by law, Plaintiffs for themselves, their heirs, and their personal representatives, fully and forever release, acquit, and discharge the VA, including all defendants, employees, and former employees, either in their official or individual capacity, from any and all claims, demands, and causes of action, known or unknown, that Plaintiffs may have had, may now have, or may hereafter discover arising out of any event relating to the claims advanced in this proceeding, including without limitation any claims for personal injury or emotional distress.

8) VA agrees not to limit the ability of the Plaintiffs to participate in or assist with applications to add other emblems to the list of available emblems of belief in the future except through the use of secular, non-discriminatory criteria applied to individuals and organizations of all faiths.

9) Defendants agree to pay reasonable costs and attorneys' fees in the amount of $225,000, in full settlement of Plaintiffs' claims for such costs and fees to obtain this agreement and stipulation.

10) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), this case shall be dismissed with prejudice as to all claims against Defendants R. James Nicholson, Secretary of Veterans Affairs, and William F. Tuerk, Under Secretary for Memorial Affairs, subject to the following retention-of-jurisdiction provision.

11) The Parties intend for the Court to retain jurisdiction over this case for a period of 60 days following the execution of this Stipulation to ensure that the parties have complied with their obligations. The parties jointly submit the proposed order annexed hereto and request that the Court enter it on the record of this case.
Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

ERIK C. PETERSON
United States Attorney

RICHARD G. LEPLEY
Assistant Branch Director
ERIC J. SOSKIN
Trial Attorney
U.S. Department of Justice, Civil Division
Federal Programs Branch

Mailing Address
P.O. Box 883
Washington, DC 20044

Overnight Delivery Address
20 Massachusetts Ave., N.W.
Washington, D.C. 20001

Tel.:
Fax:

Attorney for Defendants

Dated: April 20, 2007

AYESHA N. KHAN
RICHARD B. KATSKEE
ALEX J. LUCHENITSER
ARAM A. SCHVEY
Americans United for the Separation of
Church and State
518 C Street, N.E.
Washington, DC 20002
Tel.: [redacted]

JAMES F. HALL
F. THOMAS OLSEN
Hall Legal, S.C.
Suite 410
759 North Milwaukee St.
Milwaukee, WI 53202

Attorneys for Plaintiffs
One year ago today, US Department of Veterans Affairs (VA)-issued veteran grave markers with Pentacles were dedicated in a public ceremony at Circle Cemetery, a national Pagan cemetery, located in the heart of Circle Sanctuary Nature Preserve near Barneveld, Wisconsin.

In observance of Memorial Day this year, we are releasing information about Pentacle veteran grave markers the VA has issued in the past year since the Veteran Pentacle Quest victory.

This news was compiled from Freedom of Information Act documents obtained from the VA by Selena Fox of Circle Sanctuary just prior to Beltane, May 1, 2008. The following is excerpted and adapted from her report, which will be published in the next issue of CIRCLE magazine, which goes to press in early June.

VETERAN PENTACLE GRAVE MARKERS ACROSS THE USA

In the year since adding the Pentacle to its list of emblems, the VA has issued 26 veteran grave markers with Pentacles. Two dozen are for deceased veterans, and of these, one is for a veteran and his wife. The other two markers are interfaith with the Pentacle signifying the Wiccan faith of wives buried with their veteran husbands in federal cemeteries.

SERVICE: Wiccan and Pagan veterans honored by Pentacle grave markers include those who served in the Army, Navy, Air Force, and Marine Corps. Their combined range of service has spanned seven decades. The majority of the markers are for war veterans, including two who served in World War II, three who served in the Korean War, and seven who served in the Vietnam War.

WAR DEATHS: Some of the markers are for those who have died in 21st century wars. In addition to Sgt. Stewart, a Desert Storm veteran who was killed in action in Operation Enduring Freedom in Afghanistan and whose widow, Roberta Stewart, spoke out publicly as part of the Veteran Pentacle Quest, there are markers for six troops who were killed in Iraq as part of Operation Iraqi Freedom, and another for a soldier who had served both in the Afghanistan and Iraq wars and who died of war-related injuries after
returning home.

CEMETERIES: The 26 Pentacle markers are in 17 cemeteries across the United States. 16 of the markers are in national cemeteries, five of which are in Arlington National Cemetery. One is in a state veterans cemetery. Nine are in private cemeteries, four of which are at Circle Cemetery in Wisconsin.

STATES: There are VA-issued Pentacle markers in 14 states: California, Colorado, Florida, Maine, Minnesota, Nebraska, New Hampshire, New York, North Carolina, Oklahoma, Tennessee, Texas, Virginia, and Wisconsin.

On this Memorial Day, we honor the lives and service of Wiccan and other Pagan veterans who have died.

We give thanks for the Pentacle markers that have been issued by the VA thus far.

And, we send out the wish that the VA will finally finish revising its protocols and procedures for adding additional emblems of belief to its list of those it will include on the veteran grave markers it issues so that symbols of other branches of Paganism can be included as well as symbols of other religions.

Liberty and Justice for All.

Circle Times: Memorial Day, Monday, May 26, 2008