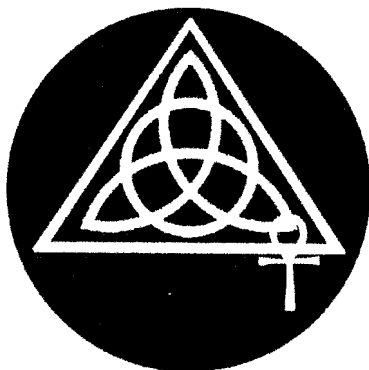


Cabot Kent Hermetic Temple

Law Memorandum



Witchcraft as a Religion in the United States

Statement of Facts

Witchcraft in the United States is a living, growing religion. As a religion, Witchcraft is protected by the Constitution. The Law has the obligation to serve and protect Witches in their religious endeavors, equally as much as it protects the rights and freedoms of other groups.

In the United States today, Witches are entitled to the same rights and protections as other groups under the First and Fourteenth Amendments.

ISSUE I:

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

ISSUE II:

Does the practice of Witchcraft fall within the parameters of the First Amendment's protection clause?

ISSUE III:

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

ISSUE IV:

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

ISSUE I:

Witchcraft is recognized in the United States as a legitimate religion. In 1985, *Dettmer v. Landon* (617 F. Supp. 529) the District Court of Virginia pursuant to rule 52 (a) of the Federal Rules of Civil Procedure, ruled that Witchcraft is a legitimate religion and falls within a recognizable religious category. In 1986, in the Federal Appeals court, fourth circuit, *Butzner, J.* affirmed the decision. (592 F. 2d 934). Since in most cases Federal law, even case law supersedes state law in this type of matter, the affirmation by judge Butzner clearly sets Witchcraft as a religion under the protection of constitutional rights. "The Church of Wicca (or Witchcraft) is clearly a religion for First Amendment purposes.

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

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

ISSUE II:

The first amendment of the United States Constitution guarantees the right to freedom of religious belief. The USCA states that a practice is a religion if it is for an individual a belief system for their whole life. The constitution does not wish to dictate what an individual should hold as a belief system or how it is practiced and will not enter into a ruling on that. "Court may not inquire into worthiness of parties' religious belief to ascertain whether they merit First Amendment protection, but need only consider whether beliefs are 'religious' in parties' own scheme of things and whether their beliefs are sincere. USCA Const. Amend. 1 (Kaplan v. Hess 694 F. 2d. 842/224 U.S. app. D.C. 281)" "To be a bona fide religious belief entitled to protection under either the First Amendment or Title VII, a belief must be sincerely held" and within the believers own scheme of things religious. USCA Const. Amend. 1: Civil Rights Act 1964 §§ 701 et seq., 717 as amended 42 USCA § 2000e-16"

ISSUE III:

The equal protection clause is guaranteed to all people and groups. If one group of people is entitled to equal protection than all groups are. Witchcraft is accepted as a religion, therefore, Witches are entitled to the same protections as all other religious groups; under the equal protection clause of the Fourteenth Amendment. "First and Fourteenth Amendments insures without qualification that a state may not

forbid the holding of any religious belief or opinion, nor may it force anyone to embrace any religious belief or to say or believe anything in conflict with his religious tenets. USCA Const. Amend. 1, 14 Africa v. Anderson 542 F. Supp. 224." (16 FPD 212-216)

ISSUE IV:

USCA ARTICLE VII § 2 states:

"This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be The Supreme Law of the Land; and the Judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding."

In light of the fact that Dettmer v. Landon supra, being a Federally Adjudicated case, it is thereby protected by the Constitution. No state can override this Federal adjudication. No Witch can be denied his/her civil liberty and right to be a Witch, open and free, in any state in the land; within the parameters of the Law.

COMMONWEALTH OF MASSACHUSETTS LAW

This is an example of how state law supports and protects the rights guaranteed to individuals by the United States Constitution and Federal Law.**

Ch. 265 §37. Interfering with Any Right or Privilege Secured by Constitution or Laws of Commonwealth.

No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the commonwealth or by the constitution or laws of the United States. Any person convicted of violating this provision shall be fined not more than one thousand dollars or imprisoned not more than one year or both; and if bodily injury results, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than ten years, or both. *(Added by L. 1979, chap. 801 (2), eff. 2/14/80.)*

Ch. 265 §39. Intimidation

Whoever commits an assault or a battery upon a person or damages the real or personal property of another for the purpose of intimidation because of said person's race, color, religion, or national origin

shall be punished by a fine of not more than five thousand dollars or not more than three times the value of the property destroyed or damaged, whichever is greater, or by imprisonment in a house of correction for not more than two and one-half years, or both. *(Added by L. 1983, chap. 165 (1), eff. 9/8/83.)*

Ch. 266 *§127A. Injury to Religious, Educational, etc., Institutions.

Any person who willfully, intentionally and without right, or wantonly and without cause, destroys, defaces, mars, or injures a church, synagogue or other building, structure or place used for the purpose of burial or memorializing the dead, or a school, educational facility or community center or the grounds adjacent to and the owned or leased by any of the foregoing or any personal property contained in any of the foregoing shall be punished by a fine of not more than two thousand dollars or not more than three times the value of the property so destroyed, defaced, marred or injured, whichever is greater, or by imprisonment in a house of correction for not more than two and one-half years, or both; provided, however, that if the damage to or loss of such property exceeds five thousand dollars, such person shall be punished by a fine of not more than three times the value of the property so destroyed, defaced, marred or injured or by imprisonment in a state prison for not more than five years, or both.

**(Added by L. 1983, chap. 165 (2), eff. 9/8/83.)*

***Information provided for the CKHT by Captain Paul Murphy, Salem Police Department, Salem Massachusetts*

CONCLUSION:

Witchcraft is a legally recognized religion in the United States and Witches are entitled to every right and protection for freedom of religion, including freedom from harassment and prejudice as every other recognized religion in the United States.

The United States Constitution, under the First and Fourteenth Amendments, supports the right of all peoples in the United States to practice their own belief system and to enjoy this in each their own manner.

Lawyers and Law Enforcement Agencies have the obligation to protect the rights of all people in their religious endeavors, no matter what they may be, without bias or prejudice.

Witches desire only to retain their right of religious privacy and to practice their Craft as they see fit within the parameters of the law.

Cabot Kent Hermetic Temple
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