



VOICE OF REASON

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Catholic Bishops Launch Parochial Campaign

Despite repeated defeats at the polls, as in Oregon on Nov. 6 and in the courts, the Catholic bishops in the U.S. are launching a new campaign to get tax support for sectarian private schools. On Nov. 14 the bishops voted 241 to 10 for a statement calling for formation of diocesan, state, and national pressure groups to be set up to lobby for tax aid for parochial schools. The statement included a proposal to provide \$2 million in "seed money" to establish a national lobby office to coordinate the effort.

Meanwhile, the National Catholic Educational Association announced in November that it planned to hold a conference in November 1991 to discuss, among other matters, how tax support can be obtained for parochial schools. Public officials are to be invited to the meetings. A study by Americans for Religious Liberty in 1983 showed that at that time more than \$1 billion annually in federal, state, and local funds was being diverted to sectarian and other private schools under minor and peripheral forms of tax aid (transportation, textbooks, auxiliary services, fees for services, etc.), though all major forms of parochial aid have been found unconstitutional by the courts and also defeated in over a dozen referenda in the last twenty years from coast to coast.

Enrollment in Catholic parochial schools has fallen in the last 25 years from 5.5 million to 2.6 million students, primarily due to changing parental preferences. Only about 25% of Catholic students now attend church schools, down from about 50% in 1965. Despite "moral majoritarian" claims of huge increases in nonpublic school enrollment, total nonpublic enrollment has declined since 1965 both in absolute numbers and in percentage of total enrollment. Increases in Protestant fundamentalist school enrollment have partially made up for the precipitous decline in Catholic school enrollment.

Religious liberty experts point out that any form of tax aid for nonpublic education (vouchers, tuition reimbursement tax credits, etc.) would violate the constitutional principle of separation of church and state, and would tax all citizens for the support of sectarian institutions (over 90% of nonpublic enrollment is in sectarian schools) which would not be under any meaningful public control and which practice forms of indoctrination and discrimination not allowed in public schools. Tax aid for nonpublic schools would tend to divide children along sectarian, racial, ethnic, social class, gender, and academic ability level lines. It would also wreck public education and inflate educational costs. Further, public funding of nonpublic schools would subsidize sectarian institutions run by religious bodies which generally take a hard line against women's rights and church-state separation. Nearly all of the religious bodies

which operate private schools refuse to ordain women.

In other action, Bush Administration Education Secretary Lauro F. Cavazos came out on Dec. 4 in favor of tax support for sectarian and other private schools through vouchers and tuition tax credits. Cavazos said that while the federal government cannot afford to pay for vouchers at this time, state and local governments should do so. Cavazos did not say how state governments could get around federal and state constitutional bans on vouchers and tuition tax credits, or, if they could, where they could find extra money to divert to nonpublic schools. ■

Church-State Separation Wins Big in Oregon and Nevada

Despite being outspent at least 2 to 1, Oregon's defenders of church-state separation and public education won a solid 67% to 33% at the polls on November 6. At issue in the referendum was a proposed tuition tax credit of \$2,500 per child for students who attend parochial and private schools or who are educated at home. The proposal would have cost taxpayers \$60-\$100 million per year.

This costly and unconstitutional parochial scheme attracted considerable out-of-state money. The latest report showed \$260,000 expenditures for the scheme's front group, Oregonians for Educational Choice. An astounding 93% of the funds came from out of state, including a \$60,000 donation from the Washington, D.C.-based Citizens for a Sound Economy, a group which supports "free market economic policies and supply side economics," according to media relations director Sedef Onder. CSE, founded in 1984, claims 250,000 members nationwide. Ms. Onder said the group had used Oregon as an "experiment" in grassroots advocacy.

Other supporters of the proposal included Vice-President Dan Quayle, voucher advocate John Chubb of the Brookings Institution, conservative economist Milton Friedman, conservative guru William Buckley and national drug czar William Bennett. The far right advocates included Paul Weyrich's Free Congress Foundation, Phyllis Schlafly's Eagle Forum and Beverly LaHaye's Concerned Women for America.

Supporters of church-state separation and public education raised \$130,000, almost all of it from in-state. Oregon teachers organizations and the National Education Association spearheaded these efforts.

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Teaching Religious Liberty – The Wrong Way (II)

Teaching public school students about religious freedom and church-state separation is a good idea. Unfortunately, the new curriculum supplement or “mini-curriculum” just published by Learning Connections Publishers in Boston falls considerably short of doing it the right way.

Living With Our Deepest Differences: Religious Liberty in a Pluralistic Society (three loose-leaf volumes for grades 5, 8, and 11, with additional audio cassette and video tape, \$169.85) is a product of what was not long ago the Williamsburg Charter Foundation, subsequently transmogrified into the Williamsburg Charter Education Trust and then into something called the First Liberty Institute, attached to George Mason University in Virginia. This newsletter has been rather critical of the Williamsburg group and its “charter” and of earlier drafts of the present curriculum (see newsletters 25 and 30).

Curiously, when publication of the curriculum was announced at a press conference in Washington on October 31, copies of the curriculum were not made available to the assembled reporters. When I sought to obtain a copy, so that I could discuss it at a conference in Boston (where the publisher is located) two days later, I was told that none was available. I managed to get a copy from another source a few days later.

Although the curriculum is somewhat improved over the earlier drafts, thanks in large measure to extensive critiques by myself and others, it remains unfocussed, confusing, sloppily designed, and eccentric. It abounds in irrelevant material and omits important material which should have been included. On the basis of my 25 years of professional activity in the religious liberty field, and previous training and experience as a history teacher, I would not recommend this curriculum for use in public schools.

In response to my criticism that an earlier draft of the curriculum lacked a definition of religious liberty, the final product makes a stab at a definition, “borrowed” in part and without attribution from the introduction to my 1988 book *Religious Liberty in Crisis*.

Incidentally, though the curriculum’s six authors’ names are listed, nothing in the books or the publisher’s promotion material contains any information about their qualifications or experience.

Among the irrelevant materials included in the curriculum: the passenger list from one of the Puritan ships to New England in 1635; excerpts from Betty Bao Lord’s book *In the Year of the Boar*; a letter from Ben Franklin contemporary Christopher Sauer to the Pennsylvania government; a short piece on slavery by John Woolman; lyrics to a couple of “Negro spirituals”; two of Aesop’s fables; an essay on how a girl escaped from the Soviet Union in the 1930s; the lyrics to the song “America” by Neil Diamond and “The Immigrant” by Neil Sedaka; Martin Luther King’s “I Have a Dream” speech (with which students should be familiar but which has little or nothing to do with religious liberty); an address by John Courtney Murray on “The Return to Tribalism”; material by William Lloyd Garrison on abolitionism; a poem about Northern Ireland by actor Richard Harris.

The only quotation from John F. Kennedy, who had a lot to say about church-state separation, is an irrelevant quote from a Connecticut speech having nothing to do with religious freedom.

All three volumes refer to Humanists as people without religious affiliations, which will come as news to the majority of Unitarian Universalists, Jewish Humanists, members of Ethical Societies, etc.

A quote is made from George Washington’s 1790 letter to the Touro Synagogue, but to a less relevant part of the letter than the part about the Constitution giving “to bigotry no sanction, to persecution no assistance.”

The books mention Latin American immigration to the U.S., but overlook the fact that a large Hispanic population was added to the U.S. by the military conquests of half of Mexico and all of Puerto Rico. The books also claim that about 75% of the people in the U.S. at the time of Independence were of the Calvinist or
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Americans for Religious Liberty is a nonprofit public interest educational organization dedicated to preserving the American tradition of religious, intellectual, and personal freedom in a secular democratic state. Membership is open to all who share its purposes. Annual dues are \$20 for individuals, \$25 for families, \$10 for students and limited income.

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Church-State Separation, *continued from page 1*

Once again Oregon's voters rejected proposals designed to weaken public and aid sectarian schools. The 2 to 1 defeat is even greater than a 1972 Oregon referendum proposal to aid church schools, which went down 61% to 39%. The Oregon defeat is but the latest in a long string of electoral setbacks for parochial advocates since 1966.

Defenders of abortion rights won three major victories on election day, two of them in Oregon. A proposal to restrict abortion to all but a few instances went down 67% to 33%. A parental notification law was also rejected 52% to 48%. The latter defeat may be the more significant since national polls have claimed strong support for the concept. A proposal strengthening the right to abortion won 63% to 37% in Nevada.

Abortion was a major factor, according to national exit polls, in the Florida governor's race, the Iowa U.S. senate race and in Northern Virginia's 8th Congressional District. In all races a pro-choice Democrat bested an anti-choice Republican. In 32 other races abortion was a moderate issue, said ABC News, and the pro-choice side won 17 of them. A number of Republican winners favored abortion rights, including newly elected Governors William Weld in Massachusetts and Pete Wilson in California, and Rep. Wayne Gilchrest in Maryland.

Anti-abortion forces can take some pleasure in the reelection of Jesse Helms in North Carolina, and in a number of House races. Anti-abortion sentiment remains strong in the Michigan, Kansas, Ohio, Iowa, and Pennsylvania legislatures. Newly-elected Republican governors in Ohio and Michigan have removed the threat of gubernatorial vetoes of anti-abortion measures which might pass the legislature.

Both sides of the abortion issue claimed some victories in post-election news conferences. Anti-abortionists stressed the reelection of Republican Stephen Freind in Delaware County, Pennsylvania, and the defeat of Wisconsin Senate Majority (Democrat) leader Joseph Strohl by a Republican abortion foe.

Pro-choice activists stressed delight in the ouster of Philadelphia state senator Joseph Rocks by abortion rights activist Allyson Schwartz. In Orange County, California, Republican assemblyman Kurt Pringle, a leading abortion opponent, was defeated. Florida voters rejected 59% to 41% a move to oust state supreme court Justice Leander Shaw because of his pro-choice rulings. And Governor Cecil Andrus of Idaho, who vetoed an anti-abortion measure passed by the legislature last year, was handily reelected.

Both sides agree that abortion rights supporters gained seven to nine seats in the U.S. House of Representatives, which could make a difference on some closely-contested decisions concerning Medicaid funding and in overriding presidential vetoes.

Voters in Maine chose to keep large stores open on Sunday in the only "Blue Law" referendum on the ballot.

The Religious Right had virtually no impact on election outcomes and no clergy were elected. One television preacher, Republican Richard Hawks, won only 39% of the vote in Indiana's normally Republican 4th District around Ft. Wayne.

The candidates' religious affiliation also caused barely a ripple of interest. One oddity came in the Minnesota U.S. senate race—the only one that changed parties in this quirky off-year election. Republican incumbent Rudy Boschwitz sent ads to Jewish voters citing his close knit family and attacking his Democratic opponent Paul Wellstone, who is also Jewish, for "marrying a non-Jew and raising his children outside the Jewish faith." Voters found the appeal tasteless, and it apparently backfired when it

it was made known. Why Boschwitz would choose to make such an appeal in a state with a 1% Jewish vote remains an enigma. Wellstone won in a major upset.

The religious affiliation of voters, though, remains an important factor in how people vote. In North Carolina, for example, national exit polls found 67% of white Protestants voted for Republican Senator Jesse Helms but 53% of white Catholics voted for Democrat Harvey Gantt. County data shows Helms did especially well in Southern Baptist strongholds and in counties where a large percentage of voters are members of evangelical churches. In almost all states white Protestants were more likely to favor GOP candidates for governor and senator than were white Catholics. Hispanic Catholics and Jews were strongly Democratic, though Jewish voters favored Republican William Weld over Democrat John Silber in Massachusetts. A surprising number (47%) of Hispanic voters in California favored Republican Pete Wilson, while 72% of Jews favored Dianne Feinstein. Interestingly, Asian Americans in California, who are mostly non-Christian, are the most Republican voting group.

Nationwide, the vote for the U.S. House reaffirmed traditional religious differences as 68% of white evangelical Protestants voted Republican but only 22% of black Protestants and 26% of Jews did so. Republicans won 57% of all white Protestants, 43% of white Catholics and 31% of Hispanic Catholics.

The polls seem to ignore the 13% of voters who are nonaffiliated or who profess some religion other than Christian or Jewish. The data are there but are rarely reported. In 1988 these voters favored Dukakis by 2 to 1, so it is likely they preferred Democratic House candidates this year.

Interestingly, 60% of unmarried voters chose the Democrats compared to 50% of married ones. Women who are homemakers voted 55% Republican. Voters with advanced and post-graduate college degrees also favored the Democrats. In North Carolina, 63% of the very well educated voters went for Democrat Harvey Gantt. ■

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Teaching Religious Liberty

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Puritan or Reformed traditions, which overlooks the very substantial portions of the population which were Anglican, Lutheran, Moravian, Methodist, Catholic, Jewish, and African.

The curriculum does not really go into the European religious liberty problems which led so many people to migrate to the U.S., and barely hints at the religious liberty problems facing our country today. Much is said about the large scale loss of life in the twentieth century in Nazi Germany, the U.S.S.R., and China, but its relevance to religious liberty problems is not discussed, nor are earlier religious wars given any serious attention.

The curriculum contains much puffery for the deeply flawed "Williamsburg Charter" and states candidly that it has no preference as between the separationist and "accommodationist" (Rehnquist—Meese, etc.) interpretations of the Constitution and First Amendment.

The video tape accompanying the curriculum is one of the most irrelevant things I have ever seen. It makes much of Nien Cheng, a Chinese woman imprisoned by the Red Chinese government, and her U.S. citizenship ceremony, none of which has anything to do with religious freedom. Featured in the film are the Williamsburg Charter originator, Briton Os Guinness, conservative writer Michael Novak, and church-state accommodationist theoretician Richard John Neuhaus, an ardent supporter of tax support for sectarian schools and vigorous opponent of freedom of conscience on abortion. Absent, however, is any known defender of church-state separation. Much is made of the signing of the Williamsburg Charter, the film showing Chief Justice Rehnquist, Gerald Ford, Phyllis Schlafly, Michael Dukakis, Robert Dole, and Jimmy Carter doing so.

The film also shows clips of conflict in Lebanon, El Salvador, Iran, Sri Lanka, Northern Ireland, and the U.S.S.R., but with no explanation as to how those conflicts may be related to religious liberty issues. Certainly the murder in El Salvador of Bishop Oscar Romero has no relevance to religious liberty concerns. The film leaves the simple and inaccurate impression that complex social conflicts are one-dimensional religious confrontations.

The audio cassette accompanying the curriculum consists almost entirely of Martin Luther King's "I Have a Dream" speech. Again, this is important for students to hear but has little or no bearing on the subject of the curriculum.

Whether the authors of this mini—curriculum know that their work is rather a confused and confusing mess which does the course of religious freedom little good and possibly some harm, I cannot say. But without considerable rewriting it does not belong in any public school classroom.

— Edd Doerr

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Religious Affiliations in the New Congress

The 102nd Congress will have 142 Catholics, an all-time high. There are also 41 Jewish members, also a record number. But Protestant churches still predominate when all Protestant groups are combined.

United Methodists rank second with 75 members, followed by Episcopalians and Baptists, tied for third place with 59 members each. Presbyterians are in fifth place with 51 members.

There are 30 Protestant members who do not identify with any denomination, plus 22 Lutherans, 13 Mormons (an all-time high), 12 United Church of Christ adherents, 10 Unitarian Universalists, and 7 Greek Orthodox Christians in the new Congress. All other religious communities together claim 9 members, while 5 are non-affiliated.

Two new religious groups to claim members are the Pan-African Orthodox Shrine of the Black Madonna, and the Evangelical Covenant Church. Michigan Democrat Barbara Collins belongs to the former and Colorado Republican Wayne Allard to the latter.

The election returns showed that candidates of minority faiths can still win. Pete Peterson, a Democrat from heavily Baptist North Florida, is a Catholic. Dick Swett, the fifth Democrat elected to the House from northern New Hampshire since 1912, is a Mormon.

The changing religious character of Congress typifies the changing religious landscape of the nation. Only about 60% of the 102nd Congress are traditional Protestants compared to 77% in 1960.

Congressional Affiliation Changes 1988-90 (House and Senate are Combined)

Religion	1990	1988	Change
Roman Catholic	142	139	+3
United Methodist	75	76	-1
Episcopalian	59	63	-4
Baptist	59	55	+4
Presbyterian	51	51	0
Jewish	41	39	+2
Protestant	30	26	+4
Lutheran	22	24	-2
Mormon	13	11	+2
United Church of Christ	12	12	0
Unitarian Universalist	10	10	0
Non-affiliated	5	4	+1
All others	16	25	-9

ARL in Action

ARL Supports Bias Challenge

ARL is supporting a federal court challenge in Chicago of religious discrimination in admissions to the Boy Scouts of America in *Welsh v. BSA*. The case involves 7-year-old Mark Welsh, who was turned down for Scout membership because he refused to subscribe to the BSA requirement to "recognize an obligation to God" and to take an oath to do one's "duty to God." Welsh and his father Elliott Welsh contend that the Scouts' religious discrimination violates Title II of the 1964 Civil Rights Act, which bars religious and other forms of discrimination in any "place of public accommodation." Federal Judge Ilana Rovner ruled in August against the BSA's contention that the Scouts are not a "place of public accommodation" under the Civil Rights Act and that the case will go to trial.

Elliott Welsh, Mark's father, was the plaintiff in the landmark 1970 Supreme Court ruling, *Welsh v. United States*, which held that conscientious objection to participation in military service may be based on deeply held ethical, though not specifically religious, views.

ARL-ACLU Parochial Suit Advances

The ARL-ACLU lawsuit challenging the millions of dollars in federal funds for foreign religious schools (*Lamont v. Baker*, filed on Feb. 1, 1988, in federal district court in New York) has been sent to the Second Circuit U.S. Court of Appeals for clarification of several legal points before the lower court can proceed with a trial on certain disputed facts in the case.

ARL Joins Parochial Amicus Brief

Americans for Religious Liberty has joined with educational organizations and member groups of the National Coalition for Public Education and Religious Liberty in an *amicus curiae* brief to a federal district court in Louisiana in the *Helms v. Cody* case. The suit challenges the practices in that state of having public school employees teach in parochial schools, using public funds to reimburse parochial schools for numerous administrative expenses, and running a school transportation system segregated by religion. The suit also challenges a 1988 congressional enactment which provides funds directly to parochial schools for capital expenses. In the same suit, the district court ruled on March 27, 1990, that state provision of educational materials and equipment to parochial schools is unconstitutional.

Since our last newsletter, ARL president John M. Swomley and advisor Ruti Teitel were featured speakers at the Oct. 16 conference of the New York Committee for Public Education and Religious Liberty. ARL executive director Edd Doerr appeared as a guest expert on the nationally televised "Geraldo" show and on radio stations in Boston and Washington. He spoke on Nov. 28 on abortion rights at Georgetown University, a Catholic institution in Washington, D.C., and on church-state issues in general at the Nov. 2 conference in Boston of the Council for Democratic and secular Humanism. He also addressed church services in Wayne, NJ, and Hagerstown and Reisterstown, MD.

Update

Reproductive Rights

The U.S. Supreme Court heard oral argument on Oct. 31 in *Rust v. Sullivan*, the ACLU-sponsored challenge to the Reagan administration's "gag rule" regulations that ban speech about abortion in Title X family planning clinics. Arguing on behalf of the ACLU and New York State, Harvard Law School Prof. Laurence Tribe told the Court that the "gag rules" prevent medical care professionals from providing information to clients or patients who may need it regarding the abortion option in relation to problem pregnancies.

The Reagan administration rules, adopted in 1988, affect the 4,000 clinics which serve an estimated 4.3 million patients annually, including 1.4 million teenagers, at a cost to the federal government in 1990 of about \$140 million.

Americans for Religious Liberty joined with 116 other women, lawyers, religious, and other groups in an *amicus curiae* brief to the Court sponsored by the National Organization for Women Legal Defense and Education Fund. Educational and medical groups also filed briefs in the cases. The NOW brief showed that the gag rules "unduly burden a woman's fundamental privacy right to make informed reproductive decisions free from unwarranted governmental interference," and "violate the First Amendment rights of low income women to receive information from health care providers at Title X clinics."

In other developments, the Bush administration's ban on the importation of RU-486, the French-developed abortifacient drug, is "arbitrary, political, and unscientific," Rep. Ron Wyder (D-OR) told a congressional hearing on the drug on Nov. 19. Scientists also charged that the ban on the drug is impeding the U.S. research into its effectiveness in treating breast cancer, AIDS, and other fatal diseases. The Food and Drug Administration issued an "import alert" against RU-486 in 1989 after being pressured by Sen. Jesse Helms, Rep. Robert Dornan, and anti-choice groups. RU-486 has been used by thousands of French women as an abortifacient with generally satisfactory results.

Meanwhile, the board of directors of the Board for Homeland Ministries of the United Church of Christ has approved a resolution saying that women should have access to RU-486 if it meets federal safety standards.

A panel of the U.S. Court of Appeals for the Third Circuit has confirmed a district court order permanently enjoining Operation Rescue from blockading Philadelphia-area abortion clinics. Operation Rescue's "well-orchestrated campaign to disrupt and shut down abortion clinics was sufficient to show a concrete threat," the court found. Never reaching the Federal section 1985(3) and RICO claims raised by the plaintiffs, the Court affirmed the injunction based on state tort and trespass law. As a result of the affirmation, contempt findings and coercive fines of \$5,000 per violation will remain applicable against Operation Rescue and several individual defendants.

The Fund for the Feminist Majority has launched a national campaign to enlist one million young women on college and high school campuses to fight laws that restrict abortion. The campaign, which has joined forces with Karen and Bill Bell, the parents of a 17-year-old Indiana woman who died in 1988 as a result of Indiana's parental consent law, will alert parents, young women and politicians that parental involvement laws are deadly and shatter women's lives. The Bells will appear on campus in Michigan, Oregon, Pennsylvania, New York, Indiana, Ohio, Massachusetts and California and will urge students and their parents to wear memorial bracelets that symbolize the lethal impact of restrictive abortion laws. Similar to those worn during the Vietnam war, two of the bracelets bear the names of Becky Bell and Rosie Jiminez, the first known victim of the Hyde Amendment, which blocks Medicaid funding for low income women. A third bracelet memorializes the women worldwide who die from illegal abortions at the alarming rate of one every three minutes. The campaign is also distributing a new video: *Abortion Denied, Shattering Young Women's Lives*. For information contact The Fund for the Feminist Majority, 1600 Wilson Blvd. #704, Arlington, VA 22209 or call (703) 522-2214.

Catholics for a Free Choice has released a new publication entitled "Guide for Pro-Choice Activists: the Church, the State and Abortion Politics." Outlining how pro-choice Catholic elected officials, candidates and clinic personnel are seriously and relentlessly threatened by the nation's Catholic Bishops, the guide reports on more than 40 instances of church-sponsored sanctions or directives limiting the participation of pro-choice policy makers in religious life. The publication answers questions and contains information on church law as it relates to abortion. For more information and copies of the report, contact Catholics for a Free Choice, 1436 U Street, NW, Suite 301, Washington, DC 20009, or call (202) 638-1706.

Corpus Christi Catholic Bishop Rene H. Gracida excommunicated Elva Bustamante in November for refusing to quit her position as director of an abortion clinic. Gracida drew national attention earlier when he excommunicated an obstetrician and another clinic director. So far, Bishop Gracida is the only bishop to actually excommunicate members of his church for their activities regarding abortion.

A U.S. District Court for the District of Maryland determined in October that the Accreditation Council of Graduate Education did not violate the free exercise clause when it withdrew accreditation from a Catholic hospital's Ob/Gyn residency program. The hospital, which refused for religious reasons to provide clinical training to residents in elective abortions, sterilizations and artificial contraceptives, alleged that the denial of accreditation was religious-based discrimination. But the court disagreed. "Of critical importance is that the hospital's residency program trains residents of all religious backgrounds and beliefs," the Court said. "While the Catholic hospital imposes its Catholic philosophy on the non-Catholic residents, once they get their licenses they have the right to perform abortions and sterilizations and prescribe contraceptives. ACGME and the public surely have an overwhelmingly compelling interest in ensuring that these procedures are performed by competently trained physicians," the court added.

Women's Rights Win

Women's rights won a victory in Washington on Nov. 28 when an out-of-court settlement was reached in a suit against George Washington University Medical Center. The hospital had been sued by the parents of Angela Carder for obtaining a court order to perform a caesarean on critically ill cancer patient Angela Carder to save a 26-week fetus, an operation which apparently shortened her life. She died two days later, while the caesarean-delivered baby lived only two hours. The hospital's attorney had claimed that it had a right to perform the surgery whether the patient agreed or not.

ACLU attorneys representing Carder's parents got the hospital to agree that a woman's wishes will be paramount in any dispute between a woman's rights and "fetal rights." National Right to Life attorney James Bopp denounced the agreement. Americans for Religious Liberty had joined in an *amicus curiae* brief supporting the ACLU along with 31 religious, labor, health, family planning, and other groups.

Creationism-Evolution

A public school teacher may not disobey a superintendent's order not to teach "creationism" in his junior high social studies classes. So ruled the Seventh Circuit U.S. Court of Appeals in November in *Webster v. New Lenox School District*. The ruling noted that teaching creationism is "religious advocacy" barred by the First Amendment. The court held that the Illinois teacher could not promote creationism under the guise of "academic freedom."

The Texas Board of Education voted in November to adopt eleven general science and biology textbooks which emphasize evolution as the cornerstone of biological science and avoid discussion of creationism or alternatives to standard scientific views on evolution.

Ransom Traxler reports in the National Center for Science Education journal that creationism advocates have been brought into Peoria, IL, public school science classes for the past 12 years.

The fundamentalist Islamic government of Sudan has arrested and

tortured a University of Khartoum biology professor for the "crime" of teaching evolution.

Con-Con

Efforts continue to get state legislatures to pass resolutions to call for a national constitutional convention, the first since 1787. Although the call is ostensibly for a convention to amend the Constitution to require a balanced federal budget, many constitutional experts fear that the Con-Con, like the one in 1787, could radically revise the Bill of Rights and weaken church-state separation. Thirty-four states need to pass the resolutions to force Congress to call the convention; 32 had done so, but Florida and Alabama rescinded their resolutions. Con-con resolutions are expected to be before the following state legislatures in 1991: California, Connecticut, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Montana, New Jersey, New York, Ohio, Rhode Island, Vermont, Washington, West Virginia, and Wisconsin.

In the Courts

Arizona federal district judge Roger D. Strand ruled on Dec. 10 that the federal government is constitutionally barred from "unbridled and inappropriate covert activity" aimed at abridging First Amendment religious freedom rights. The case involved federal agents who attended church services and recorded sermons and prayers in an investigation of churches assisting refugees the government did not recognize as fleeing political persecution.

A New Jersey court has upheld the state's kosher food law as a secular measure to prevent fraud. The ACLU had challenged the law on the ground that "religious observance and ritual" cannot be defined and enforced by the state.

California federal district judge Edward Dean has ordered a public cemetery in Tehachapi to remove a 75-foot-tall cross because it creates "a political division along religious lines" in violation of the First Amendment. A number of Christians, Jews, and Native Americans joined with the ACLU in the challenge.

The ACLU on October 3 won a Florida federal district court preliminary injunction to bar a Fernandina Beach public school teacher from reading Bible stories every day to her students.

On Nov. 2 New York federal district judge Eugene Nickerson declined to enjoin construction of the Satmar Hasidic Jewish sect's proposed 6,000 seat synagogue. Area Hispanics, backed by Brooklyn Legal Services Corp., sought to block the construction on land purchased from the city on the ground that the city and the sect colluded to circumvent standard legal procedure. ARL had joined with the New York ACLU in an *amicus* brief supporting the challenge.

Catholic Nursing Home Sued

Three advocacy groups for people with AIDS have sued the New York State Department of Health and Catholic nursing homes who are refusing to provide patients with condoms, safe sex counseling, and abortion services. The health department had permitted the Archdiocese of New York to exempt themselves from providing these services even though they are provided to all other AIDS patients. The church had threatened to refuse to open 368 beds in six nursing homes if forced to offer the services. The litigation argues that the health council abdicated its responsibility to protect the public health by not informing people about preventing the transmission of AIDS. "Public health policy cannot be privately negotiated to satisfy religious dogma," said Virginia Schubert, a lawyer for the groups. But church officials argue that the policy is a reasonable accommodation to their free exercise of religion, and that appropriate referrals are made to ensure that the patients obtain the information they need.

International

Bonn: Germany's tax-supported Evangelical Lutheran Church prohibits its pastors from marrying non-Christians. Pastor Wolfgang Lob has been told that he will be fired if he marries a Jewish woman, Yael Wilf, while

this past summer Heidelberg pastor Klaus Mueller was sacked for marrying a Jewish woman. In Hannover, when Irmela Orland finished her theological studies, church officials grilled her as to whether she and her Jewish husband planned to have a Christmas tree and whether they kept a kosher kitchen. (The Evangelical Lutheran Church in the U.S. has no restriction on whom its ministers may marry.)

Lima: Peru's new president, Alberto Fujimori, a practicing Catholic, has announced his government's plans to provide free family planning advice and devices to all who want them in his impoverished country. Criticized by Catholic Church officials opposed to "artificial" birth control, Fujimori responded that, "We will not retreat on the issue of family planning. The populace knows how to distinguish between religious and social affairs." He added that, "A sector of the church is restricting the freedom of citizens with its medieval opinions and recalcitrant positions." Informal opinion polls show Peruvians backing Fujimori over the church.

Halifax: On Oct. 19 Nova Scotia Provincial Court Judge Joseph Kennedy struck down the province's law aimed at closing abortion clinics. The ruling was a victory for Dr. Henry Morgentaler, the Nazi death camp survivor who went on to become the leader of Canada's abortion rights movement. In holding the law unconstitutional, Judge Kennedy said the Nova Scotia law was "primarily created to keep free-standing abortion clinics and, in the specific, Dr. Morgentaler, out of the province."

In Ottawa, meanwhile, a bill to restrict access to abortion is being considered by the Canadian Senate after having been passed by the House of Commons last May. Dr. Morgentaler has urged the Senate to defeat the bill on the ground that it will make access to abortion services worse than it already is throughout the country.

Bonn: Thousands of East Germans rushed to have their names removed from church registries before East and West Germany were unified in early October. Beginning Jan. 1 former East Germans will be subjected to the West German church tax, which amounts to 9% of a taxpayer's income tax. Only by disaffiliating can a German citizen avoid the church tax.

Warsaw: The Polish parliament is expected soon to outlaw abortion, though polls show that people in the predominantly Catholic country oppose such a prohibition by 51% to 37%. Recently elected president Lech Walesa has said that he cannot oppose his church on this issue. The bill before the parliament would provide jail terms of up to two years for physicians who perform abortions.

In September Polish schools began offering voluntary religion classes. Students under 14 need parental permission to attend. Minority religious groups have expressed fear that the instruction will reflect the views of the Catholic majority.

Dublin: Lawyer Mary Robinson, 46, was elected president of Ireland in November with 53% of the vote. The former senator, an advocate of legalized divorce, contraception, and equal rights for women, has often been at odds with the quasi-established Catholic Church. Although personally opposed to abortion, Mrs. Robinson recently represented students who sought to distribute information about availability of abortion in Britain.

Toronto: The Ontario Ministry of Education is supporting a court ruling that religious indoctrination in public schools violates Canada's Charter of Rights and Freedoms. The provincial government plans to establish guidelines for the neutral, academic study of religion, in the wake of the successful suit by a Baha'i student who objected to a fundamentalist minister being allowed to preach in a Western Ontario school. (Canada's problems remain, however, because all provinces provide full or partial tax support for some sectarian schools, in which religious indoctrination is permitted.)

La Paz: Evangelicals in Bolivia launched a campaign to amend the constitution to allow for separation of church and state and end government restrictions on religious activity. Amendment sponsors want to delete a section of the constitution which reads, "The state recognizes and sustains the Apostolic and Roman Catholic religion,"

and establish that "the state guarantees and protects the public exercise of all religious worship." The issue of church-state separation surfaced last January at Bolivia's first presidential prayer breakfast when Pedro Moreno, general secretary of the Social Emergency Fund and an active Pentecostal, called for "neutrality of the state in matters of the church." Though President Paz Zamora has assured evangelical leaders he supports their work, his administration recently proposed strict controls on the activities of non-Catholic churches and organizations.

Jerusalem: Prime Minister Yitzhak Shamir has bolstered his party's hold on the Israeli government by winning the adherence of the Agudat Israel Party to his coalition. The price of the new support is high: further restrictions on abortion rights, restricting public transportation on the Sabbath, and banning pork sales in most of the country. Most Israelis oppose the proposed new restrictions.

Resources

Available from ARL, Box 6656, Silver Spring, MD 20916.

Abortion Rights and Fetal 'Personhood,' edited by Edd Doerr and James W. Prescott. The *must read* resource in the struggle to preserve freedom of conscience. (\$12.95, plus \$1.50 for postage and handling.)

Religious Liberty and the Secular State, by ARL president John M. Swomley. A clearheaded, authoritative response to revisionist attempts to discredit church-state separation. (\$15.95 hardcover, \$10.95 paperback, plus \$1.50 postage and handling.)

Religious Liberty in Crisis, by Edd Doerr. A useful introduction to the major church-state controversies in the U.S. today, by ARL's executive director. (\$5.95 plus \$1.50 postage and handling.)

Dear Editor, by Edd Doerr. A "how to" book on writing letters to editors, plus a wide-ranging selection of published letters on religious liberty issues from *The New York Times*, *The Washington Post*, *National Geographic*, *Harper's*, and other periodicals. (\$5.95 plus \$1.50 for postage and handling.)

Voices for Evolution, edited by Betty McCollister. Statements and resolutions on "creationism," evolution, science, and school policy by scientific, educational, and religious organizations. (\$5 plus \$1.50 for postage and handling.)

The Supreme Court on Church and State, edited by Robert S. Alley. A comprehensive up-to-date collection of the major U.S. Supreme Court rulings on religious liberty, with commentary by a leading church-state scholar. Indispensable for lawyer and concerned layperson alike. (\$15.95 plus \$2 for postage and handling.)

Religion, the State and the Burger Court, by Leo Pfeffer. A comprehensive up-to-date examination of the whole range of church-state issues by the dean of constitutional authorities on religious liberty. An indispensable resource for layperson and lawyer alike. (\$22.95 plus \$1 for postage and handling.)

James Madison on Religious Liberty, edited by Robert S. Alley. Madison's own writings plus authoritative essays analyzing their importance. (\$17.95 plus \$2 for postage and handling.)

Book Reviews

McFarland & Company (Box 611, Jefferson, NC 28640), has two new reference books that are highly recommended. Dan Drucker's *Abortion Decisions of the Supreme Court, 1973 through 1989* (\$29.95) reviews all of the landmark abortion rulings from *Roe* to *Webster*. The book could have been improved if the entire decisions had been included, rather than the author's paraphrase. An excellent church-state reference book is *The Supreme Court and Public Funds for Religious Schools* (\$39.95) by Joseph E. Bryson and Samuel H. Houston, Jr. The authors, both North Carolina scholars, discuss the history of parochial aid, state constitutional provisions prohibiting or permitting public aid to church-related schools, and the record of the Burger Supreme Court (1969-1986) concerning various aid schemes. Excellent charts, tables and appendices summarize what the Court has allowed and disallowed in this vital area. A boon to scholars is the section including the church-state provisions of all 50 state constitutions. The authors note that ten major types of parochial aid programs have been held unconstitutional compared to 5 which have been allowed. Twenty-four states specifically forbid aid to sectarian schools, though almost all of them provide forms of "indirect" assistance. The authors also predict "continuous church-state judicial activity" in the years ahead.

William Noble's *Bookbanning in America* (Paul S. Eriksson, \$21.95) is a breezy and entertaining look at censorship in American history that manages to be serious and scholarly as well. Noble shows the long, ignoble history of bookbanning American style, from the conviction of publisher Peter Holmes in Massachusetts in 1821 to the present. Religious groups share in the mania. Noble tells the story of Graves County, Kentucky, a rural area with 41 Baptist churches, where local clergy and school officials demanded the removal of William Faulkner's *As I Lay Dying* from the high school library. After a brutal, emotional battle, the censors lost. The author also exposes the activities of Christian fundamentalists (including many public school teachers) and says, "The textbook holy wars are capable of endless controversy because the issues are so irreconcilable." An excellent volume!

Uta Ranke-Heinemann's *Eunuchs for the Kingdom of Heaven* (Doubleday, \$21.95), is a highly critical historical analysis of official Roman Catholic attitudes toward human sexuality and the role of women in church and society. The author lost her professorship at a German university after questioning certain church doctrines, but her book became a best seller throughout Europe. It contains much church-state information and has raised hackles at the Vatican.

— Albert J. Menendez

Archbishop: Inside the Power Structure of the American Catholic Church, by Thomas J. Reese (Harper and Row, 1989, \$17.95)

This book by a Jesuit political scientist describes the power, influence, and duties of the 31 Latin-rite archbishops and their archdioceses.

The process for selecting bishops, which is not democratic, requires that candidates adhere "with conviction and loyalty" to such doctrines as those on ordination of women, sexual ethics, and pontifical teachings. "Discipline" requires "loyalty and docility to the Holy Father."

Among the book's useful bits of information:

"Catholics . . . contribute a smaller portion of their income to their church than do Protestants and Jews."

"Catholic schools [which enroll 2.6 million students, down from 5.5 million in 1965] are the most successful evangelizing tool available to the church in the black community . . . Most schools teach the Catholic faith to both Catholic and non-Catholic students."

"Across the country, the total income of the Catholic charities agencies (which do not include all Catholic social services) was over \$600 million in 1986. The largest amount, 45%, comes from government fees and grants. This is followed by church sources (20%), program service fees (17%), and United Way (10%)." In addition, "Low cost housing run by the church agencies is also financed through low-interest loans from the U.S. Department of Housing and Urban Development (HUD)."

In many places the archdiocese control the United Way in that they have "an agreement that it would not fund anything in conflict with the teaching of the church." Some archdioceses "have made it clear that if Planned Parenthood gets funding from the United Way, they will withdraw from the program."

A major concern of archdiocesan programs, including those funded by government, is "Catholicity." "The program must be in keeping with the teaching of the church . . . the concern for orthodoxy has been reinforced by Rome in its dealings with the American hierarchy . . ."

The book contains discussions of lobbying, of the influence of an archbishop in preventing a trial of a priest who had admitted to sexually abusing 35 children, and of other public influence. It mentions standing committees of the U.S. Catholic Conference on women and opposition to abortion, as well as on budget, missions, vocations, etc. There was no committee listed for men, or for prevention of abortion or child abuse.

The book is not exactly fascinating reading and contains more than most people want to know about the archbishops, but does contain useful information not hitherto available.

John M. Swomley

Comment

Bush's Troubles

As if George Bush did not have enough trouble with a sagging economy, impending war in the Middle East, and fast declining approval rates, now his evangelical right flank is up in arms. His once rock-solid evangelical, Baptist, and fundamentalist support (80% in the 1988 election) is evaporating.

Fifteen evangelical leaders met with the President on Halloween Eve to register their discontent over his handling of a number of issues and concerns central to their agenda. They accused Bush of pandering to gay rights activists, opposing content restrictions in federal funding of art programs, disinterest in the abortion issue, and "lack of evangelical representation among White House staff" (according to Ed Plowman's *National & International Religion Report*).

Jerry Falwell was present at the meeting, along with Southern Baptist and Pentecostal leaders. These same groups condemned Jimmy Carter a decade ago for also failing to have enough evangelicals at the White House: on the same day, Pat Robertson's "700 Club" TV program claimed that 80% of conservative Christians have left or been pushed out of the White House. The Religious Right has long advocated religious tests for public office in this country, in direct violation of the Constitution.

Americans for Religious Liberty

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