



VOICE OF REASON

Winter 1991

The Newsletter of Americans for Religious Liberty

No. 36

New Parochial Campaign Threatens Freedoms

Under the beguiling banner of "school choice" (see accompanying article, "School Choice: Panacea or Scam?") a new campaign is being geared up to put sectarian private schools on the public payroll. Success of this campaign would mean that Americans would lose their fundamental right not to be compelled by government to support religious institutions and that the constitutional wall of separation between church and state would be reduced to rubble.

The new campaign is aimed at getting tax support (generically referred to as "parochial") for nonpublic schools, over 90% of which are sectarian religious institutions, through either tuition vouchers or tuition reimbursement tax credits. The parochial promoters are not daunted by the facts that both vouchers and tuition tax credits are unconstitutional (they hope the Rehnquist Supreme Court will reverse the Court's earlier rulings) and that all but the most minor and peripheral forms of parochial have been defeated in Congress or state legislatures, by the courts, or by referenda. They also ignore the fact that since 1967 various parochial schemes, including vouchers and tax credits, have consistently been defeated by statewide electorates in referenda in New York (1967), Massachusetts (1982, 1986), Maryland (1972, 1974), the District of Columbia (1981), Michigan (1970, 1978), Missouri (1976), Nebraska (1970), Idaho (1972), Alaska (1975), Washington State (1975), California (1982), and Oregon (1972, 1990).

Here are the latest developments.

President Bush's proposed 1992 federal budget, submitted to Congress in February, includes \$200 million for grants to states and school districts that provide tax aid to nonpublic schools under "choice" plans.

U.S. Secretary of Education Lamar Alexander, whose appointment by President Bush was approved by the Senate in March, wasted no time in declaring his support for including private schools in tax-funded school choice plans. Alexander, two of whose children attend a private school in Washington, even called for redefining "public schools" to include private schools receiving tax support, a ploy often used by advocates of parochial.

Before leaving his post as Secretary of Education, Lauro Cavazos set up a Center for Choice in Education to promote, among other things, vouchers and tuition tax credits for parochial and private schools.

The U.S. Department of Education is revising its rules to make it easier for private schools to get surplus government land or property.

The Roman Catholic bishops in the U.S. have earmarked \$2

(continued on page 2)

School Choice: Panacea or Scam?

Choice is a good word, an excellent word. It resonates favorably with nearly everyone. We favor choice when it comes to careers, spouses, friends, elections, religion, entertainment, and brands of cars and toothpaste. Most Americans favor choice of options when women face problem pregnancies.

Choice, however, is now being touted as a cure-all for the ills, real and/or imagined, of our public schools. If families could only choose their children's schools, the argument runs, then "bad" schools would dry up and blow away, all children would get better education, and we will march joyfully into Utopia.

The Bush administration, the Catholic bishops, the Brookings Institution (via John Chubb and Terry Moe's 1990 book *Politics, Markets, and America's Schools*), former Delaware governor Pierre duPont, and a host of propagandists and sectarian special interests have hopped on the school choice bandwagon.

School choice proposals are of concern to all Americans. We the people, we the taxpayers, will have to pay the bills, and the kind of educational arrangement we pay for will profoundly affect our lives, our children's lives, our economy, and the future of our society and our democratic public education system.

School choice can mean many different things. Confined strictly to public schools, it could be positive and manageable, on the one hand, or, on the other, unmanageable, chaotic, and wildly expensive. Extended to include nonpublic schools, choice plans raise fundamental constitutional issues, would surely create far more serious problems than they are supposed to cure, and would raise school costs to unprecedented levels.

As applied to nonpublic schools, tax supported choice is clearly improper. In the 1970s the U.S. Supreme Court ruled unconstitutional all but the most peripheral and "minor" forms of tax aid. Specifically rejected were such schemes as tuition reimbursements via tax credits or vouchers and providing educational services in sectarian schools. The minor and peripheral forms of parochial not ruled unconstitutional by the Court, which cost federal and state taxpayers over \$1 billion annually, include transportation service (except for field trips), textbooks and equipment "loans," remedial education offered off the private school campus, and diagnostic exams.

Constitutionality aside, tax aid for nonpublic schools means tax support for the denominational instruction or indoctrination found in virtually all sectarian schools. Of the slightly less than 11% of elementary and secondary students in the U.S. who attend nonpublic schools, well over 90% attend pervasively sectarian schools in which sectarian instruction is almost always mandatory, even for students of other faiths.

(continued on page 3)

New Parochiaid Campaign Threatens Freedoms, *continued from page 1*

million to set up a lobby operation to pressure the federal and state governments for tax funding of their parochial schools. Bishop Edward Eagan of Bridgeport, Connecticut, told his fellow bishops last November that he is "outraged" that "all tax money goes to [public] schools where religion is not taught." (Eagan seemed unaware that more than \$1 billion annually is diverted to nonpublic education through a variety of "minor and peripheral" forms of state and federal aid.)

The Detroit Board of Education has agreed to consider a plan under which some private schools would "become public schools" and be publicly funded.

In December Epsom, New Hampshire, voted to provide tax abatements for property owners who pay tuition at private high schools. In March the ACLU and the New Hampshire School Boards Association filed separate lawsuits in state courts challenging the parochiaid scheme as violating the church-state separation provisions of the federal and state constitutions.

In September 1990 Milwaukee began an experiment that involved funding the education of 260 students in private nonsectarian schools. However, the Wisconsin Court of Appeals in November ruled that the plan violates the state constitution.

In Pennsylvania a consortium of groups is preparing a legislative scheme to get a voucher plan to support parochial and private schools. In Michigan a similar group wants to have a referendum in 1992 on a proposal to remove the state constitution's ban on tax aid for sectarian schools, a ban added by referendum in 1970 to the already existing anti-parochiaid provision. (ARL executive director Edd Doerr was one of the authors of the Michigan parochiaid ban.)

In New York lobbyists from the Catholic bishops are pressing lawmakers in Albany for a voucher parochiaid plan and an increase in funds for parochial school textbooks. Missouri parochiaiders are trying to initiate a proposed constitutional amendment to set up a voucher plan.

In October 1990 the council for American Private Education strongly endorsed tax support for nonpublic schools.

Suit was filed in Chicago in December by 17 individuals, backed by an ultraconservative Washington legal group, demanding that the state of Illinois fund parochial and private schools under a voucher plan.

In Delaware former governor Pierre duPont is asking the state legislature to approve his voucher plan for tax aid for parochial and private schools.

It is too early to tell how successful this new campaign to undermine church-state separation will be, but it is clear that the sectarian and other special interests coming together to promote tax aid for private education have mounted a massive attack on democratic public education and religious freedom. But they have been beaten before in state after state and in Congress. They can be beaten again. When aroused, the American people, as statewide electorates from coast to coast have shown, will not put up with schemes to tax them to pay for sectarian schools or to wreck their public schools. ■

ARL Publishes 'Great Quotations'

The Great Quotations on Religious Freedom, published by Americans for Religious Liberty in April, is the first book of its kind ever published. The collection of 561 quotations was compiled by veteran researcher Albert J. Menendez and ARL executive director Edd Doerr.

Great Quotations (Centerline Press, 144 pp.) spans more than twenty centuries, a wide spectrum of religious traditions, and the insights of men and women of many countries. In addition to 102 quotes from U.S. Supreme Court and other federal and state court rulings on religious liberty issues, the book includes 459 memorable quotes from 26 U.S. presidents, including Jefferson, Madison, and Kennedy, and from books, essays, speeches, sermons, papal writings, and even poems by John Dryden and plays by Shakespeare.

Great Quotations is an ideal source book for speakers, editorial writers, students, and general readers. All libraries should own a copy. The book is available from ARL, P.O. Box 6656, Silver Spring, MD 20916 for \$12.95 plus \$2.00 for shipping and handling.

Donors to ARL who are entitled to a copy as a bonus book will receive their copies in April.

Voice of Reason is the quarterly newsletter of **Americans for Religious Liberty**, P.O. Box 6656, Silver Spring, MD 20916. (Telephone: 301/598-2447.) The newsletter is sent to all contributors to ARL.

Editor: Edd Doerr

Contributing Editor: Albert J. Menendez

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.

President: John M. Swomley, Jr.; Treasurer: Kenneth K. Gjemre; Secretary: Ann Lindsay.

Board of Directors includes officers and Maury Abraham, Edward L. Abrahamson, Joseph Chuman, Gary Crawford, Mary Jane DeFrank, Faith Evans, Gilbert Feldman, Florence Flast, Bernard Freitag, Joanne

Goldsmith, Paul Kurtz, Gary Marx, Rev. Ronald Modras, Paul Putnam, Pamela Ryan, Lynne Silverberg-Master, Robert M. Stein, Rev. David D. Van Strien, Rev. Jay Wabeke, Rabbi Sherwin T. Wine, Rev. James E. Wood, Jr.

National Advisory Board: Rev. James Luther Adams, M. David Alexander, Isaac Asimov, Francisco Ayala, Rev. Charles Bergstrom, Stephen G. Brush, Guy I. Bush, Nathan Dershowitz, Niles Eldrige, Edward L. Ericson, Augusta Finklestein, Rev. Carl Flemister, Walter M. Fitch, Laurie Godfrey, Morris Goodman, Stephen Jay Gould, James F. Herndon, David L. Hull, Patricia Jaworski, Frances Kissling, Alfred McClung Lee, Elizabeth Bryant Lee, Rev. Barry Lynn, Ernst Mayr, James T. McCollum, Rev. Jack Mendelsohn, Charles D. Michener, Everett C. Olson, Leo Pfeffer, Rev. O. Eugene Pickett, Allan Powell, Howard Radest, Carl Sagan, Rev. William F. Schulz, Rev. Bruce Southworth, Ruti Teitel, Leigh M. Van Valen, E.O. Wilson, Winthrop R. Wright.

Executive Director: Edd Doerr

Counsel: Ronald Lindsay

Administrative Assistant: Marie Gore

School Choice: Panacea or Scam? *continued from page 1*

Women's rights supporters, incidentally, will note that the overwhelming majority of nonpublic students attend schools operated by denominations which refuse to ordain women and which oppose freedom of conscience for women on reproduction.

Because they are pervasively sectarian and generally mandate participation in sectarian instruction, nonpublic schools tend strongly toward denominational homogeneity. In plain English, Catholic schools rarely appeal to Protestants, Jews, or Muslims; fundamentalist schools rarely attract Catholics, mainstream Protestants, or Jews; Jewish schools seldom attract non-Jews; and Muslim schools almost never attract non-Muslims.

In addition to being religiously rather homogeneous, nonpublic schools tend to practice other types of selectivity and discrimination. They enroll fewer children with handicaps than public schools. A large percentage of private secondary schools discriminate by gender in admissions. Most nonpublic secondary schools enroll mainly college-bound students; they usually require entrance exams and their curricula tend to be college-prep and to ignore vocational subjects. Nonpublic schools seldom retain students with discipline problems, so it is common for expellees from nonpublic schools to turn up in public schools, which are generally required to accept them. Many private schools use religious and other criteria not allowed in public schools in hiring staff. Catholic schools generally do not tolerate teachers who are divorced and remarried or who are known to support freedom of conscience on abortion. A fundamentalist school in southern California once fired its principal because he was "thinking about" hiring a Catholic teacher.

Promoters of school choice plans talk about students and their families choosing schools. But they have the cart before the horse. It is the nonpublic schools which do the choosing. They choose which students to admit and which to reject. Including nonpublic schools in choice plans means that the nonpublic schools, or the religious bodies which run them, choose their students, choose what religion or ideology to teach them, and then choose that the taxpayers will pay for them. Since nonpublic schools, unlike public schools, are not subject to democratic control by those who pay for them, the taxpayer is stuck with "taxation without representation" and is deprived of the choice of which religions he or she will support. Many taxpayers would be funding private schools that would exclude them from their faculties.

Including nonpublic schools in choice plans means increasing the costs of taxes to pay for elementary and secondary education by at least 11%. Most nonpublic schools today may be able to operate at a lower per-student cost than public schools, but that is due to the fact that they pay teachers less, seldom serve severely handicapped children (whose education in public schools can often cost as much as six times that of non-handicapped children), and seldom offer expensive vocational courses. If nonpublic schools had to offer the same levels of programs and teacher salaries as public schools, their per-student costs would at least equal public school costs. And since nonpublic schools tend to be much smaller in enrollment than public schools, their lower economies of scale would make their per student costs even higher.

Transportation costs are another complicating factor. About
(continued on page 4)

Is There a Boom in Private Schools?

Contrary to frequent claims by ultraconservative televangelists, school enrollment figures for the United States show that there has been no mass exodus from public education during the past twenty years. In fact, a higher percentage of students (89.3%) attended public elementary and secondary schools during the 1989-90 school year than during 1969-70, when 88.9% were enrolled in public schools.

The big change has been *within* the nonpublic sector, where Catholic schools have declined from 9.1% to 6.0% of the total enrollment, a loss of one-third of the share. The non-Catholic sector, which includes Protestant, Jewish and other religious schools as well as nonsectarian private schools, has more than doubled its share, from 2.0% to 4.7% of total enrollment.

Another change has been the decline in total educational enrollment from 51.3 million students twenty years ago to 45.4 million today, a result of declining birth rates and the changing age composition of the U.S. population. (It is growing older rapidly, a change which will continue through the first decade of the next century, according to demographers.) Public schools have declined from 45.6 million to 40.5 million pupils, while private schools have declined from 5.7 million to 4.8 million. (The nonpublic decline actually began earlier, as it had reached its peak in 1964 with 6.6 million students.) Total enrollment has declined in all but a few fast-growing states, such as Alaska, Arizona, California, Colorado, Florida, Georgia, Idaho, Nevada, Oklahoma, South Carolina, Texas, Utah, and Wyoming. Enroll-

ment is down by more than a million students in New York and by more than half a million in Illinois, Michigan, Ohio, and Pennsylvania.

The decline in Catholic school enrollment is a major factor in the total educational picture. During the past twenty years Catholic schools have lost two million students, from 4.7 million in 1969-70 to 2.7 million today. (The decline really began in 1964, after reaching a high point of 5.6 million students.) The decline has affected *all 50 states* in terms of the percentage of total enrollment. The losses have been most severe in upper New England (Maine, New Hampshire and Vermont) and in Idaho, Montana and Wyoming. In these six states Catholic school enrollment declined by more than half. In New Hampshire the Catholic school share fell from 14% of all students to 5%, and in Vermont, from 8% to 3%. In three other Western states (Arizona, Colorado and Oregon) the decline was almost 50%.

On the other hand, Catholic schools suffered only a modest decline in Alabama, Arkansas, Delaware, Washington, D.C., Kansas, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, and Tennessee. In Utah the tiny Catholic school system also held up rather well.

Catholic schools are proportionately strongest in Pennsylvania (12.8% of total enrollment) and Rhode Island (12.2%). These were also the top two Catholic school states twenty years
(continued on page 5)

School Choice: Panacea or Scam? *continued from page 3*

half of all public students are bussed to school, either because the schools are too far away for walking or because students would have to cross dangerous streets and highways. If students were allowed to go to the public school of their choice within their own school district, obviously a much larger percentage of students would have to be bussed, and bussing costs would increase. If students could attend public schools in other districts, as some choice plans would allow, transportation costs would go still higher. If nonpublic schools are included in choice plans, bussing costs would rise astronomically. Pennsylvania already requires that students be bussed to nonpublic schools miles outside their public school districts and even across state lines into Ohio, Delaware, and New Jersey, at enormous cost to hard-pressed public school districts. Howard County, Maryland, busses students to five church schools within the county (which in Maryland is coterminous with the school district); it costs precisely twice as much to bus a student to a church school as to a public school. In northern Ohio, a school district is required to transport two students *by airplane and taxi* from an island in Lake Erie to a church school on the mainland, even though the island has its own public schools; the transportation alone for the students costs more than Ohio spends per year educating a student.

Who will pay for the transportation to "schools of choice"? If the taxpayers pick up the bill, the costs will be astronomical, and this at a time when states and cities from coast to coast are having to slash school budgets, cut programs, increase class size, lay off teachers, and freeze salaries. If the public does not pay the transportation bills for getting students to schools of choice, then only children whose parents can drive them to school will be served.

Choice plans, whether they include nonpublic schools or not, would surely add to school administrative complexity and costs.

With public school budgets either static or shrinking in most of the country's nearly 16,000 school districts, choice plans, with or without the inclusion of nonpublic schools, can only increase costs or force reduction in already underfunded public school programs.

Even in the extremely unlikely event that choice plans did not increase school costs, most choice plans would be objectionable for other reasons. By further dividing children along creedal, ideological, social class, ethnic, academic ability level, and other lines, they would increase social fragmentation. The great virtue of the American comprehensive school is that it tends to bring all sorts of children and teachers together in a democratic and democracy-enhancing enterprise.

Choice in education can be positive when it functions within a democratically controlled public school system. The comprehensive secondary school offers students many choices in the curriculum and also in extra-curricular activities. A single elementary or secondary school could contain two or more separate public schools. In some cases, two or three public schools could offer differing modes of education. The important thing is that no choice system that is publicly supported should be allowed to promote division and divisiveness among students.

The bottom line is that most of the vocal promoters of educational choice today are less interested in improving public education than in securing tax support for nonpublic, mainly sectarian education. School choice is offered a cheap, painless panacea for problems both real and imagined. It is being touted as a way to improve education without having to find new

sources of revenue.

We know a great deal about what is wrong with American education and what needs to be done about it. For instance, we need to fully fund the proven successful Head Start program for bringing disadvantaged children as close as possible to a level playing field by the time they are ready to start school. We need to fully fund the remedial education programs aimed at keeping as many students as possible up to grade levels. We need to lower class sizes, especially in inner city schools. We need to enrich our school programs in sex and family education, both to better prepare young people for the responsibilities of adulthood and parenthood and to reduce the problem of teens having children. Other educational reforms, such as improving education in reading, writing, science, languages, math, etc., can then follow more easily. Beyond the schools, we must treat the social pathologies associated with poverty, inadequate housing and medical care, drugs, and crime. Our whole society and each of us will benefit from these real reforms.

Doing what needs to be done will obviously cost billions annually. In addition to eliminating government waste, we will surely need to have higher, and hopefully more equitably assessed, taxes. Among the leading 16 industrial nations, the U.S. ranks thirteenth in the level of our effort in supporting elementary and secondary education. The U.S. cannot long remain a world leader at that rate.

Meanwhile, painless panaceas like choice plans that include nonpublic schools must be seen for what they are—devices for distracting our attention from our real problems, scams aimed at wrecking church-state separation, democratic public education, and the fundamental right of citizens not to be forced to support religious institutions. ■

The NEW Pro-Choice Book You Must Read!

Abortion Rights and Fetal 'Personhood'

Edited by Edd Doerr and James W. Prescott

"Here at last is a book designed to put the matter of abortion into clear perspective."

— Isaac Asimov

"... a welcome contribution to the important scientific data that must be evaluated in making a decision about the status of the fetus."

— Frances Kissling, President
Catholics for a Free Choice

160 pages - paperback

Send \$12.95 + \$1.50 shipping/handling (total \$14.45)
check or money order to:

Americans for Religious Liberty
P.O. Box 6656, Silver Spring, MD 20916

Is There a Boom in Private Schools? *continued from page 3*

ago: at that time 17% of students in both states attended Catholic schools.

Other states with strong Catholic school populations include: Illinois (12.1%), New Jersey (11.7%), New York and Delaware (10.7%), Louisiana (10.3%), Wisconsin (9.4%), Ohio and Massachusetts (9.3%), Connecticut (9.2%), Missouri (9.1%) and Nebraska (9.0%).

There is a moderate correlation between Catholic percentage of the state population and parochial school enrollment, though Delaware, Missouri, Ohio and Nebraska are not heavily Catholic. Some Catholic strongholds, like New Hampshire, Vermont and New Mexico, have low Catholic school enrollments.

Incidentally, during the height of lobby efforts to get federal aid for parochial schools, during the Nixon administration, studies for Nixon's Commission on School Finance by two Catholic institutions, Notre Dame University and Boston College, showed that Catholic school enrollment decline was not related to inability to pay tuition (Catholic family income averages about 20% higher than that of white Protestant families) but rather to increased Catholic acceptance of public schools. After the Second Vatican Council and the election of a Catholic president in 1960, prejudice against Catholics declined markedly, while the Supreme Court's 1962 and 1963 rulings against government regimented school prayer also made public schools more popular with Catholics.

Non-Catholic private schools have enjoyed an increase, from one million to 2.1 million students, during the past two decades. The growth pattern in this sector is overwhelmingly Southern. Nine of the top 12 private non-Catholic school states are in the south (Florida, Mississippi, South Carolina, Georgia, and Alabama) or the Chesapeake Bay region (Delaware, D.C., Maryland, and Virginia). Surprisingly, Hawaii ranks first, with 11% of its students in Protestant or secular private schools, followed by Florida (8.4%), Delaware (8.3%), D.C. (7.9%), Maryland (7.2%), Mississippi (6.9%), South Carolina (6.8%), Georgia (6.6%), New Hampshire (6.3%), Alabama (6.2%), and New York and Virginia (5.9%).

Compared to two decades ago, the Deep South states have seen private enrollments increase from 1% to 6% or 7%,

probably stimulated by racial integration of public schools and some dissatisfaction with public education's cultural and church-state separation policies on the part of fundamentalist Protestants, who have moved into the education business in a big way in these states. Still, it is difficult to analyze motivations. West Virginia, for example, was wracked by dissension and violence into the mid-1970s over public school textbooks, but that state has experienced only a marginal increase in nonpublic enrollment. And the annual Gallup surveys show a continued high acceptance of and satisfaction with public education by most parents in all regions of the country.

There is also a long tradition of elite private education, including preparatory schools and military academies, in states like Delaware, Virginia, Maryland, New Hampshire, New York, and the District of Columbia, which may account for their relatively high private school enrollment figures.

There are strong regional patterns to educational preferences. The top ten states in terms of public school percentage of the school population are found in the West and the Border-South. Utah ranks first with 98.3% of its students in public schools. The Mormon factor is clearly evident here, since that state's dominant religious group has considerable influence in the public schools. Mormon influence is also strong in Wyoming (97.4% public) and Idaho (96.9%). Other states with strong public school predominance are Oklahoma (96.9%), West Virginia (96.5%), Arkansas (96.1%), Alaska (95.4%), Montana (95.4%), North Carolina (95.0%), and Nevada (94.9%). North Carolina and Arkansas are the only two Southern states that seem to have resisted the private Christian school movement. By contrast, the East and Midwest are areas where nonpublic schools have had more appeal. Delaware ranks first with 19% of its students in nonpublic (Catholic, Protestant, and nonreligious) schools, followed by Pennsylvania (17.6%), Hawaii (17.4%), New York and the District of Columbia (16.6%), Illinois (15.7%), Rhode Island, Wisconsin and New Jersey (all 15.2%), Louisiana (15.1%), Massachusetts (14.6%), Connecticut and Maryland (14.4%) also rank above the national average.

— Albert J. Menendez

Resources

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

The Great Quotations on Religious Freedom, compiled by Albert J. Menendez and Edd Doerr. (\$12.95, plus \$2.00 for postage and handling.)

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 \$2.00 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. (\$2.95 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.)

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.)

ARL in Action

Americans for Religious Liberty has joined with other concerned organizations in an *amicus curiae* brief to the Tennessee Supreme Court in *Stowe v. Davis*. The case involves several frozen 4-cell and 8-cell human embryos which are the subject of a custody dispute between a formerly married couple. The trial court held that the embryos are persons, a holding overturned by the appellate court. ARL and the other *amici*, which take no stand on who gets custody, is asking the state supreme court to uphold the appellate ruling and specifically reject the fetal personhood holding of the trial court.

Since our last report, ARL president John M. Swomley has addressed university, law school, church, and other meetings in Sacramento, San Jose, Stockton, Santa Cruz, and Watsonville, California, Kansas City and Fayette, Missouri, and Oklahoma City and Norman, Oklahoma. ARL executive director Edd Doerr presented testimony on a voucher parochial bill at a legislative hearing in the Maryland legislature. He addressed civil liberties and church audiences in Minneapolis, Bethlehem, Pennsylvania, and Rockville, Adelphi, and Reisterstown, Maryland, and was interviewed on radio stations in Boston and Washington.

Editorial

Words and Deeds

In a January 1 message entitled "If You Want Peace, Respect the Conscience of Every Person," Pope John Paul II declared that "People must not attempt to impose their own 'truth' on others." He added that, "A serious threat to peace is imposed by intolerance, which manifests itself in the denial of freedom of conscience to others. The excesses to which intolerance can lead us has [sic] been one of history's most painful lessons."

John Paul spoke up for "the inalienable right to follow one's conscience and to profess and practice one's faith," and added that when religious law becomes synonymous with civil law, it "can stifle religious freedom, even going so far as to restrict or deny other inalienable human rights."

These are fine words indeed, with which supporters of religious freedom, civil liberties, and church-state separation can certainly agree. Unfortunately, these words ring a bit hollow, unless, of course, John Paul intends to put into practice what he preaches.

John Paul and his hand-picked hierarchy continue to interfere with one of the most intimate forms of freedom of conscience, reproductive freedom, with their incessant and overtly political campaign to outlaw abortion, render abortion services less accessible, discourage contraception and access to birth control information and services, suppress RU-486 (the French-developed abortifacient pill), and spread the big lie that there is no overpopulation problem. At the same time, John Paul and his clique, who do not represent more than a minority of the people who identify themselves as Catholic, continue their efforts to preserve or increase their access to public treasuries. (The Catholic church receives substantial subsidies for its schools and other institutions in Britain, Northern Ireland, Ireland, France, Belgium, the Netherlands, Germany, Australia, Canada, and the U.S., to name the major subsidizers.) By maintaining full diplomatic relations with more than one hundred countries—including the U.S., thanks to Reagan, Congress, and the timidity of our courts—John Paul's ecclesiastical power structure preserves a certain public relations advantage over all other religion and life-stances. The Vatican also steadfastly refuses to recognize the predominantly Jewish state of Israel.

Nor does John Paul really support full freedom of conscience within his denomination. Theologians Hans Kung in Germany, Leonardo Boff in Brazil, and Charles Curran in the U.S. have all felt the sting of John Paul's dogmatic whip, though their banishment has made them more visible and influential than if they had been left alone. Other priests and nuns in the U.S. have

been beaten into submission for daring to publicly express their consciences on abortion and birth control. By continuing to deny ordination to women and to deny priests the right to marry, John Paul is offending and alienating enormous numbers of Catholics and consolidating the hold of clericalist-conservatives over the world's largest religious denomination.

As if that were not enough, on the same day as the release of John Paul's statement on conscience, the story broke that the Vatican is studying a petition that Spanish queen Isabella be canonized a saint. Isabella, you will recall, was the monarch who in 1492 gave Spain's large Jewish and Muslim populations the choice between conversion to Catholicism, exile, or death. It was Isabella who supported the dread Spanish Inquisition, which during her reign caused more than 9,000 "heretics" to be burned at the stake. Jewish and Muslim leaders are, naturally, outraged, as should anyone who really cares about religious liberty and freedom of conscience.

John Paul's fine words must be regarded as empty unless he starts to practice what he preaches, beginning right now. ■

How Things Change!

The following letter was received by one of our members in Texas when the signer was an unsuccessful candidate for the U.S. Senate.

Dear Mr. _____:

"Thank you for stopping by our headquarters yesterday. I very strongly support the separation of church and state. This has been one of the most fundamental beliefs of our nation, and through it we have insured religious freedom for all Americans.

"I also have in the past and will continue to support our public school system."

Very truly yours,
/s/ George Bush
June 25, 1970

Interestingly, Bush's campaign slogan that year was "We can't solve today's problems with yesterday's programs." Mr. Bush should be reminded that denying women freedom of conscience on abortion and taxing citizens for the support of religious institutions, both of which policies he now favors, are "yesterday's programs" and violate the separation of church and state he once supported.

Supreme Court to Hear School Prayer Case

In a move fraught with ominous overtones, the U.S. Supreme Court agreed on March 18 to review lower court rulings in *Lee v. Weisman*, a case involving prayers at public school graduations. The Bush administration had urged the Court to take the case, using its *amicus curiae* (friend of the court) brief to signal that it will press the Court to weaken its support for church-state separation.

In this case, the federal district and appellate courts ruled in favor of Daniel Weisman and his daughter Deborah, who challenged the constitutionality of a clergyman's prayer at Deborah's graduation ceremony at Nathan Bishop Middle School in Providence, Rhode Island. Daniel Weisman, assistant executive director of the Jewish Community Center of Rhode Island, objected to the graduation prayers by Rabbi Leslie Gutterman on the ground that, "We see prayer in public schools in any form as being very divisive. It really cuts out the minorities for whom the public school system has been a gateway for full inclusion in our society."

Deborah Weisman, who was voted "Most School Spirited" of her graduating class at Nathan Bishop, said that the graduation prayers show an insensitivity to the diversity of the school system, which in Providence means a school population over half African-American, Hispanic, and Asian. Many Providence students are Buddhist, Muslim, and Jewish.

The lower federal courts ruled against the graduation prayers on the ground that they amounted to an official endorsement of religion in violation of the establishment clause of the First Amendment.

The district court held that the graduation prayers had the impermissible effect of advancing religion in two ways. They "present[ed] a 'symbolic union' of the state and schools with religion and religious practices" and "convey[ed] a tacit preference for some religions, or for religion in general over no religion at all."

In reaching their conclusions the lower courts used the three-part *Lemon* test, based on the Supreme Court's 1971 ruling in a

parochial case, *Lemon v. Kurtzman*. Under the *Lemon* test, to be constitutional a law or other act of government must have a secular purpose, must not have a primary effect that either advances or inhibits religion, and must not foster "excessive entanglement" between religion and government.

In urging the Supreme Court to overturn the lower courts' separation rulings in *Lee v. Weisman*, the Bush administration argued that using the *Lemon* test in establishment clause cases should be "reconsidered" in light of the "substantial historical sanction" of some questionable practices. In other words, if church-state separation violations have become "sanctified by custom," they should be left alone.

The Bush administration argument goes too far. First, it assumes that there is no element of coercion in school graduation ceremonies. While students are generally not required by law to attend graduation ceremonies, custom, social pressure, and family pride in children's achievements insure that nearly all students and their families do attend. Second, the Bush brief confuses school graduation with the "civil religion" manifestations of prayer at presidential inaugurations and with prayers before adults at legislative sessions. Third, the Bush brief assumes that the First Amendment was intended only to bar the threats of an "official church" or direct coercion to "compel persons to participate in a religion or religious exercise contrary to their consciences." On the contrary, the First Amendment bars any act of government even *respecting* an establishment of religion.

In view of the Reagan and Bush administrations' ten-year efforts to weaken church-state separation and the Supreme Court's weakening support for that fundamental constitutional principle, the pending Supreme Court consideration of *Lee v. Weisman* gives reason for concern.

Americans for Religious Liberty and other groups which support church-state separation and freedom of conscience will be filing briefs with the Supreme Court in this case. ■

Update

Reproductive Rights

Utah's legislature and governor have passed the most restrictive abortion law in the country. The law bans all abortions except those necessary to save a woman's life, in cases of rape or incest up to the twentieth week, where the doctor concludes that the "child would be born with physical or mental defects incompatible with sustained survival," or where there is the threat of grave damage to the pregnant woman's health. Physicians violating the law would be subject to five years in prison and a \$5000 fine. The new law will be challenged in court by the ACLU. As 90% of the Utah legislature are members of the Mormon Church, which condemns most abortions, the new law, like the one passed last year by Guam's all-Catholic legislature, may be attacked as an establishment clause violation as well as a violation of the *Roe v. Wade* ruling by the Supreme Court in 1973.

Michigan's Court of Appeals on February 20 overturned the state's 1988 law banning state-paid abortions for poor women. The court held that the law violated women's right to privacy

and equal protection under the state constitution, and that the state constitution protects the right to abortion. The case, brought by the ACLU, concerned a teenager who was gangraped and then denied a tax-funded abortion by the state Department of Social Services.

Corpus Christi, Texas, voters resoundingly defeated an anti-choice measure in a special referendum on January 19. Turned down 62% to 38% in the heavily Roman Catholic city, was a proposed amendment to the city charter which would have defined "human life" as beginning at conception. The amendment was actively supported by Catholic Bishop Rene Garcia, who has excommunicated three people for their involvement in providing abortion services. The anti-choice campaign outspent the pro-choice groups by a margin of at least four to one.

Nan Pillinger, president of the city's League of Women Voters, said that the vote was "a very strong message to these people that they've got to stop trying to cram their religious beliefs down our throats by government."

Religious Coalition for Abortion Rights (100 Maryland
(continued on page 8)

Update, continued from page 7

Avenue, NE, Washington, DC 20002) has released two excellent and useful new publications. *We Affirm* (\$1.50, 32 pp.) contains the resolutions of national religious organizations in support of a woman's right to choose safe and legal abortions. *Words of Choice* (\$2.00, 29 pp.) is a glossary of the terms used and misused in the debate on abortion rights. (When ordering from RCAR, add 15% for postage and handling.)

Michigan's law requiring parental consent for abortions for minors, pushed through the state legislature by the anti-choice lobby, went into effect on March 28 with a peculiar provision: the law requires schools to notify all students in grades 6 through 12 that they can bypass parental consent for abortions by going to court. However, school officials note, a 1977 sex education law prohibits discussion of abortion as a means of birth control or reproductive health. An official of the Michigan Association of School Administrators said the new law puts educators "in the unenviable position of handing [the notice] out and not being able to answer any questions."

The Maryland legislature in February codified *Roe v. Wade's* protection of abortion rights into state law. The law's only weak point is a parental notification provision, but it is less stringent than those in other states in that a physician need not notify the parent if he or she concludes that the minor is mature enough to make the decision herself or that the notice could lead to abuse or otherwise not be in her best interest.

One-parent notification bills have been defeated in Montana and New Hampshire, while the South Dakota legislature killed a bill that would have outlawed most abortions.

The U.S. Supreme Court agreed in February to decide whether a 1871 civil rights law can be invoked to prohibit anti-choice demonstrators from blocking entrances to abortion clinics. In 1989 Virginia clinics, the National Organization for Women, and Planned Parenthood of Metro Washington obtained an injunction against Operation Rescue after the group announced plans to shut down several clinics. The clinics argued that the 1871 Ku Klux Klan Act provides a right of damages and injunctive relief against people who conspire to deprive any person or class of persons of their civil rights. The lower courts held in *Bray v. Alexandria Women's Health Clinic* that patients' rights to interstate travel were violated by the protesters' actions.

Pennsylvania's anti-choice law was argued before the U.S. Third Circuit Court of Appeals in Philadelphia on February 25. At issue in *Planned Parenthood v. Casey* is a state law requiring a 24-hour delay, parental informed consent, spousal notification, burdensome reporting, and biased patient counseling.

Illinois ACLU filed suit on March 1 challenging the state's refusal to reimburse a Medicaid-eligible young woman for her "medically appropriate and necessary abortion."

Two Columbus, Ohio, abortion clinics were firebombed in February.

Virginia Court Stops Falwell Windfall

Virginia's Supreme Court unanimously ruled on January 11 that the Rev. Jerry Falwell's Liberty University—formerly Liberty Baptist College—was pervasively sectarian and thus constitutionally ineligible to receive \$60 million in tax-exempt bonds. The Virginia justices said that such action, approved originally by a lower court, violated the Establishment of Religion Clauses in

both the U.S. and Virginia Constitutions.

Tax-exempt bonds are boons to institutions because they make projects cheaper for the issuing group by paying a lower interest rate than taxable bonds. Such bonds are also attractive to potential investors, who are exempt from income tax on interest earned from the bond purchase.

The Virginia court based its decision on a thorough review of Liberty University's faculty and student requirements, which include "adherence to a detailed and specific religious doctrine and compulsory attendance at six weekly religious services," said Justice Henry H. Whiting in the *Habel v. Industrial Development Authority* decision.

Faculty members were "obligated to conform to Liberty's doctrinal statements in teaching their courses and in publishing their articles, while students were required to participate in 'Christian Service' projects each term and to attend weekly dormitory prayer meetings conducted and sponsored by an elaborate system of 'prayer leaders' and 'spiritual life directors,'" according to Whiting.

Liberty University's "Statement of Faith" requires that all "full-time non-temporary" employees "immediately on arrival at Lynchburg must become an active, attending, tithing member of Thomas Road Baptist Church," which Falwell pastors.

Employees are warned that their attendance and tithing records "may be reviewed from time to time" and "appropriate action, including discipline or dismissal" will be taken against offenders. Students are required to attend services at Thomas Road Baptist Church, and "any student who desires to attend another church on a permanent basis must obtain permission from the Christian Service Office," according to a student handbook.

The obligatory "Statement of Faith" requires faculty to believe that the Bible is "supernaturally inspired by God so that all its words are the written true revelation of God and therefore inerrant . . . and authoritative in all matters." They must also believe in angels and that "the universe was created in six historical days."

While Falwell accused the court of endorsing "religious discrimination" in its ruling, the University said it will not appeal.

This decision may have an effect on all church-related colleges which seek public funding. Despite U.S. Supreme Court rulings in the 1970s upholding many forms of aid, "pervasively sectarian" institutions will continue to be barred from sources of public support.

(continued on page 9)

Short Reviews

In Defense of American Liberties: A History of the ACLU, by Samuel Walker (Oxford University Press, New York, 1990, 479 pp., \$24.95) is an excellent, finely detailed study of the struggle to defend civil liberties and civil rights since World War I and the remarkable organization that has contributed the most to that struggle.

The Amendment, by Sue Robinson (Birch Lane Press, New York, 1990, 237 pp., \$17.95), a first novel, is a thriller set in 1998 after passage of a constitutional amendment outlawing abortion. Unfortunately, by narrowing its focus to a mere handful of main characters, it fails to convey the full horror such an amendment would produce.

Books

Religion, Russia and the Future

Four new books probe the vast changes in religious conditions in Eastern Europe. Jim Forest, for many years General Secretary of the International Fellowship of Reconciliation, has produced a solid study of *Religion in the New Russia* (Crossroad, \$17.95). Forest, who knows Soviet religious life well, shows how perestroika is impacting on the daily lives of the nation's Orthodox, Catholics, Protestants, Jews, Muslims, and Buddhists. There is even a chapter on the "Old Believers," a durable sect that broke with Russian Orthodoxy centuries ago.

Forest is convinced that greater freedom of conscience is a certainty in Gorbachev's Soviet Union, and he credits the Council for Religious Affairs for much of the positive change. In the final chapter, Forest discusses several draft texts for a new Soviet law on religious life, including the right of churches to own property (presently forbidden) and to engage in religious education. All forms of religious discrimination will be barred.

Problems remain, however, even if total religious freedom arrives. Forest says bluntly, "Little has been done within the various religious communities to overcome religious prejudice. Catholic-Orthodox hostility remains sharp and dangerous. Protestants still remember vividly what it was like for them when only the Orthodox Church was legal. One still finds little understanding of Orthodoxy and Catholicism among Protestants, while Orthodox and Catholic believers tend to regard Protestants with condescension. Anti-Moslem views are widespread, . . . and anti-Semitism is widespread among Soviet Christians."

A related book is *Confessor Between East and West*, by Jaroslav Pelikan (Eerdmans, \$29.95), a portrait of Ukrainian Catholic Cardinal Josyf Slipyi. Slipyi, the heroic figure who became the central character (in disguise) in Morris L. West's best-selling novel, *The Shoes of the Fisherman*, spent many years in the gulags, a victim of Soviet religious discrimination.

This excellent biography by a noted Lutheran scholar will help readers understand the intensity of Orthodox-Catholic rivalry in the Ukraine, which threatens interreligious peace.

Oft-published Malachi Martin is back again with *The Keys of this Blood* (Simon and Schuster, \$24.95), which purports to be the inside story of a geopolitical power struggle between Gorbachev, Pope John Paul II, and the capitalist powers. The trouble with Martin is that his geopolitical world is dated. He thinks there are only three forces capable of controlling the world, and that each has a distinct, monolithic personality, so he ignores other powerful forces, such as Islam, and underestimates the continued appeal of secular liberal democracy. It is also absurd to think that capitalism, Communism, and Catholicism are monolithic. They are diverse and capable of many different kinds of expression. The world is a much more complex place than Martin describes it in this facile portrait. He also has a tendency to overgeneralize, calling Gorbachev the "attendant angel of secularism" and saying the Pope "is a geopolitician who spent the first part of his pontificate establishing himself and the Holy See as authentic players in the millennium endgame."

Finally, the best single book available on religion in Eastern Europe is *Conscience and Captivity* by Janice Broun (University Press of America, \$9.95). Though published a couple of years ago, Broun's country by country analysis is filled with church-state information, statistics and detailed descriptions of religious life in a part of the world too long unknown to most Westerners. As she points out, "Believers under Communism do not enjoy full religious liberty. Yet, except in Albania, churches, mosques and synagogues do exist, and some religious bodies and practices are officially recognized. Widespread discrimination against the religious faithful persists, but open persecution has leveled off." And, "there is considerable variation among the East European countries." Valuable appendices buttress the excellent text.

— Albert J. Menendez

Update, continued from page 8

Bush Push for Prayer

President Bush, addressing the National Religious Broadcasters' convention in January, declared that he has not "lessened my commitment to restoring voluntary prayer in our schools." Could Mr. Bush really be unaware that voluntary individual student prayer has never been prohibited, and that the only kind of prayer ruled unconstitutional by the Supreme Court is government sponsored or government regimented prayer? Or was he only making a play for fundamentalist votes?

Snow Job at the White House

President Bush's new chief speechwriter is Tony Snow, named to the position on February 19. Snow was editorial page editor of the *Washington Times* until his new White House

appointment. The *Washington Times* was started by associates of the Unification Church's Rev. Sun Myung Moon. Its editorial policy has been generally opposed to church-state separation and freedom of conscience on abortion.

New York Parochial Escalates

In order to get around the U.S. Supreme Court's 1985 *Aguilar v. Felton* ruling, which ruled unconstitutional New York City's assignment of public school teachers to sectarian private schools, the city's school board instead assigns public school teachers to vans (Mobile Instruction Units: MIUs) parked outside parochial schools. According to a June 1990 school board document, the cost of this caving in to sectarian school interests has risen to about \$15-\$20 million annually.

The school board document was obtained by the New York Committee for Public Education and Religious Liberty (PEARL),

(continued on page 10)

Update, continued from page 9

a coalition of 41 civic, religious, educational, labor, and civil rights groups, including Americans for Religious Liberty. PEARL is supporting a court challenge to the present city parochial aid scheme.

Of the 278 parochial schools receiving tax-paid remedial education services in New York City (214 Catholic, 46 Jewish, 16 Lutheran, Greek Orthodox and other denominations, 2 non-denominational), all but 17 have refused to have their students obtain the remedial services at nearby public schools either during or after school hours. PEARL has found that 82% of the city's parochial schools are located within 3 to 6 blocks walking distance to a public school where remedial education services can be obtained. The public schools could accommodate the parochial students for remedial education services, but the parochial schools pressured the city school board into providing the services in such a way that the parochial students are effectively segregated from public school students.

The school board document shows that 82 of the parochial schools are using the MIUs, some of the schools more than one. Each MIU costs \$100,000 annually. Nineteen parochial schools receive MIUs plus Computer Assisted Instruction (CAI), 76 receive CAI alone, 30 obtain *take home computers*, and 19 receive CAI and send students to public schools for guidance services.

While the city and state financial crunch threatened 4,000 public school teachers with layoffs, the city is providing at least 400 public teachers to serve in the curbside "annexes" of parochial schools. In 1987 the annual cost for 70 MIUs was \$7 million, plus the cost of administering and defending the program from legal challenges. Now there are 106 MIUs in use, at a cost of at least \$13 million per year. In addition, there is the cost of 29 *take home* computer programs, 73 CAI programs, and rentals of space in private buildings.

The costs of the MIUs and other expenses come "off the top" of the allocation of federal funds for remedial education of all the city's eligible children. This means that the small pot of federal funds available to city public school children is reduced by the school board's bizarre and unnecessary method of providing services to parochial students. Meanwhile, financially squeezed New York State, which is proposing a 10% cut in state aid to public schools, has been paying \$7 to \$8 million annually for the city's parochial aid program.

Thanks to the city's caving in to sectarian pressures, the per capita expenditure for remedial education of a public school student is one-third less than that of a parochial student. Further, the city's Corporate Counsel is using scant city funds to defend the school board's questionable practice in court.

As if this blatant circumvention of the Supreme Court's *Aguilar* ruling were not enough, the state's Commissioner of Education is proposing a voucher plan which could compel some public students to attend private schools.

Total tax aid to parochial and private education in New York State—for transportation, textbooks, computer software, library supplies, testing, guidance counselling, and remedial education—is estimated to cost over \$500 million per year.

Creationism Redux

The Morton, Illinois, school board has adopted a new policy requiring that biology students be told about "creationism" if

evolution is "brought up." School superintendent Norman Durlinger said that creationist material will be placed in school libraries. The new policy was adopted after board member Jim Widerkind complained that the three biology texts approved for use in the district were all based on evolution. The Morton board seemed unaware that evolution is a fundamentalist principle of biology and that the Supreme Court ruled in 1987 that creationism is a religious doctrine that may not be taught in science classes.

Williamsburg Charter Group Must Pay

The Williamsburg Charter Foundation has been ordered by a Pennsylvania court to pay \$8,776.40 to six educators who had been contracted to write a school curriculum on religious liberty. The six had been dismissed by the Williamsburg group after several months of work and had not been paid. A different team of writers wrote the curriculum, *Living With Our Deepest Differences: Religious Liberty in a Pluralistic Society*, which we criticized rather strongly in our last issue.

The Williamsburg curriculum writers quoted material from ARL executive director Edd Doerr's book *Religious Liberty in Crisis* without attribution. When the matter was brought to the attention of the publishers, they agreed to change the books to include suitable attribution.

Pat Robertson Shoots Self in Foot

It all started when the Tucson, Arizona, Clergy for Choice signed a contract to have its 30-second spots appear 400 times on the local cable TV chain, which broadcasts CNN, the Nashville Network, the Discovery Channel, and televangelist Pat Robertson's Family Channel. The spots featured CFC head Philip Zwerling, minister of the Tucson Unitarian Universalist Church, and the ministers of Desert Dove Christian Church, St. Phillips' Episcopal Church, and St. Mark's United Methodist Church, plus the rabbi of Temple Emanu-El. Robertson pressured Tucson Cablevision into keeping the spots off his Family Channel. But in return for blocking out the CFC spots from Robertson's channel, Tucson Cablevision gave CFC 200 additional spots. The whole rhubarb gave Clergy for Choice nationwide media publicity, far more than if Robertson had kept still.

(continued on page 11)

Need a Speaker?

Americans for Religious Liberty can provide expert speakers for:

Conferences • Meetings • Debates
Universities • Churches • Synagogues
Radio talk shows • TV talk shows • Etc.

Write or phone:

Americans for Religious Liberty

P.O. Box 6656

Silver Spring, MD 20916

(301) 598-2447

Update, *continued from page 10*

The Rev. Philip Zwerling, head of CFC, told ARL that one of the main lessons learned from their experience is that the freedom of choice on abortion message can be gotten to cable viewers inexpensively. The 400 half-minute spots, inadvertently upped to 600 by Robertson's protest, cost only \$700.

The Tucson Clergy for Choice group include 60 area clergy from Episcopal, Disciples, United Methodist, Presbyterian, United Church of Christ, Cumberland Presbyterian, Unitarian Universalist, and Jewish congregations.

HUD Abuse Uncovered

A part-time minister in Ft. Worth, Texas, rents a \$92,500 house for \$1 a year, thanks to the U.S. Department of Housing and Urban Development (HUD). Ron Gray and his family may be evicted from their suburban home, a local HUD official said, now that the *Ft. Worth Star Telegram* has lambasted an assistance program designed to provide temporary shelter for the homeless poor. The newspaper charged that HUD placed expensive housing in the hands of church officials and congregation members who should not have qualified for federal aid. Because local HUD policies define a homeless person as anyone without a permanent home, regardless of income, and HUD's failure to set limits on the size and value of houses they occupy, the program allowed working people to move into sprawling homes at minimal cost, the paper said. Gray, a businessman and part-time street preacher, operates a housing ministry for Calvary Christian Center, a charismatic church. The Ft. Worth paper accused him of placing church members and friends in the properties, but Gray contends that he has not violated HUD criteria and says he plans to move out of his three-bedroom home when he can afford it. A Baptist minister also cashed in on the plan, reporters charged. Bill Robinson, an ex-convict who is minister of First Baptist Church, Euless, Texas, operates a non-profit housing ministry for paroled felons and their families. He lives in a 2-story HUD home in the Dallas suburb of Arlington appraised at \$92,000. "Obviously, these kinds of abuses are unacceptable," said Walt Sevier, a regional HUD administrator. HUD officials said the rules have now been changed.

Big Horn Muted

ACLU attorney Steve Pevar has won an out-of-court settlement in a case involving the Big Horn, Wyoming, School District. The school district in the predominantly Mormon area has agreed to halt prayers at high school graduations and award dinners, and to drop the policy of requiring students who do not go to Mormon released-time religion classes to take extra courses for credit.

"Equal Access" Violations Ordered Stopped

Philadelphia public school officials have ordered a gospel choir at Central High School, directed by a school secretary, to broaden its repertory to include secular music and get a student director, or meet off the campus. Under the 1984 Equal Access Law, which allows student led religious groups to meet in public schools and which was upheld by the U.S. Supreme Court in 1990, school staff personnel are not permitted to lead the groups.

Son of "Equal Access"

Fundamentalists in Texas are trying to use the Equal Access Act passed by Congress in 1984 to open public schools to proselytizing. They are urging students to gather at school flagpoles a half hour before classes start to pray, sometimes with school staff encouragement and support. An attorney for one fundamentalist group, Christian Advocates Serving Evangelism, has stated that "Our purpose must be to spread the gospel on the new mission field that the Lord has opened—public high schools. . . . The so-called 'wall of separation' between church and state has begun to crumble."

Free Exercise Victory

The Massachusetts Supreme Judicial Court ruled on December 31 that "government interest in historic preservation, though worthy, is not sufficiently compelling to justify restraints on the free exercise of religion, a right of primary importance." The case involved the designation of the interior of 127-year-old Church of the Immaculate Conception in Boston as a historic landmark by the Boston Landmarks Commission. That designation had prevented the owners of the church, the Jesuit order, from renovating and modifying the interior. The state's highest court concluded that, "Under our hierarchy of constitutional values we must accept the possible loss of historically significant elements of the interior of this church as the price of safeguarding the right of religious freedom."

Religious Seals Nixed

"Sectarian religious imagery has no place on municipal seals," the U.S. Seventh Circuit Court of Appeals in Chicago ruled on March 19. The court ordered the Illinois towns of Rolling Meadow and Zion to remove religious symbols from their municipal seals. While the symbols on the seals referred to the towns' histories, the court held that Zion "may not honor its history by retaining the blatantly sectarian seal, emblem and logo. These symbols transcend mere commemoration, and effectively endorse or promote the Christian faith."

Miscellaneous

The Nassau County School Board in Fernandina Beach, Florida, agreed in January to pay \$15,000 plus legal fees to the parents of an elementary pupil because the board refused to stop the child's teacher from reading the Bible to her class.

Massachusetts' highest court ruled on January 15 that, while adults may refuse medical care for themselves for religious reasons, the state's compelling interest in protecting children may override parental objections to medical care for their children in life-threatening situations.

Fountain Street Church in Grand Rapids, Michigan, spent more than \$13,000 in 1990 to help poor women have abortions. The independent liberal congregation has strongly supported abortion rights since 1973. (ARL's Edd Doerr spoke at a service at the church in January 1989.)

The Philadelphia school district is warning teachers that they could lose their jobs if they wear religious garments or jewelry
(continued on page 12)

Update, continued from page 11

in the classroom. While banning clerical garb, which denotes religious authority, from the classroom makes sense, the Philadelphia ban could adversely affect observant Jews who wear yarmulkes, Sikhs who wear turbans, Mennonites who wear coats without lapels and do not wear ties, and Muslim women with long dresses. The rule could also outlaw crosses, stars of David, and Masonic and Knights of Columbus rings.

The Maine State senate has come up with a novel way of addressing the state debt. They are saying their own prayers and have laid off their chaplains, who charge \$25 for a daily invocation.

Logan, Utah, mayor Russ Fjeldsted has ordered Mormon symbols removed from the city logo. The city of St. George, UT, agreed in June to pay \$85,000 in legal fees after a court battle over the legality of a Mormon temple which appeared on the city's logo.

A federal appeals court in St. Louis has upheld a lower court ruling striking down a Bible class in public elementary schools in rural Gravette, Arkansas. The 51-year-old program, which critics contended was on-campus religious indoctrination and not objective education, was popular in the community. But the plaintiffs' attorney, George Oleson, reminded the court, "Even if there is one dissenter, he is protected under the First Amendment." The court agreed.

Polish Clericalism Resurfaces

Poland's powerful Roman Catholic Church is pressing for still greater power in legislative affairs. Once again the subject is abortion. Church leaders, including Pope John Paul II, are pressuring the parliament to ban all abortions in the largely Catholic country. An estimated 600,000 abortions are performed each year for a population of 39 million, a rate more than double that of the United States. The nation has inadequate birth control methods, and sex education is nonexistent in the schools. The only textbook on the subject was withdrawn in 1988 under pressure from the church.

Though polls show a majority of Poles opposed to an abortion ban (51% to 37%), politicians seem both awed and frightened by the church's new militancy. President Lech Walesa is a practicing Catholic who does not want to offend church leaders. He is lukewarm on an abortion prohibition and has tried to sidestep the issue.

New regulations have already restricted abortion, since state-approved panels of psychologists and doctors must now approve a woman's request. (The psychologists are generally church members who try to persuade women not to have abortions.) Divorce is more difficult to obtain and religious education has returned to state schools.

Many legislators fear a political fight with the church. One senator, Zofia Kuratowska, said bluntly, "We are a Catholic country now."

"For the church to teach that abortion is not acceptable for a Catholic is fine. [But] to say that on something that is a church teaching you must also vote according to that—that's not acceptable in a country that is based on the First Amendment."

Sen. Patrick Leahy (D-VT)

One priest, Rev. Josef Tischner, a professor of ethics and a Solidarity supporter, told *The New York Times*, "The activities of the Church have not borne much fruit. Six hundred thousand abortions a year shows the poverty and misery of Polish Catholicism. Now some priests want the law to help them in an area in which they have been defeated."

Some observers also note that Poland lacks a women's movement or a feminist consciousness. Few women serve in high government positions or in Parliament. Perhaps the abortion debate will spark a revival of interest. The Polish Feminist Association has just been founded.

Letters

Real Equal Time

It is interesting that the president of the National Conference of Catholic Bishops, Archbishop Daniel Pilarczyk, wants the Federal Communications Commission to restore the Fairness Doctrine. According to an NCCB news release, Pilarczyk thought it unjust that the Turner Broadcasting System aired a video about minors' access to abortion "with no opportunity for rebuttal by those with opposing views."

Maybe Archbishop Pilarczyk and his brothers in the NCCB (and consequently the rest of us) will profit from their frustration, now that he knows firsthand how it feels to be ignored. The bishops, after all, maintain no fairness doctrine for pro-choice Catholics—quite the opposite. These same bishops have barred pro-choice Catholic politicians from speaking on any subject in their dioceses. Does the archbishop's call for fairness mean the church is revisiting this policy? What about the Vatican 24—the nuns who signed the 1984 statement on abortion calling for open dialogue in their church (which ran as a full-page ad in the *New York Times*)? Is the archbishop's request for fairness an acknowledgement that the Vatican was wrong to insist that the nuns retract their statement or face dismissal from their orders?

We are ready and waiting to sit down with the bishops and listen and discuss with frank openness. To Archbishop Pilarczyk and to all the other Catholic bishops: Let us reason together.

Frances Kissling

Catholics for a Free Choice, Washington, D.C.

Americans for Religious Liberty

P.O. Box 6656, Silver Spring, MD 20916

I want to do my part to help **Americans for Religious Liberty** halt the threats to religious, intellectual, and personal freedom. I enclose a check for my tax-deductible contribution of:

- | | |
|--|---|
| <input type="checkbox"/> \$20 Individual | <input type="checkbox"/> \$25 Family |
| <input type="checkbox"/> \$50 Sustaining | <input type="checkbox"/> \$100 Supporting |
| <input type="checkbox"/> \$500 Sponsoring | <input type="checkbox"/> \$1000 Patron |
| <input type="checkbox"/> \$10 Student and Low Income | <input type="checkbox"/> \$ _____ |
| <input type="checkbox"/> Membership Renewal | <input type="checkbox"/> New Membership |
| <input type="checkbox"/> Special Donation | |

Name _____

Address _____

City, State, Zip _____

(The ARL newsletter is sent to all contributors.)