



VOICE OF REASON

Fall 1995

The Newsletter of Americans for Religious Liberty

No. 54

New Assaults on First Amendment Launched

Opening shots in a new wave of attacks on the First Amendment and church-state separation were fired during the week preceding Thanksgiving. On November 15 Rep. Henry Hyde (R-IL), joined by Reps. Charles Canady (R-FL) and Robert Solomon (R-NY), introduced a proposed amendment to the Constitution the sponsors call the "Religious Equality Amendment." On November 21 Rep. Ernest Istook (R-OK) announced introduction of a school prayer amendment co-sponsored by over 90 members of the House of Representatives.

The Hyde amendment states, "Neither the United States nor any state shall deny benefits to or otherwise discriminate against any private person or group on account of religious expression, belief, or identity, nor shall the prohibition on laws respecting an establishment of religion be construed to require such discrimination." The proposed amendment's preamble states that its purpose is "to secure the unalienable right of the people to acknowledge, worship, and serve their Creator, according to the dictates of conscience."

The Istook amendment states, "To secure the people's right to acknowledge God according to the dictates of conscience: Nothing in this Constitution shall prohibit acknowledgements of the religious heritage, beliefs, or tradition of the people, or prohibit student-sponsored prayer in public schools. Neither the United States nor any State shall compose any official prayer or compel joining in prayer, or discriminate against religious expression or belief."

Responses to the Hyde and Istook amendments were swift. The Coalition to Preserve Religious Liberty, representing over 50 Christian, Jewish, educational, civil liberties, and other organizations (including Americans for Religious Liberty), issued the following statement on November 21:

"The Istook amendment is the second assault within one week on the religion clauses of the First Amendment. Despite its disclaimers, the Istook amendment would authorize state-sponsored religious practices, ranging from state-endorsed prayer in our public school classrooms to a legislative proclamation that the United States is a Christian nation. This amendment would allow the government to coerce, control and compromise religion.

"Both the Istook amendment and the amendment introduced by Rep. Hyde on November 15 (H.J.Res. 121) are unneeded. Students can pray any time they like—even orally and collectively as long as it is not disruptive. Student Bible clubs abound in secondary schools. Nor has religious expression been removed from the public forum. Citizens can speak of their
(continued on page 4)

Vouchers' Deeply Flawed Premises

Advocates of tax support for sectarian and other private schools base their propaganda campaigns largely on two dubious premises, that public schools are irremediably bad and that market mechanisms and school choice will lead us into the educational promised land. These premises are analyzed in two excellent recent books: *The Manufactured Crisis: Myths, Fraud, and the Attack on America's Public Schools*, by David C. Berliner and Bruce J. Biddle (Addison-Wesley Publishing Co., \$25.00) and *Rethinking School Choice: Limits of the Market Metaphor*, by Jeffrey R. Henig (Princeton University Press, \$16.95).

Berliner, professor of education at the University of Arizona, and Biddle, director for social research at the University of Missouri, present a much-needed antidote to the poisonous brew of myth, distortion, and misrepresentation that is eating away at the foundations of and the public's confidence in public education. The authors trace much of this disinformation to efforts by Reagan and Bush administration officials who misled the media and the American people about the problems of public education, diverted attention from the schools' real problems, and promoted phony solutions.

Berliner and Biddle show that what appears to be a decline in Scholastic Aptitude Test results is actually the result of the great expansion of the testing process to include vast numbers of less advantaged students. The authors show that SAT scores tend to be directly proportional to family income. They angrily reply to the propaganda against public schools: "We have little sympathy ... for critics who run down America's schools for their putative failures when the ongoing accomplishments of those schools are manifest and the society they serve is deteriorating. When school achievements are steady or even improve in a society that is falling apart, we think that educators have pulled off a miracle. It is time to celebrate the public schools of the nation, not to blame them."

The authors further show that the data do not support the widespread view that average student achievement and performance are declining, that students are "dumber" than they
(continued on page 5)

Inside

The Vatican and the U.N. . . . Dublin, Warsaw, and Rome . . . 'The Sky is Falling' . . . Home Schooling: The Facts . . . ARL in Action . . . Update . . . Books

The Vatican and the U.N.

Catholics for a Free Choice and women's organizations in the U.S., Europe, and Latin America are calling for the removal of the Holy See, commonly referred to simply as the Vatican, as a Non-Member Permanent Observer at the U.N. Their petition is reproduced below.

"As the United Nations celebrates its 50th anniversary and engages in a process of review and reform, we urge the UN Organization, the Secretary-General, and Member States to evaluate the appropriateness of allowing the Holy See, a religious entity, to act on a par with states in the United Nations. We believe that the Holy See, which operates in the United Nations as a Non-Member State Permanent Observer, does not meet accepted criteria for statehood and that it is in reality the governing arm of a religious, not a civil institution. Furthermore, a study would document that the Holy See overreaches—with increasing frequency—its observer status and obstructs action and the development of consensus among Member States.

"Should this study conclude that the Holy See does not meet reasonable, contemporary criteria for statehood, we would further urge the United Nations to change the status of the Holy See to appropriately reflect its nature as a significant non-governmental institution. In addition, we believe that standards of impartiality and neutrality with respect to religion would dictate a change in the status of the Holy See to establish parity between the Roman Catholic Church and other religious and non-governmental institutions. Furthermore, while we recognize the valuable contributions that all of these institutions make in the United Nations fora—and we welcome the participation of religious voices as we debate the issues of our time—no religious institution should have greater privilege than any other non-governmental entity.

"We believe there is no more compelling evidence that the Holy See acts as a religious body, not a state, in the United Nations than the words of church officials themselves. For example, the Holy See's Permanent Observer Mission published the following: 'As a full member of the international community, the Holy See finds itself in a very particular situation, because it is spiritual in nature. Its authority . . . is religious and not political . . . The real and only realm of the Holy See is the realm of conscience.'

"Pope Paul VI, in his address before the General Assembly in 1965, presented himself 'as a representative of a religion that believes salvation is achieved through the humility of its divine Founder.' Similarly, in an address to the General Assembly in 1979, John Paul II assumed an ecclesiastical role. 'The nature and aims of the spiritual mission of the Apostolic See and the church make their "participation" in UN activities 'very different from that of the states, which are communities in the political and temporal sense.'

"More recently, Monsignor Diarmuid Martin, a Vatican delegate to UN conferences, has referred to 'the social teaching of the church' as 'the principal inspiration of the positions taken by the Holy See at the conferences.' Archbishop Renato R. Martino, chief Vatican diplomat at the UN, has also spoken of the Holy See's religious nature, repeating a supporter's assertion that the Vatican has the right to be present because it is the 'one voice' for Catholics. Martino added that the Catholic church's 'one voice . . . is an objective truth that remains changeless.'

"Clearly, the Holy See operates at the United Nations to

promulgate religious viewpoints. Time and time again, we have seen demonstrated the inappropriateness and the negative effects of allowing the Holy See to use the UN system to advance the theological positions of the Catholic church. For example, Holy See delegates, invoking the Roman Catholic ban on contraception, routinely attempt to hinder access to all family planning methods except for the one approved by the Vatican—periodic abstinence.

"In UN conferences from Rio de Janeiro (UNCED) to Beijing (FWCW), there has been an increasing vehemence in Holy See diplomacy that sacrifices substantial UN consensus on matters of women's rights and reproduction to the theological agenda of the church. As the United Nations increasingly focuses on social issues in addition to political conflicts, the Holy See's intractability becomes even more problematic. In the spirit of the FWCW, we can no longer ignore the problems presented by the UN status of the Holy See. The well-being of countless individuals is at stake.

"We, the undersigned, believe it is highly inappropriate for the Roman Catholic Church to participate as a voting member in UN conferences—something it can do only by virtue of its UN status as a Non-Member State Permanent Observer. The United Nations has an ethical obligation to be neutral regarding religion.

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

Associate Editor: Albert J. Menendez

Canadian Correspondent: John Clubine

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 \$25 for individuals, \$30 for families, \$10 for students and limited income.

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

Board of Directors includes officers and Maury Abraham, Mary Jane DeFrank, Gilbert Feldman, Joanne Goldsmith, Marilyn Hutton, Gary Marx, Robert S. Peck, Mary Sosa, Rev. James E. Wood, Jr.

National Advisory Board: M. David Alexander, Francisco Ayala, Rev. Charles Bergstrom, Walter Brueggeman, Joseph Chuman, Ramsey Clark, William Sloan Coffin, Denise Davidoff, Norman Dorsen, Niles Eldredge, Edward L. Erickson, Joseph Fahey, Augusta Finkdestein, Rev. Carl Flemister, Keith Geiger, Laurie Godfrey, Morris Goodman, Stephen Jay Gould, Sister Pat Kenoyer, Frances Kissling, Paul Kurtz, Rev. James Lawson, Rev. Barry Lynn, Rabbi Morris B. Margolies, Ernst Mayr, James T. McCollum, Rev. Jack Mendelsohn, Rev. Robert Mencilly, Rev. O. Eugene Pickett, Alan Powell, Samuel Rabinove, Howard Radest, Rosemary Reuther, Carl Sagan, Rev. William F. Schulz, Eugenie Scott, Rev. Bruce Southworth, Rev. A. Knighton Stanley, Philippa Strum, Ruti Teitel, Sister Margaret Traxler, Rev. David D. Van Strien, E.O. Wilson, Rabbi Sherwin T. Wine, Elin M. Winn, Walter Wink.

Executive Director: Edd Doerr

Research Director: Albert J. Menendez

Counsel: Ronald Lindsay

Administrative Assistant: Marie Gore

The privileges now granted to the Roman Catholic Church under the auspices of the Holy See violate such impartiality and, in the interest of fairness, should be revoked."

Organizations wishing to endorse the petition may write to Catholics for a Free Choice, 1436 U St. NW #301, Washington, DC 20009.

A similar petition is being circulated by the Center for Research on Population and Security, P.O. Box 13067, Research Triangle Park, NC 27709.

Americans for Religious Liberty has endorsed both petitions. ARL similarly supported litigation in the 1980s which challenged President Reagan's extension of diplomatic recognition to the Holy See. Any government action that accords special status to one religion automatically discriminates against all others and violates the principle of separation of church and state. Regrettably, the U.S. Supreme Court failed to apply the principle of government neutrality toward all religions. ■

Dublin, Warsaw, and Rome

Ireland and Poland have many things in common. Both have a vigorous nationalist tradition. Both have been significantly mistreated by powerful neighbors throughout history, and only in the twentieth century have these two proud nations been able to achieve genuine independence. Both have strong literary and democratic traditions. Ireland probably has the greatest number of writers per capita of any nation. Poland had the world's second oldest written constitution, just after that of the United States.

And both nations have a strong Roman Catholic Church which has identified itself with national aspirations and won a degree of acclaim for its ability to hold the allegiance of the working classes. But that traditional hold has also led to endless church-state conflicts, to demands for increasing clerical control over education, politics, and the intimate details of family life. In terms of church attendance and participation in religious activities, no other predominantly Catholic nations match Ireland and Poland.

That is why two late-November elections in those nations have caused eyebrows to raise all over the world. Ireland's 93% Catholic electorate approved a constitutional amendment lifting the ban on divorce. It was a squeaker, with just 50.3% of the voters saying yes, but it represents a major change in Irish politics and a defeat for church leaders, who fought tooth and nail to retain the ban. From the Vatican to Mother Teresa, from archbishops to parish priests, church leaders made a last ditch effort to maintain Ireland's status as the only European nation, save tiny Malta, where no civil divorce is allowed.

While some church spokespersons, especially seminary professors and younger clergy, endorsed a yes vote, some, like Limerick's crusty ultraconservative Bishop Jeremiah Newman, threatened to deny Communion to parishioners who supported the constitutional change. Ireland's Establishment—its government and political party leaders—overwhelmingly endorsed the change. Nine years ago, only 36% of Irish voters had opted for legalizing divorce. So a considerable shift in voter sentiment occurred in a brief time span. Observers attributed the change to several factors. One is a more carefully written government bill which requires financial protection for the children of divorced parents. Property distribution and protection for the former spouse are also guaranteed. These had been absent from the 1986 proposal. Leaders of the anti-divorce campaign cited the

United States as an unwanted example of a nation of deadbeat fathers and increased poverty for many divorced wives and children.

A series of sexual scandals affecting Roman Catholic officials seriously eroded the moral credibility of the church. The previous Irish government of Albert Reynolds was brought down by charges of coverups and official governmental leniency toward clerical child abusers. Some voters may have vented their anger at the pretensions of the hierarchy. Then, Ireland is a young country, with 55% of the population under age 30. Ireland's younger voters are sophisticated, well educated and well traveled, and supported the referendum by a large margin, as did voters in Dublin and the cities. Older, more traditional voters in the countryside were resistant.

The 1937 constitution reflected a highly conservative "family values" concept then popular in Catholic political philosophy. Under this theory, families have more civil rights than individuals, and families are held to be protected mediating structures within which individual rights are exercised. This philosophy seems untenable in modern times, when emphasis on individualism and individual rights of self-expression are paramount in law. In Ireland, there was also a practical matter. About one in seven marriages are officially separated. Spouses live separate lives, and "irregular unions" have been created in the absence of civil divorce and remarriage. Children born of these arrangements exist in a legal nether world. These problems will now be resolved, as the right to civil divorce and remarriage has been won. (The referendum result is still subject to a constitutional challenge on a technical question, but no referendum has ever been overturned by Ireland's Supreme Court.)

The victory, in the broadest sense of history, was also for a pluralist, religiously tolerant Ireland, where religious law no longer translates into civil law. Ireland can no longer be denounced in the demonizing rhetoric of Northern Ireland's Orangemen (though it will probably continue to be). Prime Minister John Bruton appealed to voters for an Ireland that "tolerates difference and accommodates and welcomes people with a different point of view."

(continued on page 4)

ARL in Action

Americans for Religious Liberty has opened a Midwest Office, to be run by ARL president John M. Swomley, who will be working without compensation (P.O. Box 901630, Kansas City, MO 64190). In December Swomley was the recipient of the first annual award by the Peace Studies Department of the University of Missouri for significant contributions to peacemaking by a Missourian.

John Clubine has been named our correspondent in Canada. Mr. Clubine, who lives near Toronto, is a long time student of church-state relations issues in Canada and the U.S.

Since our last update, ARL executive director Edd Doerr has spoken at meetings, conferences, and church services in San Diego, Minneapolis, Ann Arbor, MI, Paramus, NJ, White Plains, NY, and Baltimore, Rockville, and Salisbury, MD. He was a guest on TV and radio interview shows in Washington, DC, Minneapolis, New York, New Orleans, and Ann Arbor and Grand Rapids, MI.

Dublin, Warsaw, and Rome

continued from page 3

Meanwhile, in Poland, voters made President Lech Walesa a one-term president. While his controversial personality and crude populist style undoubtedly cost him votes, his ties to the Catholic Church may have tipped the scale in the 52% to 48% result. Walesa was seen as excessively subservient to Catholic Church leaders. He signed the strictest anti-abortion law on the continent and vetoed even slight modifications in the draconian act which parliament had passed. His administration implemented religious instruction classes in public schools and supported church-backed legislation requiring the media "to reflect Christian values." He took a long time to disavow antisemitic comments made by a prominent priest, and endorsed ratification of a proposed concordat between Poland and the Vatican. (A concordat is a formal treaty regularizing church-state relations between the Catholic Church and civil governments. It usually gives the ecclesiastical authorities control over education and family life, and tends to ignore other religious communities.) Poland's parliament has refused thus far to approve the agreement. Walesa ended his campaign at the Shrine of Our Lady of Czestochowa.

Church leaders, especially reactionary Cardinal Jozef Glemp, the primate, went into action on the eve of the election, celebrating public Masses in support of "President Walesa and our Homeland."

Voters disagreed, preferring a younger, more secular leader of the left, Aleksander Kwasniewski. Reaction of voters to church involvement in partisan politics may have been the decisive factor. Polls showed 74% of voters opposed to church activism in politics, and 84% felt that the church was attempting to influence the outcome of the presidential election. Wrote Polish journalist Anna Husarska, "the constant meddling of the Catholic hierarchy in the affairs of the state did not go down well with more than half of Polish voters. It seems that there are more Poles ready to put up with the 'Red Cobweb' (a term of derision used by Walesa's allies in describing his opposition) than with 'The Reign of the Cassock'."

These results, coming almost simultaneously, represent a serious rebellion against clerical attempts to dictate public policy in democracies, and they come in the two more religiously observant nations in Europe. The election campaigns also reveal that religious groups frequently engage in authoritarian and emotional appeals when their perceived vital interests are at stake. An anti-democratic bent is also evident in these results. Two anti-divorce groups in Ireland are threatening to overturn the results in the Supreme Court on the technical ground that the government spent too much money on

explanatory pamphlets for voters (offset, one would think, by the carpetbagging intrusions by Pope John Paul II, Mother Teresa, and American anti-abortion groups). If the outcome of what the *New York Times* called the "bitterest and most emotional national debate in modern Ireland," is reversed the nation can only face further division and bitterness, often along religious lines. (Anti-divorce forces in Ireland had publicly questioned Jewish involvement in the pro-divorce campaign, accusing the nation's tiny Jewish minority of undermining Christianity. This shocked many, since there are three Jews in Parliament, and Jews have served as Lord Mayors of Dublin.) In Poland, disgruntled Walesa forces are claiming voter fraud and challenging the results in that nation's Supreme Court.

Roman Catholic leaders need to "cool it," to reassess their priorities, to listen to their laity and to respect the rights of other citizens in society, as the Second Vatican Council proclaimed. To do otherwise is to stir up continued and unnecessary conflicts in the public realm. ■

'The Sky is Falling'

Proponents of school prayer or "religious equality" amendments to the Constitution are much given to making mountains out of molehills or emulating Chicken Little. Case in point: a Tennessee ninth grader took a case, much clucked over by the Religious Right as an example of "government hostility toward religion," to the Supreme Court when she was given a zero grade for a research paper assignment she had submitted on the life of Jesus. Her legal claim was that her religious freedom rights were violated.

Her case lost in the federal district and appellate courts, and on November 27 the Supreme Court declined to accept the case for review.

The facts of the case are these. The teacher originally rejected the student's proposal to write about Jesus on the ground that the student's strong religious beliefs would make it difficult for her to deal with the subject in a scholarly way or to accept academic criticism of her paper. The teacher gave the paper a zero grade because the student based it on only one source and not on four as the assignment required. The federal district court held that the teacher's reasons for not accepting the paper "fall within the broad leeway of teachers to determine the nature of the curriculum and the grades to be awarded to students."

The bottom line is that freedom of religion and expression are adequately protected by the First Amendment and the 1993 Religious Freedom Restoration Act. Occasional infringements of these rights can be corrected without amending the United States Constitution. ■

New Assaults on First Amendment Launched, *continued from page 1*

religious convictions in town hall meetings, and religious leaders can hold rallies in public parks. Indeed, recent United States Supreme Court decisions reaffirm the robust protection for religious expression in public places.

"These measures are also unwise. The amendments would perform radical surgery on the First Amendment which has never been amended in over 200 years. They would inevitably weaken our rich tradition of religious liberty. The protections afforded by the separation of church and state have resulted in unprecedented religious liberty in this country and have helped

to create a vibrant religious landscape envied by the rest of the world.

"Finally, these measures would harm religion. Religious expression must be voluntary and uncoerced if it is to be meaningful. Organized school prayer in the classroom or at school functions would coerce the consciences of a captive audience of students. Government-sponsored religious expression in public places impermissibly endorses religion and disparages the rights of religious minorities."

A similar reaction came from the National Committee for

Public Education and Religious Liberty (PEARL), a national coalition of 55 religious, educational, civil liberties, and other groups (including Americans for Religious Liberty):

"The Hyde Amendment's purported intent of ending discrimination against religion is disingenuous," said Stanley Geller, Esq., counsel to PEARL, and co-counsel in *Engel v. Vitale*, the case in which the Supreme Court struck down mandated prayer in public schools in 1962. "The Supreme Court reads the First Amendment to require government entities to chart a neutral course in matters of religion, and they do, so we don't need the Amendment. Rep. Hyde really seeks an amendment which would favor religion. The language of Rep. Hyde's Amendment makes clear its intent to permit government endorsement of religious practices, such as prayer and religious exercises in public schools, and direct funding of religious organizations, such as providing funds without limitation to religious schools."

"The Hyde Amendment would undo decades of judicial (and judicious) interpretation of the First Amendment," said PEARL executive director Lisa H. Thureau, Esq. "For some time now, certain groups that were legally forbidden from using public schools to proselytize children and from using public money to advance religious schools have felt they needed to create a right to do so. The Hyde Amendment, in effect, creates that right."

"As an organization that fights to safeguard children from intolerance and religious discrimination by assuring church-state separation in public schools, PEARL opposes the Hyde Amendment on both constitutional and educational policy grounds," said Thureau. "The Amendment would open the doors to direct government funding of religious institutions, thereby using taxpayers' money to pay for religious education and indoctrination, and entangling the administration of churches and government agencies. In the process millions of dollars would be diverted from public education and we could well end up with a national system of sectarian education. Let's keep public funds for *public* schools."

"The First Amendment's brilliantly crafted balance of clauses prohibiting establishment of religion and protecting the individual free exercise thereof is why Americans enjoy so much religious liberty today. In fact, participation in organized religion is increasing and presently exceeds nations where there is state funding of religious groups. Far from being discriminated against, religion in the U.S. is flourishing precisely because the First Amendment works so well."

Both the Hyde and Istook amendments are supported mainly by various groups of the Radical Religious Right, but may lead to some divisions in their ranks. The Istook amendment is supported by the National Association of Evangelicals, the Christian Legal Society, and the Christian Life Commission of the Southern Baptist Convention (which was taken over several years ago by the fundamentalist faction in the SBC).

The Istook amendment emphasizes "student-sponsored prayer in public schools" evidently out of an awareness that 30 years of previous attempts to get Congress to pass a school prayer amendment failed largely because mainstream religious leaders and organizations opposed government meddling with religion. "Student-sponsored" prayer would mean school (i.e., government) supervision of processes whereby some determination is made as to what sort of prayer a majority or plurality of students in a classroom, a school, or a school district might want. "Student-sponsored" school prayer is a formula for interfaith strife and chaos.

The Hyde amendment does not mention "student-sponsored" school prayer, leaving the question of exactly what the Hyde

proposal means rather vague. Both the Hyde and Istook amendments build on the notion that the Supreme Court in particular and government in general are hostile to religion, a view based either on paranoia or a failure to understand generally wise and proper court rulings on religious liberty issues.

Especially threatening is the Hyde amendment's stipulation that government may not deny "benefits" to or discriminate against persons or groups "on account of religious expression, belief, or identity." This language would not only allow extensive, if not unlimited, government involvement in religious expression but also tax support for sectarian private schools and other institutions.

Rep. Hyde's views were made clear in a televised debate in 1984 with ARL executive director Edd Doerr. Hyde stated that he saw no "constitutional difficulty" in providing tax support for sectarian private schools through tuition tax credits, a variation of the tuition voucher idea. Hyde's proposed amendment, then, can be seen as a sneaky device for getting around the First Amendment's prohibition on tax aid to religious schools, even "nondiscriminatory" tax aid.

Rep. Istook makes much of opinion polls supposedly showing public support for school prayer. But, as we reported in our last issue, the 1995 Gallup/Phi Delta Kappa poll showed Americans oppose vocal school prayer 55% to 41% "if it offends a large percentage of parents." The same poll showed that respondents preferred "a moment of silence for contemplation or silent prayer" over "spoken prayer" by a margin of 70% to 24%.

Both the Hyde and Istook amendments are slated for consideration by Hyde's House Judiciary Committee and will be backed by the full weight of the Religious Right.

Organizations opposed to the Hyde and Istook amendments are urging concerned citizens to urge their Representatives to oppose these threats to religious liberty and church-state separation (U.S. House of Representatives, Washington, DC 20515). ■

Vouchers' Deeply Flawed Premises

continued from page 1

used to be, and that American schools in general fail badly in international comparisons. Rather, the data show that the U.S. spends *less* money on elementary and secondary education than most other industrial countries, that money *does* make a difference in the quality of education, and that sharp increases in school spending are due primarily to the high costs of providing for "special circumstances" children (who are found in proportionately far higher numbers in public than in nonpublic schools).

Advocates of tax support for denominational private schools often claim that public schools fail to promote moral values. Beliner and Biddle, however, cite research at (Southern Baptist) Baylor University's Center for Christian Education to show that public schools still perform the function of "introducing students to shared moral values."

Beliner and Biddle attribute much of the "manufactured crisis" to propaganda campaigns by the religious and secular Radical Right and to media sloppiness and irresponsibility. The authors succinctly explain why voucher plans—currently being touted by many Republican politicians, by the Catholic bishops, and by televangelist Pat Robertson's Christian Coalition—would

(continued on page 6)

Vouchers' Deeply Flawed Premises

continued from page 5

harm rather than help education.

One of the best sections of *the Manufactured Crisis* deals with the real problems of American education—the problems that politicians and the media prefer not to discuss because solving them will cost money, lots of money. Many of our educational problems, Berliner and Biddle demonstrate, are related to this country's worsening distribution of income and wealth—a distribution less equitable here than in any other democratic industrial nation—and to the fact that this country allows far more children to live in poverty than is the case anywhere else in the developed world. Nearly a quarter of America's children live below the poverty line, a figure far higher than that in the northwestern European democracies.

Even more scandalous than our country's toleration of high levels of child poverty are the gross discrepancies in spending between public school districts—a problem largely nonexistent in other advanced democracies. Some school districts in Texas spend more than five times as much per student as the poorest districts. Berliner and Biddle present the statistics showing the spending differentials state by state. Still worse, they tell us, is the fact that this problem isn't being addressed at all: "If America's public-school system were truly to offer *equal* opportunity, it would provide *extra* resources for schools serving the poor. Instead, America turns its back on the educational needs of its poorest children and offers them the *worst* public schools in the nation. Moreover, many Americans don't seem to know this is happening."

Despite its problems, public education in America enjoys widespread popular support, except in the inner cities. About 90% of American kids attend public schools, while nonpublic school attendance has slipped from 13% of enrollment in 1965 to about 10% today (largely as a result of the implosion of Catholic private education).

With the alliance of sectarian special interests and the religious and secular Radical Right have come ever more determined campaigns to cut back funding for public schools and to transfer the "savings" to religious private schools that are exempt from public control. The threat to public education couldn't be more clear.

Jeffrey Henig, professor of political science at George Washington University, provides us with an equally useful and important book. He examines school choice, whether confined to public schools or expanded to include nonpublic, and shows that while carefully constructed and regulated choice plans can be a useful tool for improving education when limited to public schools, translating an idea that sounds good into practice is far from easy. He shows that expanding choice for some students often means reducing choice for others.

While Henig does not go into the enormous dollar costs of a wide-open voucher plan, he usefully points out that even public magnet schools, a "choice" reform used in many school districts (and that mainly to promote racial integration), cost about 8% more to operate than non-magnet schools and transportation for them costs about 27% more.

Education is not a commodity like haircuts or cars or widgets, Henig declares, but rather a public good "most feasibly and appropriately subject to democratic control." Government policy toward public schools, he says, "is the major opportunity that democratic societies have for upgrading the qualities of insight and sensitivity on which future majority decisions will rely."

It is a telling fact, Henig notes, that the first application of economist Milton Friedman's education market idea was in voucher and tuition tax credit programs instituted in several southern states to outflank court-ordered desegregation.

The Berliner-Biddle and Henig books are important contributions to the debate over education policy and proposals to divert public funds to denominational and other private schools.

Also quite useful is the article "School Choice: Panacea or Pandora's Box?" by Kevin B. Smith and Kenneth J. Meier in the December 1995 issue of the *Phi Delta Kappan*. Like Berliner, Biddle, and Henig, Smith and Meier find that there is no evidence that school choice or vouchers will lead to educational improvement. (Copies of the article are available from ARL for \$1 each.) In our last issue we reviewed Smith's and Meier's book *The Case Against School Choice*.

While the books reviewed here are excellent, a more sharply focused and concise book on the subject is *The Case Against School Vouchers*, by ARL's Edd Doerr, Al Menendez, and John Swomley (ARL, \$10). ■

Home Schooling: The Facts

In this article ARL's Al Menendez summarizes the findings of his research on a phenomenon that has been receiving increasing attention, home schooling. These findings will be part of a monograph that ARL will publish next year. The article takes no position on whether home schooling is good or bad. We publish it because a number of advocates of tax support for nonpublic education, through tuition vouchers or tax credits, propose including home schooling in those plans.

— Edd Doerr

Home schooling is the new child on the educational block. An estimated half million—some say one million—students are now schooled at home by parents who, for one reason or another, find public and private schools inadequate. The vast majority of home schoolers are religious fundamentalists, according to surveys conducted by the handful of educational researchers who have studied the phenomenon.

After two decades of legal conflict, home schoolers have achieved a number of legal victories. All 50 states now accord a degree of legal recognition to those who wish to educate their

children at home. Congress has also been increasingly compliant to their demands. Critics see the trend as part of an anti-public school temper which seeks to defund and weaken public education through various choice schemes and voucher plans. Leaders of the home schooling movement have fueled this suspicion with harsh attacks on public education in general and on teachers and teachers' organizations in particular.

Home educators tend to have a higher educational background and socioeconomic status than parents generally and are likely to have much larger families (more than double the

national average of children per family). Seventy-five percent attend religious services weekly, almost double the national average. And 90% are of white Anglo-Saxon ancestry.

The home schooling movement has resulted in considerable litigation, since all states have compulsory attendance laws regulating the number of years of education required of children. Furthermore, there are complicated legal relationships involving days of annual attendance, required subjects, certification of teachers and a host of other administrative questions.

Thirty-four states have home school statutes or regulations. Nevada did so in 1956, followed by Utah in 1957. There was a quarter century delay until Arizona and Mississippi passed laws in 1982. Maine, Rhode Island and Utah give school superintendents or school boards authority to approve home schools.

Forty-one states do not require home school parents to have any specific educational qualifications. North Dakota requires passage of a "Teachers Test," while West Virginia allows parents with a GED or high school diploma to teach until the child reaches high school. Seven states (North Carolina, New Mexico, Ohio, Pennsylvania, Georgia, Tennessee, South Carolina) require teachers to have a high school diploma or a GED.

Four states require approval by the local public school district, school board or state commissioner before home schools can exist (Maine, Massachusetts, Rhode Island, Utah).

Seven states (Connecticut, Indiana, Iowa, Kansas, Maine, New Jersey, Nevada) require instruction or amount of time in school to be "equivalent" to public schools. (This requirement was struck down by courts in Minnesota and Missouri.) Maryland, Delaware and Rhode Island require home instruction to be "regular and thorough," while Idaho and Michigan require it to be "comparable" to public education.

California, Kansas, New York, and Ohio require home school teachers to be "competent," "qualified" or "capable of teaching."

Twelve states treat home schools as equivalent to private or parochial schools (Alaska, Alabama, California, Delaware, Illinois, Indiana, Kansas, Kentucky, Michigan, Nebraska, Louisiana, Texas). Five other states (Colorado, Florida, Maine, South Carolina, Utah) allow groups of home schoolers to qualify as private or church schools.

As to standardized testing or evaluation, the pattern varies. Sixteen states require standardized testing: Alaska, Arkansas, Georgia, Hawaii, Minnesota, New York, Nevada, New Mexico, North Carolina, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, and Washington. In Georgia and Washington, the results do not have to be transmitted to public school authorities.

Fourteen states require alternatives to testing in order to monitor home schooling progress. They are Arizona, Colorado, Connecticut, Florida, Iowa, Louisiana, Maine, Massachusetts, Ohio, Vermont, Virginia, New Hampshire, Washington, and West Virginia. The remaining twenty states do not require any standardized testing or evaluation of home schooling.

Oklahoma may be the home schoolers' favorite state. It is the only state with a constitutional amendment guaranteeing the right to home schooling.

As a result of litigation by the Home Schooling Legal Defense Association (HSLDA), a number of courts have ruled in favor of home schooling interests. The Michigan supreme court ruled in 1993 that home schoolers opposed to teacher certification because of sincerely held religious beliefs are exempt from this requirement. The HSLDA is run by Michael Farris, an attorney who has worked for Jerry Falwell's Moral Majority and Concerned Women for America and ran unsuccessfully as a

Republican for the lieutenant governor of Virginia in 1993.)

Eight states now allow home schoolers to participate in public school sports and extracurricular activities.

A number of philosophical premises underlie the home schooling movement. The most prominent is religion. A very significant, indeed dominant, reason for home schooling is a desire by many parents to pass on their religious perspectives without compromise, conflict, or challenge from others who hold different views.

A 1990 study of home schoolers by Western Baptist College in Oregon found that 96.4% of mothers and 93.8% of fathers described themselves as "born-again Christians." As to specific denominational or theological perspectives, about 40% of both parents were "independent charismatic" or "independent fundamentalist evangelical." About 18% were Baptists. Almost 8% belonged to the Assembly of God denomination and another 3% called themselves "Pentecostal." About 3% were Catholic and just under 3% were members of Presbyterian or Reformed churches. About 1% were Adventists, Lutherans, or Mennonites. Interestingly, about 16% listed "other" as their religious orientation.

Christopher J. Klicka, senior counsel at HSLDA, wrote a scathing book, *The Right Choice*, attacking public education and extolling home schooling. He says, "Home schoolers must remain committed to prayer for protection and committed to train up the children to think and believe as Christians." Klicka insists that most home schoolers share this religious orientation. "Approximately 90 percent of the estimated 250,000 home schooling families in the United States are Bible-believing Christians. Therefore, the Word of God is recognized as the source of all truth and the standard by which all things are measured. These parents want their children not only to believe as Christians, but to develop minds so they can think as Christians. They want their children to be biblically literate."

Klicka adds, "God will always hold parents responsible for the education their children receive," and "Public schools are teaching the children to be biblically illiterate and to ignore godly, absolute moral values."

Klicka advocates a kind of totalistic religion-controlled education and casts aspersions on those who disagree. "A godly education, therefore, is learning not only to believe as a Christian (for salvation), but to *think* as a Christian. Christian home schooling teaches children to think as Christians. Unfortunately,

(continued on page 8)

Safeguarding the Future

Religious liberty and church-state separation will never be completely secure. But you can help provide the means for their defense in the future in two ways.

Include a bequest to Americans for Religious Liberty in your Will, add ARL to your Will, or, include ARL as a beneficiary in a life insurance policy. Bequests and insurance proceeds to ARL are tax deductible.

Please contact us if you would like further information.

Americans for Religious Liberty
P.O. Box 6656
Silver Spring, MD 20916
Telephone: 301-598-2447

Home Schooling: The Facts

continued from page 7

public schools and some private schools are teaching children who believe as Christians to think as non-Christians. Since Christian parents in the past have neglected their *duty* to follow this comprehensive approach to education, generations of adult Christians now apply ungodly principles in their lives and work places, while simultaneously believing as Christians. In essence, many parents are raising humanistic Christians, many of whom are 'lukewarm' and not thinking God's thoughts after Him."

Home schooling is seen not just as an acceptable alternative to other modes of education but as the only one acceptable to God and "based on God's commands." Klicka says, "Home schooling is truly a biblical form of education. It is clear that God is raising up the home school movement in which properly trained children will one day assume leadership. God is blessing the home schooling movement, not because families are home schooling for home schooling's sake, but because the families are faithfully teaching their children to obey and glorify God."

The Bible, Klicka emphasizes, must undergird the entire educational experience. "Scripture speaks to every area of life. It is clear that education is inescapably religious. Every subject, as a result, needs to be studied through the lens of God's Word."

In an appendix, Klicka recommends a dozen curriculum publishers, including those that have been criticized for religious intolerance, political bias, historical errors, and distortions. Klicka says that "Bob Jones University Press and A Beka Books are the two major Christian school textbook publishers. Both do a very good job."

There is a small Catholic dimension to the home schooling movement, perhaps 3% of the home-educated population. It is vigorous in its belief that traditional Catholic schooling has become as deficient in values and academic formation as public education.

Mary Kay Clark, director of the Seton Home Study School, writes: "Ninety percent of home schooling Catholic parents choose it in order to protect their children from evil influences in the schools, Catholic and otherwise, which are pulling their children away from God, away from the Catholic Church, and away from their own family."

Citing sex education and insufficiently conservative religious instruction in Catholic schools, Clark angrily declares: "Many of the Catholic schools of this nation are the training camps of the enemies of the Catholic Church. No longer do we find in the Catholic schools stalwart and unflinching defense of God's Truth. What we find more often is a tacit acceptance of contraception and other sexual evils, the denial of the existence of absolute truth, the acceptance of secular humanist ideas, along with a general contempt for and neglect of the doctrines of the Faith." She adds, "In our current pagan society, where the Catholic schools have been using secular textbooks since the 1960's, where Catholic parents have trusted the Catholic schools to pass on the Faith and the Culture, many of the Catholic treasures have been lost to millions."

Public education is not an acceptable alternative, however. Clark claims: "The public schools of this nation are the enemy of this nation, and the enemy of each American child. The schools and their promotion of drugs through the drug programs, their promotion of illiteracy through erroneous reading programs, their promotion of contraception, their promotion of homosexuality, their promotion of suicide and abortion, is leading us out of existence as a free nation. No longer a Christian nation, soon

we will be no nation at all."

Klicka blames public schools for every imaginable societal problem. "The public schools fail miserably in the area of socialization, with the abundance of crime, drugs, immorality, and gang warfare rampant in the school system." Therefore, "Sending our children to the public school violates nearly every biblical principle. It is tantamount to sending our children to be trained by the enemy. No doubt that if Satan had his choice as to which school system he would want us to send our children to, he would choose the public school system."

As might be expected, the political orientation of the Home School Legal Defense Association is extreme right wing. Its journal, *Home School Court Report*, loathes the Clinton administration and waxed exultant over the 1994 Republican capture of Congress. Two Republican members of Congress, Vernon Ehlers of Michigan and Donald Manzullo of Illinois, are themselves home schoolers.

The movement continues to grow. It has small liberal, secular, and Muslim segments. But overall it is clearly an ally of the Religious Right's attempt to dismantle and restructure the entire educational enterprise in this country. ■

— Al Menedez

Update

Voucher Battles

Minnesota Gov. Arne Carlson (R) unveiled his voucher plan for tax aid to sectarian and other private schools on November 15. The plan would provide vouchers worth up to \$3,000 per student per year for a "pilot" voucher program limited to Minneapolis, St. Paul, the Twin Cities suburb of Brooklyn Center, and one or more rural districts. The plan, patterned after voucher pilot programs in Milwaukee and Cleveland, presently under court challenge, is expected to run into trouble in the Democrat-controlled legislature. Article XIII, Section 2 of the state constitution provides that "In no case shall any public money or property be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught," a provision Gov. Carlson seems to think he can circumvent. The Minnesota Friends of Public Education and ARL state representative Matthew Stark (1021 W. Broadway, Minneapolis, 55411) have been active in opposing the voucher plan.

In Congress, House and Senate leaders are at odds over a voucher plan for nonpublic school aid in the District of Columbia. The vouchers, euphemistically called "education scholarships," are championed by House Speaker Newt Gingrich. Sen. James M. Jeffords (R-VT), chair of the Senate subcommittee with jurisdiction over D.C., says that at least 40 senators oppose the voucher plan and will filibuster to stop it. The District, which has a larger population than several states and is treated rather like a colony by Congress, has limited self rule and is ultimately under congressional jurisdiction. In 1981 D.C. voters rejected a tuition tax credit measure, tantamount to a voucher plan, by a margin of 89% to 11%.

Montana Governor Marc Racicot (R) is promoting a voucher plan for tax aid to nonpublic schools, despite the fact that the state constitution prohibits "any direct or indirect appropriation or payment from any public fund or monies . . . for any sectarian purpose or to aid any church, school, academy, seminary,

college, university, or other literary or scientific institution, controlled in whole or in part by any church, sect, or denomination." Religious Right groups in the state are pushing the voucher idea.

Sen. Joseph Lieberman (D-CT), speaking in Washington on November 12 preceding the National Conference of Catholic Bishops' meetings, criticized the bishops for not lobbying hard enough for a voucher plan for tax aid for sectarian private schools. Lieberman co-sponsored, with Sens. Bob Dole (R-KS) and Dan Coates (R-IN), an unsuccessful voucher bill in Congress in 1994 and is co-sponsoring another during the current session of Congress. Lieberman, who is Jewish, said that the bishops "have the capacity to organize" support for vouchers.

In California, despite an overwhelming defeat for vouchers at the polls in 1993, four separate new voucher initiative petitions are being circulated.

In Washington State, Ballot Initiative 173, a voucher plan applicable to public and secular private schools, is set for legislative consideration in January.

Other voucher proposals are being pushed in Oregon, Arizona, Colorado, Arkansas, Pennsylvania, New Jersey, and Connecticut.

New Parochial Lobby Formed

A new national effort called the Federation of Catholic School Parents was unveiled in late October. The group plans to seek more public funding for transportation, "secular" textbooks, computers, school nurses, and cafeteria workers—all held to be marginally constitutional but not required expenditures by the U.S. Supreme Court since 1947. Advocates of the aid scheme claim they are "child benefit" services, while opponents maintain that any aid to church schools, direct or indirect, is bad public policy because it harms public education and divides taxpayers into hostile religious camps.

In Maryland, the campaign was announced by Cardinal William H. Keeler (on Halloween, appropriately enough) during the Archdiocese of Baltimore's annual school conference. The Maryland Federation of Catholic School Parents is headquartered in the state capital, Annapolis, within the Maryland Catholic Conference's offices. (Catholic conferences are the political arms of the bishops and exist in 28 states, as well as Washington, D.C.) The organization plans to use the Internet as a quick means of stimulating letters of parochial school patrons to state legislators. A dozen Maryland counties allow public transportation aid to parochial school students, but not all presently provide it. But Carroll County, which has no law, provides \$37,000 to parochial school bus riders. Various "auxiliary services" are paid for by state taxpayers.

Boy Scout Religious Bias Tested

The California Supreme Court will shortly consider a challenge to the practice of the Boy Scouts of America (BSA) of discriminating against boys along religious lines. The case, *Randall v. Orange County Council of BSA*, concerns two boys who were rejected for religious reasons. The Randalls have won their case in the lower state courts under a state law prohibiting religious discrimination by businesses, under which category the state courts ruled the Boy Scouts fit. The BSA defends its discrimination by labelling itself a religious organization.

In related developments, a Scout leader in Kalamazoo, Michigan, has been rejected for a higher Scout post because he is

a Muslim. A Maryland boy who has been a Scout for several years was recently expelled for not being a theist.

ARI member Larry Taylor has a comprehensive article on "How Your Tax Dollars Support the Boy Scouts of America" in the September/October issue of *The Humanist* (\$4.75 from *The Humanist*, P.O. Box 1188, Amherst, NY 14226). Taylor shows that the Scouts receive aid from over 22,000 government agencies and the U.S. armed forces, that most scout troops use public schools and other public facilities, and opines that the Scouts' claim to be a religious organization is incompatible with getting extensive aid from tax funds and government agencies.

Baltimore Experiment Ended

Baltimore has ended its contract with Education Alternatives, Inc. to manage 12 city schools. During the experiment test scores rose in some of the schools but fell in others. An independent study concluded that the company was being paid 11% more per student for each of its schools than others in the city spent. Critics of the privatization plan have said that it is unrealistic for a company to claim it can do a better job of educating children without spending more money and at the same time make a profit. "They are feeding off the legitimate desperation of poor communities, who have large numbers of inner-city parents who do want the best for their children," said Walter C. Farrell, Jr., professor of education policies at the University of Wisconsin.

Robertson's 'Catholic Alliance'

Televangelist Pat Robertson's Christian Coalition set up a "Catholic Alliance" to recruit Catholics for its extremist political agenda. Speakers at the Alliance's kick-off meeting in Boston on December 10 included Christian Coalition front man Ralph Reed and Rep. Henry Hyde (R-IL), a longtime advocate of tax aid for church schools and opponent of abortion rights.

Albany, NY, Catholic bishop Howard J. Hubbard criticized the new group, saying that "this Alliance will create massive confusion, not only among lawmakers in local, state, and federal government, but also among the Catholic faithful, as to who it is that speaks legitimately on matters of public policy with the Church in the United States."

Rev. Paul McLaughlin, pastor of Immaculate Conception parish in Marlborough, MA, said, "they're trying to exploit the Catholics, who are very much pro-life and are for school vouchers, and use them and not tell them the other positions that they have."

(continued on page 10)

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 9

Rev. David Hollenbach, professor of theology at Boston College, said that "the moral and religious convictions of American Catholic bishops are in direct opposition to some of the political stands of the Christian Coalition. The idea that there can be some kind of alliance between the Christian Coalition and the Roman Catholic Church is nonsense."

Robertson's representative Reed, however, said that Catholics and Evangelicals could find common ground in opposing abortion and supporting tax aid for nonpublic schools. Reed apparently overlooked the fact that most Catholics are pro-choice on abortion and prefer to send their children to public schools.

PEARL Honors Bauchman

Rachel Bauchman, the courageous high school student who successfully challenged the performance of devotional songs at graduation ceremonies in Salt Lake City last spring, was honored by the National Committee for Public Education and Religious Liberty (PEARL) in New York on November 2.

After repeatedly ignored complaints about excessive use of religious music in the West High School choral program in which she was enrolled, Ms. Bauchman took her case to court. On June 6 the U.S. Tenth Circuit Court of Appeals enjoined the school from singing two religious songs at the graduation ceremony. The ruling was based in part on an affidavit by ARL

The *ESSENTIAL* Church-State Library

The Case Against School Vouchers

Edd Doerr, Albert J. Menendez, and John M. Swomley \$10.00

Comprehensive critique of voucher plans.

Religion and Public Education: Common Sense and the Law

Albert J. Menendez and Edd Doerr \$12.95

Guide to what public schools may and may not do about religion.

Visions of Reality: What Fundamentalist Schools Teach

Albert J. Menendez \$14.95

The definitive, eye-opening study of the schools tax dollars would pay for under a voucher plan.

Religious Political Parties

John M. Swomley \$10.00

Analysis of current threats to religious liberty.

Abortion Rights and Fetal 'Personhood'

Edited by Edd Doerr and James W. Prescott \$12.95

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

The December Wars: Religious Symbols and Ceremonies in the Public Square

Albert J. Menendez (hardcover) \$18.95

History of controversy over holiday observances.

The Great Quotations on Religious Freedom

Albert J. Menendez and Edd Doerr \$12.95

The most comprehensive collection ever compiled.

Religious Liberty and the Secular State

John M. Swomley \$14.95

Authoritative history of church-state separation in the U.S. Analyzes current threats to religious freedom.

A Shared Vision: Religious Liberty in the 21st Century

A consensus statement. \$1.00

Church Schools and Public Money: The Politics of Parochialism

Edd Doerr and Albert J. Menendez \$14.95

Thorough examination of the campaign to get tax support for sectarian schools.

Catholic Schools: The Facts

Edd Doerr \$10.00

Analysis of the largest private school system seeking public funding.

Abortion and Public Policy

John M. Swomley \$10.00

Defense of freedom of conscience on reproduction by a leading ethicist.

Religious Liberty and State Constitutions

Edd Doerr and Albert J. Menendez (hardcover) \$19.95

Religious Liberty provisions of all the state constitutions.

Why We Still Need Public Schools: Church/ State Relations, and Visions of Democracy

Edited by Art Must \$17.95

28 experts on education, religion, law and science explain and defend church-state separation and public education.

Dear Editor

Edd Doerr \$5.00

A "how to" book on writing letters to the editor.

Abortion Rights at the Polls: An Analysis of the 1992 Maryland Referendum

Albert J. Menendez \$10.00

A precinct by precinct look at how and why people vote.

Order from:
Americans for Religious Liberty
PO Box 6656
Silver Spring, MD 20916

president John M. Swomley, a United Methodist minister and emeritus seminary professor, that the songs in question were indistinguishable from prayers prohibited at public school graduations by the First Amendment. The case is still before the federal appellate court, in part because students disrupted the graduation by singing the prohibited songs.

Catholic, Unitarian, Mormon, Buddhist, and other Jewish students (Bauchman is Jewish) have rallied to Bauchman's support and have reported similar experiences with religious intolerance at West High and in the choir in particular.

Further information on the Bauchman case is available from ARL.

Abortion Rights

The Supreme Court on November 27 rejected an appeal by five California anti-choice demonstrators that they be spared having to pay \$99,107 in legal fees incurred by a Feminist Women's Health Center clinic in Sacramento. Operation Rescue and other defendants had lost the case by default.

The Supreme Court on December 4 allowed to stand a Tenth Circuit Court of Appeals ruling that Colorado must pay for abortions for rape and incest victims as part of its participation in the federal Medicaid program. In 1994 Congress voted to permit use of Medicaid funds for abortions for rape and incest victims. The Tenth Circuit ruling applies to Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming.

A federal court in Dayton on December 14 temporarily blocked enforcement of an Ohio law banning abortions after the 24th week, except to protect a woman's life, and virtually banned the dilation and extraction method for late-term abortions. Judge Walter Rice said the law may be unconstitutionally vague and "may chill the exercise of a woman's right to a pre-viability abortion."

Congress banned servicewomen and military dependents from having abortions in military hospitals in the defense appropriations bill that President Clinton allowed to become law in November because it contained funds for U.S. troops deployed in Bosnia. The Republican-controlled Congress has also eliminated abortion coverage from federal employee health insurance plans, prohibited federal prisons from paying for abortions for inmates, and barred funding for international family planning programs that perform abortions and organizations that provide information about abortions.

The militant anti-choice group Rescue America has moved its base to Baltimore from Houston, where a court found it liable for \$500,000 in damages for threatening and interfering with Planned Parenthood and other abortion providers. In Baltimore the group says it has obtained the names of 500 women who had abortions in one area clinic and plans to offer them "religious counseling," though abortion rights defenders would call it harassment.

Moving?

Please send a change of address form to:

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

Hospital and health plan mergers and consolidations are reducing patient access to abortions and other reproductive health care services, according to an October report by the ACLU's Reproductive Rights Project. "The problem for reproductive health care arises," the report states, "when a religiously controlled institution tries to impose upon its new partners its restrictions against providing certain reproductive services. As a result of these new business relationships, many hospitals no longer dispense contraceptives, provide abortions, or perform surgical sterilizations. This reorganization of health care constitutes one of the most serious and least visible threats to women's access to comprehensive reproductive health services in years."

The Presbyterian Church U.S.A. General Assembly, meeting in Cincinnati in July, approved a strong statement "against violence at women's health clinics." The PCUSA affirmed "the right, freedom, and ability of women to make moral choices regarding problem pregnancies" and supported "legislation to make a full range of reproductive services available." The statement also expressed "concern for and prayers for the safety of those associated with clinics and their families, those murdered and their families, those who intentionally and unintentionally incite violent actions." The church sent letters to members of Congress in November affirming its commitment to abortion rights.

Ontario physician Dr. Hugh Short, who includes abortions in his hospital practice, was wounded in his home by a sniper on November 10. The shooting occurred two days after the anniversary of a similar near-fatal shooting of a doctor in Vancouver.

International

Munich: The Bavarian state parliament in December passed a law requiring that crucifixes be hung in public school classrooms in the predominantly Catholic German state. Germany's supreme court had ruled a previous state law to be in violation of the religious liberty clause of the federal constitution.

Ottawa: The Canadian supreme court has ruled recently that parents may not deny children necessary medical care because of their own religious beliefs. Said the court, "A person's freedom of religion does not include the imposition upon the child of religious practices which threaten the safety, health or life of the child." ■

Books

Holy Hatred: Religious Conflicts of the '90s, by James A. Haught. Prometheus Books, 237 pp., \$21.95.

West Virginia journalist Haught surveys the resurgence of religious-based warfare and religious intolerance throughout the world today. In this admirable survey of world conflict, Haught writes, "Religion, despite its universal message of compassion, can mix with politics, poverty, tribalism, and social ferment to produce the destructive opposite of compassion. If the 1980s were the decade of dying communism, the 1990s may well be called the decade of furious faith."

"What is going on," he says, "is a phenomenon the world avoids discussing, namely, the evil side of religion." Describing

(continued on page 12)

Books, continued from page 11

religious tribalism and the "faith factor that is visible in much bloodshed of the 1990s," Haught writes, "A great irony of the 1990s is that religion—supposedly a source of kindness and human concern, has taken the lead as the foremost contributing factor to hatred, war, and terrorism. With Soviet communism gone and the Cold War no longer spurring conflicts, the world spotlight has shifted to local ethnic strife, most of which involves fractious faiths."

— Al Menendez

Genocide in Bosnia, by Norman Cigar. Texas A & M University Press, 247 pp., \$29.95.

Here are the facts about the tragic horrors of Bosnia, laid out in a documented fashion by an American scholar who knows the language and region well. There can be no doubt, Cigar writes, of Serbia's primary responsibility for this genocide. "This study contends that the genocide—or ethnic cleansing, as it has been commonly known—that befell the Muslims of Bosnia-Herzegovina was not simply the unintentional and unfortunate by-product of combat or civil war. Rather, it was a rational policy, the direct and planned consequence of conscious policy decisions taken by the Serbian establishment in Serbia and Bosnia-Herzegovina. This policy was implemented in a deliberate and systematic manner as part of a broader strategy intended to achieve a well-defined, concrete, political objective, namely, the creation of an expanded, ethnically pure Greater Serbia."

Tragically, religious animosity is a core problem. Writes Cigar, "Religious leaders appear to be a particular target in the quest to demoralize the Muslim population. The official Bosnian Serb media continued to propagate its anti-Islamic message intensively, even resorting to the distortion of texts from the Koran as proof that Islam mandated that non-Muslims be killed."

The Serbian Orthodox Church has supported the genocide in much the same way that the Roman Catholic Church in Croatia did so a half century ago. "The Serbian Orthodox Church, both in Serbia and in Bosnia-Herzegovina, continued to provide its legitimacy to the Bosnian Serb authorities' ethnic policies... The Serbian Orthodox Church also reinforced the perception that the Muslims were defective human beings. Claiming that the Muslims were of Serb origin, the Church offered to accept them back only if they abandoned their deviance by changing the current religion."

Orthodox leaders demanded that the church's catechism be taught in all public schools, encouraged a high birth rate, and tried in 1993 to have all abortions declared illegal. They encouraged the abandonment of Islam, carried out mass conversions, and "reportedly sold baptism certificates to Muslims seeking to avoid persecution or expulsion," charges Cigar.

What does all this mean to humanity? Says Cigar, a professor of national security studies at Quantico, "Ultimately, the greatest cost of the genocide in Bosnia-Herzegovina may well be to the world's value system. In moral terms, this case implies a disturbing vision of the future."

— Al Menendez

Steel Valley Klan: The Ku Klux Klan in Ohio's Mahoning Valley, by William D. Jenkins, Kent State University Press, 222 pp., \$27.50.

Eastern Ohio's Mahoning Valley had a brief flirtation with the second Ku Klux Klan of the 1920s, which conceived of itself as an organization supporting moral reform and the imposition of a conservative Protestant moral code on Catholics, Jews, liberals

and other non-pietists. Jenkins' excellent history traces the rise and fall of the Steel Valley Klan, and the opposition from other religious groups.

Interestingly, a Klan-dominated school board in Youngstown passed a resolution ordering teachers to read the Bible at the start of each school day. They also sought to require students to memorize the Ten Commandments, and made "efforts to restrict Catholic access to teaching positions in public schools." The Klan also called for the teaching of religion in public schools, Prohibition, and the continuation of a ban on Sunday commerce or entertainment.

Jenkins shows the religious base to Klan support. "As a Protestant Defense League for native-born white Americans, it appealed to those wanting to protect American culture... The tie of the Klan campaign to Protestantism was most apparent in the widespread support of Protestant ministers, especially from the Presbyterian, Methodist and Baptist faiths." Those three churches, along with the Disciples of Christ, constituted 83% of KKK members in the Youngstown area, according to Jenkins, a professor of history at Youngstown State University. As a consequence, Klan-backed candidates were swept into local political issues in the early 1920s. Writes Jenkins, "The Klan was indeed a Protestant defense league, a nativist organization that defined America as a conservative Protestant culture."

— Al Menendez

Unsecular Media: Making News of Religion in America, by Mark Silk. University of Illinois Press, 1995, 184 pp.

Mark Silk, an Atlanta journalist with an earned doctorate, challenges the myth that American journalism is hostile to religion. After reviewing the historical evidence, Silk concludes, "The Public Square has not been denuded of religion. To the contrary. Not only is American journalism reasonably attentive to matters of faith, but it also approaches these in what can only be described as a proreligious posture." He adds that "The American news media present religion from a religious rather than a secular point of view." This excellent book is a good antidote to the poisonous propaganda that the American print media are engaged in a systematic attempt to berate religion.

— Al Menendez

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"/> \$25 Individual | <input type="checkbox"/> \$500 Sponsoring |
| <input type="checkbox"/> \$30 Family | <input type="checkbox"/> \$1000 Patron |
| <input type="checkbox"/> \$50 Sustaining | <input type="checkbox"/> \$10 Student and Low Income |
| <input type="checkbox"/> \$100 Supporting | <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.)