



VOICE OF REASON

The Newsletter of Americans for Religious Liberty 1996, No. 3 [57]

Voucher War Heats Up

Presidential candidate Bob Dole's vigorous advocacy of a voucher plan for tax aid to sectarian and other private schools is but one front in a massive, expanding campaign to undercut church-state separation and public education. Here is the rest of the current picture.

In mid-August, Wisconsin's Dane County Circuit Judge Paul Higginbotham refused to lift an injunction barring inclusion of religious schools in Milwaukee's six year old voucher "experiment." Higginbotham said that "the state cannot do indirectly what it can't do directly." However, he ruled that the portion of the voucher plan confined to nonreligious schools could be expanded from 1,500 to 15,000 students. Appeals are still under way in *Jackson v. Benson*.

On July 30, Ohio's Franklin County Judge Lisa L. Sadler ruled in favor of including religious schools in Cleveland's voucher scheme (*Simmons Harris v. Goff*). On August 12, an

Ohio appeals court refused to enjoin the scheme. An appeal is headed for the Ohio Supreme Court.

Americans for Religious Liberty is involved in challenging the Wisconsin and Ohio voucher schemes through the National Committee for Public Education and Religious Liberty (PEARL), a coalition of educational, religious, and civil liberties groups.

Vermont is the scene of another voucher battle. Because of its rural nature, many towns and districts in the state cannot afford to operate high schools. So some districts deal with the problem by paying tuition, up to \$5,700, for students to attend secular private schools or public schools in other districts. The school board of Chittenden, however, has voted to pay for 15 students to attend a local Catholic high school. The Vermont Department of Education has withheld state aid to the district,
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Church, State and the 1996 Election

ARL associate director Al Menendez, one of the country's leading religio-political demographers, prepared this article on the elections. His most recent books include, Evangelicals at the Ballot Box and The Perot Voters.

The Republicans

Kansan Bob Dole has been an enduring fixture on the national political stage since his first election to the House of Representatives in 1960. Winning a Senate seat from the reliably Republican Jayhawker State in 1968, Dole served as Senate majority leader during the early Reagan years (1981-1987) and from 1995 until his resignation this past summer. As such, he has had to compromise on many occasions, though rarely deviating much from conservative orthodoxy. His conservatism was clearly a factor in his selection as President Gerald Ford's running mate in 1976, since he was acceptable to the Reaganite wing of the GOP. As a candidate for the number two spot that year, Dole is best remembered for his partisan, acerbic rhetoric.

Unsuccessful in bids for his party's presidential nomination

in 1980 and 1988, Dole finally succeeded by positioning himself as a "moderate" alternative to Pat Buchanan's populist isolationism and Steve Forbes' supply-side economic optimism. By selecting Jack Kemp as his running mate and proposing massive new tax cuts, however, Dole repudiated much of his past and has embraced the Kemp-Forbes formulas.

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Despite Dole's image as a midwestern moderate, his congressional voting record is staunchly conservative. He supported conservative positions on economic, foreign policy and social issues 90% of the time. (One exception is support for civil rights legislation, which one would expect from a native of western Kansas.)

While Dole has sought to portray himself as a relative moderate on abortion rights, he is actually an uncompromising opponent of freedom of choice for women. His support for the most vigorous anti-abortion position was evident in his tough 1974 reelection campaign, the first post-Watergate election in which Republicans were on the defensive because of President Nixon's resignation to avoid impeachment. Voter anger was particularly directed at Nixon loyalists, among whom was Dole, who hailed Nixon as his mentor and remained a resolute defender of the embattled president right up to the end.

Dole trailed Democratic congressman William Roy during the 1974 campaign until Dole accused his opponent, a physician, of having performed abortions. Roy, who delivered thousands of babies, admitted to performing a few abortions for medical reasons. The Dole campaign smeared Roy during the campaign's closing days. Church parking lots were swamped with anti-Roy literature on the Sunday before election day. Dole's narrow reelection was hailed by "right to lifers" as their most visible triumph at the polls just a year after the *Roe v. Wade* decision.

Dole remained a fierce supporter of a constitutional amendment to outlaw all abortions, a position he has since repudiated, even though it remains in the 1996 GOP platform. Dole's voting record on abortion-related issues placed him in the forefront of opposition to choice. Dole now says he would accept abortion for rape, incest or serious threat to a mother's life. But his waffling on the issue and his attempt to divert attention from it during the primaries has satisfied neither wing of his party. And his position still threatens to produce defectors to Bill Clinton from prochoice GOP women.

Dole favors school prayer. He supported President Reagan's 1984 constitutional amendment proposal, and he wants vouchers to support private and parochial schools. Dole was co-sponsor of a voucher demonstration proposal which failed to win Senate approval in 1994. Dole's acceptance speech on August 15 reiterated his support for vouchers and "school choice" plans. His attack on public school teachers and their organizations was also pronounced and even unexpected.

Dole is generally popular among evangelical and Christian Right voters. He solidified his support during the primaries when he claimed that critics of the Religious Right wanted to exclude religious people, a category much broader than the Religious Right, from the political process. His attacks on Hollywood films resonate among the puritanical sector that loathes much of modern culture and favors more censorship

of the entertainment industry. As a result, Dole won more primary votes than Buchanan among Christian conservatives.

Dole is a lifelong Methodist, as is his second wife Elizabeth, who was a cabinet official during the Reagan-Bush years. But both Doles recently severed their connection with Washington's Foundry United Methodist Church, the congregation attended by Hillary Clinton, allegedly because its minister, Philip Wogaman, is too liberal.

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Americans for Religious Liberty is a nonprofit public interest educational organization dedicated to preserving the American tradition of religious, intellectual, and personal freedom in a secular democratic state. Membership is open to all who share its purposes. Annual dues are \$25 for individuals, \$30 for families, \$10 for students and limited income.

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The Doles now attend National Presbyterian Church, once the home parish of President Eisenhower. Elizabeth Dole is known for recounting her rediscovery of evangelical Christianity during a mid-life crisis a decade ago, which reportedly delights evangelical audiences. She is considered a political asset among evangelicals, especially in her native South.

The Kemp Factor

The selection of former HUD secretary and nine-term Congressman Jack Kemp as Dole's running mate solidifies conservative control of the party.

Kemp is one of the few Republicans who feel comfortable in African American and other minority communities, because of his espousal of affirmative action, bans on assault weapons, and a moderate approach toward immigration. (Before his acceptance speech, however, Kemp reversed his position on affirmative action in California, endorsing the so-called California Civil Rights Initiative.) Kemp is a positive campaigner who generally rejects character-based campaigns.

Still, the record indicates that Kemp, who made his public image espousing supply-side economics and enterprise zones for inner-city neighborhoods, is no friend of church-state separation. As a freshman congressman from suburban Buffalo in 1971, Kemp supported a constitutional amendment authorizing school prayer.

Kemp is strongly anti-abortion. He has consistently opposed federal financing of abortion and has sought to limit abortion availability. Kemp opposed Title X Family Planning services and sought to exclude abortion services from government programs. He has long advocated vouchers and tax aids for private and religious schools, apparently oblivious to the impact of such diversions from under-funded public schools in inner cities.

In the past, Kemp has suggested that he supports the Religious Right on some issues. He said, "God is the author of the Constitution," which may come as a surprise to James Madison. As a presidential contender in 1988, he said he would "protect the unborn" by appointing only judges who "uphold the Judeo-Christian values." He was also forced to remove Tim and Beverly LaHaye, ultra-conservative fundamentalists who had made anti-Catholic and anti-Semitic statements, as his national chairpersons.

The GOP Platform

While Republicans took pains to package their 1996 product in the most appealing way, their platform was largely dictated by the Buchanan wing of the party. Far from being a conservative document, it is in many ways a profoundly radical one, calling for six constitutional amendments, one supporting school prayer and another advocating a total ban on abortion that includes no exceptions, even for rape, incest, or life endangerment. A Nativist tone is evident in repeated attacks on immigration and a call for removal of automatic citizenship for children born in the U.S. to noncitizens.

(Those born to illegal immigrants or legal immigrants whose status is not permanent would no longer be U.S. citizens under the Republican plan.)

The platform supports vouchers and "programs of parental choice among public, private and religious schools, as well as the option of home schooling." "We will abolish the Department of Education and end federal meddling in our schools and call for prompt repeal of the Goals 2000 program," the platform says.

"We condemn attempts by the EEOC or any other arm of government to regulate or ban religious symbols from the work place, and we assert the right of religious leaders to speak out on public issues....We believe religious institutions and schools should not be taxed. When government funds privately operated social, welfare, or educational programs it must not discriminate against religious institutions, whose record in providing services to those in need far exceeds that of the public sector."

The platform calls for reappraisal of state divorce laws, which are not a federal responsibility: "We urge State legislators to review divorce laws to foster the stability of the home and protect the economic rights of the innocent spouse and children." Presumably this would not apply to Bob Dole or Newt Gingrich, who ended long marriages with children, and selected other spouses.

Though a Republican Senate refused to do so, the GOP platform "encourages states to stop cash payments to unmarried teens and to set a family cap on payments for additional children."

As in 1992, the GOP specifically calls for government action to ensure common moral values, which smacks of cultural fascism. "Government has a responsibility, as well, to ensure that it promotes the common moral values that bind us together as a nation. We therefore condemn the use of public funds to subsidize obscenity and blasphemy masquerading as art."

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Republicans Oppose Vouchers

Although the Republican Party and candidate Bob Dole favor vouchers for tax aid to nonpublic schools, an American Viewpoint poll released in July showed rank and file Republicans opposed to vouchers 61% to 30%. In the same poll, Republicans opposed abolishing the U.S. Department of Education 54% to 34%. Also, 40% favored increased federal funding for education, while only 15% said such funding should be decreased.

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The abortion plank is uncompromising: "We believe the unborn child has a fundamental individual right to life that cannot be infringed. We therefore reaffirm our support for a human life amendment to the Constitution, and we endorse legislation to make clear that the 14th Amendment's protections apply to unborn children. We oppose using public revenues for abortion and will not fund organizations that advocate it. We commend those who provide alternatives to abortion by meeting the needs of mothers and offering adoption services. We reaffirm our support for appointment of judges who respect traditional family values and the sanctity of innocent human life." An adoption tax credit is encouraged.

The 1996 platform is suffused with piety. It invokes a deity a number of times, even though Republican platforms from 1856 through 1944 refused to do so.

Bob Dole "walks humbly with his God" while Bill Clinton "lied about the condition of Medicare and lied about our attempts to save it." The document calls for "moral clarity in our culture and ethical leadership in the White House" and "appeals to the Supreme Judge of the world for the rectitude of our intentions." The GOP platform ends "with a firm reliance on the protection of Divine Providence."

Bob Dole has said that he hasn't read the platform. He has already repudiated the plank calling for removal of citizenship for children of noncitizens. He may be forced to disavow other passages as time goes by.

The Democrats

The Clinton administration has won high marks from supporters of church-state separation and religious liberty. President Clinton has held the line on abortion rights, rejecting efforts to eliminate this fundamental right. He vetoed attempts to restrict the procedure or deny access to it. One of his first actions in 1993 was to reverse the "gag rule," that barred discussion of the abortion option in publicly funded counseling. At the same time Clinton has sought to expand family planning and prenatal care in his efforts to make abortion itself "safe, legal, and rare." His administration has tried to protect medical personnel at clinics where abortions are performed, despite an increase in violence aimed at them and indifference by Republicans.

Clinton has supported public education and opposed vouchers for private and church-related schools. His administration's emphasis on education and retraining workers displaced by technological change and corporate downsizing have won plaudits.

Clinton has steered a moderate course on school prayer and religious activities in public schools. While opposing constitutional amendments designed to "restore" prayer and devotions to public schools, the Clinton administration issued a directive in 1995 to school administrators stressing the positive role for

religion in education through academic courses in the curriculum, released time for religious education, and respect for religious diversity. He is the first president to address these concerns, and his proposals were seen as an attempt, in part, to head off a full-scale assault on religious neutrality in education mounted by the Religious Right.

Clinton signed the Religious Freedom Restoration Act (RFRA). RFRA was passed overwhelmingly by Congress in a bipartisan manner to overcome a 1990 Supreme Court decision written by Reagan appointee Antonin Scalia that scaled back government guarantees and protections for free exercise.

Clinton is a Southern Baptist who attends wife Hillary's Methodist church in Washington. His decisions on religious issues and his familiarity with evangelical idiom have made him popular with religiously moderate and liberal voters in many faith traditions as well as African Americans. But his policies have received little support from evangelical and fundamentalist Protestants or conservative Catholics. Indeed, his policies on abortion and population issues have brought him highly publicized and politically unwelcome clashes with the Vatican. His Supreme Court appointments also strengthened constitutional protections of church-state separation.

The Democratic Platform

The Democratic platform opposes vouchers. "We should expand public school choice, but we should not take American tax dollars from public schools and give them to private schools."

On abortion, the platform is prochoice. "The Democratic Party stands behind the right of every woman to choose, consistent with *Roe v. Wade*, and regardless of ability to pay. President Clinton took executive action to make sure that the right to make such decisions is protected for all Americans. Over the last four years, we have taken action to end the gag rule and insure safety at family planning and women's health clinics. We believe it is a fundamental constitutional liberty that individual Americans—not government—can best take responsibility for making the most difficult and intensely personal decisions regarding reproduction.... We support contraceptive research, family planning, comprehensive family life education, and policies that support healthy childbearing...."

In 1996, as in elections since 1972, the two major parties offer sharply contrasting and competing visions of the way in which religion and government should intersect.

Then there is Ross Perot. His Reform Party has not addressed church-state issues, nor has Perot himself. In 1992, Perot was prochoice on abortion rights, as were most of his supporters. He has always been a strong public school advocate and did not endorse government support for private schools. On organized school prayer he suggested that efforts to restore it would lead to costly and fruitless lawsuits. Governmental reform and economic issues remain the thrust of the Perot campaign. Social and cultural issues are seen as ancillary to the nation's central problems.

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which is suing to get it. In 1961, the Vermont Supreme Court ruled payments to religious schools unconstitutional, but in a confusing 1994 ruling the same court upheld tuition payment for a student attending a boarding school in Delaware (sic!). The new Vermont case has not yet gone to trial.

Washington State voters on November 5, will face two separate voucher initiatives on the ballot (see our last newsletter #56 for details.)

In New York City in September, Mayor Rudolph Giuliani floated the idea of paying the local Catholic schools to take in 1,000 of the city's poorest public school students, given the city's failure to provide adequate classroom space for its growing school population. Cardinal John O'Connor, in going along with Giuliani's plan, said that public school overflow into Catholic schools would not be exempted from Catholic religious instruction. City school officials opposed the mayor's plan, and on September 20th, the New York State Board of Regents voted 8-5 to reject a voucher scheme.

Considerable media noise was generated in August when two academics, Paul Peterson of Harvard and Jay Greene of the University of Houston, released a report purporting to show that students in the third and fourth years of attending private schools on vouchers in Milwaukee were doing better than their public school counterparts. They took issue with University of Wisconsin professor John Witte, who has been studying the Milwaukee plan since its inception and has found no improvement attributable to vouchers. Critiques of the Peterson-Greene study, however, have pointed out that their study was not peer reviewed, that its research methods were weak, that its conclusions were not warranted by their data, and that their sampling of data was seriously flawed. Paul Peterson has for several years been an ideological supporter of vouchers, and the Peterson-Greene "study" was released to coincide with the Republican National Convention.

Vouchers: Dueling Polls

Voucher promoters were gleeful when a poll released in September purported to show that 84% of parents favor voucher plans for tax support of nonpublic schools. The catch, however, was that the poll was sponsored by the Center for Education Reform (CER), a pro-voucher lobby group, and the question used mixed private school vouchers with public school choice.

More accurate polling, done by the annual Phi Delta Kappa/Gallup survey, shows opposition to vouchers at 61% to 36%, close to the aggregated average of 67% to 33% registered in 20 statewide referenda from coast to coast between 1967 and 1993. When PDK/Gallup used a question similar to that used by CER, opposition registered 54% to 43%, even when vouchers and public school choice were conflated.

PDK/Gallup, as it does every year, showed what might be called the "Lake Wobegon" effect. Public schools nationally were rated OK to excellent by 69% of public school parents, public schools in their communities were rated OK to excellent by 86%, and the public schools attended by their oldest child were rated OK to excellent by 88%. Lower opinion of public schools outside one's own community seems to reflect the propaganda campaign against public schools being waged by voucher supporters.

Is the Christian Coalition Really Nonpartisan?

Christian Coalition (CC) director Ralph Reed goes to great lengths to emphasize that Pat Robertson's activist group is nonpartisan: it merely rates members of Congress on issues deemed critical to the membership.

Let's look at this claim by analyzing the group's scorecard for the 104th Congress. Remember that these supposedly nonpartisan scorecards will be issued by the millions, primarily by evangelical churches, during the weeks leading up to the November 5 elections.

How do the parties fare? Dramatically different. For example, 1/2 of the House Republicans scored 100 on the CC ratings, meaning they voted in support of the Coalition's

position on all 13 issues selected. By contrast, 94 Democrats scored 0. They never supported a CC position. One House Democrat, Ralph Hall of Texas, scored 100.

In the Senate, the story is much the same, though there was a little less polarization. Of the Republicans, 28 received a perfect score on the 11 positions chosen, while 5 Democrats scored zero.

Combining the average approval percentages for both parties in both houses yields additional proof of the GOP/CC connection.

The average agreement rating for Republicans was 89.7% in
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the House and 85.5% in the Senate. For Democrats, it was 15.2% in the House and 17.7% in the Senate. It is easy to see why the CC has such clout in the Republican party and why there is such a high correlation between Republican affiliation and support for CC positions and by CC scorecards at election time.

Looking at it another way also shows that while nearly half of Congressional Republicans (48.6%) scored 100 on the CC ratings, 40.7% of Democrats received a zero. Geography and religion also play a role in shaping support for the CC. House and Senate members from the 19 strongest evangelical states, which correspond roughly to the south, the border states, plus Indiana and Kansas, scored an average approval rating of 63.5%. Representatives from the less evangelical 31 states (the northeast, the midwest, the far west), had an average approval rating of 50.2%. The higher approval rating for states with an above average percentage of evangelical voters holds for both parties in both houses. The difference is strongest among Senate Republicans. Those from strongly evangelical states scored 94.7% approval, while those from less evangelical states averaged 78.4% approval. More than 93% of votes cast by GOP members from the evangelical strongholds were deemed favorable by the CC.

Which issues are selected by the CC as indicative of their concerns? The group, founded primarily as an advocacy organization for the social issue concerns of very conservative Christians, now sees certain economic issues as vitally important. Of the 13 House votes chosen for the 1996 scorecard, six deal with economic questions such as tax reductions, a balanced budget amendment, term limits, welfare reform, and restrictions on lobbyists. Six votes deal with abortion, gay rights, pornography and vouchers to support private and parochial schools—all traditional social issues. One issue, support for more money for prisons and police and less for crime prevention programs, is a conservative social issue not as directly associated with religion.

Of the eleven Senate votes chosen by the CC, five are economic-oriented, dealing with tax relief, balanced budgets, a line item veto, welfare reform and restrictions on lobbyists. The other six dealt with social issues like abortion, gay rights, pornography on the Internet, opposition to President Clinton's nomination of Henry Foster for U.S. Surgeon General, and opposition to "taxpayer-funded divorces" allegedly promoted by the Legal Services Corporation. This mixture of economic and social issues in nearly equal amounts enables the organization to claim that it supports a broader agenda than just religious and cultural conservatism.

To be sure, the Coalition's scorecard gives a Religious Right spin to many issues, which suggests that its support or opposition to proposed legislation is often conditioned on its religio-cultural outlook. For example, in its description of a Senate vote on transferring the federal Legal Services Corporation to the states, the CC claimed the program providing legal

services to the poor "has become a bastion of taxpayer-funded divorce and left-wing activism." In House and Senate votes on welfare reform, the Coalition attacked "subsidizing out-of-wedlock births." A Senate motion to permit family planning assistance overseas was denounced because it allowed abortion. The CC supported a Senate amendment "to stop the federal government from using taxpayer dollars to directly or indirectly promote homosexuality." In the House they supported an amendment to prohibit the Washington, DC, government from giving "homosexual couples and other unmarried domestic partners the same health care and other benefits normally reserved for married couples." Opposition to funding for the National Endowment for the Arts was explained as "penalizing the NEA for continuing to use tax dollars to fund obscene and anti-Christian art projects." It can easily be seen that the CC predicates its support or opposition on a world view rooted in conservative religious values.

In his recent book, *Active Faith*, Ralph Reed essentially denied his own claims of nonpartisanship. He wrote, "Religious conservatives have invested too much blood and treasure in the hard-earned gains they have won in the Republican party since the late 1970s. To simply walk away from that union, which has endured for almost twenty years and produced several electoral landslides, will take more than a family squabble." Nonpartisan, indeed.

ARL in Action

Since our last report, ARL president John Swomley has addressed audiences in Monroe and Shreveport, LA and Prairie Village, KS. His address at a Methodist Church in Kansas was delayed by a bomb threat; as a result police had to evacuate the church.

ARL executive director Edd Doerr debated economist Terry Moe on vouchers for one hour on National Public Radio's "Talk of the Nation" program on August 8. He was also a guest on talk shows in Washington, DC, Columbus, OH, New Orleans, LA, Buffalo, NY, Grand Forks, ND, Santa Cruz, CA, Wilmington, DE and a syndicated Radio America show. He addressed audiences in Adelphi, Sandy Spring, Towson, and Baltimore in Maryland. Doerr's article, "Pat Robertson's Agenda for America: A Marriage of Religion and Politics," appeared in the July issue of *USA Today* magazine (available from ARL for 50 cents).

On October 4, Doerr and other religious liberty experts met at Washington's Catholic University School of Law with government officials from Ukraine, the Russian Federation, and the Slovak Republic. The conference was sponsored by the International Academy for Freedom of Religion and Belief.

Associate director Al Menendez was a guest on talk shows in Charlotte, NC, Omaha, NE, Batavia, NY, Springfield, MA, Urbana, IL, and Ann Arbor, MI.

More Trouble for the Christian Coalition

Pat Robertson's Christian Coalition (CC) faces more charges about its political activities and voter education programs. The Federal Election Commission (FEC) unanimously filed a complaint against the Coalition in federal court for violation of federal election laws. The complaint is primarily directed at the organization's conduct relating to the preparation and distribution of supposedly nonpartisan "voters' guides," which rate members of Congress on their votes on key issues of interest to the Coalition.

Since 1989, the IRS has reserved its interpretation of CC activities, though it enjoys a provisional 501(c)(3) status. This determination regulates the permissible political activities of those organizations granted this status. Section 501(c)(3) of the Internal Revenue Code mandates that an organization which wishes to be tax exempt under the law cannot "participate in, or interfere in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office."

While political campaign activity is prohibited, certain kinds of voter education programs are permissible. However, the FEC and other groups which monitor these activities have concluded that the CC violated the law in the 1990, 1992, and 1994 elections. The group plans to distribute 80 million guides this fall through evangelical and fundamentalist churches, which could threaten the tax exemption of these churches. The *Wall Street Journal's* Glenn R. Simpson and University of Virginia political scientist Larry J. Sabato concluded that the CC guides "give every appearance of having been designed with the explicit intention of influencing voter decisions in favor of Republicans." [See accompanying article.]

People for the American Way president Carole Shields said her group's "extensive research and monitoring of CC activ-

ity" convinced them that "previous CC voter guides are improper and cannot be distributed by churches and similar tax-exempt groups." The entire CC fundraising program may be in trouble. As Glenn Simpson observed in the September 16 *Wall Street Journal*, "While the Christian Coalition is organized under the tax laws as a nonpartisan social welfare organization, its tax status hasn't been formally approved by the Internal Revenue Service." Simpson also reported that the CC's "big-donor program is shrouded in secrecy, and its officials refused several requests for information."

Various levels of large donor programs exist, including \$1,000 for the President's Council and \$5,000 for the Inner Circle. This level of giving admits large donors access to politicians and leaders in the evangelical movement.

An Associated Press report in September revealed that contributions to the CC declined 12% last year, to \$18.7 million. The group has announced plans to raise \$24 million for the 1996 elections. Simpson reported that the CC raised \$750,000 at the Republican National Convention in San Diego and that its big donor fundraising program is ten times larger than last year's.

The group's annual "Road to Victory" conference in Washington, DC was a relatively low-key affair, at least until a surprise appearance by GOP presidential candidate Bob Dole. Dole promised to sign a ban on late term abortion procedures, which President Clinton vetoed, but Dole promised the group more attention to the social issues than he has so far given during his campaign.

CC founder Pat Robertson left no doubt about the group's "nonpartisanship." Warmly greeting Dole, Robertson reminded the GOP nominee that he was so far behind "that only a miracle from Almighty God" could elect Dole.

Update

Coloradoans to Vote on Church Taxes

On November 5, Colorado voters will decide whether or not to remove the property tax exemption of churches and some charities. Amendment 11, if approved, would continue tax exemptions for schools, colleges, corrections facilities, orphanages, low-income housing for the elderly, disabled, homeless or abused, and for personal property. Churches and other charities would have to pay about \$70 million annually in property taxes, while other taxpayers would find their taxes lowered proportionately.

Amendment 11 is sponsored by Coloradoans for Fair Property Taxation (431 S. Cascade Ave., Colorado Springs, CO 80903), chaired by lawyer John Patrick Michael Murphy. Impetus for the amendment was provided by the growth of

property tax exemptions in the state, particularly in Colorado Springs, where the number of non-profit organizations listed in the Top 100 Non-profits Report is said to be second only to New York City. According to the amendment's supporters, televangelist James Dobson's Focus on the Family organization, based in Colorado Springs, reported \$93 million in income, with expenses of \$83 million, but avoided \$573,000 in local property taxes.

Amendment 11 would not affect federal or state income taxes or other taxes.

Colorado 'Parental Rights' Vote

On November 5, Colorado voters will have to decide on a proposed state constitutional amendment, Amendment 17, de-

clarifying inalienable the right of parents "to direct and control the upbringing, education, values and discipline of their children." The amendment was initiated by Religious Right organizations. Critics charge it will undermine children's rights, hurt educational standards, allow parents to withdraw children from school on a temporary or permanent basis, endanger a school's ability to teach subject matter (such as health, sexuality education, or biology) that some parents criticize, and threaten young people's ability to obtain confidential reproductive health care.

School Prayer

Congress adjourned in September without acting on proposed public school prayer amendments offered by Reps. Henry Hyde (R-IL), Ernest Istook (R-OK), and Dick Armey (R-TX), despite Speaker Newt Gingrich's pledge to bring one to a House vote. Various Religious Right factions could not agree on which amendment to support. The National Association of Evangelicals opposed Istook's amendment because it "runs roughshod over the rights of conscience of religious minorities." Even Pat Robertson's Christian Coalition, which favored Armey's language, was willing to table the controversial issue, though it is sure to come up again in the next Congress.

Reproductive Rights

President Clinton's April 10 veto of a bill banning certain late term abortions was sustained on September 26 when the Senate fell nine votes short of the two-thirds majority needed to override. The House had voted 285-137 on September 19 to override the veto. The votes in both houses were largely along party lines, with Republicans generally favoring override and Democrats mostly backing the veto.

The votes climaxed a months long campaign by the Religious Right and Catholic bishops to get Congress to override. Clinton had said he would not sign such a bill unless it provided an exception to protect the health of a woman. The procedure itself, referred to by physicians as an "intact dilation and extraction" (D & X) and by anti-choice activists as "partial birth abortion," is fairly rare and is regarded by many physicians as safer for a woman than alternative procedures.

Some observers believe that the several month delay in bringing the override to a vote in Congress was intended to hurt Clinton's reelection bid.

In other developments:

Mississippi regulations burdening abortion rights were ruled unconstitutional on September 28 by federal judge William H. Barbour. The regulations barred clinics within 1,500 feet of churches and schools, required clinics to have five restrooms and separate locker rooms for nurses and doctors, and allowed the state to seize medical records without deleting patient information. Left standing were rules requiring doctors who perform 100 or more abortions to register their practices as abortion clinics and have registered nurses on staff.

Arizona's minor parental consent law was ruled unconstitutional on September 9 by federal judge Alfredo C. Marquez, on grounds of vagueness. The law did not have a time limit on the judicial bypass provision.

South Carolina's law imposing burdensome regulations on clinics was temporarily enjoined on July 19 by federal judge William B. Traxler, Jr., who said the state had failed to prove that the regulations were related to protecting the health of women.

On September 3 the Ninth Circuit U.S. Court of Appeals ruled that the use of mandatory student fees to subsidize the California State university health plan, which includes coverage for abortions, does not violate students' First Amendment right to free exercise of religion.

On August 23, an Ohio federal court approved a settlement under which the City of Bedford agreed to license a Planned Parenthood facility without onerous and burdensome regulation.

On September 11, the Missouri House failed to override Governor Mel Carnahan's (D) veto of a bill to impose excessively burdensome rules on clinics and doctors.

The Defense Department budget passed by Congress in September included a provision banning abortions at military facilities except in cases of rape, incest, or life endangerment. Congress also banned abortion coverage under the Federal Employees Health Benefits Plan, except in cases of rape, incest, and life endangerment. Congress approved \$385 million for international family planning and population aid, a compromise between House and Senate figures, but well below the \$547 million in aid for the previous year.

Violent protests at clinics have decreased sharply in the two years since Congress passed the Freedom of Access to Clinic Entrances Act. Fewer than 400 incidents were reported in the first nine months of 1996, compared to 1,815 in 1995, 1,987 in 1994, and 3,429 in 1993.

The United Nations Conference on Human Settlements (Habitat II), meeting in Istanbul June 3 to 14, approved a statement calling for action to "develop and implement programmes to ensure universal access for women throughout their life-span to reproductive health care, which includes family planning and sexual health, consistent with the Report of the [1994] International Conference on Population and Development." Most of the 189 UN member and observer states approved the statement, except for nine Muslim countries, Argentina, Guatemala, and the Holy See, the only religious body with UN observer status.

Christian Science Payments Nixed

Medicare and Medicaid reimbursements for Christian Science nursing centers were held unconstitutional on August 8 by Federal District Court Judge Richard Kyle in St. Paul, Minnesota, in *Children's Healthcare v. Vladeck*. The ruling held that special provisions specifically for Christian Science institutions in the federal Medicare and Medicaid laws had "gone too far" in trying to accommodate one group's religious

views, which had been receiving about \$7.5 million annually in Medicare reimbursements. This violates the constitutionally mandated separation of church and state. Judge Kyle granted a stay of the ruling in expectation of an appeal.

Attorney for plaintiffs in the suit is Robert J. Bruno, who won an earlier civil suit on behalf of a father whose son died of diabetes while in the care of a Christian Science practitioner.

Children's Healthcare president Rita Swan, whose son died of meningitis while in the care of a Christian Science practitioner, said that using public funds for Christian Science methods "has been very detrimental to the interests of children." A Christian Science Church spokesman said the ruling would "impose a burden on the free exercise of religion."

Creationism/Evolution

Heritage Academy, a public "charter" school in Mesa, Arizona, is teaching fundamentalist creationism in addition to evolution, despite the 1987 Supreme Court ruling against the practice and the state constitution's ban (Article 11, Section 7) on sectarian instruction. School principal Earl Taylor defends the practice "as freedom of expression" and said that parents who do not want creationism taught to their children should enroll them elsewhere. The State Department of Education is reportedly reviewing the matter.

In Eads, Colorado, the ACLU is investigating a public school that allows fliers to be distributed to students promoting a slide show favoring creationism at a Baptist church across the street from the school.

Marshall County, Kentucky, school superintendent Kenneth Shadowen has ordered pages in fifth and sixth grade science textbooks glued together so that students cannot read about the "big bang" theory of the origin of the universe.

The Clayton County, Georgia, school board voted in August to require the insertion in science textbooks of a message declaring that "any statement about life's origins should be considered a theory, not fact."

Supreme Court to Rule on Assisted Suicide

In January the U.S. Supreme Court will hear appeals in two cases on the controversial subject of physician assisted suicide. Federal appellate courts have upheld a right to assisted suicide in Washington State and New York State. In the first case the right was held to be covered by the privacy right in the Fourteenth Amendment's due process clause, while in the second it was based on the Fourteenth Amendment's equal

protection clause. The state governments argue that state laws should be able to differentiate between ending life support and assisting suicide. Lawyers for the physicians, however, say that states should not be able to prevent assisted suicides but only to regulate the procedure and provide safeguards against abuses.

Sabbatarian Challenges Maryland Rule

A Maryland regulation passed in June to protect crabs from being overharvested in the Chesapeake Bay is being challenged in federal court by the ACLU of Maryland and a Seventh-day Adventist fisherman. The problem is that the new regulation permits crabbing only six days per week and the day off must be either Sunday or Monday. Adventist George Fluharty says the law unfairly discriminates against his religion, which obligates observance of Saturday. Fluharty's attorney says the crab population can be conserved without penalizing his client.

Military Chaplain Sues

Air Force Reserve Chaplain Vincent Rigdon, a Catholic priest, filed suit in federal court in September to challenge an Air Force order in June barring involvement in a political campaign to get Congress to overturn President Clinton's April veto of a bill banning most late term abortions by the intact dilation and extraction (D & X) method. Rigdon charges that the Air Force order conflicts with his church's bishops' directive to get parishioners to urge their congressmen to override the veto. According to Defense Department directive 1344.10, "a member on active duty shall not use his official authority or influence for soliciting votes for a particular issue. Further, a member on active duty may not participate in partisan political activity." Violations are punishable under the Uniform Code of Military Justice.

Cross Declared Illegal

A cross prominently displayed on public property in Eugene, Oregon, was found unconstitutional in August by the U.S. Ninth Circuit Court of Appeals. Although the city contended that the cross is a war memorial, the federal court held its erection on public property to violate the First Amendment.

International

Toronto: Friends of Public Education in Ontario (FOPE) has filed a legal challenge to a Canadian Supreme Court ruling upholding tax support for Catholic schools in Ontario but denying similar support to Protestant, Jewish, and other private schools. The complaint, taken to the United Nations Human Rights Committee, charges violation of the International Covenant on Civil and Political Rights. Article 26 of the Covenant, to which Canada is a signatory, prohibits discrimination on religious grounds. FOPE says the UN

Moving?

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agency should require Ontario either to provide tax support to all private schools or, preferably, to confine public support to public schools.

Meanwhile, Newfoundland province is proceeding with plans, approved in September 1995 by voters and upheld more recently by the Canadian House of Commons, to consolidate its 27 separate sectarian school boards into 10 public school boards. Newfoundland has never had public schools, so the shift from sectarian to neutral public schools is a development that might accelerate similar moves in other provinces.

Munich: The Legislature in Bavaria, Germany's most Catholic state, has approved new laws tightening restrictions on abortion. They require women to give a reason for seeking an abortion and set a limit of 25% on the portion of a doctor's income that may be earned for performing abortions. Abortion is largely banned in Germany, though German law does not punish women who have abortions if they sought medical counseling earlier in pregnancy. Under a 1995 national law, women are not required to give a reason for seeking the procedure and the government pays for abortions for poor women. The opposition parties, the Social Democrats and the

Greens, oppose the new Bavarian law and predict that it will be overturned by the courts.

Pretoria: The South African cabinet has approved a bill to allow freedom of choice on abortion during the first trimester of pregnancy. Current law allows abortion only during the first six weeks in cases of rape or when the pregnancy could endanger a woman's physical or mental health. While former Anglican Archbishop Desmond Tutu said last year that abortion is a "moral option" in some cases and perhaps even "obligatory" in cases of rape or incest, some other church leaders oppose liberalization of the law. President Mandela's ruling ANC party will require members in Parliament to support it.

Paris: Pope John Paul II's September trip to France stirred up old church-state disputes. Both John Paul and President Jacques Chirac avoided referring to France as the "eldest daughter of the Church," a phrase both have used in the past. Chirac welcomed the pope in the name of a "republican and secular France." Chirac was criticized, however, for using public funds to help pay for the pope's trip, in what some say is a violation of the 1905 law separating church and state.

Books

The Empire God Built: Inside Pat Robertson's Media Machine, by Alec Foege, John Wiley & Sons, Inc., 1996, 242 pp, \$24.95

Journalist Foege's conclusion is a rather simple one: "In his effort to sell mainstream society on a value system too extreme for its tastes, Pat Robertson has become an exemplar for how one might manipulate and coordinate the powerful tools and techniques of communication that modernity has devised in order to steer a culture." Foege argues that Robertson's greatest successes have come in the "morality-free corridors of commerce," not in the realm of ideas, political philosophy or religious conviction. "The real news about Pat Robertson is not his political or religious opinions, but rather the way in which the aggregate sum of his wealth, power, and influence enables him to infuse American culture, and those that look to it for guidance, with those opinions."

The author does not minimize Robertson's extremism. "This man who counsels against a conspiracy toward one-world government has himself spent his life sowing the seeds for a self-styled evangelical global takeover."

Foege has not been beguiled by the choir-boy image of Ralph Reed. Foege calls him "a consummate inside-the-Beltway operator."

-Al Menendez

School Wars: Resolving Our Conflicts Over Religion And Values, by Barbara B. Gaddy, T. William Hall, and Robert J. Marzano, Jossey-Bass, 1996. 340 pages, \$25.00

The authors, an education specialist, a United Methodist

minister, and a former monk, summarize in a concise volume the debate over the role of religion in the public school program. They analyze and refute fundamentalist charges that secular humanism is the prevailing ideology of U.S. public education. The authors look at how religion informs educational world views. They also look at the constitutional context, the case law involving religion in public education, and at those consensus efforts developed in recent years by organizations seeking to bridge the gap between expectation and reality. The book strives for objectivity and largely succeeds in that effort.

-Al Menendez

Breaking These Chains: The Battle for School Choice, by Daniel McGroarty, Prima Publishing, 1996, 259 pp, \$23.95. *Private Vouchers*, ed. by Terry Moe, Hoover Institution Press, 1995, 135 pp, \$15.95. *Myths of Educational Choice*, by Judith Pearson, Praeger, 1993, 152 pp, \$39.95. *Who Chooses? Who Loses?*, ed. by Bruce Fuller and Richard F. Elmore, Teachers College Press, 1996, 213 pp, \$19.95. *School Choice: Examining the Evidence*, ed. by Edith Rasell and Richard Rothstein, Economic Policy Institute, 1993, 364 pp, \$17.95. *School Choice: The Struggle for the Soul of American Education*, by Peter W. Cookson, Jr., Yale University Press, 1994, 174 pp, \$10.00.

With battles over school vouchers spreading and increasing in intensity, more and more books are coming out on the subject. Here are some of them.

McGroarty, a former Bush White House speechwriter, has

produced a sorry screed (endorsed by Jack Kemp and former Quayle aide William Kristol) about the Milwaukee voucher experiment, a mean-spirited trashing of public education lacking any pretense of objectivity. McGroarty shows no interest in the etiology of urban problems and how they affect public schools, gives new meaning to the word "shallow," and totally ignores the serious public policy, educational, economic, constitutional, and other objections to vouchers.

Terry Moe, a key figure in the voucher movement, looks at both public and private voucher plans in his book. While *Private Vouchers* contains some useful information, the book is ideologically slanted while inadvertently showing why vouchers are not a good idea.

Judith Pearson's book is an experienced teacher/administrator's perceptive analysis of the problems and disruptions that can and do result even from well-meaning choice plans confined to public schools.

The Fuller/Elmore and Rasell/Rothstein books analyze school choice plans from many angles and leave little doubt that, especially as they might involve nonpublic schools, they hold little promise for educational improvement.

Cookson provides a well-documented and useful critique of school choice plans, but is flawed by a willingness to waive his strong opposition to vouchers in some cases in inner cities.

While the last four books are all useful additions to the literature critical of voucher plans, none is quite as comprehensive or straight forward as *The Case Against School Vouchers*, by ARL's Al Menendez, John Swomley, and this reviewer. It has just been re-released in a trade paperback edition (Prometheus Books, 1996, 135 pp, \$15.95) and is available from ARL.

--Edd Doerr

Eyes Right: Challenging the Right Wing Backlash, Chip Berlet, editor, South End Press, 1995, 398 pp, \$17.00

Indefatigable researcher Chip Berlet has edited a first-rate anthology dedicated to exposing the manifold operations of America's pesky and persistent Right. Some of the most provocative and insightful essays tackle the "theocratic right," which, say Berlet and Margaret Quigley, "substantially dominates the Republican Party" and has for its goal "imposing a narrow theological agenda on secular society." They make an important distinction: "The central threat to democracy posed by the theocratic right is not that its leaders are religious, or fundamentalist, or right wing--but that they justify their political, legislative and regulatory agenda as fulfilling God's plan." All of the authors in this important volume agree that "these hard right activist movements are antidemocratic in nature." They are also authoritarian, xenophobic and racist.

--Al Menendez

In Washington But Not Of It: The Prophetic Politics of Religious Lobbyists, Daniel J. B. Hofrenning, Temple University Press, 1995, 246 pp, \$19.95

St. Olaf College political scientist Hofrenning spent several years (roughly 1988-1994) identifying, analyzing, and inter-

viewing key members of religious lobbies or interest groups that operate in the nation's capital. He concludes, "Conservative groups may get more attention because they possess more resources" while "religious liberals have wielded less political clout because they are ignored by a secular media." He observes, "Religious conservatives have withdrawn somewhat from Washington politics in the 1990's, but they continue to be very active at the state and local level." Since 1994, of course, they have expanded their national campaigns.

The author may be too optimistic about the future of religious lobbying when he argues, "We can expect religious political activists to resist and challenge the unjust and intolerant policies of the state. When they do, religion will make society more inclusive and more democratic." This is not likely to happen if the Christian Coalition and the Family Research Council become dominant.

--Al Menendez

Growing Up African American in Catholic Schools, edited by Jacqueline Jordan Irvine and Michele Foster, Teachers College Press, Columbia University, 1996, 187 pages, \$39.00

Advocates of voucher plans for tax support of nonpublic schools frequently bolster their arguments by citing some successes of African American students in Catholic schools. This useful book, by African American authors, puts the matter in clearer perspective. The successes reported are largely related to the academic and other forms of selectivity found in nearly three-fourths of Catholic schools and the requirements for parental involvement in education that cannot be imposed on public school parents.

Of relevance to the constitutional debate over vouchers is the fact that Catholic schools have as one of their central purposes "evangelization," a term that covers denominational indoctrination and/or proselytizing. Catholic schools have long been instruments for converting African American children and their families, a purpose and effect incompatible with the First Amendment prohibition on tax aid to sectarian schools.

The authors unfortunately do not touch on the effects of racism, inadequacies and inequities in public school funding, poverty, and social disorganization that contribute importantly to many of the problems that plague minorities in major population centers and elsewhere.

--Edd Doerr

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Second Coming: The New Christian Right in Virginia Politics, by Mark J. Rozell and Clyde Wilcox, Johns Hopkins University Press, 1996. 285 pages, \$32.50.

Professors Rozell of the University of Virginia and Wilcox of Georgetown study the Religious Right's influence on recent Virginia politics. They conclude that the movement "is a sizable and distinct grouping as a faction among Virginia Republicans" and that it is "a social movement in the process of transformation." The Christian Right, though influential, "does not control the [Republican] party." If candidates, like Michael Farris, the party nominee for lieutenant governor in 1993, or Oliver North, the GOP candidate for US Senator in 1994, are too closely identified with the Religious Right, they lose. However, if religious conservatives are safely embedded in a generalized conservative coalition, as with Governor George Allen in 1993, the Republican nominee may win.

Rozell and Wilcox believe that the Christian Right "will be a player in Virginia Republican politics for some time to come" and will become institutionalized.

The movement has helped Republicans "gain the support of a highly organized, highly active constituency" of previously apolitical voters. But "Virginia has suffered to the extent that the debate over moral regulations has sometimes descended into rank prejudice and hatred," they aver.

Virginia remains a moderate, religiously pluralistic state even as it retains a preference for conservative political values and has supported Republican candidates for president in ten of the past eleven elections.

--Al Menendez

Dirty Little Secrets, by Larry J. Sabato and Glenn R. Simpson, Times Books, 1996. 297 pages, \$22.95.

The activities of televangelist Pat Robertson's Christian Coalition, its thinly veiled Republican partisanship, and its distribution of countless millions of supposedly nonpartisan election guides come under fire in the new book by University of Virginia political scientist Larry Sabato and *Wall Street Journal* reporter Glenn Simpson. The authors label the Christian Coalition's tactics as "characterized neither by Christian charity nor by adherence to the spirit of the law." They charge the group's voter guides with consistent "manipulations, distortions and outright falsehoods." And, "By systematically rigging the content of its voter guides to help Republican candidates, the group had essentially donated hundreds of thousands of dollars (perhaps millions) in free advertising to the Republican Party." They add, "There are also indications that Christian Coalition members coordinated their Republican campaigns and sometimes even actually worked in those campaigns....It is indisputable that the leaders of the Christian Coalition are themselves partisan Republicans." The Christian Coalition voter guides, say Sabato and Simpson, are dishonest. "Rather than simply seeking to inform voters of where candidates stood on the issues, the guides give every appearance of having been designed with the explicit intention of influencing voting decisions in favor of Republicans."

--Al Menendez

Why I Am a Democrat, by Theodore C. Sorensen, Henry Holt, 1996. 246 pages, \$20.00.

The author, who served President John F. Kennedy as a policy adviser and speechwriter, argues in his new book that "the Democratic Party's program is far more consistent with that universal religious tradition of caring, without all the moralizing, without the intrusive snooping into private conduct, and without the infringement of constitutionally protected rights of privacy and free choice in our personal lives and spirituality."

He continues, "Democrats, remembering the massive and damaging failure of Prohibition to legislate a lasting change of one aspect of the population's behavior, are not so enamored of promoting the federal government to the role of national morals policeman and judge."

Denouncing the Religious Right as "self-anointed guardians of the nation's moral conduct," Sorensen writes, "When no one's religion is preferred by the state, everyone's religious liberty is safer. Behind this hospitable, not hostile, wall, the rights of all religious minorities have been secure, and religion as a whole has flourished."

He warns, "But this peaceful and precious separation of church and state is now under attack as never before by a religious group that does indeed seek to impose its will, both directly and indirectly, upon America's general populace and on the public acts of its officials."

Sorensen echoes Kennedy's opposition to a school prayer amendment. "A Constitution amended in that fashion would no longer guarantee equality before the law, which all religions now enjoy in the United States. It would, however, guarantee sectarian preferences, tensions and power struggles in place of the peace and tranquillity that all religions teach."

--Al Menendez

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