



# VOICE OF REASON

The Newsletter of Americans for Religious Liberty

1996, No. 4 [58]

## Washington State Voters Trounce Vouchers

On November 5 voters in Washington State decisively trounced a voucher initiative placed on the ballot by multimillionaire Ron Taber, who also lost his race for state school superintendent. Initiative 173 was defeated 1,405,899 to 775,199 (64.5% to 35.5%).

(Curiously, the Washington State voucher story was all but totally ignored by the media. Similar news blackouts followed all of the other referendum defeats of parochialism during the past 30 years. No one has offered a cogent explanation for this odd phenomenon.)

The defeat of 173 was fairly uniform throughout the state. Urban-suburban areas voted it down by 64.4%, small town and rural areas by 64.6%. High educational level areas defeated it by 66.2%, low educational level areas by 65.5%; high income areas voted against it by 65.2%, low income levels by 62.7%. Areas of higher than average nonpublic school enrollment voted against 173 by 66.2%. The difference between high and low church attendance areas was less than 0.4%.

Politically, predominantly Democratic area voters defeated 173 by 66.3%, areas where Dole ran strong by 63.2%, high Perot and Nader areas by 62.2% and 64.3%. The voucher plan's best showing was in tiny Garfield County, where it got 46%. The county with the highest private school enrollment (Walla Walla), which has a large Seventh-day Adventist community, voted no by 68% to 32%. Heavily Catholic areas voted no by 65%.

Washington State's voting against vouchers, then, was spread remarkably evenly around the state, which is just what happened in similar referenda in California in 1993, in Colorado in 1992, and in Oregon in 1990, in which three state vouchers were defeated by 70%, 67%, and 67%.

Over the last 30 years vouchers and other forms of tax aid or support for nonpublic schools have been defeated at the polls by an aggregate vote of about 66% to 33% in 21 separate referenda in Nebraska, New York, Michigan, Maryland, Missouri, the District of Columbia, Massachusetts, Colorado, Idaho, California, Oregon, Washington State, and Alaska. Washington State in 1975 voted down an attempt to amend the state constitution to allow tax aid to nonpublic schools by 60% to 39%.

Initiative 173 would have provided public funding for sectarian and other nonpublic schools at about \$3,400 per student per year and would have allowed the private schools to charge add-on tuition.

Washington State voters also defeated Initiative 177 by the same margin. That initiative, backed by former U.S. Education Secretary Lamar Alexander and long-time voucher promoters

John Coons, Terry Moe, Dennis P. Doyle, and Chester E. Finn, would have set up a bizarre form of charter schools closely resembling a voucher plan.

Opposing both initiatives was the No on 173 and 177 Committee, a coalition of educational, parents, religious, civic, and other organizations, including Americans for Religious Liberty.

National Education Association president Bob Chase, whose local affiliate, the Washington Education Association, opposed the initiatives, said that "Every single time the general public has had an opportunity to vote on this issue, they have rejected vouchers. They want to see us improve public schools. I hope that policymakers are listening."

The Washington State vote against vouchers came close to matching the 1995 Gallup/Phi Delta survey, which registered opposition to vouchers at 65% to 33%.

Despite 30 years of electoral defeats for vouchers and other forms of tax support for sectarian and other nonpublic schools, the issue will not go away. Attempts will be made in Congress in 1997 to pass some sort of voucher pilot project, such as the one sponsored by Senators Bob Dole, Dan Coats, and Joe Lieberman in 1994 and defeated in the Senate. The Texas legislature has a voucher plan before it and the issue will surely come up in other states.

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## Editorial

# Back to the Future

Washington State voters' decisive rejection of vouchers and Colorado voters' 57%-43% defeat of a proposed Parental Rights Amendment were both victories for church-state separation and stunning defeats for the Religiopolitical Right. So too was President Clinton's reelection victory over former Senator Bob Dole. Had these three sets of votes gone the other way, religious freedom and church-state separation would have been in very serious trouble. Clinton's win, however, should halt any further drift by the Supreme Court away from its historic, if not always wholehearted, support for First Amendment values.

But defenders of fundamental rights and freedoms cannot relax for a moment. The Theopolitical Right remains very strong and has even increased its influence in the Republican Party and at the state and local levels.

In the coming year we will see new efforts in Congress, the states, and the courts to get tax support for sectarian and other private schools through vouchers and in other ways, to weaken the religious neutrality of our public schools, and to step up the assaults on reproductive rights.

Continued, even increased, support for Americans for Religious Liberty and other defenders of First Amendment values will be sorely needed.

We can expect Congress to try again to pass legislation to ban certain kinds of late term abortions, which are rare and used only when medically warranted. The issue will come back despite Clinton's having vetoed such a measure in 1996. In his December 13 press conference, Clinton defended his veto, saying that he will not be a party to barring women from having a procedure required for valid health reasons.

At the same press conference, however, Clinton appeared to be softening slightly in his opposition to vouchers. While he

## *ARL in Action*

Since our last report, ARL president John M. Swomley has addressed student, religious, and other audiences in Kansas and Missouri. Executive director Edd Doerr was a guest on radio talk shows in California, Louisiana, New York, Connecticut, Indiana, Rhode Island, and Washington, D.C. He also addressed an international conference in Mexico City, and spoke before student and other groups in Texas, Maryland, and Washington, D.C. In November Doerr defended public education and church-state separation in a debate with Notre Dame law professor Charles Rice broadcast nationally on C-SPAN.

President Swomley's article "School Choice: Rationale for Special Privilege" appeared in the November 1996 *Christian Social Action*, published by the United Methodist Church. Doerr's article on celebrating Thanksgiving and Christmas in public schools appeared in the December 2 issue of *Insight* magazine. Associate director Al Menendez' article "Trick or Treat: Halloween in Public Schools" was published in the November/December *Liberty* magazine. Copies of these articles are available for 50¢ each from ARL.

declared that he still opposes federal support for a voucher plan, he indicated, in response to a question, that he would neither encourage nor discourage state voucher plans, though he added that, "if I were at the state or local level, I would not be in favor of it because I think the [public] schools are underfunded." His somewhat muddled answer suggests that merely defeating vouchers at the polls every time they are proposed is not nearly enough. Concerned citizens must make clear to elected officials at all levels that First Amendment values are not to be compromised.

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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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# Campaign '96 and Religious Voting Patterns

America's religious groups cast their presidential ballots in 1996 pretty much as they always have: Jews, black Protestants, the religious nonaffiliated went heavily for Democrat Bill Clinton, while white Protestants, especially the evangelical or born again ones, went strongly for Republican Bob Dole. Catholics, the swing voters who lean Democratic, gave Clinton a solid majority and the most noticeable gain in voter support among all religious communities. Some of these votes are understandably based on traditional social values, often rooted in religious experience. Other patterns within the religious communities are products of socio-economic status, regionalism and historical memory. The fact that Clinton's fellow Southern Baptists failed to support him in both 1992 and 1996 is indicative of the importance of religious and social issue voting, since white Baptists are clearly a conservative-leaning community.

America's largest religious group, in broad collective terms, is white Protestants (46% of all voters in one exit poll, 38% in another), though they encompass wide theological and cultural differences. They voted 53% to 36% for Dole, with 10% for Perot, representing a gain of several points for the Kansas Republican.

The exit pollsters' definitions of evangelical or born-again Christian, who comprise the majority of white Protestants, tend to vary from year to year among exit polling organizations, making precise comparisons difficult. But, by any definition, they were Dole's strongest supporters, as they had been for George Bush in 1992. The main network exit poll used the term "supporter of the Religious Right" to define these voters -- which obviously excludes some evangelicals -- and they supported Dole 65% to 26% for Clinton and 8% for Perot. About 17% of all voters were in this category. In some states these voters were overwhelming in their support for Dole: In Georgia 79% to 12%, in South Carolina 80% to 14%, and in Colorado, home of the James Dobson empire, they were 71% to 14% for Dole. All three of the states supported Dole, even though Georgia and Colorado had backed Clinton in 1992.

The clout of conservative evangelicals was the main factor in Dole's victory in seven of the 11 Southern states, and in 10 of the 19 most heavily evangelical states. Clinton, incidentally, received a modest share of these white evangelicals in a few states. He won 38% of their votes in West Virginia and about a third in Tennessee, Ohio, Missouri, and Arkansas.

The *Los Angeles Times* exit poll showed an even stronger 69% to 22% margin for Dole among "born again Protestants" with 7% for Perot. Both national polls show a small gain for Dole among these conservative Protestants.

Mainline, or nonevangelical, Protestants remain an enigma. Historically the backbone of the Republican Party, they have supported GOP presidential candidates in at least 32 of the 35 elections since the party first ran John Fremont for president in 1856. This prestigious religious community, which has been regarded to some extent as the quasi-official Establishment, has been in a three-decade-long decline in membership and influence. It does compose, however, at least 20% of the U.S. electorate. Its members tend to be conservative or moderate on eco-

nomics but liberal on social issues. As evangelicals have come to dominate the GOP, the mainliners have departed. In 1992 they split their votes almost evenly between Clinton and Bush, with a sizable 22-24% opting for Perot. (Some observers still gave Bush an edge among mainline Protestants who attend church regularly.) In this election Dole seemed to have rebounded somewhat, despite the mainline's opposition to Republican policies on abortion and vouchers. The *Los Angeles Times* exit poll showed white nonevangelical Protestants in favor of Dole by 54% to 36% for Clinton and 9% for Perot, which represents a definite Dole gain. Apparently, many mainliners shifted from Perot to Dole. Still, their influence was minimal since Clinton carried the entire Northeast and the Great Lakes (except for unshakably Republican Indiana), where mainline Protestants are most numerous. What makes this election notable was the widening gap between Protestant and Catholic voting behavior, a gap which raises serious doubts about any permanent evangelical-Catholic alliance in politics. The gap between Protestants and Catholics rose to 17 points, about the same as the gender gap. Furthermore, while white Protestants moved toward Dole, Catholics moved toward Clinton, a pattern which has occurred throughout U.S. political history.

Clinton's most remarkable gains came from Catholic voters, who were 29% of all voters in the national exit polls. Clinton's 44-36% margin over George Bush rose dramatically to 53-37% over Bob Dole, a "swing" greater than that of any other voting group. What this means in the states can be seen in these facts:

- Clinton carried all 12 of the most heavily Catholic states and his victory margin increased in every one but Pennsylvania (where white Protestant voters trended toward Dole).

- Clinton's victory margin increased significantly in many heavily Catholic cities, including Syracuse, Buffalo, and Jersey City. In substantially Catholic Greater New Orleans, Clinton's margin of victory increased from 45,000 votes over Bush to 94,000 votes over Dole.

- In French Catholic areas of New England, Perot's strong 1992 second place showing declined sharply and Clinton reaped the benefits -- in sharp contrast to areas of the West, where Perot voters moved toward Dole. Clinton won 65%, Dole 21% and Perot 14%. (In 1990 Clinton had 47%, Perot 29% and Bush 24%.) Clinton's biggest gain in New York State came in French Catholic Clinton County on the Canadian border, where Bush won by 600 votes in 1992 and Clinton by 5,200 votes in 1996. In the Cajun parishes of southern Louisiana, Clinton's victory margin went up from 29,000 votes to 47,000 votes.

- Hispanic voters, two-thirds of them Catholic, trended strongly toward Clinton, whose vote increased from 62% to 72%. (Dole received 21% compared to Bush's 24%, while Perot declined from 14% to 6%.) The perception of the Dole and Perot campaigns as immigrant-bashers and neo-nativists caused a rush of new voter support for the Clinton-Gore ticket. Even among conservative Cuban-Americans in Florida, Clinton's support rose from 20% to 44%. The Hispanic swing to Clinton was enormous, especially in Texas, California, and Arizona.

- Even among conservative Catholics who supported Bush

in 1992, there was a moderate turnaround in 1996. Clinton carried Staten Island, New York, Green Bay, Wisconsin, St. Cloud, Minnesota, and the Detroit suburb of Macomb County, a stronghold of Reagan Democrats. In relatively conservative Catholic areas carried by Clinton in 1992, there were often dramatic improvements. The president increased his majority in Manchester, New Hampshire, from 400 to 5,400, and in Waterbury, Connecticut, from 300 to 7,000. In the middle income Philadelphia suburb of Delaware County, which has a high parochial school enrollment, Clinton's victory margin went up from 2,000 to 25,000.

• Clinton's strength among Catholic voters apparently made the difference even in some states with a small Catholic community. In Kentucky, for example, Clinton carried the predominantly Catholic counties by 18,000 votes, which exceeded his statewide victory margin of 13,000.

• Jewish voters (3% of the electorate) stayed loyal to Clinton by 78% to 16% for Dole and 3% for Perot, with 3% favoring other parties. This represented a small gain for Dole, since Bush had received 12% of the Jewish vote four years before. The Jewish vote had a major impact in Florida, where substantially Jew-

ish Broward County (Ft. Lauderdale) went for Clinton by a mind-boggling majority of 178,000 votes.

• Religiously nonaffiliated voters (7% of all) favored Clinton by 59% to Dole's 23% and Perot's 13%. The six percent of voters who adhere to "other religions" (other than Christian or Jewish, that is) gave Clinton 60%, Dole 23% and Perot 11%. These two groups are influential on the Pacific Coast and in New England, where they contributed to the Clinton margins. Both groups gave Perot and other minor-party candidates disproportionate support.

Religious voting patterns of recent years were generally reinforced, though the big story was clearly the level of Catholic support for Clinton. This suggests that the Republican strategy since 1968 of appealing to Catholic voters on the narrow, parochial self-interest issues of parochialism (vouchers, tuition tax credits, etc.) and restrictions on abortion is self-defeating. Having GOP candidates seen with cardinals and visiting church schools shows how out of touch the Republican leadership is with rank and file Catholic voters. If there is any lesson from the 1996 presidential election, this is it.

-- Al Menendez

## Was the Religious Right Weakened?

Political observers generally believe that the Religious Right lost a bit more than it won in the November elections, though its primary goal (enunciated by Ralph Reed, executive director of televangelist Pat Robertson's Christian Coalition) of "saving the Republican Congress" was achieved. An apparent last-minute swing to the Republicans in close congressional races and a 59% to 36% vote for Republicans by Perot voters were instrumental in the outcome. Thus, the first GOP Congress to be reelected since 1928 was achieved by a vote margin of 41.7 million for the Republicans to 41.4 million for the Democrats and 2.1 million for other parties. The GOP ability to win the close races gave them a 227-207 edge in House seats.

As a consequence, the reproductive rights organization, Voters for Choice, regards the 105th Congress as somewhat unfriendly to abortion rights. In the House at least 233 members, down from 246 in the 104th Congress, are said to be anti-choice. In the Senate the anti-choicers have increased from 49 to 51.

But Bob Dole's defeat in the presidential race, despite solid Religious Right backing at the polls, prevents executive branch support for their agenda. Furthermore, a number of prominent supporters of the Far Right in Congress went down to defeat, including California's "mad dog" Bob Dornan, North Carolina's David Funderburk, Texas' Steve Stockman, and Washington's Randy Tate. Overall, 12 of the 70 Republican freshmen were ousted, many of them supporters of religious conservatism.

The overwhelming defeat, by 58% to 42%, of Colorado's "parental rights" initiative is also seen as a major blow to the Religious Right agenda. In Washington state, voters by 59% to 41% rejected Republican gubernatorial candidate Ellen Craswell, who had promised, if elected governor, to appoint only "godly people" to her administration and to base her policies on the Bible.

John Green, a political scientist at the University of Akron, said "the results were very mixed for religious conservatives." Jim Wallis, editor of *Sojourners*, a moderate to liberal evangelical journal, claimed that "evangelical leadership is in open flight from the Christian Coalition." Jill Hanauer, executive director of the Interfaith Alliance, emphasized the failure of the Religious Right to win among Catholic voters, and William Martin, author and professor at Rice University, concluded that voters will reject many of the proposals of the Right when they become familiar with their sinister long-range implications.

The ever-affable Ralph Reed put his own spin in the results, claiming that Bob Dole represented the GOP's past but "we represent what the Republican Party is evolving into: a populist, pro-life, pro-family southern and western party." Other religious rightists were even more unfriendly. James C. Dobson and Gary Bauer blamed Dole for not stressing "personal morality" and "family values" issues, and suggested that religious conservatives might set up their own third party in the future.

The Religious Right may have been weakened slightly but they are far from dead. Noted the Reverend Katherine Hancock Ragsdale, an Episcopal priest and president of the Religious Coalition for Reproductive Choice, "The Religious Right and the Christian Coalition still wield power and influence on the local level."

-- Al Menendez

### Moving?

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# Congressional Religious Affiliations Change Little

A count of the religious affiliations claimed by the 535 members of the 105th Congress show relatively little change since 1994. Roman Catholics remain in first place as they have been since 1964, with 151 members. Baptists, who captured second place from Methodists in 1994, easily held second position with 67 members, while the United Methodists are in third place with 59. Presbyterians (55), Episcopalians (42) and Jews (35) hold the fourth, fifth and sixth positions respectively. They are followed by nondenominational Protestants (28), Lutherans (21) and Mormons (14).

There will also be 10 members of the United Church of Christ, 10 who call themselves "Christians," six Eastern Orthodox Christians and seven who have no religious affiliation. Thirty members belong to a variety of other religious communities.

Several trends are discernible in these results, and all of them may relate to the increasing influence of conservative religion in the United States today. Among these trends:

- Episcopalians have dropped to their lowest representation in 50 years. The 42 Episcopalian members are nearly half of the number elected when Ronald Reagan first won the presidency in 1980. Only two of the 100 freshmen class belong to this historically influential community, which has given the U.S. its largest number of presidents and Supreme Court justices. On social and church-state issues, Episcopalians have been liberal. During the Reagan prayer amendment vote in the Senate in 1984, Episcopalian Republicans were the most likely members of the president's party to defect and oppose the prayer amendment. This decline harms the pro-separation forces in Congress.

- Other liberal groups continue to decline. The 59 United Methodists, 10 members of the United Church of Christ and three Unitarian Universalists represent the lowest point in their memberships in Congress in a half century. (Not all Methodists are pro-separation by any means -- a number of the newly elected freshmen from the South are staunch social-issue conservatives.) There are now more members of the fundamentalist Assemblies of God serving in Congress than Unitarians. Congressional members from five mainline denominations (Methodist, Presbyterian, Episcopal, United Church of Christ, and Unitarian-Universalist) have declined from 237 members after the 1976 election to 169 members today. Most of these losses have come during the 1990s.

- A growing number of members call themselves Protestant or Christian, vague terms that are theologically and sociologically rather meaningless. Fully 38 members of Congress -- 29 of them Republican -- prefer this designation. It may represent the increasing trend toward what some sociologists describe as a post-denominational society. Or it may represent the rise of conservative, evangelical religious groups which have no historic ties to any denominational family. More than one out of ten Republicans -- most of them conservatives -- now define themselves in these categories. Those from the West are most likely to use the term Protestant; only four of the 28 "Protestants" are from the South, since most Southerners seem to know which denomination they belong to.

One small religious group appears for the first time in many years with one representative: the Reorganized Church of Jesus Christ of Latter-day Saints, who are completely separate from the Utah-based Mormons. Leonard L. Boswell, a Democrat from Iowa's Third District and the party's only Iowa House member, belongs to this small church. He graduated from one of the group's two colleges, Graceland College in Lamoni, Iowa. The Reorganized Mormons, who claim to be the continuation of the original church founded by Joseph Smith in 1830, have 238,000 members and are headquartered in Harry Truman's hometown of Independence, Missouri.

While "Protestants" and "Christians" gained ten members since the 1994 election, the "Establishment" churches, Episcopalians and Presbyterians, declined the most. There are seven fewer Episcopalians and four fewer Presbyterians in the new Congress. Methodists declined by four, and the United Church of Christ and Unitarians each lost two.

Party affiliations within the religious groups generally remained constant (Jews and the religiously unaffiliated are Demo-

## Congressional Religious Affiliations

<i>Religious Group</i>	<i>Members in the 105th Congress</i>	<i>Changes Since the 104th Congress</i>
Roman Catholic	151	+ 3
Baptist	67	- 1
Methodist	59	- 4
Presbyterian	55	- 4
Episcopalian	42	- 7
Jewish	35	+ 1
"Protestant"	28	+ 6
Lutheran	21	n.c.
Mormon	14	+ 1
United Church of Christ	10	- 2
"Christian"	10	+ 4
No Affiliation	7	+ 2
Eastern Orthodox	6	+ 1
Christian Science	5	n.c.
A.M.E.	4	+ 1
Assembly of God	4	+ 1
Unitarian Universalist	3	- 2
Seventh-day Adventist	3	n.c.
Christian Reformed	2	n.c.
Disciples of Christ	2	n.c.
Christian Church	1	n.c.
Nazarene	1	n.c.
United Brethren in Christ	1	n.c.
Christian Missionary Alliance	1	n.c.
Reorganized L.D.S.	1	+ 1

crats, while Mormons, "Protestants," Episcopalians and Presbyterians are largely Republican). But an interesting shift among Lutherans from 12-9 Republican to 12-9 Democrat may indicate a growing Lutheran distaste for the Republican Party of the 1990s. Three of the four freshmen Lutherans are Democrats, and strongly Lutheran counties in the Midwest went for Clinton over Dole by a larger margin than Clinton's victory over Bush.

Among Catholics the Democratic margin also increased from 83-65 to 91-60, a significant shift probably related to a 10-point Democratic margin in Catholic voting for Congress and a 16-point edge for President Clinton. Methodists moved toward the Republicans, and 13 of the 14 Mormon members belong to the GOP. Baptists are the most ideologically divided, between a large number of conservative Southern Baptist Republicans and a sizable contingent of Congressional Black Caucus members, who have the most liberal voting record in Congress.

Congressional religious affiliation patterns generally reflect the geography of American religion. Catholics are strongest in the Northeast, the Great Lakes region and in California. Baptists, Methodists and Presbyterians have a distinct Southern coloration, since 51% of Baptists, 49% of Methodists and 45% of Presbyterians hail from the eleven states of the Old Confederacy. Including the Border South the figures rise to 72% of Baptists, 53% of Methodists and 58% of Presbyterians. The Presbyterians have an unusual strength in the North Carolina delegation, where they hold seven of the 14 seats.

Episcopalians are strongest in Florida (six members) and California (four members). Not surprisingly, 40% of Jewish members come from California or New York. A majority of the "Protestant" members represent Western or Midwestern states. Thirteen of the 21 Lutheran members are from the Midwest, the citadel of Lutheranism. The entire Utah five-person delega-

### The Decline of the Mainline Churches

Religious Group	Number of Congressional members elected in		
	1976	1986	1996
United Methodist	80	74	59
Presbyterian	60	57	55
Episcopalian	64	60	42
United Church of Christ	22	16	10
Unitarian-Universalist	11	10	3
Total	237	171	69

tion is Mormon, as are four California Republicans (a state with 675,000 Mormon residents). Three members from Idaho, Arizona and Nevada, which have considerable Mormon communities, belong to the L.D.S. Church. All 14 Mormon members represent states west of the Mississippi River. All of the religiously unaffiliated members come from the West or from Massachusetts.

Slowly but surely, the changing religious configuration in Congress represents the changing landscape of American religious experience. One summary finding shows how different are the appeals of America's two great political parties. In the present Congress, over seven out of ten Republicans (71%) are Protestants of one kind or another. But fewer than half of Democrats (48%) are Protestants. The Democrats remain a far more religiously and culturally pluralistic party than the Republicans.

-- Al Menendez

### Party Affiliation by Religion

Religious Group	Republican	Democrat
Roman Catholic	60	91
Baptist	35	32
Methodist	36	23
Presbyterian	38	17
Episcopal	30	12
Jewish	4	30*
Protestant	22	6
Lutheran	9	12
Mormon	13	1
United Church of Christ	4	6
Christian	7	3
No Affiliation	1	6
Eastern Orthodox	4	2
Christian Science	5	0
All Others	14	11

\* One Jewish member is an Independent.

## Update

### ARL Joins 'Right to Die' Amicus

Americans for Religious Liberty and ARL president John M. Swomley joined a group of religious organizations and leaders in an *amicus curiae* (friend of the court) brief to the Supreme Court in December urging the Court to uphold a right to physician-assisted suicide. In January the Court will hear arguments in two cases, *Vacco v. Quill* and *State of Washington v. Glucksberg*.

The two cases involve federal appellate rulings upholding the right to assisted suicide. In *Vacco* the Second U.S. Circuit Court of Appeals held that the right was protected by the Fourteenth Amendment's equal protection clause. In *State of Washington* the Ninth Circuit based the right on the Fourteenth's due process clause.

The brief representing ARL and the religious groups and leaders contends that the New York and Washington State bans on physician-assisted suicide "burden core liberty interests protected by the due process clause of the Fourteenth Amendment and the religion clauses of the First Amendment." The brief makes the point that "religious organizations and religious leaders have taken a wide array of positions on the morality of physician-assisted suicide," and that a "one size fits all" civil law favors

some religions over others and in some cases interferes with free exercise of religion and conscience. Copies of the *amicus* brief are available from ARL for \$5 each.

Joining with ARL in the brief are the Unitarian Universalist Association, the Congress of Secular Jewish Organizations, the Episcopal Diocese of Newark, the Society for Humanistic Judaism, and the American Humanist Association. Additional signers include Episcopal Bishop John S. Spong, United Methodist Bishop Calvin D. McConnell, plus clergy from the Presbyterian, United Church of Christ, Jewish, Episcopalian, Disciples of Christ, United Methodist, Southern Baptist, and Unitarian Universalist traditions. Other signers include United Methodist ethicist (and ARL president) John M. Swomley, Prof. Robert S. Alley, Catholic theologian Daniel C. Maguire, biblical scholar Gerald Larue, and Presbyterian theologian Robert McAfee Brown.

The Clinton administration and the American Medical Association have filed briefs with the Court urging that the appellate rulings be overturned. The administration brief, noting that one of the lower court rulings linked assisted suicide to the constitutional right to abortion, seeks to uncouple the two issues.

A ruling is expected by summer.

## Colorado Voters Reject 'Parental Rights' Measure and Church Tax

In a come-from-behind victory, Colorado voters on November 5 defeated, 57% to 43%, a so-called "Parental Rights Amendment." The proposal, which attempted to add to the state constitution language referring to an inalienable right of parents "to direct and control the upbringing, education, values, and discipline of their children," would have allowed an outspoken minority of parents to challenge virtually any public service or agency affecting their children, including public schools, libraries, health care, and child protection services.

The amendment was sponsored by a Religious Right group, "Of the People," based in Virginia. Critics of the measure said that if it had been passed in Colorado, its backers intended to push it in 20 other states and in Congress.

The amendment was opposed by the Protect Our Children Coalition, which included Gov. Roy Romer as well as organizations of teachers, churches, pediatricians, police, district attorneys, and others.

Colorado voters also defeated, 83% to 17%, a proposed amendment that would have ended the property tax exemption of churches and some charities. The measure, some observers noted, was aimed at tax abuses in Colorado Springs but was too broad for popular acceptance.

## New York Parochial Revisited

Although the Supreme Court ruled in 1985 (*Aguilar v. Felton*, *Ball v. Grand Rapids*) that publicly paid teachers could not work in religious private schools, New York City school officials tried to evade the ruling by providing federal Chapter I services in

mobile classrooms parked next to parochial schools instead of in local public schools. In April 1995 the National Committee for Public Education and Religious Liberty (PEARL) asked the courts for summary judgment in a 1987 suit challenging the evasive arrangement. The original losers in *Felton* are now asking the courts to overturn the original 1985 ruling, which would open the door to massive federal and state funding for sectarian schools. (Details on the case and information on PEARL are available from ARL.)

## Mississippi School Prayer Nixed

On November 4 the Supreme Court without comment refused to hear an appeal from lower federal court rulings holding unconstitutional a 1994 Mississippi law that allowed "nonsectarian non-proselytizing student-initiated voluntary prayer" in public schools. The state law had been challenged by the ACLU and People for the American Way. A lower court ruling allows student-led prayer at graduation ceremonies in Mississippi, Louisiana, and Texas.

## Religious Discrimination Wins

On December 16 the U.S. Supreme Court declined to review a lower federal court ruling (in *Roslyn School District v. Hsu*) that allowed a religious club to meet in a public school while imposing a religious test on club officers. The Roslyn School District in New York had held that the Walking on Water Student Christian Fellowship's requirement that its officers "profess Jesus Christ as their Lord and Savior" was incompatible with the school district's nondiscrimination policy. A federal district court agreed with the school district but its ruling was overturned on appeal.

Plaintiffs in the suit were represented by televangelist Pat Robertson's American Center for Law and Justice. The school district was backed in *amicus* briefs by the National Committee for Public Education and Religious Liberty (of which Americans for Religious Liberty is a member), the Anti-Defamation League, and the New York State School Boards Association.

Observers fear that the appellate ruling could be a precedent for more widespread discrimination. Roslyn school superintendent Dr. Frank Tassone said recently that "It is critical that all students know that they are being treated fairly and are not being deprived of an opportunity to participate in a school activity because of their religion, sex or other invidious criteria."

## JPII vs. UNICEF

Not content with orchestrating opposition to family planning at the 1994 U.N. Population Conference in Cairo, the 1995 U.N. Women's Conference in Beijing, and elsewhere, Pope John Paul II in November made a big splash about withholding the Holy See's \$2,000 annual donation to UNICEF to protest the U.N. agency's publication of a booklet recommending "morn-



ing after" abortion medications to women in emergency situations in refugee camps. The gesture was aimed at discouraging other donations to UNICEF.

Immediately after the story broke, Catholics for a Free Choice donated \$2,000 to UNICEF as a counter gesture. CFFC president Frances Kissling, writing in *The Nation*, said the Vatican's gesture "is a new low in Vatican behavior." She added that "the Vatican is prepared to hold every good thing hostage to its dirty little war against family planning and abortion. And it believes that if bullied, U.N. agencies will conform to Vatican positions on reproductive health, even though those positions have been roundly rejected by most Catholics and most nations."

Kissling criticized the pope for exhorting Bosnian rape victims not to have abortions but instead to "accept the enemy."

## Privatizing No Panacea, Study Shows

The much-touted alternative of privatizing American public education has failed to achieve its desired results in those areas where it has been tried. This is the conclusion of three New York University educational researchers in a study just released by the prestigious Twentieth Century Fund.

In *Hard Lessons: Public Schools and Privatization*, Carol Ascher, Norm Fruchter and Robert Berne conclude, "Despite the enthusiasm of its advocates, privatization has not proved itself a solution to low student achievement or declining school budgets. Moreover, it has not improved accountability, widened parents' involvement or increased equity." They also argue that the privatization experiments "have been entirely isolated from the major equity-related struggles taking place within public education, detached from attempts at racial desegregation and from the battles to offer all students equally funded public schools."

Even conservatives should be wary. "The Milwaukee experience makes clear that a voucher system can become chaotic, putting students at risk as schools open and close. . . . Given a long history of similar experiences in other fields, it is unlikely that a public school voucher system, once enacted, would be unaccompanied by regulatory controls. Instead, as some conservatives have feared, vouchers might well generate an expansion of the power of state departments of education, as states

produced new regulations to protect families and their children from abuses by private institutions."

These scholars also urge Americans to redouble their efforts to improve the quality of public education, particularly in disadvantaged areas, urging a "renewed commitment to offering all children an equal opportunity to learn." They argue eloquently that "It is incumbent on those who believe in a strong public education system as a precondition for democracy to help resolve the grave inadequacies of public schooling that feed the impulse to privatize."

They warn against unequal funding between wealthy and poor school districts. "Anyone wishing to see a dramatic demonstration of the country's polarization into two unequal societies need only visit a neighboring suburban and urban school system," they say.

The study may be ordered from The Twentieth Century Fund Press, 41 East 70th Street, New York, NY 10021 or by phone at 1-800-552-5450.

## Charity Tax Credit Urged

Sen. Dan Coats (R-IN) and Rep. John Kasich (R-OH) will push in 1997 for passage of a \$500 per person/\$1000 per couple tax credit for donations to sectarian and other charities. If passed, the program would cost an estimated \$150 million per year. As applied to donations for religious institutions, the tax credit proposal would raise serious First Amendment concerns.

## International

**Montreal:** A 15-member commission studying education in the province of Quebec has called for the removal of Protestant and Roman Catholic school boards -- which function as public schools -- and urges that the role of religion be diminished in newly-established public schools set up along linguistic rather than religious lines. Reducing the role of religion would require the provincial government to ask the federal parliament in Ottawa to amend the Canadian Constitution. Article 93 guarantees the churches control over Quebec education. As expected, church school interests denounced the report. The Montreal Catholic School Commission argued that "the Catholic religion is an essential component of the public common culture that we share in Quebec and to which we invite new arrivals to adhere."

**Vancouver:** Reform Party leader Preston Manning, who would become Canada's prime minister if his right-wing party were to win the next election, called for a constitutional amendment to "protect the lives of unborn children." This would push the abortion issue to the forefront of Canadian politics, where polls indicate there is a strong pro-choice majority. Manning, a prominent evangelical, may not have his own party's support on this issue, however. Its House Leader, Ray Speaker, said, "there is no mention of abortion in the party platform." Another party member of parliament, Stephen Harper of Calgary, dismissed the proposal as the "personal view of the leader."

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Manning pressed the issue further, urging his party's parliamentary members to "endorse the family because of spiritual convictions." Most Canadians, polls show, do not want religious issues injected into partisan politics, and Manning's proposals have been widely criticized.

**London:** Britain's Roman Catholic bishops issued in October a major document, "The Common Good," which urged greater social justice and welfare spending and criticized "unlimited free-market capitalism." The report cheered the Labour Party and discomfited the Tories, who have been in power since 1979. Conservative Party apologists criticized the bishops for overstepping the boundaries between church and state; Church of England bishops have frequently criticized the politics of recent Conservative governments. Labour Party leader Tony Blair, who adheres to the Anglo-Catholic wing of the Church of England, co-authored a 1983 book supporting disestablishment of the Church of England.

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## Books

*Abortion: Between Freedom and Necessity*, by Janet Hadley, Temple University Press, 1996, 250 pp., \$27.95.

This extraordinary, gripping, forthright book could well have been subtitled "Nearly all you might need or want to know about the abortion rights controversy in the U.S. and around the world." Journalist Janet Hadley unapologetically defends the right to choose, illustrates the meanness and intellectual and moral bankruptcy of the anti-choice forces (the Vatican, fundamentalist Christian and Muslim extremists, etc.), and warns convincingly that women's reproductive rights are not secure in even the most advanced and democratic societies. The book's gaps are few: no mention of the fact that neurobiology shows that fetal brain development does not support the possibility of consciousness until some time after 28 weeks (detailed in Doerr and Prescott's *Abortion Rights and Fetal 'Personhood'*), and the suppression of the Nixon/Ford administration's population report (National Security Study Memorandum 200).

If you have time to read only one new book this year on abortion rights, this is the one.

-- Edd Doerr

*Playing God: Fifty Religions' Views on Your Right to Die*, by Gerald A. Larue, Th.D., Moyer Bell, 1996, 477 pp., \$24.95.

With the Supreme Court due to rule soon on state laws prohibiting physician assisted suicide, publication of this book by Gerald Larue, professor emeritus of biblical history and archeology and current adjunct professor of gerontology at the University of Southern California, is timely and very useful. Larue presents extensive quotations from official statements and the writings from fifty different religious traditions to show the diversity of opinion on euthanasia and physician-assisted suicide. The book also contains a comprehensive introductory essay along with material on state attempts to legislate on the subject and the Dutch experience with physician-assisted suicide. This book is an indispensable resource.

-- Edd Doerr

*The Missionary Position: Mother Teresa in Theory and Practice*, by Christopher Hitchens, Verso, 1995, 98 pp., \$12.95.

Mother Teresa of Calcutta may be a much admired celebrity, but to British journalist Christopher Hitchens she is "a religious fundamentalist, a political operative, a primitive sermonizer, and an accomplice of worldly secular powers," as well as "the emissary of a very determined and very politicized papacy." According to Hitchens (whose half-hour film, "Hell's Angel: Mother Teresa of Calcutta," was shown and picketed in Baltimore last June), the Albanian nun treats the poor not so much as people in need, but as the instruments of her work in "a fundamentalist religious campaign" and "an occasion for piety."

Hitchens adds that Mother Teresa has taken in "hoards of money" for which there is no public accounting, runs "a haphazard and cranky institution [in Calcutta] which would expose itself to litigation and protest were it run by any branch of the medical profession," and tolerates no "questioning of authority within her religious order." Although she was awarded the Nobel Peace Prize in 1979, Hitchens wonders what she "had ever done, or even claimed to do, for the cause of peace." To the contrary, he writes, by her all-out opposition to abortion rights and family planning, she has been an obstacle to peace. He marvels at the fact that Mother Teresa's "Missionaries of Charity" have for decades been the recipients of the extraordinary largesse of governments, large foundations, corporations, and private citizens," and notes that Mother Teresa has meddled in politics in several countries, including the United States.

--Edd Doerr

*Freethought Across the Ages*, by Gerald A. Larue, Humanist Press, Box 1188, Amherst, NY 14226, 1996, 516 pp, \$19.95

Teaching *about* religion in public schools in a neutral, balanced, objective, academic way is constitutional and, in the view of many, a good idea. The problem is that few teachers are adequately trained to do the job, scholars and educators are sharply divided over what to teach, and there are no adequate textbooks on the market, especially books that deal critically with religion or that deal adequately with what might be termed the left end of the religious spectrum.

Larue, emeritus professor of biblical history and archeology at the University of Southern California, has produced an extraordinarily broad, yet compact, historical summary of Western, Eastern, and Third World religions, together with an introduction to the many historical and current varieties of freethought and humanism. Larue shows the dynamic, evolving nature of religion and how freethought and dissent have influenced religious evolution. No author of a textbook about religion, curriculum designer, or school board considering offering a course or unit about religion can afford not to read this book.

--Edd Doerr

*Sacred Trust: The Medieval Church as an Economic Firm*, by Robert B. Ekelund, Jr., et al. Oxford University Press, 1996, 210 pp, \$29.95

Though not strictly a church-state book, this volume argues that the medieval Catholic Church of the west developed many

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of its distinctive doctrines and characteristics for economic and political reasons. Such ideas as purgatory, pilgrimages and even enforcement of clerical celibacy were designed, in part at least, to fill up church coffers and especially to build up the financial superstructure of the Papacy.

The church developed a parallel legal system to protect the clergy from civil prosecution, thus providing clerical transgressors with greater leniency. Church lawyers became a new profession. Even the medieval obsession with heresy is seen by these scholars as a desire to protect the Church's economic monopoly, its control over tithes, donations, and bequests. "Policies of the Church, either directly or indirectly altered the economic growth and development of medieval Europe,...and the Church generally fostered economic efficiency in Europe," they argue. The Church also "fought to substitute its own supernatural technology for pagan magic."

Consequently, these five economists challenge the long-held assumption that Protestantism, especially in its Calvinist form, was responsible for the rise of capitalism. They argue that medieval Catholicism was receptive to market forces and a kind of early pre-capitalist economics even though they conclude, "The ideal society that still shapes Catholic doctrine is that of the feudal state, with its simple technology, its small communal living and its dedication to things spiritual."

A fascinating and provocative book is this.

—Al Menendez

*Church and State In The Modern Age: A Documentary History*, edited by J. F. Maclear, Oxford University Press, 1995, 510 pages, \$65.00

Students of the history of religious liberty and church-state relations will welcome this compendium of 186 official documents and excerpted documents (constitutional provisions, laws, decrees, court rulings, church declarations and statements, etc.) from the United States, Canada, Europe, China, Latin America, and South Africa, from the late seventeenth century to the present. Though not an ordered history or interpretation of history, the work nonetheless gives the reader some idea of the complexity of the issues. Reading this volume powerfully reinforces the view that our American legal tradition of separation of church and state is about as close as it is possible to get to the sensible middle way between the extremes of church-state union and entanglement, on the one hand, and government hostility and repression, on the other.

—Edd Doerr

*Beyond Pro-Life and Pro-Choice: Moral Diversity in the Abortion Debate*, by Kathy Rudy, Beacon Press, 1996. 185 pages, \$23.00

Kathy Rudy, assistant professor of ethics and women's studies at Duke, tries to "bring new clarity" to the abortion debate in the U.S. While she does provide some useful insights and supports the right to choose, the book is confused, confusing, eccentric, and ultimately of very limited value. She ignores what science has to say about "personhood" being impossible until quite late in gestation, the political realities of the struggle to defend freedom of choice, the male dominance motive that underlies most anti-choice activism, the traumatic effects on birth

mothers of giving children up for adoption, and the absence of any credible biblical basis for claiming that personhood begins at or near "conception." While addressing her book to the "Christian community," whose complexity she scarcely hints at, Rudy does not mention the Religious Coalition for Reproductive Choice, which represents more than three dozen pro-choice denominations and other religious groups, while ignoring the millions of women who do not have a meaningful relationship with any church.

—Edd Doerr

*God's Rascal: J. Frank Norris and the Beginnings of Southern Fundamentalism*, by Barry Hankins, University Press of Kentucky, 220 pp., \$29.95.

The now forgotten J. Frank Norris was a titan of the fundamentalist movement that swept over much of American Protestantism during the 1920s. A Southern Baptist, Norris caused his denomination's leaders much grief and misery as he fought for various right-wing populist causes. A diehard racist and nativist, Norris reviled Catholics and Catholicism and directed his fiercest criticism at New York Governor Alfred E. Smith, the Democratic nominee for president in 1928 and the first Catholic nominated for the nation's highest office by a major party. Norris's excesses in that campaign are legendary, and, as a payoff for Norris's work in Hoover's 1928 victory in Texas, the preacher-demagogue was invited to attend Hoover's inauguration.

In his last two decades Norris continued his rightward thrust, denouncing the New Deal as crypto-communist and accusing President Franklin D. Roosevelt of being insufficiently Christian. Ironically, Norris's militant anti-communism made him an ally of Father Charles Coughlin and Senator Joseph McCarthy, both Catholics. Norris's embrace of Coughlin shows that in the murky world of right-wing extremism, religious differences are often submerged.

Norris's last political involvement came in 1952 when he endorsed the Eisenhower-Nixon ticket in his newspapers and on his radio program. Norris met General Eisenhower and pronounced the Republican nominee a true Christian and America's putative political savior. Norris died a few days later.

The author of this outstanding political biography of one of the fathers, or grandfathers, of today's Religious Right is Barry Hankins, associate director of the praiseworthy J.M. Dawson Institute of Church-State Studies at Baylor University. The book is meticulously researched, carefully argued, well written and brimming with insights about a remarkable era and an extraordinary man whose support for Prohibition, populist politics and sympathy for the Klan deserves to be remembered -- if only to remind us that religion can have evil as well as beneficent influences on public life.

-- Al Menendez

*An Island in the Lake of Fire: Bob Jones University, Fundamentalism and the Separatist Movement*, by Mark Taylor Dalhouse, (University of Georgia Press, 1996, 211 pp, \$24.95.

This uncritical study of a fundamentalist academic outpost that calls itself "the world's most unusual university" succeeds

in locating the institution as a premier example of separatism, a theological position held by some fundamentalists that stresses absolute rejection of the world and, generally, condemnation of society's mainline religions.

Since its foundation, Bob Jones University (BJU) has existed for the sole purpose of preserving its own rigid fundamentalist theology and has carried the implications of that theology into social relations, maintaining a racially segregated student body until 1975. After losing its tax exemption in a celebrated 1983 Supreme Court ruling, BJU still bans interracial dating.

While it turns out many pastors and church school teachers and administrators, its graduates are entering the professions, law, and medicine in large numbers. "In recent years BJU alumni have run for and won elective office," writes Dalhouse, who adds, "Locked out of national power for so long, conservatives like the Joneses were ecstatic with Reagan's assumption of power in 1981. A small but significant sign that the Bob Joneses were no longer outsiders came when the new Reagan administration tapped BJU faculty member George Youstra to be an undersecretary in the Department of Education."

Using separatism as "a way of dealing with the rapidly changing nature of both American religion and American society in the middle of the twentieth century...the Jones family, and the institution they created, are a remarkable example of the persistence of religious fundamentalism in a society that, generally speaking, finds much of what they believe and espouse to be archaic and in some cases dangerous," concludes the author.

The book could have been greatly improved with more critical attention to three areas. One is BJU's production of textbooks for private religious schools. The author merely describes this as "a service and a networking resource." He is apparently unaware of their content, and their pervasive religious bigotry, racism, nativism, and anti-intellectual biases. The author alludes to the school's political influence and its links to the Republican right wing, but does not develop this part of the story. BJU, in fact, has considerable clout in South Carolina politics, with a strong influence in the Republican primary process. Finally, he downplays the anti-Catholic excesses which pervade BJU. The Joneses have strong links with Ian Paisley's Protestant extremist movement in Northern Ireland and in fact conferred an honorary doctorate on Paisley in the 1960s. The BJU president also publicly prayed that God would strike dead U.S. Secretary of State Al Haig, a Catholic, in 1982. The Jones wing of fundamentalism opposes any and all contacts with Catholics, Jews, and Mormons.

(One of the more surprising bits of data in this book is that most BJU students come from the northeast and midwest, especially Pennsylvania, Michigan, and Ohio, rather than the south, though South Carolina, where the school is located, does rank first.)

—Al Menendez

Al Menendez, author of the election analysis in this issue, is the author of *Evangelicals at the Ballot Box* and *The Perot Voters*, both published in 1996 by Prometheus Books.

## Carl Sagan on Religious Liberty

The Bill of Rights decoupled religion from the state, in part because so many religions were steeped in an absolutist frame of mind—each convinced that it alone had a monopoly on the truth and therefore eager for the state to impose this truth on others. Often, the leaders and practitioners of absolutist religions were unable to perceive any middle ground or recognize that the truth might draw upon and embrace apparently contradictory doctrines.

The framers of the Bill of Rights had before them the example of England, where the ecclesiastical crime of heresy and the secular crime of treason had become nearly indistinguishable. Many of the early Colonists had come to America fleeing religious persecution, although some of them were perfectly happy to persecute other people for their beliefs. The Founders of our nation recognized that a close relation between the government and any of the quarrelsome religions would be fatal to freedom — and injurious to religion. Justice Black (in the Supreme Court decision *Engel v. Vitale*, 1962) described the Establishment Clause of the First Amendment this way: Its first and most immediate purpose rested on the belief that a union of government and religion tends to destroy government and degrade religion.

Historian Clinton Rossiter concludes: "The twin doctrines of separation of church and state and liberty of individual conscience are the marrow of our democracy, if not indeed America's most magnificent contribution to the freeing of Western man."

Now it's no good to have such rights if they're not used — a right of free speech when no one contradicts the government — separation of church and state when the wall of separation is not regularly repaired. Through disuse they can become no more than votive objects, patriotic lip-service. Rights and freedoms: Use 'em or lose 'em. — *The Demon-Haunted World: Science as a Candle in the Dark* (Random House, 1995)

(Carl Sagan died on December 20, 1996.)

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