



VOICE OF REASON

The Newsletter of Americans for Religious Liberty

1997, No. 1 [59]

Supreme Court Revisits 1985 Parochial Ruling

In 1985 the Supreme Court ruled in *Aguilar v. Felton* that sending tax paid teachers into sectarian private schools is unconstitutional. On April 15, 1997, the Court reheard the case (*Agostini v. Felton*) in an attempt by New York City and parochial school parents to get the Court to reverse the earlier ruling.

The church-state separation side was again represented by New York attorney Stanley Geller of the National Committee for Public Education and Religious Liberty (PEARL).

While a decision is due by July, no easy predictions can be made. The justices could go either way on the substance of the issue, or they could rule on the highly unusual procedure by which the case reached the Court, or by some combination of the two issues.

Geller argued that there has been no change in Establishment Clause jurisprudence that would justify overturning the original 5-4 ruling.

New York City argued that the 1985 ruling forced the city to spend extra money to provide the remedial instruction ser-

vices in mobile units parked next to the sectarian schools. Geller told the Court that the cost of the mobile units could be saved by having the parochial school students receive instructional services in nearby public schools, a solution rejected by parochial school authorities.

Several justices expressed concern that parties who lost the previous case could "get another shot" at arguing their case.

As expected, Justice Antonin Scalia described the church-state separation position as "rigid" and "absolutist."

Americans for Religious Liberty filed an *amicus curiae* brief with the Court in cooperation with the Council on Religious Freedom and plaintiffs in federal cases related to the original *Felton* ruling. ARL's brief was prepared by noted church-state attorney Lee Boothby. The brief (copies of which are available from ARL for \$10) argues that the original case was decided correctly and that similar cases in Louisiana, California, and Missouri demonstrate that providing publicly paid teachers to denominational schools results in unconstitutional excessive entanglement between religion and government.

Ohio Vouchers Quashed

The Ohio Court of Appeals ruled unanimously on May 1 that the state's voucher plan for nonpublic school aid violates both the U.S. and state constitutions. The court held that the plan is unconstitutional because it "provides direct and substantial government aid to sectarian schools."

Under Ohio's \$5.5 million "pilot" (or foot in the door) plan, 2,000 students in Cleveland could use vouchers worth up to \$2,500 each to pay tuition at private schools or out-of-district public schools. Most of the voucher money went to Catholic schools. Pricier private schools and suburban public schools declined to participate in the plan because it provided too little money per student to cover costs. In any event, the Cleveland plan was merely the latest in nearly 30 years of attempts to get Ohio to fund Catholic schools.

Ohio's supreme court ruled recently that the state's school finance system is inequitable and must be redesigned. Last fall PBS ran a two-hour Bill Moyers special on the deleterious effects of Ohio's school finance inequities.

The Ohio voucher plan was challenged by People for the American Way, the ACLU, the National Education Association, Cleveland teachers union, and individual plaintiffs. The National Committee for Public Education and Religious Liberty (PEARL), which includes ARL, provided assistance in the challenge.

Said People for the American Way president Carole Shields, "This should send a clear message to all other states where voucher plans keep coming up."

Other recent developments:

Congress faces new voucher plans this term. Senate Bill 1 would allow states to use existing federal aid programs to include private and sectarian schools; another section of the bill would set up a \$50 million voucher "demonstration" program for up to 30 school districts. House Bill 1031, introduced in March by Reps. J.C. Watts (R-OK), James Talent (R-MO), and Floyd Flake (D-NY), would create a \$200 million annually voucher plan for private and sectarian schools; the bill prohibits meaningful public regulation of the tax-paid program and

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Ernest is Back

While the Religious Right failed to get action on a so-called Religious Freedom Amendment to the Constitution during the last Congress, despite House Speaker Newt Gingrich's promise to bring one up for a vote, Rep. Ernest Istook (R-OK), sponsor of a failed 1995 attempt, is back with another.

This year's amendment reads: "To secure the people's right to acknowledge God according to the dictates of conscience: The people's right to pray and to recognize their religious belief, heritage or tradition on public property, including public schools, shall not be infringed. The government shall not require any person to join in prayer, initiate or designate school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

House Judiciary Committee Chairman Henry Hyde (R-IL), sponsor of an amendment that competed with Istook's in the last Congress, said he will not offer one this year.

Pat Robertson's Christian Coalition announced that it would spend up to \$2 million to garner support for the Istook amendment.

Critics of the proposed amendment point out that it would create endless controversies in schools and communities, weaken religious freedom for religious minorities, and result in enormous amounts of litigation. The proposal's last clause, regarding "benefits," is apparently designed to allow or require tax aid to sectarian schools and other sectarian operations.

The Istook amendment is opposed by the Coalition to Preserve Religious Liberty, a coalition of nearly sixty religious, educational, civil liberties, and other groups, including ARL.

Mark Pelavin, associate director of the Religious Action Center of Reform Judaism, said that Istook's amendment "is unnecessary because we already have a religious freedom amendment. It is called the First Amendment."

Istook's proposed amendment is a slight revision of one introduced earlier this year. Baptist Joint Committee executive director James M. Dunn said the changes are merely cosmetic, adding, "It's like putting lipstick on a pig."

BJC attorney Melissa Rogers points out that "the amendment would still appear to permit students to use the school intercom to lead their class in prayer or a judge or juror to lead

the courtroom in prayer." She added that the amendment would "open the door to government funding of churches, synagogues, mosques, parochial schools and other pervasively sectarian institutions."

Defenders of church-state separation are urging concerned citizens to let their congressmen know of their opposition to the amendment.

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specifically bypasses state constitutional bans on tax aid for sectarian schools. Sens. Joe Lieberman (D-CT) and Dan Coats (R-IN) plan to reintroduce their plan for vouchers for the District of Columbia, despite the District's overwhelming vote against a similar plan several years ago.

The Georgia supreme court ruled in April that school boards do not have to comply with a 1961 segregation-era law that allows parents to request vouchers to send their children to private schools.

In March the Montana legislature defeated a Republican-sponsored bill to provide tax aid to nonpublic schools through tuition tax credits.

The Wisconsin supreme court has denied a request for an expedited review of a lower court ruling in January that expanding Milwaukee's voucher plan to include sectarian schools is unconstitutional.

Wisconsin voters in April reelected state school superintendent John T. Benson, who opposes vouchers, defeating Linda Cross, a voucher proponent whose campaign was co-chaired by the wife of pro-voucher Gov. Tommy Thompson.

Lincoln Park, New Jersey, voters on April 15 elected a school board opposed to a voucher plan. Days earlier state education commissioner Leo Klagholz ruled that Lincoln Park has no "statutory authorization to implement the voucher program."

Arizona lawmakers have come up with a new variation on the voucher theme, a bill passed in April that allows up to \$500 in income tax credits for donations to nonprofit groups that provide tuition vouchers for sectarian and other private schools.

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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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Vouchers: The Heart of the Matter

In November 1990, in a pastoral letter entitled "In support of Catholic Elementary and Secondary Schools," the bishops of the Catholic Church in the U.S. announced that among several goals to be accomplished by 1997 would be "new initiatives . . . to secure sufficient financial assistance from both private and public sectors for Catholic parents to exercise [the] right" to send their children to Catholic schools. This means, obviously, full or partial tax support for Catholic private schools through vouchers, tuition reimbursement tax credits, or some other mechanism.

This is not news, of course. Since the 1840s the U.S. Catholic bishops have sought public funding for their church's private schools, efforts so far met largely with failure—in the legislative process, in the courts, in state referenda, and in the arena of public opinion. (Granted, there was reason for Catholics' and others' dissatisfaction with public education in the days before public education became religiously neutral.)

It should be noted that the bishops and the Vatican have reached their goal of public support for Catholic schools in a number of countries—Canada, the U.K., France, Belgium, the Netherlands, Spain, and Australia come readily to mind—countries lacking an effective separation of church and state.

Comes now a useful book that provides needed perspective on the bishops' campaign for tax aid, Joseph Claude Harris's *The Cost of Catholic Parishes and Schools* (Sheed and Ward, 1996, 178 pp., \$15.95). Harris, who has been a research consultant for several Catholic dioceses, provides an inside look at the finances of Catholic parishes and schools. While he strongly supports voucher plans, he makes it abundantly clear that the real problem of Catholic schools in the U.S. is not lack of tax support but the lack of support by American Catholics for church institutions. He points out that while American Catholics in 1990 had an average household income of \$40,435, 8% higher than the U.S. average of \$37,403, Catholic giving to their church is significantly lower than that of Protestants.

Harris estimates that Catholic giving per parish member in 1993 was \$136. He compares this with figures for Protestants presented in the *Yearbook of Canadian and American Churches*. The Protestant average for 1993 was \$388, with Presbyterians giving an average of \$529 per member, Methodists \$382, and Southern Baptists \$349. Harris notes that Catholic households donated an average of 0.6% of income to their parishes, for an annual total of \$4.6 billion. If the church could just increase giving to Protestant levels, it would end its financial problems and eliminate any need for tax support.

What Harris leaves out of his book is at least as important as what he puts in. He makes one small mention of the fact that U.S. Catholic school enrollment declined from 5.5 million in 1965 to about 2.5 million today, a slide from enrolling about 47% of Catholic children to 21%, but makes no serious effort to explain the reasons for the decline. Those reasons would undercut the case for tax support.

The reasons for the decline might be referred to as external and internal.

The external reasons: Generations ago, when Catholics were often a discriminated against minority, there was an understandable rationale for having parochial schools. But times change. A Catholic president was elected in 1960. Catholics are now

proportionately represented in Congress and elsewhere. Catholic household incomes are now about 8% above the national average. In the years after World War II the public schools pretty much arrived at a position of religious neutrality, as required by the pluralistic nature of our society and the federal and state constitutions. In short, Catholics have "arrived." They are now mainstream. Reasons for having parochial schools that may have made sense generations ago now lack force. Catholic schools have largely gone the way of the horse and buggy.

The internal reasons: The Catholic world has changed. The Second Vatican Council in the early 1960s opened the church world to new ideas. Individual freedom of conscience was freed up. When the Vatican sought to turn back the clock in 1968 with the papal encyclical condemning contraception, enormous numbers of Catholics around the world objected, took issue, rebelled. The same effect was produced by the authoritarianism

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Carl Sagan

Carl Sagan, the eminent astronomer and science writer, died on December 20, just as our last newsletter was ready to go to press with an excerpt from his book, *The Demon-Haunted World*. Carl was a member of ARL's national advisory board, along with other prominent scientists, and a strong supporter of religious freedom and church-state separation.

An anecdote about Carl bears relating. Back in 1989 ARL was preparing an *amicus curiae* brief to the Supreme court in an important abortion rights case, *Webster v. Reproductive Health Services* (reprinted as an appendix in John Swomley's monograph, *Abortion and Public Policy*), on behalf of 167 Nobel laureates and other scientists and physicians. Before we and our attorneys decided to include only biologists and physicians, I had contacted Carl about signing on to the brief.

He said that he was not altogether sure he that he agreed with the brief's point that "Not until after 28 weeks of gestation does the fetus attain sufficient neocortical complexity to exhibit those sentient capacities that are present in full-term newborns. In lay terms, the capacity for the human thought process as we know it cannot exist until sometime after 28 weeks of gestation."

I replied to Carl that our brief was an outgrowth of ARL's 1987 conference and subsequent 1989 book on *Abortion Rights and Fetal 'Personhood'*, which had been partly inspired by the discussion of human evolution in Carl's book, *The Dragons of Eden*.

A year after the brief was filed, Carl's major article on abortion rights was read by millions in *Parade* magazine. It essentially took the position of neurobiologists that human personhood is not possible until some time in the third trimester.

-- Edd Doerr

of Pope John Paul II. Today most American Catholics disagree with the bishops on contraception, abortion, divorce, ordination of women, and clerical celibacy. Church attendance and donations have dropped at about the same rate as parochial enrollment. Clerical sexual abuse and official coverups have increased alienation.

What we have with the accelerated political campaign for vouchers and other forms of tax aid, then, is an attempt by an undemocratic church hierarchy to get government to support religious institutions that the church's own members do not want to support.

The general public, when asked to vote on proposals to provide tax aid to private schools, under the misleading banners of "school choice" or "parental choice" or "educational reform," have said no by a resounding two to one margin, despite the vast amounts of propaganda promoting vouchers and denigrating public education.

It is also curious, it should be interjected, that the Catholic bishops seem far more concerned about the 21% of Catholic children in parochial schools than about the 79% who attend often underfunded or inequitably funded public schools. Is myopia too strong a word to apply?

The heart of the matter, then, is that the unelected power structure of one denomination is putting high priority on getting public funding for private institutions that its own members do not much care to support, that practice forms of selectivity and indoctrination not allowed in public schools, and that are not answerable to the taxpaying public. That power structure seems unconcerned that getting its wish would fragment our society along religious, social class, and other lines, increase educational costs, and stir up interfaith antipathy.

School Funding Inequities

In their excellent 1995 book *The Manufactured Crisis* (reviewed in ARL Newsletter No. 54), professors David C. Berliner and Bruce J. Biddle make the point that a major problem with public education in America is grossly inequitable funding among public schools within most states. In such states as Texas, Ohio, New York, Pennsylvania, Missouri, and Michigan, for example, some school districts are able to spend more than twice as much per student than poor districts.

The Rev. Jesse Jackson recently took educators, lawmakers, and journalists on a tour of the Chicago area. They visited a suburban high school, with a university-like library, three gymnasiums, and an indoor swimming pool, that spends \$11,000 per student per year. From there the tour went to another suburban school district, predominantly African-American and Hispanic, where per student spending is only \$5,100, and then to the new Cook County Jail, where the cost of upkeep per prisoner is \$17,000 per year. Again, the point is obvious, especially when we see that between now and the year 2000 Americans will spend \$9 billion to build sports stadiums and only \$3.5 billion to build or repair school buildings.

In March the U.S. General Accounting Office reported that for the 1991-92 school year, the latest for which comparable data are available, high-income school districts spent 24% more per student than low-income districts, despite the fact that poor districts in 35 states taxed themselves more heavily than wealthier districts.

The remedy is obvious. States need to more nearly equalize

spending among school districts, which will generally mean shifting the tax burden away from local districts to some form of statewide systems. Unfortunately, the Supreme Court in the mid-1970s narrowly ruled that funding inequities are not a federal constitutional matter.

The answer to our public school equity problem is definitely not the diversion of public funds to nonpublic education through vouchers.

Ashcroft Act Aids Religious Groups

During the last days of the 104th Congress in 1996, the most committed right wing fundamentalist senator, John Ashcroft of Missouri, in a sneaky maneuver unworthy of any genuinely religious person, attached without notice an amendment to the welfare act intended to gut the First Amendment's religious liberty provisions. President Clinton signed the so-called Welfare Reform Act into law.

Ashcroft's amendment, known as "a charitable choice" provision, permits government social services to be administered inside a church or house of worship, grants a right to religious contractors to display any kind of religious symbols where government funded services are provided, and allows religious contractors to discriminate in hiring employees, who are being paid with taxpayer funds. It also grants all religious organizations a statutory right to be eligible to contract with a state to administer social services. This right can be enforced with a lawsuit against the state. Furthermore, this federal legislation prevents states from requiring that religious social service providers deliver services in an environment free of proselytizing symbols and expression.

These provisions will allow religious organizations to require that employees paid with taxpayer dollars adhere to the "religious tenets and teachings" of the religious institutions. The legislation also mandates that employees must follow rules regarding off-the-job behavior, including consumption of alcoholic beverages.

In other words, this Act will not only exclude non-believers from government-funded employment, but will also allow groups to advance religious doctrines with taxpayer money.

-- John M. Swomley

The Wayward Bus

Pennsylvania taxpayers annually contribute \$132 million involuntarily to parochial and other private schools in the form of transportation services, according to a study just released by the Pennsylvania State School Boards Association. Local boards pay \$73 million of that sum and the state pays the rest. The money is used to transport an estimated 206,000 (61.5%) of the state's 335,000 nonpublic students.

To make matters worse, a 1972 state law requires the state's 501 school districts to bus private school students up to ten miles outside the districts, a privilege not available to public school students. Even worse, the state's taxpayers pay to send nearly 2,000 students to nonpublic schools in neighboring states like Delaware.

Since Pennsylvania is one of 27 states that provide tax paid

transportation for nonpublic schools and is rather representative, one can use Pennsylvania's data to extrapolate the national cost to taxpayers of such service. Multiply the number of students in nonpublic schools in those states that provide the service (about 3.534 million) by Pennsylvania's average per nonpublic student cost (\$640.78) and by Pennsylvania's percentage of nonpublic students transported (61.5%). The result: \$1.381 billion per year, plus or minus about 5%.

Note that studies have shown that transporting students to nonpublic schools can cost up to twice as much per student as transporting public school students.

In 1983 we found that nonpublic school transportation cost taxpayers an estimated \$607 million, while other limited and peripheral forms of state and federal aid came to over \$400 million annually. If all tax aid to private schools increased at the same rate as transportation costs, then tax aid for nonpublic education is now costing something like \$2.29 billion per year, and that is undoubtedly a conservative estimate.

This figure, objectionable as it is, would pale to insignificance if voucher advocates ever succeed in reaching their ultimate goal of tax support of nonpublic schools at parity with public schools. The cost: about \$28 billion annually, in addition to support for public schools. And that figure does not come close to the social cost of wrecking public education and fragmenting our society along creedal, ideological, ethnic, social class, and other lines.

Reed Leaves Robertson

Ralph Reed's April 23 announcement that he is leaving as executive director of Pat Robertson's Christian Coalition to set up a political consulting firm, Century Strategies, comes as a bit of a surprise but was not entirely unexpected. Reed, a former Republican Party operative, was hand-picked by televangelist Robertson to head the Christian Coalition, which claimed 1.9 million members and a \$27 million budget in 1996.

Reed's accomplishment, as *The Washington Post's* Dan Balz summed up, was to "recast the remnants of religious broadcaster Pat Robertson's failed 1988 presidential campaign and the ashes of the Rev. Jerry Falwell's Moral Majority into a potent force in American politics and a key player inside the Republican Party." Reed pulled off what his boss, Robertson, could not: he put a blander face on Robertson's often whacky extremism and appeared to smooth the rough edges of the Christian Coalition's hard line agenda.

Reed's future plans are not yet clear. Republican sources say he will run a number of "faith-based" political campaigns in 1998, while such year 2000 presidential hopefuls as Texas Governor George W. Bush, former Vice President Dan Quayle, and Missouri Senator John Ashcroft are reportedly "quietly bidding for his political services."

Reed built on the earlier work of Robertson and Falwell. As writer E.J. Dionne, Jr. put it, "The advantage we have, [Reed] once said, 'is that liberals and feminists don't generally go to church. They don't gather in one place three days before the election.'"

His views were spelled out, cautiously, in his 1996 book *Active Faith*. At the end of our review of the book in Newsletter No. 56, we concluded: "Behind what Reed intends to be a facade of benign reasonableness lurk agendas, neither spelled out nor justified in the book, that would seriously undermine religious liberty, weaken or wreck public education, reduce

women to the status of second class citizens or worse, fragment society along religious and other lines, and stir up ancient antagonisms."

Yet while faithfully building up Robertson's organization, Reed antagonized some religious ultraconservatives, such as Gary Bauer of the Family Research Council, by appearing to be too moderate.

We have not seen the last of Ralph Reed. He will be a formidable political operative whichever candidates he serves. And he may be positioning himself for a run for a Senate seat or governorship.

His jumping ship may also remove him a step from the Federal Election Commission investigation into whether the Christian Coalition abused its tax exempt status by directly supporting GOP candidates.

With Reed gone, Robertson's Christian Coalition will be weakened somewhat, but should by no means be written off. The organization has enormous resources and will continue to be a major player in the political process. The Reed-Robertson rupture merely rearranges the pieces on the game board.

Christian Coalition Seeks Minority Power Base

Televangelist Pat Robertson's Christian Coalition, knowing it cannot take control of America simply with white fundamentalists and right wing Catholics, has decided to penetrate the black and Latino communities. Its proposal, called the Samaritan Project, requires government to assist churches to engage in church-based schools and drug treatment programs.

This is in essence a bill introduced last year called the American Community Renewal Act of 1996, which was not adopted. It would provide for establishing up to a hundred "renewal communities" where there is an unemployment rate of at least 20% and at least 70% of the households in the area have incomes below 80% of the median income of households in the metropolitan area.

The catch comes in who benefits. The government is to "involve private entities in providing social services," provide "tax benefits for fees paid or accrued for services performed by a non-government entity." It would establish "an educational choice scholarship program" that would include "private religious schools." Such public funds would cover the cost of transportation to alternative public schools as well as tuition at "private and private religious schools."

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Correction

In our last issue (Newsletter Number 58), the number of Lutherans on our chart on "Congressional Religious Affiliations" should have read 22 with an increase of 1 over the 104th Congress. The Evangelical Methodist Church with one member in the 105th Congress, a gain of one, should have appeared at the bottom of the table. In the "Party Affiliation by Religion" table, there should have been 10 Lutheran Republicans. The totals in "The Decline of the Mainline Churches" table should have read 217 for 1986 and 169 for 1996. We regret the errors.

In addition, a "new tax credit" would be given to those who contribute to "private organizations," the bulk of which would be religious. There is also a Title IV: "The Faith-Based Service Provider Empowerment Act" which would permit states to make "contracts with religious organizations" for "drug counseling and rehabilitation programs."

Ralph Reed and Robertson's Christian Coalition are clever enough to aid churches and church schools with government funds on the assumption that many will believe it will renew communities and aid the poor. The real intent is to end separation of church and state.

-- John M. Swomley

ARL in Action

Since our last report, ARL has filed an *amicus curiae* brief with the U.S. Supreme Court in the rehearing of a 1985 New York case in which the Court ruled against sending public school teachers to work in sectarian schools. (See lead story on page 1.) ARL has also joined with other organizations in the National Committee for Public Education and Religious Liberty (PEARL) in an *amicus* brief in an Ohio federal court challenge (*Coles v. Cleveland Board of Education*) to the practice of opening school board meetings with a long prayer given by the board president.

ARL president John M. Swomley has addressed ACLU, university, church, and other audiences in recent months in New Orleans, Dallas, Houston, Hyannis, MA, Kansas City, Overland Park, and Prairie Village, KS, and Springfield and Lee's Summit, MO. He also had a one-hour radio interview in Houston.

Executive director Edd Doerr addressed church, student, and other audiences at Harvard and Bedford, MA, Frederick

and Silver Spring, MD, Fredericksburg, VA, and Washington, DC. He was a guest on radio talk shows in Indianapolis, Orlando, and St. Louis.

Associate director Al Menendez was interviewed by Religion News Service, *Christianity Today* magazine, and *The National Catholic Reporter* about his analysis of religious affiliations in the current Congress. His analysis was also published by the United Methodist News Service. In April he addressed an ACLU meeting in Columbia, MD.

Swomley's article "The Vatican Connection: How the Roman Catholic Church Influences the Republican Party" appeared in the April issue of *Christian Ethics Today*. Doerr's article, "The Empty Promise of School Vouchers" was published in the March issue of *USA Today* magazine. Menendez' article "By the Rules? What's Behind the FEC Lawsuit Against the Christian Coalition?" appeared in the May/June issue of *Liberty* magazine. Reprints of these articles are available from ARL for 50 cents each.

Update

NAACP and PFAW vs. Vouchers



Kweisi Mfume



Carole Shields

The National Association for the Advancement of Colored People and People for the American Way launched a joint project called Partners for Public Education at an all-day conference in Baltimore on April 3. The presidents of the venerable civil rights group and the newer civil liberties organization, former Congressman Kweisi Mfume and Carole Shields, announced at the conference that the new partnership is designed to fight voucher proposals for diverting public funds to sectarian and other private schools and to press for full and open access to quality public education for every child.

Mfume told the well-attended conference that "Vouchers are a pernicious, steal-from-the-poor-and-give-to-the-rich scheme." Shields added that "We are determined to expose the hypocrisy of those who try to claim that vouchers would help poor children."

The kick-off conference was endorsed by the Interdenominational Ministerial Alliance, which represents 220 Baltimore clergy.

PFAW's Matt Freeman pointed out that vouchers are being promoted mainly by the Religious Right, Pat Robertson's Christian Coalition, James Dobson's Focus on the Family group, Gary Bauer's Family Research Council, and similar groups. ARL's Edd Doerr noted that vouchers are also a priority with the Catholic bishops, who seem far more interested in the 21% of Catholic children in church schools than the 79% in public schools.

A highlight of the conference was a disturbing report on Milwaukee's voucher plan by Milwaukee attorney James H. Hall, Jr., who represents plaintiffs challenging the plan, education researcher Walter C. Farrell, Jr., and Rev. Rolen Womack, Jr. All three spelled out the numerous problems created by the city's voucher plan and said there were no gains from it.

Kiryas Joel Loses Again

New York State's highest court, for the second time, ruled on May 6 that a special school district created for the Satmar sect of Hasidic Judaism is unconstitutional. The state

legislature had twice created a special school district so that members of the Hasidic sect could have their special education children segregated from those of different faiths.

A similar arrangement for Kiryas Joel had been ruled unconstitutional by the U.S. Supreme court in 1994. In that case the Court held that the state legislature had failed "to exercise governmental authority in a religiously neutral way." In a concurring opinion Justice Anthony Kennedy called the unconstitutional arrangement "explicit religious gerrymandering." Shortly after the Supreme Court ruling the state legislature passed a similar law to benefit the Satmar sect, setting the stage for a new legal challenge.

It is uncertain at this time if state officials will appeal again to the U.S. Supreme Court or pass a third law to try to get around the court rulings. Politicians of both parties have expressed interest in helping the sect, which insists on segregating its children from being educated with non-Satmar children.

Alabama's Embarrassment

Alabama Gov. Fob James is the most outspoken defender of Etowah County Judge Roy Moore, ordered by another state court to remove a Ten Commandments plaque from his courtroom in an ACLU suit. James has threatened to call out "state troopers and the National Guard" to protect the plaque and Moore's practice of having ministers pray before court sessions. The American Jewish Congress has called on the Alabama Judicial Inquiry Commission to investigate Judge Moore to determine whether non-Christians can get a fair trial in his courtroom. Moore has said that he might ask Jews to lead prayers in his courtroom but not Muslims, Buddhists, or other non-Christians.

USA Today opined that "If the Ten Commandments are in danger, it's not because they do or don't hang in a county courtroom. It's because politicians and opportunists trivialize them."

Abortion Rights

The U.S. House of Representatives has passed a ban on a late term abortion procedure by a veto-proof margin, but the Senate probably cannot muster enough votes to overturn an expected veto by President Clinton. The procedure, called "partial-birth abortion" by anti-choicers and "intact dilation and evacuation" (D & X) by physicians, is used only after 20 weeks and is considered by many physicians to be safer for women than alternative procedures. Clinton has threatened to veto the bill if it does not contain an exception for cases in which a woman's health is threatened.

Meanwhile, legislatures in 11 states have banned the procedure and are considering bans in 21 others. Bans have been blocked in eight legislatures. Test cases are in court in Ohio and Michigan. Bans are not expected to pass in New York or Connecticut. The National Right to Life Committee, an anti-choice lobby group, boasts that its operatives helped state legislatures draft the bans.

Other recent developments:

The Supreme Court on February 19 left intact a New York State ban on anti-choice protests within 15 feet of a clinic but struck down a 15-foot "floating bubble zone" around any person or vehicle entering or leaving a facility where abortions are performed.

In Our Next Issue . . .

A report on the Promise Keeper movement, the new Religious Right phenomenon that is planning a massive rally in Washington in October.

The Alaska legislature in May overturned Gov. Tony Knowles' veto of a late-term abortion ban and a bill requiring parental or judicial permission for an abortion for anyone under 16.

The Supreme Court ruled on March 31 in favor of a Montana law requiring parental notification or judicial waiver for abortion for women under 18. A troubling feature of the Montana law is that parents are notified in judicial waiver cases.

Also on March 31 the Supreme Court rejected a student-initiated challenge to a University of California policy of using student registration fees to cover abortions.

In March the Supreme Court declined to review a California supreme court ruling upholding a buffer zone around a clinic in Vallejo.

Michigan's Court of Appeals has upheld a state law mandating a 24-hour waiting period and biased state-scripted counseling before abortions.

The U.S. Fifth Circuit Court of Appeals has held unconstitutional a 1995 Louisiana law to give judges wide latitude to deny young women authorization for abortions and breach their confidentiality.

On April 7 the U.S. District Court for the District of Columbia ruled that the U.S. armed forces may not interfere with the ability of military chaplains to advocate against abortion.

Catholic Archbishop Harry Flynn of Minneapolis-St. Paul cancelled out of celebrating mass at a April meeting of Human Life International, saying that he was troubled by statements attributed to HLI founder and chairman Rev. Paul Marx. Flynn said the statements were "divisive and harmful, especially to our Jewish brothers and sisters." Jewish groups had cited remarks by Marx that appear to be anti-Semitic.

Black Leaders Oppose Vouchers

In a statement circulated during the recent presidential campaign, a group of influential African American leaders came out against voucher plans for nonpublic schools. The statement said that vouchers would hurt the education of African American children. It cited one study that showed that a voucher plan in Pennsylvania would mainly funnel money to the state's richest counties and none to the poorest counties. The statement noted that private school students have fewer legal safeguards than public school students and concluded, "Our national experience with a system of two separate schools, one black and one white, was so bad that we do not want a two-tiered government-funded system based on religion or any other form of discrimination or separation."

Among the signers are Kansas City mayor Emanuel Cleaver, former California state school superintendent Wilson Riles, civil rights leaders C.T. Vivian and James Farmer, civil liberties expert Gwen Thomas, and a number of academics and clergy.

Pat's Problems

Virginia Attorney General and Republican gubernatorial candidate James S. Gilmore III has received a \$50,000 political contribution from Virginia-based televangelist and Christian Coalition president Pat Robertson. Robertson gave Gilmore's campaign \$50,000 in 1993. Last summer Gilmore declined a request by Democratic state senator Joseph V. Gartlan to rule on whether Robertson's Christian Coalition illegally distributed millions of voter guides and ran phone banks and conducted polls in coordination with Republican candidates.

In another development, the *New York Times* reported on April 28 that pilots from Robertson's tax-exempt humanitarian organization, Operation Blessing, reported that only one or two out of 40 flights during a six-month period could be considered humanitarian. The pilots said the flights were related to the African Development Company, a diamond mining company in Zaire in which Robertson is the sole shareholder. The company lost millions and is the center of a lawsuit. A Robertson spokesman said that Robertson reimbursed Operation Blessing for use of the planes.

School Board Members Conservative

A nationwide survey of school board members reveals that most call themselves political and religious conservatives but many depart from conservative orthodoxy on serious education issues like school prayer and vouchers.

The survey, conducted by *The American School Board Journal* and Virginia Tech, found that 65% of school board members are political conservatives and 54% are religious conservatives. Just over half are Republicans.

But on policy questions involving church and state, many conservative board members balk at implementing Religious

Right objectives. Only about a third of board members support a constitutional amendment authorizing prayer in public schools. Only 31% support voucher plans to aid private and parochial schools, and just 20% favor tuition tax credits for nonpublic school patrons.

Only about half of school board members think prayer of any kind should be allowed at school functions; 54% said their personal religious beliefs had little or no effect on school board decisions.

The controversial issues surrounding sex education also show that conservative sentiments do not translate into conservative policies. Of those polled 60% support comprehensive sex education in elementary school, 85% agreed that high school sex education programs should include information about contraception, and 66% favored including information about homosexuality in sex education programs.

Most school board members (59%) are male and 94% are white. About 45% are over age 51 and 42% have annual family incomes exceeding \$80,000.

The researchers who drafted the 1996 survey concluded, "America's school board members, we have found, can and do see fit to break with ideology in favor of what seems best for public schooling and public school students in a particular community."

San Francisco Cross Illegal

The Supreme Court on March 17 declined to review a lower federal court ruling that a 103-foot tall cross in San Francisco's Mount Davidson Park violates the constitutional ban on government acts "respecting an establishment of religion." The lower court had held that the significance of the cross as a religious symbol outweighed its historic or cultural value. The city will have to decide how to get rid of the cross. In similar situations, Eugene, Oregon, will remove its cross to a local bible college, while San Diego and San Diego County are trying to sell their crosses to private organizations. Plaintiffs in the San Francisco case included Jewish, Unitarian Universalist, Buddhist, Baptist, and Humanist clergy and leaders, represented by the ACLU and the American Jewish Congress.

Judge OKs Religious Trips

Federal district judge Irene M. Keeley enjoined the Charles Town, West Virginia, school board from denying excused absence requests for students to attend the May 1 National Day of Prayer rally in Washington. Judge Keeley held that the school district could not allow or disallow excused absences on the basis of the content of expression.

Catholic Teachers Lose

The Pennsylvania supreme court ruled in April that Catholic school teachers could not use the state's Public Employee Relations Act to challenge their dismissal for trying to form a union at a Philadelphia Catholic school. The court held that a contrary ruling would have created an unconstitutional church-state entanglement.

Dershowitz on Separation

Always outspoken and provocative attorney Alan Dershowitz has much to say about religion and politics in his new book, *The Vanishing American Jew* (Little, Brown and Company, \$24.95).

"The separation of church and state—which, in my view, has been the single most important reason for the success of the American Jewish community—is now being challenged by the Christian right as well as by the Jewish right. This challenge poses the single greatest external threat to the equality and first-class status of the Jewish community in America today.

"At a time when ethnic and religious warfare is bloodying much of the world, Americans should count the blessings of the religious pluralism that has made their country so great and so stable. The Christian right wants to end all of this and bring religious warfare to our shores.

"Let there be no mistake about the ultimate goal of the Christian right: to turn the United States into a theocracy, ruled by Christian Evangelicals. . . . As part of their theocratic program, the Christian right seeks to destroy the wall of separation between church and state and to establish Christianity as the official state religion."

Moment of Silence Upheld

The U.S. Eleventh Circuit Court of Appeals ruled on May 7 that Georgia's law requiring students to open each school day with 60 seconds of "silent reflection on the anticipated activities of the day" was not unconstitutional because it did not mention religion or prayer.

Religious Flier Rejected

The Supreme Court on March 30 declined without comment to review a local federal court ruling (*Muller v. Jefferson Lighthouse School*) that a student could not distribute a flier about a church youth meeting. The lower court had held that the school district's rules for evaluating outside literature were reasonable. Permission to distribute the flier was denied because the church meeting was not school-supported or related to school programs.

Confessional Seal Upheld

A federal appeals court ruled January 27 that officials in Lane County, Oregon, violated the free exercise clause of the First Amendment when they secretly taped an inmate's confession to a priest. The Ninth U.S. Circuit Court of Appeals unanimously ruled that the jailhouse recording also violated the Fourth Amendment and the 1993 Religious Freedom Restoration Act. It enjoined any future taping of privileged communications between prisoners and their spiritual contacts but did not require that the original tapes in the case of accused murderer Conan Wayne Hale be destroyed. The legal principle of the "sanctity of the confessional" goes back to an 1812 New York ruling that upheld the practice under the right to privacy and religious freedom principles of the Constitution.

International

Ottawa: The Quebec provincial assembly voted unanimously on April 15 to scrap the province's religion-based school system in favor of language-based schools. The move will have to be approved by the national Parliament because it requires a change in the Canadian constitution. Canada's original constitution, the 1867 British North America Act, provided for tax-supported Catholic and Protestant schools in Quebec and Ontario. Quebec's abandonment of sectarian schools is opposed only by what *Globe & Mail* columnist Lysiane Gagnon calls "a tiny group of fundamentalist Catholics." In 1995 Newfoundlanders voted to end the tax-supported sectarian school system in that province.

Tokyo: Japan's supreme court ruled 13 to 2 on April 3 that government donations to the Yasukuni Shrine violate the church-state separation principle in the country's constitution. The separation clause was placed in the constitution during the U.S. occupation after World War II because of "abuses resulting from close links between the state and Shintoism," the country's indigenous religion, which had been used by the military to promote nationalism.

Dublin: Divorce became legal in Ireland on February 27,

thanks to a narrowly approved referendum on amending the constitution. Divorce was outlawed when Ireland became independent in 1921 and a no-divorce provision was added to the constitution in 1937.

Cairo: Mustafa Meshoor, head of Egypt's largest Muslim fundamentalist group, the Muslim Brotherhood, has called for the purge of Christians from the Egyptian army (though Christians lived in Egypt for centuries before the arrival of Islam) and for requiring Coptic Christians to pay a religious tax of the sort once levied on Christians and Jews in Muslim countries.

Zagreb: The Vatican and Croatia recently concluded three agreements (equivalent to a concordat) giving the Catholic Church strong legal protections. The Vatican ambassador and the director of Croatia's office for religion signed the "small concordat" to guarantee recognition by the state of church-run schools, charitable and social activities, protection for historic monuments, recognition of Catholic marriage, and access by Catholic chaplains to prisons, hospitals and orphanages. Church and state are pledged to "cooperate for the spiritual and material development of the person and common good." The concordat was praised by Cardinal Franjo Kuharic, leader of Croatia's Catholics, who comprise 76% of the nation's 4.8 million people, according to the 1991 census. Nothing was said in the agreement about the rights of Protestants, Jews, Muslims or Orthodox Christians in a country long known for its religious intolerance.

Vatican City: In November the Vatican stopped all donations to UNICEF, the UN agency which aids children throughout the world. The Vatican's UN observer, Cardinal Martino, claimed the agency was giving funds to "morally objectionable" programs, citing birth control and abortion as the issues which offended Vatican officials. Defenders of UNICEF denied that the agency, highly praised for its activities in many lands, had involved itself in world population issues. In January the retired primate of Ireland's Catholic Church, Cardinal Cahal Daly, resigned as patron of the Irish Committee for UNICEF. Ireland's new Archbishop, Sean Brady, said he would not support UNICEF. To do so would be "inappropriate in the present circumstances," he said.

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Books

Eternal Hostility: The Struggle Between Theocracy and Democracy, by Frederick Clarkson, Common Courage Press, 277 pp., \$15.95.

Fred Clarkson is a widely published researcher, author, and lecturer, specializing in the Radical Right. His new book is an up-to-date in-depth examination of what may perhaps best be termed the Theocratic Right. Clarkson does not criticize the religious views of the Religious Right but its political agendas and methods. Subjected to his careful scrutiny are the Unification Church, the influential though not very visible Christian Reconstructionist movement, James Dobson's Focus on the Family operation, Pat Robertson's Christian Coalition, and the Promise Keeper movement, just to mention his most prominent subjects. The book also contains a strong, clear-headed defense of religious freedom and church-state separation.

This well-endnoted, indexed, documented book is an indispensable guide to the religion-cloaked movements that threaten not only church-state separation but American democracy itself.

-- Edd Doerr

School Prayer Handbook for Attorneys, edited by David Heller, National Committee for Public Education and Religious Liberty, 1997, 160 pp., \$25.00.

Although this book was designed primarily for attorneys, it will be useful to and appreciated by all with a serious interest in the controversies over government-sponsored or organized devotions in public schools. In addition to providing technical assistance to lawyers litigating school prayer issues, the book summarizes the relevant Supreme Court and lower court rulings on organized prayer in schools, at graduation ceremonies and athletic events, and on state moment of silence laws. It also cites relevant state constitutional provisions, statutes, and attorney general opinions, and offers a useful bibliography and personal statements by people challenging school devotional practices. Particularly poignant is the nine-page statement by Rachel Bauchman, the courageous Utah high school student who is challenging misuse of a public school music program for sectarian purposes.

(The *School Prayer Handbook* may be ordered from ARL, Box 6656, Silver Spring, MD 20916 for \$25 plus \$2 for postage and handling.)

-- Edd Doerr

Without a Prayer: Religious Expression in Public Schools, by Robert S. Alley, Prometheus Books, 277 pp., \$25.95.

As Bob Alley reminds us, through the centuries "religious institutions have demonstrated an ability to manipulate the political system to their advantage." This book concentrates on the history of religious group involvement in American public education. What makes it especially gripping and immensely readable is that the author concentrates on five recent cases where courageous families challenged state-imposed religious indoctrination and conformity. This brings the often dry church-state controversies to life, showing how real people have suffered from attempts of local religious majorities to impose

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their will, unconstitutionally, in tax-supported public schools.

He summarizes, "Over and over again prayer and other forms of religious ritual have become, since 1980, the excuse for outrageous behavior in the name of God. . . . I am convinced that the level of local harassment of persons who appeal to the religion clauses for protection is on the rise." Furthermore, "The common thread in the case histories we have examined is on abuse of students who differ in religion and/or culture from the prevailing majority."

Alley's book, which includes the texts of recent court decisions in an appendix, shows the human side of church-state controversy, how decisions reached by judiciaries and legislatures play out in the real world.

-- Al Menendez

James Dobson's War on America, by Gil Alexander-Muegerle, Prometheus Books, 323 pp., \$25.95.

This book is two parts personal reminiscence of a former executive vice president of Focus on the Family and close personal confidant of James Dobson and one part analysis of Dobson's political extremism and religious intolerance. The author charges Dobson with unethical behavior, insensitivity and invasive conduct and notes that Focus, a powerful, well-financed Religious Right lobby, has always had an entirely white male executive board. "There were no people of color in senior leadership at Focus during the decade I worked with Dobson. Nor were there people of color in middle management. . . . There was clear evidence that Dobson had a deep-seated, visceral objection to the entire concept of expanding and adjusting civil rights." Dobson, who grew up in the segregated world of Louisiana and Texas, was "distinctly uncomfortable around those of other ethnic and cultural backgrounds."

Writes Alexander-Muegerle of his former boss, "I see one example of a man who is fundamentally committed to the America of the past, to the American values he thinks were dominant in the past, to the belief that America's future can be found in its past." He says Dobson yearns for "a society where Christian values are dominant if not by free choice then by legislation."

-- Al Menendez

The Right and the Righteous: The Christian Right Confronts the Republican Party, by Duane M. Oldfield, Rowman & Littlefield, 281 pp., \$27.95.

Political scientist Oldfield argues that the Christian Right movement "is fueled by a desire to defend evangelical religious and sexual norms by means of a program designed to restructure the societal institutions that affect the transmission of those norms to the next generation." Thus, their primary areas of engagement are education, media and popular culture. In this thorough portrait and sound evaluation, the author carefully predicts that the "Christian Right will not go away [but] it will not succeed either." "Its strength is rooted in a well-organized and politicized evangelical subculture," and has become "a deeply rooted but limited political movement, one that is likely to be with us for a long time to come." The movement's inability to broaden its appeal beyond its natural constituency and its narrowly-focused agenda will likely limit its future influence, other than within the Republican Party.

-- Al Menendez

With God on Our Side: The Rise of the Religious Right in America, by William Martin, Broadway Books, 418 pp., \$27.50.

Sociologist William Martin's substantial and impressive study of the Religious Right succeeds both as history and as analysis. He traces the movement to the Old Right antecedents and emphasizes that opposition to sex education in Anaheim, California, and to modern textbooks in Kanawha County, West Virginia, in the early 1970s were proximate causes of the religious conservatives' return to political engagement.

Martin believes that the Religious Right is a "large and still evolving movement" which is "complex, contradictory and still struggling with what it wants to become."

He uses the Religious Right as an example for reflection on America's unique church-state arrangement. "America, though not perfect in its record of religious tolerance, has been remarkable in its success at avoiding wars over differing faiths and, overall, at granting freedom to a wide variety of religious expressions and practices. That is a notable achievement in human history, and one of our nation's most admirable accomplishments. At present, however, the level of religious conflict appears to be rising and the historically unprecedented extent of religious freedom may be in some danger."

Martin urges renewed respect for the constitutional accomplishment of pluralism and neutrality, reminding us, "This monumental declaration of religious freedom was written in a spirit of neutrality, not hostility, toward religion. The new government was to be neutral among the competing religious denominations, denying to each the privilege of establishment. . . . America has been remarkably favored by a wise constitutional policy of nonpreferential protection for the free and responsible exercise of religion. For the good of the entire community of Americans, religious and secular alike, we should protect that policy against encroachments from whatever quarter."

-- Al Menendez

Onward Christian Soldiers? The Religious Right in American Politics, by Clyde Wilcox, Westview Press, 180 pp., \$13.95.

Professor Wilcox of Georgetown University's department of government has done a nice job summarizing the growth and present status of the Christian Right, which he says has

had "only marginal success" and "has not persuaded Americans of the wisdom of its policies." The movement "has had a greater impact on public policy at the state and local level" and "its most popular" agenda item is the "efforts to provide greater accommodation for religion in public life."

Wilcox believes the Christian Right will ultimately fail because "the harsh uncompromising moral certitude of many Christian Right activists often does not further the policy debate but rather precludes it. For many activists, there is no room for debate, because they see their policy preferences as the will of God." In addition, "The lasting legacy of the Christian Right will depend critically on whether pragmatists or ideologues come to dominate the movement." The former could "prove to be a constructive voice in the policy debate" but the far more numerous zealots could "constitute a divisive force in America that threatens the lifestyles of many citizens." In fact, Wilcox emphasizes, "The failure of many Christian Right activists to support basic civil liberties is troubling." He adds, "The core of the Christian Right agenda is not just about allowing conservative Christians to practice their religion and avoid public ridicule; it is about legislating morality."

"It appears likely that the Christian Right will affect policy only at the margins," Wilcox suggests, because "generational replacement is producing a nation that is more tolerant of different lifestyles and more supportive of individual freedoms."

-- Al Menendez

Parish School: American Catholic Parochial Education from Colonial Times to the Present, by Timothy Walch, Crossroad Publishing Company, 301 pp., \$39.95.

Walch, associate editor of *U.S. Catholic Historian*, has produced a comprehensive, history of Catholic education in the U.S., a development partially caused by a hostile environment in society at large and by the Protestant orientation of public education in the 19th century. Walch is mindful of the church-state context within which the public aid controversy has been debated for a century and a half.

Walch also recognizes that the decline in parochial school enrollment since 1965 is largely due to changing parental preferences and to internal problems within the U.S. Catholic community. He concludes that "changing social values, changes in family structure, changes in the forms and content of public education and the rising cost of private education relative to other living expenses have contributed to the decline over the past thirty years and will continue to affect parochial schools in the next century." He adds that "Catholic families no longer have the time or energy to contribute to the operation and maintenance of a private parish school."

Perhaps the most important factor, he argues, is "the changing nature of public education" where "students of all faiths come to be treated equally." "Catholic parents are also attracted to public schools by the quality of the facilities, teachers and courses." He concludes: "Their grandparents and parents saw parish schools as a form of protection and security for their children against a frequently hostile American society. In an increasingly pluralistic, ecumenical world, discrimination

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against Catholics is a distant memory. . . . Public education is no longer a threat to Catholic children. Catholics as a group have blended into American society without the loss of their religious faith."

-- Al Menendez

Money Matters: Personal Giving in American Churches, by Dean R. Hoge et al., Westminster John Knox Press, 248 pp., \$15.95.

Sociologist Hoge and his colleagues present their survey of congregational giving by five American church groups: Assemblies of God, Baptists, Catholics, Lutherans and Presbyterians. Conservative churches clearly attract a higher level of giving, these researchers find: An average household in the Assemblies of God gave \$1,696 per year to its congregation compared to \$1,154 for Baptists, \$1,085 for Presbyterians, \$746 for Lutherans and \$386 for Catholics. These data held at different educational and income levels and by gender and marital status.

Answering the "why" this is so was found to be much more difficult. It is clear that the conservative churches felt more enthusiasm about the work and programs of their denominations. The four Protestant church groups in the survey sample felt that they had more influence on decision making in their denominations (two-thirds compared to half of Catholics) and half of the Protestants, compared to one-third of the Catholics, said they had significant information about the handling of funds by their leaders. Some theological differences may affect giving--only 35% of Catholics, but 85% of Baptists and Assemblies of God members, believe that "only followers of Jesus Christ can be saved." Half of Lutherans and Presbyterians agreed. Giving 10% of one's income (a tithe) to the church is stressed by conservatives, and 73% of Assemblies members and 44% of Baptists, but only 4% of Catholics, do so.

The researchers also found that Presbyterians gave more to nonreligious charities than others, while Assemblies members gave the least. Other findings include:

- The majority of all philanthropic giving in the U.S. goes to churches;
- The percentage of all household income given by church members to their parishes is declining;

- The level of giving varies greatly, with Mormons giving the most (7% of income) to their church and Unitarian-Universalists the least (1%).

The data here presented, and buttressed by a superb bibliography, are relevant to national debates over public aid to church-related schools, charities, and social service institutions.

-- Al Menendez

Glorious Battle: The Cultural Politics of Victorian Anglo-Catholicism, John Shelton Reed, Vanderbilt University Press, 357 pp., \$34.95.

Reed's masterful analysis of a little-known chapter in 19th century English religious history sheds light on the dangers and drawbacks of an established church which used the police apparatus of the state to repress dissent within its own ranks.

Reed focuses on the colorful, dramatic study of the Anglo-Catholics, a movement that emerged from Oxford University in 1833 to revitalize the Church of England by restoring and recovering its Catholic-but-not-papal roots. The movement spread rapidly in England, the U.S. and elsewhere, but it attracted fierce opposition from Establishment types and from militant Protestants outside and within the Church. This resulted in Parliament's passage in 1874 of a Public Worship Regulation Act, the pretext for arresting clergy of the Anglo-Catholic persuasion, many of whom languished in English jails. The persecution eventually failed, because of civil disobedience and a sense of embarrassment that a supposedly democratic nation would imprison religious dissidents.

Anglo-Catholics, whose churches were frequently attacked by mobs stirred up by evangelists of the extreme Protestant Right, had strong support from intellectuals. Their work among the poor and championing of "Christian Socialism" won allies on the left. Their opponents were hardy but fanatical. Says Reed, "Even those no-popery activists who were not actually deranged tended toward a conspiratorial view of ecclesiastical politics." Still, at the end of the century, "The Anglo-Catholics had won the right to worship as they pleased and opponents of the movement were now the marginalized outsiders."

-- Al Menendez

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