



# VOICE OF REASON

The Newsletter of Americans for Religious Liberty

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## Prayer/Voucher Amendment Advances

Conservatives in Congress sought to open a Pandora's box on March 4 when the House Judiciary Committee voted 16-11 to approve Rep. Ernest Istook's (R-OK) so-called Religious Freedom Amendment. All committee Republicans voted for the measure while all Democrats voted against it.

The proposed amendment (not to be confused with the Religious Freedom Restoration Act, the widely supported bipartisan law ruled unconstitutional on technical grounds by the Supreme Court in June of 1997) would authorize tax support for sectarian private schools and other institutions.

The proposed amendment's text reads: "To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any state shall require any person to join in prayer or other religious activity, prescribe school prayers, or deny equal access to a benefit on account of religion."

That the proposed amendment is indeed a piece of mischief was made clear when committee Republicans defeated a Democratic substitute containing the precise language of the First Amendment.

The best that can be said of the proposal is that it is not needed. The amendment would not advance religious freedom, but would subject local religious minorities, which vary from community to community and from school to school, to various impositions by aggressive religious majorities or pluralities. Countless communities and classrooms would be disrupted by religious conflicts and resentments. Not only would the amendment impact public schools, but would also allow religious displays and creches on public property.

Perhaps the most insidious feature of the proposed amendment is the clause about not "deny(ing) equal access to a benefit on account of religion," apparently added to Istook's amendment to secure the support of Judiciary Committee chair Rep. Henry Hyde (R-IL), a Catholic who is strongly committed to getting tax support for sectarian schools through vouchers but seems to be indifferent to public school prayer. The First Amendment barrier to vouchers would be weakened or possibly destroyed by the Istook Amendment if it were passed.

Of course, the amendment is not likely to be passed by the necessary two-thirds vote in the House, though it is scheduled for a vote in April or May, and there is little sentiment for it in the Senate. Why the strong push, then, for a vote in the House? So that Pat Robertson's Christian Coalition can use the roll call vote to attack opponents of the measure in its planned multi-million-dollar TV, ad, and voter guide political campaign in the fall.

Attorney Oliver S. Thomas, Counsel for Religious and Civil Liberties for the National Council of Churches, told Congress:

"We are here to say that the religious community, by and large, does not support this amendment. . . . Many Baptists, such as myself, are offended that the issue of prayer has, once again, been politicized. . . . The First Amendment has been good for religion. It has given Americans the strongest religious and political institutions on earth. The vast majority of churches and synagogues in America recognize this fact, and that is why they have not jumped on Congressman Istook's bandwagon."

Organizations supporting church-state separation and real religious freedom are asking citizens to urge their Congress members to vote against the Istook amendment.

## Voucher Battles Spread

Although voters have consistently registered strong opposition to voucher and similar schemes for tax aid for predominantly sectarian private schools, voucher campaigns have shifted into high gear in Congress and several states. In addition, state supreme courts are grappling with voucher issues. Here are the latest details:

Congressional Republicans are pushing a "proto-voucher" or back door voucher measure introduced by Sen. Paul Coverdell (R-GA) that would expand existing (IRA) savings accounts for college expenses to include K-12 expenses, including private and parochial school tuition, and increase the annual amount that could be saved from \$500 to \$2,000. Withdrawals from the accounts would be tax free.

While Republicans said that the plan would benefit inner-city children, Treasury Department statistics show that the top 20% of income earners would get 74% of the total tax benefits, while the bottom 60% of earners would receive only 5.3% of the benefits. President Clinton has said that he will veto any bill containing the Coverdell plan because it would prefer wealthier parents, who could use the special tax break for private tuition, while providing next to nothing for poor parents of public school

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## Editorials

### Playing Politics with Prayer

A number of American religious and political functionaries -- one hesitates to call them leaders -- have long mixed politics and prayer -- to the detriment of both. A year ago, a Kansas chaplain kept the legislature in awe with his outrageously partisan appeals for divine persecution of American lawmakers who supported abortion rights, gay rights and sundry other "evils."

Now we have Michigan Governor John Engler, who issued an executive order designating January as "a month of prayer to end abortion." What is more, he urged Michiganders to observe 25 days of prayer and fasting. (Considering the governor's roundity, the fasting idea might have been appropriate for him, at least.)

Engler's declaration was pointedly divisive and in-your-face, especially when he claimed that "the legalization of abortion has resulted in the deaths of more than 25 million children."

This kind of outrageousness can also be seen in "The National Day of Prayer" Task Force, based in Colorado Springs and presided over by Shirley Dobson and Vonnette Bright, wives of Religious Right activists James Dobson and Bill Bright. The group coordinates the National Day of Prayer, held on the first Thursday in May, and required by an act of Congress passed in 1952 and signed into law by President Harry Truman.

This Cold War-era lapse from the principle of church-state separation seems blatantly unconstitutional to us, though in today's climate it could probably not be successfully challenged.

Still, the National Day of Prayer Task Force should be seen as part and parcel of a sectarian agenda, not an attempt to include all of the nation's religious diversity. It is housed at the Colorado Springs headquarters of Dobson's Focus on the Family, a group that promotes policies that are diametrically opposed to religious freedom for all Americans. Its 1998 brochure says, "It is specifically limited to the Judeo-Christian heritage" and calls upon America to "return to God." The Task Force claims that, "moral decay and declining values are causing the nation to self-destruct."

This kind of childish drivel has no place in a nation that welcomes diversity, cherishes pluralism and guarantees equal

ity before the law to individuals of all and no religious persuasions. In any event, Americans are quite capable of deciding how, when, where, and if to pray without direction from government, which has its hands more than full just trying to do what our federal and state constitutions authorize it to do.

### Egregious Nonsense

"One Jonesboro parent, groping for an explanation for the school shootings this week, said, 'If they hadn't taken prayer out of school, this never would have happened.' He was onto something." Thus pontificated the ultraconservative *Washington Times* on March 27!

Though the irony escapes the *Times*' editors, the 11 and 13 year-old children arrested for the five Jonesboro murders March 25 were apparently active church members.

The notion that vocal group prayer in school -- voluntary individual silent prayer never having been banned -- would or could prevent antisocial behavior is egregious nonsense. When the Supreme Court ruled against state-sponsored group prayer in public schools in the early 1960s, only about half of the schools in the country had the practice and there was no difference in crime and delinquency rates between communities that had formal school prayer and those that did not. Moreover, the only study ever reported on the subject, a comparison of public and parochial high school seniors, found that the students who had been exposed to daily religious devotions and instruction were more likely than their public school counterparts to have used alcohol or drugs and to have shoplifted (Kirsten Goldberg, "Catholic Educators Surprised by Data on Student values," *Education Week*, 29 April 1987).

Beginning in 1933 the Nazi government in Germany required daily prayer in all public and private schools. And the whole world knows how much effect that had on the Wehrmacht and SS troops who overran and occupied most of Europe.

*The Washington Times* is simply blowing smoke around to bolster the Religious Right's drive to get Congress to pass the Istook school prayer/voucher amendment to the constitution. We don't know why these two boys did what they did, but it was not because they were denied an opportunity to pray.

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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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## Voucher Battles Spread, *continued from page 1*

students. Even the Joint Committee on Taxation in the Republican-dominated Congress found that the average family with a child in public school would gain a minuscule \$7 in five years under the plan.

Action on the Coverdell plan was stalled on March 9 when Senate Republicans could not muster enough votes to stop a Democratic filibuster against it. But the battle will continue, possibly until summer.

The House of Representatives, meanwhile, is sparring over a voucher plan sponsored by House Majority Leader Dick Armey (R-TX) that would provide \$3,200 vouchers for 2,000 students in the District of Columbia for tuition in nonpublic schools. The plan would allow for creation of new private schools that could be fly-by-night outfits set up just to take advantage of the vouchers. D.C.'s nonvoting congressional delegate, Eleanor Holmes Norton, a Democrat, charged that the March 12 voucher hearing in the House was nothing but a "political game being played by Republicans during an election year."

In a letter to House members, the National Coalition for Public Education (which includes ARL) pointed out that the Armey voucher plan would not require voucher-funded schools to follow the same admissions rules as public schools, would fail to help the vast majority of D.C. students, would threaten the autonomy of denominational schools, and would violate the First Amendment.

In other developments, the Wisconsin, Ohio, and Vermont state supreme courts are all weighing challenges to voucher plans. In all three states lower courts have held voucher plans unconstitutional as applied to religious schools. The Wisconsin and Ohio legislatures approved voucher pilot projects for Milwaukee and Cleveland. Both states have serious problems with equitable distribution of funds to public schools. A year ago the

Ohio Supreme Court ruled that the school finance system was so inequitable that it violated the state constitution.

Illinois Gov. Jim Edgar (R) in January vetoed a bill, on constitutional grounds, that would have supported nonpublic schools through tuition tax credits. ARL Illinois representative Ray Mostek was active in the campaign against the bill.

In a surprise move, the Southeast Delco school district board in Pennsylvania voted on March 18 to begin a school voucher program that would provide \$500 per year for elementary schools and \$1,000 per year for secondary schools. Nearly a third of the 6,000 students in the school district near Philadelphia attend nonpublic schools. Gov. Tom Ridge (R), who has been pushing vouchers in the state legislature, and the Catholic Archdiocese of Philadelphia, which stands to profit by the plan, both applauded the vote. Even the *Philadelphia Inquirer*, which generally supports vouchers, editorialized that the school board "have chosen to bypass their responsibility to the 4,100 pupils who attend their schools, and instead support the 1,900 local kids who don't."

Voucher and tuition tax credit bills have been introduced in legislatures in California, Colorado, Delaware, Florida, Indiana, Kansas, and New York. Colorado's voucher lobby is reported to be gearing up for another referendum in November, even though they lost one there in 1992 by a 2 to 1 vote.

Opinion polls in Virginia and central Ohio last fall by the *Washington Post* and the *Columbus Dispatch* both registered opposition to vouchers at 58% to 36%.

In March a \$240,000 study of the Cleveland voucher plan, commissioned by the Ohio Department of Education, found that voucher recipients in parochial schools did no better academically than their counterparts in public schools. Incidentally, the Cleveland voucher plan goes so far as to transport students to parochial schools in taxis at a time when public school academic programs are being slashed.

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## Californians Face June Showdown

As if being bashed by nature were not bad enough, California in June faces a potentially catastrophic mudslide at the polls called Proposition 226. Prop 226 would prohibit any employee rights organization from using any money for political candidates or ballot issues, collected from voluntary check-offs or dues, unless authorized by each individual member every 12 months on special forms developed by the Fair Political Practices Commission.

The restrictions on employee organizations, if passed, would not apply to corporations or businesses or, in the case of ballot initiatives, to foreign entities. Prop 226 would greatly restrict the right of employee groups to participate in the political process, would further shift power away from ordinary working people toward special interests and even foreign interests.

In 1993 California voters, by 70% to 30%, defeated a ballot initiative that would have authorized massive amounts of tax aid to sectarian and other private schools through vouchers. Subsequent opinion polls showed that California voters would defeat any voucher plan they could vote on. Since teacher organizations formed the backbone of the effort to educate voters to the threats that vouchers pose to public education, voters' pocketbooks, and church-state separation, voucher promoters are prominent in the campaign to pass Prop 226.

Over half of the money for funding Prop 226 comes from outside California. One major source is Indiana insurance executive J. Patrick Rooney, a strong supporter of school vouchers. Another is Grover Norquist, the Washington lobbyist who heads a group that calls itself Americans for Tax Reform, which is currently under U.S. Senate investigation for 1996 campaign practices.

Other supporters of Prop 226 include Frank Ury, a voucher advocate who reportedly has a history of threatening fellow Orange County (California) School Board members who oppose vouchers, and Mark Bucher, an Orange County businessman whose companies are reportedly associated with nearly two dozen lawsuits relating to failed business obligations and who openly supports teaching creationism in public schools. If Prop 226 is approved, voucher promoters believe their chances of passing a voucher initiative will be enhanced.

Prop 226, then, clearly threatens employee rights, public education, and church-state separation. Further, it is a stalking horse for similar anti-employee initiatives in other states.

Opposition to Prop 226 is being coordinated by Californians to Protect Employee Rights, 1510 J Street, Suite 115, Sacramento, CA 95814, Telephone: 916-554-1050, which can use all the support it can get.

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# Michigan Faces New Parochial Referendum

Although Michigan voters amended their state constitution in 1970 to strengthen its prohibition against any form of direct or indirect tax aid for sectarian or other private schools, and resoundingly defeated a voucher proposal in 1978, they may well face another parochial constitutional referendum in November of 1998. The new proposal is for a tuition tax credit scheme that is a variation on the voucher theme: a complex credit against state taxes for parents or others who pay tuition to parochial, private, or public schools (though public schools charge tuition only rarely, in cases involving non-resident children). The plan would be phased in over ten years.

The so-called Universal Tuition Tax Credit scheme is being petitioned onto the November ballot (308,908 signatures are required) by a group calling itself "School Choice YES," based in Midland, Michigan. The plan itself was concocted by the

Mackinac Center, the shadowy ultraconservative "think tank" based in Midland, exposed by investigative journalist Russ Bellant in his 1996 book *The Religious Right in Michigan Politics* (published by and available from Americans for Religious Liberty for \$9.95). Mackinac has extensive religious right ties and has been close to Gov. John Engler.

One particularly offensive feature of the tax credit proposal is its provision that the legislature could impose regulations on aid-receiving private schools only through two-thirds majority votes in both houses. In other words, the nonpublic schools would not be subject to the same rules as public schools.

ARL executive director Edd Doerr was one of the drafters of the 1970 Michigan constitutional amendment against diverting public funds to nonpublic schools.

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## Women, Religion, and Human Rights

by Frances Kissling

The concept of religious persecution has recently become a hot topic in U.S. human rights policy discussions. A lobby effort spearheaded primarily by conservative Christians concerned about the persecution of Christians in countries like China and the Sudan has led to freedom of religion's addition to the category of human rights abuses. The annual State Department report on human rights violations worldwide now includes a category on freedom of religion. A State Department advisory board on religions and human rights (which includes a number of conservative Christians) has been created. And moving its way through Congress is a bill which would create a White House Office of Religious Persecution Monitoring, with a director to be appointed by the President and confirmed by the Senate. Where this office and Congress concur that a country is engaging in religious persecution, mild economic sanctions would result.

On the surface, this appears to be an advance in human rights principles. Why, then, do I -- a devout human rights advocate and ardent supporter of religious freedom -- find myself so troubled by it? Of course, some things set off immediate warning bells: the emphasis on the persecution of *Christians*, particularly in Muslim majority countries, for example, plus the fact that the push for these efforts comes most strongly from conservative groups like the Christian Coalition.

But something deeper disturbs me. For centuries, it has been clear that at least as often as the state has violated the human rights of religious believers, religious institutions have violated the human rights and personal dignity of their own members -- especially their women members. While the ability to express one's spirituality, moral values, and religious beliefs freely -- without state interference -- has long been understood as a fundamental human right, human rights theory has simply not, at

this stage, advanced to the point that discrimination within a religious institution is seen as an issue of public justice, an appropriate case of state or legal action.

Over the last 50 years since the Universal Declaration on Human Rights was set forth, we have dramatically expanded our concepts and understanding of human rights. We have come to understand that human rights are not located solely in the public sphere, but also exist in private and family life; much of what we include among women's rights is also now seen as human rights. The belief some ten or fifteen years ago that considered spousal abuse a private matter and not a human rights concern might well be compared to the belief today that religion is a private and personal matter invisible to state scrutiny and untouchable by state authority. Disputes within a religion are deemed not the business of the state -- or even of human rights advocates -- although those disputes result in religious preferences in the law. For example, the U.S. Supreme Court has ruled that religious institutions can demand that all employees adhere to the religious beliefs of the employer. Recently, a Roman Catholic nun and theology professor was dismissed from her job at a Catholic university because she signed an advertisement in favor of the ordination of women to the priesthood. This woman has no legal recourse against this injustice.

For the past twenty years, and in some cases for centuries, women of faith -- in almost all the world's major religions -- have been struggling to apply the principles of human rights to the internal life of their churches, synagogues, mosques, and temples. They have sought to do this by changing the structures of decision making so that women are welcomed at all levels of ministry. They are working for changes in religious doctrine related to women's lives such as reproductive health, marriage and divorce, custody of children, and the right to travel without the permission of a husband, father, or son. Finally, they are working in political life to ensure that secular law is based not on religious positions but rather on democratic principles.

From a human rights perspective, it is particularly troubling to see the extent to which secular governments will bend to the will of powerful religious bodies, primarily those that hold con-

### Moving?

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servative views of women. In Afghanistan the Taliban leadership, incorrectly citing Islamic texts, has banned women almost entirely from the public sphere. In some Latin American countries, the Catholic church has prevented the legalization of abortion and put limits on family planning. Orthodox Jewish influence in Israel limits women from getting a secular divorce without their husband's approval. There are countless other examples.

These same religious institutions are the first to claim that their religious laws and disciplines cannot be subject to state review. They are also quick to point out their commitment to the dignity of life and their public support of human rights, while always ignoring the violations of human rights within their own "house." I suspect that the current efforts by Christian conservatives to highlight religious persecution is part of a strategy to deflect women's criticisms of discrimination against women within faith groups. It comes at a time when religious women's claims and plight are gaining public and political support.

The human rights community must recognize the need to treat the question of religious persecution more broadly. This means addressing not only the legal dimension of human rights, but also lifting up the moral principles that form the foundation of human rights theory. It means standing with women of faith in their work to ensure that human rights are honored within religions as well as in the secular world.

*Frances Kissling has been president of Catholics for a Free Choice, an organization which lobbies for women's reproductive rights, since 1982. Ms. Kissling is active in national and international movements working to advance women's rights in church and society. This article is adapted from an address she delivered to the British House of Lords in January 1996 under the auspices of the All-Party Parliamentary Group on Population, Development and Reproductive Health.*

## **ARL in Action**

### **T.J. Walker Joins ARL Staff**

Media consultant T.J. Walker has joined the ARL staff as Communications Director. The author of *The Promise Keeper Chronicles*, Walker is a weekly commentator on the Voice of America Radio Network and has appeared on over 1,000 talk and news programs. He has also worked in political campaigns, as a congressional aide, and was director of communications for the Florida Department of Banking and Finance.

Since our last report Walker and ARL executive director Edd Doerr has appeared on more than 50 radio and TV talk and interview shows in Alaska, Alabama, Arizona, California, the District of Columbia, Florida, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, New York, Pennsylvania, Tennessee, Texas, Vermont, and Wisconsin.

Doerr has also spoken at meetings in California, the District of Columbia, Florida, Michigan, and Ohio. Doerr's article, "Promise Keepers: Who, What, and Why?," appeared in the March issue of *USA Today* magazine. (Copies are available from ARL for \$1.00.)

## **The Christian Coalition: Change and Crisis**

Since Ralph Reed's departure last year, the Christian Coalition (CC) is losing members, cut a fifth of its headquarters staff in Virginia, and faces the future with an income down from \$26.4 million in 1996 to \$17 million last year.

Turning more inward to please its hardcore members, CC is apparently turning to an ever more extreme right-wing ideology and confrontational approach to issues, which is probably what its members prefer. New president Don Hodel, a former Reagan Administration cabinet secretary, and new executive director Randy Tate, a former one-term congressman from Washington State, are blasting the Republican leadership for alleged sellouts of fundamentalist Christian voters.

CEO Pat Robertson pushed for no-nonsense changes and apparently had no ethical problems firing staff members at Christmastime, ceasing publication of CC's national magazine, *Christian Citizen*, abolishing the minority outreach programs, and severing its support for the Catholic Alliance, its tiny attempt at broadening its religious base.

Legal battles with former employees, including one-time fundraiser Ben Hart, are causing ill feeling and money drainage. One conservative Republican House member, Mark Souder of Indiana, said of CC, "It is extraordinary how relatively irrelevant they have become in congressional debates."

Still, CC had enough clout -- in concert with other Religious Right groups -- to spearhead a nasty and barely successful campaign to end a gay rights law in Maine, where a February 10 referendum repealed by 51% to 49% a law barring discrimination against gays and lesbians in employment, housing, credit and public accommodations. Only 30% of the state's 969,000 voters cast ballots on the hotly-contested issue. CC's Maine chapter gave over \$50,000 to the campaign, which was led by an "old Christian Right" group, the Christian Civic League, which still lobbies for Prohibition and Sunday closing laws. (Maine has only allowed Sunday shopping since the 1970s.) Maine is the most Protestant and the most socially conservative, as well as the least well educated and least prosperous, of the six New England states.

CC is down but not out. It has a strong grassroots lobby in places like California, Colorado, Florida, Iowa and Texas. It will surely regroup and recast itself in the near future.

## **Gary Bauer: The Religious Right's Man to Watch**

While the Christian Coalition faces internal problems and at least temporary decline, Gary Bauer's Family Research Council is booming. Bauer, a middle-aged Kentucky native, former Reagan Administration domestic adviser, and ardent Southern Baptist, is presiding over an expansion. A spin-off from James Dobson's Focus on the Family organization, the Family Research Council (FRC), which he heads, has grown in a few years from 3,000 to 455,000 members and has increased its budget from \$200,000 to over \$14 million. The FRC has new digs in downtown Washington, D.C., a growing staff, and enhanced influence on the right wing of the GOP.

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## Gary Bauer, *continued from page 5*

Bauer is, in fact, both feared and respected by Republicans. His hard-right, inflexible positions and dubious loyalty to the party have made him a problematic figure nationally.

Bauer and FRC are flexing their muscles politically. Heretofore, FRC has specialized in lobbying and in publishing books and articles espousing so-called "family initiatives" such as tax breaks for families with stay-at-home mothers, elimination of the "marriage penalty" in federal tax policies, abstinence-based sex education programs and the like. FRC fiercely opposes abortion rights, supports vouchers and other forms of state tax aid to private and religious schools and opposes civil rights legislation protecting gays and lesbians from discrimination in employment and housing. The group even sarcastically denounced "hate crimes" legislation because these legal proposals "threaten to penalize individuals with religious and traditional family values." (Since its founding a decade ago FRC seems to be obsessed with gay-related issues, opposing every initiative that would lessen discrimination and "exposing" gay members of the Clinton Administration.)

Now the group is actually involved in partisan politics, setting up a front group called the "Campaign for Working Families," which sent \$100,000 to the congressional campaign of ultraconservative Republican Tom Bordonaro in California's bitterly-contested 22nd Congressional District. California's 22nd includes Santa Barbara and San Luis Obispo counties on the central coast. It is marginal but Republican-leaning, supporting Clinton in 1992 and Dole in 1996. Relatively high income, the 22nd was won by Walter Capps, a religion studies scholar and professor and a practicing Lutheran, in 1996.

After Capps' death from a heart attack last fall, his widow Lois Capps announced as the Democratic nominee. Her opponent in the March 10 election was Tom Bordonaro, a state legislator and hero of the Religious Right who defeated moderate Republican Brooks Firestone in the January primary. Democrat Capps won by a solid 53% to 45% margin, casting doubt on whether Bauer's message can sell in prosperous, moderate Republican areas.

Bauer led the rush of out-of-state money for Bordonaro, in the primary and the general election, concentrating his attack on both Mrs. Capps, a nurse, and Firestone, for their opposition to banning a late-term abortion procedure labeled "partial birth" abortion by anti-choice activists. Bauer's group filled the airwaves with messages supporting Bordonaro.

Bauer cares little for the Republican Party unless he and like-minded social conservatives can control it. He has frequently threatened to bolt if the GOP fails to adopt purist and rigid policies on family values concerns. He was openly contemptuous of New Jersey Republican Governor Christie Whitman, narrowly reelected in 1997. And he is toying with a presidential bid of his own. *Time* magazine reporter Michael J. Gerson says, "Bauer wants to create a new alliance, even if it involves breaking the current one to pieces. Bauer believes the GOP should excommunicate the social-liberal wing and, using a combination of social conservatism and economic populism, win back Reagan Democrats and blue-collar Buchananites."

William Kristol, editor of the very conservative *Weekly Standard*, observes that Bauer "is taking a big risk" because "he is willing to reshuffle the deck."

Some fellow conservatives are uncertain about Bauer. Says Charles Colson of Prison Fellowship Ministries, "They have never seen anyone like Bauer before. He is unmanageable." Echoes loyal Republican pollster Frank Luntz, "Bauer could not care less if Republicans are in a majority. And if you want to set libertarian conservatives against social conservatives, we will lose that majority. We are the San Andreas Fault. Bauer could be the earthquake that breaks us apart."

Bauer, the uncompromising purist, would be a wild card in the 2000 presidential race. His inching toward a declaration of candidacy, coupled with James Dobson's rumblings of discontent, could drain millions of votes from the GOP. There is no indication that Bauer considers compromise an admirable virtue. He is a member of Immanuel Bible Church in Springfield, Virginia; apparently, no Baptist church is sufficiently conservative for him. He is the man to watch in 1998 and beyond. Even Bob Dole thought so. He denounced Bauer in 1996!

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## Richard John Neuhaus: Guru of the Religious Right

by Albert J. Menendez

For Richard John Neuhaus, it's been a long journey from the pastorate of a predominantly African-American Lutheran parish in Brooklyn to the Roman Catholic priesthood and editorship of a prestigious monthly journal called *First Things*. This odyssey, spanning more than two decades, includes an intellectual shift from New Left gadfly to neoconservative apologist for the Religious Right.

Neuhaus, who was ordained to the priesthood by his friend Cardinal John O'Connor of New York, continues to function as editor-in-chief of the neoconservative magazine published by the Institute on Religion and Public Life, based at 156 Fifth Avenue in New York City. In his apostolate to writers and intellectuals, Neuhaus apparently is unencumbered by pastoral duties and is able to spend his time reading, writing and reviewing books and articles. His column, "The Public Square," is a highly personal view of whatever interests him and serves as a sounding board for the exposition of his strongly-held views on

diverse and sundry issues facing the Church and the world.

Neuhaus has also become a catalyst for those who seek to reverse the pluralism and neutrality that characterize the state of religion and public life in America. Neuhaus made his first mark as a critic of recent trends in his 1984 book *The Naked Public Square*, written when he was still a Lutheran pastor and published by Eerdmans, a venerable evangelical publishing firm in Grand Rapids, Michigan.

In that volume, often cited as one of the seminal conservative books of recent decades, Neuhaus argued glibly and forcefully, though without much concrete evidence, that "the public square," the area where public debate over "the proper ordering" of government and cultural life (favorite Neuhaus terminology) had been denuded of religious sentiments and values. Neuhaus claimed that people who brought strong religious convictions to play on the formulation of public policy or legal decision-making were excluded from the debate. Their views

were ignored and were branded, ipso facto, illegitimate. Neuhaus saw secularism as ascendant and triumphant and suggested that American public life was much the worse because of this alleged exclusion.

When Neuhaus published his controversial diatribe, he was addressing a nation already in the throes of cultural, religious and political upheaval. Jerry Falwell's Moral Majority and other Christian Right groups had already been around for five years, enlarging their role in the political realm. Religious liberals and moderates had expanded their lobbies in the nation's capital and had, indeed, been given much of the credit for the passage of meaningful civil rights legislation during the 1960s and for the success of the movement to end the Vietnam War during the 1960s and 1970s. Far from being "naked," the public square seemed to many observers to be cluttered and well dressed. Still, the Neuhaus argument gained many converts, especially on the Right, whose adherents lamented their loss of power and status in American life since the advent of the New Deal.

The arguments advanced by Neuhaus in that book and subsequent books and articles will be critically examined in this article. The common themes that emerge, and the likely consequences if his pronouncements even become the law of the land, form the basis of this analysis.

## The Mainline Churches

Neuhaus is fierce in his criticism of the moderate to liberal non-evangelical churches in the Protestant family, which are often called the mainline or mainstream because of their historic influence on American life and culture. He charges that they have departed from established moral and theological traditions and are consumed with left-wing trendiness.

He blames these churches for defending abortion rights and freedom of choice for women in this sensitive area of ethics and personal morality. "The doleful fact is that the liberal oldline churches are incapable of challenging -- and in some instances are actively supporting -- the unlimited abortion license imposed on the country by the[Supreme] Court."<sup>1</sup>

He castigates religious liberals for allegedly ignoring the plight of Christians overseas. In a recent issue of *First Things* he charges, "The National Council of Churches, following its shameful pattern during the years of the Cold War, has belittled and often denied the persecution of fellow Christians."<sup>2</sup> He sneers that "a wide array of Protestant and Catholic religious groups operating out of the United Methodist Building on Capitol Hill . . . have a long record of support for left-wing dictatorships in Latin America."<sup>3</sup>

Neuhaus cannot resist even trivial reasons for ridiculing mainline Protestants. When *Commonweal*, the grand old journal of progressive Catholicism, moved its office in 1997 to 475 Riverside Drive in New York's Morningside Heights district, Neuhaus sneered, "Morningside Heights is a veritable mount of memorials to the now departed cultural hegemony of liberal Protestantism."<sup>4</sup>

Neuhaus casts a critical, if guarded, look at the two former Lutheran communities to which he once belonged, having attended Concordia Seminary in St. Louis in his early Lutheran Church-Missouri Synod days and later joining the Evangelical Lutheran Church in America (ELCA). He claims that "the ELCA has vanished into the potpourri of liberal Protestantism and the Missouri Synod is increasingly hardened in its separation from everyone else."<sup>5</sup>

On another occasion he commented snidely, "Among

Lutherans, as with other oldline churches, it was not long ago that divorce was cause for removal from the church's ministry. Today the divorce rate among clergy in such churches is about the same as in the general population. It is not unusual for pastors and seminary professors to be divorced several times, in some instances having swapped spouses. So what's the big deal about divorce?"<sup>6</sup>

## Vouchers and Parochiaid

Neuhaus is unwavering in his support for vouchers and other forms of public assistance to private and religious schools, which he maintains, in spite of considerable evidence to the contrary, is perfectly constitutional. Once in a while, he invokes the hoary thesis (officially espoused by the Vatican) that the United Nations requires that all countries provide such aid. Neuhaus advanced this absurd claim in November 1997: "The question on which this argument should turn is the right of parents to choose the education they want for their children. It is a right explicitly guaranteed in the 1948 Universal Declaration of Human Rights and, at least theoretically, in American constitutional law. It is a simple matter of justice."<sup>7</sup>

## Religion in Politics

Neuhaus made his intellectual mark, initially, by advancing the now shopworn argument that America's public square -- its public, predominantly governmental realm -- had been denuded of a religious voice. This inversion had been accomplished partly by the betrayal of the mainline religious bodies -- a *trahison des clercs* accomplished by these religious groups' adoption of secular modes of thought and embrace of putatively radical and anti-American policies.

This may be why Neuhaus has become such an admirer of and apologist for the Religious Right and why he claims that their essentially benign aims are ignored by the media and opposed by religious moderates and liberals. He writes, "What happened in the past half century is a mutiny of the Christian voice in public not because of secularization but because of the reconfiguration of Christianity in America, meaning chiefly the ascendancy of Catholicism and evangelical Protestantism. More precisely, the Christian voice in its Catholic and evangelical expressions is not so much muted as it is viewed by the remaining liberal establishment as suspect, as another intrusion upon our public life."<sup>8</sup>

## Majoritarianism

Neuhaus has little or no interest in the religious liberties or sensibilities of religious minorities. He argues that the majority in a given area or nation should be respected and, furthermore, that the Constitution was originally intended to protect the majority ethos. He writes, "Were it not for the Judiciary's mindless pronouncements on the 'establishment' of religion, it would have been possible for the overwhelming majority of citizens to publicly celebrate one of their really important festivals. [Editor's note: Christmas.] In fact, it happened quite naturally until the Supreme Court, beginning in 1947, took its 'strict separationist' turn of hostility to religion. Before that, Jews more or less gladly left Christmas to the Christians, recognizing that a minority of 2 percent is, well, in the minority."<sup>9</sup>

Neuhaus's insensitivity is exceeded only by his arrogance.

*continued on page 8*

## Richard John Neuhaus, *continued from page 7*

There is abundant evidence that the Jewish community as well as some Christian groups, did not appreciate the manner in which Christmas was celebrated in public schools and institutions, and the signals such celebrations sent that religious outsiders were second-class citizens, at best.

When some Christians dissent from Neuhausian majoritarianism, he sneers that “Christian leaders are inhibited from publicly addressing themselves to the Christian majority.”<sup>10</sup>

Neuhaus continues to hammer this argument in the following: “The allegedly ‘exploding’ Muslim population is frequently cited by those who contend for the religio-cultural balkanization of America. Muslim organizations claim figures as high as seven million, and these claims are often cited in news stories. For perfectly understandable reasons, minority groups tend to inflate their figures, a relatively innocent vice except when it plays into the hands of those with a more dubious agenda. In this case the dubious agenda is to relegate Christian views to a marginal status in public discourse. Of course many Christians are no more than nominal, and of course there is no one view by Christians on a host of disputed questions, and of course a hundred other important qualifications. But one of the most elementary facts about America is that its people are overwhelmingly Christian in their own understanding, and that they and many who are not Christian assume that the moral baseline of the society is the Judeo-Christian ethic. Acknowledging that does not answer the many questions that vex our public life, but to ignore it is a guaranteed formula for getting the wrong answers.”<sup>11</sup>

“[A]s we have said so often, American public life is best understood in terms of a *Kulturkampf*, a battle over the ideas, moralities, stories, and symbols by which we will order our life together.”<sup>12</sup>

“Our public life is manifestly not characterized by Christian virtues. But demographically and culturally it is equally obvious that this is a Christian nation. Nearly 90 percent of the American people claim to be Christians.”<sup>13</sup>

“[T]he overwhelming majority of Americans derive their moral vocabulary and moral judgments, directly or indirectly, from religion. Whether we like that or not, it is the social fact. And the religion in question is overwhelmingly Christian of a sort that is comfortable in affirming a Judeo-Christian tradition.”<sup>14</sup>

“The reason Christians are tolerant is not because this is a pluralistic society. This is a pluralistic society because most Christians are tolerant. . . . But what the ACLU, the National Education Association, and their like must some day learn is that the only available reservoir of public morality in this society is the dominant ethos, and that dominant ethos is, however confusedly, Christian.”<sup>15</sup>

### Criticism of the Supreme Court

Neuhaus argues, as do other religious rightists, that the Supreme Court began to remove religion from public life in 1947, usurping an allegedly limited constitutional role and engaging in activist jurisprudence that properly belongs to the legislative branch of government.

Neuhaus criticizes the Court for allegedly adopting what “. . . is truly a new born interpretation that has a provenance of no more than fifty years, its godfather being the formidable and

self-described extreme separationist, Leo Pfeffer of the American Jewish Congress. . . . The Pfefferian inversion of the religion clause that continues to be promoted by the American Jewish Congress subordinates ‘free exercise’ (the end) to ‘no establishment’ (a means to that end). It does so by establishing a religion that is in conflict with the religion espoused by the great majority of Americans, and by propounding a profoundly anti-democratic interpretation of our constitutional order.”<sup>16</sup>

This attack on Pfeffer, one of the country’s leading authorities and litigation on religious liberty issues, is both churlish and inaccurate.

### Abortion Rights

Neuhaus has made *First Things* a sounding board for his extreme anti-abortion views, in which he expresses no appreciation for the rights of conscience of women or for their right to autonomy in moral decision-making. In an editorial in the January 1998 issue on the twenty-fifth anniversary of *Roe v. Wade*, Neuhaus called abortion “the bloody crossroads where conflicting visions of the kind of people we are and should be will do battle.” He claimed erroneously that American abortion rights law is “radical” and accuses “the pro-abortion media” of covering up the truth that abortion is “the unlimited right to the private use of lethal force against innocent human beings.” He angrily writes, “We must never lose sight of the fact that the abortion regime of *Roe* was arrogantly imposed by the Court. . . that is what is meant by an act of raw judicial power.”

In an apocalyptic finale, Neuhaus declares, “The cleavage in our society over abortion and related questions touching on respect for human life is deep and ominous, comparable only to the cleavage over slavery.” The exercise of the right to reproductive freedom is, in Neuhaus’s tortured logic, “a nightmare” that will one day end.

In a final appeal to unreason and meanness Neuhaus thunders, “The culture of death commands a formidable array of powerful institutions. With few exceptions, it has in its service the establishment media, the universities, the foundations, the corporate elites, the labor unions, the oldline churches, and, of course, the courts. More than any other question in public dispute, abortion on demand is the core commitment of the American establishment.”

For all of his reputed sophistication and erudition, Neuhaus displays a profound ignorance of American constitutional law, judicial supremacy and the separation of powers, and chooses to overlook the enormous influence of the anti-choice lobby.

Neuhaus also sees the population issue through the narrow lens of his culture of death theories. He wrote, “[P]opulation control is ideology disguised as science. There is no scientific measure of ‘over-population,’ but there is a powerful and ideologically driven dread of lesser breeds that threaten our advantaged way of life and, presumably, the planetary balance.”<sup>17</sup>

### What Kind of Catholic Church?

Neuhaus, like many converts to Catholicism, or to any religion for that matter, seems to have a decided preference for a particular view of the Church. And, what is more, any other view -- even if held by life long members -- is suspect. Neuhaus delights in ridiculing liberal or progressive Catholics, chiding them on their incapacity for holding fast to that which the official Church has unerringly proclaimed as truth.

Neuhaus repeatedly criticizes progressive Catholics like Sis-



ter Maureen Fiedler and the late Cardinal Joseph Bernardin, whose "Common Ground" project to bring conservative and liberal Catholics together on common issues was called "coma-tose" by Neuhaus.

It is significant that Neuhaus waited twenty-five years after the close of the Second Vatican Council to embrace Catholicism. He did so well into the pontificate of John Paul II, whom Neuhaus reveres.

While a newcomer to the faith, he sneers at progressive Catholics who have spent their lives working for a different kind of church. About the distinguished scholar Richard McBrien, Neuhaus wrote in December 1990, "Sorrow is in order for the immutable rebel who must now seek out the company even of the declared enemies of the church in order to vent their bitterness about a vision of Catholicism that was not to be." He dismisses resigned priests as "dysfunctional men who resigned the priesthood in order to marry or who wrecked their ministries on the rock of alcoholism or drugs." About progressive Catholics as a group, he observed sourly, "Off on the sidelines, in the ruins of a failed revolution, surrounded by a few aging and dispirited comrades, superannuated leaders poutingly protest." And he called the lively *National Catholic Reporter* "a kind of *National Enquirer* of American Catholicism."

### Separation of Church and State

Two positions central to the Neuhaus argument are the following: "Because politics is a function of culture and at the heart of culture is morality and at the heart of morality is religion,

there is a necessary and unavoidable interaction between politics and religion."<sup>18</sup> And, "The separation of church and state means the separation of the law from common decency."<sup>19</sup>

Having denounced the central American contribution to political culture -- the principle of separation of church and state -- Neuhaus is free to indulge the most lavish and absurd propositions.

This leads inexorably to Neuhaus's primary politico-religious cause: the erection of a grand alliance between evangelical Protestants and conservative Catholics, based on supposedly shared cultural assumptions and politically similar stances.

*In our next newsletter, Al Menendez will examine Neuhaus's efforts to develop a conservative Catholic-evangelical alliance.*

### Endnotes

1. *First Things*, November 1997, p. 67; 2. *Ibid.*, p. 74; 3. *Ibid.*, p. 81; 4. *Ibid.*, p. 74; 5. *Ibid.*, p. 74; 6. J. Bottum, ed., *The Best of the Public Square* (New York: Institute on Religion and Public Life), 1997, p. 137; 7. *First Things*, *op. cit.*, p. 79; 8. *Ibid.*, p. 68; 9. *First Things*, December 1997, p. 70; 10. *First Things*, November 1997, p. 68; 11. J. Bottum, *op. cit.*, p. 18; 12. *Ibid.*, pp. 23-24; 13. *Ibid.*, p. 25; 14. *Ibid.*, p. 26; 15. *Ibid.*, p. 91; 16. *Ibid.*, pp. 52-53. Neuhaus elaborated on this charge in an address entitled, "The Pfefferian Inversion," at a Williamsburg Charter Foundation conference in April of 1988. Pfeffer was invited to attend the conference only after intervention by ARL's Edd Doerr but was not invited to speak. Doerr, paraphrasing Shylock's speech in *The Merchant of Venice*, publicly responded to Neuhaus, intimating that he was scapegoating Pfeffer because he was Jewish. 17. *Ibid.*, p. 29; 18. *Ibid.*, p. 143; 19. *Ibid.*, p. 154.

## Update

### Boy Scouts May Discriminate

Religious freedom lost a battle on March 23 when the California Supreme Court ruled unanimously that religious discrimination in admissions by the Boy Scouts of America is not barred by a state civil rights law applicable to businesses. The case involved Michael and William Randall, twins whose religious beliefs are not compatible with the standard Boy Scout oath. The Randalls won in the lower California courts and, under court order, had satisfactorily reached the Eagle Scout level. The March 23 ruling meant immediate expulsion from the Scouts.

Boy Scouts of America maintains that it is a private organization and therefore may discriminate in admissions along religious and sexual orientation lines, even though the organization is allowed to recruit and meet in public schools, receives various government benefits, and its Eagle Scouts receive preferential pay boosts on entering the armed forces.

### Dobson Threatens Republicans

James Dobson, head honcho of Focus on the Family, has grown even more extreme, if that is possible, in his political views. Speaking in February to 300 members of the secretive Council for National Policy, Dobson accused the Republican Party of "betraying evangelical voters" and threatened to abandon the GOP and "do everything I can to take as many people

with me as possible." Dobson has made these threats before, in 1996, for example. And he admitted to his audience that he voted for Howard Phillips, a fundamentalist Protestant convert from Judaism who ran for president on the extreme right Taxpayers Party, rather than Bob Dole, in the last election.

Dobson is angry that the GOP has not taken stronger stands on abortion and gay rights issues, even though most moderate Republicans think the party has already gone too far to appease militant ultraconservatives. Dobson claimed his supporters had "laid the foundation for a revolution." He also asserted that Focus on the Family devoted less than 5% of its \$114 million annual budget to political activity, so as not to jeopardize its nonprofit tax status.

Dobson's speech lasted an hour and was interrupted by applause and several standing ovations when he accused Republican leaders, including House Speaker Newt Gingrich, of "in-

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# Books

*The Christian Coalition: Dreams of Restoration, Demands for Recognition*, Justin Watson, St. Martin's Press, 1997, \$30.00, 292 pp.

This book demonstrates both the strengths and weaknesses of a purely academic approach to political analysis. It is a balanced assessment of the role played since 1989 by the most visible Christian Right organization but it lacks in some respects the critical and historical view that drives both proponents and opponents of religion-based political movements.

Watson, an instructor in the Department of Religion at Florida State University, argues that the Christian Coalition (CC), represents those evangelical Protestants who "demand recognition" for their beliefs and values in the political realm and who also "dream of restoring" their lost power over American life, laws and culture. It is the latter that threatens the values, stability and status of other religious groups in American life — the vast majority in fact — who have suffered in the past and could do so again if religious conservatives wield political power and seek to enact their personal religious agenda.

Watson sees difficult times ahead for CC since Ralph Reed's departure. Reed, he says, "built the CC organization from scratch and gave it the style, if not the substance, of mainstream politics." If the new leaders "cannot hold onto the CC's precarious mainstream status and effectively mobilize religious conservatives, then the CC will be headed for hard times." Yet he also warns, "The CC's attempt to institutionalize religious conservatism still has the potential for enduring success." Watson adds, "Will the attempt to extend evangelical influence result in the loss of religious purity and eventually in a loss of influence?" This has happened in the past to religiopolitical movements in Europe.

Finally, Watson is convinced that any movement which seeks to weaken religious pluralism and tolerance cannot succeed. If the CC is "playing the pluralistic political game in order to destroy diversity, the CC is probably doomed to become a footnote in American religious and political history. The pluralistic ethos that they would seek to destroy is too pervasive and deeply ingrained in American culture to be abolished by anything but a massive and radical cultural change — something far beyond the CC's, or perhaps anyone's, power to effect. If the destruction of diversity is what the CC really wants, then it will almost certainly be destined to disappointment and political irrelevance."

— Al Menendez

*God and the Gun: The Church and Irish Terrorism*, Martin Dillon, 244 pp., \$27.50, Routledge, 1998.

To what extent is religion an integral part of the seemingly unending conflict in Northern Ireland? For thirty years that question has been considered, and often carelessly dismissed, by observers, participants, and others. Martin Dillon, a longtime BBC correspondent in Northern Ireland, is an ideal person to tackle this knotty problem. His insights and experience lend credibility to this analysis. And an earlier book, *The Shankill Butchers*, showed the religious motivations for a series of sectarian murders in the 1970s.

Basically, Dillon concludes that religious conditioning has led inexorably to violence. Ireland, especially in the North, has long been a society where religious convictions and identities

have led to separation of the different communities, even in education, residential location and, often, career choices.

While this is changing, especially among the educated middle classes and in the Republic, there remains a tenacious religious intensity among the North's fundamentalist Protestants, whose entire worldview is shaped by religious fears and preconceptions.

Dillon found the clergy, both the higher echelons and parish ministers, reluctant to discuss the role of religion in the conflict, saying, "It was easier to get terrorists to talk than priests and ministers."

While clergy claim they oppose violence, there is considerable ambivalence in their message. He writes, "For the Protestant community, the slogan 'For God and Ulster' carries the imprimatur of religious conviction and defense of faith." "Catholicism, nationalism and republicanism are interconnected," he adds. So, too, he notes, "The folk tradition of the gun in both communities, carries with it a moral crusade in defense of the respective traditions."

Dillon argues convincingly that "the British army and military intelligence identified the Catholic Church as an integral part of the conflict and therefore of the enemy." Dillon reveals that British military intelligence services even bugged confessionals in the 1970s, which could have led to international condemnation had it been known. His extensive interviews reveal how "paramilitaries have reconciled killing with their religious convictions."

Dillon became more disillusioned with the lack of integrity on the part of the clergy of both traditions, admitting that he was "frightened, saddened and shocked" by much of what he learned. He concludes, "In an unholy war, the caricatures of religion starkly reflect the obscene justification of violence. Layers of consciousness have produced a divided society of two tribes with their respective and blunted perceptions of righteousness. In Northern Ireland, history and religion are more important than in any modern European country. Faith and Fatherland are indivisible ingredients of the conflict and have produced the barbarity associated with an unholy war."

— Al Menendez

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