



# VOICE OF REASON

The Newsletter of Americans for Religious Liberty

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## School Voucher Struggle Continues

Although advocates of tax support for sectarian and other private schools have consistently lost in the voting booth, most recently in Colorado last November, and generally in the courts and legislatures, they are making 1999 the year of the most intense battles yet over school vouchers. Major fights over vouchers are taking place in Arizona, New Mexico, Texas, Florida, and Pennsylvania. New York mayor Rudolph Giuliani has been pushing vouchers in his city, Congress is about to have another round of debate, and Michigan appears headed for a serious referendum battle next year.

Here is a summary of the latest developments.

**Arizona.** The state supreme court ruled 3-2 on January 26 in favor of a 1997 state law granting a dollar-for-dollar tax credit for donations up to \$500 to pay tuition at nonpublic schools, despite a ban on such aid in the state constitution. The credits will cost the state treasury an estimated \$60 million per year.

In other action, the Arizona House on March 15 approved, 31-27, a bill to provide vouchers worth up to \$5,000 for use in nonpublic schools. The House also defeated a bill to allow \$500 tax credits for donations to public schools, leaving Arizona offi-

cially preferring private over public schools. The voucher scheme still faces action in the Senate. Republican Gov. Jane Hull favors vouchers.

**New Mexico.** Republican Gov. Gary Johnson has threatened to veto the state budget and to call a special session if the Democratic-controlled legislature does not pass a voucher plan. The state attorney general has said the plan is unconstitutional and even the New Mexico Federation of Catholic School Families and the New Mexico Association of Nonpublic Schools have joined with the teacher unions and other public education groups in opposing the plan.

**Texas.** The legislature in Austin is locked in a furious struggle over a bill that, for openers, would provide vouchers to about 80,000 eligible students in the state's six largest counties. If passed, the bill would divert over \$1 billion to nonpublic schools over five years. Gov. George W. Bush is a voucher supporter.

In the last election cycle voucher proponents contributed more than \$5 million to elect candidates favorable to their cause. The largest single contributor was Dr. James Leininger, who

*continued on page 7*

## Republican 2000 Hopefuls Look Ahead

Presidential campaigns now begin almost two years before the designated Tuesday in November every four years. So we've decided to preview the likely candidates in both parties well before the early caucuses and primaries next winter. We begin with the Republicans.

### Lamar Alexander

Lamar Alexander, a personable, folksy former governor of Tennessee and Education Secretary under Republican presidents, received nearly a half million votes in his 1992 race for his party's nomination. He ran a strong third with nearly 23% of the vote in New Hampshire, where he carried some college towns and did well in the suburbs. He tried to depict himself as a moderate conservative with a low-key persona symbolized by his plaid shirts. But his campaign soon stalled and he received a bit over 10% of the votes in Georgia and South Carolina, which border Tennessee, and in Delaware. He ran third in Georgia behind Dole and Buchanan. Again he ran well in college towns, where his emphasis on education apparently gained him some support. But his campaign quickly ran out of money and he withdrew. Even after withdrawing, he received 19% of the vote in Rhode Island and 11% in Vermont, where Republican electorates are moderate.

Alexander continues to stress education issues, emphasizing alternative schools and classroom discipline. It is difficult to see him as the party's nominee, though his support for conservative

mainline positions that dominate today's GOP would make him a potential vice presidential candidate. Alexander is a Presbyterian who hails from the long-time Republican stronghold of East Tennessee, an area of the South that remained loyal to the Union in the Civil War.

### Gary Bauer

Perhaps the most improbable candidate, if he decides to make the race, is Gary Bauer, director of the Family Research Council (FRC), a powerful Religious Right lobby. Bauer, who has never

*continued on page 3*

### *Inside:*

**Harry A. Blackmun . . . Colorado's No Vote . . . Polls and More Polls . . . Charter Schools: Myths and Realities . . . ARL in Action . . . Update . . . Books . . .**

## Editorials

### Harry A. Blackmun

Retired Supreme Court Justice Harry A. Blackmun, who died on March 4 at age 90, will be most often remembered as the justice who wrote the *Roe v. Wade* ruling. That decision went a long way toward liberating women from male domination and from the "theology of personhood at conception" espoused by the Vatican and, when the ruling's emancipatory effects were more fully grasped, by the fundamentalist Religious Right. Blackmun also won praise as a strong defender of church-state separation and civil liberties generally.

Blackmun was a quiet, modest, scholarly man and devout Methodist who earned an honored place along with those other great champions of religious freedom and human rights, William J. Brennan, Thurgood Marshal, and William O. Douglas.

### Colorado's No Vote

A detailed county-by-county analysis of the November 1998 referendum on a complex tuition tax credit/voucher plan in Colorado reveals that it was rejected in every region of the state and among every demographic group. The final count of 785,000 to 517,000 shows that Amendment 17 was turned down by 60.3% of the electorate in an increasingly Republican state.

The margins of defeat were impressive: 66% in the college town of Boulder, 64% in the multicultural capital city of Denver, 62% in largely Hispanic blue collar Pueblo, 62% throughout rural and small-town Colorado, and 58% in the Republican-trending suburbs of Denver, where more than one-third of the state-wide vote is cast. Even the evangelical bastion of Colorado Springs (El Paso County) voted 52% no.

Every type of rural area registered opposition to the voucher proposal. In the evangelical counties of eastern Colorado, bordering Nebraska, 68% of voters said no. So did 66% of the high-income, well educated ski resort areas and 65% in the Hispanic Catholic rural areas of the San Juan mountains, an isolated region bordering New Mexico where voters trace their heritage to Spain

rather than Mexico. Areas which supported Ross Perot for president in 1992 voted 64% no. Even the most conservative Republican rural areas opposed vouchers by 53% to 47%. These latter areas, sometimes called "secular conservatives," have low levels of per capita income, college education and church membership, but they are reliably conservative (anti-gay rights in a 1992 referendum, for example) and Republican.

(Similar analyses of the 1993 California and 1996 Washington State referenda showed much the same pattern, fairly uniform opposition to vouchers in all demographic categories.)

This election represents the second defeat for voucher advocates in Colorado in six years. Voters rejected a similar scheme by 67% to 33% in 1992. The 8-page complete analysis, by ARL associate director and political demographer Al Menendez, is available from ARL for \$5.

### Polls and More Polls

Americans may be the most polled and surveyed people on earth. But for what it's worth, here are some recent poll results dealing with vouchers and public education.

The nation's leading center of African-American research, the Washington-based Joint Center for Political and Economic Studies, has found that attitudes toward public education are more favorable than in many years. Both blacks and whites viewed their local public schools more favorably in 1998 than in 1997. Almost 46% of African-Americans rated their public schools as excellent or good, an increase of almost 12 points over 1997. Over 57% of whites rated their schools excellent or good.

Only 48% of blacks and 41% of whites expressed support for a voucher system that could be used at private or parochial schools. Support for vouchers declined 9 points among blacks and 6 points among whites between 1997 and 1998.

There was much confusion about how vouchers would work and how much money would be given to the average family. The largest number of blacks polled thought that a \$10,000 voucher would be granted to parents, while whites mentioned \$5,000 as the most probable response. Even the most generous voucher plans have rarely exceeded \$2,500, and it is doubtful that any legis-

*continued on page 7*

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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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## Republican 2000 Candidates

*continued from page 1*

run for public office, established the FRC in 1988, after resigning from the Reagan administration, where he served as a domestic policy adviser.

A soft-spoken Kentuckian who embraces the most right-wing positions on family and cultural value issues, Bauer is like the Puritans of yore, who believed that national righteousness was a requirement of a government which served at the behest of God. He is an uncompromising defender of social issue conservatism.

Bauer is closely identified with Colorado psychologist and broadcaster James Dobson and the Focus on the Family outfit. In the early days FRC was legally connected to Dobson's group, but is now a separate entity for legal purposes.

If Bauer has any identifying characteristic, it is his organization's fierce, almost pathological, opposition to homosexuality and to laws protecting gay and lesbian citizens from employment or housing discrimination. From its earliest days FRC has published "research" reports on the subject, which directly challenge predominant scientific, medical and theological opinion. FRC and other fundamentalist groups claim that gays can change their orientation through prayer and religious conversion and can turn from what they deem a sinful and degenerate lifestyle. Opposition to legislation extending human rights protection to this community is at the top of Bauer's priorities.

Bauer leans to the Buchananite position on protectionism, free trade, and U.S. participation in UN-mandated peacekeeping operations. Like Buchanan, Bauer is something of a conservative populist who stresses majoritarianism rather than respect for diversity, protection of minority rights, and individualism.

In its stress on "family" values, FRC supports a narrow, traditionalist concept of the term, and has supported legislation to make it financially appealing for women to remain at home and not seek employment. Bauer favors a tax policy that will facilitate large-scale return of women to homemaker status.

FRC monitors Congress and publishes ratings of its members on a broader range of issues than does the Christian Coalition. Bauer opposes abortion rights and wants *Roe v. Wade* completely reversed. He endorses school prayer constitutional amendments, more religious emphasis in public education, and vouchers for private and parochial schools.

Raised a Southern Baptist in a blue-collar Kentucky family and a graduate of the denomination's Georgetown College, Bauer now attends Springfield Bible Church in Virginia. He is reportedly popular at the grassroots level of the "pro-family" movement and among many evangelical and fundamentalist voters. His pro-military stance reinforces his popularity in some communities and represents a major difference with Buchanan. Withdrawal from the race of Missouri Senator John Ashcroft, who had garnered the most Religious Right support to date, may help Bauer.

### Pat Buchanan

Pat Buchanan is always an enigma. The erstwhile TV commentator has run for president twice before as the quintessential outsider and iconoclast.

In 1992 he challenged President Bush in the primaries and received almost three million votes, 23% compared to Bush's 73%. Buchanan's best showing was his 37% in New Hampshire, when he appealed to unemployed factory workers and economi-

cally distressed voters more than to the extreme Religious Right, even though they also supported him. He did better among male than female voters and, surprisingly, better among nonreligious voters than among Protestants or his fellow Catholics. He won about 36% in Georgia and just over 30% in Colorado, Florida and Rhode Island (a surprise). Though it was clear that he would never be nominated, Buchanan stayed in the race to give his supporters a voice and he consistently won about 20% of the votes as a protest against Bush.

Buchanan's church-state positions represent the pugnacious hard-right views articulated in his infamous speech to the 1992 Republican Convention, which many saw as a defiant call for a religious and cultural war in America. It was denounced by many embarrassed Republicans, and analysts believe it harmed the Bush-Quayle ticket in November. Buchanan favors a total ban on abortion and supports school prayer, even though he never attended public schools. He has made insensitive comments about religious minorities and seems to lack sympathy for religious, racial and other minorities in a pluralistic society. He has rarely tempered his hard-edged majoritarianism.

In 1996 he tried again, this time emphasizing "American sovereignty" in foreign affairs and denouncing NAFTA and other international trade treaties. His condemnation of American business and support for protectionism over free trade seemed to dominate his second campaign more than Religious Right cultural issues, though he paid lip service to them when required.

Buchanan again received three million votes, 22% of the total. He ran second to Bob Dole and even carried New Hampshire 27% to 26%. He received an even higher percentage of the vote in Michigan and Wisconsin, his best states, where he received 34%. Both states are open-primary states, where Buchanan appealed to blue collar workers who had lost or were in danger of losing their jobs. His strongest vote came in the districts where conventional conservative Republicans rarely do well. Buchanan even carried Rusk County, Wisconsin, an isolated rural area with a reputation for political quirkiness. Almost one in five Rusk County voters supported Ross Perot in 1996, his strongest vote east of the Mississippi. In 1968 Rusk County went for Nixon, but switched to McGovern in 1972 in the face of a national Republican landslide.

Buchanan received around 30% of the vote in Louisiana, Georgia, South Carolina, South Dakota and Arizona. Exit polls showed him winning a plurality of fundamentalist votes in the Deep South, and he even beat Dole 49% to 36% at fundamentalism's flagship college, Bob Jones University in Greenville, South Carolina.

Buchanan seems positioned for another race, though three straight primary battles is highly unusual in U.S. political history. But Buchanan is an unusual candidate, a perpetual campaigner and a dedicated ideologue since his days as a journalist and as a staffer for Presidents Nixon and Reagan. His America First isolationism and support for Religious Right positions can still make him a formidable contender.

### George W. Bush

Texas Governor George W. Bush is considered the front-runner for the nomination, and led all Democrats, including Vice President Gore, in several national polls. However, Bush is thought to be reluctant to expose his family to the mean-spirited politics of personal destruction that still grips America (though a backlash against it may be setting in).

Bush is something of an unknown on key national issues. His one foray into a national Republican audience in Indiana bombed.

*continued on page 4*

## Republican 2000 Candidates

continued from page 1

And his appearances in debates leave much to be desired. He is regarded as an administrator, not an articulator of causes. He is seen as the hero of pragmatic conservatives in the party, and the closest thing to a moderate the GOP is likely to nominate. (More moderate Republican governors were reelected in New York, Pennsylvania, Massachusetts and Connecticut, but they are viewed as anathema to party regulars.)

Bush is young and photogenic. He was a Texas businessman and owner of a major league baseball team before upsetting Democratic Governor Anne Richards in 1994 to become governor of the nation's second largest state in population. Bush overcame even the opposition of Ross Perot, who endorsed Richards and was then fresh from the strongest third party candidacy since 1912.

As governor, Bush has proved popular, emphasizing economic growth, prison expansion and education. Unlike many other candidates, Bush seems more sympathetic to public education and less enamored of vouchers and private school aid, though he may be forced to toe the line once the campaign begins. He has in fact endorsed a voucher pilot project. He may be a realist, though, since 93% of Texas children attend public schools and public schools are much embedded in Texas culture.

Bush won a broad-based landslide last fall, garnering 69% of the vote, including 49% of Hispanics and 29% of blacks. Even a third of liberal Democrats said they voted for him. It is unlikely that he would repeat those successes in a national campaign against Gore or any other Democrat. Bush speaks Spanish and has not taken hardline positions on immigration and bilingual education favored by many Republicans, especially in California.

Bush has coined the phrase "compassionate conservatism" to separate himself from some other potential nominees, provoking criticism from Dan Quayle, who claimed that "conservatism is inherently compassionate."

Bush has taken tough stands on crime and called for a "responsibility era" in which people pay the penalty for breaking the law. Critics say he has never seen an execution that he doesn't like.

Bush's legislative priorities in 1999 are a \$2 billion tax cut and expansions in public education funding. He is expected to announce whether he will run for president in the spring.

Can Bush appease the Religious Right? Is he sympathetic to their goals? There are no answers to these questions yet. He opposes abortion and gay rights but rarely addresses them. He has begun to build bridges to the Religious Right, inviting Texas evangelical leaders John Hagee and T.D. Jakes to the governor's mansion. He told religious broadcaster Marlin Maddoux that he had "gotten right with God" as a result of Reverend Billy Graham's annual visits to the Bush family summer house in Kennebunkport, Maine. Bush is a Methodist, though his father, the former president, is an Episcopalian. (The other Bush politico, Florida Governor Jeb Bush, is a Roman Catholic.)

Bush's religious matters adviser is Doug Wead, a one-time biographer of Ronald Reagan and White House contact with evangelicals under George Bush. Wead told *U.S. News and World Report*, "[Bush] can win the evangelical vote. He talks their language. He understands them. In many respects, he is one of them. And evangelicals want to win, too."

Still, some religious rightists are likely to drag up past problems Bush has had with drinking and what he admits were "irresponsible and foolish things." *U.S. News's* Kenneth Walsh noted that "George W. has a long history of flare-ups and tough-guy

tactics," and was "known for berating aides, adversaries and reporters" when he worked at his father's side in the White House. Considering the nature of Republican Party politics today, he may need these tactics in the future.

### Elizabeth Dole

Elizabeth Dole's announcement that she was leaving her post as president of the American Red Cross fueled speculation that she will toss her hat in the ring for the GOP nomination. Polls indicate that she is wildly popular, ranking second on the annual "Most Admired Women" Gallup poll.

Her nomination would add a new element to the GOP equation since women voters elected Clinton in both 1992 and 1996, favoring the Democrats by a wide margin while male voters narrowly supported Bush and Dole. Some Republicans, especially moderates, see Mrs. Dole as a godsend to a party riven by ideology and internal divisions. The Religious Right would almost certainly oppose her nomination or force her to capitulate to their ideology.

Elizabeth Dole, a Harvard Law School graduate and one-time North Carolina Democrat, held cabinet posts (Secretary of Labor and Transportation) in the Reagan and Bush administrations. She was considered an asset as an avid campaigner for her husband Bob Dole, the 1996 GOP nominee.

One immediate problem is her lack of specificity on issues. She has rarely expressed her positions on the major economic, social and foreign policy questions of the past decade. Consequently, she is something of an unknown. This may allow voters to read into her whatever positions they may hold, simply because she is seen as a positive personality, much as voters did in 1995 when General Colin Powell quickly became the GOP front-runner for 1996.

One presumes that Mrs. Dole will be compelled to enunciate her principles and policies in greater detail if and when she announces her candidacy.

Dole has been prominently identified as an evangelical Christian. Raised a Methodist in North Carolina, she told interviewers in 1996 that she had undergone a deepening of her religious faith some years before. She has frequently addressed evangelical audiences and has been called a "Billy Graham Christian" because of her soft-spoken, relatively non-confrontational approach to religious issues.

Her religion may have grown more conservative in recent years. She and her husband severed their ties with Washington's Foundry Methodist Church — the church attended by the Clintons — because of their reported disagreements with the liberal theology expounded by the minister, Dr. Philip Wogaman. The Doles now attend National Presbyterian Church, a relatively conservative mainstream church once attended by President Eisenhower.

If there is a wild card in this year's Republican pack, it is Elizabeth Hanford Dole.

### Steve Forbes

Steve Forbes, millionaire heir to a magazine empire, is expected to make a second bid for the GOP nomination. His PAC, with the weighty name "Americans for Hope, Growth and Opportunity," has 140,000 dues-paying members. Economic growth and low taxes are their mantras.

Forbes, who once derided the Christian Coalition as a narrow group that represented only some Christians, has embraced the Religious Right almost uncritically. He now receives warm wel-

comes at Christian Coalition meetings and polls well among religious conservatives in some surveys. Many of them still distrust the patrician Episcopalian from posh Bernardsville, New Jersey, however, since he does not speak their particular religious language.

Forbes ran as a secular conservative in 1996 and polled just over 1.4 million votes in GOP primaries, 10% of the total. After a poor fourth place showing in New Hampshire, he quickly bounced back and won the Delaware and Arizona primaries with a third of votes split among six candidates. His main issue was the flat tax. While he failed to win any other primaries, he topped 20% of the votes cast in North Dakota, Connecticut, Colorado, Florida and Nevada, where he came in second except in Colorado. Even after withdrawing, he received 10% to 15% of primary votes.

Forbes' position on abortion has moved to the right. After emphasizing in his 1996 campaign that abortion laws could "only be changed after the culture changes," he has now joined those who would limit reproductive choice by law, regardless of public sentiment or the consequences to individual liberty. Forbes now tells audiences he would sign a law banning abortion before signing a major overhaul of the tax system. He ritualistically denounces "partial birth abortion," assisted suicide and drug legalization in his speeches. Forbes urged the New Jersey legislature to ban the "partial birth" procedure even though he campaigned for moderate Republican Governor Christine Todd Whitman in 1997.

Forbes has established a friendly relationship with televangelist Pat Robertson, whom Forbes called a "toothy flake" when Robertson ran for president in 1988. Jesse Helms spoke kindly of Forbes at a National Right to Life Committee dinner in April 1998. Forbes has endorsed a cut-off of party funds from Republicans who do not oppose late-term abortions, an extreme view rejected by the party's chairpersons. He recently claimed that religion must be the underpinning of American democracy in an article in the Heritage Foundation's *Policy Review* entitled "The Moral Basis of a Free Society." Forbes school favors vouchers under the misleading rubric of school choice.

Forbes has never held public office, and voters have rarely elected outsiders to the highest elective office in the land.

## John Kasich

John Kasich, a congressman representing much of Ohio's capital city, Columbus, and its suburbs, is young (46) and consciously exploits a blue-collar image. He might appeal to blue-collar Republican voters, a minority to be sure, but a community often ignored by other GOP candidates.

Kasich was born in the multi-ethnic, working class Democratic town of McKees Rock, Pennsylvania, during the Korean War era. After graduating from Ohio State University, he remained in the Buckeye State and served in the Ohio legislature

*continued on page 6*

## ARL in Action

Americans for Religious Liberty has joined the Minnesota Civil Liberties Union and other groups in an *amicus curiae* brief to the Eighth Circuit U.S. Court of Appeals in a challenge to Medicare/Medicaid funding of "religious nonmedical health care institutions" (*C.H.I.L.D. v. Vladek*). The suit seeks to halt federal tax support — about \$50 million over the past seven years — for Christian Science facilities that treat people with prayer instead of traditional medical procedures. The suit, according to attorney Robert Bruno, maintains that the federal aid violates the First Amendment's establishment clause.

Also supporting the challenge in *amicus* briefs are the American Medical Association, the American Academy of Pediatrics, the American Nurses Association, and the Iowa Medical Society. Several religious groups have filed briefs on the other side in the case.

### Vatican's UN Status Challenged

ARL joined with Catholics for a Free Choice and 67 women's, health, human rights, and other organizations from the US, UK, Ireland, France, Norway, Sweden, India, Israel, Mexico, Brazil, Australia, Malaysia, Pakistan, Uruguay, Chile, Peru, Bolivia, Fiji, and the Philippines in a petition to UN Secretary-General Kofi Annan requesting review of the Vatican's UN status. The text of the petition:

"As a UN Non-Member State Permanent Observer, the Holy See enjoys a unique status as a voting partner among countries. Granting governmental privileges to what is in reality a religious body is questionable statecraft. While the Holy See — the government of the Roman Catholic Church — has

made positive contributions through the United Nations to peace and justice, this should not be used to justify granting the status of a state to a religious institution.

"Governmental participation in the UN should be reserved to actual states. The world's religions have been well represented through non-governmental organization status. With NGO status, the Roman Catholic Church would be able to continue its participation in the UN — like the World Council of Churches — without ambiguity or privilege. We call on you to open an official review of the Holy See's status at the UN."

ARL has published associate director Al Menendez' county by county analysis of the November 1998 Colorado constitutional referendum in which a complicated tuition tax credit/voucher scheme was defeated 60.3% to 39.7%. The analysis compares the 1998 referendum with a similar one in Colorado in 1992 and with the 1992 and 1996 presidential election votes and other demographic data. The study, *Colorado 1998: Another Voter Defeat for School Vouchers*, is available from ARL for \$5.

ARL president John M. Swomley has recently addressed university, conference, seminary, church, and other audiences in Ohio, New York, Missouri, and Kansas, and was a guest on Pacifica Radio in Kansas City.

Executive director Edd Doerr addressed humanist, conference, church, and student audiences in Texas, Florida, Maryland, Virginia, and Washington, D.C. Doerr's 17th book, *Vox Populi: Letters to the Editor*, was published recently and is available from ARL for \$10.

ARL is working with and supplying material to the coalitions opposing school vouchers in Congress and in the states in which the issue is before legislatures.

## Republican 2000 Candidates

*continued from page 1*

until his election to Congress in 1982. Along the way, he had become a Republican and a conservative.

Kasich remains an orthodox Republican, emphasizing low taxes and balanced budgets. He has shown little interest in social issues, though he opposes abortion rights and voted for school prayer and school vouchers. He is a bit of an isolationist in foreign policy, voting to bar U.S. troops from serving under UN command, opposing U.S. peacekeepers in Bosnia and even opposing the production of the B-2 bomber (an unusual position for a Republican).

Kasich's family were of Hungarian, Czech and Croatian ancestry, and Catholic. After his parents were killed by a drunk driver, Kasich underwent a spiritual crisis and became a "born again Christian." He now lists his religion as simply "Christian," and his staff insists, vaguely, that he attends different churches, presumably evangelical Protestant ones. If he were the nominee, questions about his renunciation of Catholicism and adoption of evangelical Protestantism might cause some political problems. He is also divorced and remarried. He could become the second divorced president (Reagan was the first), and the fourth youngest chief executive. Kasich faces one other hurdle: the last House member to win the White House was fellow Ohioan James Garfield, in 1880.

### Alan Keyes

Talk show commentator and Reagan administration political appointee Alan Keyes represents the ideological purists of the Far Right. His speeches, which draw standing ovations from partisan Republicans and conservative audiences, are filled with apocalyptic rhetoric. Denouncing the U.S. for its allegedly corrupt and perverted values, Keyes sounds like a sawdust evangelist of old rather than a Harvard-educated African-American Catholic.

Keyes is a rabid opponent of abortion rights, on which issue he focused his 1996 campaign. He ran sixth, garnering about 450,000 votes, 3% of the total. He did best in the Iowa caucus, which is not a true primary. His best primary showings (5%) came in his home state of Maryland and in neighboring Delaware. Keyes ran twice unsuccessfully for the U.S. Senate in Maryland, a liberal pro-choice state where his brand of politics is unappealing.

If Keyes runs again, it will be for the sole purpose of keeping abortion and similar issues at the top of the Republican agenda.

### John McCain

Arizona Senator John McCain is fresh from a huge reelection triumph in a state carried by Clinton in 1996. He is the closest thing to a "moderate" in the Republican presidential ranks, primarily because he shuns harsh, divisive rhetoric and has worked amicably with Democrats on a number of issues. McCain and Democratic Senator Russ Feingold of Wisconsin co-sponsored a

campaign finance reform bill that was killed by McCain's fellow Republicans, especially Kentucky Senator Mitch McConnell, in the closing days of the 105th Congress.

McCain, however, is really much more of a conservative libertarian in the mold of the late Arizona senator and 1964 GOP candidate Barry Goldwater. McCain shares many of Goldwater's individualist assumptions, skepticism of government, and Episcopalian religious faith. McCain, who was a prisoner of war in Vietnam, is pro-military but does not always support Pentagon policies. Like Goldwater, he is a strong supporter of American Indian causes. Both his father and grandfather were Navy admirals and McCain, who was born in the Panama Canal Zone, graduated from the U.S. Naval Academy (as did Jimmy Carter and Ross Perot).

On church-state issues, McCain is a moderate but does not emphasize abortion or school prayer. He voted to override Clinton's veto of the so-called "partial birth abortion" procedure.

Despite his moderate image, McCain's voting record tends to be 80% or more on the conservative side since his election to the House in 1982 and the Senate in 1986.

### Dan Quayle

Former Vice President Dan Quayle is considered to be a strong contender because he appeals to several wings of the party or at least is acceptable to religious and economic conservatives. There are so few moderates left in the GOP that their influence is regarded as minimal in the nominating process. Their defection to Clinton in the last two races shows that they do have an impact in November. The Bush-Quayle ticket was devastated in 1992 in the old moderate Republican bastions of New England, upstate New York, and the upper midwest. The Dole-Kemp ticket did even worse four years later. Still, a number of political analysts, including George Stephanopolous and Charlie Cook, have picked Quayle as the man to beat in the 21st century's first election.

Quayle was first elected to Congress from the Fort Wayne area of northeast Indiana in 1976. Conventionally conservative and popular with voters in one of the most conservative states, Quayle upset veteran Democratic Senator Birch Bayh in 1980, riding the crest of the Reagan sweep. Reelected in 1986, Quayle was tapped by George Bush as his running mate in 1988.

Quayle proved to be a controversial campaigner and came to be seen as a lightweight, given to gaffes and embarrassing comments. He continued in this pattern as vice president, where he spent most of his time supporting business deregulation and making inane observations. He was not regarded as an asset to the GOP ticket in 1992.

On church-state issues, Quayle supports the Religious Right agenda. He opposes almost all abortions but has never stressed the issue. He supports a school prayer constitutional amendment but it is not a top priority. He does, however, advocate vouchers and private school aid wholeheartedly. Even though he attended public schools in Indiana and Arizona and is a Presbyterian, Quayle sent his children to Roman Catholic and Episcopalian private schools when he was vice president. In recent months he has been raising funds for scholarships to private schools.

Quayle frequently emphasizes personal morality and family issues, and is therefore a popular speaker at Christian Coalition gatherings, where he is seen as one of the family. His wife Marilyn is seen as even more of a hardliner. Her speech at the 1992 convention is remembered by some as a self-righteous and vitriolic attack on those who differ religiously and culturally from evan-

#### Moving?

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gical white Protestants.

Quayle has recently stressed foreign policy issues, attempting perhaps to carve out a separate identity and constituency. He is emphasizing a military buildup, more defense spending, and has accused the Clinton-Gore administration of weakening U.S. defense capabilities and allowing foreign policy to be dictated by the UN. Whether this will sell to voters is uncertain.

Quayle's absence from the national scene for nearly eight years and his reputation for being intellectually challenged are obstacles to be overcome. Quayle's most recent gaffe was his comment that "more than one third of America's children live in homes without families," which may reinforce the image of the Republican Party as "the stupid party." His claims to represent Reagan Democrats may also be difficult to sustain, since the Reagan constituency has broken up considerably, many having returned to the Democrats. His appeal to the old Bush loyalists will not sell, either, if Bush's son is a candidate.

## Bob Smith

New Hampshire Senator Bob Smith is an unlikely contender. An obscure senator from a small state who was barely reelected in 1996, Smith is a typical backbencher on his party's right wing. He has consistently opposed abortion rights and family planning programs, supported school prayer amendments, and favored vouchers. He even voted against expanding AIDS research. Unusual for a Catholic, Smith received a 100% rating from the Christian Coalition. His American Conservative Union ratings are 100%, while his rating from liberal groups, like Americans for Democratic Action and the AFL-CIO, are usually around 0 or 5%. It is difficult to see where he can carve out a niche when competing with people like Bauer and Buchanan for the GOP's far right vote. Smith recently received favorable treatment in *The Wanderer*, a kooky, far-right Catholic weekly that endorsed Nixon over Kennedy in 1960.

## Polls and More Polls, *continued from page 2*

lature would drain the public treasury to that extent. Most of those polled had also apparently never considered whether the private schools would admit their children even with vouchers, given the class-based, religious and academic selectivity characteristic of most nonpublic schools.

Another poll conducted by Recruiting New Teachers, Inc., a Belmont, Massachusetts-based nonprofit organization, found that Americans place their educational priorities on improving public education. When given the choice of "doing what it takes to get a fully qualified teacher in every classroom" or "allowing parents to use money spent on their child's education to be spent for private education," voters opted for the former by 84% to 14%. Charter schools did not fare much better. When asked the same question, modified with the option, "allowing parents to get together to hire an outside organization to set up an independent school as part of the public school system," voters preferred the former by 87% to 11%.

This poll also found that 57% of those surveyed believed education to be "very important" in how they voted in the November 1998 elections. This was particularly true of blacks (81%) and women (64%). Voters with lower family incomes were most interested in education (64%), compared to those with middle income (59%) and those with high family incomes (46%).

## School Voucher Struggle

*continued from page 1*

put up \$3.8 million in donations and loans, according to the Texas Freedom Network. Leininger has funded a private voucher plan in San Antonio that, after rejecting more than half of the children who applied, skimmed 600 higher grade point average students from the local public schools, causing a \$3 million budget shortfall for the hard-pressed local school district.

**Florida.** Gov. Jeb Bush, brother of the Texas governor, and the Republican-dominated legislature are pushing a plan that would provide vouchers worth \$4,000 to \$8,000 each to an unspecified number of students. The bill provides no budget appropriation, though its costs would be astronomical. Gov. Bush and his legislative majority seem unconcerned that their bill clearly violates the state constitution.

**Pennsylvania.** Gov. Tom Ridge (R) is promoting a bill that would provide \$63.6 million worth of vouchers for an estimated 40,000 students. The eligibility income cap would rise over five years to \$75,000. Ridge's office estimates that the "pilot program" would cost the state's taxpayers \$587 million over the first five years.

**New York City.** Mayor Rudolph Giuliani (R) did not get his way when he proposed a pilot voucher program in January. Schools Chancellor Rudy Crew threatened to resign if the mayor succeeded in getting his plan approved by the school board. In any event, the plan would have violated the state constitution and was unlikely to be approved by the legislature.

**Congress.** Senators Coverdell, Torricelli, Lott, and Sessions are sponsoring a bill, S. 2, to allow parents and others to put up to \$2,000 into IRA-style savings accounts to pay for public, sectarian, or home schooling. The bill would favor high-income over low-income taxpayers. Coverdell has also introduced S. 277 to provide tuition tax credits. Sen. Kyl's bill, S. 138, would allow an assortment of tuition tax credits for families or businesses.

Meanwhile, the Milwaukee school voucher program, upheld by the state supreme court in 1998, has been charged by the NAACP and People for the American Way with allowing a third of the voucher schools to violate the state law that requires a random, nondiscriminatory selection process for students.

### PEARL Voucher Kit

The National Committee for Public Education and Religious Liberty (PEARL), representing 48 educational, parents, religious, civil liberties, labor, and civic organizations, has just published *School Vouchers vs. Public Education: A Citizen's Anti-Voucher Kit*. The 45-page book summarizes the persuasive case against school vouchers from both public policy and constitutional perspectives. It is available for \$3 from:

PEARL  
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# Charter Schools: Myths and Realities

In his State of the Union address on January 19, President Clinton hailed the increase in the number of charter schools during his presidency, from one when he took office to 1,100 today. Since Clinton is known for forceful advocacy of public education and opposition to vouchers and other schemes to funnel public funds into private and parochial schools, his support for charter schools brings them to the forefront of educational discussion.

What, then, are charter schools? Joe Nathan, director of the University of Minnesota's Humphrey Institute for Public Affairs and an advocate of the movement, defines charter schools as "public nonsectarian schools that operate under a written contract from a local school or other organization."

Minnesota passed the first charter school authorization law in 1991. It was followed by California in 1992. By July 1996, 25 states had passed enabling legislation. As of now, 34 states allow charter schools. Today, 1,128 charter schools now exist nationwide, enrolling about 250,000 students, about one-half of one percent of the nation's student population.

The term "charter school" was coined by a retired public school teacher and administrator, Ray Budde, in a 1988 government-financed report, *Education by Charter*. The idea itself may be traced to a conference of educators at a lakeside lodge near Brainerd, Minnesota in 1988. Joe Nathan and the late Al Shanker, president of the American Federation of Teachers (AFT), were present. The group talked about establishing alternative public schools that could innovate and choose new methods of reaching at-risk and disadvantaged children. Concerns were immediately expressed, however, by those who feared that groups with partisan ideological agendas might try to establish propaganda mills at public expense. There was also fear that charter schools would not provide the wide range of educational services available in regular public schools and might not attract certified teachers.

Charter schools vary widely, making generalization difficult.

Most receive operating money from the public school system, but construction or renovation costs for the buildings are not covered. In some cities, local businesses, philanthropists and even such groups as the YMCA in Boston and the Henry Ford Museum in Dearborn, Michigan, have provided seed money. Some of the schools are even managed by profit-making companies. Some of the schools have failed. About 3% of all charters have been revoked, according to the Center for Education Reform, a charter school and voucher advocacy organization based in Washington, DC.

State laws vary widely. Most limit the number of charter schools that may be established in a given time period. Many require them to be under the control of a local school board. Florida allows state universities to sponsor them, as does Michigan, where charter schools are called public school academies. New Hampshire allows ten or more parents, two or more certified teachers, or nonprofit organizations to set up charter schools.

The discrepancies in state laws and regulations have provoked considerable discussion. In a 1996 book, *Charter School Laws: Do They Measure Up?*, the AFT concluded that "No state laws meet all of AFT's criteria for good charter legislation that is likely to produce quality education and be the basis for widespread reform of public education." A few states, New Jersey, Rhode Island, Louisiana and California, were singled out for having "good" laws that protect students and teachers.

The AFT urged that the following principles be adopted by state legislatures: charter schools must be based on high academic standards; must give students the same tests as other students in the state and district; should be required to hire certified teachers; should recognize employees' right to collective bargaining; should have the approval of local school districts, and; should be required to make information available to the public regarding the progress of their students on state standards and assessments.

The AFT has also adopted a strong statement urging that legislation "specifically exclude private schools from receiving charter status." Schools which "promote a religious viewpoint or discriminate against students based on race, ethnicity or gender" should be prohibited under model charter school legislation.

The U.S. Department of Education has also issued *The Charter School Review Process*, a 1998 document based on existing legislation in 29 states, D.C. and Puerto Rico. This "guide for chartering entities" was prepared by the Public Charter Schools Program in the Office of Elementary and Secondary Education.

This report emphatically notes that "all charter laws require that charter schools be nonsectarian," and that "charter schools are prohibited from discriminating on the basis of race, color, national origin, sex, disability and age. Most laws prohibit selection on the basis of academic or athletic ability." The report continues, "Charter laws prevent schools from charging tuition. Charter schools generally abide by state reporting requirements as well as some charter-specific reporting. As holders of public trust, charter schools are generally required to abide by applicable open meetings laws and submit to program and financial audits."

It goes without saying that charter schools must meet state and local standards regarding food safety, child abuse, health standards, transportation safety, and discipline, suspension and expulsion of students.

Federal laws applicable to charter schools include the Age Discrimination Act of 1975, Title 6 of the 1964 Civil Rights Act, the Americans with Disabilities Act of 1990, and the Individuals

## NEW FROM ARL

### *Who Goes to Nonpublic Schools: A Study of U.S. Census Data*

by Albert J. Menendez, 32 pp., \$10.00

Four factors emerge as central to higher than average nonpublic school enrollment, according to this first-ever analysis of U.S. census data on the subject by ARL associate director and political demographer Al Menendez: religious affiliation, high income, ethnic ancestry, and the racial profile of local public schools.

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with Disabilities Education Act.

In theory at least, charter schools are subject to all the regulations that apply to public schools.

Are existing charter schools doing a creditable job of educating their charges? Has any research been done on them? The answer is a qualified yes. But the results are largely inconclusive. A few studies have been carried out in several states, with cautiously optimistic results in some of them. But a word of caution should be applied at the outset: Most of the research and analysis seem to have been organized by relatively sympathetic observers and scholars. As is true with home schooling studies, most of the researchers are sympathetic to the movement, thus skewing the results of the surveys, or at least raising questions about their methodology and premises.

One study by Rebecca Shore in 1997 found that charter school teachers have primary responsibility for governance, experience fewer bureaucratic restrictions and have considerable control over their working environments. A Minnesota legislative study found that charter schools are like new businesses, experiencing start-up costs, cash-flow restraints, and having difficulty recruiting staff and students. Most charter schools are small, averaging about 200 students, but do serve racially and economically diverse student populations. An 18-month evaluation by Cheryl Lange found that the schools were hampered by limited resources and a lack of precedent but did seem flexible and experimental in curriculum content and instructional style. A Colorado legislative study in 1997 found that most of the state's charter schools had met or exceeded their performance goals, were heavily dependent on local school district funding, and spent 82% of their budget on student-specific activities.

A study by Kathleen McGree in 1995 concluded that charter schools provided opportunity for teacher empowerment and greater accountability. A study of 44 California charter schools conducted by the San Diego Chamber of Commerce had mixed results. The California schools used innovative instructional practices, reached out to less advantaged student populations and had a high level of parent and community support. But the schools had inadequate facilities, conflicts with local school districts, and experienced legal challenges. The "Little Hoover Commission" in Sacramento found similar patterns and thought that California's charter school laws limited flexibility and reduced opportunities for innovation.

John Jenkins and Jeffrey Pow concluded that charter schools are not accessible to all students equally, while Louann Bierlein concluded that the movement, while seeming promising, will probably founder due to inadequate financial support, special interest groups, and a lack of entrepreneurial skills among educators. She and a colleague, Lori M. Utholland, in a 1995 book (*Understanding Charter Schools*) published by the Phi Delta Kappa Educational Foundation, called charter schools "a bold reform with great promise." They cited "unique business and community partnerships," "a large percentage of existing funds being focused on instruction," and "numerous at-risk students being served."

A number of right-wing organizations have jumped on the charter school bandwagon. Chester Finn of the Hudson Institute and Diane Ravitch, a long-time critic of public education, are crusaders for charter schools, but they are hardly disinterested observers. The movement has gained some momentum in hard-pressed inner city areas where public schools need the most encouragement and improvement, with crumbling facilities and inadequate funding resulting from years of political neglect. Almost 4,000 students are enrolled in 15 charter schools in the District of Columbia this year.

But there are clearly serious problems with charter schools. In Arizona, which has the largest number of such schools, Republican governor Jane Hull has called for strict monitoring, reversing an earlier position after well publicized reports of many failures involving misuse of the \$317 million provided by the state to 271 charter schools. The *Mesa Tribune* found many charter schools collapsing from mismanagement, buying property with state funds, funneling public money to private owners who lacked experience in management. Arizona law allows operators to keep property bought with public funds. The *Tucson Citizen* said, "Charter schools statewide need more rigorous oversight of what they do with the public's money." The paper also opined that charter schools should be subject to open meetings laws, since their deliberations are now closed to the public that finances them.

Another problem in Arizona is the racial makeup of charter schools. The *Arizona Daily Star* found the state's charter schools were racially unbalanced and many were in fact segregated. In Pima County (Tucson) nearly 3,000 students attend 24 charter schools. This 2.3% of all students in charter schools may represent the highest percentage for a county in the nation. The results show how a superficial analysis of statistics can be misleading. In the charter schools 46% of students are white, 35% Hispanic, 9% black, 8% American Indian and 2% Asian. This is similar to the county's population. But a close examination of the data reveals that 13 schools are majority white, 4 are majority Hispanic, 2 are majority American Indian and 1 is majority black. Only 4 of the 24 schools have real racial diversity. One school is 97% American Indian, one is 92% black, one is 90% white, and one is 78% Hispanic. So much for diversity!

The *Daily Star's* Sarah Tully Tapla also discovered that "state taxpayers are picking up the tab for a new group of students — former private and home schoolers who are now trying charter schools." In Pima County alone, \$314,226 of public funds is paying to educate former home schoolers and private schoolers.

Arizona has become something of a scandal. Charter school teachers do not have to be certified. Virtually anyone can establish a charter school, with little or no accountability. "Educational diversity is being eroded," says Kim Donohue, a second grade teacher at Edison Elementary School in Mesa. She added, "The Mesa school system spends 12% of its funding on special

*continued on page 10*

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## Charter Schools, *continued from page 1*

needs children. Arizona's charter schools spend just 1%. One charter school promises its students a Mormon education, complete with Mormon teachers and tutors."

A similar situation exists in North Carolina. That state's Office of Charter Schools has revealed that 22 of the 60 charter schools violate the diversity clause because their student bodies are more than 85% African American. State legislators require these schools to "reasonably reflect" the demographics of the school districts they serve. Several teachers' organizations and members of the legislature's Black Caucus want the schools to diversify or be closed, but white Republican members are supporting the existing situation. Statewide more than half of all charter school students are black, compared to 30% black in public schools. (Private schools in the Tarheel State are lily white.)

But the most serious problem in charter schools is the church-state angle. While most state charter laws require that these schools be nonsectarian, there are loopholes in many states. In New York the Reverend Floyd Flake of Queens, former Congressman and pastor of the Allen A.M.E. Church, which runs a flourishing parochial school, pushed for loopholes that would allow church-run schools to become charter schools for "secular subjects." He and his supporters maintained that religious and secular studies could be separated in the budgets, a fiction the U.S. Supreme Court rejected in the 1970s.

In Chicago the Reverend Michael Pflieger proposed to turn St. Sabina's School into a charter school, with the support of the public school's top official, Paul Vallas. In Milwaukee charter schools, religious schools and a new entity called contract schools are all eating away at the public education budget, especially since the Wisconsin Supreme Court allowed the use of vouchers at religious schools and the U.S. Supreme Court let the ruling stand. This tragic set of circumstances has already resulted in a loss of \$22 million from the Milwaukee school funding programs, all under the dubious rubric of "choice." Ethnic, racial and class divisions are expected to increase in the years ahead.

The church-state collusion problem should be nipped in the bud. All state charter laws should specifically prohibit religious schools from becoming publicly-funded charter schools and should forbid charter schools from becoming quasi-parochial schools. New York State's new law says that "no charter shall be given to a school that would be wholly or in part under the control or direction of any religious denomination or in which any denominational tenet or doctrine would be taught." The charter law also forbids the overt teaching of religion as well as the conversion of existing religious schools into charter schools.

But the *New York Times* charged that church schools "might try to get around the constitutional limits by setting up a secular school on church property and then providing religious instruction during off hours. Others may create a nominally secular school that nonetheless caters mostly to children from a particular religious community. But a school that is largely run by church members — even with a secular program — might well violate the law."

Even the strictest laws, says the *Times*, "may not be enough to prevent charter schools, which are supposed to be alternative public schools, from becoming de facto church schools."

The laws in all states should be tightened to reflect the constitutional principle that church and state must be kept separate. The *Times* editorial of January 17 concluded with an observation that is relevant nationally, "The more prudent course would require that any schools with church-related ties recruit students

actively from outside the denomination and that the schools be run by boards dominated by community leaders from outside the church."

Since charter schools seem likely to remain options, at least for now, they should abide by standards applicable to all democratic institutions. States should monitor their educational programs to make certain that high academic standards are maintained. Religious, racial and cultural diversity should be attained and preserved. Teachers should be qualified and certified and not subject to religious or "lifestyle" tests. Those public bodies that fund charter schools should make certain that no harm is done to existing public schools of this nation which, after all, educate 90% of our children. It is the public schools, open to all and serving the needs of a broad community, which should be strengthened and improved as this nation enters the third millennium.

— Al Menendez

## Update

### School Prayer

School-endorsed or -sponsored prayer at football games is unconstitutional, ruled the Fifth Circuit U.S. Court of Appeals on February 26 in *Doe v. Santa Fe Independent School District*. At the same time, the court reiterated its 1992 holding that student-led prayers at graduation ceremonies is not unconstitutional. The Texas ruling applies to that state and to Louisiana and Oklahoma. Texas Gov. George W. Bush has asked the court to reconsider its ruling.

The Florida legislature is considering a bill to allow organized prayer at graduations and athletic events.

In Congress, meanwhile, Sen. Strom Thurmond has introduced a proposed constitutional amendment, S.J. Res. 1, that would authorize "group prayer in public schools or other public institutions." Sen. Jesse Helms has again trotted out a bill, S. 43, that would bar federal funding to any state or local educational agency "that has a policy of denying, or that effectively prevents participation in, constitutional prayer in public schools by individuals on a voluntary basis." The bill is either meaningless or intended to open the door to some form of organized devotions.

### School Board Prayer Nixed

School board meetings may not be opened with formal prayer, according to a March 18 ruling by the Sixth Circuit U.S. Court of Appeals in Cincinnati: "These meetings are conducted on school property by school officials, and are attended by students who actively and regularly participate in the discussions of school matters," the court held.

School board prayers fall between the contours of *Marsh v. Chambers*, the 1983 U.S. Supreme Court ruling that allowed prayers in a state legislature, and *Lee v. Weisman*, the 1992 decision against clergy-led prayer at school graduations. The Sixth Circuit held that the Cleveland school board practice was closer to the fact situation in *Lee*.

### Voucher Advocates Join Education Committee

In a move that has dismayed public education leaders and supporters, House Republicans added three unswerving voucher

and parochial school advocates to the House Committee on Education and the Workforce, which oversees federal education funding.

If that were not bad enough, two holdover Republicans who joined the committee are also advocates of federal aid to private schools.

The three newly elected members include Tom Tancredo of Colorado, who led the movement for private school aid in the 1992 referendum rejected 2 to 1 by Colorado voters. Tancredo, a conservative Presbyterian, headed the Denver branch of the Department of Education under Presidents Reagan and Bush. Tancredo told *Education Week* that vouchers "are certainly the most significant and important change we can make in education. I intend to spend my time on the committee advancing that."

Jim DeMint of South Carolina helped to set up a private school associated with his Presbyterian church in Greenville. He supports all forms of parochial aid and "privatization" in education.

The third newcomer is Ernie Fletcher of Kentucky, who won a normally Democratic district around Lexington and the Blue Grass Country when the Democrats nominated State Senator Ernesto Scorcone, a liberal and Catholic of Italian ancestry. The Lexington newspapers attributed Fletcher's victory in part to preference for a fellow Baptist on the part of the area's Baptist voters, the predominant voting group which in the past has looked askance at Catholic candidates. He, too, is a voucher supporter and an outspoken advocate of "local control" of schooling.

The other new Republican members, John Boehner of Ohio and Matt Salmon of Arizona, are long-time advocates of vouchers and so-called "choice" plans. Republicans outnumber Democrats 25 to 20 on the House committee.

The NEA's Joel Packer, president of the Committee for Education Funding, a coalition of 90 organizations supporting greater federal funding for public education, expressed disappointment with the Republican orientation but expressed hope that school modernization efforts and class size reduction initiatives would be successful in the 106th Congress.

In the Senate education falls under the jurisdiction of the Labor and Human Resources Committee. It has a Republican majority of 10 to 8, and its three new GOP members, Jeff Sessions of Alabama, Sam Brownback of Kansas and Chuck Hagel of Nebraska, are all relatively conservative.

## Workplace Discrimination

The Equal Employment Opportunity Commission, the federal agency that monitors charges of racial, gender and other forms of workplace discrimination, has released a report detailing trends in religion-based charges. Since 1991 the number of cases related to religion rose from 1,192 to 1,786, a 50% increase. The monetary benefits applied to successful cases almost doubled, from \$1.4 million to \$2.6 million during the same period.

But the report issued by EEOC's Office of Research, Information and Planning also showed that almost 61% of 1998 charges were dismissed for having "no reasonable cause." Only about 50% of the cases from 1991 to 1995 were dismissed. "EEOC's determination finds no reasonable cause to believe that discrimination occurred based upon evidence obtained in the investigation." No detailed information was available as to which religious groups were most likely to bring charges or to suffer legitimate grievances on the job.

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## Flynn to Head Catholic Alliance

Former Boston mayor and former U.S. ambassador to the Vatican Ray Flynn has been named to head the Catholic Alliance, an anti-choice pressure group created by televangelist Pat Robertson's Christian Coalition in 1995 but made independent in 1997.

## Home Schoolers Win Another One

Home schoolers won a court victory of sorts in Massachusetts in December when the state's highest court ruled that public school officials do not have the right to visit homes to observe how parents teach their children. The Supreme Judicial Court held that public school oversight of home schooling "can be made subject only to essential and reasonable requirements." The dispute began in the town of Lynn in 1991 when public school officials refused to approve a home education curriculum and evaluation plan filed by a local couple, Stephen and Lois Jeanne Pustell. The couple refused to let inspectors examine their home schooling program and were joined by another couple in 1994.

Mike Farris, president of the Virginia-based Home School Legal Defense Association, a group that lobbies Congress and state legislatures and engages in legal action to advance home schooling, naturally hailed the decision and predicted it would affect other states. Nearly 1.5 million students, about 2% of all elementary and secondary students, are reportedly home schooled, the vast majority in a fundamentalist religious climate.

## Political Pulpit Penalized

IRS revocation of the tax exemption of the Church at Pierce Creek, near Binghamton, New York, was upheld by the U.S. District Court for the District of Columbia on March 30. The IRS found that the church had violated the ban on partisan political activity by running ads in national newspapers attacking candidate Bill Clinton four days before the 1992 election. Pat Robertson's American Center for Law and Justice said it would appeal the ruling.

## International

**Vatican City:** The heresy hunters are on the march again, according to the London Catholic weekly, *The Tablet*. Australian priest Paul Collins, author of the best-selling book, *Papal Power*, is now under investigation by the Vatican's doctrinal watchdog

agency, the Congregation for the Doctrine of the Faith.

Collins' book, now in its fifth printing, has made him a household name and a frequent television guest *Down Under*. In a recent television appearance, Collins said he was "enjoying" the publicity, adding, "I love a fight." Collins is not a theologian but a "regular guy" parish priest who argues that "papatry" has overtaken the Catholic Church since the advent of John Paul II. He has argued for a decentralized, democratic church. (See review in this issue.) Collins said his critics in Rome are "a poor piece of work who have accused me of things that are absurd."

Collins has clashed openly with Archbishop George Pell of Melbourne, whose appointment by the Pope was criticized by Collins. Pell has criticized Collins' emphasis on the sacred nature of conscience and condemned "the erroneous notion of personal conscience as a major intellectual flaw." He added, "There is no such thing as primacy of conscience. Conscience cannot have the last word, because conscience is at the service of truth."

**Edinburgh:** Scottish Catholic traditionalists are fighting doggedly to preserve the nation's separate and publicly-funded Catholic school system, though there is evidence that many Catholics prefer nondenominational public schools. Scotland's Catholic

minority established a separate school system in 1872 because of Presbyterian domination of the public schools, where proselytism and anti-Catholic bias were rampant. They were privately funded. In 1918 the UK government allowed Catholics to send their education tax funds to the separate schools and also provided steadily more generous funding.

Many liberal Catholics would like to see all children in the now religiously neutral state system. But diehard conservatives are fighting this move. Their spokesperson, Patrick Reilly, argued that "the whole point of their separate existence, the sole justification for their being apart, is that they should and must be different. Never were our schools more vital to us, never more urgently needed than today, when the threat is no longer a rival form of Christianity, but a spirit of irreligion spawned by pagan consumerism. The moral terrain of our lives can be polluted too, for there can be a soiling of the soul as well as of the material world. Catholic education is a kind of spiritual environmentalism, a defence against a contamination of the spirit."

Critics would reply that this is precisely why religious education should not be funded by the public, who may not share these religious assumptions.

## Books

*Devolution and Choice in Education: The School, the State and the Market*, by Geoff Whitty, Sally Power and David Halpin, Open University Press, Buckingham, UK, 170 pp.

With pressure mounting by advocates of vouchers, charter schools and school privatization, this new book by three British educators is particularly important. They survey voucher, devolution, charter, and other privatization schemes in the US, the UK, Australia, New Zealand, and Sweden and find little to commend them. They find that benefits ascribed to privatization plans are attributable to "cream skimming," and conclude that school "choice," marketization, and privatization are "enhancing the advantages of the already advantaged at the expense of the least well off." They also conclude that choice and devolution policies "are doing little to alleviate existing inequalities in access and participation and, in many cases, may be exacerbating them." (This book may be ordered from the UK through the internet.)

— Edd Doerr

*Papal Power*, by Paul Collins, Harper Collins Fount Books, 228 pp., available from Amazon.uk.com for £9.99.

Paul Collins is a priest, historian and commentator for Australian television. His lively book, a bestseller down under and in the UK, calls for participatory democracy in the Catholic Church, decentralization and an uncompromising rejection of what he calls "the disease of papal absolutism."

He writes, "The Church has to move decisively away from an emphasis on the hierarchy and power, toward a more communal, even democratic model of the church." Collins argues that "the second millennium of Catholic history has been characterized by the evolution of an ideology of papal power that has increasingly centralized all authority in the pope and his curial bureaucracy. . . . The power of the pope, as presently constituted, is simply and totally unacceptable to the Orthodox, Anglican and Protestant churches." Furthermore, "the centralized and absolutist operation of Rome has brought modern Catholicism to a grinding halt."

His history is impeccable and his passion is admirable, making

this an engaging study. In light of Collins' impending troubles at the Vatican, one passage is almost prophetic. In writing about the Congregation for the Doctrine of the Faith — the old Holy Office which is now investigating him — Collins observed, "The Holy Office may have changed its name, but the ideology underpinning it has survived. It has certainly not changed its activities. It still accepts anonymous accusations, hardly ever deals directly with the person accused, demands restrictions, and imposes silences, and continues to employ third-rate theologians as its assessors. This body has no place in the contemporary church. It is irreformable and therefore should be abolished."

Collins is a gadfly and perhaps a prophet, calling his church's leaders back to earlier and more historically accurate models of church leadership and governance. He stands in a long line of critics like Alfred Loisy and George Tyrell.

— Al Menendez

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