



# VOICE OF REASON

The Newsletter of Americans for Religious Liberty

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## House Chaplaincy Dispute Ends With a Whimper

The protracted conflict over the appointment of a U.S. House chaplain began with a bang last Thanksgiving but ended with a whimper at the end of March. House Speaker Dennis Hastert stunned his colleagues by announcing that he had appointed a Chicago Catholic priest, the Reverend Daniel Coughlin, to be the lower chamber's 59<sup>th</sup> chaplain and its first Catholic.

Hastert claimed that the previous nominee, Presbyterian minister Charles Wright, had asked to have his name withdrawn, though *Roll Call*, a House newspaper, reported that Wright had no such intention but was essentially forced out. The Republican leadership had mishandled the nomination from day one, after Hastert and Dick Armey refused to nominate the Rev. Timothy O'Brien, also a Catholic, even though O'Brien had been the first choice of an 18-member House panel that spent months interviewing prospective applicants.

Just before the surprise announcement, a group of 40 Catholic Republicans asked for a meeting with the Speaker and informed him in blunt terms that their constituents were furious about the manner in which Wright, the third choice of the bipartisan committee, had been selected. Many indicated that the GOP control of the House could be lost in November because of voter backlash on this issue. Front-page stories in Detroit, Boston, Chicago and Milwaukee newspapers confirmed that Republican hopes were fading, especially in heavily Catholic congressional districts in the North.

The nastiness intensified when Republican whip Tom Delay of Texas told an ABC television audience that Democratic minority leader Dick Gephardt had voted for Wright over O'Brien last fall, which Gephardt denounced politely as a "misrepresentation" of his actions. It was, in fact, an outright lie, according to House insiders.

The GOP leadership needed desperately to extricate itself from the embarrassment and potential political fallout, and Hastert apparently sought help from Chicago's Cardinal Francis George, who supplied him with a list of potential Catholic clergy.

Hastert's surprise selection of Coughlin, who has been a counselor and a seminary professor, may not cool the controversy completely. House Democrats were said to be "seething with resentment" over the entire process, including its finale, though most were happy that one of the last remaining religious monopolies in the U.S. had been ended.

The selection of the first Catholic chaplain has still failed to soften the feelings of Democrats and search committee members. Rep. Earl Pomeroy, Democrat of North Dakota, has introduced legislation requiring unanimous approval of future chaplains by the speaker and by the majority and minority leaders. Many other House members think the rancorous dispute suggests that paid chaplaincies should be abolished.

Coughlin got off to a rocky start when Republicans attempted

to politicize the appointment by scheduling a public Mass and reception on Capitol Hill. The public worship service was sponsored by the Republican National Committee (RNC), and Democrats complained that they were not invited. A spokesperson for the RNC admitted that only members of its Catholic Task Force and three Catholic Republican senators received personal invitations.

The new House chaplain will receive a raise under the pay raise scheme approved recently. His salary is \$138,900. The chaplain is considered an officer of the clerk of the House, and his secretarial and travel expenses are assigned to that office. The outgoing chaplain, Dr. Ford, took 29 foreign trips during his last six years in office, courtesy of U.S. taxpayers.

## Evangelical Chaplains Charge Navy Bias

Eleven evangelical chaplains filed suit in U.S. District Court in Washington in April, alleging that the US Navy discriminates against them on religious grounds. This lawsuit, the third one filed against the Navy since October 1999, charges that religious questions for promotions and career opportunities exist in the Navy and that evangelical "low church" chaplains are not advanced in proportion to their numbers. So-called "high church" chaplains, those representing the Lutheran, Episcopalian or Roman Catholic traditions, are said to garner the highest number of chaplaincy positions, especially at the highest level. Three of the last four chiefs of chaplains have been Lutherans.

The Navy chaplaincy command refused to respond to the charges but a spokesman, Commander Frank Thorpe, dismissed them, saying, "The Navy prides itself on promoting freedom of religion as well as practicing it." Lynette Williams, spokesperson for the Navy personnel office, also disputed the allegations. "Promotion is based on the best qualified person standard for all selections, and chaplains are no different," she said. *continued on page 5*

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# The Case Against Charitable Choice

by Elena Matsui and Joseph Chuman

*"Charitable Choice" is one of the issues in the presidential election upon which there is supposedly agreement. Since Congress passed, and President Clinton signed, the 1996 Welfare Reform Act including charitable choice provisions, the concept is engraved in law. It is also endorsed by both Vice President Al Gore and Governor George W. Bush, the presumptive nominees of the Democratic and Republican parties. But is it really such a good idea?*

*Ethicist and church-state scholar Paul Simmons doesn't think so. He observes, "Those who advocate public support for clergy or religious enterprises have not come to terms with the corrupting and enervating effect of governmental protectionism. Efforts to protect lead to the corruption and weakening of religion by the civil powers."*

*Marci A. Hamilton, professor of law at Yeshiva University's Cardozo School of Law, also warns, "The next major church-state issue to become a source of conflict will likely be social service contracts based on the charitable choice provision of the welfare reform act. The potential constitutional problems have hardly been evaluated. When religions step into the shoes of government, the civil rights of those receiving the funds become an issue. In order for the transmission of funds to be constitutional, the government will be required to place limits on how the funds are administered, including limitations on proselytization. Such limits, though, invite free exercise challenges from the churches. Government funding in any category implicating First Amendment values invites discord and litigation."*

*In the following article, Elena Matsui, a student at Teaneck High School (New Jersey) and Joseph Chuman, leader of the Ethical Culture Society of Bergen County (New Jersey) state the case against charitable choice in a coherent and illuminating manner. Originally appearing in the Bergen Record, it is reprinted with the permission of the authors.*

It will turn religion against religion. It will make religion a servant of the state. It will let our government play favorites among believers, and it will destroy the separation of church and state as we have known it.

A scenario concocted out of the Middle Ages? A nefarious plot by satanic evildoers? No, it's with us here and now! Its a centerpiece of George W. Bush's presidential campaign, and Al Gore has signed on as well. It's called Charitable Choice, and it's a very dangerous idea.

What is Charitable Choice, and why should every American who cherishes religious freedom be alarmed?

The Welfare Act of 1996 replaced the old Aid to Families With Dependent Children program, a federal entitlement, with block grants to be distributed by the states.

Charitable Choice is a provision of the new law allowing the government to contract with faith-based agencies serving single mothers with dependent children.

Since then, Sen. John Ashcroft, R-Missouri, has introduced legislation to expand Charitable Choice to every current and future health and social-service program that has received federal funds, including drug treatment, homeless programs, senior programs, housing, juvenile services, substance-abuse treatment and prevention, and abstinence education.

The aim of Charitable Choice is to divest the state of its social responsibilities and enable the churches to become, in effect, administrative arms of government programs.

Charitable Choice has become George W. Bush's signature campaign issue in his effort to portray himself as a "compassionate conservative." Al Gore, striving to outdo Bush as a friend of religion, also invokes Charitable Choice in glowing terms.

But any true friend of religion would be very wary of Charitable Choice for the threats it augurs for religious freedom. Scores of national religious organizations and hundreds of religious leaders across the religious spectrum, from conservative to liberal, have signed on against Charitable Choice.

Among them are the Baptist Joint Committee, representing 11 Baptist bodies, the Presbyterian Church USA, the American Jewish Committee, the Church of the Brethren, the Conference of Seventh-Day Adventists, various Catholic organizations, the Friends, and the Unitarian Universalist Association.

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Editor: Edd Doerr

Associate Editor: Albert J. Menendez

Canadian Correspondent: John Clubine

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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# Enrollment Trends Show No Exodus to Private Schools

Private school enrollment remains about 11% of the total school population of 51 million, according to several recent compilations from a variety of sources.

The US Department of Education's National Center for Education statistics showed that 5,783,000 out of 51,413,000 students, or 11.2% of the total, attended private schools during the 1996-97 school year, the most recent for which data are available. Catholic schools apparently enroll fewer than half of the nonpublic sector. Official sources at the National Catholic Educational Association showed the total Catholic school enrollment for the 1998-99 academic year was 2,648,844. This repre-

sents a small decline from a decade ago. Little else has changed. About one-quarter (24.7%) of Catholic school students belong to minority groups and 13.6% are not Catholic.

Another valuable source for private school data is the International Data Group Company, which produces the Places Rated Almanac. The 2000 edition of this guide to 354 metropolitan areas in the United States shows that Protestant and secular private schools are on the rise in the South and in California. Catholic school enrollment is highest in the Midwest and the Northeast (see tables).

**Table 1**  
Top 20 Metro Areas – Protestant and Secular Private Schools

Rank	City	%
1	Yolo, CA	14.1
2	Clarksville, TN	12.0
3	Asheville, NC	11.5
4	Florence, SC	10.7
5	Honolulu, HI	9.5
6	Macon, GA	9.2
7	Charlottesville, VA	9.0
8	Savannah, GA	9.0
9	Santa Cruz, CA	8.0
10	San Francisco, CA	7.9
11	Bellingham, WA	7.9
12	Stamford, CT	7.4
13	Athens, OH	7.3
14	Greeley, CO	7.3
15	Sumter, SC	7.1
16	Albany, GA	6.9
17	Sheboygan, WI	6.8
18	Tallahassee, FL	6.7
19	Orange, CA*	6.5
20	Baton Rouge, LA	6.4

The percentage represents the percent of the entire school population which attends these schools.

\*County data

**Table 2**  
Top Twenty Metro Areas for Catholic Schools

Rank	City	%
1	Dubuque, IA	33.1
2	New Orleans, LA	18.5
3	Jersey City, NJ	18.4
4	Erie, PA	17.5
5	Cincinnati, OH	16.3
6	Philadelphia, PA	16.2
7	Owensboro, KY	16.0
8	Toledo, OH	15.0
9	Johnstown, PA	14.4
10	South Bend, IN	14.4
11	Bergen-Passaic, NJ*	14.4
12	Cleveland, OH	13.8
13	San Francisco, CA	13.2
14	Wausau, WI	13.2
15	Wilmington, DE	13.2
16	Omaha, NE	13.0
17	Green Bay, WI	13.0
18	Waterloo, IA	12.9
19	Springfield, IL	12.9
20	Buffalo, NY	12.7

\*County data

## Religion and Education Take Center Stage

Controversies surrounding the role of religion in public school activities and curricula seem to be accelerating throughout the country.

- A federal district court judge ordered plaques depicting the Ten Commandments to be removed from classrooms and courthouses in three Kentucky counties, Harlan, Pulaski and McCreary. The plaques had remained in place for twenty years, despite a 1980 U.S. Supreme Court ruling in *Stone v. Graham* declaring such state sponsorship unconstitutional. The General Assembly tried to sidestep the rulings by passing legislation allowing the depiction of the Ten Commandments as part of "historical displays" which include secular documents.

- In Indiana legislation passed that would allow the erection of a huge monument of the Commandments on the south

lawn of the state capital building in Indianapolis. The Indiana Civil Liberties union is filing suit to stop the display, saying, "The government should not decide which faiths or faith traditions are valid and which are not."

- The Oklahoma House of Representatives passed legislation in April requiring public schools to teach that "human life was created by one god of the universe" in all biology classes. Textbooks must also include a disclaimer that "evolution is a controversial theory."

- The Wisconsin Department of Public Instruction reported that seven tax-aided private religious schools violated the state voucher law by imposing unlawful admission requirements and charging illegal fees. Pressure to attend religious activities and

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# Bible Studies in Public School: Danger Ahead

A report recently released by People for the American Way, "The Good Book Taught Wrong: Bible History Classes in Florida's Public Schools," reveals the dangers inherent in Bible study courses in the public education curriculum. The report examined the so-called "Bible History" courses taught in 14 Florida counties. Since the program's 1996 inception, 2,564 students have enrolled in the two courses, one devoted to the "Old Testament," the other to the "New Testament."

The program proved to be controversial in Lee County (Fort Myers), so much so that parents, aided by Florida ACLU and the PFAW Foundation, challenged the curriculum in federal court. In 1998 the court, for the Middle District of Florida, ordered that the New Testament course could no longer be taught but that the Old Testament course could be taught with strict monitoring. The court found that the courses were suffused with nonscholarly interpretations, and a fundamentalist Protestant view of the Bible. Subsequently, the school board dropped the curricula and substituted a more neutral, academically respectable course study that avoided sectarianism.

PFAW resolved to study the implementation of the two-semester-long Bible History courses in the 14 counties which had implemented them. The Florida Department of Education adopted a short course description but left the final development up to local school districts. (Florida has 67 school districts, one for each county).

The PFAW examination concluded that the state's hands-off approach "has turned out to be a recipe for disaster." The report offers this sobering analysis, "The school districts teaching the Bible History courses are, with minor exceptions, doing so in a manner that violates the Constitution and the rights of their citizens. This conduct also deprives their students of sound academic instruction about the Bible, including instruction that would expose them to more than one particular sectarian view." The report urges the State Department of Education to remove the Bible History courses "as currently configured" from the state's schools.

PFAW's investigators found five serious flaws in the programs. They are:

1. The courses are framed and taught from Christian perspectives.
2. The Bible is used as a history textbook.
3. Students are assumed to be Christian and the Bible is taught accordingly.
4. The Bible is used to promote Christian faith formation and religious values and lessons.
5. Sunday-school and other religious training exercises are used to indoctrinate students in Bible content.

Some of the findings were truly stunning. The courses use only the Protestant Bible, which includes 66 books instead of the 73 found in Catholic Bibles. The numbering of the Ten Commandments is the Protestant version, and the order of the books in the Old Testament is the Protestant numbering. The "Hebrew Bible," the term preferred by members of the Jewish faith, is ignored since it arranges the books in a different order and treats the Ten Commandments in a way quite different from that of the Protestant versions. The "Old Testament" is taught also solely as a prediction of the "New Testament," where events are interpreted as fulfillments of prophecies embedded in the

Old. The beliefs endorsed represent Protestant interpretations of Biblical events, which fails to meet objective standards of analysis. The Catholic versions of the Old Testament are labeled "apocryphal" and the King James Version, from early 17<sup>th</sup> century England, is cited as the only preferred translation.

Students are required to memorize large portions of the Bible, something more suited to Sunday School devotions than to academic study. The Bible is also treated as historical fact in all aspects, a view held by only a minority of Christians and Jews. Secondary resources "are not standard academic texts published for public school use but rather products of religious publishing houses," says the PFAW report.

We endorse the report's conclusions and urge the state of Florida to remove this unbalanced and academically suspect curriculum from use in any of the state's school districts.

But this report points to a larger problem. Many states are experimenting with similar proposals, most of them promoted by religious special interest groups on the far right of the religious and political spectrum. Groups pleading for more "moral education" frequently have a hidden agenda.

These groups often want their versions of religious truth taught in public schools, which are and must remain religiously neutral and academically responsible. School boards all over the United States are under tremendous pressure to accede to demands for more "religion" in the classrooms. Educators and the general public should remain wary of these efforts.

Religious studies in public school curricula must be appropriate, objective and taught with a proper respect for the canons of academic integrity. They must also respect the religious liberty of their diverse student bodies. If these criteria cannot be met, religious courses should not be available in public schools but should remain in the province of the churches and synagogues, and in the confines of the family.

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## Religion and Education, *continued from page 3*

admission based on religion were cited.

- The imposition of sectarian standards on faculty in religious schools continues to reveal wide differences between nonpublic and public school policies. A Toledo, Ohio Catholic school fired a popular second-grade teacher in 1996 because she gave birth to a child five months after her marriage, thereby violating church laws forbidding fornication. She filed suit in 1997, claiming job discrimination. A Sixth Circuit Court of Appeals ruling in *Cline v. Catholic Diocese of Toledo* has sent the case back to the federal district level, where Mrs. Cline had lost two years ago.

In Anderson, South Carolina a private Baptist school, Oakwood Christian School, announced that faculty members who seek a divorce, date after being divorced, seek to remarry or marry a divorced person will be fired. The new rules are now part of annual employment contracts.

- Home schooling includes 1.3 million to 1.7 million students, or about 3% of all American school children, according to data released by the National Home Education Research Institute in Salem, Oregon. The option is growing fast and is popular at military installations. Charter schools educate 430,000 children, says the *National Charter School Directory 2000*.

# Colorado Says No to Partial Birth Ban

Colorado voters in 1998 joined Washington and Maine in rejecting via referendum an attempt to outlaw certain late term abortion procedures. By a vote of 655,723 to 617,977, or by 51.5% to 48.5%, voters turned down Amendment 11.

While there were deep divisions along political, cultural and religious lines, the size of community was relatively unimportant. Voters in rural and small town areas voted 52.6% pro-choice (No on 11) and metropolitan areas voted 51.3% pro-choice. The cities of Denver and Boulder provided a 69,000 vote victory margin for the pro-choice side. The Denver suburbs were almost evenly split, with a small anti-choice margin coming from high income, Republican Douglas County, where 55% of voters backed the ban. The evangelical bastion of Colorado Springs (El Paso County) voted nearly 60% anti-choice and gave abortion foes a margin of 24,000 votes. The anti-choice side was joined by usually liberal and Democratic Pueblo, which also voted 60% anti-choice.

Politics and lifestyle were strong predictors of voting behavior on this issue. Strongly Democratic and Perot-supporting counties voted 60% pro-choice, but Republican strongholds gave only 42% to the pro-choice side. The best-educated and high-income

areas were 54% pro-choice compared to 44% pro-choice in lower income communities. College towns were 59% pro-choice, and the secular, high-income ski resorts were 68% pro-choice.

Hispanic rural areas were on the conservative side of this issue with a 57% anti-choice vote as were evangelical Protestant and German ancestry rural areas, which voted 54% anti-choice. The strongest anti-abortion vote, 61%, came in Washington County in the rural northeastern part of the state, where 60% of voters are Methodist, Lutheran or Presbyterian. And while a majority of Hispanic Catholics in the state's southwest voted anti-choice, heavily Catholic but non-Hispanic Lake County voted 61% pro-choice.

The strongest pro-choice votes came from the liberal ski resorts in Pitkin and San Miguel counties, which include Aspen and Telluride. Nearly 80% voted pro-choice in these communities, but fewer than half of registered voters cast ballots in the liberal counties, compared to 56% statewide. The pro-choice margin might have been higher if the turnout had been stronger in pro-choice counties, as was true in Maine. In La Plata County, for example, where Fort Lewis College is located, 65% voted pro-choice, but only 35% of the electorate voted.

## The Colorado Abortion Referendum of 1998 -- Statewide Pro-Choice % - 51.5 (pro-choice percentages in parentheses)

Pro-Choice	Mixed	Anti-Choice
Ski Resorts (68)	Denver Suburbs (49)	Pueblo (40)
Boulder (65)		Colorado Springs (41)
Denver (62)		Republicans (42)
Democrats (60)		Rural Hispanic (43)
Perot Voters (60)		Low Income/Education (44)
College Towns (59)		Evangelical (46)
High Income/Education (54)		German Ancestry (46)

Editorial Note: These detailed election returns just became available to researchers and journalists.

## Navy Chaplains, *continued from page 1*

mander Thorpe added, "The Navy chaplains from more than 110 faith groups provide spiritual leadership to our sailors in a free and open fashion." He also said that a chaplain's denominational affiliation is not a factor in making promotions.

Still, the plaintiffs say that 34% of the 871 chaplains belong to mainline Protestant denominations, while only 9% of sailors do so. The majority of senior chaplains are "high church" mainline Protestants or Catholics, according to the plaintiffs. They charge that evangelical sailors do not receive adequate attention or the kind of worship experience they prefer.

The plaintiff attorney, Arthur Schulz, said, "We're attacking a system that's gotten corrupt. The guy who gets ultimately short-changed is the sailor, who can't freely exercise his religion." A 1997 internal inquiry found that the chaplain promotion board "may have systematically applied a denominational quota system." A 1995 report on the Marine Corps chaplaincy found that only 14 of the 119 top leadership posts were held by evangelicals.

The "high church versus low church" terminology is a first, say legal scholars. The plaintiffs' suit, which charges the existence of "illegal religious quotas," also alleges that there exists "a pervasive climate of bias, animosity and deceit toward non-liturgical Christian Navy chaplains."

These terms generally refer to the type of worship services and theological emphases within Christianity. The "low church tradition," which includes Baptists, Pentecostals and most evangelicals, emphasizes preaching, simplicity, and an emotional rather than intellectual orientation, as well as generally non-hierarchical governing structures. The "high church tradition" values liturgy, sacramental rites, formal worship based on historical patterns and a more intellectual, objective approach to religious doctrines. Most "high church" adherents belong to churches with more hierarchical, centralized structures of church administration and governance.

Since the U.S. armed forces became voluntary in the 1970s, they have attracted a large number of inner-city and rural recruits, who tend to belong to evangelical churches. Their dominance in the military at the lower levels may be one factor why resentments are directed at the old-style holdover chaplains who represent the majority culture of another era.

A 1998 Armed Forces Religious Preference Report revealed that 24% of sailors and Marines are Catholic while 50% belong to evangelical Protestant groups. Smaller numbers belong to mainline Protestant churches, and less than 1% are Jewish or Muslim. Almost 20% cite no religious affiliation.

The charges are regarded as serious by military and legal observers and show the escalating factor of religious rivalry just beneath the surface of U.S. public life.

## Charitable Choice, *continued from page 2*

We strongly oppose Charitable Choice for many reasons. The most important embraces matters of high principle and our passionate commitment to both religious freedom and the preservation of the secular state.

We ask that the thoughtful reader consider the following consequences of Charitable Choice:

- **Proselytization will become rampant — at taxpayer expense.**

Today, religiously affiliated service providers, such as Catholic Charities, receive significant federal funding. Yet these groups have independent boards, deliver services in primarily non-religious settings, and minimize the religious component of the service to allow all to feel comfortable. Their function is understood as primarily charitable and not sectarian.

Charitable Choice would tear down these safeguards. Money will be given directly to churches, and services can be dispensed in sanctuaries with religious iconography and symbols defining the environment.

Although Charitable Choice bars federal funds to groups that are “pervasively sectarian” and specifies that money not be used for “sectarian worship, instruction, or proselytization,” this buffer is implausible.

Charitable Choice, at its core, emerged from the very notion that faith-based services are allegedly more effective than secular ones.

While Charitable Choice bars federal money to be spent on proselytizing, nothing in the law prohibits proselytizing with materials that have already been paid for.

Imagine having to watch a missionizing video on the tenets of a faith in which you do not believe accompanying your stay in a shelter or soup kitchen, or before you receive assistance for your needy child.

Imagine the Christian Identity Movement preaching to blacks or Jews their messages of racist hate as an implied condition of receiving help.

No human being should ever be placed in the demeaning position of having to compromise his or her religious conscience in the face of neediness and dependence on others.

Moreover, who is to decide which religions are “pervasively sectarian” and which are not? This ugly conundrum will engender endless litigation. It will coerce the courts to tread where they have wisely resisted going — right to the heart of religious doctrine.

The judiciary will be forced to pass theological judgment and draw distinctions between one religion and another to determine which is government certifiable and which is not. Are courts competent to do this? Is this what we want?

- **Church will be set against church.**

Money corrupts. And lots of money corrupts even more. Charitable Choice will have houses of worship competing against each other for bountiful government contracts. Some will be selected by government and others will lose out.

Churches will divert their energy and focus from their primary spiritual mission as financial concerns occupy more of the agenda.

- **Religion will become accountable to government.**

With funding comes oversight and control. Charitable Choice transforms churches into agents of the state, to which they will be accountable.

If government regulation is lax, it will invite the use of funds for narrowly sectarian purposes in support of the church.

If oversight is rigorous, churches will routinely have to explain and defend their fiscal policies to government agents. It is not hard to imagine government inspectors making surprise visits to churches and demanding to review their books.

It was this type of subordination of religion to the state that the framers of the constitution feared most when they crafted the religious freedom clause of the First Amendment.

- **Service workers will have no job protection.**

Under Charitable Choice churches can hire or fire service providers for reasons of their own, including religious reasons. If they so choose, faith groups can refuse to hire applicants who do not share their beliefs.

If religious doctrine prohibits drinking, dancing, divorce, or using birth control, employees can be summarily fired or doing so.

If a person has a religious conversion out of the religion of his or her employer, or dissents on a matter of belief, he or she can be dismissed.

Imagine, again, the employment practices of religious groups with bigoted messages, discriminating against others whom their religion counsels to hate — and all this at the expense of the taxpayer.

Under Charitable Choice, employees of churches that hire them will have no security, no federal protection nor redress.

- **Religious providers will set their own standards.**

Charitable Choice does not mandate educational, licensing, or certification criteria for treatment counselors. Churches are free to hire “experts” solely on their religious devotion and zeal.

Many will, regardless of the training needed to carry on the skilled work that providing such services often demands.

- **Religion’s prophetic voice will be muffled.**

We believe that religion plays its most important social role when it stands outside the precincts of secular power, and critiques the abuses of government from the plateau of higher moral ideals. Charitable Choice will function to domesticate religion and render it harmless.

It identifies religion with its service role, and conveniently overlooks its crucial role in demanding justice.

In short, will religion, dependent upon government funding, turn around to bite the hand that feeds it? We are afraid not, and the moral voice of religion at its best will grow silent.

We note that we live in a time of almost overwhelming religious resurgence. We are concerned that many people, anxious about our nation’s moral state, look upon religion as the unblemished source of moral values and social cohesion.

With a certain blindness setting in, they might conclude that whatever promotes religion must be good.

Our Founding Fathers knew otherwise. Experience had taught them that the entanglement of religion with the state inevitably oppresses religious freedom or elevates the power of the state to dangerous proportions.

Charitable Choice creates this fretful partnership more pervasively than any initiative of the past 50 years.

The late Supreme Court Justice Hugo Black, perhaps the greatest champion of religious freedom the American people have ever had, once said, “A union of government and religion tends to destroy government and degrade religion.” It is a message we forget at our peril.

# Update

## Ohio Charter Schools Expand

Ohio's charter school movement continues to expand despite serious problems and deficiencies revealed in many of them. The *Akron Beacon Journal* reported that 32 schools with 17,000 students are likely to be approved during the year 2000. Nearly half of them are operated by Akron businessman David Brennan and his White Hat Management Company. However, the state Department of Education forced the removal of the Brennan schools because of serious questions about their academic accountability and potential conflicts of interest. Brennan, the mastermind behind the Cleveland voucher program, insists that all schools should be profit-making institutions and run as businesses.

Ohio State Auditor Jim Petro cited IRS concerns that Brennan's firm "appeared to have too much influence over the charter school boards and that there were questionable contracts that appeared to benefit White Hat Management to the detriment of the nonprofit school."

Meanwhile, a Cleveland charter school, the International Preparatory School, faced eviction proceedings for failing to pay rent. It also faced closing because of fire-code violations. This apparently is not uncommon among many hastily developed charter schools.

These developments prompted a sharply critical editorial in the May-June, 2000 newsletter of the Ohio Association for Public Education and Religious Liberty. It stated:

"When charter, or 'community' schools as they are called in Ohio, were first proposed, we were told that these schools would be overseen by a group of interested citizens in their own communities. A group of people could come together with a common purpose and organize a school which would be operated and managed by those citizens.

"Each school would have its own unique characteristic. Schools could be organized to feature a specific kind of study or learning style. What has happened to that picture? Entrepreneurs, eager to get their hands on the money, have rented sub-standard facilities in which to house children. They have paid

instructors far less than professional educators earn. Some have even failed to make timely payments to the teacher retirement system for the benefit of their employees. Some have closed down schools and disappeared, leaving a trail of debt and disillusionment."

## Mormons Have It All

Utah's Supreme Court is now entirely controlled by Mormons, the state's dominant religion. For the first time since 1926, when the five justices were appointed by the governor rather than being elected, all are members of the Mormon Church. For the previous three-quarters of a century, an unwritten rule that at least one non-Mormon would sit on the high bench had been in effect. Now, the state's Republican Governor, Michael Leavitt, himself a Mormon, broke the traditional arrangement by appointing another Mormon Republican. The state's chief justice, Richard C. Howe, told the AP that he saw nothing wrong with an all-Mormon court. But Christopher Allen, president of the Utah Society of Separationists, argued that the 70% Mormon state had become "a solid theocracy."

## Maryland Approves Parochial Aid

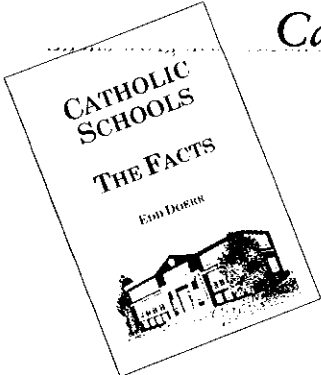
By narrow margins, both houses of the Maryland General Assembly approved the provision of \$6 million to buy textbooks for parochial and private schools. Maryland has consistently refused to provide public funds to church-run schools since voters expressed opposition to parochial aid in 1972 and 1974 referenda.

The state's Democratic governor, Parris Glendening, included the funds in his state budget, justifying it because the money is coming from a settlement with the tobacco industry. Church-state separationists see it as a wedge in the door, a program that is unlikely ever to be repealed and likely, instead, to be increased. A legal challenge on First Amendment grounds is being studied by civil liberties and public education groups.

*The Washington Post*, while expressing admiration for private inner-city schools, warned that the "state should not be even indirectly in the business of supporting particular religious views." The editors also observed, "The less a private school - or the parents whose children are enrolled there - have to set aside for books, the more they have available for other school purposes. Enormous amounts of effort have been expended over the years to compartmentalize public aid to private education in order that it not appear to be used for sectarian purposes that could create a possible problem under the First Amendment. But that's mostly a feel-good exercise. Aid is aid."

## Just Say No

The Indianapolis Baptist Temple, a fundamentalist congregation, has refused to pay Social Security, Medicare, and income taxes for its employees, and has declined to register with the IRS as a tax-exempt organization. The church's outspoken pastor, Greg Dixon Jr., says, "Government by nature is evil. Men by nature are evil." The IRS is seeking \$6 million in back taxes, and a federal district court supported the government's position in July 1999. The case is now before a federal appeals court in Chicago, where the IRS is expected to win. For years the U.S. Supreme Court has held that tax collection is not an excessive entanglement in religious affairs. In a 1982 case the High Court noted, "Religious belief in conflict with the payment of taxes affords no basis for resisting the tax."



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## RU-486 to be Restricted

Although the U.S. Food and Drug Administration is close to approving the French abortion pill RU-486 (mifepristone), it may impose restrictions so onerous that its use may hardly reduce surgical abortions. Reproductive rights experts believe that the FDA is more concerned about political pressures from the anti-choice lobby than about health risks. A final decision by the FDA is due by the end of September.

### 'See Change'

"See Change," the campaign to end the Catholic Church's unique status as a Non-Member State Permanent Observer at the UN General Assembly, led by Catholics for a Free Choice (CFFC) and supported by over 450 organizations worldwide (including Americans for Religious Liberty), is encountering stiffening opposition from a curious set of interests. At the UN's "Beijing Plus Five" conference in June in New York the Holy See (headquarters of the Catholic Church) teamed up with Poland and Nicaragua, whose governments are closely tied to church officials, and such conservative Muslim states as Iran, Iraq, Libya, Algeria, Pakistan, and Sudan to defend the right of

*Coming in the Next Issue:*

## A Complete Analysis of the Supreme Court's Church-State Rulings Announced in June

the Holy See to participate in UN debates. The link between these is their opposition to equal rights for women and serious efforts to deal with overpopulation.

Holy See spokesman Joaquin Navarro-Valls dubbed the campaign a "clumsy effort to silence the Catholic Church," a misrepresentation, as the goal of "See Change" is simply to have all religions equal at the UN. Vatican official Fr. Bernard Przewozny said that "See Change" supporters "want merely to eliminate the Vatican because it stands in the way of affirmation of pseudo moral values of liberty and self-determination."

## Republican Right Pressures Bush

Leaders of the Republican Party's religious right are openly lecturing prospective nominee George W. Bush on his vice-presidential selection. Abortion remains the contentious issue but other factors are cited. TV evangelist Pat Robertson, who recently had his preaching credentials restored, blasted Arizona Senator John McCain in a *Meet the Press* appearance in May. Robertson all but implied that McCain was mentally unstable. The outspoken leader of the Christian Coalition also said that most Christian conservatives would oppose the naming of a pro-choice running mate for the Texas governor. Colorado psychologist James Dobson issued one of his perennial warnings that the GOP would lose the White House unless it ran a "pro-life" team. "The base in the Republican Party is pro-life. You can't have it all and you can't win without the base," he said.

Bush has resisted efforts to dictate his choice but he did reiterate his support for retaining a sweeping condemnation of abortion in the Republican platform. And he indicated that Pennsylvania's moderately pro-choice governor, Tom Ridge, was still high on his list, prompting the conservative *National Review* to blast Ridge as "too liberal on any number of issues."

Anti-abortion activist Alan Keyes, who consistently received 5% to 10% of the Republican primary votes, said he might bolt to the Constitution Party if the GOP dilutes its anti-abortion stance. The party's probable candidate, Howard Phillips, said he would consider stepping aside for Keyes.

## Falwell Tries Again

After apparently disengaging from partisan politics for a few years, Virginia evangelist Jerry Falwell announced in April the formation of "People of Faith 2000," which intends to register 10 million new voters for the coming general elec-



tion. Falwell says the group would try to raise \$18.6 million for the registration effort linked to conservative Protestant churches. Falwell added, "I don't think religious conservatives have lost any of their power. I think they have lost their enthusiasm." The Republicans are expected to reap the bounty of the Falwell effort, though observers are skeptical that it will reach its goals.

## California Faces Voucher Referendum

If all requirements are met, California's private school lobby will succeed in placing a complicated voucher referendum on the ballot in the November election. The plan, which also includes an amendment to Article IX of the constitution, authorizes annual state payments of "at least \$4,000 per pupil for qualifying private and religious schools."

In a further attempt to appeal to certain kinds of fundamentalist academies, the proposal "restricts regulation of private schools" and "exempts private schools from designated Union Building Code requirements."

Calling vouchers "scholarships" in an attempt to curry favor with voters, the plan, concocted by a pressure group called "School Vouchers 2000," proposes the establishment of "scholarship-redeeming" schools. These schools may not discriminate "on the basis of race, ethnicity, color or national origin" but they may choose applicants on religious grounds. Schools which allow only members of certain religious groups on the faculty or in the student body are apparently eligible to participate in the plan. The vast majority of California private schools are in fact church-related.

The plan admits that it would cut funding drastically to public schools, resulting in, they say "a major rearrangement of the state's system of school finance." School Vouchers 2000, based in Redwood City, plans an aggressive campaign even though California voters have overwhelmingly rejected similar schemes in the past.



In the U.S. Congress Senators Rick Santorum (R-PA) and Bob Smith (R-NH) and Rep. Chris Smith (R-NJ) are pushing resolutions critical of "See Change," an effort backed by the Republican Party's Catholic Task Force, anxious to offset the Party's embarrassing flop over the House chaplaincy, George W. Bush's campaign visit to Bob Jones University, and the strong Catholic vote for the Clinton-Gore ticket in 1992 and 1996.

## The Courts Say . . .

### The Courts on Church and State

During the first quarter of 2000, the nation's courts rendered an unusual number of decisions in cases involving the relationships between church and state. Among them are the following:

- The Ninth U.S. Circuit Court of Appeals ruled that city governments may not deny municipal services to public events, even if they are organized for religious purposes. The panel's 2-1 decision overturned a lower federal court ruling holding that the city of Tucson, Arizona, was correct when it turned down a request for funds from its Civil Events Fund to pay for city services related to a local observance of the 1997 National Day of Prayer. The Arizona event called itself "an annual gathering of Tucson Christians," even though the National Prayer Day mandated by Congress is supposed to be open to all religions.

The city balked at paying for an exclusively sectarian event but the Ninth Circuit majority held free speech trumped church-state separation, saying in *Gentais v. City of Tucson* that the city's fund was "a limited public forum" and that "services are provided to all speakers in the forum on a religiously neutral basis."

Dissenting judge Harry Pregerson said bluntly, "Taxpayer funds may not be used to support a religious organization. The use of taxpayer money to pay a religious organization's bills is a blatant example of an Establishment Clause violation."

- The Sixth Circuit Court of Appeals ruled 2-1 that Ohio's state motto, "With God, All Things Are Possible," is unconstitutional. A lengthy decision, described by *New York Times* legal correspondent Jane Fritsch as "Thomas Aquinas takes the bar exam," held that the passage, attributed to Jesus in Matthew 19:26, "demonstrated a particular affinity toward Christianity in the eyes and ears of a reasonable observer."

The Court seemed to say that some vague religious references in a state motto might be acceptable. The state of Ohio plans to appeal the ruling to the U.S. Supreme Court. Ohio is the only state motto that contains a direct quotation from the Bible. Arizona authorities are worried that their state motto, "Ditat Deus" (God enriches) might face a similar legal challenge. The ACLU, which brought the Ohio case, is monitoring Arizona to see if a challenge is worth pursuing. The obscurity and Latin language of the Arizona slogan, however, may make a suit less likely, said ACLU state director Eleanor Eisenberg, though she added, "This is a diverse nation and our Constitution was set up to protect people from the tyranny of the majority."

Ohio's slogan, which also appears on the state seal in Columbus, was approved by the legislature in 1959 after it was suggested by a 12-year-old Cincinnati boy. Until then, Ohio was the only state without a motto.

- The U.S. Supreme Court let stand a Ninth Circuit appeals court ruling that a Southern California school district could constitutionally refuse to place the Ten Commandments on a high school baseball field fence.

That ruling in *DiLoreto v. Board of Education* last November said the baseball field was "a forum limited to certain subjects and not open for indiscriminate use by the general public." A

Downey, California, businessman, Edward DiLoreto, charged that his free speech rights had been violated when the school refused his request. The Ninth Circuit had previously ruled that the city of Phoenix did not have to accept political or religious ads on the outside of city buses, and the U.S. Supreme Court also chose not to review. The case began in 1995, and the Ninth Circuit ruling applies in eight western states.

### Political Church Loses Tax Exemption

The U.S. Court of Appeals in Washington, DC, upheld in May an IRS ruling stripping a New York church of its tax exemption for a blatant political ad that appeared in 1992.

The fundamentalist upstate New York church, the Church at Pierce Creek, openly opposed Bill Clinton's election in 1992 and proclaimed that "a vote for Clinton is a sin." The church purchased full-page ads in *USA Today* and the *Washington Times* in late October 1992, blasting the Democratic ticket for allegedly "violating Biblical precepts." The church, and its pastor Daniel J. Little, requested "tax-deductible donations for this advertisement."

The unanimous decision was written by James L. Buckley, a Reagan appointee and former Republican senator from New York (1971-1977). All three judges affirming the IRS decision are considered conservatives and were appointed by President Ronald Reagan.

The Church at Pierce Creek was represented by Jay Sekulow, chief counsel at Pat Robertson's American Center for Law and Justice.

Judge Buckley wrote that churches wishing to engage in direct political action had to establish a tax-exempt public advocacy arm that is legally separate from the church. No tax-exempt funds could be used in the process. The advocacy group could establish a PAC, similar in scope to other politically-involved committees set up for specific partisan activities.

Church-state observers believe that few if any U.S. churches would want to engage in this kind of long-term commitment to partisan political endeavors.

### Florida Vouchers Ruled Unconstitutional

In an immediate setback to Governor Jeb Bush's voucher scheme, Leon County Circuit Court Judge Ralph Smith ruled in March that "tax dollars may not be used to send the children of this state to private schools." The judge invoked the state constitutional amendment, passed by the voters in 1998, which required the state to provide a "high quality system of free public schools."

Florida's voucher system, now on hold until appeals reach the state supreme court, allows students in "failing" public schools to transfer to private religious or secular schools or to other public schools, receiving \$3,000 to \$4,000 per student per year to do so. Only 53 students had participated in the program's private school component, choosing Catholic schools in Pensacola, while 85 students transferred to higher-performing public schools.

Judge Smith allowed the 53 students to complete the school year, but his ruling nixes an expected expansion of the program to 60,000 pupils next year. Bush plans to appeal and may seek private donations to fund the program.

### Court Upholds Student-Mandated Prayer

The Eleventh Circuit Court of Appeals, based in Atlanta, voted 10-2 in March to uphold the Duval County (Florida) School District's policy of allowing high school seniors to vote on whether prayer should be included in commencement ad-

dresses. Duval's rule allows a two-minute message "without monitoring or review by school officials," which could include prayers or religious messages. Several students and parents challenged the policy as a violation of laws prohibiting state establishment of religion. The majority opinion written by Judge Stanley Marcus held that the policy was "neutral" and "allowed complete autonomy" to the students. The dissenting judges said the policy's "only credible purpose is to maximize the chance that prayer will continue to play a prominent role in Duval County graduations."

Lawyers for the families challenging the policy indicated that they would appeal to the U.S. Supreme Court.

## Prayer Allowed in Capitol Rotunda

Organized prayer is now allowed at the U.S. Capitol Rotunda, under a ruling by U.S. District Judge Paul L. Friedman. The April ruling came in response to a case brought by a Maryland evangelist, Pierre Bynam, leader of a group calling itself Capitol Hill Prayer Alert. The group prays for government and elected officials. The group began in 1996 but was ordered by the Capitol Police to cease its activities on November 3, 1996.

The group's attorneys, aided by the right-wing American Center for Law and Justice, contended that the First Amendment's free speech provisions had been violated by the Capitol Police action. Attorneys for the police contended that a 1946 law banning "parades, demonstrations or picketing within any of the Capitol buildings" required their move. There is a chapel in the Capitol for prayer and other religious activities.

Judge Friedman said the 1946 law was unconstitutionally vague and did not cover "quiet prayer." Government lawyers have not yet decided whether to appeal the decision.

Capitol Hill Prayer Alert is a conservative group. Its website encourages people to pray for "God's sudden intervention" to turn President Clinton and members of Congress against abortion and gay rights.

## Ohio Upholds Native American Religion

The Ohio Supreme Court ruled in May that the religious liberty rights of a Native American overruled the grooming code of the Ohio government. In so doing, Ohio's highest court asserted a stronger state right to religious free exercise than currently exists at the federal level.

In this case Wendell Humphrey, a state prison guard, refused to cut his hair in accordance with Native American spirituality, which mandates long hair except in times of mourning. The

state claimed that it had a compelling interest in maintaining uniformity among its employees. A trial court agreed with Humphrey but an appeals court sided with the state.

The state supreme court concluded that "the Ohio Constitution's free exercise protection is broader" than the federal Constitution's First Amendment as interpreted by a 1990 U.S. Supreme Court ruling, which substantially weakened the federal provisions.

Religious liberty scholars generally hailed the Ohio ruling, seeing it as further evidence that the U.S. Supreme Court erred in its 1990 ruling and again when it held unconstitutional the Religious Freedom Restoration act passed by Congress. The public interest law firm, the Becket Fund for Religious Liberty, supported Mr. Humphrey and argued that "the role of protecting religious liberty has fallen in large part to the states."

Carl Esbeck, director of the Center for Law and Religious Freedom, interpreted the decision as a victory for minority religious rights. He commented, "In the last two decades, more often than not the more marginalized religions have not done well, and that includes Native Americans, even at the Supreme Court. The mainstream religions have done better."

Ohio's 1803 Constitution is based partly on the religious freedom provisions of the 1787 Ordinance of the Northwest Territory. Many other states employ similar language guaranteeing freedom of conscience.

## International

**Athens:** The Greek government's decision to remove citizens' religious affiliation from identity cards required of all has provoked an outcry. Thousands of Greek Orthodox Church members marched through Athens on May 31 to protest the change. Some carried black banners reading "Orthodoxy or Death."

Archbishop Christodoulos, the church's patriarch, denounced the government and called for a national referendum, while claiming, "Orthodoxy defines the identity of every Greek." "We are displeased," he added, because "any violent change wounds our pride and individuality."

Previous confrontations with the church, which is established by law, over taxing church property led to government retreats and a clear victory for the church.

Human rights groups applauded the move, believing the removal of a religious identity question would safeguard the small minority of Muslims, Jews, Catholics and other non-Orthodox Christians in a land where 97% of the population is affiliated with Orthodoxy. Prime Minister Costas Simitis made it clear in parliament that he would not capitulate to church demands. Archbishop Christodoulos said the plan "is part of a group of measures aiming to diminish the impact of religion in our nation and to marginalize the role of the church."

**Jerusalem:** Legislation before the Knesset, Israel's parliament, could imprison women for up to seven years for the "crime" of praying or worshiping before the Western Wall, Judaism's holiest shrine. The bill passed its first reading and is seen as an attempt to overrule a Supreme Court decision opening the national place of pilgrimage to all. The Court gave the government six months to arrange for women to participate in services at the site, the last remnant of a temple destroyed by the Romans in 70 C.E.

The legislation was promoted by various ultra-Orthodox right-wing political parties, which serve in the coalition government of Prime Minister Ehud Barak. Women of the Wall, representing 110 women, conduct services at the shrine on the first day of each Jewish month, but many have been physically at-

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tacked and verbally abused by Orthodox male worshippers. Orthodox rabbis are planning to lobby the Court to review its verdict. Even the Barak government has called the court ruling "erroneous." One government minister, Michael Melchior, said the ruling "is against the basic primordial order of things and will bring violent confrontation instead of compromise."

**Madrid:** Spain's Catholic bishops caused controversy when they emerged as political players during the nation's political season. The hierarchy, in effect, endorsed the conservative Popular Party of Prime Minister Aznar. But neither Aznar nor his party wants their endorsement. The party newspaper denounced the bishops for violating the separation of church and state, which is now jealously guarded by the new political-constitutional order. Aznar also stated that his government had no intention of restricting abortion or returning formalized Catholic religious instruction to the country's public schools. At present, ethical or broad-based religious and philosophical studies are available in Spanish schools. Under the Franco regime, Catholic religious studies were mandatory. Since the rival Socialist party and most of the other center-left parties oppose clerical involvement in politics, the Spanish hierarchy has no options for their political agenda. According to the *Economist*, only one-third of Spaniards attend church regularly, even though 90% of the population, including the prime minister, call themselves Catholics.

**New Delhi:** Indian Christians, a small minority of the nearly one billion residents of an officially secular but still largely Hindu nation, are targets of proposed legislation requiring individuals to register a change of religion with local civil officials.

Two Indian states, Gujarat and Uttar Pradesh, are readying new legislation frankly aimed at preventing Hindus from converting to any other religion. Hindu legislators claim that all conversions are based on "force, allurements and enticement." A Gujarat government official said, "It is every Hindu's religious duty and responsibility to support the bill." In Uttar Pradesh another bill recently passed, the Religious Places and Buildings Regulation Act, prevents alterations to religious sites or the construction of new places of worship without government permission. A third state, Orissa, scene of the murder of Australian Christian missionaries in 1999, enacted legislation requiring individuals to obtain official permission from government officials if they wished to change their religion.

Christian leaders have appealed to the president, the prime minister and the supreme court of India, charging that the measures violate the freedom of religion guaranteed in Article 25 of India's constitution.

A spokesman for the Supreme Court, Ashok Arora, seemed to agree with the critics, saying, "India is a secular state, and it is an individual's fundamental right to practice and propagate the religion of his own choice. Any law that violates religious freedom has to be struck down as unconstitutional, as it spoils the constitutional structure. Even in cases of conversions, the authorities have no right to interfere."

**Rome:** The Vatican and the Italian government are caught up in a conflict surrounding an international gay and lesbian "World Pride" rally scheduled to convene in the Eternal City in early July. Vatican officials sought to block the event because 2000 is a "Jubilee or Holy" Year organized by Roman Catholics every 25 years or so. The year-long religious festival is bringing millions of pilgrims to Rome's religious sites. Vatican officials have called Rome a "Holy City" and want the gays to go elsewhere. City officials have pledged \$150,000 to help pay for municipal expenses during the gay pride events. Cardinal Angelo Soldano, the Vatican Secretary of State, sniffed, "The authorities know that Rome is a Holy City." Italy's Jewish

community has defended the gay community in order to express solidarity with those who were sent to the death camps by the Nazis.

## Books

*Pius XII and the Second World War*, by Pierre Blet, Paulist Press, 304 pp., \$29.95.

This book apparently represents the Vatican's best response, or attempted response, to charges leveled by John Cornwell's book, *Hitler's Pope* (reviewed in *Voice of Reason* #69). As such it doesn't quite answer the serious critiques and historical judgments rendered by Cornwell and other previous historians. What Blet, a French Jesuit historian and Vatican apologist, has done in this volume is to showcase official Vatican documents relative to the tragic events in Europe during the Second World War. While a useful addition to the bookshelf of that period, it fails to answer many of the underlying questions about papal objectives, activities and inactivities.

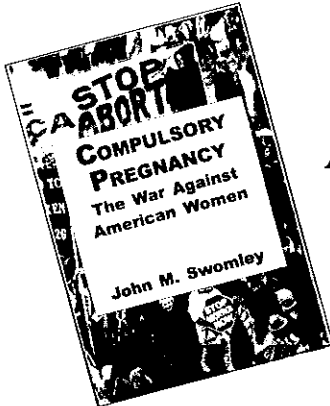
Readers will never know whether all relevant Vatican documents have been translated and included in this volume. Blet believes the Vatican's role was prudential and praiseworthy, writing, "It must be admitted that the Jewish leaders recognized the pope's efforts on behalf of their persecuted communities, and that despite repeated failures and limited results, the Holy See's actions were not completely in vain."

While this book is worth reading in the context of the era, it is by no means the last word, or even the most believable one, on the subject.

— Al Menendez

*Between Church and State: Religion and Public Education in a Multicultural America*, by James W. Fraser, St. Martin's Press, 278 pp., \$24.95.

Fraser's brief but factual overview of the many roles played by religion in public education works better as history than as analysis of the present complexity. He is right that "For all of the confusion sown by the Supreme Court's divided and seemingly contradictory opinions, the Court has been clear and consistent in ruling that the study of religion is acceptable in the



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schools." But he does not spell out how this can be accomplished in a soundly academic and religiously neutral manner. He overstates the case when he argues that "the growing secularization of the school curriculum is a result of a secular bias on the part of curriculum developers, fear of controversy over disputed issues, or a clear misreading of the laws and court rulings."

Fraser, a professor at Boston's Northeastern University, rightly condemns mandated school prayer as a "deeply troubling cultural imposition," and a "monocultural event in a multicultural nation."

The most noteworthy fact Fraser reveals is a careful retelling of the Blaine Amendment controversy in 1876. This simple prohibition on public funds for any religious school was turned into a Protestant culture war by the party's presidential candidate, Rutherford B. Hayes, who saw it as "a winning combination of anti-Catholicism and a pro-pan-Protestant public school ideology." A ban on parochial school aid might have passed Congress had not Hayes insisted that required daily exercise of Bible-reading and school prayer - from only Protestant sources - be part of the package. Hayes and his fellow Republicans, who won a disputed and probably stolen election, "sought to resurrect the overtly Protestant nature of the schools of an earlier era." Consequently, the disputes over parochial aid and public school religion festered for decades and further divided the parties along religious lines. A century later, these same unresolved conflicts remain.

- Al Menendez

*School Prayer and Discrimination: The Civil Rights of Religious Minorities and Dissenters*, by Frank S. Ravitch, Northeastern University Press, 273 pp., \$50.00.

This book takes a fresh look at an old problem. A University of Orlando law professor, Ravitch covers the familiar ground of U.S. Supreme Court rulings against government-sponsored devotions and discusses the powerful religious right movement that has surged up over the past quarter century to turn the church-state clock back to the bad old days of the Colonial period.

What is new is the author's in-depth examination of the harassment, persecution, and discrimination inflicted upon religious minorities and dissenters who dare to question government imposition of majoritarian religion in public schools. For every successful challenge to improper religious intrusions there remain numerous other First Amendment violations that go uncontested because minorities and dissenters understandably fear the consequences of protest. Ravitch proposes continued resort to the courts for remedies. He also builds a case for carefully crafted congressional civil rights legislation to address the problem, which I fear is not politically feasible.

- Edd Doerr

*Christian America? What Evangelicals Really Want*, by Christian Smith, University of California Press, 257 pp., \$27.95.

University of North Carolina sociologist Smith has waded through veritable reams of recent survey data to construct an argument that evangelicals, or "Conservative Protestants," are much more diverse and complex in their views than is generally believed by most commentators in the media and elsewhere.

First, he admits the obvious, "This survey evidence suggests that ordinary conservative Protestants do tend to be significantly more supportive of some of the claims of the Christian Right than other Americans - often 20 to 40 percentage points more so." Furthermore, he says, "We see that conservative Protestants tend to be more religiously exclusivist, and perhaps more defensive and contentious than other Americans." This is especially true in questions pertaining to public schools. Conservative Protestants, he says, "do seem to feel threatened by homo-

sexuals, liberals, feminists and atheists." Evangelicals would not vote for a gay or atheist presidential candidate. In short, "Certain groups of conservative Protestants (but often not others) exhibit signs of religious exclusivism, moral imperialism and social intolerance. But in numerous other ways, they do not."

But Smith concludes that the *majority* of conservative Protestants "do not support the Religious Right and are not influenced by it when it comes to voting." In fact, he says that his interpretation of the available social science data leads him to believe that "the majority of conservative Protestants seem to emerge as supporters of pluralism, tolerance and human rights."

So, the Religious Right is really a minority of a minority, according to Smith. Conservative Protestants may not be "pacesetter advocates for multiculturalist diversity and tolerance," but neither are they "consistently or militantly exclusivist and intolerant." He concludes, "The statistics also show that large numbers of Conservative Protestants disagree among themselves over most of the questions."

Political analysts should find this book quite relevant to this election year and beyond.

- Al Menendez

*Prayers in the Precincts: The Christian Right in the 1998 Elections*, edited by John C. Green, Mark J. Rozel and Clyde Wilcox. Georgetown University Press, 312 pp., \$23.95.

Three of America's best-known political scientists have scored another triumph in this third of a series, devoted to the activities of the Religious Right in national elections. This volume on the 1998 results concludes emphatically, "Although the movement won several individual victories, overall the 1998 elections constituted a defeat for the Christian Right."

While elements of this sectarian movement may reject politics in favor of religious separatism, it is likely to remain a player in national and state politics. The authors suggest that while "the movement enthusiasm of the Christian Right may be fading . . . Christian conservatives will play an important role in politics for many years to come."

In addition to excellent summary chapters and overall interpretation of the data, the editors devote a chapter to case studies of Religious Right involvement in 14 states in 1998. The state chapters are mostly written by local experts.

- Al Menendez

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