



# VOICE OF REASON

The Newsletter of Americans for Religious Liberty 2001, No. 1

[74]

## Bush's Faith-Based Initiative Provokes Controversy

President George W. Bush unveiled the major social initiative of his administration, a major departure from the U.S. tradition of church-state separation, when he announced the foundation of a White House Office of Faith-Based and Community Initiatives. The new office, whose director, John J. DiIulio, reports directly to the president, is charged with encouraging new partnerships between religious social welfare agencies and the federal government.

The new office will work closely with the new Corporation for National Service, presided over by former Indianapolis Mayor Stephen A. Goldsmith. These new offices will coordinate new government involvement with religious private charities with five Cabinet offices of the federal government (the Departments of Justice, Health and Human Services, Housing and Urban Development, Labor and Education).

But the new program provoked blistering criticism from several fronts. Church-state separationists, religious liberty advocates and some religious groups themselves expressed concern that the scheme will blur the line of separation between church and state, will result in religious discrimination in practice and

in hiring, and may compromise the integrity of the participating religious bodies themselves. Many of these groups, including Americans for Religious Liberty, sent a letter to President Bush outlining the concerns (see sidebar).

Critics cited religious liberty requirements that will surely affect the implementation of the program. Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, said that acceptance of federal funds might require that religious organizations alter their fundamental practices and beliefs. Rev. Wanda Henry, a Baptist Joint Committee official, warned, "Charitable choice threatens to make religion the servant of the state, rather than its conscience."

But the surprise criticisms from Religious Right zealots Jerry Falwell, Pat Robertson, and Richard Land, who complained that certain "undesirable" religions should not be eligible for government assistance, poisoned the debate. Stinging criticisms from Falwell and Robertson, and many ultraconservative Southern Baptists and evangelicals, caught the administration off guard. Falwell was especially harsh in his criticism of Muslims,

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## Catholic School Enrollment Edges Upward

After three decades of steady decline in enrollment, Catholic schools are experiencing a slight comeback. In the year 2000, there were 2,718,107 students in Catholic elementary and secondary schools compared to 2,714,697 in 1999. Compared to a decade ago, however, when there were 2,616,603 students in Catholic schools, America's largest private school network has gained about 100,000 students, an increase of 3.9%. As a percentage of all students, however, the Catholic sector has remained at about 5%.

During the decade of the 1990s, Catholic school enrollment increased in the Sunbelt and Western states, particularly in Florida, Georgia, North Carolina, Texas, Delaware and Oklahoma, despite relatively low Catholic populations. In the South Catholic school populations increased in every state but Mississippi. Gains were also recorded in Oregon, Washington and Utah. (Some observers have noted that Mormon domination of Utah's public schools has made Catholic schools popular among non-Mormons of many persuasions.)

Sharp declines in Catholic school enrollments were recorded in Illinois, Wisconsin and Michigan in the Great Lakes-Upper Midwest region, and in the old industrial Northeast states of New York, New Jersey and Pennsylvania. In New England enrollment in Catholic schools declined in four of the six states.

Catholic elementary and secondary school enrollment patterns may well reflect the changing migration and population

movements that define the United States today, and that will be reflected, for example, in congressional reapportionment, where the Sunbelt continues to expand at the expense of the Rust Belt. Catholic school enrollment has increased since 1990 in 31 states and declined in 19 states.

Some states have a much higher than expected percentage of their students enrolled in Catholic schools than would be expected from the Catholic percentage of the total population.

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saying, "The Muslim faith teaches hate. The Islam religion, wherever it has majority control, doesn't even allow people of other faiths to express themselves or to evangelize or to exist in their presence." Falwell's blatantly overgeneralized statement ignored the parliamentary democracy and moderate degree of religious liberty that does exist in some Muslim nations, such as Morocco, Turkey, Tunisia, and Egypt. (Even Iran guarantees seats for Christians, Jews and Zoroastrians in its parliament, and Christians are prominent in the governments of Iraq and Syria.)

John DiIulio fired back at Falwell and other critics on the right at the National Association of Evangelicals annual meeting in Dallas on March 7, saying, "Predominantly white, evangelical and parachurch leaders should be careful not to presume to speak for any persons other than themselves and their own churches." DiIulio also chided evangelical churches for doing relatively little to alleviate poverty and injustice in their communities, preferring to concentrate on proselytism and evangelism.

Even the program's intellectual godfather, University of Texas professor Marvin Olasky, has expressed second thoughts. Olasky believes government can fund even programs which proselytize, something that Congress will probably reject or send to the courts for constitutional review. Olasky commented, "If the federal government puts out the welcome mat for some religious groups and tells others to opt out, it is preferring one religious belief over another. This is exactly the type of religious discrimination that the First Amendment is designed to prevent."

Critics do worry that allowing religious groups to compete for funding of more than 100 programs in the federal agencies may result in preferential treatment for the "faith-based" ones.

The barrage of criticism has caused a delay in the implementation of the Bush program. DiIulio's deputy director, Don Eberly, told the *Washington Post* on March 12 that the proposal "may need to be corrected in some areas" and is being "postponed."

Some conservative supporters are now calling for a voucher plan, allowing individuals to purchase religious program options at taxpayer expense. The battle is likely to grow more intense.

January 30, 2001

Honorable George W. Bush  
President of the United States  
The White House  
Washington, DC

Dear President Bush:

In light of your announcements this week concerning the role of faith-based organizations in government programs, we the undersigned religious, civil rights, civil liberties and education organizations are writing to seek your assurance that you will not tolerate religious discrimination in any programs funded with taxpayer dollars. Specifically, we seek your commitment that your proposals will make clear that religious institutions that receive public funding cannot discriminate in employment based on an applicant's religion or religious beliefs in taxpayer funded positions.

Any federally funded religious discrimination is both unconstitutional and morally wrong. While houses of worship and certain religious institutions are granted an exemption to the prohibition on religious discrimination in Title VII of the Civil Rights Act, taxpayer-funded programs cannot – and should not – engage in discrimination against someone because of his/her religious beliefs.

As someone committed to uniting the American people, we expect that you will agree with us, and confirm your opposition to religious discrimination. It would be unconscionable that a want ad for government-supported social work could read, for example, "Catholics and Jews Need Not Apply."

Your faith-based proposals raise serious First Amendment Establishment Clause concerns, and we look forward to working with you to remedy any Constitutional defects. It is our hope that any final language will be constitutionally sound, and also free of any taxpayer-funded employment discrimination.

Sincerely,

Signed by Americans for Religious Liberty and other organizations.

*Voice of Reason* is the quarterly newsletter of Americans for Religious Liberty, P.O. Box 6656, Silver Spring, MD 20916. (Telephone 301/260-2988; fax 301-260-2989, e-mail: arlinc@erols.com) The newsletter is sent to all contributors to ARL.

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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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These states, including Delaware, Kentucky, Missouri, Indiana, Ohio and Maryland, tend to be in the Border state region or the lower North, where Northern and Southern cultural traditions have traditionally collided. Pennsylvania, Iowa, and Kansas also rank higher in Catholic school enrollment than would be predicted from church membership data. All of the states, plus Florida, have experienced conflicts over religious expression in the public schools in the past, which may have made the public system less than welcoming toward Catholics.

At the other extreme are a number of states where the Catholic school enrollment percentage is much lower than might be expected. All of the New England states, except Rhode Island,

rank a good deal higher in the Catholic share of the total population than the Catholic school share of the education market.

Several Western states, including New Mexico, North Dakota, Wyoming, California and Alaska rank higher in Catholic population than in Catholic school enrollment. So does Texas, where religious conflicts and antagonisms in public schools have increased during the past two decades. But Texas has a strong tradition of public education, symbolized by Friday night football games which involve and energize entire communities. In addition, Texas, New Mexico and California have larger Hispanic populations, and Latino communities have been less than enthusiastic supporters of parochial education than some other Catholic subgroups (the Germans and the Irish, for example).

## Students in Catholic Schools

State	2000	1990	% Change 1990-2000	State	2000	1990	% Change 1990-2000
Alabama	14,405	13,403	+7.5	New Jersey	148,433	157,430	-5.7
Alaska	1,095	917	+19.4	New Mexico	8,873	9,058	-2.0
Arizona	19,230	16,654	+15.5	New York	299,288	335,627	-10.8
Arkansas	8,670	7,033	+12.3	North Carolina	12,935	8,727	+48.2
California	254,005	245,546	+3.4	North Dakota	5,476	6,509	-15.9
Colorado	17,319	16,363	+5.8	Ohio	188,869	192,913	-2.1
Connecticut	49,147	49,783	-1.3	Oklahoma	9,933	7,764	+27.9
Delaware	15,560	12,630	+23.2	Oregon	14,953	11,185	+33.7
Florida	92,204	69,542	+32.6	Pennsylvania	227,115	265,890	-14.6
Georgia	16,004	11,559	+38.5	Rhode Island	18,965	19,504	-2.8
Hawaii	11,455	13,002	-11.9	South Carolina	7,919	6,254	+26.6
Idaho	3,194	2,217	+44.1	South Dakota	6,602	6,121	+7.9
Illinois	210,433	261,787	-19.6	Tennessee	15,413	13,340	+15.5
Indiana	61,850	55,556	+11.3	Texas	86,382	70,491	+22.5
Iowa	37,986	39,300	-3.3	Utah	4,918	3,638	+35.2
Kansas	29,140	25,524	+14.2	Vermont	3,406	3,151	+8.1
Kentucky	44,325	44,677	-0.8	Virginia	27,921	21,073	+32.5
Louisiana	98,564	98,419	+0.1	Washington	28,005	22,245	+25.9
Maine	5,134	5,295	-3.0	West Virginia	7,041	6,934	+1.5
Maryland*	69,549	67,147	+3.6	Wisconsin	78,622	88,906	-11.6
Massachusetts	82,761	92,445	-10.5	Wyoming	1,121	1,229	-8.8
Michigan	94,321	110,235	-14.4				
Minnesota	55,897	55,275	+1.1	Total	2,718,107	2,616,603	+3.9
Mississippi	10,244	10,274	-0.3				
Missouri	80,683	84,842	-4.9				
Montana	4,138	3,557	+16.3				
Nebraska	32,274	27,258	+18.4				
Nevada	5,189	4,615	+12.4				
New Hampshire	9,572	8,938	+7.1				

\*Including the District of Columbia, whose archdiocese includes a number of Maryland counties.

Source: Official Catholic Directory (2000); Quality Education Data (1990).

## Pew Poll on Religion: A Mixed Bag

Americans are generally supportive of church-state separation according to a new survey, "For Goodness Sake," sponsored by the Pew Charitable Trusts ([www.publicagenda.org](http://www.publicagenda.org)), but with interestingly diverse and not altogether consistent positions. The results were released in January.

Of the general public, 62% agree that "one of the most important reasons our political system is successful is the principle of separation of church and state": 87% of Jewish, 81% of "nonreligious," 72% of journalists, 63% of elected officials, and 53% of "Christian leaders" agree.

On "opening the door to more religious influence on such things as education and government," 54% of respondents agree that it is "realistic" to be concerned that "things could easily get out of hand and religious extremists would try to take over." At the same time, 70% indicate that they "want religion's influence on American society to grow," 6% would prefer it to weaken, 22% want it to "stay the same," 21% think it would be their own religion, while 76% think it "does not matter which religion it is."

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On public school prayer, 53% prefer a moment of silence to a "Christian prayer which refers to Jesus" (6%), or "a prayer that refers to God but no specific religion" (20%); 19% say "public schools should avoid all of these." Thus, 72% would oppose the kind of school prayer that the Religious Right would like to see installed in schools through a constitutional amendment. In the same poll, 56% agree that "school prayer is effective in improving the values of young people," yet 57% agree that school prayer is "unfair to parents who think they should decide what to teach about religion" and 52% agree that it "embarrasses and isolates students whose religion is different."

On bringing up one's religious beliefs at social occasions, 63% agree that they "should be brought up only with care" and 22% that it should be avoided if possible. In the workplace, 60% think they should be brought up only with care, and 30% not at all; 61% agree that "deeply religious people are being inconsiderate if they always bring up religion when they deal with other people."

On politics, 48% agree that "the nation needs more politicians with honesty and integrity [but not] who are religious," while 49% agree that "if more politicians were religious, they would be more likely to be honest and have integrity."

On the controversy over "charitable choice" legislation, using public funds to subsidize "faith-based" charities, 23% think it a good idea "only if these programs stay away from religious messages" (the Al Gore position), 44% approve "even if these programs promote religious messages" (the Bush-Ashcroft-Olasky position), and 31% say "it's a bad idea for government to be funding religious organizations" (the strict separationist position).

"Too many journalists," 56% agree, "have a built-in bias against religion and religious people," a view promoted by the Religious Right and with which 68% of Evangelicals agree in this poll. Yet 53% of Evangelicals, like 53% of other respondents, prefer moments of silence in school to vocal prayer. Nonetheless, Evangelicals are considerably more likely than Americans in general to say that politicians should base their votes on their religious beliefs on such issues as abortion rights, gay rights, and the death penalty.

While only 31% of respondents generally think that prejudice toward religious minorities would grow "if many more Americans were to become deeply religious," 54% of Jewish and 67% of nonreligious respondents think so.

The public agenda poll did not cover the controversies over abortion rights or school vouchers.

### ***ARL in Action***

ARL president John M. Swomley was honored with the Elliott-Black Award of the American Ethical Union in April for his decades of contributions to religious liberty, church-state separation, women's rights, civil liberties and peace.

ARL executive director Edd Doerr addressed student, Catholic, Jewish, Unitarian Universalist and Ethical Society audiences in Pennsylvania, Maryland, Virginia and DC.

ARL associate director Al Menendez did interviews with Religious News Service, the Associated Press, and newspapers in Pittsburgh and Omaha. His article, "Religion and the 107<sup>th</sup> Congress," appeared in the Winter 2000/2001 issue of *Conscience*, the quarterly news journal of Catholics for a Free Choice.

## **New Church Pressure Group Exposed**

Catholics for a Free Choice, the Washington-based research and advocacy organization, has released a report, "Bad Faith at the UN," which details the extremist activities of the Catholic Family and Human Rights Institute (CAFHRI).

CAFHRI was incorporated in Suffolk County, New York, in 1997 with the specific purpose of influencing the United Nations and other international organizations with respect to certain "human rights and family issues," albeit from a far-right Roman Catholic perspective. Moreover, CAFHRI has links to an older, militant anti-abortion group, Human Life International (HLI), launched in 1981. HLI claims 60 U.S. chapters and affiliates in 89 countries. HLI, now headquartered in Front Royal, Virginia, has long been controversial, says the report, for "extremist actions and statements, such as displaying fetuses in jars at anti-choice demonstrations and publicly accusing Jews of controlling the abortion rights movement." The report adds, "HLI works very closely with the Vatican and is called upon to participate in Vatican-sponsored conferences on reproduction and sexuality."

HLI has also been wracked by accusations of financial impropriety and frequent staff turnovers. It tried and failed to gain UN accreditation in the 1990s when its application as a non-governmental organization with consultative status with the Economic and Social Council was rejected.

This is where CAFHRI comes into the picture. Its status as a research and strategy group has given it some clout at the UN, though mostly in a negative way. The report, "Bad Faith at the UN," reports that "a key part of CAFHRI's mission is to work closely with the Holy See delegation at the UN." It has also "been instrumental in recruiting and training youth to attend UN conferences for the sole purpose of blocking constructive youth participation."

Although CAFHRI has annual income of less than \$150,000, it has a 501(c)(3) tax-exempt status and could attract more financial support with an aggressive fundraising program. Its president is David Austin Ruse, a 45-year-old bachelor from St. Charles, Missouri. Ruse, a 1978 graduate of the University of Missouri, is a Methodist convert to Catholicism. After his conversion Ruse chose the right wing of Catholicism, writing for such ultra-conservative publications as *The Wanderer*, *National Catholic Register* and *Catholic World Report*. He attends St. Agnes Church in New York City, a magnet for like-minded militants who prefer the Tridentine Latin Mass and right-wing politics. The Church of St. Agnes also houses members of the Holy See's UN mission.

According to the report, CAFHRI, which has applied for consultative status at the Economic and Social Council, engages in "disruptive tactics," "uses prayer as an intimidation tactic." Furthermore, it "has consistently shown itself to care little about the issue of human rights, but to be involved solely in single-issue opposition to safe and legal abortion and family planning."

The Catholics for a Free Choice analysis concludes that "CAFHRI is a disturbing phenomenon. Its values and the way in which it promotes them have a negative impact on international policy discourse." It also has "a warlike mindset which permeates its thinking and actions." While claiming to support UN social objectives, its leader, Austin Ruse, has accused the UN of being "an institution that is increasingly at the forefront of the attack on the family."

This chilling and well-documented study concludes: "This kind of thinking is not going to solve anything. What is essential, if the UN is going to succeed in crafting ethically sound international policy on sexual and reproductive health and rights, is the facilitation of respectful listening and the ability to negotiate differences. That is not possible if an atmosphere of a 'Holy War' is created. And creating such an atmosphere is CAFHRI's goal.

"The UN is an instrument of peace, not war. It is an institution dedicated to discourse, not demonizing. As frustrating as the process of negotiating documents is, the process encourages governments and civil society to go deeply into their differences and come to principled compromises. Such processes help

people and policies grow in wisdom. CAFHRI clearly does not share this vision of the UN.

"Religious groups have been active in the UN from its founding. For the most part they have participated in good faith and they have contributed much. They have respected the plural, secular and tolerant nature of the UN. It would be unfortunate if CAFHRI, which this report makes clear acts in bad faith, were allowed to continue its efforts to create a Holy War in the international institution most identified with peace."

("Bad Faith at the UN" is available from Catholics for a Free Choice, 1436 U Street, NW, Suite 301, Washington, DC 20009-3997.)

## ARL Brief Blasts Religious Preference

Americans for Religious Liberty has filed an *amicus* brief before the Supreme Court of the United States asking the nation's highest court to hear an appeal, i.e. grant a petition for writ of certiorari, in a case from Minnesota involving governmental aid and preference for Christian Science healing methods. The brief also includes the American Humanist Association, the Council for Secular Humanism and the American Ethical Union as co-petitioners.

The case, *Children's Healthcare is a Legal Duty, Inc. (CHILD) v. Min De Parle* was decided by the United States Court of Appeals for the Eighth Circuit. The Eighth Circuit upheld 1997 Medicare and Medicaid amendments that created and defined "religious nonmedical health care institutions" (RNHCI) as legitimate participants, eligible for public funds. Under these amendments, apparently all Christian Science-related "nursing homes and sanatoria," which provide no medical care whatsoever but rely on prayer and "mind-healing," may receive federal funds on the same basis as hospitals, nursing homes and other medically accredited institutions of healing. Congress exempted Christian Science sanatoria from medical eligibility and oversight requirements demanded from all other participants in the Medicare and Medicaid programs. A challenge to the program by CHILD, Inc. was defeated by the Eighth Circuit.

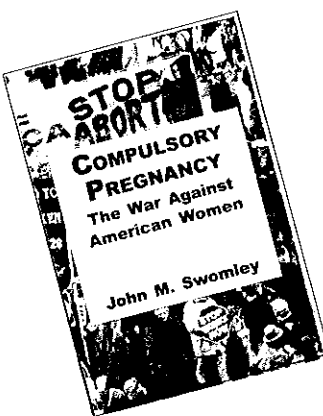
The ARL brief charges that the Eighth Circuit ruling "directly contradicts long-standing precedent" by ignoring extensive rulings concerning religious establishment and prohibition against denominational preference in governmental programs. The brief asserts that recognition of Christian Science health-care facilities "constitutes an establishment of religion in violation of the First Amendment." These federal requirements result in excessive government entanglement with religion, have a primary effect of advancing one particular brand of religion, and have no secular purpose.

The First Church of Christ, Scientist in Boston is a respondent in the case because the facilities receiving government support are exclusively under its control. In the previous cases, the Christian Science "Mother Church" was a defendant-intervenor.

The organization, CHILD, was founded by former Christian Scientist Rita Swan. Swan and Seth Asser, a pediatrician from San Antonio, Texas, recently published a documented study, "Child Fatalities from Religion-Motivated Medical Neglect," showing that 170 children died in the United States from 1975 to 1995 as a result of religious-induced medical neglect.

An important new book, Caroline Fraser's *God's Perfect Child: Living and Dying in the Christian Science Church* documents the political power of this internally troubled and declining religion. Despite its problems, the Christian Science Church has had the political clout to induce all 50 states into granting its members religious exemptions from criminal prosecution if their methods of mind-healing result in their children's deaths. Several are reconsidering these exemptions in light of a spate of court cases involving manslaughter charges against church members. But their surprising political power, backed by some religious conservatives, remains a factor in these highly-charged proceedings that involve life and death medical decisions as well as religious free exercise.

(As this issue was going to press, the U.S. Supreme Court on April 2 declined to hear the appeal. Another very similar case, *Kong v. McMullan*, is scheduled to be heard in federal district court in California in August.)



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## Editorials

### Bush Appeases Religious Right

From the morning of his inauguration, President George W. Bush has shown his preference for religious conservatism and for causes associated with the Protestant Right. Religious observances saturated the inaugural and preinaugural activities. Both preachers selected for the inaugural ceremonies, including the Reverend Billy Graham's son Franklin, chose to offer very specific Christian invocations. (Even Reverend Edward E. Plowman, a former *Christianity Today* editor and occasional contributor to the ultraconservative *World* magazine, called the prayers an "in your face" religious observance.)

Bush's trite inaugural address was written by chief speechwriter Michael Gerson, a 1986 graduate of Wheaton College, an evangelical bastion which bars Catholics and Jews from its faculty and board of trustees. Gerson has been described as "an evangelical prolife advocate" by fellow conservative Ed Plowman, who added, "Religious imagery and references were at the heart of Mr. Bush's inaugural address." Southern Baptist rightwinger Richard Land also praised Bush's remarks as "the most overtly religious speech in its tone of any inaugural address in living memory."

Bush then proclaimed the Sunday following his Saturday inauguration a day of prayer for the nation, which was celebrated at Washington's National Cathedral in a more ecumenical fashion, at least. (Previous inaugurations from Roosevelt through Carter included Catholics, Jews and Greek Orthodox dignitaries.) Bush attended an annual prayer breakfast sponsored by an evangelical group. His first thirty days also included a reinstatement of the gag rule affecting U.S. support for international family planning organizations that offer discussion of abortion alternatives. He reiterated his support for vouchers in his education proposals, and has established a White House office to promote tax support for "faith-based" charities.

This new "cozy relationship" between government and religion can and will probably lead to highly inappropriate and possibly unconstitutional ventures that will affect the relationships between religious groups and government bodies at all levels and could negatively impact interfaith relations and undermine the religious peace and harmony currently enjoyed in the United States. While this country has a good deal of resiliency and a historic system of checks and balances owing to the

separation of powers doctrine, it will take a reassertion of commitment to preserve the fundamental values of religious neutrality and separation of church and state. As Bette Davis observed in "All About Eve," "Fasten your seat belts. We're in for a bumpy ride."

### Religious Bias: The Achilles Heel?

If anyone in America speaks with the crude, vulgar sureties of religious bias, it is Jerry Falwell. The Lynchburg, Virginia, preacher and spokesman for the Religious Right is at it again. This time he has said openly that certain religious groups – Muslims, Mormons, Scientologists – should not be allowed to participate in the newly-emergent faith-based initiatives program being promoted by the Bush administration.

This deeply flawed program has many constitutional and practical problems. One of these flaws is symbolized by Falwell's comments. When government involves religious groups in programs involving money and influence, it inevitably encourages rivalry and conflict. Pitting religious groups against each other is hardly good public policy in a religiously pluralist democracy that depends on official government neutrality and tolerance.

Falwell's outburst is not an isolated one. His Virginia co-religionist, Pat Robertson, gave vent to similar emotions on his television program. Richard Land, a high Southern Baptist official and lobbyist for his powerful religious community in Washington, issued a religious slur against John DiIulio, the director of the White House office set up to implement the program. Land is the same individual who called for the firing of a former press secretary for President Clinton. Both are Catholics, and Land's remarks raise unpleasant memories of the religious bigots who disgraced this nation during the presidential campaigns of John F. Kennedy in 1960 and Al Smith in 1928. Land's comments have no place in a country whose constitution prohibits religious tests for public office. (Of course, constitutional niceties don't impress religious zealots bent on excluding others from the public square.)

These early skirmishes should serve as warning signals of intensified religious conflict in American life if the Bush administration's program is funded by Congress.

## Update

### Taxpayer Funds Cannot Support Religion

The full Ninth U.S. Circuit Court of Appeals ruled 8-3 in March that the city of Tucson was constitutionally justified in refusing to reimburse a Christian group that rented a city park for a National Day of Prayer event. The *en banc* ruling overturned an earlier order by a three-judge panel of the same court, which had upheld the use of taxpayer funds for the event. Writing for the majority, Judge Marsha S. Berzon concluded, "The federal Constitution provides all the defense Tucson needed in this lawsuit." The city is justified in refusing to provide "direct support for religious organizations."

The case arose in 1997 when Patricia and Robert Gental,

acting on behalf of their Christian group, asked the city to pay for equipment, services, street cleaning and other incidentals pursuant to the Prayer Day gathering. The city, citing its prohibition, declined to provide the subsidy, and the Gentalas paid. Later they sued the city, claiming that religious groups should receive funding on the same basis as other groups. The San Francisco-based Ninth Circuit, however, held that separation of church and state was a seminal, overriding concern of the Framers of the Constitution, one that could not be abridged.

### Bush Includes Vouchers in Education Package

President Bush's massive (\$47.6 billion) education proposal, which includes \$3 billion for charter school expansion and expanded education savings accounts, also includes a \$1,500 voucher for parents of children whose public schools fail to measure up

to new federal standards for three consecutive years.

Democrats and moderate Republicans are lukewarm on the voucher proposals and Bush may be forced to modify or withdraw them, according to one Associated Press analysis by Angela McQueen. But spokespersons from the administration have reiterated their support for vouchers and have promised to fight for passage of the proposal, which will substantially aid private and parochial schools.

Commented Gerald N. Tirozzi, executive director of the National Association of Secondary School Principals, "Vouchers lead us away from the basic American tradition of a free, quality public education for every student and undermine comprehensive school reform."

## Bush Revives Gag Rule

Hardly had George W. Bush settled in at 1600 Pennsylvania Avenue before he appeased his hard-line anti-abortion supporters by restoring the Reagan-Bush global gag rule that prohibits any U.S. funding for international family planning organizations that mention abortion. The move was announced by Kansas GOP Senator Sam Brownback at the annual anti-abortion rally in Washington on January 22, the 28<sup>th</sup> anniversary of *Roe v. Wade*.

The Bush move reimposed a ban on federal aid to international organizations that "perform or actively promote abortion as a method of family planning." Abortion rights activists denounced the president's move as an effort to deny fundamental freedom of speech to those providing health care abroad.

The *New York Times* commented acidly, "Since 1973 federal law has barred American foreign aid money from being used to promote or pay for abortions. What is at stake here is a Reagan era ban, extended during the Bush years and lifted by President Clinton in 1993, on any aid groups that use their own money to provide or promote abortions. This distortion of the issue will not be missed by other nations, and it also cuts against Mr. Bush's campaign statement that the United States should act with humility rather than arrogance in foreign relations. It is a form of arrogance to impose a gag rule on doctors and health advocates in other countries as the price of receiving vital assistance for the poorest and most defenseless citizens, particularly its women, especially when it involves an activity that is constitutionally protected in the United States."

In other abortion-related news, the Bush administration has announced a review of the FDA's approval of the RU-486 abortion drug. And the U.S. Supreme Court has let stand a 27-page book of regulations for South Carolina abortion clinics which threaten the existence of the few facilities that provide abortion services in the conservative Palmetto State. The state's anti-abortion Republican Attorney General Charles Condon praised the Supreme Court decision as "a victory for state's rights."

## Ashcroft Approved Despite Opposition

U.S. Senate approval of defeated Missouri Senator John Ashcroft as Attorney General sets the tone for an increasingly conservative rightward drift in Washington sanctioned by the U.S. Supreme Court if not by a majority of American voters.

The Senate heard considerable testimony from civil liberties, civil rights, reproductive choice and other groups opposed to the Ashcroft nomination. They cited his record of opposition to a host of civil liberties, including abortion rights, and his insensitivity to African Americans and gays and lesbians, as well as a posture of hostility to church-state separation.

Still, the Senate voted 58 to 42 to install Ashcroft as chief U.S. law enforcement officer, with immense power over drug enforcement, federal prisons, the U.S. Solicitor General's office, abortion law enforcement, civil rights and immigration. Partisanship was paramount, since all 50 Republicans but only 8 of 50 Democrats supported the nomination. The eight Democrats were not all conservative Southerners, either, since Wisconsin's Russ Feingold and Connecticut's Chris Dodd were among them.

Religious affiliation also played a role in the Ashcroft vote, since two-thirds of Protestants (38 out of 58) supported him, while fewer than half (20 of 42) of those who adhere to other religious traditions voted to confirm him. Even among his Democratic supporters, five were Protestants, two Catholic and one Jewish.

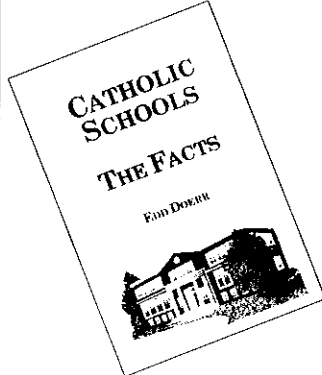
Several Ashcroft supporters indicated, however, that they would not support him – or another extreme conservative – for the U.S. Supreme Court.

## Are Bible Studies Okay in Elementary Schools?

On February 28 the U.S. Supreme Court heard oral argument in a case originating in a small New York State town whose only school refused to approve a Bible club. At issue is whether the Equal Access Act, passed by Congress in 1984 and upheld subsequently by the Supreme Court, could be extended to younger students. The original act applied only to middle school, junior high and senior high school pupils.

The case, *Good News Club v. Milford Central School*, could affect school districts throughout the nation. Both a federal district court and the U.S. Court of Appeals for the Second Circuit ruled that the school district had the right to exclude the club on free speech grounds, as it would for secular clubs. The appellate court did not address the establishment of religion question, but the U.S. Supreme Court may choose to address the First Amendment provisions. School district attorneys told the High Court that permission to meet in the school "would involve the school in endorsing and supporting that particular religion." The appellate court had held that the club was not being singled out for its religious viewpoint but was disallowed because the school did not wish "religious instruction and prayer" as an after-school activity on school property.

The Good News Club in the small upstate town of Milford is a branch of Child Evangelism Fellowship, which seeks to "evangelize boys and girls with the Gospel of the Lord Jesus Christ." No children may attend the after-school hour program without their parents' permission, but critics question any degree of



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school involvement or encouragement.

A decision is expected by June.

## Town Halts Prayer Meetings

The town of New Milford, Connecticut, has effectively banned a local family from holding prayer meetings at their home on Sunday afternoons. But the couple, Robert and Mary Murphy, have filed a federal court suit alleging that local authorities are violating their First Amendment rights. They are seeking an injunction against the town's prohibition.

Since 1994 the Murphys have invited about 25 to 30 people to their home for Bible study, prayer and dinner, but the traffic congestion on the street led to complaints from neighbors. Their appeal to the city zoning commission was successful. The zoning commission ordered them to stop the gatherings and also denied permission for them to construct a parking lot in their backyard. A local judge granted the family the right to continue the meetings until the federal district court issues a ruling.

The Murphys are being supported by the American Center for Law and Justice, an affiliate of the Christian Coalition. Similar disputes pitting zoning ordinances against home-based religious activities have recently been settled in Denver and in the Baltimore suburb of Owings Mills, Maryland.

## Is Religion a Factor in Court Rulings?

A judge's own religious affiliation may influence the decisions rendered in cases involving religious liberty, according to new research presented by Barbara Yarnold of Florida International University. Writing in the *Review of Religious Research*, Yarnold concluded that "Baptist and Catholic judges were more likely to render decisions that were pro-religion in cases involving religious liberties than were other judges." Judges of all faith traditions were somewhat more inclined to render favorable decisions toward religious institutions. Her study analyzed 1,356 federal appeals court decisions between 1970 and 1990 in cases involving the First Amendment's religion clauses. Yarnold's findings substantiate earlier and similar conclusions reached by Frank J. Sorauf in the 1970s and based on federal court rulings from 1950 to 1970.

## Are Missionaries Citizens?

Utah's Republican governor Mike Leavitt, a Mormon, filed suit in federal court in January challenging the refusal of the U.S. Census Bureau to include more than 14,000 Mormon missionaries overseas in the 2000 Census count. The U.S. Census Bureau counts diplomats, military personnel and other federal employees and their dependents living abroad temporarily as citizens in their most recent state of residence. Missionaries, however, are not counted. Utah was 856 residents short of gaining an additional congressional seat in the anticipated reapportionment before the 2002 elections. Almost all of the state's federal representatives are Mormon Republicans.

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## Religious Zoning Exception Stands

The U.S. Supreme Court let stand a Fourth Circuit Court of Appeals decision allowing a Potomac, Maryland, Catholic school an exemption from a local zoning ordinance. The ordinance requires Zoning Commission approval before new buildings can be constructed, but exempts schools owned by religious organizations. A Maryland attorney, Vincent Renzi, who lives across the street from the Connelly School of the Holy Child, filed suit in May, 1999, charging that the religious exemption violates the Establishment Clause. A district court agreed with him, but the Richmond-based Fourth Circuit overturned the decision.

Some church-state separation groups supported the outcome. Marc Stein, counsel for the American Jewish Congress, said that a ruling against the exemption "would probably make it impossible to build a new house of worship in Montgomery County and it would have made all similar provisions nationally vulnerable."

## Christian Coalition Hit by Lawsuit

Ten black employees of the Christian Coalition's Capitol Hill office filed a \$621 million racial discrimination lawsuit against the organization in U.S. District Court in Washington on February 23. The employees accused executive director Roberta Combs of South Carolina of failing to provide them health benefits, barring them from certain office facilities and segregating them from white staffers.

In March a white staff person, Trent Barton, a former Republican congressional aide, was fired for allegedly refusing to spy on the black employees. Barton filed a \$39 million suit in the same court on March 10.

Several former officials told the *Washington Times* that the Christian Coalition is "only a shell of what it once was." Budget deficits and internal strife have reduced the group's effectiveness. Only a handful of states have strong, active chapters. Many state chapters are defunct.

## Cardinal Condemns Contraceptives

In what seems like a throwback to the 1950s, New York's newly-named Cardinal Edward Egan is leading a political offensive in Albany to stop a bill that would require Catholic hospitals and schools to provide insurance coverage for contraceptives for their female employees.

The cardinal is coordinating an effort by the New York State Catholic Conference, the bishops' lobbying arm, to defeat the bill. Church leaders say the bill will violate their moral tenets and have called for a "conscience clause" that would exempt religious institutions. The Republican-controlled state senate has already passed a bill embodying the church's position, but a conference committee with the Assembly has failed to reach a compromise.

Democrats who control the Assembly have argued that too broad a religious exemption would allow any business owner who personally opposes birth control to legally refuse to provide for such coverage to his female employees.

## Vouchers to the Supreme Court?

The refusal of the entire 13-member panel of the U.S. Court of Appeals for the Sixth Circuit to rule on the constitutionality



of Cleveland's controversial school voucher program makes it more likely that the U.S. Supreme Court will eventually have to settle it.

In December a three-judge panel from the same court struck down the voucher program as unconstitutional. A right-wing legal group, the Institute for Justice, is expected to appeal to the nation's highest court for final review. About 4,000 students in the program are still attending mostly parochial schools until a final court ruling is issued. Even if the nation's highest court accepts a review of the ruling, it could not hear the case until the term beginning in October, 2001.

Bob Chase, president of the National Education Association, said he hoped the program would be ended. He said, "Every time voters have had an opportunity to vote on this issue, they have rejected it. With the court's declaration that it is unconstitutional, I think the program should be ended. We should move forward and focus on what works."

## Church Building Seized

For the first time in U.S. history, the Internal Revenue Service seized a church building for nonpayment of taxes. The Indianapolis Baptist Temple, an independent church that favors "total" separation between church and state, had refused to pay half of Social Security and Medicare taxes for its employees as required by federal law. The church also refused to withhold payroll taxes. After 15 years of losing battles in the courts, the church lost its last stand in January when the U.S. Supreme Court let stand a November 14 order authorizing the IRS to seize the church's property to satisfy the \$6 million in unpaid taxes. On February 13, about 85 federal agents moved against the church property, where about two dozen supporters kept vigil. The operation, approved by Attorney General John Ashcroft, went off without a hitch. No violence ensued. The long-standing dispute was ended.

## Faith Healing Under Fire

The Colorado House voted in February to repeal an exemption to the state's child abuse law that allows parents to withhold medical treatment for religious reasons. The Senate is expected to approve the bill, and Governor Bill Owens has indicated that he will sign the measure.

The death of a 13-year-old diabetic girl in Mesa County on February 6 contributed to the legislature's action. The county coroner ruled the death a homicide and is considering whether to charge the parents, who belong to the Church of the First Born, which forbids medical treatment.

The leading opponents of changing Colorado's law are Christian Scientists, who argued that their freedom of religion would be violated if the exemption were repealed. They were instrumental twice before in defeating attempts to revise or repeal the religious exemption.

Maryland legislators are tackling the same problem, even though Maryland rescinded its religious exemption in 1994. Maryland's General Assembly has resisted efforts, mounted by Christian Scientists primarily, to reinstate it.

Maryland law is unclear in several areas, however. Child health and safety laws still have an immunity clause. A bill repealing religious exemption passed a Senate committee last year, but failed in the General Assembly. This year, a repeal of the exemption is given more chance of passage. Parents who substitute prayer for medical treatment could then be subject to

civil and criminal penalties.

The American Academy of Pediatrics has supported repeal. Its Maryland lobbyist, Bobbi Seabolt, told legislators, "We think that spiritual healing and prayer are an important part of life, but a child should not be denied medical care. The Academy strongly supports prayer, but it's not the only thing that provides healing." The Academy cited data that 81% of children who died because their parents refused medical care for religious reasons would have survived.

Dale Burman, spokesperson for the Christian Science Committee on Publications, sought an amendment protecting his sect from prosecution if parents conscientiously seek "nonmedical remedial treatment." He also claimed that more than 60,000 incidences of spiritual healing had occurred under Christian Science auspices since 1875.

Nationally, the situation is complicated. Apparently, 41 states have religious exemptions from child abuse and neglect charges. But 14 states have tightened their laws on withholding medical care in the name of religion, according to the National Association of Social Workers. In some states, laws and jurisdictions overlap, making a definitive national portrait difficult.

But it is certain that church-state conflicts in the realm of medicine and medical care are accelerating.

## ARL College Case Brief Filed

Americans for Religious Liberty (ARL) filed a brief before the United States Court of Appeals for the Sixth Circuit in a case involving public aid to a church-run college in Tennessee. The case, *Steele v. Industrial Development Board*, is on appeal from the Middle District of Tennessee federal court, which held last October that public aid to a Church of Christ-affiliated college in Nashville was unconstitutional. The ARL brief was joined by the Council on Religious Freedom and the American Humanist Association.

ARL argued that the alleged religious neutrality of the program does not make it constitutional. The revenue bond arrangement between the Nashville area metropolitan government and David Lipscomb University "provides no assurance of religious neutrality," according to the brief prepared by eminent church-state attorney Lee Boothby.

The brief argued that "it is still a critical factor whether a recipient institution is pervasively sectarian." The federal district court concluded that David Lipscomb University was clearly and undeniably a pervasively sectarian institution under the guidelines and definitions of the law. Therefore, state involvement in monitoring the day-by-day activities of such an institution would constitute "excessive entanglement," another test of constitutionality. Any aid to such institutions makes it "likely that aid will be viewed as an endorsement of a religious

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ministry." It is also "much more difficult to separate the secular from the sectarian aspects of the school's program," argues ARL.

## Virginia Senate Rejects "In God We Trust"

Two Republicans joined seven Democrats to defeat a Republican-led proposal to require that all public schools in Virginia post the national (since 1954) motto. The 9 to 6 vote on February 19 came just weeks after the House of Delegates voted 84 to 14 in favor of the proposal. Republican Governor James Gilmore, the new chairman of the Republican National Committee, supported the proposal.

Robert S. Alley, a retired University of Richmond professor, author and nationally recognized church-state specialist, testified against the proposal in an appearance before the Senate Education and Health Committee.

The bill's primary sponsor, Robert Marshall, a Christian conservative from military-oriented Prince William County, ridiculed the opponents, claiming rather inexplicably that the national motto is "a bland form of ceremonial deism." This odd admission did not endear him to fellow evangelicals and conservatives.

## Bible Class Nixed in Colorado

Custer County School Board in rural Colorado dropped plans to offer a Bible study course when many local residents, two school board members and the American Civil Liberties Union objected. Mark Silverstein, legal director of ACLU of Colorado, said that a preliminary investigation has raised serious concerns about the proposed course's objectivity. He said, "People were concerned that perhaps the course wasn't really a legitimate historical look at the Bible but actually a way of imparting Christian teachings through subterfuge. It's legitimate to teach the Bible in a secular education program if it's in a historical or literary context."

The county's principal, former Denver Broncos football player Harvey Goodman, vigorously denied the charge that the course was religiously slanted. The proposed teacher of the course, Marty Slonaker, is married to a fundamentalist pastor associated with the "Lift Him Up" Ministry.

## Michigan Governor Vetoes

Michigan Governor John Engler vetoed legislation passed by the legislature that would have prevented health insurance companies from offering coverage of elective abortions. The fiercely anti-choice, Republican-dominated legislature passed a ban on late-term abortions, endorsed stricter state regulation of abortion providers, barred public schools from providing abortion coverage to teachers in their insurance plans, and halted taxpayer funding of all Planned Parenthood programs. But the normally compliant governor apparently drew the line at the ban on health insurance coverage for all residents of the state.

## Ohio Motto Stays

The Sixth Circuit Court of Appeals voted 9 to 4 in March to uphold the constitutionality of Ohio's state motto, "With God all things are possible." The federal appeals court held that the Ohio motto did not constitute an endorsement of Christianity, even though the words are those of Jesus as recorded in the New Testament. A lower federal court had also upheld the motto in 1998.

## International

**Athens:** The Greek Orthodox Church finally gave its permission for Pope John Paul II to visit Greece to follow in the footsteps of the Apostle Paul. The Vatican welcomed the move, but a date has not yet been set. The pope's visit may be defined as a personal religious pilgrimage rather than an official state visit.

**Bayeux:** A French Catholic bishop, Pierre Pican, will go on trial in June for concealing from police magistrates the fact that a priest had been raping young boys in his diocese. The priest was found guilty and sentenced to 18 years in prison. The case reopens an ancient controversy of the "seal of the confessional," the Roman Catholic canon law which prohibits information obtained in confession from being communicated to civil authorities.

**Belgrade:** Religious conflict over education threatens the stability of the new Yugoslav government of President Vojislav Kostunica. The government announced plans to reintroduce religious education into the state schools, banned since 1946. The powerful Serbian Orthodox Church immediately demanded that religion classes should be compulsory at all grade levels. The Orthodox Church will also certainly dominate the curriculum. The government's religious affairs minister said that religious education should be compulsory only in the elementary grades but optional in the higher grades. President Kostunica told the *Los Angeles Times* that he preferred a voluntary approach to religious studies. The Helsinki Committee for Human Rights criticized the government's plans to involve only the Orthodox Church and no others in the implementation of the program, saying that this "would seriously violate the principles of a secular state and would mark the return of the church from a sphere of personal to public life as a form of indoctrination." Orthodox authorities rebuked critics, saying they "represented the fear of Satan and all of his followers."

**Bratislava:** A new concordat between Slovakia and the Vatican, four years in the making, must now be approved by the Slovak parliament. It is being widely criticized for granting preferential treatment to the Catholic Church. Concordats are papal treaties with secular governments which guarantee the Catholic Church certain privileges and prerogatives in the civil, cultural and educational realms. Catholic authorities deny that the document favors them, but Lutheran authorities cite the favorable treatment given to Catholics in religious education classes in public schools. One article in the pact guarantees full funding for the Catholic Church from the state budget.

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**Santiago:** Chile's Protestants have achieved legal equality with the historically influential and prominent Roman Catholic Church. A sweeping law passed by Chile's Congress in 1999 went into effect in January 2001. It allows Protestants (and other religious groups) the right to appoint chaplains for the armed forces, prisons and hospitals, and grants tax exemption for Protestant church property and for donations to Protestant churches. Protestants, who make up 20% of Chile's population, will have access to public school religious education classes, which are compulsory and traditionally Catholic-oriented.

**Stockholm:** A year after the Church of Sweden (Lutheran) was disestablished, Lutheran authorities no longer fear the separation of church and state. The removal of government subsidies has led to a "stronger sense of commitment" among the church's dwindling membership base, according to a pastor in Stockholm. The church lost nearly \$500 million a year when the mandatory church tax was revoked. The government continues to collect an optional tax, but gives the money to the religious group designated by the taxpayer. About 85% of the 9 million Swedes are nominal members of the Lutheran Church but 200,000 Muslims, 160,000 Catholics, 100,000 Eastern Orthodox Christians and 116,000 Jews reside in the prosperous, largely secular Scandinavian country, considered a model of social democracy within a constitutional monarchy. Sweden's head of state no longer has to be a Lutheran, and parliament and the cabinet do not choose the bishops, as in the past.

**Vatican City:** The pope's beatification of 233 "martyrs" of the Spanish Civil War is not seen as a positive step by those Spaniards who supported – or whose relatives supported – the lawfully constituted Spanish Republic, which was overthrown by General Francisco Franco's forces in the 1936-39 war. Those beatified – the next to last step on the road to sainthood – were all victims of the Loyalist forces during the war. The pope has never beatified victims of the Franco insurgency. John Paul II also waived the requirement of a certified miracle for each of the "blessed," since martyrdom is held to be of special significance. During the Spanish Civil War, the Spanish hierarchy and the Vatican gave full support to the Franco forces (except in the Basque country), and Pope Pius XI issued an encyclical letter hailing Franco as the nation's savior. More than six decades later, the Vatican's posture remains the same.

Vatican secretary of state, Cardinal Angelo Sodano, has met with the leaders of Italy's major political parties prior to April parliamentary elections. Cardinal Sodano is pressing church positions in favor of public financing of private religious schools and new limitations on abortion. Observers say Italian voters do not much care for clerical involvement in politics, and may reward those parties which pay little or no attention to Vatican pressures.

## Books

*God's Name in Vain: The Wrongs and Rights of Religion in Politics*, by Stephen L. Carter, Basic Books, 248 pp., \$26.00.

Yale Professor Stephen L. Carter is back. This time he is trying to define the proper limits between religion and partisan politics. He writes, "Religions can and sometimes must be politically active – but they must be extraordinarily cautious about how they do it, because too much politics can destroy them."

But Carter goes too far in merely "defending political involvement from its critics." In attempting "to set out some sen-

sible limits and to offer examples of principled and prophetic religious activism," Carter is too enamored of religion as a political force and seems to lack appreciation for the value of church-state separation. Indeed, he admits to being an "accommodationist."

Some of his views are downright absurd, as when he asserts that "we are on the verge of developing an antireligious politics in America" and "a politics without religion is empty of meaning." He has apparently not thought deeply about the implications of a political system deeply divided along religious lines. He is also wrong when he says that governmental neutrality toward religions "is a theory that does not and cannot exist . . . because neutrality supposes that it is possible for the state to act without taking any account of religion generally." That is not how repeated court decisions have defined neutrality.

He also says that "the religious should rarely opt for coercion . . . as a means of awakening a cranky and reluctant world to the higher truth that nearly every religion believes it can teach." Rarely? Those who cherish religious liberty for all believe that coercion is *never* justified.

Carter adds little of substance to his argument when he says, "The Religious Right's hopeless efforts to fiddle with the law pale beside the Religious Left's successful efforts to fiddle with the culture." Supplying no evidence to buttress his case, he further claims, "Clergy who destroy traditional values are lionized."

Carter also writes, "I am not a supporter of the teaching of creationism in the schools, but I do not think it more troubling than much that is taught there." This is a disappointing book that is likely to receive far more attention than it deserves.

— Al Menendez

*Under His Very Windows: The Vatican and the Holocaust in Italy*, by Susan Zuccotti, Yale University Press, 408 pp., \$29.95.

Distinguished historian Zuccotti concludes in this groundbreaking study that while many Italian Catholic people and institutions provided aid and assistance to Italian Jews, the Vatican did little or nothing. Pope Pius XI did not speak out against the anti-Jewish laws of 1938, and his successor, Pius XII, limited his activities and concerns to Jewish converts to Catholicism and to Jewish spouses in mixed marriages. There was limited papal concern for observant Jews who wished to retain their heritage.

Zuccotti suggests that Pius XII "did not speak out against the Holocaust because he did not want to antagonize or challenge the Axis powers for many reasons." Among these were fears that "a public description and denunciation of the Holocaust would make matters worse for many while helping no one," a fear "that his protest would force German and Austrian Catholics to choose between their church and their country," and a concern that a protest "would make matters worse by enraging the Nazis and provoking violent reprisals against Catholics throughout Europe."

Italian Catholics acted on their own to protect Jews, and an Irish priest at the Vatican, Monsignor Hugh O'Flaherty, coordinated many of the efforts which resulted in a higher percentage of Jewish lives saved in Italy than in any other country save Denmark.

Zuccotti's summary crystallizes her findings: "The Church has not yet completed the process of dealing honestly with its history during the Holocaust. It has not yet made clear whether popes and high Vatican officials are to be included among its sons and daughters in every age who sometimes committed re-

grettable errors. It has not yet expressed sorrow and repentance for the failures of Popes Pius XI and Pius XII during the years of the persecution and extermination of European Jews. It seems to have apologized only for the failures of lesser clergymen and their flocks. Ironically, some, though certainly not all, of those men and women were less grievously at fault than their superiors in the Vatican. In Italy, at least, large numbers of priests, nuns, monks, and Catholic laypersons risked their lives to save Jews with little guidance from the pope.”

— Al Menendez

*The Catholic Church and the Holocaust, 1930-1965*, by Michael Phayer, Indiana University Press, 301 pp., \$29.95.

Marquette University professor of history Michael Phayer adds his contribution to recent books probing the role of Catholicism in World War II Europe. He writes, “Pope Pius XII could not have halted the Holocaust, but even without a public protest, he could have communicated with church leaders throughout Europe, admonishing those who disdained the Jewish people and encouraging all of them to urge Catholics to provide shelter for Jews. The consequence would have been fewer Catholic collaborators and bystanders, on the one hand, and more Catholic rescuers, and fewer victims, on the other.”

Phayer’s book looks at the record of the “whole” Catholic Church rather than the papacy alone and finds that its record during and after the Holocaust is decidedly mixed, with heroism in some areas, and crass subservience to fascism elsewhere.

Pius XII, he asserts, was “fixated on diplomacy” and “decided to separate diplomatic from moral matters.” He was also “obsessed with communism” and felt that law and diplomacy alone could mitigate Nazi actions.

Phayer also blames Eastern European bishops, especially in Hungary and Poland. He writes, “Acting on cultural animosity toward Jews, they helped to enact anti-Semitic legislation as parliamentarians during the interwar period.” Bishops often held leadership positions in the states of Eastern Europe. The preservation of Catholic cultural and political identity was a top priority among the bishops, before, during and after the war.

— Al Menendez

*Why Angels Fall: A Journey Through Orthodox Europe from Byzantium to Kosovo*, by Victoria Clark, St. Martin’s Press, 460 pp., \$29.95.

Why are the European countries dominated and shaped by Eastern Orthodox Christianity so different from Western Europe? Why are they so intransigent and distrustful of Western democracy, institutions and values? British journalist Victoria Clark offers her explanation in this brilliant, comprehensive and engaging book.

After extensive tours and interviews with a host of church leaders and laypeople, Clark writes that Orthodox nations “are hotbeds of nationalism, a factor weighting every Eastern Orthodox country’s political spectrum towards the xenophobic right and an obstacle impeding European unification on Western Europe’s terms.” She adds, “Everything I have seen and heard has convinced me that Eastern Orthodox Europe may be physically shrinking but it is certainly not dying. The various national churches, and the common culture they have guarded and nurtured through the centuries, are not about to disappear.”

Indeed, a religious revival, symbolized by the reopening of hundreds of monasteries – 400 in Russia alone – is fueling the rebirth of a distinctive Orthodox culture and politics, something Western Christian and Western secular observers ignore.

Orthodoxy is rooted in history, and almost enslaved by it.

Observes Clark, “Orthodox time has its own dynamic. Its notion is spiral, not linear, which means that Orthodox history moves in divinely ordained circles as pleasingly repetitive as the patterns on church vestments. Empires and lands are lost and regained, lost and regained again, until the end of the world. The past is never forgotten because it comes around again, and the future is never new.”

Orthodoxy, which never had a Renaissance or Reformation, ignores intellectual and scientific challenges. Clark observes, “In Orthodox culture intellectuals are foreigners and misfits who, nourished on secular learning, have all but supped with the devil. Perverted by the heretic, humanist West, they ignore the mastery of the soul to take an evil pride in the power of human creativity and reasoning.”

Orthodoxy has generally supported the state but the author stresses that “the Orthodox churches have a fine and ancient tradition of curbing the excesses of corrupt governments and cruel regimes.”

Along with the resurgence of Islam in world politics, Eastern Orthodoxy may play a role in future political developments. Clark’s book is a guidepost to that eventuality.

— Al Menendez

*Darwin: A Norton Critical Edition*, selected and edited by Philip Appleman, W.W. Norton & Co., 2001, 695 pp., \$13.50.

Although Charles Darwin’s influence on science and nearly everything else in the modern world has been tremendously influential, for far too long far too many students in our public schools (and adults) have been kept in the dark about evolution, the central fact of biology, by the reality or fear of fundamentalist pressure. Philip Appleman – poet, novelist, expert on evolution and the population problem, and Indiana University Distinguished Professor Emeritus – provides us here with the most comprehensive and up-to-date treatment of Darwin and evolution probably ever published. Nearly a third of the book (quite a bargain at \$13.50) is composed of selections from Darwin’s work. The rest is commentary on the creation-evolution controversy, scientific thought before Darwin, and the English naturalist’s impact on science, social thought, philosophy, religion, and literature. If the reader has time for only one book on evolution, this is the one.

— Edd Doerr

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