



# VOICE OF REASON

The Newsletter of Americans for Religious Liberty 2001, No. 2

[75]

## *Voucher Victory in Congress*

### House Rejects Vouchers

By a whopping 273-155 margin, the House of Representatives on May 23 refused to restore a voucher program to the president's education reform package, H.R. 1. Sponsored by Texas Republican Dick Armey, the voucher giveaway program to aid private and parochial schools was soundly rejected.

Opposition to vouchers mounted during the congressional debates, and the House Committee on Education and the Workforce removed vouchers from the bill by a 27-20 vote, with five moderate Republicans defecting from the president's policy.

Pro-voucher forces then tried to restore vouchers on an amendment proposed by Texas Republicans Dick Armey and Tom DeLay and Ohio Republican John Boehner. It would have diverted Title I funds to subsidize attendance at private schools and would have permitted discrimination by religion both in enrollment and employment practices. It would have diverted \$450 million in Title IV funds to private and sectarian schools, and would have allowed the Safe and Drug Free Schools program to finance vouchers for students attending "a persistently dangerous public school."

Even with a Republican majority the House members balked at this massive shift in national education priorities. Nearly 64% of members, including 31% of Republicans, rejected the voucher giveaway program.

The voucher restoration amendment attracted the support of 69% of Republicans and only 1% of Democrats. Just two of the 206 Democrats supported vouchers. One was Ralph Hall, an ultraconservative from East Texas, who votes with the GOP more often than he votes with his fellow Democrats. His rural, mostly Baptist and Methodist district has few private schools. The other Democratic dissenter was William Lipinski, who represents a heavily Catholic neighborhood in northwest Chicago. Lipinski usually votes with Republicans on vouchers and abortion rights, though he is liberal on economic issues. It should be noted that every other Catholic Democrat from heavily Catholic cities and suburbs voted against vouchers, leaving Lipinski a minority of one.

The Republican defectors who rejected vouchers tended to be moderates from suburban areas, like Connie Morella of Maryland, Nancy Johnson of Connecticut, Sue Kelly of New York, and Marge Roukema of New Jersey. Some Republican no votes came from rural and small town areas where there is strong support for public schools and resistance to anything that would weaken them. Some examples in this group include Todd Platts, a freshman from York County in the Pennsylvania Dutch Country, Jim Leach of Iowa, and Fred Upton of Michigan.

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### Senate Dumps Vouchers

In a major defeat for voucher proponents, the U.S. Senate on June 12 defeated a proposal to allow private school vouchers for low-income students. By a solid 58 to 41 margin, the Senators rejected an amendment by Republican Senator Judd Gregg of New Hampshire that would have provided \$50 million to ten cities and three states to help low-income students in "failing" public schools transfer to other schools, including private and parochial ones.

Senator Edward Kennedy of Massachusetts, the new chairman of the committee with jurisdiction over education, led the fight against the Bush administration proposal. He argued that vouchers would divert needed funds from public schools and undermine the goal of accountability, since private schools are exempt from new proposals mandating testing of school performance by students. Kennedy also challenged the claims that vouchers would improve public education by increasing competition, which the Massachusetts lawmaker labeled "baloney."

Washington Senator Patty Murray added her voice, saying, "I cannot support spending taxpayer dollars for schools with no public accountability. If we send taxpayer dollars to private schools, parents won't be able to go before public boards and demand accountability. We won't know how these students are progressing."

New York freshman Senator Hillary Rodham Clinton was eloquent in her denunciation of the Bush plan, saying, "Experiments have demonstrated absolutely no evidence that vouchers help improve student achievement. We know that vouchers do not help the students who need the help the most. They do nothing to help improve public schools. Vouchers only further segregate and stratify our public schools."

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# Bush and the Far Right: Cozy Companions

The Bush administration has not only acted as if it won a Reagan era landslide, but it has increasingly governed from the right, not the center, as a bitterly divided electorate and Congress might have expected. Instead, Bush and his top allies have pursued policies that appeal mostly to the extreme right wing of the Republican Party, thereby losing control of the U.S. Senate when Vermont moderate Jim Jeffords broke with the GOP and became an Independent in late May.

Bush's agenda has become clear in these recent developments:

His first eleven nominees for the federal appeals courts show a strong preference for right-wing candidates, especially in areas affecting individual liberty, federal-state relations, and church-state matters. Bush nominated Michael McConnell, professor at the University of Utah Law School, for a place on the Tenth Circuit Court of Appeals. McConnell, an evangelical Presbyterian, has written widely in criticism of almost every major church-state decision since 1947. He advocates limiting the Establishment Clause and allowing a maximum role for institutional religious involvement in politics, government and public policy, and has shown scant concern for religious minorities.

The White House overruled Secretary of State Colin Powell's choice to head the Bureau of Population, Refugees and Migration at the State Department. Instead, it named John M. Klink, who served as Vatican representative to UNICEF from 1988 to 1999 and is presently an "adviser" to the Holy See's diplomatic mission at the United Nations. Klink, who holds dual Irish and American citizenship, also oversees a family investment fund in California and is a member of the Republican National Committee's Catholic Task Force.

Klink, who worked for Catholic Relief Services from 1976 to 1986, was a member of the Vatican delegation at 17 UN conferences on women and social problems and played an active role in the Holy See's attempt to sabotage family planning efforts at the 1994 Cairo population conference. He was, in fact, the floor manager for the Vatican delegation.

Klink would oversee an annual budget exceeding \$800 million that is primarily distributed to the UN High Commissioner for Refugees and the International Committee of the Red Cross. Family planning groups are outraged by the nomination, and Catholics for a Free Choice revealed that Klink was instrumental in withdrawal of Vatican support from UNICEF because a UNICEF manual included information about emergency con-

traception for refugees. Kenneth W. Bacon, a former Pentagon spokesman and president of Refugees International, warned that Klink's "views on population issues could distort the work of the bureau, could represent a redirection away from refugees towards population issues and could hurt American leadership in refugee issues around the world."

The Bush Justice Department has come under fire because of Attorney General John Ashcroft's daily Bible studies and devotionals which, though voluntary, have added an element of religious division to the nation's 135,000 employee law enforcement agency. Anonymous employees have complained to the *Washington Post* about the feelings of exclusion and separateness that a daily religious session with an evangelical, Pentecostal orientation symbolizes. One department attorney told *The Washington Post's* Dan Eggen, "The purpose of the Department of Justice is to do the business of the government, not to establish a religion. It strikes me and a lot of others as offensive, disrespectful and unconstitutional."

The prayer sessions involve "reading, arguing, memorizing and praying," according to insiders. Ashcroft has been joined at Justice by another ultraconservative, Ted Olson, as Solicitor General, who argues the government's position before the Supreme Court. Olson, a far-right Republican who engaged in a vendetta against President Clinton, was narrowly approved 51-47 in the waning hours of the Republican-dominated Senate.

Bush's White House speechwriting staff is dominated by Michael Gerson, an evangelical graduate of Wheaton College in Illinois, which bars Catholics and Jews from its faculty and board of directors. Gerson, who studied theology, is regarded as a talented speechwriter who adds copious doses of religious rhetoric to the president's addresses.

Bush appointed Jim Nicholson, former Republican National Committee chairman, to the post of U.S. Ambassador to the Vatican. Nicholson, who has no diplomatic experience whatsoever, was regarded as a mean-spirited partisan Republican. But he is called "a devout Catholic," apparently the only qualification now required for the position. The U.S. ambassadorship to the Holy See is increasingly seen as a dumping ground for hack politicians and as an attempt to curry favor with Catholic voters, despite its dubious constitutionality. A decade ago the prestigious Jesuit weekly *America* criticized the apparent use of a religious test for this office and called for the appointment of a well-qualified diplomat, irrespective of religious affiliation.

Bush's appointment of Richard Egan as ambassador to Ireland has provoked widespread disillusion in the Emerald Isle because of Egan's dearth of qualifications. Egan, founder and CEO of EMC Corporation, is one of America's wealthiest men. His only apparent qualification for the post is his membership in the Bush Pioneer Club, a top level coterie of key Bush advisers who contributed more than \$100,000 to the presidential campaign.

Egan's "knowledge of Irish politics is rumored to be weak," according to *Irish America*, but his assistant for Irish affairs, Richard Haass, has raised serious questions about U.S. policy. Haass, a fellow at the Brookings Institution, criticized the Clinton administration's 1995 peace efforts in Northern Ireland as "overly concerned with the Catholic minority."

Some observers speculate that these appointments indicate a turning away from the U.S. involvement in the peace process, which has nearly ended more than three decades of strife in

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## House Rejects Vouchers, *continued from page 1*

But a small band of very conservative Republicans also voted against vouchers, perhaps fearing increased government regulation of and interference in the internal affairs of private and parochial schools. Roy Blunt of Missouri, a former Baptist college president, opposed vouchers, as did Asa Hutchinson of Arkansas, a graduate of Bob Jones University. Other conservative dissenters include Chris Smith of New Jersey and Ron Paul of Texas.

Regionally, vouchers received their strongest support in the South, where 54% of members supported the Arney amendment. This result shows the shift in sentiment in this heavily Protestant region, where private schools were once rare. Today, with large numbers of students attending so-called "Christian" academies, support for public aid to private schools has risen, while declining everywhere else in the nation. Just two decades ago, the South had the lowest level of support for federal tax credit legislation. Nearly 60% of white Southern Baptists voted for vouchers.

Slightly above average support came in the Midwest and the Border States, while only 27% of the Pacific Coast members and 14% of Northeastern members supported vouchers.

Religious voting patterns varied widely. About 70% of Mormons and evangelical Christians supported vouchers, compared to 28% of Catholics and 4% of Jews. All Eastern Orthodox Christians and the religiously nonaffiliated opposed the Arney amendment.

Among all Protestants, 45% were in favor, which is well above the Catholic support level – another reversal from the tax credit vote of 1978. About half of Methodists, Episcopalians and Presbyterians were in favor, though these groups are heavily Republican. A significant number of Republican members of these mainline churches defected from their party on this issue. Only 31% of Lutherans and 27% of nondenominational Protestants supported vouchers. Among Baptists the support was 38% but

### Voucher Vote, U.S. House of Representatives: May 23, 2001

Religion	Yes	No	% Yes
Baptist	24	39	38.1
"Christian"	7	3	70.0
Episcopalian	14	15	48.3
Jewish	1	25	3.8
Lutheran	5	11	31.3
Methodist	24	25	49.0
Mormon	7	3	70.0
Presbyterian	18	20	47.4
"Protestant"	7	19	26.9
Roman Catholic	34	89	27.6
Eastern Orthodox	0	4	0
Non-affiliated	0	6	0
All Others	14	14	50.0
All Protestant	120	149	44.6
Region	Yes	No	% Yes
South	65	56	53.7
Border South	12	21	36.4
Northeast	12	74	14.0
Midwest/West	48	74	39.3
Pacific Coast	18	48	27.3

"Charitable choice tries to reconcile the irreconcilable. Government and religion have fundamentally different priorities and missions that often will conflict. Making government and houses of worship contractual partners will pit government priorities against religious ones. Even when the objectives are as noble as ending poverty and curing addiction, the price of forfeiting religious liberty and succumbing religious mission to government control is too high to pay. The time is now for the church to be the critic of government, before it becomes government's tool."

— Mandy Tyler, assistant to the general counsel, Baptist Joint Committee on Public Affairs, in *Report from the Capitol*, May 16, 2001.

the Baptists were divided sharply along racial lines, with 60% of white Baptists but only 4% of black Baptists casting votes in support of vouchers.

The main "target groups" for vouchers, minorities and Catholics, were the least likely to support them. A solid 97% of African Americans, 84% of Hispanics and 72% of all Catholics voted against the voucher amendment.

The vote was a major defeat for the Bush administration and for its political strategy of winning support among traditional Democratic voting groups.

## Senate Dumps Vouchers, *continued from page 1*

The vote revealed that more Republicans than Democrats deserted their party line. Eleven Republicans voted against vouchers, including four Northeastern "moderates," Susan Collins and Olympia Snowe of Maine, Lincoln Chafee of Rhode Island and Arlen Specter of Pennsylvania. More surprising, perhaps, was the opposition recorded by seven Western conservatives: Conrad Burns of Montana, Michael Crapo of Idaho, Craig Thomas and Michael Enzi of Wyoming, Christopher Bond of Missouri, Chuck Hagel of Nebraska, and Gordon Smith of Oregon.

Only three Democrats supported vouchers: Joseph Lieberman of Connecticut, Thomas Carper of Delaware, and the aging Senate president pro tem, Robert Byrd of West Virginia, who is now third in line for the U.S. presidency.

The voucher vote also had an influence on a collateral piece of legislation. Arizona Republican Senator John McCain withdrew his "voucher experiment" plan for the District of Columbia after Delegate Eleanor Holmes Norton, DC School Superintendent Paul Vance, and several parental groups expressed strong opposition. District voters rejected a voucher scheme twenty years ago by a margin of 89% to 11%.

"Religious liberty . . . must surely include the right not to be taxed to support faith-based institutions that may proselytize or discriminate in hiring."

Edd Doerr  
*New York Times*  
July 10, 2001

# Religious Conflicts in Public Education Escalate

America's hard-pressed public schools continue to be battlegrounds of religious strife because of the aggressive tactics of certain evangelical pressure groups. Here are four recent examples:

*Time* magazine reported that the Missouri-based Child Evangelism Fellowship supports 4,600 Good News Clubs in all 50 states, concentrating on public elementary schools. The evangelical Protestant group, founded in 1937, maintains 3,000 paid evangelists and 45,000 volunteer missionaries, whose sole purpose is to convince impressionable children to accept their religious message and to be "born again" in the parlance unique to conservative and fundamentalist Protestantism. According to the group's meticulous records, 17,537 children were officially registered as converts in the year 2000. The organization has been criticized for insensitivity to other religions, including Christians who do not want their children indoctrinated by another brand of Christianity. The group's tactics have been called dishonest and theologically shallow by such groups as the Presbyterian Church.

A Georgia Baptist minister, Curtis Turner, is leading a national movement to defy last summer's Supreme Court decision banning student-organized prayer at public school sporting events. Turner, pastor of New Testament Baptist Church in the Atlanta suburb of Ellenwood, has taken his campaign to high schools throughout the South and has appeared on many television and radio talk shows. Working with the Asheville, North Carolina-based "We Still Pray" movement, Turner has urged fans at high school football games to stand and recite the Lord's Prayer before games. Turner's supporters pass out copies of the prayer on cards. (The Protestant version of the prayer is used.)

Turner has enlisted the support of Georgia's far-right Republican congressman Bob Barr, one of the leaders of the Impeach Clinton Movement. Barr, who has spoken at openly racist gatherings sponsored by the Conservative Citizens of America, has introduced House Joint Resolution 66, which proposes a consti-

tutional amendment to guarantee "prayer on public property, including schools." The Barr amendment also guarantees "people's right to recognize their religious beliefs, heritage and traditions on public property."

The state of Mississippi now requires that all public schools post "In God We Trust" in every classroom, auditorium and cafeteria. The law was signed by Governor Ronnie Musgrove in March. The law specifies that the national motto be framed and be no smaller than 11 by 14 inches. Mississippi is the first state to require such action; Virginia and Colorado rejected similar measures. The owner of a print shop in Pearl has offered to print 40,000 posters and make them available to schools at no charge. No legal challenge has yet been filed but several national groups are discussing options.

Two plaintiffs in Rhea County, Tennessee, the site of the infamous "Scopes Trial" in the 1920s, have filed a federal lawsuit to halt Bible classes taught in the county's public schools. The courses are taught by students from a local fundamentalist school, William Jennings Bryan College, named for the three-time presidential candidate who condemned evolution and supported the Tennessee law forbidding its mention in science classes. Bryan died of a heart attack in Dayton, Tennessee, a few days after the trial ended.

Plaintiffs charge that the Bible courses are taught from a fundamentalist perspective and are not academically sound and objective in content.

The Rhea County Board of Education voted to continue the classes last year. The board also allows the distribution of Gideon Bibles in classrooms, Bible readings over the intercom, and religious messages on some classroom doors and walls.

The program has been in effect for a half-century. Student volunteers from the Practical Christian Involvement Program at Bryan College teach the classes once a week for kindergarten students and for pupils in the first six grades in elementary school. The program's supervisor, Dr. Travis Ricketts, admitted that "one or two complaints from parents" are made every year. Students whose parents object are usually released from the classes.

One of the plaintiffs challenging the program is a parent of two children enrolled in Rhea County schools. The other is the Freedom from Religion Foundation, a nonprofit organization based in Madison, Wisconsin.

In a related matter, the Eleventh U.S. Circuit Court of Appeals reinstated a policy allowing student-led prayer at high school graduation ceremonies. The U.S. Supreme Court had ordered the Eleventh Circuit to review an earlier opinion upholding the prayers in light of its own decision last year disallowing prayer at high school football games. The Eleventh Circuit, which covers several Southeastern states, found "substantial and material" differences between the two cases, thus allowing graduation prayers in the states under its jurisdiction. The case originated in Duval County, Florida.

## Faith Based Folly

James Q. Wilson's proposal to finance faith-based operations through vouchers (Op-Ed, April 27) would create a growing proliferation of unregulated, unaccountable charities of uncertain efficacy competing for scraps of a shrinking public pie. It would violate Madison's 1785 warning that using "Religion as an engine of Civil policy" would be "an unhal- lowed perversion of the means of salvation."

It would mean that government would force Christians, Jews and Muslims, through taxes, to pay for what their faiths require them to do voluntarily. And it would wreck the First Amendment principle of separation of church and state.

Edd Doerr  
*New York Times*  
May 2, 2001

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# Supreme Court Allows Religious Clubs in Grade Schools

By a 6-3 vote the U.S. Supreme Court in June gave the green light to religious clubs that meet on elementary school grounds. Ignoring church-state separation requirements, the Court majority saw the issue more as a free speech issue, believing that religious clubs should be able to meet on school campuses if nonreligious clubs are allowed to meet. The decision clearly widens the opportunities for off-campus evangelistic groups to use the lower grades to press their religious convictions in what has been regarded as a religiously neutral setting.

Writing for the majority, Justice Clarence Thomas held that letting a Good News Club, an evangelical Christian organization that targets children, use a room in an upstate New York school on the same basis as other groups "would ensure neutrality, not threaten it." The decision overturned a federal appeals court ruling that held that excluding the religious group was a reasonable policy of not permitting "quintessentially religious" subjects from being taught on school property.

Thomas' opinion concluded that the "school has no valid Establishment Clause interest." He was joined by the usual ultra-conservative Antonin Scalia and William Rehnquist, the two moderate swing votes Sandra Day O'Connor and Anthony Kennedy and, surprisingly, by the usually liberal Stephen Breyer, who filed a concurring opinion.

Justice David Souter, who is becoming the court's leading defender of church-state separation, criticized the majority for "ignoring reality." Souter, whose dissent was joined by John Paul Stephens and Ruth Bader Ginsberg, observed, "Good News's exercises blur the line between public classroom instruction and private religious indoctrination, leaving a reasonable elementary school pupil unable to appreciate that the former instruction is the business of the school while the latter, evangelism, is not."

Souter reiterated this point, writing, "It is beyond question that Good News intends to use the public school premises not for the mere discussion of a subject from a particular Christian point of view, but for an evangelical service of worship calling children to commit themselves in an act of Christian conversion."

Justice Breyer's concurrence was conditional. He supported the Club's asking for equal treatment and nondiscrimination by the school, but he worried openly that a reasonable child might see the Club's presence on school property as an endorsement of religion.

The case, *Good News Club v. Milford Central School*, No. 99-2036, was accepted by the Supreme Court in part because two appeals courts had reached different conclusions about the issue in recent years.

The Religious Right immediately hailed the ruling. One Religious Right group, the Rutherford Institute, was involved directly in the suit. Another, Religious Liberty Advocates, filed a friend of the court brief on behalf of the Good News Club's parent organization, Child Evangelism Fellowship, a group headquartered in Warrenton, Missouri. Of the 4,622 Good News Club chapters around the country, 527 meet in public school buildings. The evangelical group admits that its purpose is "to evangelize boys and girls with the Gospel of the Lord Jesus Christ and to establish them in the Word of God and in a local church for Christian living." This stark admission suggests that the group could convert students of one faith and try to place them in a congregation different from the one attended by par-

ents. This potential for religious acrimony was noted by Edwin Darden, attorney for the National School Boards Association, who warned that the decision placed local school boards in an untenable position by "setting up a competition between different religious groups trying to gain the religious fidelity of children."

Many Jewish and civil liberties groups expressed dismay at the ruling, fearing that it opens the door to religious proselytizing and enhances the likelihood of religious strife in public elementary schools. Commented *The New York Times*, "Now that the Supreme Court has allowed this beachhead, it would not be surprising to see a rapid proliferation of frankly religious after-school programming in public school classrooms across the country, blurring the line between regular classroom instruction and religious indoctrination - exactly the meld of government and religion that the Establishment Clause is supposed to prevent."

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## Cozy Companions, *continued from page 2*

Ireland. The new appointments may be seen as an attempt to shift U.S. policy toward Ulster Protestants. This concern was reinforced when Vice President Dick Cheney appeared on the same platform at a conservative political action conference in Washington with David Trimble, the increasingly conservative and intransigent leader of the Northern Ireland Protestant Unionists. The conference failed to invite Catholic leader John Hume, which suggested not only an imbalance but a signal that America's right-wing no longer supports a peaceful settlement to the Northern Ireland problem but favors one side in the centuries-old dispute. America's far right also has elements of isolationism in its makeup, and the Bush administration's disengagement from the Middle East, the Balkans, and Ireland may be an ominous sign that a renewal of isolationism is imminent. The State Department recently announced that 23 of 55 special envoys to the world's trouble spots have been discontinued.

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# Americans Doubtful About Faith-Based Funding

While three-fourths of the Americans polled by the Pew Research Center for the People and the Press in March express general support for government-funding of faith-based organizations, similar percentages express serious doubts and reservations about aspects of the program.

The high level of theoretical support evaporates when specific problem areas are addressed. For example, by 78% to 18% Americans said that "religious groups that use government funds should *not* be allowed to hire only those who share their religious beliefs." By 69% to 23% Americans rejected the idea that government-funded religious groups could hire people "on the basis of their religious beliefs." Even limiting hiring practices to those who "shared their moral values" was rejected by 62% to 25%.

The poll also revealed that by 59% to 32% Americans would

exclude "groups that encourage religious conversion" from participation in the program. Furthermore, 68% of those surveyed said government may get "too involved with religious organizations," and 60% said they were concerned that "people would be forced to take part in religious practices." A majority, 52%, said they were concerned that the program "would interfere with church-state separation," and half admitted that the concept "might increase religious divisions."

Also, when given options, only 37% of those polled thought religious organizations were the best provider of services, while 28% opted for government agencies and 27% favored "nonreligious, community-based organizations."

Support for faith-based funding was highest among white evangelical Protestants, Republicans and political conservatives.

## *Editorials*

### Hanssen and Opus Dei: Troubling Questions

FBI agent Robert P. Hanssen was arrested in February and charged with spying for the Soviet Union over a period of 15 years or more. At the time of his arrest Hanssen was reported to be a member of the controversial, secretive, ultraconservative Roman Catholic "secular institute" or "personal prelature" Opus Dei (Latin for God's Work), much favored by Pope John Paul II, who is pushing for canonization of Opus Dei's founder, Spanish priest Msgr. Josemaría Escrivá de Balaguer. Hanssen had enrolled his children in an Opus Dei private school in Northern Virginia. (Former FBI director Louis Freeh is a member of the same parish as Hanssen and is reportedly also an Opus Dei member.)

In mid-June the media reported that a psychiatrist who had been fired from Hanssen's defense team revealed Hanssen had confessed his espionage activities to Opus Dei priests "throughout the 1980s and 1990s."

This development reminded me of a magazine article I had published in 1970, "Opus Dei: Holy Mafia?" copies of which may be obtained from ARL. I reported that Opus Dei members "swear an oath (according to Article 58 of the Opus Dei constitution) always to consult their superiors in the order on all professional, social and other questions. . . . Members are required to confess to a designated priest once each week, to have a weekly interview with a chaplain or other Opus Dei superior, and to meet weekly with their comrades to 'correct their defects' and discuss plans for carrying out the Order's mission."

What did Opus Dei priests and other officials know about Hanssen's espionage activities and what did they do about it? Why did a priest, according to media reports, urge Hanssen to give himself up, then change his mind and urge Hanssen to donate the \$20,000 he got from the Soviets to charity?

Civil and church law protect the secrecy of the confessional, but Hanssen himself may reveal more as part of a plea bargain.

Meanwhile, did the strongly anti-communist Opus Dei shield a spy? Opus Dei has long been a source of embarrassment to most Catholics. The Hanssen affair makes the wicket even stickier.

— Edd Doerr

## Bush's Dishonest Tactics

President George W. Bush, a man not noted for a profound understanding of policy or for appreciating deep-seated objections to his shallow and facile opinions, berated and castigated critics of his "faith-based" initiative in a June 5 appearance in Tampa, Florida.

Bush lashed out at critics of his plan to fund religious charities without restrictions. "Those who worry about faith in our society and government's willingness to stand side by side with faith, don't understand the power of faith and the promise of faith and the hope of faith." Bush appears to have no understanding of the very real constitutional, moral, ethical, and theological concerns about his program.

Speaking at a Habitat for Humanity event, he said, "To the skeptics of faith in our society, I say, come to Habitat for Humanity building sites, listen to the opening prayer, so eloquently delivered today by a fellow Methodist."

The trouble with this reasoning is that Habitat for Humanity, a charity based in Americus, Georgia, already receives substantial government funding but does not engage in proselytizing. The group does not have a religious requirement for recipients, volunteers or donors, and its opening prayers at the beginning and end of its projects are optional. "We don't foist religion on anyone," said Habitat president Millard Fuller. Fuller also said that he did not want "unlimited government involvement" that might follow additional government funding.

Bush continues to misrepresent his program and to distort the views of critics.

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# Update

## Creeping Creationism

In mid-June the U.S. Senate stripped from the comprehensive education bill, S. 2, a previously House-passed provision calling for science testing because of conservative concern that the tests would include evolution-related questions. Then on June 13, in a serious lapse of common sense, the Senate voted 91-8 in favor of a nonbinding resolution, sponsored by Sen. Rick Santorum (R-PA), that reads: "Good science education should prepare students to distinguish the data or testable theories of science from philosophical or religious claims that are made in the name of science; and where biological evolution is taught, the curriculum should help students to understand why this subject generates so much continuing controversy, and should prepare the students to be informed participants in public discussions regarding the subject."

The amendment's language was drafted largely by law professor Phillip F. Johnson, a leading theoretician of the creationism movement and a leader in the campaign to downgrade evolution in science teaching. Wayne Carley, executive director of the National Association of Biology Teachers, said that biologists will mount a campaign to block the resolution, which he said would be used by fundamentalists to attack evolution in science teaching.

## Ohio Teachers Challenge Charter Schools

The Ohio Federation of Teachers (OFT) filed the nation's first lawsuit challenging charter school funding. The April lawsuit challenged the state's 1998 charter school program, which has subsidized 68 schools.

OFT president Tom Mooney said, "Ohio's citizens have seen their tax dollars drained from regular public schools to support charter schools that have no accountability and over which their elected representatives exercise no control."

The OFT suit charges that public schools have been deprived of nearly \$100 million in revenue, which will lead to school closings, personnel layoffs and a reduction in services offered by many public schools. The lawsuit also charges that Ohio's charter program violates a state law that all schools must operate as nonprofit corporations.

Mooney added, "Charter schools were supposed to be small, autonomous public schools with a unique or innovative institutional program. Instead, they have become a vehicle for privatizing education."

## Federal Court Bans Gender Discrimination in Drug Coverage

A federal district judge in Seattle ruled in June that a local drugstore chain discriminated against women when it excluded prescription contraceptives from its employee health plan. A class action suit was filed against the Bartell Drug Company by one of its pharmacists, Jennifer Erickson, last July.

District Judge Robert Lasnik held that the health insurance coverage exclusion violated the Pregnancy Discrimination Act by paying for all of the basic health needs of male employees while excluding contraceptives needed by female employees.

## ARL in Action

ARL has joined with religious and civil liberty organizations in opposing H.R. 7, the administration's "Community Solutions Act" that includes faith-based initiatives. ARL has also joined fifty organizations in a brief challenging the constitutionality of state restrictions on Medicaid funding for abortion in Texas. The case, filed by the Women's Law Project of Philadelphia, argues that the Texas restrictions "impermissibly interfere with women's reproductive autonomy" and harm those who need help the most. The Texas regulations prevent a substantial number of low-income women from being able to obtain safe, legal abortions. The case is *Bost v. Low-Income Women of Texas*.

Since our last report ARL executive director Edd Doerr addressed education, conference, church, and other audiences in Minneapolis, Pittsburgh, Los Angeles, Cleveland, and Bethesda and Frederick, Maryland. As a delegate to the Unitarian Universalist General Assembly in June, he helped to pass a resolution opposing President Bush's proposal to channel public funds to faith-based initiatives.

In May Doerr attended a conference of the International Humanist and Ethical Union in Oslo, Norway, and reported on church-state issues in Norway in the July-August issue of *The Humanist*.

Associate Director Al Menendez presented the case against vouchers at the Pennsylvania state ACLU convention in May.

Lasnik said the exclusion "creates a gaping hole in the coverage offered to female employees, leaving a fundamental and immediate health care need uncovered."

Some states have passed laws requiring at least some employers to provide contraceptive coverage. But the federal sex discrimination law cited by the Court covers only those women who are employed and insured by businesses with more than 15 employees. An attempt to remedy this inequity has stalled in Congress since 1997 because of conservative, Republican, and business opposition.

This federal decision, coming six months after a similar ruling from the federal Equal Employment Opportunity Commission, is expected to highlight this issue of gender equity in prescription drug coverage.

Women's rights groups hailed the decision as a step forward toward greater equality.

## Mormon Theocracy in Utah Slammed

*Washington Monthly* editor Stephanie Mencimer lays bare a dirty little secret of American life, arguing, "Living as a non-Mormon in Utah may be the closest a white person can come to understanding what it's like to be a minority in this country."

Writing in the April issue of the highly-regarded journal, she said, "A financial and political powerhouse, the LDS church not only dominates most of Utah's social service agencies, but also the government, the public schools, and the media. It even runs the shopping malls. As a result, the church shapes the life of everyone who lives in Utah, Mormon or not."

Mencimer, who grew up in Utah, is especially incensed at Mormon control of the public schools. "Until I attended one, I didn't fully realize that Utah's public schools are essentially an extension of the LDS church. All junior high and high schools in the state of Utah are arranged so that there is a Mormon seminary building either right next door or across the street. Mormon students are allowed to take religious classes as part of their public education in these buildings." This leads to endless discrimination against non-Mormons, because they are singled out as dissenters and outsiders. "Allowing kids out for religious education during the school day has a pernicious effect on public school life," she argues. Many high school teachers are Mormon bishops, so-called "tutors" are Mormon missionaries in disguise, graduation ceremonies are held in Mormon tabernacles, and school choirs routinely sing Mormon songs. Many public schools celebrate "Missionary Week" to further advance the cause of Mormons, even at public expense.

Mormon domination of the political system has created state laws on liquor control and sexual matters that would be found unconstitutional in most states. The state attorney general recently established a "pornography czar" to stamp out films and literature deemed unacceptable to the Mormon majority.

Mencimer attacks President Bush's support for government-funded religious programs on a national scale because she has seen how they work in Utah. She concludes, "President Bush believes that religion mingled with government will serve the public good, but I have witnessed first-hand how this forced faith creates its own sorts of pathology. . . . My time in Utah taught me that the freedom of expression and the freedom from religion promised by the Constitution are precious things not to be given up lightly. I only hope that the rest of the country doesn't have to learn this lesson the hard way."

## Lone Star Justice

The Texas Supreme Court unanimously struck down as unconstitutional a Texas prison program that separates inmates by religion. The case originated in Tarrant County (Fort Worth), where a Chaplain's Education unit was established so that prisoners could be indoctrinated into "orthodox Christianity," a curriculum designed in 1993 by the then-Sheriff David Williams and Chaplain Hugh Atwell. Three plaintiffs, noted religion professor Ronald Flowers and two inmates, challenged

the program's bias. The state's highest court agreed that the program constituted an "official endorsement of religion" by the state. The program, said Justice Deborah G. Hankinson, "endorsed one religion over other religions and conveyed the impermissible message" that these views were "preferred" by the state of Texas. The special unit, where selected inmates studied the Bible and completed "faith-based" assignments, was immediately dismantled.

## Global Gag to Continue

On May 26 the U.S. House of Representatives voted 218 to 210 to restore its ban on the use of federal money for family planning and counseling services overseas if abortion is even mentioned. President Bush had threatened to veto the entire \$8.2 billion State Department spending bill if lawmakers did not restore the anti-abortion language deleted earlier in the session. The voting was highly partisan, though about 15% of both Democrats and Republicans crossed party lines on the vote.

## Jewish School Population Increases

A survey by a New York-based advocacy group for Jewish day schools, the Avi Chai Foundation, shows that 185,000 students attend Jewish day schools in the U.S. This represents 20% of the Jewish school population. The enrollment has grown 20-25% during the 1990s, according to foundation director Yossi Prager.

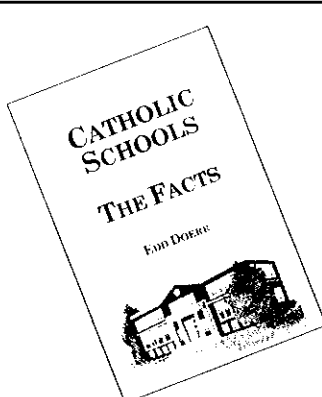
Most Jewish day school students come from the Orthodox tradition, but a growing number are Conservative or even Reform. The number of Reform schools has grown from six to nineteen over the past decade, as have "cross-denominational" schools. In the Washington, DC, area, Jewish school enrollment, primarily non-Orthodox, has risen by one-third, from 2,325 to 3,117 students in the past five years.

A growing number of Jewish students also attend some of the nation's prestigious secular private schools. This movement has supporters of public education and liberal politics worried. *The Washington Post* reported on April 7, "Some Jewish leaders are calling for a reassessment of the traditionally solid opposition among non-Orthodox Jews to government funding for religious schools." Interviews with a wide range of Jewish educators, however, concluded that the Jewish community still supports public education as a vital part of American society. And Jewish members of Congress voted solidly against vouchers in a significant test vote in May.

## Utah Cannot Count Missionaries

A unanimous federal court panel ruled in May that Utah could not count 11,176 Mormon missionaries as residents for purposes of reapportioning the U.S. Congress that is mandated after every census. Utah fell 857 residents short of gaining a fourth congressional seat.

The judges rejected the claim that Utah is a victim of religious discrimination when the Census Bureau refused to count the missionaries. The court noted that the bureau did not count an estimated 5 to 6 million Americans who reside abroad. Counting missionaries would have placed other citizens at a disadvantage, the court held. Utah's attorney general, Mark Shurtleff,



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announced that the state would appeal the decision to the U.S. Supreme Court.

## Texas Cracks Down on Charter Schools

The Texas legislature, concerned about reports questioning the reliability and viability of the state's 190 charter schools, tightened controls over them and placed new restraints on their growth. A bill, passed by both branches of the legislature, limits the number of charter schools that can be run by nonprofit groups, for-profit companies, and local school boards. It requires all employees of the school to undergo annual background checks and prohibits conflicts of interest and nepotism in charter schools. The bill, expected to be signed by Governor Rick Perry, requires the schools to meet state open-meeting and open-records requirements and mandates that charter schools adopt state rules for awarding contracts. The Texas Commissioner of Education's office would be given more power to oversee the management of charter schools and to shut down schools deemed to be failing to provide an adequate education to their pupils.

Some of the new measures were fueled by a study conducted by the Texas Freedom Network which found that only five charter schools received the highest possible rating from the Texas Education Agency. The performance level of charter school students did not match the expectations of its supporters.

## Church Colleges Win in Court

The conservative Fourth Circuit Court of Appeals in Richmond ruled on June 26 that even "pervasively sectarian" colleges may receive public funds. The court claimed that "government neutrality toward religion is required by the First Amendment." The case arose in 1992 when Maryland's attorney general held that Columbia Union College, a Seventh-day Adventist school in Takoma Park, was too closely connected to and dominated by religion to participate in Maryland's program of aid to independent colleges. The ruling is another blow to the wall of separation between church and state. Supporters of President Bush's faith-based initiative think it will pave the way for court approbation of the controversial plan. One of the leading architects of a so-called new "neutrality" doctrine, University of Missouri law professor Carl Esbeck, is now an official at the Justice Department. The Religious Right has hailed the Fourth Circuit ruling.

## Bishops Tighten the Squeeze

Under pressure from the Vatican, the U.S. Catholic bishops at their spring conference in Atlanta in June passed tough new guidelines regulating Catholic hospitals. They closed loopholes that had allowed sterilization services to continue in non-Catholic hospitals that merged with or were purchased by Catholic hospitals. The new guidelines categorize sterilization as "intrinsically immoral." The ruling is expected to further reduce women's access to a full range of reproductive services, since 159 mergers between Catholic hospitals and other hospitals have taken place in the last decade.

## Second Thoughts on Charitable Choice

June hearings in the U.S. Senate on President Bush's plan to aid religious social service agencies revealed that opposition is rising. Concerns about the independence of religious institutions and religious discrimination in them were expressed by committee members and others.

Rabbi David Saperstein of the Religious Action Center of Reform Judaism told the Senate Judiciary Committee that the pending legislation would compromise the religious missions of the churches and bring about social divisions that would harm the nation. Vermont Senator Patrick Leahy warned openly about religious discrimination, warning that "allowing discrimination on the basis of religion may open the door to other forms of discrimination."

Meanwhile, Rep. Chet Edwards, like President Bush a Texan and a Methodist, blasted the president's trashing of his opponents on this issue. Bush told a Georgia audience that opponents of his faith-based plan did not "understand the power, the promise and the hope of faith." Edwards retorted, in an address on the House floor, "I do not think it is fair to question the religious faith of decent Americans who happen to disagree with his policy proposals. Challenging people's religious faith because of public policy differences is not a way to bring Americans together; rather, it is a prescription for religious divisiveness."

## Hoosier Giveaway Challenged

The Indiana Civil Liberties Union (ICLU) filed suit in Superior Court in Indianapolis to block distribution of state gambling funds to religious groups. The Build Indiana Fund, which distributes \$261 million per year, gave substantial grants to a Catholic college, a Catholic high school, and to an Easter pageant in the town of Marion. The ICLU cited state and federal constitutional bans on religious establishment.

## International

**Brussels:** In June a Belgian jury found four Rwandans, including the mother superior of a convent, guilty of war crimes for their role in a 1994 massacre in their war-racked nation. A 1993 law allows Belgium, the former colonial power in Rwanda, to try Belgian residents for crimes against humanity, even if committed abroad. Sister Gertrude was the former mother superior of the Benedictine convent of Sova, where she and Sister Maria were found guilty of collaborating with a militia that killed 7,000 refugees. The Vatican protested that the nuns were being singled out for prosecution. The ground-breaking case is expected to influence Switzerland, France and Germany, where Rwandans have fled since the genocide of the 1990s and where the law allows courts to try war crimes.

**London:** The new British parliament elected in June will have at least two Muslims among its 659 members. In addition, a former Catholic priest, David Cairns, director of the Christian Socialist Movement, won a seat in Scotland for the Labour Party. The law barring Catholic and Anglican clergy from serving in Parliament was abolished just before the election. Ironically, it never applied to Protestant clergy, who have been elected over the years. Two Presbyterian clergy, Ian Paisley and Martin Smyth, were reelected in Northern Ireland, which

has a tradition of sending Presbyterian ministers to London. Britain's first Muslim M.P., Mohammad Sarwar, was given a second term by the voters in the Govan constituency of Glasgow, Scotland.

**Ottawa:** In an odd but decisive 8-1 ruling, the Supreme Court of Canada in May upheld a private Christian college's right to oppose homosexuality but said that anti-gay policies could not be upheld. The case arose when the British Columbia College of Teachers withdrew its approval of the education training at Trinity Western University, an evangelical college that teaches that homosexuality is a sin. Trinity Western is privately funded and requires that its students and faculty sign a "community standards agreement" banning "premarital sex, adultery, and homosexual behavior."

The victory is not an absolute one for evangelicals, since the court drew a distinct line between belief and practice. If the school acts on its beliefs by discriminating against gays, it will still be in violation of human rights laws. The majority wrote, "Neither freedom of religion nor the guarantee against discrimination based on sexual orientation is absolute. The proper place to draw the line is generally between belief and conduct. The freedom to hold beliefs is broader than the freedom to act on them."

One justice, Claire L'Heureux-Dubé, dissented, saying that the college code "embodies discriminatory behavior." She held that the college would inevitably practice intolerance against sexual dissenters, since it disciplines teachers who violate the college's standards of conduct.

**Paris:** A new French law aimed at religious "sects" has triggered an unusual Catholic and Protestant alliance. The Catholic bishops and the Protestant Federation of France denounced the 13-point French law, saying that it is a potential "blow to fundamental liberties." The law empowers judges to dissolve religious groups suspected of infringing on "physical or psychic integrity" and imposes five-year prison terms and hefty fines for religious leaders found guilty under the law. Catholics and Protestants say the law is too broadly construed and could be used against all religions.

**Toronto:** The Ontario provincial government set off an intense political controversy when it announced a tax credit program costing \$300 million to benefit independent religious schools. The plan to grant a \$700 per child credit, rising to \$3,500 per child by 2006, was "sprung" on the electorate by Conservative Premier Mike Harris. Even Education Minister Janet Echer was unaware of the decision and openly opposed it as divisive. (Eventually, she buckled and gave grudging support to the proposal).

Ontario's government funds public nonsectarian schools and the so-called Catholic Separate Schools, which are considered public even though they maintain distinctive denominational standards and policies. About two million Ontario children attend the dual "public" school systems. But 97,000 children attend Anglican and Protestant schools and 9,000 attend Jewish schools, which receive no funding.

Ontario's policy of discriminating in favor of Catholic education in preference to other religions has long caused the province - and the nation - trouble in the eyes of critics. Opponents of this policy, and opponents of aiding any religious school system, challenged the system in Canada's Supreme Court. They were unsuccessful. The High Court held that the 1867 Constitu-

tion that created Canada required an exception to the general equality provisions and required that Ontario fund Catholic schools (and that Quebec fund Protestant schools), a compromise necessary to create the nation. But critics did win a United Nations Human Rights Committee resolution criticizing the province's refusal to aid Protestant and Jewish schools (even the Canadian Supreme Court implied that this failure to be even-handed was inconsistent with human rights).

Public school supporters, and many leaders of the Liberal and New Democratic parties, oppose the new tax credit plan, saying that it will seriously harm public education, which has been underfunded. Protests are growing. Parents of Anglican, Muslim and Jewish children in public schools staged a rally in late May at Queens Park, Toronto, seat of the provincial parliament, labeling the legislation divisive and a boon to wealthy taxpayers. Public school teachers' unions also vigorously oppose the plan. But support is coming from many independent school managers and from the right-wing Alliance Party, which receives the bulk of its support from evangelical and conservative Protestants.

The nation's most prestigious newspaper, the *Toronto Globe and Mail*, editorialized against the scheme, saying, in part, "Public schools are the place where children from diverse backgrounds learn to live together as Canadians. . . . That is just one reason why a province such as Ontario should be shoring up its public schools. The government's private school tax credit would do just the opposite. It would cost \$300 million, money that would be far better spent training teachers or buying books." The paper reminded its readers that where "parents have the right to send their children to independent schools, other Ontarians should not be made to subsidize that choice through this misguided tax credit."

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## Books

*Welfare Reform and Faith-Based Organizations*, edited by Derek Davis and Barry Hankins, J.M. Dawson Institute of Church-State Studies, Baylor University, Waco, TX 76798, 311 pp., \$27.95 cloth, \$13.95 paper.

A boa constrictor kills its prey not so much by using strength as by cunning and patience. It tightens its grip a little bit each time its prey exhales or struggles and eventually it dies. A similar strategy for killing the religious liberty clauses of the First Amendment is spelled out in this book in an essay entitled, "The Neutral Treatment of Religion and Faith-Based Social Service Provides: Charitable Choice and Its Critics," by Carl Esbeck, main architect of the charitable choice position of the 1996 welfare "reform" law sponsored by former senator and current Attorney General John Ashcroft.

Fortunately, his argument is effectively countered in pieces by Dawson Institute director Derek Davis, law professor Alan Brownstein, former Baptist Joint Committee counsel Melissa Rogers, and attorney Julie Segal. The book itself is composed of papers presented at a Dawson Institute symposium on charitable choice at Baylor in 1998.

This excellent collection fairly presents and examines the constitutional and public policy arguments for and against tax support for faith-based charities. The concluding essay by Derek Davis, "Right Motive, Wrong Method," is one of the best defenses of church-state separation I have read.

The informative essay by Sharon Daly of Catholic Charities

comes down somewhere in the middle of the debate but usefully shows some of the sharp differences between Catholic and Protestant fundamentalist thought on social justice issues, with Catholic thought clearly more progressive.

On the whole, this book is an important contribution to a crucial national debate.

— Edd Doerr

*Schools, Vouchers, and the American Dream*, by Terry M. Moe, Brookings Institution Press, 452 pp., \$29.95.

Several years ago on NPR's Talk of the Nation show I debated Terry Moe, co-author of the 1990 book *Politics, Markets, and America's Schools*, a propaganda clunker touting school vouchers. It would be false modesty to deny that I won the debate hands down.

Moe's new book, hot off the press, is more of the same tired nonsense. Far from being a "careful, thoughtful analysis that will stand up to scrutiny," as Moe claimed recently in *Education Week*, the book is a bizarre, meretricious screed oozing hostility toward public education and church-state separation and hell-bent on promoting school vouchers at the cost of honesty, logic, and fact. It is about what one might expect from a "study" funded by such right-wing foundations as Bradley, Olin, and Walton. (It is curious that this tome is but one of a number of rather awful – from a church-state separation point of view – books from an otherwise respected think tank, the Brookings Institution.)

Moe's 452-page, 1¼ pound masterpiece of obfuscation is long on market theory, which has little bearing on what school finance controversies are really all about, and exceedingly short on any acknowledged awareness of the ways that nonpublic schools tend to be radically different from public schools. He ignores the important findings of the 1998 U.S. Department of Education study, "Barriers, Benefits, and Costs of Using Private Schools to Alleviate Overcrowding in Public Schools," a serious report that makes clear the selective, discriminatory, and pervasively sectarian nature of most nonpublic schools. (The report is summarized in my *Phi Delta Kappan* article, "Give Us Your Money," available from ARL.)

Centerpiece of Moe's book is a poorly concocted, misleading poll in 1995 that, among its many flaws, conflates public school choice, which is popular, with vouchers, which are not.

Moe tries to explain away the seven two-to-one voucher referendum defeats of the past decade in California, Oregon, Washington State, Colorado, and Michigan, while failing even to mention the nearly 20 similar defeats for vouchers or their analogs over the previous 25 years, but it doesn't work: Analysis of county voting results in the five referendum states of the last decade (by ARL's Al Menendez) shows a remarkable consistency of opposition to vouchers across the socio-economic, religious, urban-suburban-rural, and ethnic spectra.

Moe has nothing to say about the enormous fiscal or social costs of vouchers and evinces not the slightest spark of interest in what our public schools really need: More adequate and more equitably distributed funding, repair and replacement of worn-out buildings, smaller classes (about 15 kids) in the lower grades, and more attractive teacher compensation. If our country can afford a \$1.3 (or \$4) trillion tax cut, it can surely afford the best public schools in the world.

— Edd Doerr

*Orphan Trains*, by Stephen O'Connor, Houghton Mifflin Company, 362 pp., \$27.00.

O'Connor tells the story of an early U.S. example of a "faith-based" charity, which "rescued" orphans from New York and sent them to Midwestern and Western families. Founded by a young Protestant minister, Charles Loring Brace, the Children's Aid Society (CAS) existed from 1853 to the 1920s.

This noble effort to alleviate the problem of child abandonment was tarnished by religious conflict, since the group's Protestant orientation was so explicit that it frequently placed Catholic children with Protestant families who raised them as Protestants. O'Connor explains, "Many Irish, and Catholics in general, saw the CAS as a key element in a Protestant plot to destroy their faith." Since "most New York Catholics then lived in deep poverty," and "there were no substantial Catholic urban aid or reform organizations, the church's poorest parishioners had no choice but to turn to Protestant charities." O'Connor adds that "Brace and many of his coworkers were deeply prejudiced against Catholics and most Catholic children who were sent West did in fact end up being raised Protestant."

Catholics eventually fought back and founded the Catholic Protectory (established by a former Episcopal bishop who converted to Catholicism) and the New York Foundling Hospital, run by the Sisters of Charity. These groups often matched the prejudice of CAS. Says O'Connor, "the Sisters of Charity commonly changed the surnames of Jewish children and passed them off as Catholic."

As a consequence, New York's system of child welfare was bogged down by religious conflicts, resulting, by the 1970s, in unwanted and underserved children.

Could this happen under President Bush's faith-based scheme? It is good to have some historical studies like this one to help center the debate on an issue that has deep historical roots.

— Al Menendez

*To An Unknown God: Religious Freedom on Trial*, by Garrett Epps, St. Martin's Press, 289 pp., \$24.95.

Epps, an associate professor of law at the University of Oregon, tells the dramatic story of how a routine unemployment dispute in Oregon became a constitutional confrontation that affects the free exercise of religion for every American citizen. The case, affecting Native Americans and their use of peyote in religious rituals, was transformed by Justice Antonin Scalia in 1990 into a full-scale assault on religious freedom for minorities. The case, *Employment Division v. Smith*, is a landmark in U.S. legal history. Its consequences still affect case law in similar free exercise cases, though its impact has been modified somewhat and has probably not been as severe as religious freedom advocates feared.

Epps tells the story with great drama and feeling. As he writes, "The law of religious freedom remains unsettled." Scalia chose to weaken free exercise and place less-favored religions at a distinct disadvantage with major, politically powerful ones. "Like most of Scalia's opinions, it was radical in its approach and less than respectful of Supreme Court precedent."

— Al Menendez

*The Catholic Church: A Short History*, by Hans Küng, The Modern Library, 221 pp., \$19.95.

Küng, perhaps the most distinguished Catholic theologian alive today, has written a splendid history of his religious tradi-

tion. He is up front with his posture, saying, "Despite all my experiences of how merciless the Roman system can be, the Catholic Church, this fellowship of believers, has remained my spiritual home to the present day."

Küng also notes that he "affirms the papacy but at the same time calls indefatigably for a radical reform of it." Küng writes history with a purpose. He traces the struggle between democracy and authoritarianism, which he sees as central to the church's role in history and to its self-understanding.

After hailing the Second Vatican Council as a long-hoped-for embrace of democracy and openness, Küng says there has been "no progress" since then since "dialogue with the modern world has been replaced with one-sided teaching and decrees." Today's Vatican "is again a tighter Roman centralism, with increasing accusation, complaint and lamentation over alleged assimilation. Instead of dialogue there is again reinforced inquisition and a refusal of freedom of conscience and teaching in the church. Instead of ecumenism, the emphasis is again on everything that is narrowly Roman Catholic." He adds, "Roman legalism, clericalism and triumphalism - cosmetically rejuvenated and in modern dress - has come back with a vengeance!"

Küng writes with great conviction. "The chain of papal contradictions is never-ending. There is eloquent talk of human rights, but no justice is practiced toward theologians and religious orders of women. There are vigorous protests against discrimination in society, but discrimination is practiced within the church against women, in particular in matters of birth control, abortion and ordination. There is a long encyclical on mercy, but no mercy is shown over the remarriage of divorced persons and married priests."

The always-outspoken Küng concludes with a timely observation that there will be "no peace among the nations without peace among the religions."

— Al Menendez

*John Paul II: A Personal Portrait of the Pope and the Man*, by Ray Flynn, St. Martin's Press, 204 pp., \$22.95.

For four-and-a-half rather unhappy years, former Boston mayor Raymond Flynn served as the Clinton administration's first ambassador to the Vatican (more properly, the Holy See, as it is defined in international law). Flynn was a decent, liberal mayor of one of America's premier cities and a loyal Democrat. But as time would tell, he became increasingly conservative and out of sync with U.S. policies concerning the issues of family planning and women's rights overseas.

Flynn recalls, "When I took the job as ambassador to the Holy See, I thought I could help provide some balance to the liberals who had captured the Clinton-Gore administration in its early going and help build a positive relationship between the White House and the Vatican. As the Cairo debate unfolded, I found myself between a rock and a hard place, representing the Clinton administration on the one hand but agreeing with John Paul II on the other."

Flynn set out to undermine U.S. policy, accusing his own government of "trying to dictate its secular politics to religious nations." As *Voice of Reason* editorialized during the middle of Flynn's tenure, the ambassador was the wrong man at the wrong time in the wrong place. We called for his resignation, since he could not in good conscience represent his nation's leadership when he disagreed with its policies, and in fact supported the retrograde policy of the Vatican in the world population controversy. As this memoir makes crystal clear, Flynn was not the

right choice for the job. In fact, his anguish raises questions about whether there ought to be a U.S. diplomatic mission to the Holy See.

— Al Menendez

*On the Backroad to Heaven: Old Order Hutterites, Mennonites, Amish and Brethren*, by Donald B. Kraybill and Carl F. Bowman, Johns Hopkins University Press, 330 pp., \$29.95.

Two eminent U.S. religious sociologists explore the reasons why four Old Order Anabaptist communities are flourishing in rural America today. Despite historic differences, all are anti-modern separatists who oppose most presuppositions of secular democracy and public education.

All of these groups maintain a network of private schools, even the Brethren, who once attended public schools but have joined the exodus to private or home schooling. The reasons for this tell a great deal about what private education signifies. The authors write, "The private schools of all the groups are vital agents in their protest against progress. They transmit alternate values and insulate youth from Enlightenment notions of moral relativity, evolution, critical thinking, and individualism, all of which challenge Old Order ways. Equally important, the schools provide a cradle of ethnic friendships and minimize ties with outside peers."

Here is another example of why private religious schools should not be supported by taxpayers (though in all fairness the Old Order groups would probably shun public funds).

— Al Menendez

## Americans for Religious Liberty

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