



VOICE OF REASON

The Newsletter of Americans for Religious Liberty

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Democratic Victories in New Jersey, Virginia Strengthen Separation

By Albert J. Menendez

The election of Democratic governors James E. McGreevey in New Jersey and Mark Warner in Virginia represents victories for public education and abortion rights, though the outcomes turned on mostly economic issues.

Republican candidate Bret Schundler in New Jersey, who went down by a 56% to 42% margin, tried to make vouchers for private and parochial schools the defining issue of his campaign, but voters refused to buy his fatally flawed plan. Schundler insisted that a massive voucher program would not only help some students flee the public schools for allegedly superior private ones but would reduce public school expenditures by comparable amounts. School finance experts, and even some sympathetic conservatives, found that the numbers did not add up.

Schundler's complicated plan, which would have drained \$600 million from the state's contribution to public education annually, was premised on giving a 50 cent tax credit on personal income taxes for every dollar families spend on school tuition or expenses, up to \$500 per child. This would have included home schooling families. He advocated giving taxpayers a 75 cent rebate from state income taxes for every dollar donated to private and religious school scholarships. Individuals could give as much as \$10,000 per year. Schundler also advocated expanding charter schools. Democrat McGreevey castigated the plan as injurious to public education, saying on October 18, "I believe our responsibility is to ensure that public education works." McGreevey was endorsed by the New Jersey Education Association, its first endorsement in a governor's race since 1989.

Schundler's hard-line anti-abortion rights position did not have much appeal in the strongly pro-choice Garden State. Presbyterian Schundler tried to enlist Pope John Paul II as an ally for his anti-choice views, an obvious reference to Jim McGreevey's Catholicism and pro-choice sentiments. But New Jersey voters saw Schundler as outside the state's political mainstream.

New Jersey Votes

Democrat Jim McGreevey's 56% to 42% victory, resulting in an unofficial margin of 312,000 votes, was comparable to Al Gore's victory in the state a year ago. McGreevey swept all of the traditional Democratic urban counties and the middle income suburban areas, which are heavily Catholic, Hispanic, Jewish and African American. Republican Bret Schundler's strategists thought he could cut into the Catholic vote with his pro-voucher and anti-abortion stances, but that effort failed. Schundler received only 30% of the ballots in his home base of Hudson County, where he was mayor of the county's most populous community, Jersey City. Even in middle- to upper-middle-income Catholic "swing" districts, McGreevey won 61% to 38%.

McGreevey carried moderate Republican and substantially Catholic Bergen, Monmouth and Ocean counties. Ocean County is a resort and retirement area on the Jersey Shore, which narrowly backed George Bush for president but rejected Schundler 51% to 47%.

Schundler still carried rural, Protestant and traditionally GOP small towns. He won Sussex, Warren and Hunterdon counties in the northwest part of the state, where many voters claim German and Dutch ancestry and almost never support Democrats. The GOP nominee easily carried the country-gentry rich in Morris and Somerset counties, known for elegant country living and for the presence of the nation's pharmaceutical industry. Schundler also squeaked ahead by 74 votes in Cape May County, the state's southernmost resort area, which has a bit of a Southern and Methodist flavor.

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Jefferson's Wall of Separation at 200

By Edd Doerr

On January 1, 1802, President Thomas Jefferson penned a letter destined to be ranked with the Declaration of Independence (which of course Jefferson also wrote), James Madison's 1785 Memorial and Remonstrance Against Religious Assessments, the Constitution, the Bill of Rights, and Washington's 1790 letter to the Touro Synagogue in Newport, Rhode Island. Addressed to the Danbury, Connecticut, Baptist Association, Jefferson's letter stated, in part,

Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of gov-

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Black Alliance Funded by Far Right

There are probably few American television watchers who have not seen the emotionally appealing, skillfully produced TV ads extolling the virtues of vouchers for inner-city African Americans. Sponsored by the Black Alliance for Educational Options (BAEO), these ads portray vouchers as the last hope for educationally deprived black children. But are they authentic voices of the African American community?

The answer is a resounding no, according to a report released on December 4 by People For the American Way. The BAEO board is "comprised entirely of African American voucher supporters," says People For. They include former Democratic Representative Floyd Flake of New York, who runs a large parochial school from his church in Brooklyn, and right-wing radio host Armstrong Williams. Ohio's Republican Secretary of State J. Kenneth Blackwell and a Pennsylvania Democratic state representative, Dwight Evans, are also members. Another board member is Taunya Young, an administrator at the troubled Golden Christian Academy in Cleveland. The school conducted all of its classroom instruction through videos marketed for the Christian home schooling movement. Ms. Young was expelled from the Cleveland voucher program in January, 2001.

More importantly, People For revealed that four foundations noted for their advocacy and support of right-wing programs provide the lion's share of BAEO funding. They are: The Bradley Foundation, which supported Charles Murray's controversial research on *The Bell Curve*, suggesting that American blacks are inherently inferior to other groups intellectually, and David Horowitz's Center for the Study of Popular Culture, a right-wing fringe outfit; the Walton Family Foundation, which has contributed millions to failed voucher propositions in California and Michigan and to the anti-affirmative action movement; the American Education Reform Council, a tax-exempt group funded by the Walton Foundation, which has a political subsidiary that supported vouchers and anti-union measures; and the Milton and Rose D. Friedman Foundation, which supports voucher campaigns in at least eight states.

BAEO was founded in August 2000 by former Milwaukee Public School Superintendent Howard L. Fuller. After his resignation in 1995, Fuller, with the help of the Bradley Foundation, set up the Institute for the Transformation of Learning (ITL) at Jesuit-related Marquette University. ITL supports charter schools and develops "research" to justify school vouchers. In 1999 Fuller joined the education policy advisory team of Texas governor George W. Bush.

The People For report reaches the following conclusions:

"The beautifully produced and lavishly funded advertising campaign by BAEO is the most recent tactic to emerge from the Right's strategic campaign to re-cast the image of the voucher movement and build broader political support for policies that would undermine the public education system. For years, the Right has tried to cultivate a small, but visible, base of African American support for its agenda on such issues as vouchers and gay rights.

"Right-wing groups have also put a great deal of effort into cultivating African American spokespeople, and working to counter the legacy of mistrust that communities of color have for a movement that has historically ranged from indifference to opposition toward racial justice efforts. Yet, at the same time, the right-wing political movement has continued to attack traditional civil rights leaders and initiatives.

"BAEO is the latest step in the right's long effort to portray school vouchers as the new civil rights fight. The group does bring together many African American voucher supporters and only a fraction of them are involved in right-wing politics in general. But BAEO takes its place among the other think tanks and local organizations that have been created with money from right-wing foundations as well as individuals and organizations hoping to profit from promoting increased privatization of public education.

"BAEO promotes itself as a parent-led grassroots organization devoted to increasing educational opportunity for poor children. In fact, as this report shows, BAEO was organized by and is funded by the same small collection of wealthy right-wing individuals and foundations that have been for years primary backers of pro-voucher, anti-public education efforts."

Copies of the full report, "Community Voice or Captive of the Right?," is available at www.pfaw.org/issues/education/vouchers/factsheets/BAEOReport1201.pdf.

Report from Madrid

Americans for Religious Liberty executive director Edd Doerr was an invited participant at the United Nations' International Consultative Conference on School Education in Relation with Freedom of Religion and Belief, Tolerance and Non-Discrimination, held in Madrid, Spain, November 23-25. Doerr's report follows.

This UN conference, hosted by the Spanish government, focused on how educational systems around the world can contribute to religious liberty and tolerance. Invoking previous UN declarations and conventions, the delegates, representing 79 countries (plus several hundred NGOs, experts, observers, and religious groups), adopted a seven-page "final document" with 19 points, briefly summarized below:

"[The Conference] underlines the urgent need to promote, through education, the protection and the respect for freedom of religion or belief in order to strengthen peace, understanding and tolerance among individuals, groups and nations, and with a view to developing a respect for pluralism;

"Deems that every human being has an intrinsic and inviolable dignity and value which includes the right to freedom of religion, conscience or belief that should be respected and safeguarded;

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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.

Democratic Victories, *continued from page 1*

Virginia

In Virginia, a state which has supported 12 of the last 13 Republican presidential candidates and has two Republican U.S. senators, voters opted for a moderate Democrat, millionaire businessman Mark Warner, by a 52% to 47% margin over Attorney General Mark Earley.

Warner, an opponent of vouchers and tax credits, pledged more aid to public schools and colleges. The state's vocal anti-abortion forces energized the Earley campaign after Earley promised to support a parental consent law and other restrictions on the procedure. Parental consent is a step beyond parental notification in terms of discouraging abortion for minors. Earley had close ties to the anti-abortion movement. The leader of the anti-choice forces, Delegate Robert Marshall (a Republican from Prince William County) told supporters, "If Earley wins, you will see these things pushed. If Warner wins, it will be a barren desert for the right-to-lifers."

Late in the campaign a radio ad sponsored by the Republican National Committee injected religious emotionalism into the race by claiming that Warner had insulted "people of faith" in a 1994 address the Democrat made to the National Jewish Democratic Council. Warner had criticized the Religious Right takeover of the state GOP when Oliver North was nominated for the U.S. Senate. The 60-second spot ran on Christian and country music radio stations.

The radio spot called Warner "a liberal extremist who supports late-term partial-birth abortions, opposes parental consent and has no tolerance for people with different views and values." The ad called for "leaders who respect people of faith, not politicians like Mark Warner who put us down."

Warner promptly denounced the ad as "absolutely false" in a Richmond news conference on October 30, where the Democratic nominee was joined by the pastor of the Old Presbyterian Meeting House in Alexandria, Warner's church.

The Washington Post denounced the ad as "partisan fodder," "mud" and a "fabricated innuendo," and reminded readers that Warner supports the Virginia law requiring parental notification.

The Virginia electorate apparently rejected such campaign tactics.

Virginia Votes

Democrat Mark Warner won easily (2-1 or better) in the high-income liberal suburbs of Northern Virginia, including Arlington and Falls Church and his home town of Alexandria.

He also carried vote-rich Fairfax County, one of America's premier upscale suburbs and a Republican-leaning county. Fairfax, however, prefers moderate rather than conservative Republicans and has strong Catholic and Episcopalian communities. Fairfax will choose a moderate Democrat over a conservative Republican in state races, rejecting Ollie North in 1994 and Mark Earley in 2001. But the county has supported 15 of the last 16 GOP presidential candidates, beginning with Wendell Wilkie in 1940.

Warner won the traditionally Democratic blue-collar and multi-racial cities of Richmond, Norfolk, Portsmouth and Petersburg. He won 3-1 in the college town of Charlottesville, and in other academic areas (Williamsburg, Lexington, Radford, and Montgomery County). Warner carried Jerry Falwell's hometown of Lynchburg but lost Pat Robertson's home bases of Chesapeake and Virginia Beach.

Warner's dominance of the city vote is reflected in his victories in swing towns like Danville, Newport News, and Suffolk and his easy win in Roanoke. Warner carried 30 of the state's 39 independent cities, even winning normally Republican and conservative Bristol on the Tennessee border and German-flavored Winchester in the north-

ern Shenandoah Valley. Warner's moderate to conservative views, and his appeal to college students, brought him within 100 votes of carrying Staunton, a conservative Shenandoah Valley town and the birthplace of Woodrow Wilson, and within 200 votes of winning Harrisonburg, where Eastern Mennonite University is located.

Warner's moderation brought back the coal-mining southwestern counties that border Kentucky and West Virginia to the Democratic fold. These counties are pro-union and historically Democratic but socially conservative (and filled with fundamentalists). They defected to GOP conservatives like George Allen, Ollie North and to George W. Bush in last year's presidential race. This return to the Democrats helped Warner end eight years of GOP rule.

Republican Mark Earley's best showings came in the Shenandoah Valley, a prosperous, "older" America of German and Scotch-Irish residents who bolted to the GOP after World War II and have remained the most loyal Republicans in the state. (Though, even here, Warner came within 33 votes of carrying Highland County, a Methodist Republican mountain county that never votes Democratic.) Earley also won comfortably in the outer suburbs of Washington, DC (Loudon, Fauquier, Prince William and Stafford counties, and the cities of Manassas and Manassas Park), where white flight, home schooling, and cultural conservatism are on the rise. Earley still won in the old George Wallace strongholds of Mecklenburg and Pittsylvania Counties in the Southside (near North Carolina) where tobacco farmers and one-time segregationists left the Democrats decades ago. The fiercely conservative Richmond suburbs (Chesterfield and Hanover counties) supported Earley, but the Richmond suburb of Henrico County, which has not supported a Democrat for president since Harry Truman in 1948, went for Warner, a real surprise. African-American voters are increasingly moving to the Richmond suburbs, and this may be a factor.

Religion appeared not to be a highly significant factor, though Earley ran a little stronger in rural counties that are mostly Methodist, Baptist, Presbyterian, Lutheran, and Mennonite. (However, heavily Presbyterian Rockbridge County, rarely Democratic, went for fellow Presbyterian Warner.)

The Earley defeat is in many respects a slap at retiring Governor Jim Gilmore, now chairman of the Republican National Committee and a pugacious conservative.

Safeguarding the Future

Religious liberty and church-state separation will never be completely secure. But you can help provide the means for their defense in the future in two ways.

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Jefferson's Wall, *continued from page 1*

ernment reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people [referring to the First Amendment] which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church and State.

The importance of this letter can only be grasped in its historical context, in its influence on the U.S. Supreme Court's rulings from then until the bicentennial we celebrate now, and on what the present Supreme Court will make of it between now and Independence Day, 2002.

Jefferson's "wall of separation" metaphor was employed by the Supreme Court in its first religious liberty case, *Reynolds v United States*, in 1879. Citing the quotation above, the Court held that, "coming as this does from an acknowledged leader of the advocates of the measure, it may be accepted almost as an authoritative declaration of the scope and effect of the amendment thus secured."

The next time the Supreme Court utilized the "wall" metaphor was in the landmark 1947 case, *Everson v Board of Education*. The Court stated, in Justice Hugo Black's ringing words, that,

The "establishment of religion" clause of the First amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and state" . . . That wall must be kept high and impregnable.

Although the *Everson* passage, approved by every member of the 1947 Court, was cited favorably in three subsequent rulings and its spirit informed many more, the Supreme Court, thanks to several conservative appointments, has been drifting slowly away from the position of the *Everson* justices and such subsequent "separationists" as the late, highly regarded Justices William J. Brennan, Thurgood Marshall, and Harry Blackmun, toward the "accommodationist" stance of Justices William Rehnquist, Antonin Scalia, and Clarence Thomas, who have made it quite clear that they do not agree with Jefferson, the *Everson* court, and the court majorities until recently. Before the end of the Court's present term this coming July we will find out whether the serving justices will uphold Jefferson's wall or consign it to the rubbish heap. The crucial test will be the case involving a thus far successful challenge to the Ohio law that provides subsidies through vouchers to sectarian schools in Cleveland, a case scheduled for hearing within weeks.

It cannot be denied that if Jefferson's wall is allowed to crumble, religious freedom in America will be in serious trouble. The door will be open for government to compel taxpayers to support sectarian schools and other institutions that commonly practice forms of discrimination and indoctrination the vast majority of Americans would find intolerable, for sectarian religion to invade public education, and for women to be chained to medieval sectarian medical codes.

To understand our present predicament we must return to Jefferson's 1802 letter to the Danbury Baptists, which latter day "accommodationists," the heirs of the Virginia governor, Patrick Henry, defeated by Jefferson and Madison in 1785-86, will do anything to discredit. Typical of the accommodationist attacks is the one made twenty years ago at a Senate hearing on then President Reagan's school prayer amendment by televangelist Pat Robertson, the same Pat Robertson who joined with Jerry Falwell shortly after the terrorist attacks on September 11 in suggesting that God allowed the attacks to take place to punish Americans for their "liberal sins." Robertson misrepresented the Jefferson letter and said that the "wall" metaphor "only appeared in the constitution of the Communist Soviet Union." (Details may be found in Robert S. Alley's 1996 book, *Public Education and the Public Good*, published by Americans for Religious Liberty)

In reality Jefferson's letter was a response to a letter from the Danbury Baptists praising him and voicing a complaint against Connecticut's establishment of the Congregational Church, an arrangement finally ended in 1818. Jefferson received the letter on December 30 and replied two days later. Although Chief Justice Rehnquist brushed Jefferson's letter off in a 1985 ruling as merely "a short note of courtesy," our third President took it a great deal more seriously.

ARL in Action

ARL to Supreme Court

Americans for Religious Liberty and other organizations in the National Committee for Public Education and Religious Liberty (PEARL) have filed an *amicus curiae* brief with the U.S. Supreme Court in the challenge of the Cleveland, Ohio, school voucher plan (*Simmers-Harris v Zelman*). PEARL (of which ARL's Edd Doerr was a co-founder) was the lead party in the 1973 *Nyquist* case in the Supreme Court in a successful challenge to a New York State voucher analog plan. The PEARL brief supports the Sixth Circuit Court of Appeals' 2000 ruling against the Ohio voucher scheme. Under the Ohio plan, 96% of the students receiving voucher aid from the state attend sectarian schools. Ohio is one of the worst states in providing adequate and equitably distributed funding to public schools.

ARL's Doerr in Madrid

ARL executive director Edd Doerr was an invited participant at the United Nations' International Conference on School Education in Relation with Freedom of Religion and Belief, Tolerance and Non-Discrimination held in Madrid, Spain, November 23-25 (see separate report). In recent weeks Doerr has addressed church, student, radio, and other audiences in Indianapolis, Tucson, Phoenix, and Northern Virginia.

ARL to Work With AHA

Americans for Religious Liberty, now twenty years old, has entered into an arrangement with the American Humanist Association, which will provide ARL with a new office in Washington, D.C., and various staff services. More details later.

* * *

In other action, ARL has joined with civil liberties, religious, educational, and other organizations in communications to members of Congress opposing Bush administration moves that would erode church-state separation.

Jefferson sent the Baptists' letter along with a draft of his reply to Attorney General Levi Lincoln with this request:

The Baptist address, now enclosed, admits of a condemnation of the alliance between Church and State, under the authority of the Constitution. It furnishes an occasion, too, which I have long wished to find, of saying why I do not proclaim fastings and thanksgivings, as my predecessor did. The address, to be sure, does not point at this, and its introduction is awkward. But I foresee no opportunity of doing it more pertinently. I know it will give great offense to the New England clergy; but the advocate of religious freedom is to expect neither peace nor forgiveness from them. Will you be so good as to examine the answer and suggest any alterations which might prevent an ill effect, or promote a good one, among the people?

At Lincoln's suggestion, Jefferson omitted his comments about proclamations so as not to "give uneasiness to some of our republican friends in the eastern states where the proclamation of thanksgivings etc. by their Executive is an antient (sic) habit and is respected."

Another attack by accommodationists on Jefferson's "wall" is their insistence that the First Amendment's establishment clause was intended not to erect a wall but to permit nonpreferential aid to all religions. That, of course, was the Patrick Henry position which Madison and Jefferson defeated in the Virginia legislature the year before the Constitutional Convention was held in Philadelphia. The

nonpreferentialist, accommodationist position was considered by the First Congress in 1789 and rejected in favor of the present language of the First Amendment.

Nor was the establishment clause drafted simply to block a single religious "establishment," as some accommodationists claim. By 1789 the colonial, European-style single establishments were virtually a dead letter, having given way to church-state separation, as in Virginia, or some sort of broad multiple establishment.

No establishment of religion means what Jefferson and Madison intended, what Washington lauded in his 1790 letter to the Touro Synagogue, what the Supreme Court held in 1947 and for decades afterward, and what far-sighted religious leaders, politicians, and ordinary people have always believed. Separation of church and state, the American experience has proven, is best for religion, best for democratic government, best for the liberties of the people.

The alternative is some greater or lesser form of Talibanization, the goofy agendas of Falwell and Robertson, or the dismal disastrous dystopia sought by the sectarian special interests seeking school vouchers, tax support for faith-based initiatives, organized school prayer, and the imposition on women of narrow theologies of embryonic personhood.

If history teaches anything, it is that separation of religion and government is essential to religious liberty, freedom of conscience, and democratic values.

Report from Madrid, *continued from page 1*

"Considers that the young generation should be brought up in a spirit of peace, tolerance, mutual understanding and respect for human rights, and especially for the respect of freedom of religion or belief, and that they should be protected against all forms of discrimination and intolerance based on their religion or belief;

"Deems that each State, at the appropriate level of government, should promote and respect educational policies aimed at strengthening the promotion and protection of human rights, eradicating prejudices and conceptions incompatible with freedom of religion or belief, and ensuring respect for and acceptance of pluralism and diversity in the field of religion or belief as well as the right not to receive religious instruction inconsistent with his or her conviction;

"Deems also that each State should take appropriate measures to ensure equal rights to women and men in the field of education and freedom of religion or belief, and in particular reinforce the protection of the right of girls to education, especially for those coming from vulnerable groups; . . ."

The final document notes, incidentally, that "freedom of religion includes theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief."

Copies of the Final Document are available from ARL for \$2.00 to cover reproduction costs and postage.

The U.S. government delegate to the conference, Thomas F. Farr, praised the goals of the meeting but sounded some odd notes in doing so. He said, for instance, that the U.S. First Amendment "is designed to prevent the establishment of any particular religion," a stance taken by conservatives and accommodationists who part company with U.S. courts' traditional position that the First Amendment "erected a wall of separation between church and state" and opposes even nonpreferential government aid to all religions.

Farr also expressed opposition to "imposition by government education authorities of a state-funded 'one size fits all' human rights curriculum" that "would result in a form of intolerance against religious education organizations that have admirably performed this

task for many years." He added that "a monopolistic human rights curriculum could stifle educational creativity, competition and innovation, such as we find in public charter schools, parochial schools, and the growing home school movement in the United States." One should not infer too much from Farr's remarks, but they did seem to give off a hint of the Bush administration's less than friendly attitude toward public education and church-state separation.

"The first American immigrants were refugees from the religious wars that engulfed England and that intensified under England's Taliban, Oliver Cromwell. One central influence on the founders' political thought was John Locke, the English liberal who wrote the now famous *Letter on Toleration*. In it, Locke argued that true salvation could not be a result of coercion, that faith had to be freely chosen to be genuine and that any other interpretation was counter to the Gospels. Following Locke, the founders established as a central element of the new American order a stark separation of church and state, ensuring that no single religion could use political means to enforce its own orthodoxies. . . .

"The security against an American Taliban is therefore relatively simple: It's the Constitution. And the surprising consequence of this separation is not that it led to a collapse of religious faith in America – as weak human beings found themselves unable to believe without social and political reinforcement – but that it led to one of the most vibrantly religious civil societies on earth. No other country has achieved this. And it is this achievement that the Taliban and bin Laden have now decided to challenge. It is a living, tangible rebuke to everything they believe in."

— Andrew Sullivan, "This Is a Religious War," in *The New York Times Magazine*, October 7, 2001.

Vouchers Are No Panacea, Says GAO Report

The academic achievement of voucher students in Cleveland and Milwaukee was essentially the same as that of public school students. This finding, announced in an August 31 report from the U.S. General Accounting Office (GAO), is a major blow to those who advocate draining the public school treasury to support private schools through vouchers.

The GAO investigated all of the previous evaluations that have been performed on the Milwaukee and Cleveland voucher programs during the 1990s. They concluded that the best studies, i.e., the most thorough and nonpartisan ones, "found little or no difference in voucher and public school students' performance." They also noted that "studies by other investigators found that voucher students did better in some of the subject areas tested."

One of these "other investigators" was Harvard University's Program on Education Policy and Governance, a group that is predis-

posed toward vouchers and manages to find favorable data when no other researchers are able to do so. For example, in the Milwaukee study, the nonpartisan team of researchers found "no consistent evidence that voucher students did better or worse than public school students in math," while a Princeton researcher found "voucher students did better in math, but not in reading." The Harvard team concluded that "voucher students did better in reading and math."

Contracted researchers found little or no improvement in Cleveland voucher student performance after two years. Only one of six subject areas showed improvement.

Despite the expenditure of millions in public funds in Milwaukee, the voucher program has made no difference in student achievement. "There was no consistent evidence that Milwaukee's voucher program had positively or negatively affected student achievement."

Editorial

School Prayer and September 11

Since the tragic events of September 11, a number of unscrupulous politicians and overzealous religious leaders have attempted to exploit the sorrow and grief to bring mandated and coerced religious exercises back to our public schools.

While it is understandable that some students school personnel have engaged in presumably spontaneous and voluntary prayers and religious expressions, it is necessary to remind school administrators and political leaders that the Constitution still stands. This means that all forms of coerced, mandated or school-sponsored prayers and religious exercises are forbidden in classrooms, graduation exercises and sporting events. Truly voluntary prayer has never and can never be banned. But in our pluralistic democracy, state-sponsored religious activities can never be satisfactory to all students, who practice many religious traditions.

Governor Rick Perry of Texas, Rep. Tom DeLay of the same state, and Rep. Ernest Istook of Oklahoma have mounted a new national crusade to "restore" their brand of school prayer. Such a campaign is wholly unnecessary and divisive and could result in a serious abrogation of fundamental constitutional rights for all citizens of this nation.

The pursuit of a new constitutional amendment authorizing school prayer will surely fail, as previous efforts since 1964 have failed. But individuals of good will and fairmindedness must once again join together to resist efforts to weaken constitutional protections for all American citizens and residents.

We all recognize that much has changed in this country since September 11. But some things have not changed. One of them is the necessity of preserving the Constitution and the Bill of Rights.

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Update

Is Religious Freedom Endangered?

In a world fraught with increasing interfaith violence and terrorism inspired by religious fanaticism, many observers fear that religious freedom faces an uncertain future. Robert Seiple, the first United States Ambassador-at-Large for International Religious Freedom, claimed recently that "more than 600 million individuals worldwide suffer aggressive resistance to the practicing of their faith." Here are some recent examples of these disturbing trends:

- Ayub Masih, a Pakistani Christian, remains on death row in Multan's Central Jail after being sentenced to death in 1998 for violating Pakistan's blasphemy laws. The blasphemy statutes, enacted in 1986, make it a capital offense to "defame Islam or its founder." Despite shaky evidence, the sentence was imposed, and appeals to overturn the decision have failed. A last-chance appeal was made to the Pakistan Supreme Court on August 22. Amnesty International called Masih "a prisoner of conscience" and added, "The blasphemy laws of Pakistan are a handy tool to silence debate and dissent. They are also used to detain people when the real motivation includes land issues or professional rivalries." International Christian Concern said, "Pakistan's blasphemy laws are used as a sword by Muslims who wish to settle grudges against Christians."

- Muslim followers of Osama bin Laden attacked a Christian worship service in Pakistan on October 28, killing fifteen worshipers. The victims are unlikely to receive any judicial remedy. In 1997 a Pakistani judge was killed after acquitting two Christians.

- Rioting between Muslims and Christians in Nigeria has resulted in hundreds of deaths and injuries during 2001. The previous year saw 2,000 to 3,000 people killed in clashes in Kaduna. Islamic law was introduced in 12 states in northern Nigeria in 2000, a factor that has accentuated interfaith tensions.

- Muslim extremists trained in Osama bin Laden's camps in Afghanistan are threatening to exterminate the Christian population in the Molluccas (the former Spice Islands in the East Indies). Anti-Christian violence continues throughout Indonesia.

- Sudan, Algeria, Laos and China continue to experience government-sponsored religious harassment.

- Even in Europe, state-mandated restrictions are increasing pressures on small, out-of-the-mainstream religious groups. The Helsinki Commission, set up in 1975 to monitor human rights throughout Europe, has criticized France, Belgium, Germany, Austria, Russia and Greece for excessive monitoring of minority faiths.

Ambassador Seiple, now president of the Institute for Global Engagement, noted, "The right to religious belief brings with it the responsibility to demonstrate tolerance and respect for the faith of others."

American Education Policy Today: Mixed Signals

The federal government's newest report on the state of education in the United States reveals a continuation of trends that began in the 1990s and have persisted or intensified.

The report, "The Condition of Education 2001," was released by the National Center for Education Statistics and "draws on numerous data sources that present important developments and trends in American education," according to Gary W. Phillips, the acting commissioner for education statistics.

Among the findings are these:

- Public elementary and secondary enrollment is about 47.2 million in 2001 and is expected to increase through 2005 and then decrease slowly. The greatest student growth will occur in the West.

- Private elementary and secondary enrollment has declined slightly as a percentage of the total educational enterprise. In the 1997-98 school year, the most recent one used for comparative purposes, private school students comprised 9.7% of all students. In 1989-90 the private share was 10.3%. Only in the South did the private segment increase, and only by 0.5%. In the Northeast the private share declined from 15.2% to 13.3% over the same time period. In the Midwest the private sector declined from 11.9% to 11.0%. The West showed little change.

- Hispanic students are the fastest growing student group in the nation and now represent 31% of the student population in the West. But the Hispanic dropout rate of 28% is more than double that of all other ethnic groups and has not declined. The dropout rate for black and white students has steadily declined. Since fewer Hispanic students attend college, and no increase in college attendance has been recorded for Latino youth, this growing segment of the U.S. population has fallen behind others. If there is a crisis in American education, it is the consistent underachievement of Hispanics, which should cause government leaders to take notice and seek to find programs that will reverse these trends.

- Average expenditures for public school districts were \$5,700 per student, and the highest increases during the 1990s came in nonmetropolitan school districts. U.S. spending per capita on education as a percentage of gross domestic product (GDP) is similar to the average of other industrialized democracies (Austria and Switzerland spent the most). But the United States spends more than twice the per capita GDP on higher education than other developed nations.

- Disturbing gaps persist in academic performance and educational participation among different racial, ethnic and socioeconomic groups. These gaps remain throughout the educational experience and affect adult income levels.

- Student/teacher ratios declined in public elementary schools during the 1990s but increased slightly in public secondary schools. Class size is a major factor in student performance.

- A new problem area is cited: "Studies of teachers' academic qualifications have identified a tendency among academically weak college graduates to be more inclined to become school teachers than their academically stronger peers." This may be a negative factor in student achievement levels.

- Parental education is a central factor in whether high school graduates attend college. About 82% of students whose parents are college graduates were enrolled in college, compared to 54% of students whose parents' education ended at high school and 36% of students whose parents did not complete high school.

As Commissioner Phillips wrote, "Reliable data are critical in guiding experts to improve education in America." This report pinpoints some serious problem areas in American education, as well as highlighting some gratifying areas of achievement.

Ashcroft Tries to Block Oregon Suicide Law

In an unprecedented action on November 6, Attorney General John Ashcroft blocked Oregon's assisted suicide law by authorizing federal drug agents to identify and punish doctors who prescribe federally-controlled drugs to help terminally ill patients die.

In a letter to Drug Enforcement Administration (DEA) Chief Asa Hutchinson, Ashcroft wrote that assisted suicide is not "a legitimate medical purpose" under federal law. He urged DEA agents to seek revocation of drug licenses of Oregon physicians who have terminated the lives of suffering patients under the state's Death with Dignity Act. About 70 Oregonians have legally ended their lives since the law, approved by voters in 1994 and again in 1997, went into effect.

Ashcroft's decision reverses a 1998 ruling by then Attorney General Janet Reno that federal statutes were not meant to regulate state medical practices, thus leaving the law intact. Oregon Attorney General Hardy Myers said the state would seek a court injunction to block Ashcroft's decision.

Oregon's Democratic Senator Ron Wyden, who opposed the suicide law, nevertheless thought the Ashcroft action high-handed. He said, "I guess the Bush administration is frustrated by the inconvenience of the democratic process. They have administratively tossed the ballots of Oregon's voters in the trash."

It is uncertain how the courts will rule on this issue. The U.S. Supreme Court refused to hear a challenge to the Oregon law in 1997.

(As Voice of Reason went to press, a federal judge blocked the implementation of Ashcroft's order.)

Utah Loses At High Court

The U.S. Supreme Court on November 26 upheld the Census Bureau's refusal to count 11,176 Mormon missionaries as Utah residents in the 2000 census. This unusual case, *Utah v Evans* (No. 01-283), developed after Utah fell 857 people short of the number required to win an additional seat in the U.S. House of Representatives.

The required reallocation of congressional seats based on population changes between each decennial census resulted in an additional seat for North Carolina, which has thousands of its residents serving abroad in the military. The Supreme Court, without written comment, invoked its own ruling in a 1992 case, *Franklin v Massachusetts*, which held that only federal military and civilian personnel working overseas could be counted in the state's population.

Utah's Mormon-dominated government refuses to give up. It filed another Supreme Court appeal in November, claiming that the Census Bureau had engaged in "whole person imputation," a statistical technique by which residents of a dwelling are estimated when an actual head count cannot be performed. Utah claims that this is tantamount to "statistical sampling," which the High Court has ruled may not be used for the allocation of seats in the House.

The Supreme Court upheld a federal district court ruling which rejected Utah's claims that Mormons' practice of religion was "burdened" by not counting overseas missionaries. The court found no basis for such a claim.

Faith-Based Compromise is Likely

President Bush's "faith-based" charitable initiative is likely to be scaled down in the U.S. Senate. The House version, which allows religious groups almost unlimited power to discriminate in programs that could be federally funded, is unlikely to pass the Senate.

Senators Joseph Lieberman (D-CT) and Rick Santorum (R-PA) have agreed on a compromise which would allow the 70% of Americans who do not itemize their taxes to deduct charitable donations. This proposal was dropped from the Bush tax cut last spring, much to the dismay of many religious and secular groups who saw it as a justice and fairness issue.

Lawmakers are considering a package that could cost \$28 billion over a 10-year period. Experts say this would go a long way toward financing worthy religion-based and other charities without causing church-state legal problems.

Is Religious Canvassing Permitted?

In October the U.S. Supreme Court decided to review an Ohio town ordinance requiring Jehovah's Witnesses and other door-to-

door canvassers to display a permit bearing their names. Both a federal district court and the Sixth U.S. Circuit Court of Appeals upheld the law passed in Stratton, Ohio, in 1998.

The lower courts upheld most of the law's provisions on the ground that it applied equally to all religious and secular canvassers and that the town had a legitimate interest in preventing fraud.

The Supreme Court agreed to review one aspect of the law: a provision that canvassers must display permits bearing their names when asked to do so by residents. The Jehovah's Witnesses, who featured in several landmark cases in the 1930s and 1940s, claimed that the town's ordinance "removes the shield of anonymity." Attorneys for the often-controversial religious group argued that a 1995 Supreme Court ruling (*McIntyre v Ohio*) striking down an Ohio law that prohibited the distribution of unsigned campaign literature was applicable in this case.

The town of 278 is populated mostly by elderly people who are often victims of scam artists, according to local officials. Stratton, which lies on Ohio's border with West Virginia, has had uneasy relations with the Jehovah's Witnesses. Trial testimony revealed that many people in Stratton had moved to the tiny village in order to avoid the Witnesses.

The case, *Watchtower Bible and Tract Society v Village of Stratton, Ohio* (No. 00-1737) will be decided by June, 2002.

Fatwa Supports Muslims in U.S. Military

A group of prominent Islamic legal scholars has ruled that Muslims serving in the U.S. armed forces must fight for their country even if it means taking up arms against fellow Muslims.

The highly unusual religious opinion, or fatwa, was issued on September 27 in response to an inquiry from a Muslim chaplain in the U.S. military, Army Captain Abdul-Rasheed Muhammad.

The ruling was clear: "All Muslims ought to be united against all those who terrorize the innocents, and those who permit the killing of non-combatants without a justifiable reason. Islam has declared the spilling of blood and the destruction of property as absolute prohibitions until the Day of Judgement. It is incumbent upon our military brothers in the American armed forces to make this Islamic position clear to their commanders and peers."

The fatwa was issued by distinguished Islamic jurists in Qatar, Egypt and Syria.

Chaplain Muhammad is the first Muslim chaplain in the U.S. armed forces and serves as a chaplain at Walter Reed Army Medical Center in Washington, D.C. Some Muslim soldiers have reportedly sought noncombatant positions if the U.S. is at war with a Muslim country. The Pentagon estimates that 4,100 Muslims serve in the U.S. military, but Muhammad said there are "three times that many."

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Columbine High Must Include Religious Symbols

A federal judge in Denver ruled on October 15 that Columbine High School, scene of a massacre in 1999, must include religious messages on a wall honoring the slain students and teachers. U.S. District Judge Wiley Daniel held that the Jefferson County school district violated the First Amendment free-speech rights of two parents of two students when it refused their wishes for religious sentiments honoring their children, who had perished. Judge Daniel said the school district had created a limited public forum for free speech when it opened the tiled wall at Columbine High School for decoration. School administrators had been inconsistent, he held, when applying rules about what could and could not be included on the commemorative plaques. The school district may appeal the ruling.

Istook and School Prayer: They're Back

Oklahoma's indefatigable Rep. Ernest Istook is determined to make his colleagues vote on another school prayer constitutional amendment, despite its defeat in 1998.

Istook, in an October 25 letter to all U.S. House members, sought cosponsors for his "Religious Speech Amendment." Significantly, the new draft omits the voucher component that may have cost the amendment's supporters a few votes three years ago. (The Istook Amendment won a majority of House votes then but fell 61 votes short of the required two-thirds majority.)

Istook did not mince his words, alluding to an impromptu and spontaneous singing of "God Bless America" on the Capitol steps by members on September 11. Istook wrote, "America's school children for years have been restricted from similar expressions of faith. Nearly 40 years of Supreme Court decisions have stifled us. Many have used those decisions to intimidate Americans even beyond the bounds of the court rulings, trying to make it taboo to acknowledge God in public settings. It is time for students to enjoy the same freedom we exercised on the Capitol steps. Sadly, the courts have made it impossible to remedy this without a constitutional amendment."

Istook's letter failed to acknowledge the wide differences between coerced behavior of students in a school setting and spontaneous, voluntary expressions from adult elected officials.

The coalition which successfully defeated the Istook Amendment, including Americans for Religious Liberty, is gearing up for another fight.

Moment of Silence Stands

On October 29 the U.S. Supreme Court, without comment, let stand a Fourth Circuit Appeals Court ruling allowing Virginia public schools to observe a minute of silence each day. That decision ended a challenge by seven Virginia families and the American Civil Liberties Union.

The High Court's refusal to intervene in *Brown v. Gilmore* means that Virginia schools will continue to begin each day with a minute set aside for students "to meditate, pray or engage in other silent activities."

Supporters of the law were delighted and linked the case to the tragic events of September 11. Virginia Attorney General Randolph A. Beals said, "This is especially important in the midst of our present national crisis."

Legal analysts say the Supreme Court may be anticipating a series of free-expression and religious speech cases as state legislatures and school districts have been passing laws requiring students to recite the Pledge of Allegiance or sing the national anthem. Added Robert

M. O'Neill, University of Virginia law professor, "There are plenty of other cases that will raise the issue of student compulsion. This was not the time or the case."

The Fourth Circuit decision remains binding in Virginia, Maryland, West Virginia and the Carolinas. Nine states currently require a moment of silence in public schools, while eighteen others permit school districts to observe them.

Postal Service Honors Islamic Holy Day

In a highly unusual ceremony, the U.S. Postal Service issued a USA stamp honoring the Muslim holy day, Eid. Nearly 75 million of the 34-cent stamps were printed and released in a first-day-of-issue ceremony on September 1 at the Islamic Society of North America in Des Plaines, Illinois.

While American Muslims hailed the stamp (with its Arabic inscription) as a symbol of their inclusion in the nation's life, the publication was the result of considerable lobbying by Islamic private school children, who deluged the Citizens Stamp Advisory Committee urging the stamp's publication.

The U.S. Postal Service first issued a Christmas stamp in 1967, after nearly two centuries of refusing to issue religious-theme stamps. At the Christmas season both secular and religious stamps are available to users of the postal service. Christmas is not quite comparable to Eid, however, since Christmas is a legal holiday in the U.S. and more than 150 nations. The Eid stamp would be comparable to a stamp honoring Good Friday or Passover. (There are two Muslim holy days that are honored by the stamp, one celebrating the feast breaking the fast of Ramadan, and the other honoring the feast of the sacrifice following the Hajj, or pilgrimage to Mecca.)

Federal Judge Ousts Episcopal Rector

On October 29 a federal judge ordered that a conservative Episcopal priest, the Reverend Samuel Edwards, vacate his Maryland parish. Judge Peter J. Messitte ruled that Christ Church in Accocek, a rural congregation in southern Maryland, could not retain its rector because the acting bishop of the Washington diocese had refused to approve his selection by the Vestry, the parish's governing board.

The bitter struggle between the conservative parish, which traces its foundation to the English monarchy eighty years before the Declaration of Independence, and diocesan authorities may not be over, however. The Vestry has appealed Judge Messitte's order to the Fourth Circuit Court of Appeals in Richmond, which has jurisdiction over federal issues in Maryland.

In accordance with the order, Father Edwards has temporarily stepped down and an interim priest hired by the Vestry, the Rev. Stephen Arpee, will serve the small congregation. The dispute revolves around Anglican canon law, which makes the bishop supreme in a diocese. But the same law places the hiring of clergy in the hands of a governing board called the Vestry.

Judge Messitte wrote, "Courts have repeatedly and invariably recognized that the church is hierarchical and that the bishop is the highest ecclesiastical authority in the diocese."

On November 22 the court also denied the church's request that Edwards and his family be allowed to remain in the parish house until the appeals court renders its verdict.

The dissidents have promised to appeal the case to the U.S. Supreme Court if necessary. The case has received international attention and threatens the Episcopal Church's status within the international Anglican Communion, a cluster of self-governing churches with 77 million members under the informal jurisdiction of the Archbishop of Canterbury.

State Department Report on Religious Freedom

The US. State Department's annual report on religious freedom was submitted to Congress, as required by law, on October 26. The countries deemed to have the worst record on guaranteeing and protecting their citizens' rights to religious freedom were China, North Korea, Iran, Iraq, Burma, Sudan, Saudi Arabia and Afghanistan. North Korea's record was worse than last year's rating.

While most of these nations are regarded as opponents of U.S. policy in critical areas, especially in respect to state-sponsored terrorism, some are allies (Saudi Arabia). And while some of the worst offenders are predominantly Muslim, some nations receiving relatively critical reports, such as Uzbekistan and Turkmenistan, are criticized for suppressing Islamic practice. Both Central Asian nations were also criticized for "harassment of unregistered religious groups," according to the report.

North Korea was cited for "unconfirmed reports of the killing of members of underground Christian churches." China's crackdown on the Falun Gong spiritual movement and its "abuse and torture of Tibetan Buddhist monks" were singled out by State Department investigators.

Russia was criticized for "politically motivated government interference in the internal affairs of the Jewish, Pentecostal and Muslim communities." Because of the continuing conflict in Chechnya, Russian Muslims "encountered registration problems, discrimination and antagonism," the report concluded.

Supreme Court Weakens Separation, Again

On October 9 the US. Supreme Court quietly weakened the principle of church-state separation when it remanded a case to the Ninth Circuit Court of Appeals in San Francisco that related to a city's refusal to waive fees for a religious group. The High Court instructed the Ninth Circuit to reconsider its March ruling in *Gentala v Tucson* in light of the June decision requiring access to public schools by religious clubs.

The Ninth Circuit ruled that Tucson's policy of refusing "direct support to religious organizations" was not only proper but was required by the First Amendment. The case arose when the city charged a National Prayer Day celebration a municipal fee for services provided in a city park.

The Supreme Court did not issue a written decision but its instruction to reconsider sent a clear message that the appeals court ruling should be reversed.

New York Times legal reporter Linda Greenhouse commented, "The action was another indication of how seriously the Justices take the equal access principle the Court has been developing for speech with a religious message. In a series of recent cases, the Court has insisted that religious speech be provided the same access to a government-controlled forum as any other speech that is permitted there."

In a related development, the Court on December 10 refused to review a ruling by the Eleventh Circuit last year that allows school-sponsored prayers at high school graduation exercises. That case, *Adler v Duval County School Board*, No. 01-287, affects Alabama, Florida, and Georgia public schools.

Falwell, ACLU Agree on Church Property Law

The Rev. Jerry Falwell and the Lynchburg, Virginia chapter of the American Civil Liberties Union (ACLU) have found a rare area of agreement. The issue is a Virginia law that prohibits a church from owning more than 15 acres of land in a city or town and 250 acres in a county. Falwell filed suit in federal court in November, charging that

the Virginia statute unduly burdens the free exercise of religion and is therefore unconstitutional.

To circumvent the law, found only in Virginia and West Virginia and dating from the early 19th century, churches have created corporations to own property. State law also requires a court to sign off on all land transactions a church makes and prohibits churches from becoming incorporated.

ACLU's Lynchburg executive director Kent Willis said, "It certainly appears that Virginia law discriminates against religious organizations by limiting the amount of property they can own and their ability to incorporate."

Falwell's attorney, Mathew Staver of the Liberty Counsel, a conservative civil liberties group, concurred. "The Supreme Court has required at a minimum that government remain neutral toward religion, but these Virginia laws are designed to suppress churches and cause the state of Virginia to collide with religion."

Federal Court Ends Louisiana School Prayer

The Fifth Circuit Court of Appeals on December 11 unanimously voided a 1999 Louisiana state law encouraging prayer and meditation in public schools. A parent of a child in the West Monroe school district filed suit against the district's practice of broadcasting prayers over school intercom systems.

Judge John M. Duhe, Jr., appointed by President Ronald Reagan, wrote for the three-judge panel, "The legislative history confirms that the amendment was passed to return verbal prayer to the public schools. There is no doubt that the 1999 amendment was motivated by a wholly religious purpose."

The state legislature had originally passed a "silent meditation" act in 1976, added the words "silent prayer or meditation" in 1992, and dropped the word silent in 1999, thus encouraging verbal prayer.

Louisiana is the last state to have retained a formal, spoken prayer mandate until the appeals court ruled against it. The state attorney general's office is considering an appeal.

International

Berlin: A court has ruled that an Islamic group must be allowed to provide religious instruction in the German capital's schools on the same basis as Protestants and Catholics. A previous court decision had rejected the petition from the Islamic Federation, which operates a dozen mosques in Berlin and promotes a conservative brand of Islam. Berlin's administrative court held that all religions should be treated equally. Religious courses are not required in Berlin's public schools, and only primary schools offer religious instruction.

Jerusalem: Despite opposition from the Israeli government, the Greek Orthodox Church in the Holy Land elected Irineos as its patriarch. Under an ancient Ottoman Empire law, the Greek Orthodox Synod submits candidates for its leadership to the sovereign political power in the region. Today, however, such power is divided among Israel, Jordan and the Palestinian Authority. Only Israel objected to the election of Metropolitan (bishop) Irineos, but international pressure forced the Jewish state to withdraw its opposition. Said one prominent rabbi, "This election result is a great disappointment for the Israeli government."

Meanwhile, the Grand Mufti of Jerusalem, the Islamic faith's highest official, praised the Palestinian suicide bombers as "the most noble of all men." The Islamic leader, Ekrima Said Sabri, once imam of Al-Aqsa mosque on the Temple Mount, told *Catholic World News*, "We considered the Crusaders occupiers and now we consider the Jews occupiers also."

Lima: Cardinal Juan Luis Cipriani instructed pastors of Catholic parishes to deny Holy Communion to politicians and other public figures who support abortion rights. A document, "Moral and Legal Dimensions of Abortion," calls abortion "a horrendous crime" and says those who "assume a favorable position regarding abortion are committing a grave fault by supporting a crime." The document urges pastors to "warn offenders in private" before denial of the sacraments in public and reminds legislators and others that the penalty of excommunication is still reserved automatically to all individuals involved in abortions, including doctors and nurses.

Madrid: Despite the fact that the morning-after pill has been approved both by the Spanish Health Ministry and the World Health Organization, an ultraconservative magistrate in Andalucía, Rafael Puya, has ordered the suspension of a June 2001 regional order requiring all pharmacies to dispense the pill, which needs a doctor's prescription. The Andalucía regional health authorities plan to appeal to the Supreme Court.

Mexico City: The Democratic Revolution Party (PRD) has demanded that a government official, Jose Espina, remove a crucifix and image of Our Lady of Guadalupe from his office. Mexico's constitution says the government "cannot establish any kind of preference or privilege for or against any particular religious group." The PRD said it will seek a law banning religious symbolism from government buildings. Espina belongs to President Vicente Fox's National Action Party, which is viewed as pro-religious. Espina also invited employees in his department to a Mother's Day Mass.

Moscow: President Vladimir Putin has endorsed a proposed visit of Pope John Paul II to Russia, citing his belief that papal visits are followed by "positive developments." Russian Patriarch Aleksei is opposed to any papal visits because of his suspicion that the Vatican is trying to win converts among Eastern Christians.

Santiago: Cardinal Jorge Medina Estevez, a Vatican official and a native of Chile, provoked a political controversy when he told a press conference that "Chilean Catholics, if they take their faith seriously, cannot vote for candidates promoting divorce, abortion or birth control." Abortion and divorce are illegal in Chile.

The government of President Ricardo Lagos denounced the cardinal for intervening in domestic politics and called the papal nuncio to register his dissatisfaction. The Socialist Party leader also instructed Chile's ambassador to the Holy See to file an official complaint.

Meanwhile, Chile's Supreme Court ruled 3-2 that the "morning after pill" is illegal under Chilean law and cannot be made available in the country. The Ministry of Health had approved its distribution. The Supreme Court decision called the pill "equal to abortion." Church leaders hailed the ruling but the presidential palace was reportedly dismayed. Some pro-choice advocates said the ruling only applied to one medication, while the anti-choice Front for Life hoped it could be used against IUD's and other contraceptive devices.

Talinn: Estonia's prime minister Mart Laar has refused an appeal from Russian Orthodox Patriarch Aleksei II to grant legal recognition to Orthodox bishops in Estonia who remain aligned with the Moscow Patriarchate. The government recognizes only the Estonian Orthodox Church, which broke from Moscow and became independent in 1996. The Estonian Church has gained official recognition from the Ecumenical Orthodox Patriarch of Constantinople. The Russian patriarch claimed that a denial of recognition constitutes a denial of religious freedom to Russian Orthodox believers in the Baltic nation, which is predominantly Lutheran and has cultural and linguistic affinities with Finland.

NEW FROM ARL!

The Case Against Charitable Choice:

Why President Bush's Faith-Based Initiative is Bad Public Policy

Albert J. Menendez and Edd Doerr

A 51-page study of the flaws in this proposal and its implications for religion, government and society.

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The Case Against Charitable Choice

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Appendix VI: Letter from the Coalition Against Religious Discrimination

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Books

Christmas Unwrapped: Consumerism, Christ and Culture, edited by Richard Horsley and James Tracy, Trinity Press International, 234 pp. \$20.00.

This unusual anthology of ten essays by an assorted group of historians of religion and political science and one "canon theologian" of the Episcopal cathedral in Buffalo has much to commend it. Dealing with America's favorite holiday as a cultural phenomenon and as a strange hybrid of religion and secularity, the authors look at how Christmas has become the holiday of civil religion par excellence.

Max Myers, the cathedral canon, argues forcefully, "The contemporary American Christmas is not directly related to Christianity; it has actually become the holiday of a rival religion, the religion of global consumer capitalism."

In an epilogue, co-editor Richard Horsley avers that "the pretense that Christmas is secular serves to veil the surreptitious transfer of religious authority to secular behavior, especially the sale of commodities."

Kathleen Sands believes that "Christmas can command the center stage of American culture for eight or more weeks a year only because it is secular" and has become "an emblem of America" and a "protracted ritual" that is "socially compulsory."

One essay on the U.S. Supreme Court's 1984 *Lynch v Donnelly* decision allowing the creche on public property if properly surrounded by secular symbols, is somewhat less clearly articulated. The author, Paula Cooney, shows little familiarity with the scholarly literature.

— Al Menendez

The Body and the Blood: The Holy Land's Christians at the Turn of a New Millennium, by Charles M. Sennott, Public Affairs, 479 pp., \$30.00.

Israeli prime minister Ariel Sharon recently suggested that the region's Christian community could play a vital peacemaking role in the ongoing conflict between Jews and Muslims. One problem with that plan is that Christianity is vanishing in the land of its birth.

This journalistic overview by *The Boston Globe's* Middle East bureau chief concentrates on the role Christians play in the region. Religious intolerance, economic turpitude, and a sense that they no longer have a future in these ancient lands is decimating the Christian community. Barely 2% of Israel's population is Christian, despite a plethora of churches and monasteries. Lebanon, with a Christian majority for centuries, is barely one-third Christian today. Bethlehem, the birthplace of Jesus and routinely referred to as a Christian-Arab town, is two-thirds Muslim. Christians face a precarious existence in Jordan and Egypt.

The indigenous Christian communities are mostly Arab and increasingly hostile toward Israel. Eastern Orthodoxy, in its varied forms, predominates, while Roman Catholics are mostly Maronites or Melkites (Greek Catholics), though referred to as "Latin Catholics." Protestants are relatively few. Says Sennott, "The forces that caused division in Jesus' time are still at the center of today's conflicts in Israel, the West Bank, Gaza, Jerusalem, Jordan, Egypt and Lebanon: economic injustice, a struggle for self-determination, religious extremism, apocalyptic fervor, terrorism, and a seemingly endless cycle of recrimination."

Also, he notes, "Deep divisions have too often fractured the Holy Land's Christian communities, contributing to its diminution."

Even in Egypt, the ancient Coptic Christian Church, founded by St. Mark the Evangelist, has declined from 12% of the population three decades ago to 6% today. About one million have fled to the West while millions of others have left southern Egypt for Cairo, to escape, says Sennott, "the bleak economic conditions and the violence perpetrated by Islamic extremists."

While Egypt's government, supported by the United States, does not condone anti-Christian discrimination, it does little to prevent or punish it.

Sennott's book demonstrates the centrality of the religious factor in the equation of Middle East politics.

— Al Menendez

Ireland's Holy Wars, by Marcus Tanner. Yale University Press, 498 pp., \$29.95.

Historian and journalist Tanner marshals considerable historical evidence to show that modern Ireland's political conflicts are rooted in religion, and that no long-term solution to the Northern Ireland problem can ignore the seminal religious dimension.

Tanner's basic argument — and it's a relatively unusual one — is that Ireland's religious wars are a direct result of England's attempt to create a Protestant nation among a people who wanted to remain Catholic. He writes, "England's failed religious experiment in Ireland involved the country over the next three centuries in a confessional battle that the Catholics won hands down throughout the country, with the exception of the Protestant northeast."

Religious differences remained central and affected education, social and cultural life, government and marriage relationships. Little progress could be made without confronting the deep-seated religious animosities. After the partition of the nation in 1921, Protestants and Catholics drew further apart and concentrated on building two societies where the dominant religious group in each shaped the entire culture without reference to or concern for the religious minority.

But since Northern Ireland had a much larger Catholic minority than the Irish Republic's dwindling Protestant community, it was the North that experienced the revolt of rising expectations and the movement for civil rights and social justice.

Ironically, widespread secularization in the Irish Republic may do more to end the Irish holy wars than any policies devised by the churches or the states.

Tanner's book is outstanding and overshadows most others in the field.

— Al Menendez

Catholics and Jews in Twentieth-Century America, by Egal Feldman, University of Illinois Press, 323 pp., \$34.95.

This history of Catholic-Jewish relationships from 1890 to the present reveals an attitudinal shift from hostility, indifference and ambivalence to constructive engagement as, writes the author, "Jews and Roman Catholics learned to accommodate each other and live more comfortably with their differences." Indeed, this change is "one of the most remarkable transformations which occurred during the twentieth century."

Especially during the last third of the century, says Feldman, "The Catholic Church admitted that its theology had engendered contempt for the Jew and that new theological interpretation and insights were required."

Differences remain, particularly those relating to the possible canonizations as saints of Catholic leaders from the past who engaged in anti-Semitism. Writes Feldman, "The sainthood questions of the 1990s have placed stress on but not mortally injured the revolutionary changes and accomplishments which have occurred in the relationship between Catholics and Jews since the Second Vatican Council. Moreover, these interfaith conflicts represent a maturation in this relationship."

Feldman explains, "This is not to suggest that all differences between Catholics and Jews, theological or political, have been resolved, or ever will be. Differing points of view will prevail. What has been resolved is that differences between Catholics and Jews will no longer be contaminated by a theology of contempt."

-- Al Menendez

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