



VOICE OF REASON

The Newsletter of Americans for Religious Liberty

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Vouchers Unconstitutional: Florida Appeals Court

On August 16 the Florida First District Court of Appeal ruled that Florida's school voucher law is unconstitutional. The 2-1 decision upholds an August 2002 ruling by a trial judge that concluded that the 1999 voucher law pushed by Governor Jeb Bush violated the state's explicit constitutional ban on "direct or indirect aid to sectarian institutions" (Article 1, Section 3 of the Florida Constitution).

The case will now go to the Florida Supreme Court for its final test. The state is likely to continue the scandal-plagued program until the highest court renders a final ruling.

About 600 students in a handful of counties attended private, mostly religious, schools during the last school year, even though two courts have held the so-called "Florida Opportunity Scholarship Program" to be unconstitutional.

Voucher students are taught religion but cannot be forced to "pray, worship or profess a religious belief."

The Appeals Court was specific in holding that payment of "state funds to sectarian schools" made the program facially unconstitutional. They also rejected the claim of voucher proponents that "the no aid provision does not violate the Free Exercise clause of the United States Constitution." (Voucher advocates have charged, baselessly, that no-aid provisions in the Florida and three dozen other state constitutions are remnants of anti-Catholic or anti-religious bigotry and thus violate individual citizens' free exercise of religion rights.)

The Tallahassee-based court majority (Judges William Van Nortwick and Larry Smith) wrote that "the drafters of the no-aid provision [in the constitutions of 1868 and 1885] clearly intended at least to prohibit the direct or indirect use of public monies to fund education at religious schools. In addition, the legislative history of the most recent general revision of the Florida Constitution in 1966-68 confirms that the no-aid language was intended to impose restrictions beyond what is restricted by the federal Establishment Clause."

Previous case law in Florida has confirmed this principle. "The express prohibition of direct and indirect aid to churches, religions, sects or sectarian institutions in the no-aid provision evidences a clear intent by the drafters to ban a broad range of uses of state revenues to benefit sectarian organizations."

The Appeals Court endorsed the finding of the trial court (the Circuit Court for Leon County) that "the entire educational mission of these schools [the faith-based recipients of the voucher act], including the religious education component, is advanced and enhanced by the additional financial support received through operation of the Opportunity Scholarship Programs." The Appeals Court added, "The record reflects that the vast majority of the schools receiving state funds from OSP vouchers are operated by religious or church groups with an intent to teach to their attending students the religious and sectarian values of the group operating the school."

The dissenting judge was Ricky Polston, a Bush appointee, who claimed the ruling "tips the scales in favor of more restrictions and less free exercise of religion."

The case, *Governor John Ellis "Jeb" Bush v. Ruth D. Holmes* (Case Nos.

1D02-3160, 1D02-3163 and 1D02-3199) was "certified to the Florida Supreme Court as a question of great public importance." Governor Bush said he would appeal the decision but expected that students currently using the vouchers would continue receiving them until a final decision from the state's highest court.

Mark E. DeForrest, an assistant professor at Gonzaga University School of Law, said, "The Florida case is really the bellwether everyone is looking at." Other states considering vouchers "will definitely be influenced by it," he added.

Bankruptcy Filing May Set Precedent

On July 6 the Archdiocese of Portland, Oregon, became the first Catholic diocese in U.S. history to file for bankruptcy protection under Chapter 11. Archbishop John G. Vlazny blamed his decision on the multimillion-dollar awards given to victims of clergy sexual abuse. The decision has far-reaching consequences. Two court cases set to begin in July were halted, since the church says it no longer has any money. Sixty other claims are pending. The archdiocese, one of the nation's smaller ones, has paid \$53 million to settle 130 claims brought by victims of pedophile priests. Insurance companies will no longer insure the Portland archdiocese, and one of the pending cases seeks \$155 million in compensation. The archbishop claimed, "This is not an effort to avoid responsibility."

Chapter 11 bankruptcy frees an organization from creditors' lawsuits, while it reorganizes its finances. The filing could, however, open *continued on page 4*

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Bush Faith-Based Giveaways Documented

A report by the Roundtable on Religion and Social Welfare Policy concludes that the Bush administration, despite “the absence of new legislative authority” has “used its executive powers to widely implement the Faith-Based Initiative throughout the federal government.” The report describes changes in federal regulations that “increase partnership with faith-based groups to provide a vast array of human services.” The report, *The Expanding Administrative Presidency: George W. Bush and the Faith-Based Initiative*, finds that, “Religious organizations are now involved in government-encouraged activities ranging from building strip malls for economic improvement to promoting car seats to distributing Medicare prescription cards.”

The Roundtable on Religion and Social Welfare Policy is a project of the Rockefeller Institute of Government in Albany, New York, and is supported by the Pew Charitable Trusts. The report was issued in August. Among the report’s findings:

- “In the absence of new legislative authority, the President has aggressively advanced the Faith-Based Initiative through executive orders, rule changes, managerial realignment in federal agencies, and other innovative uses of the prerogatives of his office.”

- “Among those innovations is the creation of a high-profile special office in the White House, the White House Office of Faith-Based and Community Initiatives, connected to mini-offices in ten government agencies, each with a carefully selected director and staff, empowered to articulate, advance and oversee coordinated efforts to win more financial support for faith-based social services. These ten agencies include: the departments of Agriculture, Commerce, Education, Health and Human Services, Housing and Urban Development, Justice, Labor, and Veterans Affairs, as well as the Agency for International Development and the Small Business Administration. A similar office has also been created within the Corporation for National and Community Service. In addition, the Initiative has been promoted in a myriad of other government offices overseeing programs ranging from homeownership and business development to energy conservation.”

- “With assistance from the White House Office, these federal agencies have proposed or finalized a host of new regulations that together mark a major shift in the constitutional separation of church and state.

Examples of these regulatory changes include:

- The federal government now allows federally-funded faith-based groups to consider religion when employing staff.
- The Department of Justice now permits religious organizations to convert government-forfeited property to religious purposes after five years, replacing the previous policy prohibiting such conversions.
- The federal government now allows federally-funded faith-based groups to build and renovate structures used for both social services and religious worship.
- The Veterans Administration no longer requires faith-based social service providers to certify that they exert ‘no religious influence.’
- The Department of Labor now allows students to use federal job-training vouchers to receive religious training leading to employment at a church, synagogue, or other faith-based organization.”

Who pays for this egregious shift in national policy? The “full extent of federal funding for faith-based social services” is not known, say the report’s authors. The majority of contracts and grants is awarded by state and local governments, and “few public programs record whether or not contractors are faith-based.” Five federal agencies granted \$1.17 billion in fiscal year 2003 to faith-based groups, but that may only be the tip of the iceberg.

The report also finds that Bush has “pervasively and methodically implemented” his “personal beliefs” in the implementation of this initiative.

“The Bush Administration has made concerted use of its executive powers and has moved aggressively through new regulation, funding, political appointees and active public outreach efforts to expand the federal government’s partnerships with faith-based social service providers in ways that don’t require Congressional approval.”

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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, \$35 for families, \$15 for students and limited income.

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Teaching About Religion: Canada, UK, U.S., Spain

In ARL newsletter No. 85 (No. 4, 2003) research director Al Menendez told the dramatic story of how the Canadian province of Newfoundland and Labrador made the rapid transition from a system of exclusively tax-supported faith-based schools to a brand new system of religiously-neutral U.S.-style public schools, a move that should be a good lesson for Americans confronted with demands that the U.S. provide tax support for faith-based schools under some sort of voucher plan. Menendez noted that the new system has developed curricula for neutral teaching about religion and values in "a fiercely sectarian society with a long history of denominational education," curricula that could very well be a model for this country. In this article ARL president Edd Doerr, a former high school teacher of social studies and Spanish, looks at textbooks used in Newfoundland, the UK, the U.S., and Spain.

Newfoundland and Labrador, Canada's easternmost province, is about the size of Washington State and Oregon together, with a population similar in size to Vermont's. It is the scene of E. Annie Proulx's 1993 Pulitzer Prize novel, *The Shipping News*, and the more recent film of the same name starring Kevin Spacey, Judy Dench, Julianne Moore, Pete Postlethwaite, and Scott Glenn.

Before looking at the textbooks themselves, I would like to make my position clear. Public schools certainly may try to alleviate ignorance about religion, which is pervasive in our society, but whatever is done must be inclusive, fair, balanced, objective, and neutral. It must deal with the dark as well as the bright sides of religion. Unfortunately, teachers in the U.S. are not trained to deal with the subject and there is no agreement on what should be taught, how much, at what grade levels, and whether the instruction should be mandatory or elective. (See my article, "Religion and Public Education," available on the Americans for Religious Liberty web site, www.arlinc.org.)

Journeys, *Directions*, and *Horizons* are the fourth-, fifth-, and sixth-grade religious education textbooks in the "Faiths of Friends Series." Using short, age-appropriate narratives, the texts introduce students to Christianity, Judaism, Islam, Hinduism, Jainism, Buddhism, Sikhism, Baha'i, and the religions of aboriginal Canadians (such as the Innu and Metis). Students become acquainted with the traditions, customs, beliefs, symbols, sacred books, special days, and rituals of these different groups. The characters in the narratives are children from various backgrounds. Through these books students learn to respect others of differing beliefs and ethnicities.

The narratives are stories about kids and adults of different traditions and ethnicity interacting and dealing with everyday life and problems. The teacher guides are exemplary and thoroughly professional.

Who Am I? and *My Place in the World* are eighth- and ninth-grade Newfoundland texts (we were unable to get the seventh-grade book). In my professional judgment these two textbooks, though not perfect, are good models that could be emulated in the U.S., and, for that matter, could be read with profit by adults or used in church religious education programs.

Age appropriate, they move beyond the earlier grades' emphasis on "getting acquainted" to sophisticated discussions of social and ethical problems and how different religious traditions, and even the "unchurched," deal with them. Among the topics covered in the two books are how values and personal identity develop; friendship, love, commitment, and sexuality; HIV and AIDS; social justice; racism; culture shock; immigration; environment and ecology; changing moral standards; science and religion; cloning and in-vitro fertilization; the affects of developments in the entertainment and information media; inter-faith dialogue; globalization.

Among the nuggets in the ninth-grade text are these:

"Very rarely today are the religious leaders also the political leaders, and in the handful of places where that does occur, the governments are usually not democratic" (*My Place in the World*, p. 58).

In the section on "The Human Family," the same text cites the definition of "family" by Canada's prestigious Vanier Institute (named after Governor General Georges P. Vanier, 1888-1967): "Any group of two or more persons who are bound together by ties of blood or mutual consent, birth and/or adoption and who together assume responsibility for the functions of families." The text lists under types of families "couples in same-sex relationships with or without children" (pp. 75, 76). Conservatives south of the border, take note.

In sum, the people of Newfoundland/Labrador moved educationally from the Middle Ages to the 21st Century in less than a decade. We Americans could learn something from our neighbor to the north.

Even more advanced is the British senior high school text, *Contemporary Moral Issues*. It starts out with a discussion of the meaning of life and whether or not there is a god and goes on to contrast the two most common religious orientations in the UK, Christianity and Humanism. The text then treats such issues as ethics, family, sexuality, drugs and alcohol, death and dying, racism, the Holocaust, ageism, abortion, euthanasia, criminal justice, human rights, children's rights, animal rights, war and peace, world population and hunger, pollution and conservation. The book looks at how the different religious positions approach these issues. An American version of this text would be ideal, though it would undoubtedly give our cultural conservatives apoplexy.

Religion in Nineteenth Century America is part of Oxford University Press's 17-volume series that explores the evolution, character, and dynamics of religion in American life from 1500 to the end of the 20th

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Books Discussed in This Article

Journeys, by Michael Newton, Breakwater Books, St. Johns, Newfoundland, 2002, 197 pp.

Directions, by Michael Newton, Breakwater Books, St. Johns, Newfoundland, 2002, 191 pp.

Horizons, by Michael Newton, Breakwater Books, St. Johns, Newfoundland, 2002, 192 pp.

Teacher's Resource for *Journeys*, 126 pp., *Directions*, 175 pp.; *Horizons*, 160 pp.

Who Am I? By Dana Antoyá-Moore, Ken Bradley, and Amy Kostelyk, Nelson, Toronto, 2004, 193 pp.

My Place in the World, by Ken Bradley, Dana Antoyá-Moore, and Amy Kostelyk, Nelson, Toronto, 2004, 195 pp.

Religious Studies: Contemporary Moral Issues, by Joe Jenkins, Heinemann Educational Books, London, 1988, 192 pp.

Religion in Nineteenth Century America, by Grant Wacker, Oxford University Press, New York, 2000, 188 pp.

Historia, by Joaquín Prats, José Emilio Castelló, María Camino García, Ignacio Izuzquiza, and María Antonia Loste, Grupo Anaya, Madrid, 1989, 319 pp.

Mundo hispanico, by P. Flores, R. Fontán, J. Gómez Espelós, L. López Puerta, and E. Merino, Ediciones SM, Madrid, 1989, 431 pp.

Historia del mundo contemporaneo, by Miguel Artola Gallego and Manuel Pérez Ledesma, Ediciones Anaya, Madrid, 1988, 488 pp.

Teaching About Religion, *continued from page 3*

century. If the rest of the series is as good as this one, I would not hesitate to recommend them highly. One problem that I see is that it would be hard for any high school to cover all seventeen, and yet it would be hard to leave any out. They would probably be suitable for an elective advanced placement class.

The flavor of the book comes through in this excerpt: "God had [Southern clergy said] specially chosen the South to show the world what a truly Christian society looked like. Indeed, the Constitution of the Confederate States of America (unlike that of the United States) explicitly identified the Confederacy as a Christian nation. . . . Southern armies saw wave after wave of revival fervor. Some Southern chaplains even promised young Rebels that they would go directly to heaven if they were slain on the battlefield" (p. 104). Déjà vu, anyone?

One minor flaw in the book is its failure to mention the U.S. conquest of the Southwest from Mexico, which brought in a not inconsiderable number of Hispanic Catholics.

The three high school texts from Spain, dealing respectively with world history, history of the Hispanic world, and contemporary history, are in every way at least the equal of American texts. What little these books say about religion is objective and fair, even to the point of appropriately dealing with anti-Semitism, the Inquisition, the Syllabus of Errors, Darwin, and clericalism and anti-clericalism. Though Spain is nominally Catholic, only a third of Spaniards approve of even minimal financial support for the church. These Spanish texts would also be good models for American schools.

In sharp contrast to the generally excellent textbooks discussed above is the sorry mess titled *Living With Our Deepest Differences: Religious Liberty in a Pluralistic Society*, a much ballyhooed curriculum designed for grades 5, 8, and 12 (First Liberty Institute and Learning Connections Publishers, Boston, 1990), produced mainly by British evangelical sociologist Os Guinness and American Charles Haynes, whose work I have criticized in this newsletter. We reviewed these books at length in Newsletters 30 and 35, copies of which can be obtained from ARL for \$3, to cover postage and handling. There is no need to repeat our criticisms of this curriculum. Suffice it to say, as we did in Newsletter 35, that this "confused and confusing mess . . . does not belong in any public school classroom."

Teaching about religion in public schools is not an easy task. It requires well-trained teachers and balanced, inclusive, objective textbooks. Our Canadian, British, and Spanish friends and Oxford University Press have gone a long way toward meeting the second requirement.

Bankruptcy Filing, *continued from page 1*

church records to public authorities and could require church leaders to relinquish effective control of their activities and assets to the courts.

This possibility has been noted by the *National Catholic Reporter*, which warned, in a July 30 editorial, "By filing for bankruptcy protection under Chapter 11 earlier this month, the Portland, Ore., archdiocese effectively placed ultimate authority for every significant aspect of its business affairs with a federal bankruptcy court. In other words, with the government. This is a dangerous and unwelcome precedent, though not totally unexpected or unwarranted. . . ."

"Given the history of cover-ups, incompetence and malevolence demonstrated by bishops around the country in their management of the sex abuse crisis, it's tempting to question the motivations behind Vlazny's decision. But it hardly seems likely that seeking federal bankruptcy protection was, in his judgment, anything other than the best option among some very bad choices.

"Yet to voluntarily relinquish matters of church governance to the government – a dangerous and disturbing practice that risks the independence religion needs to be truly free – is an ominous decision. The implications, particularly if other dioceses follow suit, are potentially grave for both church and state."

An even stronger comment came from Richard Sipe, author and psychotherapist, who told readers in the same issue, "The American hierarchy is in an unenviable bind. Their conundrum rests in the documents at question in almost every case under investigation. Release of documents will show the corruption of the past. Continued concealment proves the corruption of present administrations. Any way they move the sexual and perhaps financial corruption within the heart of the American Catholic Church is on the brink of revelation.

"The sealed files of the Grammond case in Portland and the Msgr. Robert Trupia case in Tucson are kept in shadow for the present by the bankruptcy pleas. Those files, like hundreds of others, demonstrate the profound corruption of each diocese and its officials. The bankruptcy ploy is another maneuver by the church and its lawyers to deny responsibility, conceal documents, stall settlements, resist reform and blame victims for the current crisis. The current crisis of sexual abuse and its aftermath is a product of the church.

"Bishop after bishop, *de rigueur*, has said how sorry he is 'for the pain and suffering of victims.' Not one bishop has stood to say that he regrets his ignorance, his negligence, his complicity, his self-interest, his lack of compassion and the dereliction of his duty to protect his flock. The moral bankruptcy of the hierarchy remains regardless of any court decisions about its financial condition."

At least four other dioceses are contemplating similar action, including Dallas, Boston, Santa Fe, and Tucson. In Tucson a June 19 pastoral letter from Bishop Gerald F. Kicanas said that a bankruptcy filing "appears to be the only option."

How "Faith-Based" Works in Rural Pennsylvania

Bradford County, Pennsylvania, is a bucolic, idyllic rural area that borders New York State and is part of Pennsylvania's Northern Tier counties. Settled largely by New Englanders and by the old immigration from England and Germany, Bradford County has supported almost every Republican presidential candidate in the last century and a half. The only modern exception was in 1964, when the GOP's Barry Goldwater lost to Democratic incumbent Lyndon Johnson. The county is mostly Protestant, by about 73% to 27% Catholic among church members, though 55% of residents are not church members, according to the 1990 data from *Churches and Church Membership in the U.S.* Methodists far outnumber other Protestants, with Presbyterians and Baptists coming next.

So Bradford County, which supported Bush over Gore by 63% to 34% in the last election, would seem to be a favorable place for Bush's Faith-Based Initiatives to garner political support. It is not surprising that county commissioners have approved over \$200,000 of public monies for Firm Foundation, a faith-based group that provides job training for Bradford County prison inmates.

These funds come from the federal Faith-Based and Community Service programs created by President Bush's Executive Order 13279 in 2001.

An investigation of the Firm Foundation (FF) program by the Bradford County Alliance for Democracy (BCAD) from April to July 2004 reveals widespread violations of the law. BCAD discovered that



The Voucher Watch

“FF has violated U.S. law and the grant conditions by engaging in evangelical proselytizing during the program, religiously discriminatory hiring practices, and using government tax monies to work on a building owned by a religious institution.” In a letter of June 11, 2004, BCAD urged the Bradford County commissioners to exercise oversight to “ensure that basic fiduciary responsibilities are being carried on in the grant process and in the evaluation oversight.”

BCAD concluded that Firm Foundation “violated 26 of its contracted obligations, violated federal and the state regulations intended to protect the religious liberty of Americans. . . . There has been a systemic breakdown in the oversight of Firm Foundation by the individuals and agencies with fiduciary responsibilities to protect the public from program mismanagement, violations of law such as illegal proselytizing, and misuse of local and federal tax monies. We have identified 31 oversight lapses by the agencies responsible for monitoring Firm Foundation’s financial and program performance.”

Even after the presentation of this devastating report by a committee of local citizens and taxpayers dedicated to preserving separation of church and state, the County Commissioners on July 1 approved an additional \$64,562 for Firm Foundation.

Firm Foundation makes no bones about its religious commitments. “This program is based on the belief that lives are changed as hearts become open to faith. The administration, trainers, and staff have committed their lives to this belief and are examples of Jesus Christ the Lord,” according to its statement of purpose.

Each day the program begins with prayer, and pressures are placed on inmates to be “born again.” Program counselors “share their beliefs” during lunch breaks and transportation. On the last day of the program, an unnamed individual from the Elmira (New York) Police Department asked everyone if they wanted to be born again. Warden Kevin Lonsinger and Counselor Lionel Hyatt said they were aware of the religious activities but saw nothing wrong with them, even though one inmate/trainee Tim Thurston quit the program because of religious pressures. Corrections Counselor Lionel Hyatt said, “Most of the inmates in the Firm Foundation project appeared happy to have found religion.”

Job descriptions are vague, except that the Site Manager must “be an example of a believer in Christ and Christian life today, sharing these ideals when opportunity arises,” and individuals were paid without indicating what they did to earn their salaries. A grant of \$13,000 was given to New Life Church for “acting as fiscal agent” with no supporting documentation.

There was no evidence that “life skills training,” “mentoring,” “services to inmate families,” or “follow-up services for a year after an inmate’s release” have ever been implemented, even though they were a part of the grant application. No evaluation of program progress has ever been performed. No project goals were met, nor were required records maintained.

This is the kind of sloppiness and indifference that taxpayers in Bradford County supported.

It appears that FF’s only interest was in converting a captive audience of prisoners to evangelical Protestant Christianity, not in helping them readjust to society on the outside or in seriously addressing the recidivism/rehabilitation problems endemic in the U.S. correctional systems.

Yet Bradford County Commissioners ignored a report carried out by concerned taxpayers at their own expense.

Could this be happening elsewhere?

This report, *Performance of the Firm Foundation of Bradford County*, prepared by Laura H. Blain and Clark Moeller for the Bradford County Alliance for Democracy, is available from PO Box 131, Burlington, PA 18814 or online at www.bc-alliance.org. -- *Al Menendez*

The Colorado Supreme Court declared a state voucher law unconstitutional on June 28. The Colorado court found that the voucher program, the first passed in the nation since a favorable U.S. Supreme Court ruling in 2002, violates the state constitution’s requirement that local school districts retain control over locally raised education funds.

Colorado educators, citizens, and the national group, People For the American Way, brought suit after the legislature passed and the governor signed the law earlier this year. Ralph Neas, president of People For, said, “The decision is a victory for the parents, students and taxpayers of Colorado.”

Colorado voters twice rejected vouchers (1992) or similar tuition tax credit schemes (1998) to divert public funds to faith-based and other private schools.

The voucher program in the District of Columbia, which grants \$7,500 per student, is a boon to schools run by the Roman Catholic archdiocese of Washington. Nearly 60% (590 of 1,013) of students participating in the Washington Scholarship Fund are attending Catholic schools. The Washington Scholarship Fund is an agency hired by the U.S. Department of Education to run the federal program approved by Congress and costing \$12.5 million in its first year. Another 190 students attend other faith-based schools while 233 chose to attend non-sectarian private schools. Thus, 77% of funds under the program are going to church-related private schools in the nation’s capital. Interestingly, 290 students accepted for the program chose not to participate in the nation’s first federally-funded voucher program, while 208 students already enrolled in private schools received the voucher grants.

In another development, pro-voucher advocates are sponsoring ads on African American radio stations attacking Democratic nominee John Kerry for opposing vouchers. The ads are organized by People of Color United, run by Virginia Walden-Ford, a founder of DC Parents for School Choice. Its primary contributor is J. Patrick Rooney, a health insurance company executive and lavish supporter of Republican causes. Rooney’s primary interest is vouchers for private and faith-based schools. Rooney’s family has given \$3.25 million to Republican candidates, according to *Mother Jones* magazine. The anti-Kerry ads will run in Milwaukee, Cleveland, Toledo, Chicago, Detroit, Pittsburgh, Philadelphia, St. Louis and Kansas City. Full-page ads have appeared in the *Milwaukee Journal Sentinel*. Support is coming from Howard Fuller, a longtime Milwaukee voucher promoter.

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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The Irony of the “Catholic Issue”: Then and Now

Back in 1960 American Protestants were frequently exercised over the possibility that the U.S. would elect its first Catholic president in 171 years. Organized campaigns to defeat Senator John F. Kennedy, the Democratic nominee, were mounted by the National Association of Evangelicals and many Southern Baptist leaders. The supposedly moderate *Christian Century* magazine was somewhat critical of the Kennedy candidacy and its conservative counterpart *Christianity Today* was openly hostile. Protestants feared that a Catholic president might take orders from the Vatican and would threaten Protestant hegemony. Such attitudes nearly cost Kennedy the election. The University of Michigan Survey Research Center found that Kennedy lost 2.2 million more Protestant votes than he gained among Catholics. Kennedy lost 99 counties that had gone for Adlai Stevenson, the Democratic candidate in 1956, and ran weaker than Stevenson in popular votes in one-third of the nation’s 3,000 counties.

Now, 44 years later, many of the same Protestants are complaining that John Kerry is not Catholic enough.

Gary Bauer, a one-time Republican presidential contender and Reagan White House aide, said recently, “When John F. Kennedy made his famous speech that the Vatican would not tell him what to do, evangelicals and Southern Baptists breathed a sigh of relief. But today, evangelicals and Southern Baptists are hoping that the Vatican will tell Catholic politicians what to do.”

Christianity Today, whose anti-Catholic editorial line lasted from 1955 to about 1980, defended those bishops and Vatican officials who want to deny communion to Catholic politicians whose views on abortion and gay rights run counter to church policy. *Christian Century*

accused the Democrats of being too secular, saying in a July 13 editorial, “The Democrats have a religion problem. Democrats are in danger of becoming the party of the nonreligious.” The editors added that “Democrats have failed to articulate how their trademark concerns can be rooted in religious convictions” and said John Kerry “should be willing to talk about what the faith means to him.”

How times have changed. Protestant and Catholic institutionalists seem to want a public square in which *only* their viewpoints are considered. They seem to imply that a candidate’s religious convictions and practices are more important than that candidate’s position on public policy issues. Such a skewing of the public policy agenda and dialogue smacks of manipulation and authoritarianism. It raises ominous questions about the continued vitality of the “no religious test” ban in the U.S. Constitution’s Article VI.

Is American Christianity so culturally insular and intellectually insecure that it must seek government assistance, coercion and support? Or must the dialogue over America’s future, and the real issues affecting foreign policy, national security and domestic challenges be subordinated to discussions about religious affiliation and practice?

Americans who care about religious liberty and a sane and rational society can only hope that this presidential campaign will not damage the nation’s long heritage of freedom of conscience, religious tolerance, the independence of secular and religious institutions, and the government’s ability to address secular problems without reference to sectarianism.

—Al Menendez

Freedom of or from Religion?

Senator Elizabeth Dole (R-NC), speaking at the Republican National Convention, declared: “The Constitution guarantees freedom of religion, not freedom from religion. The right to worship God isn’t something Republicans invented, but it is something Republicans will defend.” The kindest thing one can say about her remarks is that they stem from profound ignorance.

My and your and Mrs. Dole’s freedom *OF* religion is necessarily freedom *FROM* having any other religion imposed on us. Christians and Jews are free from having to follow or support Islam or Hinduism. Muslims and Hindus are free from having to follow or support Christianity or Judaism. Thus, freedom of religion and freedom from religion are really the same thing. And this is what Jefferson and Madison had in

mind when they steered the new republic toward separation of church and state.

Will Mrs. Dole’s party really defend religious liberty? We hope so, but it has not done a very good job of it in recent years. The Bush administration has succeeded in tapping into every taxpayer’s pocket to fund, involuntarily, faith-based schools and charities. It has sought to restrict freedom of conscience, which the Founders more or less equated with religious freedom, with regard to reproduction through national and international gag rules, cutting off U.S. support for the UN Population Fund. And the Bush-Cheney campaign has sought to use religion as a political tool.

There is nothing wrong with politicians having religious convictions, but all politicians would do well to follow the example of John F. Kennedy, who declared on September 12, 1960: “I believe in an America where the separation of church and state is absolute — where no Catholic prelate would tell the President (should he be Catholic) how to act and no Protestant minister would tell his parishioners for whom to vote — where no church or church school is granted any public funds or political preference — and where no man is denied public office merely because his religion differs from the President who might appoint him or the people who might elect him.”

Church-state separation has been good for our country, for our rich profusion of religious traditions, and for the liberties of every person. It would be wrong for the country to change course.

—Edd Doerr

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From Bill Clinton, *My Life*

“There was a lot of controversy about how much religious expression could be allowed in public schools. I asked Secretary Riley and Attorney General Reno to prepare a detailed explanation of the range of religious expression permitted in schools and to provide copies to every school district in America before the start of the next school year. When the booklet was issued, it substantially reduced conflict and lawsuits, and in so doing won support across the religious and political spectrum.

“On the twelfth of July, 1995, at James Madison High School in Vienna, Virginia, I continued efforts to bring the American people together, this time on the subject of religious liberty.”



ARL's Edd Doerr and President Bill Clinton at James Madison High School, Vienna, Virginia, July 12, 1995.

ARL Signs Letter Opposing Vouchers

The following letter was sent by the National Coalition for Public Education (NCPE) to all members of the House of Representatives on July 15, 2004, on behalf of ARL and dozens of educational, religious, civil liberties, civil rights and other organizations.

“The National Coalition for Public Education (NCPE) urges you to oppose the continued funding of a private school voucher program for the District of Columbia as part of the FY05 D.C. appropriations bill. We strongly oppose any diversion of scarce public funds to private and parochial schools.

“*Vouchers undermine accountability standards.* Accountability is the cornerstone of education reforms authorized under the No Child Left Behind Act (NCLB). To send public funds to schools over which the

public may exercise no oversight is inconsistent with and violates the principles of NCLB. Public schools are held to strict new accountability standards, yet voucher schools do not have to adopt the academic standards, ensure that teachers are highly qualified, or administer the same assessments required of public schools.

“*Vouchers do not give parents real school ‘choice’ in Washington, D.C.* Only slightly over 1,000 students have received vouchers, which is very small compared to the current enrollment of 75,000 students in D.C. public schools. Students are also limited in their choice based on what grade they are in, with fewer choices as students get older. Additionally, there are fewer choices for students with disabilities and English Language Learners. Furthermore, private and parochial schools may discriminate against students based on their admissions policies. Indeed, they do not need to accept students with disabilities and special needs and may expel students at will.

“*Vouchers divert attention away from true education reform.* Privately funded voucher programs have failed to have any significant impact on the academic achievement of African American students who used them to attend private schools in the District. Federal education policy should focus on fully funding NCLB where currently it is under-funded by \$9 billion, which can be used to decrease class sizes, fund up-to-date school materials, and hire new teachers. Vouchers redirect dollars away from public schools to private schools that are not accountable for student performance or for how the funds are spent.

“*Vouchers threaten civil liberties.* Finally, private schools are exempt from many civil rights laws, including the Individuals with Disabilities Education Act (IDEA) and Title IX of the Education Amendments of 1972. Additionally, where voucher funds may be used for sectarian educational purposes, a voucher program could require taxpayers to support instruction in religions that may be contrary to their own. In addition to compromising religious freedom, private school vouchers also threaten the autonomy of religious schools. If the government is going to play a direct role in funding private schools, it has a right and a responsibility to ensure that the funds are being spent for sound educational services.

“The undersigned organizations urge you to oppose any continued funding of the voucher program included within the FY05 D.C. Appropriations Bill.”

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Albert J. Menendez and Edd Doerr

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Bush Lauded by Religious Right; Kerry Faces Torrent of Abuse

Religious conservatives have made no secret that they want George W. Bush to stay in the White House for four more years. Various groups are actively praying for his election, registering voters in churches and turning out at Bush campaign rallies, which several reporters have compared to “revival meetings.”

The cozy ties between the Republican campaign and America’s evangelicals became almost incestuous when Bush’s “religious coalition coordinators” issued a late-June instruction sheet urging volunteers to “send your church directory to your Bush-Cheney ’04 Headquarters and identify another conservative church in your community who we can organize for Bush.” Despite a barrage of criticism, Bush-Cheney campaign officials defended the effort to enlist churches in a partisan campaign effort that would violate Internal Revenue Service rules.

Many religious conservatives, however, balked at turning over their membership records to the Republican Party, as Bush campaign operatives asked in June. In Pennsylvania the GOP campaign openly called for 1,600 churches to become part of the formal Bush-Cheney campaign. Even Southern Baptist leader Richard Land, a Bush partisan, denounced the effort.

On August 12 teachers of ethics at leading evangelical and conservative seminaries and universities sent a letter to Bush asking him to “repudiate the actions of your reelection campaign, which violated a fundamental principle of our democracy.” They urged both presidential candidates to “respect the integrity of all houses of worship” and noted pointedly, “When certain church leaders acceded to the request of the Bush/Cheney campaign to hand over the names and addresses of their congregants, they crossed a line . . . It is proper for church leaders to address social issues, but it is improper, and even illegal, for them to get their churches to endorse candidates or align their churches with a specific political party.”

(The signatories included such staunch church-state separationists as Richard V. Pierard of Gordon College, James M. Dunn of Wake Forest Divinity School and Ronald B. Flowers of Texas Christian University.)

But pro-Bush articles are saturating the powerful evangelical media empires. Three new books with titles like *God and George Bush*, *A Man of Faith* and *The Faith of George W. Bush* have become instant best sellers in both secular and Christian book stores. All three depict Bush as some kind of secular saint whose reelection is critical to the preservation of Christianity in America.

During the GOP convention, two Colorado film producers premiered a 70-minute video about the president’s religion, “George W. Bush: Faith in the White House,” which is going to be distributed in 300,000 churches to persuade conservative Christians to vote for Bush. (They may not need much more convincing. A George Barna Research Poll recently found 86% of white evangelicals planning to support Bush.) The \$300,000 film is unequivocally pro-Bush. Producer David

Balsiger said, “The religious voter feels more comfortable sleeping at night knowing our president prays, reads Scripture, is not hesitant to share his faith and is not hesitant to pray with world leaders. This is the sort of behind-the-scenes things he does.”

Another quid pro quo between evangelicals and the Bush administration was revealed in August, when the Justice Department failed to file an expected brief with the Supreme Court supporting direct shipment of wine across state lines. Former Whitewater prosecutor Kenneth Starr and President Bush’s brother-in-law are involved in the legal effort to support wine producers, while the powerful National Association of Evangelicals (NAE) is trying to block interstate sales of wine. NAE lobbyist Rich Cizik took credit for forcing a last-minute withdrawal of the Justice Department brief on the side of wine distributors. “The administration is now going to remain neutral,” Cizik crowed. David P. Sloane, president of the trade association Wine America, blasted White House adviser Karl Rove and HHS Secretary Tommy Thompson for caving in to evangelical pressure. This is not the first, nor is it likely to be the last, time the business and evangelical wings of the GOP have clashed over a public policy issue.

Meanwhile, Senator Kerry has been attacked by right-wing Catholics, who have urged church leaders to deny him the sacrament of Communion because of his pro-choice views. The Catholic League for Religious and Civil Rights, which claims to be an anti-discrimination lobby, has cast aspersions on Kerry’s divorce, annulment and remarriage, and has repeatedly condemned the Democratic Party for alleged anti-Catholicism. (Bush’s chief Catholic adviser, publisher Deal

Hudson of *Crisis* magazine, recently resigned after it was revealed in the *National Catholic Reporter* that he had been fired in 1994 by Fordham University, where he was a philosophy professor, for sexual harassment of an 18-year-old student.)

An evangelical publisher, WND of Nashville, published a full-length attack on Kerry, calling him a “dangerous liberal who should never be president.” This was the first time a religious publisher has issued a book attacking any presidential candidate since a torrent of anti-Kennedy books and pamphlets appeared in 1960.

Senator Kerry has even been hit with heresy charges, filed by a Catholic canon lawyer, Marc Balestrieri, in the Archdiocese of Boston. Balestrieri is the associate judge for the Los Angeles archdiocesan tribunal. He launched the suit on June 14 and released it to the public on June 27. “Heresy is a public, ecclesiastical crime. It affects entire communities. It is one of the greatest sins you can commit.” He singled out Kerry’s pro-choice position on abortion and urged church authorities to excommunicate the Democratic nominee.

Another group, the American Life League, has put full-page ads in conservative newspapers denouncing Catholic cardinals and archbishops for not disciplining or condemning Kerry.

Kerry has engaged in a Kennedy-like defense. He told *Time* interviewers, “We have a separation of church and state in this country. As John Kennedy said clearly, I will be a President who happens to be Catholic, not a Catholic President.” Kerry, whose grandparents were Jewish converts to Catholicism, has frequently called for appreciation of religious diversity and tolerance. In May he told an interviewer from *Ladies Home Journal* that he would not engage in the kind of religious rhetoric that has characterized the Bush administration. Bush’s frequent religious references “squeeze the diversity that the presidency is supposed to enhance and I’m not sure the president always balances it appropriately,” Kerry remarked.



Visit ARL's Web Site

You can now visit Americans for Religious Liberty’s internet website: arlinc.org. The site contains information about the organization, books available on church-state issues, and reprints of important articles. New material will be added as available.

GOP Convention News

Senator Elizabeth Dole of North Carolina injected some religious nastiness in her convention speech, saying that religious freedom in America does not include freedom from religion and accused “activist federal judges of trying to strip the name of God from the Pledge of Allegiance, from the money in our pockets, and from the walls of our courthouses.”

Some delegates were angry that the Muslim chaplain of the New York City Police Department, Imam Izak-El M. Pasha, delivered the opening invocation. Robert Steinhagen, a delegate from Dallas and a fund-raiser for an evangelical Christian ministry, said the Imam should not have been allowed to pray at the convention. Steinhagen told the *Washington Post* that “Bush should not have allowed this to happen.”

Evangelicals were pleased, however, when the Rev. Max Lucado, a Texas Church of Christ pastor and popular author, delivered one invocation.

The Religious Right kept a low profile at the GOP convention, which tried its best to present a “moderate” face and to showcase its minority representation among delegates and alternates. But more than a thousand social conservatives staged a “Family, Faith and Freedom” rally at the Waldorf-Astoria Hotel, planning to implement an anti-abortion and anti-gay agenda if Bush is reelected. Its message was, “Bush is a conservative leader who shares our values.” Conservative talk radio host Janet Parshall, who narrates the new film on Bush’s religion, said hundreds of delegates had planned to send the film to their local churches. The pro-Bush documentary will go on sale in K-Mart and other outlets on October 6. Parshall also led daily prayer services at the New Yorker Hotel every morning. The prayer sessions were sponsored by a new far-right group with a religious flavor, the National Federation of Republican Assemblies. Parshall and the Rev. Doc Burch urged Christian conservatives to knock on doors, register voters and get out the fundamentalist vote on November 2.

Prayer services were so numerous that observers could not help wondering if GOP really means “God’s Own Party.” Former Oklahoma congressman J.C. Watts sponsored a prayer breakfast at the Javits Convention Center with White House Chief of Staff Andrew H. Card, Jr., as the featured speaker. Anti-abortion activists held a luncheon featuring the Old Right warhorse, Phyllis Schlafly, and the young firebrand author Ann Coulter. A small “Catholic outreach event” featured RNC chairman Ed Gillespie and columnist Peggy Noonan. A Jewish Republican rally featured Texas Rep. Tom Delay, who implied that only Bush and the Republicans would protect Israel.

Religion Dominates Campaign News Coverage

The use, or misuse, of religion in the 2004 campaign is provoking widespread press commentary. Here is a selection of some of the most thoughtful and insightful:

“The Bush-Cheney campaign is buttonholing Christian churches nationwide to serve as virtual party precincts in the Republican drive to turn out voters in November. The campaign has sent congregation volunteers marching orders – a schedule of 23 ‘duties,’ beginning with the submission of local church membership directories to party headquarters, the better to compare them with voter registration lists.

“The Bush team maintains that this ham-handed proselytizing is legal and somehow nonpartisan. That is hard to comprehend, given that other ‘duties’ for pro-Bush volunteers include lobbying congregation groups to talk up the Bush-Cheney ticket and producing ‘voters guides’ on hot issues. Ministers are being pressed to create registration drives and speak out about ‘all Christians needing to vote.’

“Churches have been a favorite campaign stop for political candidates throughout the nation’s history. But this crude initiative crosses the line that separates organized religion from organized political parties. Last month, after Republican workers began soliciting hundreds of ‘friendly congregations’ in the swing state of Pennsylvania, the Internal Revenue Service sent out a blunt warning to political leaders that they could cost churches their tax-exempt status by enlisting them in transparent partisanship.

“The Bush team’s strategy disrespects religion as much as it does democratic ideals. Churchgoers are entitled to a little sanctuary from politics.” — *New York Times Editorial*, July 14, 2004

“Bush’s willingness to identify religious intention in war planning is unprecedented. . . . The exact tenor of George W. Bush’s own religious views remains unclear. Concerned churchpeople must create a framework for a political and constitutional debate. How can John Kerry’s divergences from Vatican doctrine and difficulties with Catholic bishops anxious to deny him communion be front-page news while commentators studiously ignore the president’s religious beliefs that may have influenced his decision on war?” — Kevin Phillips, author of *American Dynasty*, in *Christian Century*, July 13, 2004

“It will be a sorry state if the voters have to decide which candidate is holier than thou, rather than which candidate stands for the best policies.” — Helen Thomas, Washington, D.C.-based columnist for the *Hearst Newspapers*, June 24, 2004.

continued on page 10



The Party Platforms

Neither the Democrats nor the Republicans devoted much space to church-state matters. The Democrats endorsed abortion rights and opposed school vouchers and a constitutional amendment banning same-sex marriage. Perhaps in an attempt to blunt the increasing criticism that the Democrats are hostile to religious expression or too secular, the platform included several references to God, the first time since 1956 that a deity was mentioned. (Republican platforms, in contrast, have included references to God since 1948, with the exception of 1964, when Barry Goldwater was the nominee.) The Democratic platform said that Democrats “honor the central place of faith in the lives of our people and will strengthen the role of faith-

based organizations while also honoring the First Amendment.” The party said that public funds should not go to organizations that discriminate in hiring practices or that proselytize recipients of the aid.

The Republicans endorsed a constitutional amendment banning abortion, as they have since 1976, and this year called for a constitutional amendment banning same-sex marriage. An implicit criticism of even civil unions was included in the GOP statement. School prayer was endorsed, as was a call to limit judicial jurisdiction over same-sex marriage questions. Homosexuality was declared “incompatible with military service.”

Referendum Elections

Voters will face church-state issues in a number of states come November. California voters will decide whether to give \$3 billion in state funds to support embryonic stem-cell research. The initiative will create a state institute that will fund research in universities and elsewhere, and will be funded by state bonds. Supporters say the ballot measure is needed because President Bush's restrictions on stem-cell research are harming potential scientific and medical progress. Nearly one million valid signatures placed the measure on the ballot. California Right to Life, the California Catholic Conference, and some fiscal conservatives have already expressed opposition.

Florida lawmakers passed the buck to the voters by placing a measure calling for constitutional change regarding parental notification of abortion for minors on the November ballot. Florida's constitution accords greater privacy rights to Floridians than the Federal Constitution. Opponents say the measure will limit privacy rights for women younger than age 18. ACLU Director Howard Simon accused the legislature of "jeopardizing the health and safety and sometimes the lives of young women on the altar of anti-abortion politics." Both ACLU and Planned Parenthood filed suit on August 2 to block the referendum.

Proposed bans on same-sex marriages will be on perhaps a dozen state ballots. Eight states – Arkansas, Georgia, Kentucky, Mississippi,

Montana, Oklahoma, Oregon and Utah – have placed "marriage amendments" on the November 2 ballot. Michigan, North Dakota, and Ohio are awaiting certification of ballot initiatives. Missouri voters, by 71% to 29%, approved a ban on gay marriage during the August 3 primary elections, and a near-record turnout of 1.5 million votes were cast. Louisiana has scheduled a special election on September 18 to consider a constitutional change. Why these initiatives are needed is questionable, since 34 states and the federal government already have "defense of marriage" laws limiting marriage to a man and a woman. Religious Right activists and Republicans hope to reap a bounty of votes to strengthen their control of Congress and to reelect President Bush.

Conservative churches are spearheading the campaigns. Human Rights Campaign field director Seth Kilbourn said the Missouri result came because "conservatives activated the churches in a way that was very successful." The leader of the amendment fight in Louisiana is the Reverend Gene Mills, an Assemblies of God minister.

If these states pass bans on same-sex marriage, they will join Alaska, Hawaii, Nebraska and Nevada, where voters approved similar prohibitions in recent years.

Religious Issues May Help GOP, Poll Finds

A nationwide Pew Forum poll released on August 24 shows that 52% of voters see the Republicans as being more "religion friendly" compared to 40% who see the Democrats that way. A majority (53%) say they are "comfortable" with the way President Bush's religious beliefs affect his decision making.

A majority of voters are opposed to same-sex marriage but many are uncomfortable about making it a federal constitutional issue and only a relatively small number consider it a top priority issue. But it may energize fence-sitting religious conservatives and even moderates.

About 64% of voters say "moral values" will be important in how they cast their ballots in November but 65% (against 25%) say churches should not endorse candidates. Also, 64% of all voters, and 77% of Catholics, reject the idea that Catholic bishops should withhold communion from Catholic politicians who support abortion rights.

Embryonic stem cell research is favored by 52% of voters, up from 43% two years ago.

News Coverage, *continued from page 9*

"The question of how a candidate's faith informs and molds his political identity is a rich and potentially illuminating subject. Learning to explore the nuances of how religious faith informs a candidate's political thought and behavior – rather than treating it as a cynical political tool – would enrich our political discourse and understanding of religion's role in public life. And it would answer a crucial question for voters: Why should we care about a candidate's religion?" — Amy Sullivan, *The Revealer*, July 17, 2004.



The True Believers: The Constitution Party

While it may seem unbelievable that any Americans would think the Bush administration's promotion of evangelical Christianity in particular and its aggressive identification with a religious public square are not conservative enough, there are true believers who want more of the same. The Constitution Party, formerly the U.S. Taxpayers Party, has ballot access in more than 40 states and calls for an explicit identification of the U.S. as a "Christian nation." The Constitution Party, with its national headquarters in fiercely conservative Lancaster County, Pennsylvania, believes that this was the intent of the U.S. Founders, the historical record to the contrary notwithstanding.

The Constitution Party platform promised to "rein in the Federal judiciary" and stop "anti-Christian judges" who "approve homosexual marriage and violate the rights of states and individuals to acknowledge God."

They also refer to the "abortion holocaust" and promised to "end the slaughter of millions of Americans prior to their birth."

The Constitution Party's candidate for president this year is an obscure Maryland lawyer, Michael Anthony Peroutka, who was the fallback nominee when Alabama ex-Judge Roy Moore declined to run. (Moore did address the party's convention.) This extremist party polled 98,020 votes in 47 states in the 2000 election for its nominee, Howard Phillips.

The Republican Party of Texas adopted a platform nearly as extreme. The Texas GOP said "America is a Christian nation" and "the separation of church and state is a myth." A platform plank affirms: "Our nation was founded on fundamental Judeo-Christian principles based on the Holy Bible. The public acknowledgement of God is undeniable in our history."

Jewish and Muslim groups protested the party's religious exclusivism but the Republican National Committee refused to criticize it.

Religion and Congressional Voting: Still Important on Some Issues

The precise influence of a Congressman's religious affiliation is hard to track in an age of such intense partisanship. Most members vote with their parties on issues which have religious or church-state implications, a result, no doubt, of the winnowing process which has placed most religious conservatives in the Republican ranks and most religious liberals or progressives among the Democrats.

But on some issues, those who break ranks with their party's majority often do so, it seems, for religious reasons. Three recent votes in Congress reveal religious cleavages that may transcend partisan politics.

Gay Marriage and Federal Court Jurisdiction

On July 22, the U.S. House of Representatives passed by 233 to 194 legislation to strip federal courts of jurisdiction in challenges to state bans on homosexual marriage. This court-stripping bill, supported by the White House, received the support of 92.4% of Republicans but only of 13.3% of Democrats. One Independent voted no.

The bill now goes to the Senate, where its chief sponsor, Sen. Richard C. Shelby, an Alabama Republican, invited disgraced former Alabama Supreme Court Justice Roy Moore to testify in favor of the proposal on June 8. Religious Right groups are mounting a campaign on behalf of the court stripping measure, though many observers believe it will die in the Senate.

In the House vote 27 Democrats voted for the measure, 22 of them from the South and Border states, where intense dislike of federal courts has been rife since the civil rights movement received significant support in the legal system beginning in the 1950s. This hostility toward court-imposed change has now shifted to the religion area, where many Southern Protestant conservatives oppose court-imposed efforts to assure religious neutrality and equality in the evangelical-dominated Southern states. Of the Democratic defectors, seven were Methodists, five Baptists, and three belonged to the Disciples of Christ.

On the other hand, the Republican defectors were disproportionately Episcopalians and Catholics from the Northeast, where nine of the Republican dissenters resided. The only Unitarian Republican, Nancy Johnson of Connecticut, voted against the measure.

Religion and region were closely related. Every member from Kentucky and Oklahoma (Baptist/evangelical states) and from Mormon Utah voted yes. So did a majority of Democrats from Arkansas, Louisiana and Tennessee. All members from Maine, Massachusetts, Connecticut, Hawaii and Rhode Island voted no.

The South was responsible for the passage of the court-stripping bill, with a 90-39 majority, more than offsetting the loss elsewhere. If the Border south is included (where members voted yes 20-12), the entire Southern/evangelical part of America voted 110-51 yes, more than enough to override the 123-143 loss in the more religiously diverse North and West.

Support for this measure by region was as follows: 69.8% in the South, 62.5% in the Border South (the strongholds of evangelical Protestantism), 40.7% in the Mid-Atlantic, 65.2% in the Midwest and Great Plains states (Lutheran, Methodist, Mormon), 32.9% in the Pacific Coast region, and 4.5% in New England.

Gay Marriage Constitutional Amendment

On a July 14 procedural vote, the U.S. Senate refused to move forward a proposed constitutional amendment to prohibit same-sex

marriage. The vote was 50-48 against an initiative endorsed by President Bush and the Republican leadership and a top priority of social and religious conservatives. The vote was 12 short of keeping the debate alive and 19 shy of the 67 votes needed to send a constitutional amendment to the state legislatures for their ratification.

Republicans voted 45-6, or 88.2% yes, while only 3 of 46 Democrats (6.5%) supported the amendment. One Independent, James Jeffords of Vermont, also voted in opposition. The Democratic candidates for president and vice president respectively, John Kerry and John Edwards, were campaigning and missed the vote, though they were opposed to it.

The six Republicans who broke ranks with their party were mostly New Englanders (four) and Westerners (Colorado and Oregon). None were conservative Protestants. Two are Catholics (Collins of Maine and Sununu of New Hampshire), and two are Episcopalians (McCain of Arizona and Chafee of Rhode Island). Senator Snowe of Maine is Greek Orthodox and retiring Senator Campbell of Colorado, the Senate's only Native American, has no religious affiliation.

Of the three Democrats who supported the marriage amendment, two are Methodists (retiring Georgia Senator Zell Miller, who has endorsed President Bush, and Nebraska Senator Ben Nelson), while one is a Baptist (Senator Robert Byrd of West Virginia, ironically, one of the severest critics of the Bush administration and author of a new book, *Losing America*, blasting the president).

continued on page 12

The Religion Vote: Up for Grabs

For the last couple of decades, religious affiliation – or more properly religious participation – has become a central factor in U.S. voting behavior. While the classic Protestant versus everybody else paradigm remains to some degree, recent polling data and election studies show that partisan divisions reflect church attendance in whatever tradition more than which type of church the voter attends or does not attend.

While the Republican Party remains the white Protestant party, it is now more than ever the white conservative evangelical Protestant party, with a considerable assist from “orthodox” or “traditionalist” Catholics and observant Orthodox Jews. The Democrats retain their Jewish and Catholic base to some extent but are now buttressed by the nonaffiliated or secular voters and the “progressive” or “moderate” voters in all traditions.

Several national polls suggest that President Bush will receive about two-thirds of voters who attend religious services weekly or more often, while Senator Kerry claims the support of two-thirds of voters who attend services less often.

A *USA Today*/CNN/Gallup Poll taken earlier this year found that 54% of weekly church attenders call themselves political conservatives compared to 26% of those who never attend church. Nearly 34% of non-churchgoers call themselves liberals compared to 13% of weekly attenders. Conservative identifiers outnumber moderates and liberals among those who attend church weekly or “almost every week,” while “moderates” outnumber conservatives and liberals among occasional churchgoers and among the non-churchgoers.

Religion, region and culture continue to influence the context in which this contentious issue will be fought in the years to come.

Religious groups took an unusually active posture on the constitutional amendment issue. Evangelicals, fundamentalists and Christian Right lobbies, joined by the U.S. Conference of Catholic Bishops, lobbied for it. Reverend Jerry Falwell, James Dobson's Focus on the Family, Gary Bauer's Campaign for Working Families and Reverend Donald E. Wildmon's American Family Association declared July 11 "Protect Marriage Sunday" and called on thousands of churches to devote sermons to the issue and to hand out Senate phone numbers to encourage a deluge of telephone calls. Their rhetoric was harsh and often inaccurate. "Churches will be pressured to either abandon the Scriptures or lose their tax-exempt status if they refuse to marry homosexuals and our kids will be taught how to perform 'safe sodomy' in their sex education classes," thundered the "Pastor's Weekly Briefing" from Focus on the Family.

Opponents of the amendment included 26 religious groups, including Episcopalians, Lutherans, Presbyterians, the United Church of Christ, and Reform Jews, which sent a June 2 letter to Congress saying, "It is not the task of our government and elected representatives to enshrine in our laws the religious point of view of any one faith." Liberal Baptists, Quakers, Unitarians, Sikhs and the Anti-Defamation League joined the fight against the proposed constitutional change.

Even after the defeat, conservative groups said they would mount campaigns in a dozen states to outlaw same-sex marriages at the state level.

Egyptian Military Aid Cutoff

On July 15 the House rejected a \$570 million cut in U.S. military aid to Egypt after Secretary of State Colin Powell issued a last-minute warning that such a move would damage relations with a key Middle East nation "at a very sensitive moment in the region."

House members rejected an amendment proposed by Representative Tom Lantos (D-CA) by a lopsided 287-131 vote. The Lantos amendment was aimed at the foreign aid authorization bill for 2005. Tom Delay, the House Majority Leader, supported the amendment, saying it would rebuke Egypt for anti-Semitism and would help to protect Israel. The 2005 foreign aid appropriation includes \$2.2 billion for Israel and \$1.3 billion for Egypt.

The Lantos amendment attracted the support of 34% of Democrats and 29% of Republicans, an overall level of support of 32%. Regional differences were also minimal.

But religion turned out to be the major point of division, as 60% of Jews, 50% of Mormons and nearly half of evangelicals supported the amendment. Usually, these groups have nothing in common, particularly on the church-state and cultural policy issues.

This is one of the first test votes for the often predicted alliance between Jewish supporters of Israel and their evangelical Protestant allies. The strongest support for the Egyptian aid cut-off came from New York Jewish Democrats and Alabama and Virginia Baptist Republicans. The lone Jewish Republican in the House, Eric Cantor of Virginia, voted yes, as did many Baptist Republicans in Texas and Mississippi.

Still, the low level of support for the amendment suggests that any alliance between these groups is premature, or may only surface on a few issues.

—*Al Menendez*

Update

Support for Public Education Remains High

The 36th annual Phi Delta Kappa/Gallup Poll found that most Americans give high grades to public schools, especially to the schools their children attend.

This year 47% of those polled gave the schools in their community an A or B grade, virtually unchanged from last year's 48%. Public school parents are even more supportive, with 61% giving their children's schools an A or B, up from 55% in 2003. This year 70% of those polled gave the schools attended by their oldest child an A or B grade, up from last year's 68%.

The number one problem facing the schools is lack of financial support. Fully 66% of the public favor "reforming the existing system" compared to 26% who favor "finding an alternative system." Among public school parents the margin is 72% to 21%.

A majority of the public, 54% to 42%, is opposed to vouchers, though it was 60% to 38% the year before. Opposition to vouchers reached its peak in 2001, but support for vouchers was highest in 1997 and 1998.

Oddly enough, the Republican Party has gained ground as the "party most interested in improving public education." The Democrats still lead by seven points in this question but had led by 12 points in 2000 and 17 points in 1996. The biggest GOP gain was among younger public school parents, where the Democratic margin was only three percentage points.

One glaring inconsistency in the polls came on a political question involving vouchers. Even though a majority of the public opposes vouchers, more voters (41%) said they would be "more likely to vote for a candidate who supports vouchers" than those 37% who said they would be more likely to vote for a candidate opposing vouchers. The other 22% said the issue would make no difference in their vote.

Abortion Ban Again Ruled Unconstitutional

For the second time this year a federal judge has declared the "Partial-Birth" Abortion Ban Act unconstitutional. On August 26 U.S. District Judge Richard C. Casey of New York ruled that the ban failed to include an exception to protect a woman's health, as the U.S. Supreme Court required in a decision from Nebraska several years ago. Despite the ruling in the Nebraska case, the Congress passed and President Bush signed the ban last November. On June 1, a federal judge in San Francisco found the law unconstitutional. A third case is awaiting a decision in Lincoln, Nebraska. Attorney General John Ashcroft said his office is preparing appeals in both cases. Judge Casey's decision is considered a blow to proponents of the ban since he was regarded as unfavorable to the procedure and the most likely federal judge to support its constitutionality. His ruling is a major blow to the Bush administration and to the Religious Right, though it is likely that the issue will eventually reach the U.S. Supreme Court.

General's Religious War Rhetoric Broke Rules

A Defense Department investigation, reported in *The Washington Post* on August 19 but not yet officially released by the Pentagon, concluded that Lt. Gen. William "Jerry" Boykin violated three internal regulations while delivering controversial speeches. Boykin delivered "sermons" at 23 Baptist and Pentecostal churches between January 2002 and mid-2003. Dressed in his military garb, Boykin claimed the U.S.

war in Iraq was part of a larger war against the evil religion of Islam, that Satan is an enemy of America, and that God will defend and protect America only if “it never abandons Israel.” Boykin also claimed that God put George W. Bush in the White House. Arab and Muslim groups criticized these remarks and urged the Army to fire him. Senate Armed Services Committee Chairman John W. Warner (R-VA) called for an inquiry and urged Boykin to step down while the inquiry proceeded. But Defense Secretary Donald Rumsfeld praised Boykin and kept him in his position as Pentagon senior military intelligence officer.

The 10-month investigation concluded that Boykin failed to obtain clearance for his remarks, failed to clarify that his comments were personal and not reflective of official U.S. policy, and failed to report reimbursement of travel expenses he received from one of the sponsoring religious groups. The report recommended that the Acting Secretary of the Army “take appropriate corrective action with respect to Lt. Gen. Boykin.”

Religion Divides Congress

Religious affiliation and belief have fueled the partisanship of Congress during the past quarter-century, according to an unpublished study of congressional votes by William D’Antonio of Catholic University and Steven Tuch of George Washington University. It appears now that conservatives in all religious groups affiliate with the Republican Party while religious liberals and moderates align with the Democrats. In a study of votes in Congress related to abortion since 1979, the scholars found that Catholic Democrats were often anti-abortion rights, and Protestant Republicans were sympathetic to abortion rights in 1979. But today almost all Catholic Democrats are pro-choice, while Catholic Republicans are overwhelmingly anti-choice. While Catholic Republicans are closer to the bishops’ position on abortion, gay rights and stem cell research, Catholic Democrats are far closer to the bishops’ pronouncements on nuclear weapons, world peace, immigration, minimum wage legislation, tax policy, medical care, and a host of other issues.

Protestants are also sharply divided by ideology. Mainline Protestant Democrats increased their support of abortion rights from 62% in 1979 to 75% in 2003, but Republican members of mainline churches moved sharply in the other direction, becoming 80% anti-choice compared to 55% anti-choice two decades before. Evangelical members not only opposed abortion, stem cell research, and equal rights for gays by nearly unanimous margins but they have moved overwhelmingly to the Republican ranks, especially in the South.

Another academic specialist on religious voting in Congress, Furman University professor James Guth added, “Religion is much more aligned with partisanship than it was in the past.” He noted that the number of evangelicals in Congress has increased from 10% in the 1970s to more than 25% today.

Montana Town Says No to Creationism

On July 5 the Darby, Montana, School Board rejected the proposed “objective origins” policy, which sought to require “a qualified and responsible criticism of Darwinian evolution” in local public schools. Board member Marty Lovejoy said, “Today the community is beaming with relief.” The action overruled a February vote in favor of the anti-evolution position, largely due to a May 4 election in which voters ousted an incumbent who favored a creationist approach.

AmeriCorps Must Stop Placing Teachers in Faith-Based Schools

A July 6 ruling in U.S. District Court in Washington, DC, enjoined the practice of placing teachers in religious schools by AmeriCorps, a federal agency. The Corporation for National and Security Service had routinely made grants to faith-based groups that placed AmeriCorps members in teaching positions in religious schools. Two of the groups most active in the teacher placement program are the Alliance for Catholic Education at the University of Notre Dame and the Catholic Network of Volunteer Service, based in Takoma Park, Maryland.

Suit was brought challenging the constitutionality of the practices by the American Jewish Congress in December 2003. Judge Gladys Kessler ruled that the program violated the First Amendment’s Establishment of Religion clause. Sending teachers into church-related schools “blurred the line between religious and secular duties,” she held. The case was *AJ Congress v. Corporation for National Service* (No. C/a 02-1948) in the U.S. District Court for the District of Columbia.

White House Will Fight for Funding

The head of the White House Office of Faith-Based and Community Initiatives, Jim Towey, told a Catholic Charities meeting in Maine on August 13 that he will fight local ordinances that block federal funding for religious groups. He claimed that Portland, Maine, officials were “bullying faith-based organizations and telling them that they have to compromise their religious beliefs and tenets if they want to partner with government.” He said federal money takes precedence over state and local laws. Portland’s domestic-partnership law bans federal funding for groups that provide no health care or other benefits to same-sex partners or to unmarried heterosexual partners of staff members.

Back Bush, Get Money

A Philadelphia church that endorsed Bush received a \$1 million faith-based grant from the Bush administration. The Rev. Herbert H. Lusk II had endorsed Bush in a satellite television program from the Greater Exodus Baptist Church. The church’s People For People program is the recipient of the funds. Lusk told the Associated Press that Bush is “worthy” of the African American vote. The funds soon appeared as if by magic.

Charter Schools Face Challenges

Washington State voters may decide to abrogate a charter school law approved by the state legislature in March. The Washington Education Association conducted a statewide petition drive to bring the law to a referendum tentatively named Referendum 55, in the November election. The state Secretary of State’s office must verify the 153,000 signatures submitted in June.

In Ohio the state education association filed a lawsuit in federal court in June, alleging that the state’s charter school law is unconstitutional. The teachers organization contends that charter schools violate the equal-protection clause of the Fourteenth Amendment because charter schools receive greater state funding and do not rely as heavily on local property taxes. The suit was filed on June 9 in federal court in Dayton.

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Home Schoolers Challenge Pennsylvania Law

Two Pennsylvania families who home-school their children have filed suit under the state's Religious Freedom Protection Act challenging the state's home school reporting requirements. State law requires home-schooling parents to submit notarized affidavits at the beginning of each school year for children aged 8 or older about what subjects will be taught. Parents are also required to submit needed information about their children and must chart their children's academic progress for an annual report that must be submitted to local public school superintendents. The plaintiffs, the Newborn family from Franklin Regional School District near Pittsburgh and the Harkin family of Bristol Township School District in Bucks County near Philadelphia, charge that the law violates their religious beliefs.

Pennsylvania is one of 12 states that passed a Religious Freedom Protection Act after a similar federal law signed by President Clinton was declared unconstitutional by the U.S. Supreme Court in 1997. Home-schoolers have never before filed such a complaint under this law. About 25,000 students are home-schooled in Pennsylvania, and about 1.2 million receive their educations primarily at home throughout the United States, according to recent U.S. Department of Education data.

Church Tax Measure Defeated

On June 15 the House Ways and Means Committee killed a proposal to reduce tax penalties for churches that engage in partisan politics. The measure, called "Safe Harbor for Churches," was an amendment attached to the American Jobs Creation Act of 2004. Republican leaders had tacked the measure onto the bill in early June in order to appease Representative Walter B. Jones, Jr. (R-NC), who has pushed for years for his bill that would allow clergy to endorse candidates from the pulpit while protecting their church's tax exemption. Under present IRS rules, overt political activity in churches could cost the church its tax exemption.

Opposition came, surprisingly, from the powerful Southern Baptist Convention (SBC), which supports the concept in practice, but opposed the language in the Safe Harbor proposal. The SBC's Ethics and Religious Liberty Commission warned House members in a letter that the proposal could "broaden the restrictions on political speech by clergy members." Liberal and church-state separation groups also opposed the measure, but House Republicans were apparently more impressed by Southern Baptist opposition.

Church-State in the Courts: A Checklist

U.S. courts continue to be a major venue in the resolution of church-state conflicts. A review of recent events include the following:

- The Alameda County (California) Superior Court allowed six cases of molestation by clergy to proceed. These consolidated lawsuits involve nearly 1,000 plaintiffs. All of the cases are being brought under a 2002 law that rolled back the state's status of limitations in sex abuse cases. The law's validity is being challenged in federal court by the Los Angeles Archdiocese. A contempt motion was filed in the same court on June 29, asking that Cardinal Roger Mahony be held in contempt for refusing to appear for depositions in a case involving former priest Oliver O'Grady, who was found guilty by a jury for sexual abuse in the Diocese of Stockton.

- A school district may not include prayers at mandatory staff meetings, according to a decision by the U.S. Court of Appeals for the Eighth Circuit. Such a policy at the Devalls Bluff School District in Arkansas was held unconstitutional.

International

Berne: Switzerland's President Joseph Deiss welcomed Pope John Paul II on June 5 and announced that Switzerland intended to normalize its diplomatic ties with the Holy See. The Swiss Confederation will upgrade its emissary to full ambassadorial level status. Switzerland, a center of the Protestant Reformation, broke diplomatic relations with the Holy See in 1873 and only restored a low-level ambassadorial contact in 1991. Switzerland is roughly half Catholic and half Protestant today, though church attendance for both groups is low and declining.

Kampala: Andrew Rice reported in *The New Republic* (August 9, 2004) that Uganda is rapidly becoming a bastion of American-style evangelical Protestantism. According to Rice, "Uganda is now one of the most devout nations on earth. Local church leaders claim that anywhere from five to ten million Ugandans have been "saved" in recent years in a country of 26 million people. Signs of evangelical influence are everywhere. Born-again First Lady Janet Museveni regularly welcomes American evangelists into the presidential palace." This use of religious militancy threatens a clash with the nation's 14% Muslim minority. Violence could erupt here between Christians and Muslims, as in Nigeria. Rice, a fellow of the Institute of Current World Affairs, says Ghana, Kenya, Nigeria and Cote d'Ivoire have "experienced religious revivals similar to Uganda's" and see the Bush administration as an ally in their war on Islam. Another African nation, Zambia, declared itself "a Christian nation" in 1991. In Uganda under President Museveni, "Evangelical Christianity has a governmental imprimatur, homosexuality and abortion are outlawed, politicians freely mix church and state and outward displays of religious devotion are the norm."

London: A British High Court ruling in June upheld a ban on Muslim dress in classrooms. Shabina Begum was expelled from Denbigh High School in Luton, England, in September 2002 for wearing a prohibited jilbad, a long flowing gown that covers all the body except the hands and face. School authorities argued that this was a health and safety risk. Begum argued that her right to an education and to the free exercise of her religion were violated, but Judge Hugh Bennett ruled that the school's dress code was "reasoned and balanced" and that her human rights had not been infringed. Nearly 80% of the students at Denbigh High School are Muslim. The Muslim Council of Britain condemned the decision and urged an appeal.

Madrid: Spain's Justice Ministry has initiated formal discussions on a proposal to expand government financing of religious institutions. Spain's Constitution separates church and state, but the tradition of state funding of the Catholic Church coexists with the constitutional requirement. Last year the Spanish Catholic Church received \$170 million from the government. The government's proposal would extend funding to Protestants, Jews and Muslims, though it is by no means clear that the religious minorities want aid. All religions which have a "notable social presence in Spain" would be eligible for state assistance. About 35 million Spaniards are Catholics, while 1.2 million are Protestant, 800,000 are Muslim and 40,000 are Jewish, according to Justice Ministry figures.

Some observers say the proposal is intended to prevent mosques from receiving money from extremist Islamic groups abroad. Others say the plan will weaken Spain's church-state separation progress. Justice

Minister Lopez Aguilar portrayed the plan as an egalitarian measure designed to treat all religions equally in Spain. The Catholic Church has received preferential treatment under a temporary agreement reached with the Vatican in 1979. A quarter of a century has passed, which, to many critics of the arrangement, is long enough to bring the practice to a close. Legal scholars say the “temporary” nature of this aid has avoided the constitutional issue. While the Constitution mandates a formal separation between religion and government, it also calls for cooperation between government and religious institutions.

The growing Muslim community has cultural and financial ties to Morocco and Saudi Arabia, which could diminish if Spain contributes to the building of mosques and schools, say some defenders of the plan.

Moscow: On June 16 the Moscow City Court effectively barred the Jehovah’s Witnesses. The group has 10,000 members in Moscow. The court held that the religious body was not “legal” and therefore could not exist as a recognized religious community. The International Helsinki Federation (IHF), a 42-member consortium based in Vienna, slammed the ruling in an “open letter to President Vladimir Putin” on June 28. The IHF cited several rulings by the European Court of Human Rights reiterating that the Witnesses are “a known religion with the right to manifest their faith.”

Members have been harassed and fired from their jobs in Russia, and authorities are expected to close their places of worship. Their properties may be confiscated and they could be arrested under Russia’s increasingly restrictive laws dealing with religious minorities. IHF executive director Aaron Rhodes told Putin, “All attempts by Russian authorities and courts to restrict peaceful religious activities seriously undermine Russia’s obligations under international human rights law and adversely affect Russia’s reputation in the international fora.”

New Delhi: India’s Supreme Court, calling Gujarat state leaders “modern-day Neros,” ordered a new investigation into Hindu-Muslim violence two years ago in Gujarat, which claimed 1,000 lives. The court criticized local police officials for “biased, unprecedented and abnormal” procedures. Their refusal to indict or even to investigate thoroughly the circumstances surrounding the violence came in for harsh criticism from India’s highest court. The court directed the Gujarat government to set up a panel of officials who would work with human rights investigators, and asked the panel to submit its findings every three months. The court also ordered the retrial of 21 Hindus who were acquitted on charges of burning 14 Muslims alive in a bakery, calling the police investigation “anything but impartial.”

Santiago: Chile has legalized civil divorce. President Ricardo Lagos signed into law a bill making divorce legal after a one-year separation for a mutual divorce or three years for a contested one. The law, signed in May, takes effect in November. This leaves only Malta and the Philippines as the remaining two nations which forbid the dissolution of marriages.

Strasbourg: Banning Muslim head scarves in schools does not violate freedom of religion, the European Court of Human Rights ruled on June 29. In a decision expected to have repercussions throughout Europe, the highest court in the Council of Europe rejected an appeal from a Turkish medical student who had been barred from attending Istanbul University medical school in 1998 because her head scarf violated the state-imposed dress code. Leyla Sahin lost her initial suit before the Turkish Supreme Court before appealing to the Strasbourg-based European Court.

The Court held that “measures taken in universities to prevent certain fundamentalist religious movements from pressuring students who do not practice the religion in question, or those belonging to another

religion, can be justified.” Actions in defense of separation of church and state could be considered “necessary in a democratic society.” Citing Turkey’s historic secularism, the justices said, “The principle of secularism was surely one of the founding principles of the Turkish state. Safeguarding this principle can be considered necessary for the protection of the democratic system in Turkey.”

France announced that it would be “absolutely firm” in enforcing the new prohibition on religious dress in France’s state-run schools. Education Minister François Fillon said in July, “I will personally ensure that there are no exceptions. The Republic will be firm.” The Union of French Islamic Organizations urged Muslim girls to wear head coverings if they wished and promised legal aid to the students. In the light of the European Court ruling, it is unlikely that French Muslims, estimated at six million, will be able to block the ban’s enforcement. A similar action is anticipated in several German states, where Muslim teachers are appealing headscarf bans.

United Nations: In early July the UN General Assembly upgraded the Vatican’s status at the UN. The tiny statelet – the Roman Catholic church’s central headquarters – will remain a permanent observer, as it has been since 1964. But it now will be able to intervene directly in debates and can circulate documents to influence the international body’s deliberations. The resolution enhancing the Holy See’s status passed unanimously. Archbishop Celestino Migliore, the permanent observer, intimated that the Vatican was considering applying for full membership with voting rights at some future date. Catholics for a Free choice is leading an international effort (supported by ARL) to end the Holy See’s unique preferential status enjoyed by no other religion.

Books and Culture

The Future of School Choice, edited by Paul E. Peterson, Hoover Institution Press, 2003, 268 pp., \$15.00.

A Primer on America’s Schools, edited by Terry E. Moe, Hoover Institution Press, 2001, 324 pp., \$15.00.

It would be difficult to find two books more hostile to public education or more scornful of church-state separation than these two. Adjectives to succinctly describe them come readily to mind: Orwellian (“selective manipulation of history”), Kafkaesque (Clarence Thomas is “one of the Court’s greatest modern justices”: Clint Bolick), unbalanced, simplistic, selective, dishonest, deceptive, manipulative, devious, illogical, smug, ideological.

With the sole exception of Steven K. Green’s excellent analysis of the Supreme Court’s 2002 ruling in favor of Ohio’s school voucher scheme, and apart from a smattering of useful bits of information buried in mountains of rubbish, the two books are unrelenting attacks and rants against public schools, public school teachers and their organizations, and the American constitutional principle of church-state separation. They pull out all the stops in promoting school vouchers and tuition tax credits (“tax code vouchers”). Some of the authors admit that most private schools, in the U.S. and abroad, are largely dedicated to sectarian indoctrination and practice forms of discrimination in hiring and admissions that would be intolerable in public schools, yet they do not regard these features as any barrier to forcing all taxpayers to support these schools involuntarily.

One of the worst essays in the Peterson volume is the piece on the Ohio voucher ruling by Kenneth W. Starr, the sex-obsessed fundamentalist who played Inspector Javert to President Bill Clinton’s Jean Valjean, at enormous expense to American taxpayers. Starr’s piece contains laugh-

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able errors that even a mediocre first-year law student would not make.

Completely missing from these two wastes of good paper is any mention of the 25 statewide referenda from coast to coast in which voters rejected vouchers or their analogues by an average two to one vote, the polls showing general public satisfaction with public schools and opposition to vouchers, the fact that nonpublic school enrollment is lower now than 35 years ago despite general economic improvement, and the fact that the largest single problem with our public schools nationally is inadequate and inequitably distributed funding. — *Edd Doerr*

School Board Battles: The Christian Right in Local Politics, by Melissa M. Deckman, Georgetown University Press, 224 pp., \$39.95 cloth, \$26.95 paper.

The involvement of Religious Right activists in school board elections throughout the U.S. is the subject of this excellent new book by a political science professor at one of the nation's oldest universities, Washington College in Chestertown, Maryland. The author designed an empirical national survey sent to candidates for school boards and employed case studies of two school districts in which conservative Christians ran for and served on local school boards. Those districts could not have been more different: Fairfax County, Virginia, a wealthy suburb of highly educated professionals near Washington, DC, and Garrett County, Maryland, a rural, poor Appalachian Mountain area tucked into an isolated region where several states intersect. Only one ingredient was shared: Republicanism. Fairfax County has backed every Republican presidential candidate since Wendell Willkie in 1940, except one (Goldwater in 1964), while Garrett County has never supported a Democrat for president. Fairfax is also religiously diverse, while Garrett is almost totally Protestant, where Methodists, Lutherans and Mennonites dominate the religious landscape.

Deckman focuses on "the overall impact of the movement on local elections" and studies "the motivation, strategies and electoral success of Christian Right school board candidates." Commendably, she also gives a bit of history, beginning with the battle over sex education in the schools of Anaheim, California, in 1965 and the textbook controversy in Kanawha County, West Virginia, in the 1970s, which resulted in widespread violence.

She concludes that "conservative Christians are perhaps more effective as critics of the system in a minority setting than as policymakers with the authority to govern. Even in a conservative county such as Garrett, Christian Right board members, charged with the responsibility of making school board policy, found little success when they tried to employ their specific moral or religious agenda in a priestly manner, because such moves prompted hostility from the community."

Christian Right candidates were less likely to win their elections (46% of the time) and were less likely than non-Christian Right candidates to win reelection (66% versus 79%). Christian Right candidates were more likely to be active church members, weekly church attenders and evangelical Protestants than were non-Christian Right candidates. Weekly church attendance at an evangelical parish was the defining characteristic, but only 50% of all Christian Right candidates were evangelicals. The income and educational levels of Christian Right candidates were slightly lower but not out of sync. (56% were college graduates and 33% made more than \$75,000 a year, compared to 65% college graduates and 44% upper income among non-Christian Right candidates, showing a fairly elite status for all school board candidates.) Only 26% of Christian Right candidates were women, however, compared to 41% of their opponents.

Deckman summarized the political subtext: "As a group, Christian Right organizations had limited involvement in individual campaigns,

mainly because of their tax status. But there was no shortage of activists to assist the candidacies of conservative Christian school board candidates in other ways, either as campaign volunteers or by working through the local Republican Party to influence which school board candidate would be endorsed."

Furthermore, "Christian Right organizations conducted candidate surveys and distributed the results to their members and to conservative churches, which could have easily had a profound impact on the voting decisions of church members. . . . Christian Right activists also served as campaign volunteers and strongly influenced which candidates the Republican Party chose to endorse."

This is one of those pioneering efforts in the political science field that deserves wide readership and notice. A job well done! — *Al Menendez*

Inside the Vatican of Pius XII, by Harold H. Tittmann, Jr., Doubleday Image Books, 224 pp., \$13.95.

History buffs in general, and Vaticanologists in particular, will relish this first-hand memoir of a U.S. diplomat assigned to Myron Taylor's mission to the Holy See during the Second World War. Tittmann worked directly with Myron Taylor, President Roosevelt's "personal representative" to Pope Pius XII during the most critical days of the war, from 1940 to 1944. In fact, he and his family resided within Vatican City after Italy declared war on the United States.

Tittmann, as chargé d'affaires, was present at some of the most dramatic events affecting church-state relations. Even from the beginning, the appointment was controversial. Tittmann writes, "The establishment of the Taylor mission soon met with strenuous objection from Protestant quarters, who viewed it as a violation of the constitutional separation of church and state. Conscious of this non-Catholic opposition in the U.S., the President attempted to disassociate as much as possible the Taylor mission in the eyes of the public from a formal diplomatic appointment."

The first real conflict came in February and March of 1942 when the Vatican established formal diplomatic relations with Japan. The U.S. angrily denounced the Holy See's action as "deplorable" and "incredible." Since the initial action came from Japan, the Holy See felt it could not refuse the diplomatic link, and Pius XII pleaded with FDR to understand that diplomatic recognition did not imply sympathy for the regime. Archbishop Spellman of New York interceded with Roosevelt by emphasizing that the Holy See's contact with Japan could be helpful to allied prisoners of war in Japanese-held territory. Many Americans and other allied nations did not accept this explanation, and "a brief but acrimonious dispute between the Vatican and the United States" erupted soon after Pearl Harbor.

Diplomatic intrigues, and events of daily life during wartime make this a lively read, even though the author was a bit player on the stage of history. — *Al Menendez*

Religion and Public Life in the Pacific Northwest, edited by Patricia O'Connell Killen and Mark Silk, AltaMira Press, 204 pp., \$19.95.

This is the first book of a new nine-volume series, *Religion by Region*, which, says editor Mark Silk, is "the first comprehensive effort to show how religion shapes, and is being shaped, by regional cultures in America." Silk, a scholar and journalist, says that "public cultures are intimately connected to the religious identities and habits of the local population." Silk directs the Leonard E. Greenberg Center for the Study of Religion in Public Life at Trinity College in Hartford, Connecticut. Each volume will include essays by specialists in the religious demography and political culture of each region in the United States.

The initial volume is on Alaska, Washington and Oregon, the region which has the highest religiously non-affiliated population in the nation. Only 37% of residents are affiliated with any religious group

though 70% claim to have a religious identity. Ironically, for an area that has many “nones” in religion, the region has a growing population of “sectarian entrepreneurs” and extremely conservative Protestants from the fringes of Pentecostalism and independent fundamentalism. Catholics and mainline Protestants, while still somewhat influential, are declining, and are weaker here than in most parts of the nation. The “sectarian entrepreneurial congregations attract people who have experienced dislocation, educational, economic, social and geographic mobility,” writes Patricia O’Connell Killen, who adds, “Conservative evangelicals attracted significant support for starkly defined positions on sexual politics from 1980 to 2000. Sexual politics likely will continue to be a definer of individual and group identity that evangelicals in the Pacific Northwest emphasize for the foreseeable future. The affinity between evangelicals and conservative Republicans and Libertarians on economic policy will also affect this cluster’s future influence. Many evangelicals believe loosening constraints on business and the free market is a divine imperative. They consider unobstructed capitalism to be biblically-based.”

James K. Wellman, Jr. argues that “evangelical groups are positioned to continue to grow and with that growth affect the politics of the Pacific Northwest.” He also found that Northwest evangelicals were even more conservative on most issues than their counterparts elsewhere, perhaps as a counterpoint to the secular, pluralistic culture in which they live. “In general, Christians who identify as the Christian Right in the Pacific Northwest tend to be extreme in their ideological perspectives.”

On the other hand, the secular and liberal majority fights for environmental protections, civil liberties, tolerance and freedom. That is why Alaska and Washington were the second and third states in the nation to reform their restrictive abortion laws in 1970 and why Oregon became the first state to approve physician-assisted suicide. These changes, says Killen, are “consequences, in part, of the region’s religious environment.”

One group, incidentally, that has rarely been studied is the Orthodox Church of America, which claims 9% of Alaska’s religious population. They are heirs to the culture of Old Russian Alaska and are influential among the indigenous community in that state.

This is a series to be welcomed and read with great profit over the next two years. — *Al Menendez*

Religion and Public Life in the Mountain West, edited by Jan Shipp and Mark Silk, AltaMira Press, \$19.95.

This second volume in the new series tracking religion and politics in each region of the U.S. concentrates on seven states in the Mountain West: Mormon-dominated Utah and Idaho; the old “Catholic Heartland” states of Arizona and New Mexico; religiously diverse Colorado, Montana and Wyoming.

As a region, the Mountain West’s “religious self identification” is 24% Catholic, 23% non-affiliated, 15% mainline Protestant, 12% conservative Protestant, 11% Mormon and 7% Baptist. Over the past several decades, the nonaffiliated sector has grown, as have evangelical Protestants, while “mainline” (moderate, liberal) Protestants have declined – a pattern found almost everywhere in the United States.

Compared to other areas of the country, the Mountain West’s “over-represented” religions include Hispanic Catholics, Mormons, the religiously unaffiliated, and Episcopalians. Baptists dominate Eastern New Mexico, which resembles Texas, while Lutherans are strong in some of the Great Plains counties in Montana.

Politically, Mormons are staunch Republicans, as are conservative Protestants. Hispanic Catholics and the “seculars” are the most loyal Democrats. Interestingly, “High commitment non-Hispanic Catholics are the most liberal voters,” while Hispanic Catholics and Protestants are conservative on social issues and liberal on economic issues. Mor-

mons are the group most hostile to equal rights for gays and lesbians. Mormons also oppose national health insurance for all citizens. — *Al Menendez*

Judging Thomas: The Life and Times of Clarence Thomas, by Ken Foskett, William Morrow, 2004, 339 pp., \$24.95.

When Justice Thurgood Marshall announced his retirement from the Supreme Court, the ACLU was holding its biennial conference in Burlington, Vermont. As a delegate to the conference, I proposed two resolutions which were passed unanimously, one commending Marshall and the other urging President George H. W. Bush to nominate a successor with comparable dedication to civil liberties and civil rights. So who did we get? Clarence Thomas.

This third-rate hagiographical biography of an at best third-rate jurist begins (p. 4) with this: “Senior aides to President George W. Bush, whose father put Thomas on the court, have consulted Thomas about succeeding William H. Rehnquist as the nation’s next chief justice.” Now there’s a scary thought indeed.

Foskett, an Atlanta journalist who seems to regard Thomas as the greatest thing since sliced bread, provides the following insights into the justice that George W. Bush considers his favorite.

Thomas is a devotee of Ayn Rand and requires his clerks to watch the film based on her book, *The Fountainhead* (Foskett reports that Thomas fantasizes about being Howard Roark, the hero of the film, played by Gary Cooper) and his mentors included disciples of Leo Strauss, who also influenced other members of the Bush administration.

One of Thomas’s chief promoters was C. Boyden Gray, a prominent Washington lawyer who advised the first President Bush, was a strategist for school vouchers and a contributor to Paul Peterson’s book, *The Future of School Choice*, reviewed elsewhere in this newsletter.

Although Thomas owed nearly every step up the ladder to success to affirmative action, he is a strong opponent of that strategy for redressing past racial discrimination.

Thomas studied for the Catholic priesthood until dropping out because of what he regarded as Catholic hypocrisy on race, but rejoined the church after he won his seat on the Supreme Court.

Thomas’s 1999 speech to the American Enterprise Institute, Foskett tells us, “was a passionate call for extremism,” which the biographer fails to explain.

Foskett does not deal adequately with Thomas’s Senate confirmation hearings, though he does mention Anita Hill’s testimony about sexual harassment and pornography addiction, but he makes it abundantly clear that Thomas comes across as a wimpish whining crybaby.

Foskett says far too little about Thomas’s undistinguished career on the Supreme Court, but does point out that he tends to be a black-and-white absolutist with little regard for court precedents. He mentions Thomas’s vote for school vouchers in the 2002 *Zelman v. Simmons-Harris* case, but writes very little about Thomas’s judicial thinking. The book went to press before the Supreme Court ruled in June 2004 in the *Newdow* “under God” in the Pledge of Allegiance case. Thomas’s dissenting opinion in that case made clear that he considers the Court’s hundred-plus years of church-state separation precedents to be erroneous, which is surely one reason why the Bush administration would like to see him as Chief Justice.

What comes through loud and clear in this book is that Clarence Thomas may well be one of the worst justices ever to keep a seat warm on the bench. — *Edd Doerr*

All the Pope’s Men, by John L. Allen, Jr., Doubleday, 392 pp. \$24.95.

John Allen, the *National Catholic Reporter’s* man in Rome, is the best Vatican journalist since *Time’s* Robert Blair Kaiser 40 years ago and

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The New York Times' Anne McCormick, a decade before that. He is not only a seasoned journalist but an author of previous books on the conclaves that choose popes and on Cardinal Ratzinger, the Vatican's enforcer.

In his new volume Allen tries to explain how the Vatican works and how its leaders think about world issues. He looks at the "psychology," "sociology" and "theology" of the Vatican City State and demolishes some myths about the Vatican that are frequently perpetrated by uninformed journalists. For example, he denies that the Vatican is all that secretive. It just takes time for a writer to penetrate its mysteries. Nor is it all that wealthy, compared, say, to American and Saudi corporate largesse. One chapter looks at the Vatican's response, or non-response, to the "American sexual abuse crisis."

A provocative chapter focuses on the Vatican's unequivocal opposition to the Bush administration's war in Iraq, its preventive war doctrine, and its arrogant trampling on international law. Allen says, "Fundamental differences exist between the foreign policy vision of the United States under the Bush administration and that of John Paul's Vatican."

The differences are real. "Beginning with Pope John XXIII in *Pacem in Terris*, every pope of the later twentieth century has called for a strengthened United Nations with real enforcement powers to make international law stick. The Holy See believes in the rule of international law, in part as an antidote to a unilateral world in which strong nations impose their will on the weak. This Vatican conviction leads to resentment of the United States when it is perceived to be obstructing the construction of an international legal order. It will be increasingly difficult for the Holy See to look the other way when the United States takes action in contravention of international standards and agreements."

This clash over internationally-accepted standards of law is also reinforced by Vatican disdain for the kind of value system that the U.S. appears to be promoting at home and abroad. "Though no pope and no Vatican diplomat will ever come out and say so, the bottom line is that despite great respect for the American people and their democratic traditions, the Holy See simply does not think the United States is fit to run the world. Thus, the Holy See's diplomatic energy in coming years will have as a central aim the construction of a multilateral, multi-polar world, which will necessarily imply a limitation on the power and influence of the United States. For that reason . . . the relationship between Rome and Washington seems designed to be complex and sometimes strained."

Catholic Republicans who think the Vatican can be bought off by Bush administration policies on abortion and gay rights may have a rude awakening if they take the time to read Allen's up-to-date and authoritative analysis. Readers who recognize the continuing influence of religion on foreign policy will also find the book must-reading. — *Al Menendez*

Inside: A Public and Private Life, by Joseph A. Califano, Jr., Public Affairs, 539 pp., \$30.00.

Califano is one of America's most distinguished public servants, having served in the Kennedy and Johnson administrations and as Jimmy Carter's last Secretary of Health, Education and Welfare (HEW) before that cabinet post was restructured and renamed.

Unlike most autobiographies and memoirs, this one is exceedingly candid and self-revelatory. Devout Catholic that he is, Califano admits that he was sexually hassled, though not quite abused, as a young man who spent 16 years in Catholic schools, from Jesuit high schools to Holy Cross College. (Later he attended Harvard Law School and became a top-notch Washington lawyer.)

Califano's memoir is intriguing and relevant because of his emphasis

on how religion interacts with public policy in a secular, pluralistic democracy. With chapters entitled "Born, Bred and Branded Catholic," "A Jesuit Education," "Comfortable and Catholic in New York," and "Ringling Doorbells for Kennedy," the author explores how he moved from a rigid Catholic orientation to a genuine appreciation for other religious points of view and how he came to battle the Catholic bishops over abortion, birth control, sterilization and related issues that touch science, ethics and morality. "My religious beliefs and moral values blended easily with public policies that promoted social justice, fought poverty and aimed to end racial discrimination" but they frequently clashed concerning "controversies over abortion, sterilization and scientific discoveries like cloning that threatened to outpace ethics and law." He openly clashed with the Catholic hierarchy. "During our negotiations I came to understand that the American bishops had their own political agenda."

He writes, "Cardinal Baum insisted that I should further restrict abortion in cases of rape or incest. He chastised me for not banning all federal funding of sterilization and for opposing tax credits for tuition paid to Catholic schools. In Baum's view, carried to its logical conclusion, Catholics must adhere to the positions of the Church or resign from public office. I pointed out that such a position would disqualify all Catholics from the HEW post and thousands of other positions in local, state and federal government. My arguments about serving in a pluralistic democracy fell on deaf ears." Most Catholics in Congress supported Califano's decisions, though his positions "did not temper the assault of many Catholic bishops on me." Still, Catholic ethicists at Georgetown University supported Califano's policies and Father Theodore Hesburgh, president of Notre Dame, invited him to deliver the 1979 commencement address and sent copies of his speech to every bishop in the United States.

Califano includes a telling anecdote. After the Hyde Amendment passed Congress restricting public funding of most abortions, Califano insisted that women be given 60 days to report a rape in order to be eligible for payment: President Carter, however, thought the 60-day rule established by Califano "would encourage women to lie." Califano adds dryly, "I did not change the regulations." Maybe that's why Carter fired him in 1979.

Califano's memoir shows that deeply religious individuals can serve in government with distinction, especially when they respect pluralism, diversity, and the First Amendment. — *Al Menendez*

What's the Matter with Kansas? How Conservatives Won the Heart of America, by Thomas Frank, Metropolitan Books, 306 pp., \$24.00.

Frank's central argument is both impeccable and empirically verifiable. A large segment of working class Americans now routinely vote against their best economic interests and widen the gap between rich and poor because they have been convinced by religious conservatives that personal "morality" issues are the only important ones. He uses his home state of Kansas as an example. Rural Kansas, especially, is a burned-over district of poverty, out-migration and economic deprivation, and voters there routinely elect right-wing Republican advocates of "limited government," economic non-regulation, taxation inequality, and religious indoctrination of a conservative Protestant variety. All the while, the privileged upper classes in the Kansas City suburbs, who shun and disdain this kind of religion, reap the economic benefits of this stupidity.

"My home state of Kansas, a reliable hotbed of leftist reform movements a hundred years ago, today ranks among the nation's most eager audiences for bearers of backlash buncombe." The Democratic Party has been reduced to almost third-party status, except for the governorship, while Republicans dominate everything else and have even increased their share of total registered voters. (Colorado is the only other

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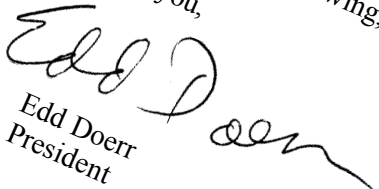
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Books and Culture, *continued from page 18*

non-Southern state with a growing Republican majority.)

Frank argues, “Over the last three decades, conservatives have smashed the welfare state, reduced the tax burdens on corporations and the wealthy, and generally facilitated the country’s return to a nineteenth-century pattern of wealth distribution. The leaders of the backlash may talk Christ but they walk corporate. Values may ‘matter most’ to voters but they always take a backseat to money once the elections are won.”

Fundamentalist Protestant religion has corrupted and debased political life. “Kansas has trawled its churches for the most aggressively pious individuals it could find and has proceeded to elevate them to the most prominent positions of public responsibility available, whence these saintly emissaries are then expected to bark and howl and rebuke the world for its sins. What makes the Kansas way so remarkable and so dysfunctional is that in each case the state’s lawmakers combine this flamboyant public piety with a political agenda that only makes the state’s material problems worse.”

Kansas Republicans are now anti-abortion, anti-evolution and anti-public education and these “bitter” views have “poisoned political activity right down to the roots of the grass.”

The politico-religious disease affecting Kansas may not be a regional aberration. “Things that began in Kansas – the Civil War, Prohibition, Populism – have a historical tendency to go national. Maybe Kansas, instead of being a laughing stock, is actually in the vanguard.”

A great book! Read it and weep for America. — *Al Menendez*

Congregations in America, by Mark Chaves, Harvard University Press, 291 pp., \$29.95.

University of Arizona sociologist Mark Chaves has waded through an array of data from a 1998 national survey of congregations conducted by the National Opinion Research Center of the University of Chicago. What he reveals is relevant to the national debate over faith-based initiatives and to religion and politics generally.

First, about 60% of U.S. congregations have fewer than 100 regular participants, and their annual budgets could not support many social programs. Still, 57% of all congregations are engaged in social service activities. Nearly 39% said they would apply for government money to support human services programs, while 16% have a policy against receiving government support.

The survey found that almost all churches are engaged in some kind of political activity, but denominational history and theological orientation make for distinct differences. Conservative Protestants are most likely to make Christian Right voting records available to congregants,

Catholics favor lobbying and selective public demonstrations, Jews favor political discussions and seminars, black Protestants engage in voter registration drives and invite public officials to address worshippers, and moderate to liberal Protestants “prefer to influence public life as individuals by working behind the scenes.”

Liberal Protestants and Jews are “more highly engaged with the world around them,” and “theologically moderate and liberal congregations appear more likely than others to act as stewards of civil society rather than as one competing component of civil society,” says Chaves, who also notes, “The higher levels of civic activity among moderate and liberal Protestants may be in part a by-product of mainline Protestant domination of civil society.”

As to changing religious demography, Chaves argues, “Virtually every indicator of civic engagement currently available shows decline in religious participation in the last third of the twentieth century.”

The rise in evangelical church membership may be starting to taper off, even though “conservative denominations are losing fewer people to moderate and liberal denominations.” They are not making converts at the rate seen during the 1960s and 1970s. While conservative denominations now claim 53% of all Protestants – up from 43% in 1970 – their gain is due almost solely to birthrate. “As much as 80% of this shift is produced by differential fertility rather than by religious switching. In every birth cohort for which we have relevant data, women affiliated with conservative Protestant denominations have more children than women affiliated with moderate and liberal denominations.”

But church attendance continues to decline, from 40% to perhaps 25%, and this downward cycle affects all groups and is likely to continue. “Recent generations attend religious services at lower rates than did previous generations when they were the same age.” — *Al Menendez*

The Church that Forgot Christ, Jimmy Breslin, Free Press, 239 pp. \$26.00.

The Pulitzer Prize-winning Irish-American journalist pulls no punches in this hard-hitting and very personalized account of how the recent sex abuse scandal in the Catholic Church has affected his perceptions of the hierarchy. Breezy, angry and absorbing are words that come to mind to a reviewer of this jeremiad.

Breslin challenges his church’s leaders to get off their high horse, reject political and financial power, respect the men and especially women who pay the bills that keep the church afloat, and to quit acting as if they are divinely-appointed intermediaries between humanity and divinity.

The “club of old men” will not survive as a credible, viable institution, Breslin implies, without substantial changes. — *Al Menendez*