



# VOICE OF REASON

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## Ohio: Key Battleground for 2006?

Ohio, the critical state in George W. Bush's narrow reelection two years ago, is up for grabs in the 2006 elections. With races for Governor, U.S. Senator and the House of Representatives, Ohio's bitterly contested elections are grabbing the national spotlight once again.

There are several reasons why the Buckeye State is receiving this attention. The state, along with Missouri, is often a barometer of national moods, having supported the winner in 25 of the last 27 presidential elections. (The exceptions: Dewey in 1944, Nixon in 1960.)

The state is close to the national average in several demographic categories, such as family income and levels of educational attainment. Religiously, it is sharply divided: 25% evangelical, 25% Catholic, 25% mainline Protestant, 15% unaffiliated, 10% other religions, according to a March 2006 survey by the University of Akron's Bliss Institute of Applied Politics.

The increasingly powerful Religious Right has one of its own, Secretary of State Kenneth Blackwell, running for governor on the Republican ticket. Efforts will be intense on his behalf, which could spill over into the U.S. Senate race, where GOP incumbent Mike DeWine is threatened. Several House races are potentially competitive, though GOP legislative gerrymandering has given their party a solid foothold in the House delegation (12-6 at present).

Blackwell remains secretary of state even while campaigning for governor, which means he is in charge of the vote-counting and registration process. This strikes many as inherently unfair. His own record of partisanship and interpreting state election laws that tend to favor Republi-

cans and disadvantage minority groups does not encourage confidence in the integrity of the election process.

Ohio's Religious Right may be the most powerful in the nation, especially at mobilizing and identifying potential new voters. Writes Frances Fitzgerald in an article entitled "Holy Toledo" in *The New Yorker* (July 31, 2006): "For the past two years, the religious right in Ohio has been on a victory march. The election in November will determine whether the religious right will take command of the Ohio Republican Party. It will also make a difference, perhaps the crucial difference, in the next Presidential election."

Two organizations emerging from central Ohio megachurches have spurred the growth of the Christian right. One is Rev. Russell Johnson's Ohio Restoration Project, an outgrowth of his Fairfield Christian Church in Lancaster.

Johnson has been involved in Fairfield County Republican politics for two decades. Members of his church have been elected to county and municipal offices, and one of his pastors is vice-chair of the Fairfield Republican Party.

Just fifteen miles away is Rev. Rod Parsley's Reformation Ohio, based at his World Harvest Church. The Pentecostal Church has a staff of three hundred and an annual budget of \$40 million. Parsley, while newer to politics than Johnson, is noted for his flamboyant rhetoric. He sees the entire world in black and white. That includes U.S. politics. On his website he thunders, "This is a battle between the forces of right-

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## Senate Passes, Bush Vetoes Stem Cell Bill

In what looked like a Japanese kabuki drama, in which participants acted their preordained roles without much emotion, the U.S. Senate on July 18, by a wide margin of 63-37, voted to lift restrictions on federally funded human embryonic stem cell research. The next day President Bush promptly cast the first veto of his beleaguered presidency.

The vote has grave political consequences for the ruling Republicans. Perhaps this is why over a third of them (19 of 55) voted for the bill and defied their leader. Democrats and Independents were almost unanimous in support (44-1, with only Nebraska's Republican-leaning Democrat Ben Nelson in opposition). Polls show a large majority of Americans support human cell research as a way to develop possible cures for major diseases which affect almost every American family to

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# Faith-Based Colleges: Can They Still Be Pervasively Sectarian?

By Albert J. Menendez

Colleges with a religious affiliation have generally escaped scrutiny in recent years since the U.S. Supreme Court has raised the bar on what factors must be present to consider a school pervasively sectarian, and thus ineligible for public support. Consequently, most church-related colleges receive substantial amounts of direct and indirect aid.

Two recent conflicts, however, raise serious questions about the policies of faith-based universities. Wheaton College, often called the evangelical Harvard because of its high academic standards and prestige, fired a professor of philosophy last year because he became a Catholic. *The Wall Street Journal* highlighted the firing of Joshua Hochschild in a cover story last January, and the issue has continued to percolate.

Daniel Golden, author of the *Wall Street Journal* article, said, "A professor's firing after his conversion highlights a new Orthodoxy at religious colleges. Wheaton, like many evangelical colleges, requires full-time faculty members to be Protestants and sign a statement of belief in "biblical doctrine that is consonant with evangelical Christianity." The Wheaton, Illinois-based college, founded in 1860, strictly bans all Catholics, as well as Eastern Orthodox, Jews or others from serving on the faculty.

Writes Golden, "Wheaton has a handful of Catholic students, houses papers of Catholic authors such as J.R.R. Tolkien and G.K. Chesterton and welcomes Catholic visiting professors. But it has never hired a Catholic professor full time and tells Catholic applicants it won't consider them for such posts." Wheaton president Duane Litfin is adamant that he must employ only "faculty who embody the institution's evangelical Protestant convictions." In a 2004 book *Conceiving the Christian College*, Litfin wrote that hiring Catholic faculty would "lead to a gradual sacrificing of Wheaton's distinctives."

The prominent evangelical magazine *Christianity Today* opined that "*L'affaire Hochschild*, as we might call it, is but the latest manifestation of a simmering conflict of opinion over how evangelical colleges should posture themselves toward the future. In many respects, the episode at Wheaton mirrors another celebrated incident from the 1980s, when the literary critic Thomas Howard was obliged to resign from Gordon College in Wenham, Massachusetts, after converting to Catholicism."

This separatist attitude causes problems for these schools. According to Golden, "Phi Beta Kappa, the honors society, hasn't established a chapter at any of the evangelical colleges that make up the Council for Christian Colleges and Universities."

But these policies could have other consequences. Golden observes, "Such hiring policies would be illegal at most universities, but the 1964 Civil Rights Act carves out an exemption for religious colleges. Their students qualify for federal financial aid. Partly because of their hiring practices, evangelical Protestant colleges have been denied certain kinds of aid in California and Colorado under laws barring support of 'pervasively sectarian' schools."

Across the nation in Virginia, a similar controversy has rocked the faculty at tiny Patrick Henry College in Loudon County, Virginia. The evangelical school, established in 2000 by political activist Michael Farris to attract home-schoolers with an eye on a political career, recently lost a third of its faculty. They claimed that academic and religious freedom were denied by the school's rigid ten-point statement of faith, which includes the existence of Satan and the infallibility of the Bible.

Professors were reportedly reprimanded for encouraging students to read classics by non-Christian authors and for suggesting that different views toward biblical authority were acceptable at the school. David C. Noe, a classics professor and an ordained elder in the Orthodox Presbyterian Church, left for what he called the school's "arbitrary limitations" set by Farris. Another departing professor, Erik Roat, was called a "Darwinist" by Farris for an article he wrote arguing that the Bible is not the only source of truth and that students can learn valuable lessons from the writing of those who are not Christians. Last year a library clerk, Jeremy Hunley, was forced to resign because he believed that baptism is essential to salvation, a view widely held throughout Christianity, but considered heresy at Patrick Henry College. Ironically, Virginia statesman Patrick Henry, an Anglican believer, would not have been allowed to teach at the college named for him, since this belief is basic to Anglican, as well as Roman Catholic, Lutheran and Orthodox Christianity.

In perhaps the most outrageous comment, Farris, a Baptist minister and onetime Republican candidate for Virginia Lieutenant Governor, told faculty that "St. Augustine was in hell." Augustine, whose *Confessions* and *City of God*, are considered foundational in Christian philosophy, and whose works are probably read in most faith-based colleges, is apparently persona non grata at this school.

Patrick Henry College has close ties to many Republican members of Congress, and it has sent its students to numerous internships on Capitol Hill and in the Bush White House.

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Senior Editor: Edd Doerr  
Editor: Albert J. Menendez  
Production Editor: Teri Grimwood

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## Bush Vetoes Stem Cell Bill, *continued from page 1*

some degree. The scientific and medical communities are outraged. Religious conservatives, both evangelical and Catholic, applauded Bush's veto.

The issue may affect congressional races in the fall, particularly U.S. Senate races in Maryland, Missouri and Virginia.

Divisions within the Republican Party were revealed in the Senate vote. Among potential presidential candidates, Bill Frist of Tennessee, a heart surgeon and Senate Majority Leader, and John McCain of Arizona, the probable front-runner, voted yes. Opposed were Sam Brownback of Kansas, Chuck Hagel of Nebraska, and George Allen of Virginia.

The 18-bloc Southern Republicans, probably the most conservative subgroup, voted only 11-7 no. Seven Southern Republicans bolted their party on this issue: Alexander (TN), Burr (NC), Cochran (MS), Frist (TN), Hutchison (TX), Lott (MS) and Warner (VA). The fact that two Baptist Republican senators from Mississippi voted for stem cell research indicates a crack in the Republican coalition.

Northern and Western Republicans voted 25-12 against stem cell research, higher than their Southern colleagues. (The Midwest was very opposed.)

Religion played a small but interesting role among Republicans only. Mormon Republicans (Bennett and Hatch of Utah and Smith of Or-

egon) voted yes, with Crapo of Idaho the lone dissenter. Since Democratic leader Harry Reid of Nevada supported the bill, four of five Mormons supported what is seen as a progressive or liberal measure — a major departure for a religious group often seen as even more conservative than evangelicals.

Catholic Republicans voted 9-2 against S.C.R., the highest level of opposition. Since all Catholic Democrats supported it, the overall Catholic vote for was 16-9, at 64% near the norm of 63%. But Catholic Republicans were more conservative than Protestant Republicans (who voted 25-12 against), one of the rare occasions when Catholic Republicans were to the right of their Protestant colleagues. (Interestingly, the only GOP Catholic support came from two women, Collins of Maine and Murkowski of Alaska.)

Jewish Republicans split, with Specter (PA) in favor and Coleman (MN) opposed. Olympia Snowe of Maine, a member of the Greek Orthodox Church, voted in the affirmative.

But partisanship and religion, even within the same faith group in the same state, departed on this issue. In North Carolina, for example, both senators are Methodist Republicans, but Richard Burr voted yes and Elizabeth Dole, no.

Episcopalians, Jews and members of the United Church of Christ were most supportive of stem cell research, when Democratic and Republican votes are combined. ■

## Public Opposes Bush Veto

A *USA Today*/Gallup Poll found that Americans disapproved of President Bush's veto of a bill expanding stem cell research funding by 58% to 36%. This finding is consistent with surveys in recent years that show about 60% of Americans favor such research and support enhanced funding for it.

Only Republicans, conservatives, and weekly church attendees supported the veto. The all-important swing voters — independents and moderates — were opposed by 2-1 margins and were closer to the Democrats than Republicans.

### Public Support for Stem Cell Research Funding Veto July 21-23, 2006

	<i>Approve of Veto</i> %	<i>Disapprove of Veto</i> %
<b>Party Affiliation</b>		
Republicans	61	33
Independents	33	61
Democrats	19	75
<b>Political Ideology</b>		
Conservatives	59	35
Moderates	28	66
Liberals	12	83
<b>Church Attendance</b>		
Weekly	53	41
Nearly weekly	34	62
Seldom or never	27	66

The Bush veto may have motivated opponents. The Gallup Poll found that 44% of all Americans say they are "upset" by the President's action. This intensity factor could have an impact on elections in some states this fall, notably Missouri, where the two U.S. Senate candidates have staked out sharply defined differences on stem cell research. Americans also thought that Bush made the

decision "mostly on the basis of personal moral beliefs" (61%) rather than in "an attempt to gain political advantage" (32%). Republicans agreed with that assessment (83%) more than independents (58%) or Democrats (45%)

### Bush's Stem Cell Veto: The View from the *Los Angeles Times*

The following are some excerpts from a July 20, 2006 editorial in the *Los Angeles Times*:

"In 5-1/2 years as president, George W. Bush has seen more than 1,100 bills cross his desk. Some were good pieces of law. Some were shortsighted and silly, and many flat-out contradicted the president's own stated values, especially in the areas of fiscal prudence and free trade. He held his nose and signed them anyway.

"On Wednesday, after the longest veto-free streak since Thomas Jefferson, Bush wiped the cobwebs from his veto pen and finally wielded a president's most potent legislative weapon. To which there can only be two responses: It's about time — and he shouldn't have.

"By rejecting a bill that would have lifted some federal restrictions on funding for stem cell research, Bush handed a political victory to social conservatives, widened a rift in the Republican Party and gave electoral ammunition to his Democratic opponents. Oh, and he also landed quite a blow against scientific progress and human health. At his first veto ceremony, Bush piously surrounded himself with children who were adopted while still embryos in fertility clinics. The kids were telegenic symbols of the potential embedded in each human embryo, but entirely disingenuous ones; the bill Bush rejected wouldn't have prevented a single one of them from being born. . . .

"Now that Bush has shown that the ink cartridge hasn't dried up in his veto pen, he should use it more often. Next time, though, he should try not to use it to crush the hopes of millions of suffering Americans in order to please a radical special interest."

# Public Opinion and Public Schools

By Edd Doerr

By a margin of 71% to 24%, Americans prefer improving public schools over finding an alternative system, according to the 38th annual Phi Delta Kappa/Gallup Poll, released in August. The poll also showed opposition to school voucher plans at 60% to 36%, a figure not vastly different from the two to one average margin by which school vouchers or their analogues were defeated in 25 statewide referendum elections from coast to coast in recent years.

On a related question, by 69% to 24%, respondents disapproved of allowing local school boards to contract with profit-making corporations “to run the entire operations of the public schools in your community”.

An interesting result of the poll, which has shown up year after year, is that Americans rate the public schools they are most familiar with higher than those they are not familiar with. Only 22% of public school parents give an A or B grade to public schools nationally, yet 56% give an A or B to public schools in their community and 64% give an A or B to the public school attended by their oldest child. Clearly, what this means is that parents give a good rating to the schools they know, but downgrade public schools nationally because they have bought into the myths of public school inferiority propagated by conservatives and the religious right.

What are the biggest problems of public schools? PDK/Gallup has asked this question every year for 38 years. For the first 16 years poll respondents considered discipline to be the greatest problem, but that picture has changed in recent years. For the last three years respondents have listed “lack of financial support/funding/money” as the most serious problem facing schools, followed by “overcrowded schools”. Discipline, drug use, lack of parental support, students’ lack of interest, and violence lagged way behind.

Much has been made of President Bush’s “No Child Left Behind” (NCLB) program that emphasizes standardized tests to rate schools. By 74% to 20% parents of students think that NCLB “will encourage teachers to teach to the test, and by 72% to 25% parents think that teaching to the test is a “bad thing”. (As a former secondary teacher I agree with most teachers that teaching to the test and overdependence on standardized tests are not good for education.)

Charter schools raise even more problems. In theory charter schools are public schools that are freed from much of the regulation in public education. The PDK/Gallup Poll showed some really weird opinions about charter schools, which have been plagued with serious problems in many communities and which are disliked by most public educators. Of public school parent respondents only 36% regarded charters as public schools, 57% believe (erroneously) that “charter schools are free to teach religion”, 54% think that charters can charge tuition, and 57% believe that charters “can select students on the basis of ability”.

With their heads out of the clouds, 81% of respondents believe that the academic gap between white students and black and Hispanic students can be narrowed without sacrificing high standards. Further, 81% think that preschool programs for students from low-income and poverty-level households would help them perform better, and 66% would be willing to pay more taxes to fund these preschool programs.

The whole PDK/Gallup poll report is available on line from Phi Delta Kappa.

On August 22, the day the poll was released, the ultraconservative *Washington Times* blasted it in a lead editorial, which opined that “school choice and school voucher programs are popular with the public”. Hello? Haven’t these guys followed the election results? ■

## Vashti McCollum - 1912-2006

Vashti McCollum, the courageous Illinois woman who won the landmark 1948 Supreme Court ruling in *McCollum v. Board of Education* (333 U.S. 203), died on August 20 at the age of 93. The late Robert Alley, who also died in August, wrote in his book on leading church-state cases, *The Constitution and Religion* (1999), that “The *McCollum* decision was the first Supreme Court case to erect barriers against those who wished to employ the public schools for proselytizing”.



Vashti was the author of *One Woman’s Fight* in 1950, served as president of the American Humanist Association, and is honored in the Women’s Hall of Fame in Seneca Falls, New York.

It was my privilege to have known and worked with Vashti and also with her father, Arthur Cromwell, and her sons James and Dannel.

— Edd Doerr

## Faith-Based Colleges, *from page 2*

The controversy at the 300-student school has not diminished its long-range growth plans. Farris announced construction of a new student center and has expressed a desire to create a law school. Farris has stepped down as president, naming Graham Walker, former dean of Oklahoma Wesleyan University, as his successor. Gene Edward Veith, an editor at *World* magazine, and a former dean at Concordia University, a Lutheran Church-Missouri Synod college, has been named academic dean. The shake-up may be related to the college’s problematic academic status. It remains unaccredited by the American Academy for Liberal Education and the Southern Association of Colleges and Schools, and it has until November 2007 to become accredited or risk losing the right to call itself a degree-granting college under Virginia law. Students who leave the school – and some are – may not be able to transfer their credits.

These incidents do not seem to be affecting enrollment at evangelical colleges. Since 1990, enrollment has increased 70% at the 102 schools that belong to the Council of Christian Colleges and Universities, according to a survey by G. Jeffrey MacDonald of Religion News Service. This increase compares to 28% for all private colleges and 13% for public colleges during the past decade and a half. There are 230,000 students enrolled in these evangelical colleges.

The nagging question remains: Are some of these schools pervasively sectarian, and should they be receiving public subsidies? ■

# Moral Uncertainties Bring Down Reed Campaign

By Albert J. Menendez

Georgia's Republican primary voters decided that Ralph Reed, the wunderkind political operative who ran the Christian Coalition and made the cover of *Time* in the 1990s, did not measure up to being the state's lieutenant governor. Reed, director of a highly successful political public relations firm since leaving the Christian Coalition, apparently received millions from Jack Abramoff to discourage casino gambling among some American Indian tribes while steering funds to other gambling options among other Native Americans. Reed, who lost 56% to 44%, found it more difficult to be a candidate for public office than a consultant and one-time chairman of the Georgia Republican Party.

Reed lost the July 18 primary decisively, and his personal political career may be over before it started. His defeat, despite backing from national religious conservatives, has also harmed the Christian Right's influence in the state. University of Georgia political scientist Charles Bulloch said in the *Atlanta Journal-Constitution*, "They may be the tail now, but they're not the dog anymore." He added that Reed won't be back any time soon. "We've witnessed the final implosion of Ralph Reed." Across town, Georgia Christian Coalition leader Sadie Fields, in tears, said, "I'm obviously disappointed."

The final unofficial vote was 227,231 for Casey Cagle and 178,112 for Ralph Reed.

Reed was defeated by an obscure state senator, Casey Cagle, of the north Georgia town of Gainesville in Hall County, a fast growing area that has switched from Democratic to Republican in a generation and gave Cagle a 4-1 victory.

But Cagle won everywhere. The biggest chunk of GOP primary voters are found in the bustling and prosperous Atlanta suburbs. His margins were 55% to 65% in Cobb, Gwinnett and DeKalb Counties, and a little over 62% in Fulton County, which includes Atlanta and some of its push close-in suburbs. Cagle amassed 61% in the fiercely conservative exurb of Forsyth County, an all-white area north of Atlanta, where George W. Bush received an incredible 85% of the 2004 presidential vote. Other exurbs backing Cagle include Fayette, Cherokee, Coweta, Carroll, Douglas, Dawson, and Rockdale Counties. The areas that are said to be traditional strongholds of the Christian Right and the deepest red parts of Georgia went for Cagle, not Reed.

Cagle easily carried the retirement and resort areas of the Georgia Coastal Isles in Glynn County, military-oriented Valdosta (Lowndes County) and the graceful old resort town of Thomasville (Thomas County).

Georgia includes a band of traditional mountain Republicans, who were pro-Union during the Civil War and used to be the only Republican voters in the state. Fannin County, which supported Hoover and Landon, went for Cagle as did most of the other "old" Republican counties (Pickens, Lumpkin, Union). Even Towns County, home of former Governor and Senator Zell Miller, a turncoat Democrat who endorsed Bush and Reed, went for Cagle. Cagle won easily in counties where many voters are recent residents of Georgia, and he won 64% in Clarke County, where the University of Georgia is located. He won modest victories in the older cities of Macon and Columbus.

Reed did manage a modest win in Savannah and Augusta and ran a competitive race in most of rural Georgia, but it is difficult to ascertain where any future base of support would be located.

The relatively unimportant post of Georgia lieutenant governor was transformed into a costly affair because of Reed's candidacy, announced eighteen months ago. Both sides spent about \$2.5 million. Former New York City mayor Rudolph Giuliani and conservative media figure Sean Hannity appeared at Reed fundraisers. But the slippery slope of ethics made the election a tight one, rather than a coronation of the GOP's fast-rising star. "A Senate Indian Affairs Committee, chaired by Arizona Senator John McCain, concluded that Reed had been paid \$5.3 million by two casino-owning

tribes, both clients of Reed-pal Jack Abramoff, to rally Christian voters against attempts by other tribes to establish competing casinos," wrote the *Atlanta Journal-Constitution's* Jim Galloway.

Reed denied that he knew the money came from gambling revenue and tried to play down his long-time relationship with Abramoff. But the voters in this conservative, Republican and evangelical state simply did not believe him. ■



## The Georgia Vote

Location	% of state vote cast	% Cagle	% Reed
Atlanta and Close-In Suburbs	30.6	58.1	41.9
Atlanta Exurbs	17.1	55.9	44.1
Small Cities	5.9	48.7	51.3
North Georgia Mountains	3.3	55.7	44.3
College/Academic	1.0	62.8	37.2
Resort/Retirement Communities	2.0	60.3	39.7

## Stem Cell Research May Influence Elections

President Bush's veto of a bill expanding funding for stem cell research has shifted the issue to several states and may determine the outcome in the races for governor, senator and representatives in Colorado, Florida, Maryland, Missouri and Tennessee. In Missouri the issue faces voters in a referendum, and Democratic U.S. Senate candidate Claire McCaskill is making support for stem cell research a cornerstone of her campaign against incumbent Republican Senator Jim Talent, an opponent of stem cell research.

In Maryland both Democrat Martin O'Malley and GOP Governor Robert Ehrlich support stem cell research, but O'Malley is seen as more enthusiastic. Ehrlich signed the bill passed by the state legislature and is trying to take credit for it, though his initial support was lukewarm. In Colorado the House co-sponsor of the bill, Diana DeGettes, is opposed by an anti-stem cell research Republican, Rich O'Donnell.

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## Stem Cell Research, *continued from page 5*

In Florida unsuccessful Democratic candidate for governor, Rod Smith, pledged, "When I become governor, we are absolutely going to do stem cell search and we are going to fund it in this state." The two Republican candidates for governor in the September primary split on the issue. Attorney General Charlie Crist, the winner, said he "respectfully" disagreed with the presidential veto, while Tom Gallagher accused Crist of "disagreeing with the mainstream of the party."

A major blow to Bush came in California, where Republican Governor Arnold Schwarzenegger lent \$150 million from the state's general fund to pay for grants to stem cell scientists and researchers. The governor said pointedly, "It doesn't matter to me what the president thinks about it, or what any party thinks about it. I always try to do what's best for the people of California."

In Illinois Governor Rod Blagojevich, a Democrat, moved \$5 million out of the administration budget in the Department of Healthcare and Family Services, added to \$10 million in grants awarded in April to hospitals and universities. The governor's \$100 million proposed investment has failed to pass the legislature.

California, Connecticut, Illinois, Maryland and New Jersey have allocated state resources to stem cell research. Indiana, Massachusetts, Virginia and Wisconsin have taken steps in that direction without paying directly for research. Arizona and North Carolina are studying their state's role in the ongoing debate. Only South Dakota has banned all such research.

In Texas Democratic gubernatorial candidate Chris Bell supported proposals to spend \$30 million for stem cell research, saying, "Stem cell research isn't just a good idea, it's a moral imperative." Bell added, "Jesus would not let political objections stand in the way of healing the sick." Republican Governor Rick Perry is likely to oppose stem cell research. A cornerstone of his incumbency is state support for faith-based programs. During his term of office, \$500,000 in federal grants have been delivered to 25 Texas

faith-based groups, and Perry told an Austin audience on July 15 that he wants "to tear down barriers" that limit the flow of government funds to religious groups. Perry is a close ally of the Far Right Texas Restoration Project. ■

## Pro-Evolution Forces Win in Kansas

In an election that has been a see-saw since 1999, proponents of teaching about evolution in Kansas public schools won a 6-4 majority on the State Board of Education in balloting held on August 1. Opponents of evolution had held a 6-4 majority. The conservative majority had implemented new science teaching standards last year that downplayed evolution and altered the very definition of science.

Three incumbent conservatives faced primary foes, and there was a contested race for the seat held by a retiring conservative. Even in conservative western Kansas (Bob Dole country) incumbent conservative Connie Morris, who called evolution "an age-old fairy tale," lost her seat in the Republican primary. In the open seat pro-evolution Republican Jane Shaver beat an anti-evolutionist. Janet Waugh, a Kansas City Democrat, easily defeated a conservative challenger in the Democratic primary.

Anti-evolution standards were adopted in 1999, repealed in 2001, and adopted again in 2005. State business and educational leaders stressed the damage done to the image of Kansas during the past year. Conservatives in other states, however, looked to the Sunflower State as a model. "There are people around the country who would like to see the Kansas standards in their own states," said anthropologist Eugenie Scott, director of the National Center for Science Education in Oakland, California.

The new board is expected to adopt a more pro-science set of standards. ■



### Editorial Comments on the Kansas Election

*The Washington Post*, "Nothing Wrong with Kansas" (August 6, 2006) "The vote which should lead to changes to those embarrassing standards, is an encouraging sign that even in conservative jurisdictions, most people want kids to be taught biology, not religion. . . In the seesawing of Kansas politics on this issue, it is too early to declare victory. It is, however, encouraging that voters seem to be insisting, at least for now, that when students study biology, they learn the real thing."

*The New York Times*, "The Evolution of Kansas" (August 3, 2006) "The seesaw battle over state science standards in Kansas seems to have tipped back a bit in the direction of sanity. In Tuesday's primary elections, moderates who subscribe to the theory of evolution won just enough races to guarantee them a slight majority on the school board after November's general election. That should make it possible for them to overturn the benighted science standards pushed through by conservatives on the board last year in an effort to undercut the theory of evolution.

"We'd be inclined to rejoice in this evidence that Kansas may be rejoining the modern world were it not for the state's disturbing habit of backtracking from teaching evolution whenever the anti-science ideological faction gains the upper hand."

## South Dakotans Face Abortion Referendum

Thanks to a vigorous petition campaign waged by pro-choice groups, South Dakota's infamous HB 1215, which would ban almost all abortions, will be submitted to the voters in November. The Republican-dominated legislature passed the sweeping ban, and it was signed by GOP Governor Mike Rounds in March. Republicans and anti-choice activists may have been hoisted on their own petard, however. The supporters of HB 1215 clearly hoped that a federal judge would block its enforcement, since it is undoubtedly unconstitutional under *Roe v. Wade*. Supporters hoped it would eventually reach the U.S. Supreme Court, thereby forcing the court to examine the landmark 1973 ruling.

But opponents gathered the required signatures under South Dakota law, which allows any legislative act to be submitted to the voters if conditions are met (at least 16,728 registered voters must sign petitions requesting a ballot review).

The law, ironically called the Women's Health and Human Life Protection Act, prohibits abortion "throughout the entire embryonic and fetal ages of the unborn child from fertilization to full gestation and childbirth." The ballot question for November 7 will ask the state's voters whether "the termination of an unborn human life should be a felony under state law unless it is undertaken to save a pregnant woman's

life." The "no exceptions" nature of the law may be the Achilles Heel, provoking even some conservatives to vote to repeal it, according to observers. ■

## Missouri Catholic Conference Hit by Complaint

A former director of the IRS filed a complaint in August against the Missouri Catholic Conference (MCC) claiming the group, which represents four Missouri dioceses, broke rules against improper political activity. Marcus Owens, a Washington, DC, lawyer, who worked for the IRS for 25 years, said the Catholic group stepped over the legal line when it encouraged lawmakers to return campaign contributions from supporters of embryonic cell research. State voters face a constitutional amendment in November that would protect and expand stem cell research. Owens' letter to IRS Commissioner Mark Everson charged, "We believe this letter, as well as numerous others like it that the MCC has sent, is a crude effort at intimidation, designed to threaten political candidates into submission by using church resources." Only a few lawmakers reportedly returned campaign donations from pro-stem cell research groups, admitted MCC executive director Larry Webber. ■

## Texas Politics Dominated by Right Wing

Republican Governor Rick Perry, facing a Democrat, a Libertarian, and two Independents in the November election, is getting a big push from Religious Right groups. The Texas Restoration Project is promoting a series of "pastor councils" around the state, and only Governor Perry, and none of his four opponents, has been invited. Pastor councils are planned from mid-September to mid-October in Houston, Dallas-Fort Worth and San Antonio. Executive director Dave Welch told Perry's office, "We are working to build long-term, sustained teams of pastors in each city who will take ownership and responsibility for the moral, social and political direction of their community." Welch added that the luncheon meeting will give pastors "the tools and motivation for an aggressive, effective Get Out the Vote process in their churches." Welch calls his campaign "Every Christian Votes," and his goal is to increase turnout among church members by 20%. Dan Quinn, spokesperson for the Texas Freedom Network, issued a rejoinder, "Who do they think they're fooling when they invite just one candidate in a race at the top of the ballot to speak to pastors about getting out the vote? This is hardly a nonpartisan event if they're inviting only one candidate out of the five."

Meanwhile, a Republican candidate for a state senate district, Dan Patrick, says he will introduce legislation to ban all abortions in Texas if he is elected. He supports a "trigger law" that would immediately outlaw abortion if the U.S. Supreme Court reverses *Roe v. Wade*. Seven states have passed trigger laws: Arkansas, Illinois, Kentucky, Louisiana, Missouri, North Dakota and South Dakota. ■

### Moving?

Please send a change of address form to: Americans for Religious Liberty, PO Box 6656, Silver Spring, MD 20916.

## Three Incumbents Lose in August 8 Primaries

A growing anti-incumbency mood among voters cost two House members and a Senator their party's nominations on August 8. In one of the most closely watched races in the country, Democratic Senator Joseph Lieberman lost his party's nomination for a fourth term to anti-war candidate Ned Lamont by a margin of 52% to 48%. Turnout was heavy, reaching 43% of registered Democrats, a far higher turnout than is usual in the Nutmeg State. The disgruntled Lieberman, the party's vice presidential nominee in 2000, vowed to run as an Independent in the November election, which threatens Democratic chances of taking over the Senate and may hurt the party's chances of ousting three Republican House incumbents in Connecticut. Opposition to the Iraq War and to President Bush's policies generally energized the Lamont campaign. Lieberman was seen as Bush's favorite Democrat, and the senator frequently supported Bush on social issues such as faith-based initiatives, vouchers, and during the Terri Schiavo case in 2005.

Though Connecticut's Democratic U.S. Senate primary on August 8 was mainly a debate over the Iraq War between incumbent Senator

Joe Lieberman and his challenger, Greenwich businessman Ned Lamont, the two also differed on faith-based initiatives. Lieberman has long been a supporter of the concept, but Lamont told the Associated Press, "At the end of the day, do you want your federal government deciding what faith-based initiative to fund and which ones not to fund? I don't." Lamont also criticized Lieberman's support for a bill that gave a federal court jurisdiction in the Terri Schiavo case in Florida. "To me, that was the last place I want my federal government to be." Lieberman and Lamont also clashed over private school vouchers, which Lieberman supports under certain conditions. Lieberman's position on stem cell research and abortion rights won him the Planned Parenthood endorsement.

In Georgia controversial Fourth District Representative Cynthia McKinney, one of the strongest critics of Israel, went down to a 59% to 41% defeat by Hank Johnson, a former DeKalb County commissioner.

In Michigan's Seventh District, moderate Republican incumbent Joe Schwartz, a Catholic who supports abortion rights, stem cell research, and civil unions for gay couples, lost his seat to former pastor Tim Walberg, who was backed by the Religious Right and the far-right Club for Growth. Walberg's 53% to 47% margin came mostly from fundamentalist rural areas in Hillsdale and Lenawee Counties in a Republican bastion of south central Michigan. ■

## Referendum Issues May Increase Turnout

There is speculation that some hot-button referendum elections may increase turnout somewhat in November's off-year congressional and state elections, the last such election during the Bush presidency.

Stem cell research will face voter approval or rejection in Missouri, while the state legislature's strict ban on abortion will be voted up or down in South Dakota.. Proposed bans on same-sex marriage, which have passed in 19 states, will be on the ballot in six states: Idaho, South Carolina, South Dakota, Tennessee, Virginia and Wisconsin. The issue could affect hotly-contested races for U.S. Senate in Tennessee and Virginia and the governor's race in Wisconsin. ■



## Democrats Pressured on Religion

Numerous Democratic officeholders and activists are urging the party's candidates to be more open or responsive to religious values if they expect to compete with the Republicans for the churchgoing vote. In a widely noted speech, Sen. Barack Obama (D-IL), warned that his party will be at a serious disadvantage unless it can connect with religious voters. "We make a mistake when we fail to acknowledge the power of faith in the lives of the American people and join a serious debate about how to reconcile faith with our modern, pluralistic democracy," he said.

The centrist Democratic Leadership Council's annual meeting in July also urged Democrats to embrace religious voters. "Our goal is to broaden the Democratic Party," said Al From, the DLC founder. Moderates urged Democrats to frame such issues as health care, poverty, education, and economic inequality as moral issues. Democrats, however, must be seen as "authentic when they discuss religious values," observed state senator Karen Hale of Utah.

A dissent came from Martin Walsh, writing in the Newark *Courier-Post* on July 23. Walsh said that "Democrats are foolish to court evangelical voters" because their policies and pro-separation orientation have long, and perhaps permanently, alienated evangelicals. "It's incredible for Democrats to honestly believe they can simply mend fences with this block of voters and that their reaching out to them might bring about their political salvation." ■

## Texas GOP Holds Fundraiser at Church

The Ellis County Republican Party held a fundraising event on August 10 at the Waxahachie Bible Church. This is the second time in 18 months that the party rented space at a reduced cost from the church. Ellis County GOP Chairman Rusty Ballard claimed that legal counsel from the state Republican Party approved the use of churches as fundraising venues. Party officials said the Waxahachie Civic Center was too expensive. The church's pastor Bruce Zimmerman said, "We're making this place available to whomever and we look at every group that wants to come in and rent the facility." ■

## Poll Shows Bigotry on Rise in U.S.

While the increasing religious diversity in the United States might be expected to increase religious tolerance, a recent poll casts doubt on that. A *Los Angeles Times*/Bloomberg poll in June found that 54% of voters would not vote for a Muslim for president and 37% would not consider voting for a Mormon. Evangelical Christians would be opposed off the bat by 21% of voters, Jews by 15% and Catholics by 10%. (Atheists were not included in this poll, but other recent surveys showed that an avowed atheist presidential candidate would be about as popular as a Muslim.)

The *Christian Science Monitor* expressed concern about the findings of this national survey. In its July 21 edition, the *Monitor* said, "Before this escalating piety in politics goes too far and further polarizes society along religious lines, the U.S. needs a new consensus on boundaries to prevent theological warfare."

The poll's findings are seen as a blow to the presidential aspirations of Massachusetts Gov. Mitt Romney, a Mormon who may seek the

Republican nomination in 2008. In recent weeks, Christian Broadcasting Network, *Christianity Today* magazine, and syndicated columnist Cal Thomas have focused major reports on Romney, sympathetically applauding his socially conservative stances on numerous issues. Thomas compared Romney's "evangelical problem" to John F. Kennedy in 1960, who faced widespread voter concern and opposition because of his Catholicism. Thomas said he was "more troubled" that someone would oppose a candidate solely because of his faith than the fact of Romney's Mormonism. ■

## Church Boosted Primary Turnout

The *Salt Lake Tribune* reported that Mormon Church leaders issued an unusual statement urging members to vote in July's primaries. The intervention may have been a factor in boosting turnout and helping incumbent Republican Congressman Chris Cannon hold off rival John Jacob 56% to 44%. Jacob claimed late in the campaign that Satan was trying to prevent his election. Jacob was even farther to the Right than Cannon and ran on an anti-immigration platform. Church spokesman Dale Bills acknowledged that this was the first time Mormon leaders urged members to vote in a primary though they regularly encourage participation in general elections and in civic duties of all kinds. ■



## Smear Campaign in Ohio

The Ohio Republican Party and its Religious Right allies were caught in an outrageous smear in July. Gary Lankford, formerly with the Ohio Restoration Project and the headmaster of a Christian home school, sent emails to thousands of conservative Christians alleging that Democratic gubernatorial nominee Ted Strickland and his wife of 20 years are gay. The smear prompted the State Republican Chairman Robert Bennett to fire Lankford and to apologize to Strickland. Strickland said the GOP only did that "after they got caught." The *Columbus Dispatch* said, "Sadly, it's just the start of what portends to be the ugliest governor's race in state history." ■

## Christian Values Extolled in Pennsylvania

Former pro football player Lynn Swann, Republican candidate for governor of Pennsylvania, frankly appealed for sectarian votes in a "Conservative Alert" website. He wrote, on July 24, "I believe it is important that the next Governor of Pennsylvania share the traditional values that we hold dear. My faith and Christian values were instilled in me at a young age, and they continue to serve as my moral compass today. As Governor, these core conservative values will continue to guide the important decisions that I will make for the Commonwealth."

Pennsylvania's incumbent Democratic governor, Ed Rendell, is Jewish. Swann also promised to sign a ban on most abortions if he is elected. ■

## Texas Church Donates to GOP

Records show that Calvary Temple Church, an independent evangelical congregation in Kerrville, Texas, donated \$1,500 directly to the

Kerr County Republican Party. Americans United filed a complaint in July with the Internal Revenue Service. Kerr County Republican officials confirmed the donation but claimed the funds were used for “administrative purposes only,” not for campaigns. Federal statutes prohibit direct church contributions for partisan political purposes, but Texas law is more permissive, according to a 1993 opinion by the Texas Ethics Commission.

After the IRS complaint was filed, the pastor of the Kerrville church asked the Republican Party to return the church’s donation. The preacher said it was all a mistake and was meant for a golf tournament, not a political contribution. ■

## Harris’ Howlers

Rep. Katherine Harris (R-FL), the former Florida Secretary of State widely regarded as largely responsible for President Bush’s electoral victory in 2000, is now running for the US Senate against incumbent Democrat Bill Nelson. Her campaign has taken such hilariously weird turns that we just have to report them.

She boasts of her 100% Christian Coalition rating. And in an interview in the *Florida Baptist Witness* on August 24, she called “separation of church and state” a “lie” to induce religious people to “avoid politics and that is so wrong because God is the one who chooses our rulers”. (Then why bother to vote?)

Harris is certain she will get to heaven because “our sins are covered with His blood and so we are blameless before Him. We are as white as snow”.

And this: “If people aren’t involved in helping godly men in getting elected then we’re going to have a nation of secular laws. That’s not what our founding fathers intended and that’s certainly isn’t what God intended”. And: “If you’re not electing Christians then in essence you are going to legislate sin. They can say that abortion is alright. They can vote to sustain gay marriage. And that will take western civilization, indeed other nations because people look to our country as one nation as under God and whenever we legislate sin ... then average citizens who are not Christians, because they don’t know better, we are leading them astray and it’s wrong”. [Harris’s grammatical oddities are left uncorrected.]

Florida Republicans are not pleased. Veteran Tampa Bay GOP activist Ruby Brooks said Harris’s remarks “were offensive to me as a Christian and a Republican”. Republican Jewish Coalition executive director Jillian Hasner said, “Our party is much bigger than Katherine Harris is trying to make it”.

Harris’ comments were also blasted by the Baptist Joint Committee for Religious Liberty. In a statement released on August 29 the group said, “Rep. Katherine Harris’ ill-informed comments – calling the separation of church and state a lie, bemoaning our nation of secular laws, and suggesting only Christians should be elected to office – shows a complete lack of respect for the religious diversity that is a hallmark of our nation.

“Americans are a religious people. And, yes, Christianity has influenced our civic values and public policy. The separation of church and state does not require a segregation of religion from politics, God from government or Christians from duties of citizenship. But our civil compact – the Constitution – is a secular document. It never mentions Christianity and refers to religion only once and then to ban a religious test for public office.

“America is one of the most religious and religiously diverse nations on earth. Despite our religious passion and pluralism, we have been

able to avoid the religious conflicts that have punctuated history and plague much of the world today. This is so precisely because we have not allowed government to take sides in matters of religion. . . .

“In calling church-state separation a lie, Harris disregards history. In bemoaning our nation of secular laws, she misrepresents the nature of our government. In saying that non-Christians will only ‘legislate sin,’ she sets up her own religious test for office and maligns a whole class of public servants.” ■

## Dobson in Politics

Televangelist James Dobson’s powerful Focus on the Family announced in August that it will operate in eight battleground states to mobilize evangelical voters in November. Focus seeks to fill the void left by the shrinking of Pat Robertson’s Christian Coalition. The eight targeted states are Maryland, Pennsylvania, Michigan, Ohio, New Jersey, Minnesota, Montana, and Tennessee. ■

### Ohio, *continued from page 1*

teousness and the hordes of hell.” He meets regularly with thousands of pastors and sends his e-mail messages to 400,000 readers. A national cable TV program, “Breakthrough,” airs on 1,400 stations.

Parsley’s 2005 book *Silent No More* advocates that government get out of the welfare and charity business and turn all such programs over to the churches. He also adds a novel twist to the Christian nation theory. About Islam he writes, “I do not believe that our country can truly fulfill its divine purpose until we understand that America was founded, in part, with the intention of seeing this false religion destroyed...” (Parsley is apparently unaware of the 1797 U.S. Treaty with Tripoli, supported by Presidents George Washington and John Adams and ratified by the Senate, which declared that “the U.S. government is not in any sense founded on the Christian religion.”)

A modest effort is being made by some mainline Christians to challenge the Christian Right domination of the political scene. “We Believe Ohio” was set up by 300 religious leaders of various traditions who believe people of faith should focus on issues like peace, poverty and justice. It is spearheaded by Rev. Timothy Ahrens, senior minister of The First Congregational Church in downtown Columbus. “People are fed up with having religion represented in such a skewed way,” Ahrens told Reuters on July 13. The Democratic candidate for governor, U.S. Rep. Ted Strickland, a former Methodist minister, applauded their efforts but expressed hope that “We Believe Ohio” remain a religious movement rather than a political movement.

This remains a central problem. While many evangelical churches are monolithic in their political predilection, other churches are politically diverse and do not want to engage directly in the political realm. National expert on religion and politics John Green, who lives in Ohio, said, “There are a huge number of these groups forming, and they want to pressure Democrats to talk more about faith. But moderate and liberal churches have more diverse congregations, so it’s more difficult to pull it off.”

This gives the Republicans another advantage – grassroots enthusiasm directed by powerful preachers, coupled with financial largesse and administrative networks in a state that has been veering toward a one-party bastion. ■





# Church and State in the Courts

## Prison Fellowship Appeals Iowa Ruling

As expected, Prison Fellowship Ministries appealed a ruling by a federal judge declaring unconstitutional an Iowa prison ministries program run by the group. Prison Fellowship thundered, "The courts took God out of America's schools, and now they are on the path to take God out of America's prisons."

The *Des Moines Register* did not see it that way. It endorsed Judge Robert Pratt's ruling. The paper editorialized on June 6, saying, in part: "The Prison Ministries program in Newton fails to pass constitutional muster on three counts:

"The program is designed to convert inmates to the evangelical Christian viewpoint. Thus, in a coercive prison setting, taxpayer money is paying for indoctrinating inmates to a particular religious belief.

"Participants in the religious program receive privileges non-participants do not, including more freedom and cells with wooden doors and separate toilets.

"Although Prison Ministries insists any inmate may participate regardless of religious belief, the court found otherwise based on testimony from inmates of Jewish, Muslim and other faiths who felt unwelcome and who were offended by the Bible-infused tenets of the program.

"Corrections officials have long seen religion as a powerful means of rehabilitation, but it must be made available to inmates of all faiths, it must not give favor to inmates who choose to participate over those who do not and it cannot be publicly funded evangelizing."

The paper, Iowa's leading daily, also emphasized that Iowa state law is even more restrictive than federal law:

"If the Prison Ministries case had been tried in state rather than federal court, it would not have been a close call. The Iowa Constitution, though modeled on the federal version in most respects, goes considerably further in forbidding public support of religion.

"It says: 'The General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes or any other rates for building or repairing places of worship or the maintenance of any minister, or ministry.'

"Under that wording, the Prison Ministries program at Newton described in the federal court record would seem illegal on its face."

## Portrait of Jesus Challenged at West Virginia School

Two plaintiffs, Harold Sklar and Jacqueline McKenzie, filed suit in June with the support of ACLU of West Virginia and Americans United to remove a portrait of Jesus that hangs in Bridgeport High School in Harrison County. The picture, Warner Sallman's "Head of Christ," is probably the most famous and widely used portrait of Jesus in American popular art. A copy has adorned the hall at Bridgeport High School for 40 years. The plaintiffs charge that this shows favoritism to one religious tradition over others. Attorneys for the plaintiffs filed a Motion for Expedited Recovery on June 22, hoping the Court would issue a preliminary injunction ordering the painting removed before the new school year opens on August 28. A bizarre twist was added to the case when the painting was stolen in late August.

In other legal developments:

U.S. District Judge Stanley Chisler in Trenton, New Jersey, must decide whether a New Jersey elementary school in Frenchtown went too far in banning a religious song, "Awesome God," from an after-school talent show in May 2005. Frenchtown School Superintendent Joyce Brennan said the lyrics constituted proselytism for evangelical Christianity. But two civil liberties groups, the Alliance Defense Fund on the right, and the New Jersey chapter of the ACLU on the left, have filed amicus briefs on behalf of the student and her family. ACLU attorney Edward Barocas said the case involved protected student-initiated speech rather than government-endorsed speech. Barocas told *The Christian Science Monitor* (June 15, 2006), "This was not a mandatory assignment. This took place at an after-school event that was voluntary and where the individual student could decide what song to sing or what skit to perform. It would be a different analysis if the principal sang the song 'Awesome God' over the loudspeaker at school." School board attorneys defended Brennan's actions, nothing that she had also censored a Bon Jovi song and Shakespeare's "Witches Scene" from *Macbeth*.



Michael Newdow's lawsuit against the placement of "In God We Trust" on U.S. currency was dismissed by U.S. District Judge Frank C. Damrell, Jr., who invoked a Ninth U.S. Circuit Court of Appeals ruling that the words were a secular national motto.



A federal judge in Portland, Oregon, ruled in June that a sexual abuse lawsuit against the Vatican can continue. Judge Michael Musman said there were exceptions to the Foreign Sovereign Immunities Act, under which the Vatican has been protected from the jurisdiction of American courts in several other cases. Musman ruled that there was a connection between the Vatican and the now-deceased priest, Rev. Andrew Ronan. The case charges that the Holy See is responsible for allowing a priest to be transferred from city to city even though he was a known child molester. Rev. Ronan died in 1970.



The U.S. Supreme Court decided on June 19 to expand its review of the 2003 Partial Birth Abortion Ban Act. The Court decided to hear *Gonzales v. Planned Parenthood*, No. 05-1382, along with *Gonzales v. Carhart*, No. 05-380. The Bush administration objected to combining the cases, while Planned Parenthood had urged the justices to add the new case because it "provided the most complete available record" on the likely impact of the statute. The cases will be heard in November or December.



A July 25 ruling by the U.S. Court of Appeals for the Third Circuit concluded that Pennsylvania prison authorities violated the religious freedom of a Muslim inmate who refused to handle pork. The prisoner, Henry Williams, was restricted to his cell for 30 days and denied access to religious services. The appeals court sent his case back to a federal district court to resolve other issues. The bottom line is that prison staff are not immune from religious freedom claims, as the SCI Rockview Prison in Centre County had asserted.



The U.S. Court of Appeals for the Tenth Circuit blocked the deportation of a Mormon couple to Colombia, where they had received death threats. Herbert and Nancy Moscoso-Morales were threatened with death in Colombia in 2002 because they belonged to “a Mormon cult.” They fled to Salt Lake City and initiated a battle to gain political asylum. The Board of Immigration Appeals (BIA) refused to accept their claims and ordered them deported to Colombia. The Tenth Circuit reversed that decision and required the BIA to reexamine the merits of the couple’s claim.



Two families have filed suit against the Indian River School District in Sussex County, Delaware, alleging that the district is pervaded by Christian religious practices in violation of the Constitution. Monica Dobrich, an Orthodox Jewish mother, cited Christian prayers at her daughter’s high school graduation in June 2004, prayer at school functions and PTA meetings, teachers engaging in evangelizing students, the distribution of Bibles in 2003 at an elementary school, and special privileges granted to pupils who attended a Bible club. A Muslim family in another school district in Sussex County filed suit alleging proselytizing in the schools and the harassment of their daughter.



A Las Vegas high school valedictorian whose address to her graduating class on June 15 was stopped by school authorities, filed suit in the U.S. District Court of Nevada, alleging denial of free speech and free exercise of religion. Three school officials pulled the plug when Brittany McComb began to talk about Jesus to 400 graduates of Foothill High School. School district attorney Bill Hoffman said the school was following rulings handed down previously by the U.S. Court of Appeals for the Ninth Circuit, which includes Nevada in its jurisdiction.



The Montgomery County, Maryland, School Board appears to have lost its five-year battle to restrict religious and other non-curricular material that is distributed to students. On August 10 the U.S. Court of Appeals for the Fourth Circuit held that school officials had “unlimited and unbridled discretion” in determining whether to approve or reject materials sent home to students in informational packets. The three-judge panel ruled that the school system “imposed no guidelines” as to criteria for rejection. The case arose in 2001 when school officials refused to allow Child Evangelism Fellowship (CEF) to advertise its after-school Good News Club programs. CEF is a national group whose avowed purpose is to convert young people to evangelical Christianity through its Bible programs. The board announced that it will ban all informational fliers, including those from the Boy Scouts and the PTA.



A Bible cannot be part of a 50-year-old monument in front of the Harris County, Texas, Courthouse, a three-judge panel of the U.S. Circuit Court of Appeals for the 5<sup>th</sup> Circuit ruled in August. The 2-1 ruling upheld a federal court decision in August 2004 that the inclusion of the Bible represents an unconstitutional promotion of religion by government. “Its recent history would force an objective observer to conclude that it’s a religious symbol of a particular faith located on



ARL’s Doerr, Bob Alley, actor Ed Asner, and American Jewish Committee attorney Sam Rabinove, at the Touro Synagogue in Newport, Rhode Island, in 1990.

## Bob Alley - 1932-2006

One of America’s most distinguished church-state scholars, Robert Sutherland Alley, died in Richmond, Virginia, on August 15 at age 74. Alley was professor emeritus at the University of Richmond and the son of a Baptist minister and journalist.

Alley was author of *James Madison on Religious Liberty*, *School Prayer* and many other titles in the field of church-state relations. One of his earliest books dealt with religion and the U.S. presidency and compared the religious views of presidents from Washington to Nixon. He was the executive director of the James Madison Memorial Committee, a contributing editor of *Free Inquiry*, and a member of the Council for Secular Humanism’s Committee for the Scientific Examination of Religion.

In 1996 ARL published Alley’s book, *Public Education and the Public Good* (available from ARL for \$10, including postage.)

Alley was a close friend of Americans for Religious Liberty, and a personal friend of both Edd Doerr and Al Menendez.

His contributions to the preservation of religious freedom for all were enormous, and he will be greatly missed.

— Al Menendez

public grounds,” concluded the majority decision. A dissent by one judge said the majority “exhibits an appalling hostility to any hint of religion in public spaces.” Harris County Attorney Mike Stafford said the county will ask for an *en banc* review by all 19 members of the Fifth Circuit.



Pennsylvania federal judge James M. Munley ruled in August that *Moeller v. Bradford County* may go forward. The suit is a challenge to a publicly funded “prison ministry program that proselytizes inmates and coerces them to take part in religious activities.” ■



# The Voucher Watch

## New Voucher Program Passes in Arizona

For the first time in state history, Arizona will allow parents of some children to send their children to private and parochial schools at taxpayer expense. The legislature appropriated \$2.5 million in vouchers for disabled children and a similar amount for adoptive parents of former foster children. The \$5 million can be used to pay tuition and fees at private or parochial schools.

Gov. Janet Napolitano, who had opposed previous voucher proposals, agreed not to veto the bill in order to receive republican votes for some of her other programs. The Democratic governor is seeking reelection this fall. The governor's office tried to justify her position by saying that the appropriated funds could also be used for fees in public and charter schools. But Republican lawmakers slapped that idea down and directed that all funds go to nonpublic schools, prompting Howard Fisher of Capitol Media Services to comment, "The biggest winners in the budget deal could end up being the state's private and parochial schools."

John Wright, president of the Arizona Education Association, said a legal challenge is virtually certain. The Arizona Constitution is also clear. It says:

Article 2, Section 12. "No public money or property shall be appropriated for or applied to any religious worship exercise, or instruction, or to the support of any religious establishment."

## Wisconsin Officials Dump Two Voucher Schools

Two schools that have received substantial state funding under the voucher program were expelled on August 3 for refusing to refund the state overpayments. Texas Bufkin Academy owes the state \$25,400. It received \$250,865 in state funds last year for its 50 students. It has been part of the Milwaukee Parental Choice Program since 1998. Sharon Junior Academy, which collected \$339,780 in public funds last year for its 55 students, still owes \$1,600. This brings to seven the number of schools removed from the program this year by the state Department of Public Instruction.

## Republicans Push More Vouchers

The Bush administration and its minions in Congress have proposed another \$100 million national voucher plan for private schools. The July 18 proposal came four days after the National Center for Education Statistics (NCES) reported that public schools are performing as well as or even better than private schools in most areas tested. A slight edge went to eighth-grade reading scores in private schools. The report found, however, that conservative Christian schools performed significantly behind public schools in eighth-grade math. That finding reaffirms earlier research conducted at the University of Illinois.

The NCES, a research arm of the federal Department of Education, compared fourth and eighth grade reading and math scores from 7,000 public and 530 private schools, and adjusted the test raw scores to account for student and parental background.

Despite any evidence that voucher programs lead to significant improvements in education for lower income groups, the administration persists in the plan. Education Secretary Margaret Spelling said the so-called "opportunity scholarship" plan is aimed at helping low-income students "trapped in poor schools" by offering them up to \$4,000 to pay for private school tuition. It would initially cover 28,000 students. A primary supporter is Senator Lamar Alexander (R-TN), who claimed the voucher program would give poor children "the same opportunities wealthier families have."

Opponents called it a sham. Reg Weaver, president of the National Education Association, said, "Anything that takes away from our ability to better our schools is wrong."

## USA Today Debunks Vouchers

*USA Today* weekly opinion writer DeWayne Wickham argued against the new \$100 million Republican voucher scheme in his July 31 column. Wickham, who is African American, says that claims that the program will disproportionately aid blacks is a sham. "The proposed scholarships are a shaft of another sort for black students. They deflect attention from the failure of states and the federal government to ensure

## Evolution News

Here is a roundup of recent legislative action regarding science education:

- Assembly bill 8036 requiring pupils to receive instruction in "Intelligent Design and information effectively challenging the theory of evolution" died in committee in New York.
- Four anti-evolution bills failed to pass in the Oklahoma legislature. All were opposed by Oklahomans for Excellence in Science Education. One bill (HB 2107) did pass the House on March 2 but failed to make it to a Senate vote before the legislature adjourned on May 26.
- In Michigan House Bill 5251 passed the House Education Committee on June 28 and proceeded to a second reading. It criticized global warming and evolution but was watered down in its final version. The Michigan Science Teachers Association has

lobbied against the bill as it did in previous legislatures.

- An attempt to amend the Nevada Constitution to require the teaching of the "strengths and weaknesses" of evolution failed to garner enough signatures to reach the November ballot. The so-called "Truth in Science" initiative failed to qualify by the June 20 deadline.
- The Episcopal Church's 75<sup>th</sup> General Convention passed a resolution supporting the teaching of evolution in schools. The resolution, "Affirm Creation and Evolution," declared that "evolution is entirely compatible with an authentic and living Christian faith." It also urged state legislatures and boards of education to "establish standards for science education based on the best available scientific knowledge as accepted by a consensus of the scientific community."

that all children have access to a quality public education.”

Wickham concluded, “This latest voucher scheme, if implemented, would likely give a small percentage of students in underperforming schools an escape hatch. The rest would serve as guinea pigs for conservatives’ argument that such a program will pressure public schools into doing a better job of educating those who are left behind. It won’t.”

“Spending \$100 million on these scholarships is a bad idea. Most private schools don’t want students who have discipline problems, who have special needs or whose parents show no interest in their education. Giving these kids a scholarship isn’t going to change that.

“Public schools, on the other hand, must try to educate a vast cross section of this nation’s youngsters. So instead of trying to deflect attention from the failure of states and the federal government to give public schools what they need to meet this challenge, voucher proponents offer them empty promises. This latest one is called ‘opportunity scholarships’.”

In other voucher news:

- In June Florida Governor Jeb Bush signed legislation allowing students who participated in the state’s voucher program held unconstitutional to enroll in another state program. The Opportunity Scholarships were ruled unconstitutional in January by the Florida Supreme Court, but the 700 students who had received tuition aid may now enroll in a voucher program financed by taxpayer-subsidized corporate contributions. The new measure applies only to students from low-performing schools who received Opportunity Scholarships in the 2005-2006 academic year.

- In Ohio the State Department of Education is trying to stop an abuse uncovered in the voucher system. Apparently, some parents of

## New Board of Directors and Advisory Board Members

The Rev. Dr. William R. Murry was elected to the ARL board in August. Dr. Murry is minister emeritus of River Road Unitarian Church in Bethesda, Maryland, and past president of Meadville-Lombard Theological Seminary in Chicago.

Bette Chambers and Dr. Catherine Cohen have joined ARL’s National Advisory Board. Chambers, trained in evolutionary biology, is a past president of the American Humanist Association and has long been involved in church-state, civil liberties, and creationism/evolution issues. Dr. Cohen is the medical director for Planned Parenthood of Louisiana and has long been involved in promoting women’s rights.

children already attending private schools have tried to enroll their children in public schools where they would be eligible for private-school tuition aid. A new statewide voucher program, called the Ed Choice Scholarship Program, will provide up to \$4,250 per child for grades K-8 and up to \$5,000 for high school. Students are eligible if they have attended a public school that for three years has been labeled “academic emergency” or “academic watch.” So far only 2,568 students have applied for the 256 private schools that agreed to participate. About 46,000 students are said to be eligible. ■

## Editorial

### Colson Confounded

Convicted Watergate felon turned religious right guru Charles (“Chuck”) Colson has his knickers in a twist over the June 2 federal district court ruling that his Prison Fellowship Ministries program in Iowa violates the First Amendment’s church-state separation provision and ordered Colson’s outfit to repay the \$1.5 million it got from the state. (See report on page 1 of our journal No. 95.)

Colson charged in the August *Christianity Today* that Judge Robert Pratt “expanded the Supreme Court precedent in *Lemon v. Kurtzman*” and made the wildly exaggerated claim that application of the ruling could end religious services or programs in prisons, hospitals, military bases, or any other government facility. Colson conflates free exercise of religion with taxpayer-funded sectarian programs. He indicated that the ruling will probably be appealed.

For a guy who wears his narrow brand of fundamentalism on his sleeve, Colson is hardly an exemplary Christian. At a panel sponsored by the *Washington Times* several years ago, Colson was as inflammatory and nasty as any speaker I’ve ever heard. Maybe habits from the Nixon days die hard.

An analysis of Colson’s bizarre views may be found in Al Menendez’ 1997 book, *Three Voices of Extremism*, available from ARL for \$10, including postage.

— Edd Doerr

We will be happy to send a sample issue of this newsletter to people you consider likely subscribers. Please send names and addresses to Americans for Religious Liberty, PO Box 6656, Silver Spring, MD 20916, or email to [arline@erols.com](mailto:arline@erols.com). They can obtain a subscription form at [www.arline.org](http://www.arline.org).

## Update

### The San Diego Cross: Congress to the Rescue

The U.S. House of Representatives voted 349 to 74 on July 20 to acquire the memorial cross on Mount Soledad in San Diego. The purchase will include the park around it. The 29-foot-high cross has been the center of a 17-year court battle between a local citizen, Vietnam veteran Philip Paulson, and the city, which owns the hilltop property. A federal judge ruled in May that the cross, erected in 1954, could not stay in the park because it represented governmental endorsement of one religion. The monument was supposed to have been dismantled in three months, but local veterans’ groups, congressional Republicans and Religious Right legal organizations have waged a frantic campaign to preserve the cross. The local congressman, Republican Duncan Hunter, has been particularly zealous in fighting to maintain what he calls “a religious symbol and a venerated landmark.”

The issue has generated intense emotions because the 1954 memorial was erected to honor service members killed in the Korean War. Earlier versions of the cross were erected in 1913 and 1934. The site has long been a place for Easter sunrise services. But since only a cross, and no other religion’s symbols, is located there, the monument does not honor all veterans, as is true in government-owned cemeteries throughout the U.S. and overseas. Rep. Susan Davis (D-CA) said the controversy “is about a demonstrated preference of one religion over all others. It is about a uniquely religious symbol on public land.”

*The Washington Post* urged the Senate to “reject this unconstitutional effort to do an end run around a lawsuit.” The paper editorialized on July 22, “The move to have the federal government acquire this cross for the sole purpose of evading a court ruling is over the line.”

The Bush administration signaled its support for the federal takeover when the Office of Management and Budget released a formal

*continued on page 14*

statement of endorsement. Then on August 1 the U.S. Senate unanimously approved the plan to transfer the land beneath the Mount Soledad war memorial to federal control. The legislation vests title to the memorial in the federal government, and the Department of Defense will manage the monument. The Mount Soledad Memorial Association, a private group that erected the 29-foot cross in 1954, would continue to maintain the site.

Congressional action does not nullify court suits presently under consideration, however. In federal court, the city of San Diego is appealing Judge Gordon Thompson's order to remove the cross. That case is due to be heard in October. In state court, supporters of the cross are appealing a decision by a Superior Court Judge that invalidated Proposition A, a ballot measure approved by 76% of voters in 2005, that would have "donated" the cross to the federal government. The 17-year battle may still not be over.

On August 14 President Bush signed legislation that will enable the federal government to purchase the Mount Soledad Veterans Memorial and its Cross from the city of San Diego. Supporters of retaining the Cross hope the change of ownership will end the legal challenges that have held the display unconstitutional.

## Abortion Restrictions Pass Senate

On July 25 the U.S. Senate voted 65 to 34 to make it a crime for persons to take a pregnant minor to another state for an abortion without first receiving parental permission. Those who violate the law could be imprisoned for up to a year and fined. The House passed a similar bill last year, and President Bush is expected to sign it soon.

About three-fourths of U.S. states have parental notification or consent laws on the books, but courts have halted enforcement of them on constitutional grounds in nine states. The bill specifically bans even clergy members and grandparents from assisting a pregnant minor to cross state lines.

A conference committee must resolve a few differences between the House and Senate versions. The House-passed measure penalizes physicians who perform abortions on minors who sought to circumvent parental involvement laws. Parents can also sue the doctor.

## *The Separation of Church and State*

Edited by Forrest Church

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The never-ceasing battle over the Mt. Soledad Cross in San Diego provoked these thoughts from Scott Richardson, Dean of Saint Paul's Episcopal Cathedral in San Diego.

"If we use the cross as a tool to aggress upon others or to rally people for a political end, then we have turned the symbol into its opposite and publicly distorted its meaning. This is true even if we suppose we are doing so for religious reasons."

"Christians who are now preparing for a long, costly and aggressive 'in your face' struggle to retain the cross on Mt. Soledad have really bought into civil religion. They are prepared to subvert the true meaning of the cross. Some have decided to fight this in court. They are ready to use taxpayer money to pay whatever fines are levied against the city. This is a city which cannot or will not adequately fund its police or fire departments, a city where public infrastructure is falling apart and the pension fund is in serious jeopardy. Those who would 'save the cross' propose a horrendous misuse of public funds for a campaign to subvert the true meaning of the cross. We prefer that the cross be reverently re-placed on church grounds or at one of our local Christian colleges."

The Senate rejected, 51 to 48, an amendment that would have redirected federal funds to pregnancy prevention and education programs.

The two decisions are seen as political, an attempt by Republicans to shore-up support among religious conservatives before the crucial November elections. That is why Republican support was nearly unanimous, with 51 Republicans and 14 Democrats in favor. An amendment also says a parent who has committed incest and transports a minor out of state will face a fine and jail time. The Child Custody Protection Act applies immediately to 26 states that have enforced parental notification or consent statutes.

## GAO Finds Fault with Faith-Based Programs

The Bush administration's large-scale faith-based social services programs lack religious liberty guarantees, according to a congressional report released on July 18. The Government Accountability Office (GAO) found that only four of the ten faith-based programs it examined included explicit statements to religious organizations about protecting the religious freedom of the people they serve.

Alyssa J. McClenning, an official with the White House Office of Faith-Based and Community Initiatives, disputed the report, claiming that her office provides "grantees an explicit statement prohibiting inherently religious activities." The GAO found otherwise and cited Education, Health and Human Services, Housing and Urban Development and Labor as refusing to even issue strong safeguards against religious discrimination. These four departments, GAO concluded, "stated that such a requirement would involve singling out faith-based organizations for greater oversight and monitoring than other program participants on the basis of presumed or confirmed religious affiliation. In our view, creating a level playing field for faith-based organizations does not mean that agencies should be relieved of their oversight responsibilities relating to the equal treatment regulations."

Long-time critics of the Bush program seized on the report's implications. Rep. George Miller (D-CA), said the administration "had failed to uphold the responsibility that federal taxpayer dollars are not being sent to organizations that discriminate. As a result, we don't know if Americans who are eligible for services are missing out on them because of their religious beliefs."

Another problem uncovered by GAO is that almost all of the faith-based services have failed to evaluate their effectiveness or to have compared their performance with other programs not grounded in religion. Only one of the 15 pilot programs had completed an evaluation of outcomes. This has been one of the primary selling points of faith-based services – that programs grounded in faith perform better and will affect more people positively than traditional secular programs. One Republican supporter of faith-based services, Rep. Mark Souder (R-IN), chairman of the House subcommittee that oversees the Office of Faith-Based and Community Services, admitted, “Congress didn’t put enough emphasis on measuring results. The administration has also been lax on this.”

## Chaplain’s Complaint Dismissed

A Navy review concluded in June that a complaint from a chaplain that he was being censored in his sermons was “without merit.” Navy Lt. Gordon Klingenschmitt has waged a national campaign, including appeals to Congress, that claims his religious freedom was being limited by higher brass in the Navy. The chaplain, a member of a small breakaway evangelical Episcopal denomination, has insisted on delivering “hellfire and brimstone” evangelistic sermons at public gatherings. A 2004 funeral sermon aboard the cruiser *USS Anzio* resulted in two dozen complaints from family members of the deceased and other sailors who were offended by Klingenschmitt’s language. His commanding officer, Capt. James Carr, gave him poor marks for his overall performance as a chaplain and downgraded him in January 2005.

Rear Admiral Frederic Ruehe, commander of the Navy’s Mid-Atlantic region, backed up Carr’s evaluation “as a legitimate evaluation of his performance of duty, not the result of improper discrimination on the basis of his religious beliefs or the practice of his faith.”

Klingenschmitt remained unrepentant. “This proves that senior naval officials have been lying to Congress and the American people,” he said. The 38-year-old chaplain still faces court-martial on a charge that he disobeyed a direct order by appearing outside the White House in his Navy uniform. He had refused to seek approval from his superior officers before protesting Navy policy on religious inclusiveness.

John Danforth, former U.S. ambassador to the United Nations and U.S. senator from Missouri, addressed the General Convention of the Episcopal Church at its triennial meeting in Columbus, Ohio, on June 15. Pleading for reconciliation and a return to the “common ground” both in the church of which he is an ordained priest and in U.S. political life, he warned delegates that “the common ground has been cut out from under us,” largely by religious extremists and ideologues. He said, “Religion is either the direct cause of some of these conflicts or it contributes to the very polarization that makes addressing the conflicts so difficult. Terrorism obviously is religiously inspired; so is fighting in Iraq; so was the north/south civil war in Sudan; so was Kashmir; so was Bosnia and on and on. People kill each other because they believe that God commands them to do so. And in our country, thank God we are not killing each other in the name of religion, but religious people acting in the name of Christ have championed the wedge issues that divide us, that cut the common ground out from under us, and make even discussing important questions so difficult. The marriage amendment, the issues of religion in public schools, the display of the Ten Commandments in court houses, the sad case of Terry Schiavo, and the list goes on.”

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## Wiccans Denied Cemetery Symbols

A dispute at the Veterans Memorial Cemetery in the small Nevada town of Fernley, north of the state capital, Carson City, symbolizes the continuing controversy over religion in public places. The U.S. Department of Veterans Affairs has refused to allow a symbol of the Wiccan religion (a five-pointed star within a circle, called a pentacle) to be inscribed on U.S. military memorials or grave markers. The Wiccan request was made nine years ago. The department has approved symbols for 38 other faith traditions, about half of them being versions of the Christian cross (Latin, Greek, Russian, etc.). The Jewish Star of David, the Muslim crescent, the Buddhist wheel, the Mormon angel, and the nine-pointed Bahai star have been approved. Symbols for the Sikh faith, for Humanists and for atheists also adorn graves of U.S. veterans.

But Sgt. Patrick D. Stewart, a Wiccan adherent who was killed in Afghanistan in September, 2005, has not yet received his pentacle. Stewart had served in Operation Desert Storm and was posthumously awarded a Purple Heart and a Bronze Star. His widow, Roberta Stewart, told the *Washington Post*, “I feel very strongly that my husband fought for the Constitution of the United States, and he was proud of his spirituality and he was proud of being an American.”

The Pentagon has identified 1,800 Wiccans on active duty in the armed forces. It has been recognized as a religion by federal courts since 1986, and Wiccan ceremonies are allowed on military sites. Nevada’s congressional delegation supports the Wiccan requests for equal treatment.

Retired Army Chaplain William Chrystal, a United Church of Christ minister who was chaplain of Stewart’s National Guard unit, has endorsed Roberta Stewart’s request. He told *Washington Post* staff writer Alan Cooperman, “It’s such a clear First Amendment issue, I can’t even conceive of why they are not granting it, except for political reasons. I think the powers that be are afraid they’ll alienate conservative Christians.”

## Louisiana Governor Okays Abortion Ban

On June 18 Louisiana Gov. Kathleen Blanco signed into law a ban on all abortions except those required to save a woman’s life. The law, passed by the legislature, is similar to one enacted earlier this year in South Dakota. Both states hoped to provoke another Supreme Court review of the landmark *Roe v. Wade* decision of 1973. The Louisiana law, which includes the hedging language “permanent harm to the woman’s health” rather than “life threatening,” would make doctors

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## Update, continued from page 15

guilty of performing abortions for any other reason, facing up to ten years in prison and fines of \$100,000. Gov. Blanco cited “overwhelming support” for the bill in a Democratic-led legislature and added, “The central provision of the bill supports and reflects my personal beliefs.”

Nancy Keenan, chair of NARAL Pro-Choice America, commented, “I think there’s a climate in this country – an anti-choice president, Congress and Supreme Court – that has emboldened anti-choice activists. These activists want to overturn *Roe vs. Wade*. What’s happening in South Dakota and Louisiana shows that if they can’t get that delivered at the federal level, they are going to get it delivered at the state level.”

Writing in the *Chicago Tribune*, Judy Peres noted, “Seven states, including Illinois, already have trigger laws on the books, although legal experts say it’s not clear the older ones would result in an immediate ban.”

Trigger laws are designed to go into effect if *Roe v. Wade* is overturned. The South Dakota law has been petitioned for referendum and will appear on the November ballot.

## Hawaii Politician Engages in Religious Crusade

Hawaii Lt. Gov. James Alona, a member of an evangelical Christian group called Transformation Hawaii, has pledged to turn Hawaii over to God. He was honorary chairman of a May event to “transform Hawaii to God’s great plan” and to spread the Gospel to businesses, government offices, schools, union halls and the media. Last December Alona said, “Hawaii belongs to Jesus.” He added, “Our schools will become God’s schools; our community will become God’s community; our city will become God’s city; our Islands will become God’s Islands; our state will become God’s state; and our Hawai’i will become God’s Hawai’i.”

Several other political, business and religious leaders have joined the effort. But one clergyman, Rev. Alison Dingley, an Episcopal priest, said she found the crusade “really inappropriate and disconcerting in its political implications.” She said, “Officials who were elected to represent all of Hawai’i, which is very diverse religiously, seem to be allied with something that appears to be entirely one brand of Christianity.”

### *Democracy Under Assault: Theopolitics, Incivility and Violence on the Right*

by Michele Swenson

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## Ohio Schools Must Display Religious Mottoes

All public, community and charter schools in Ohio must display “donated” copies of the U.S. national motto, “In God We Trust” or the state motto “With God, all Things Are Possible.” The bill requiring these displays was signed by outgoing Republican Governor Bob Taft. Displays must be donated by private groups for use in classrooms, auditoria or cafeteria. The law’s constitutionality is questionable.

## New Jersey Court Stops Church-State Collusion

New Jersey Chief Justice Deborah T. Poritz blocked the Fugitive Safe Surrender program’s plan to use a Camden church as a place where wanted fugitives could surrender to police. The court cited “concerns about having court procedures take place in any religious facility.” Federal grant money was to have financed the program. A similar federally-sponsored program exists in Cleveland. There, the U.S. marshal for the Northern District of Ohio, Peter Elliott, said this was “a law enforcement program partnered with the faith-based community.”

## House Votes to Limit Pledge Rulings

With overwhelming Republican support, the U.S. House of Representatives voted 260 to 167 to bar federal courts from ruling on the constitutional validity of the Pledge of Allegiance. State courts could still decide whether the pledge was valid within their state. Republicans have long threatened to withhold or withdraw jurisdiction from the federal courts in sensitive religion-related matters. The bill’s sponsor, Rep. Todd Akin (R-MO) told the House, “We believe that there is a God who gives basic rights to all people, and it is the job of the government to protect those rights.” The bill goes to the Senate, which has traditionally frowned on such jurisdiction-limiting measures as a violation of the separation of powers doctrine.

## Wisconsin Goes Faith-Based

Wisconsin became the thirty-third state to establish a state office for faith-based partnerships. On June 15 Gov. Jim Doyle signed an executive order creating the Wisconsin Office of Community Faith-Based Partnerships. The state will use an initial \$100,000 in federal funds to run the office, which will serve as a contact point or conduit for faith-based groups applying for federal funds. Doyle’s Republican opponent in the fall election, U.S. Rep. Mark Green, criticized the governor for not creating the office earlier in his term. Doyle appointed Julietta Henry, executive director of the Christ the King Development Corporation, to head the office.

## Rice Addresses Southern Baptists

U.S. Secretary of State Condoleezza Rice, frequently alluding to her Presbyterian faith and her minister father, addressed the annual meeting of the Southern Baptist Convention on June 14 in Greensboro, North Carolina. Rice stressed internationalism vs. isolationism and claimed the Bush administration was advancing religious freedom throughout the world. (Her own State Department isn’t so sure about that, since violations of religious liberty are still rampant in many nations, according to its own annual surveys.)

*Washington Post* staff writer Glenn Kessler reported, “The venue for Rice’s speech – a religious group meeting in a huge convention hall – was unusual for a secretary of state. Generally, on domestic trips, the chief diplomat speaks to foreign policy associations or universities. Rice’s speech included highly personal references to her faith and religious upbringing, and the crowd broke into a spontaneous singing of ‘God Bless America’ after she spoke.”

## South Carolina Upgrades Religion Classes

The South Carolina legislature has granted school districts the option of granting credit for high school graduation for approved off-campus religious courses. The “release time” program became law on May 31. Students can earn up to two elective credits in release time. Local school districts evaluate proposed courses on a secular basis.

At present, release time is available on a non-credit basis in elementary and middle schools, though only a relatively small number (about 6,670 statewide) of students participate. In effect the religion courses are Bible study programs, which are given once a week in the districts that authorize them. The program is particularly popular in the Clover school district in York County, a suburb of Charlotte, North Carolina, where more than half of students in grades 3-6 leave campus once a week for a Bible study class.

Georgia is the only other state that grants credit for high school release time.

The *Charlotte Observer* reported (June 1, 2006) that about 270,000 students around the country participate in release time programs, or less than 1% of all public school students. A national CBS News poll released on April 16 found that Americans are evenly divided (46% to 46%) on whether “teaching the Bible in school violates church-state separation.”

## Feds Hit Faith-Based Schools

Federal prosecutors in Raleigh, North Carolina, filed suit in August against the owner of a faith-based school for troubled teens that closed in 2003. The 36-count federal indictment against Bob Gluhareff, former headmaster of the Wellspring Academy in South Boston, Virginia, includes tax, wire, mail and bank fraud, money laundering, making false statements to a grand jury, and writing \$662,000 in bad checks. At the peak in 2002, the school had 90 students, 60 staff, and a \$3 million budget. The school began in 1986 and concentrated its recruiting efforts in the Raleigh area, according to a report in the *Raleigh News & Observer* on August 6. The school charged \$49,000 annual tuition but had no licensed counselors, according to the federal charges.

### Public School Bible Courses are Flawed

Both recent attempts by national advocacy groups to introduce their own version of Bible study in public schools (see VOR 94) are flawed, says R. Joseph Hoffman, chair of the committee for the Scientific Examination of Religion. He writes, “They do not locate the Bible in the general history of civilization and literature but see literature and history as, in some providential way, arising from the Bible. Nothing in these curricula suggest that the Bible itself was the product of prior influences and social contexts.”

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Thank you,  
Edd Doerr, President

## Bush Names Faith Office Czar

President Bush named Jay F. Hein, president of a right-wing think tank, the Sagamore Institute for Policy Research in Indianapolis, as the new head of his Office of Faith-Based and Community Initiatives. The White House announcement came on August 4. Previous director James Towey is now president of St. Vincent College in Latrobe, Pennsylvania. Hein is a “born-again” Christian and elder of a church in Indiana.

## No Taxes for Bible Theme Park

Florida Gov. Jeb Bush signed into law June 16 a bill that grants “theme parks that display, exhibit, illustrate and interpret biblical manuscripts” the same tax-exempt status as museums. The law arose as a result of a four-year legal battle involving the Holy Land Experience, a biblical museum of sorts in Orange County. The county appraiser, Bill Donegan, tried to collect \$1 million from the amusement attraction. Donegan held that Holy Land was religious but did not “serve a religious purpose” because it charged \$30 for admission. Local courts ruled in favor of Holy Land, and the Republican-dominated legislature acted to protect similar enterprises.

## Fugitive Safe Surrender Program Funded

As part of the Children’s Safety and Violent Crime Reduction Act, signed by President Bush, \$16 million is earmarked for a program that temporarily transforms churches into courthouses where fugitives can turn themselves in to federal marshals. The funding, based on a pilot program in Cleveland, Ohio, will expand the program to eight other cities.

## Public Expression of Religion Debated

The U.S. Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Property Rights heard testimony on August 2 on the Public Expression of Religion Act (S 3696). Its companion bill in the House

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## Update, continued from page 17

is HR 2679. The act would prohibit damages, attorney's fees and costs from being awarded to those who sue the government claiming violations of the Establishment Clause. It is one of the primary legislative objectives of the Religious Right.

## Plan B Approved, At Last

After three years of unnecessary, religious right-induced delay, the Food and Drug Administration (FDA) on August 24 finally approved over-the-counter sale of Plan B, the emergency contraception pill. But because over-the-counter sale is limited to women over 18, women will be forced to ask the pharmacist for permission to access it.

Senators Hillary Clinton (D-NY) and Patty Murray (D-WA) led the effort to break the FDA logjam.

In December 2003 a special FDA advisory committee voted 23 to 4 to recommend over-the-counter sales, but the Bush administration followed religious right demands to block the measure.

In other developments, pharmacies in Illinois will soon have to post signs telling women that they have a right to purchase contraceptives and informing them how to file a complaint if their prescriptions are refused. Gov. Rod Blagojevich (D) proposed the rule to back up his earlier executive order protecting the right to access to emergency contraception (Plan B).

## Scientific Illiterates

In a survey of 34 countries, published in *Science* on August 11, the U.S. came in 33rd in the percentage of people who believe in evolution, just ahead of Turkey but behind Japan and every country in Europe.

## 'Neil's Deal'

According to the *Houston Chronicle* on August 14, the Houston school board "has authorized up to \$200,000 for educational software and projectors sold by a company founded by [presidential brother] Neil Bush." The *Chronicle* says "It's a waste of tax dollars that doesn't pass the smell test."

"Neil Bush," the paper continued, "started the business in 1999 with millions of dollars from Middle Eastern and Asian business and political figures connected with the Bush family. The business has not made money and has required repeated cash infusions from his parents. Taiwanese interests that had given Neil a job consulting for a semiconductor manufacturer provided \$2 million; \$3 million came from Saudi interests."

Critics complain that the Bush company computers and software are of dubious value and that the contract was not competitively bid.

Neil Bush was involved in the failure of Colorado's Silverado Savings and Loan in the 1980s.

## Visit ARL's Web Site

You can now visit Americans for Religious Liberty's internet website: [arlinc.org](http://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.

Walter Shurden, director of the Center for Baptist Studies at Mercer University in Macon, Georgia, warned that religious freedom is threatened in America today as never before in U.S. history. In a June 23 address at the Cooperative Baptist Fellowship general assembly in Atlanta, he said, "Some Christian churches in our country have become political temples and some clergy have embraced willingly the title of 'patriot pastors.' Theocrats have an eye on the machinery of the national and state governments, and they make no apology for it."

## Texas Crude

San Antonio Republican multimillionaire and school voucher fanatic James Leininger just won't take no for an answer. Although the Texas legislature rejected voucher legislation in 2005, Leininger has set his sights on 2007. During the 2006 primary season he spent \$2.5 million to unseat Republican legislators who had voted against vouchers. He defeated only two of the five incumbents he had spent a fortune to beat.

In August Leininger funded a \$400,000 media campaign, billboards and radio ads, to promote vouchers among minorities in the state's largest cities.

Meanwhile, State Rep. Lon Burnam has asked Texas Attorney General Greg Abbot to investigate the Employees Retirement Fund's purchase of 80,000 shares of stock in Kinetic Concepts, a firm founded by Leininger.

## International

**Aceh, Indonesia:** Aceh, the northwestern portion of Sumatra, is increasingly being called "the most religious" of Indonesia's 33 provinces. Aceh is the first province to adopt Shariah law, and special Shariah courts have been meting out prescribed punishments for the past year. A new police force of 75 is being trained to enforce a rigorous interpretation of Islamic law on all residents, including foreign aid workers who are not Muslims. Writes Jane Perlez in *The New York Times* (August 1, 2006): "Battered by the Asian Tsunami 19 months ago, Aceh is undergoing a profound transformation that is likely to have considerable impact on the nature of Islam in Indonesia, the most populous Muslim country."

Drinking and gambling seem to be the offenses most likely to result in public caning at mosques. Some of the canings have been televised nationally. Some groups have charged that women and the poor are singled out for punishment more often than others, and that such crimes as corruption and stealing have not been punished with the same intensity.

Perlez added that "the Shariah law could have ramifications for the economic future. Foreign aid workers, overseeing billions of dollars of international reconstruction aid, say they are finding the province less welcoming."

**Bogotá:** Colombia's highest court, the Constitutional Court, legalized abortion under restricted circumstances by a 5 to 3 vote on May 10. The procedure will be permitted when the life of a mother or fetus is endangered, or in cases of rape or incest. The court called the nation's ban on all abortions "disproportionate and irrational." Bogotá lawyer Monica Roa brought the suit, charging that Colombia was violating its agreement to international human rights treaties that guarantee a woman's right to life and health. Her suit was supported financially by

the Madrid-based Women's Link Worldwide.

Cardinal Alfonso Lopez Trujillo, Colombia's highest Catholic Church official, denounced the ruling as "an attack on human life," "judicial stupidity" and "the fruit of international pressures that disrespect many Colombians." President Alvaro Uribe supported the Catholic Church position.

At least 300,000 illegal abortions are believed to take place in Colombia each year, according to a *New York Times* report.

**Larne, Northern Ireland:** The predominantly Protestant town of Larne in County Antrim elected its first Catholic mayor, Danny O'Connor, on June 12. O'Connor, a member of the moderate SDLP party, said, "It is now possible and acceptable for a Catholic with an open nationalist agenda to be elected to the highest office in Larne. I will try to build bridges and unite the people of Larne."

**London:** Representatives of the Methodists, Baptists, Roman Catholics and Church of England sent a joint letter to Secretary of State for Education Alan Johnson, calling for more training and resources for school staff charged with organizing "collective worship" in British state schools. Though many schools ignore the provision, the 1944 Education Act, still in effect, calls for religious education and "an act of worship that is wholly or mainly of a broadly Christian character."

The proposal for expanding worship services is opposed by teachers, trade unions, the British Humanist Association, and the Christian think tank, Ecclesia, whose co-director Simon Barrow said the proposal is "another example of the Christendom mentality which works against the grain of a plural society."

**Madhya Pradesh, India:** The *London Sunday Times* reported on July 30 that the Indian state of Madhya Pradesh passed an anti-religious conversion bill in July that is aimed at Christian missionaries. Under its provisions missionaries and their converts face up to three years in prison if they do not notify a magistrate of their intentions. The desire to change one's religion must be approved by local magistrates, who are likely to be Hindus.

According to the *Sunday Times*, "Leaders of India's 26 million Christians say the bill is an attempt to intimidate and persecute them, while increasing votes for the Hindu nationalist BJP Party. Christian leaders also fear the initiative will encourage attacks against them. India's National Commission for Minorities has voiced concern about incidents in Madhya Pradesh and Rajasthan, in which orphanages and schools have been targeted."

In June police in Madhya Pradesh raided a Bible study group and arrested worshippers after complaints were filed that they were converting Hindus. A spokesman for the Madhya Pradesh government denied the bill was intended to protect people from being "coerced into changing religion." He added, "We had some complaints and we have to enforce the law."

**Valencia, Spain:** Pope Benedict XVI's visit to an international conference promoting the family pointed up the widening gulf between the Vatican and once-loyal Spain. The Pope criticized same-sex marriage and liberal divorce and abortion laws, all of which have become legal in Spain. In what was considered an extraordinary snub, Spain's Socialist Prime Minister José Luis Rodríguez Zapatero declined to attend the papal Mass, though he did greet the Pope at the airport. The Vatican was stung by the Prime Minister's absence. Vatican press officer Joaquín Navarro-Valls reminded reporters that Communist leaders Fidel Castro of Cuba and Daniel Ortega of Nicaragua had attended John Paul II's pontifical Mass in their countries.

Benedict received a spirited welcome to Valencia, but it remains doubtful that it will affect church-state relations. *The New York Times* reported, "A recent survey showed that 80% of Spaniards considered themselves to be Catholic, yet only 18% attended Mass regularly."

## Safeguarding the Future

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Telephone: 301-260-2988, Fax 301-260-2089

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## Books and Culture

### Fall Publishing Lists Highlight Religion, Politics

The fall publishing season will see a number of new titles tackling the sensitive issues of religion and politics. It seems that just about everyone is having his or her say on the role that religion should play in the political order.

Two former members of Congress, one Republican and one Democrat and both ordained clergy, lead off the debate. John Danforth, an Episcopalian and former three-term Republican senator from Missouri, is out with *Faith and Politics: How the Moral Values Debate Divides America and How to Move Forward Together* from Viking. Bob Edgar, a Methodist Democrat who represented a Pennsylvania congressional district from 1975-1987, will be heard in *Middle Church: Reclaiming the Moral Values of the Faithful Majority from the Religious Right*, a title from Simon & Schuster. Edgar is now general secretary of the National Council of Churches.

Sure to be controversial are these forthcoming books: *Religion Gone Bad: The Hidden Dangers of the Christian Right* by Mel White (Tarcher) and *The Truth About Conservative Christians: What They Think and What They Believe* by Andrew Greeley and Michael Hout (University of Chicago).

The rise of evangelical influence in the United States is probed in *God and Country: How Evangelicals Have Become America's New Mainstream* by Monique El-Faizy (Bloomsbury), *The Values Campaign: The Christian Right and the 2004 Elections*, edited by John C. Green (Georgetown University Press) and *Believers: a Journey into Evangelical America* by Jeffrey L. Sheler (Viking).

In a provocative article in the Autumn, 2006, issue of *Conscience* (published by Catholics for a Free Choice), Professor Ronald M. Green of Dartmouth College offers a new assessment of the rise of the Religious Right. Here are some excerpts:

"The idea that a sleeping conservative Christian minority was provoked into action by hot-button religious-ethical issues, however, really has it backward. In fact, a newly forming and growing conservative religious community has chosen to use these hot-button issues to provoke the surrounding culture, to mobilize and enlarge its membership and to signal its presence and power.

"Driving this phenomenon is a cultural uprising of the marginalized against those they regard as the ruling elites. Some of these marginalized people belong to traditionally disfavored economic groups, but many  
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## Books and Culture, *continued from page 19*

others are of middle- or upper-class background: Economic factors are less significant than a newly forming cultural resentment, used as an instrument for group self-assertion, in driving these events. . . .

“The Catholic aspect of the religious right phenomenon shows how a group may seize on a provocative issue to assert presence, establish uniqueness and cement loyalty. Such an issue must clearly be counter to mainstream establishment culture, focus on cultural rather than economic matters – Americans tend not to view themselves in terms of economic class – and be independently appealing in terms of available cultural values. In addition, opposition and sacrifice are key factors in cementing the group loyalty that is created.

“Other groups fueling the religious right display important differences from the Catholic case – evangelical Protestants may feel antipathy toward educated elites that avoid the anger of Catholics, with their heavy institutional involvement in higher education – but unite with devotional Catholics and other conservative religious groups around bioethical and other issues where traditional values are said to be at stake. . . . Driven by historic, geographical, economic and social changes, cultural resentment stalks the land.”

The article is entitled “The Diverse Sources and Invented Causes of the Religious Right.”

*Thy Kingdom Come: How the Religious Right Distorts the Faith and Threatens America, An Evangelical's Lament*, by Randall Balmer, Basic Books, 242 pp. \$24.95.

Balmer's book is potentially the most devastating of the new critiques of the Religious Right because it is aimed squarely at the evangelical community of which he is a lifelong member. Balmer is a historian of American religion and professor at Barnard College, Columbia University.

He is most concerned about the coercive impulses of the Religious Right. “America has been kind to religion, but not because the government has imposed religious faith or practice on its citizens. Religion has flourished because religious belief and expression have been voluntary, not compulsory. . . . Although no group has profited more from the First Amendment and the disestablishment of religion in America than evangelicals, the Religious Right would love nothing more than to dismantle the First Amendment and enshrine evangelical values and mores as the law of the land.”

The Religious Right distorts Christianity's primary values, he says, and substitutes partisan politics for genuine ethics and morality. “Too often, the leaders of the Religious Right confuse morality with moralism.”

The Religious Right fears religious competition and disdains other religions, which makes the movement a threat to religious liberty. “The Religious Right hankers for the kind of homogeneous theocracy that the Puritans tried to establish in seventeenth-century Massachusetts. They would love nothing more than to take the country back to the seventeenth century and in so doing, impose their vision of a moral order on all of society. The leaders of the Religious Right, just like their Puritan and Congregationalist forebears, are frightened by pluralism.”

He is angry that the Right wants to weaken the First Amendment, which he calls “the best friend that religion has ever had,” adding, “The First Amendment was a concession to pluralism, and its guarantee of a free market of religion has ensured a salubrious religious marketplace unmatched anywhere in the world.”

One chapter laments the shift of Baptists in general to the Right. “The Religious Right's attempt to eviscerate the First Amendment is profoundly ironic inasmuch as evangelicals themselves, and Baptists in particular, have been the primary beneficiaries of disestablishment in America.”

Other chapters focus on attacks on public education and the creationist movement. About the latter, Balmer observes wryly, “Despite the bluster of its advocates, intelligent design has failed to meet the standards for scientific credibility. Intelligent design is religion, not science, and the proper venue for the propagation of faith is the home or church, not the university.”

Balmer says many of the Religious Right leaders are “bullies in the pulpit” who knowingly distort religion and history. Some have shady, racist backgrounds. Tony Perkins, for instance, head of the Family Research Council, “has ties to white supremacist organizations in his native Louisiana” and once addressed the Council of Conservative Citizens, the successor to the racist White Citizens' Council.

Says Balmer, “The evangelical faith that nurtured me as a child and sustains me as an adult has been hijacked by right-wing zealots who have distorted the gospel of Jesus Christ, defaulted on the noble legacy of nineteenth-century evangelical activism, and failed to appreciate the genius of the First Amendment.” That's his argument in a nutshell.

This is a must-read for concerned Americans in 2006.

— *Al Menendez*

*Politics and Religion in the White South*, edited by Glenn Feldman, University Press of Kentucky, 386 pp., \$55.00.

This anthology includes thirteen essays probing the historical and contemporary connections between religion and politics in the South. With contributions from leading historians and political scientists, the book is a solid contribution to the field.

James L. Guth of Furman University sets the tone when he writes, “Religion has always played a part in Southern politics, although that role has often been obscured.” No more. Religion and politics work hand in glove in today's political scene. In his survey of Southern Baptist clergy, Guth found that in one generation the clergy of the South's “Established Religion” moved from Old South Democrat to right-wing Republican. “Southern Baptist clergy had not only abandoned the Democratic Party, but had also rejected the old denominational consensus against ministerial involvement in partisan politics.” For example, 42% of Southern Baptist ministers voted for Southern Baptist Jimmy Carter in 1980 but only 12% supported Southern Baptist Al Gore in 2000.

Glenn Feldman defines the South as “a section of the country where notions of proper patriotism are hopelessly interwoven with proper religion, a high-octane combination that does much to preserve a rigidly conservative status quo in nearly every area of life.”

Several essays focus on the rise of the Religious Right while others look at nineteenth and early-twentieth century issues.

— *Al Menendez*

*Kingdom Coming: The Rise of Christian Nationalism*, by Michelle Goldberg, W.W. Norton & Company, 242 pp., \$23.95.

Goldberg, an editor at *Salon*, has coined a new term for the Religious Right, the “amalgam of extreme nationalism and apocalyptic religion.” She calls this “totalistic political ideology Christian nationalism.” She argues that it is “reshaping America,” is “qualitatively different from earlier religious revivals” and “claims supernatural sanction for its campaign of national renewal and speaks rapturously about vanquishing the millions of Americans who would stand in its way.”

She also says it is “an incredibly disciplined movement” whose “motivating dream is the restoration of an imagined Christian nation that rejects the idea of government religious neutrality.” She traces its roots to the John Birch Society (Rousas Rushdoony and Tim LaHaye were members). “Many current Christian nationalist fixations mirror the obsessions of the John Birch Society, especially a fearful loathing of secular liberalism.” Goldberg admits that Christian nationalists do not represent the majority of all evangelicals, nor of all Christians, but their

In her new book, *Kingdom Coming: The Rise of Christian Nationalism*, Michelle Goldberg argues that the Religious Right has to be confronted, since the middle ground of religious moderates is declining. “As Christian nationalism becomes more militant, secularists and religious minorities will mobilize in opposition, ratcheting up the hostility. Thus we’re likely to see a shrinking middle ground, with both camps increasingly viewing each other across a chasm of mutual incomprehension and contempt.”

Therefore, opponents cannot rely on reason or persuasion. They must fight back.

“Those who want to fight Christian nationalism will need a long-term and multifaceted strategy. I see it as having three parts – electoral reform to give urban areas fair representation in the federal government, grassroots organizing to help people fight Christian nationalism on the ground and a media campaign to raise public awareness about the movement’s real agenda.

“My ideas are not about reconciliation or healing. It would be good if a leader stepped forward who could recognize the grievances of both sides, broker some sort of truce, and mend America’s ragged divides. The anxieties that underlay Christian nationalism’s appeal – fears about social breakdown, marital instability and cultural decline – are real. They should be acknowledged and, whenever possible, addressed. But as long as the movement aims at the destruction of secular society and the political enforcement of its theology, it has to be battled, not comforted and appeased.”

See book review on page 20.

zeal and control of the mechanisms of the Republican Party make them a power to be reckoned with.

Her book concentrates on the “Christian Nation” theory, homophobia, intelligent design, the abstinence industry, the war on the courts, and “the faith-based gravy train.”

The Christian nationalists represent a real and present danger to American freedoms. “As long as the movement is aimed at the destruction of secular society and the political enforcement of its theology, it has to be battled, not comforted and appeased.”

— Al Menendez

*Kicking and Screaming: Dragging Ireland into the 21<sup>st</sup> Century*, by Ivana Bacik, University of Wisconsin Press, 256 pp., \$16.95.

Ireland has undergone immense change during the past several decades and is increasingly admired as a small-nation success story. Writes Bacik, “Ireland has changed dramatically in recent decades. In the 1950s this was an intensely Catholic society, a little impoverished island off the west coast of Europe, which became, in the 1970s, an unremarkable and somewhat peripheral member of the European Union. But by the 1990s, and into the present decade, we have witnessed the emergence of a much more progressive and diverse society, a symbol of economic success for all small states in Europe. Now, in the twenty-first century, we are faced with new challenges and opportunities.”

Among them are the advancement of human rights, greater equality for women, and more permanent separation of church and state. “We have come a long way – from a country where, for many decades, Ministers for Justice feared criticism by Catholic bishops, to the present climate of social and economic change, with many positive developments in law reform along the way. We still have some distance to go before achieving a more equal society.”

Bacik, a professor of law at Trinity College and a practicing barrister, argues that laws often do not keep up with societal change. “There are still some important ways in which the law remains impervious to change. In many aspects, the Catholic Church retains great authority within

our structures of power, and a theocratic conservative morality continues to wield strong influence nationally. I argue that liberals, feminists, socialists and progressives must seek the genuine separation of church and state, and must challenge the enduring power and influence of the Church.”

— Al Menendez

*Why the Christian Right is Wrong*, by Robin Meyers, Jossey-Bass, 202 pp., \$22.95.

Meyers is a United Church of Christ minister in Oklahoma City, whose address blasting the Bush administration in 2004 created a furor in his deep-red state. In his first book he denounces the Religious Right-Republican alliance as a betrayal of Christianity and a threat to the U.S. republic. While his arguments are not particularly new, his dramatic presentation will appeal to activists on the nascent religious left.

Here is a sample of his style. “Now that the Republican Party and the Christian Right have become one seamless political machine, they are taking no prisoners. With a Bible in one hand and a voter guide in the other, the political Right is formally in control of two branches of government and has its sights set on the third, the judiciary, the last bastion of reason and respect for the separation of church and state. Judges are considered the new enemy. They are all that stand in the way of an American theocracy.”

His chapter “Christian Fascism and the War on Reason” stands out. He argues, “All that is required is a nation full of uninformed people whose religion makes them more fearful than enlightened. Fascism thrives on a world view that is black and white and co-opts the name of a partisan God to fight crusades that pretend to be about moral values but are in fact about preserving and protecting wealth and power. Christian fascism corrupts both politics and religion by stifling political dissent and debate and by regarding kindness and compassion, the heart of religious faith, as naïve.”

He echoes the views of Thomas Franks and others that economics and religion have merged on the Right. “Republicans have joined voices with the Christian Right to persuade millions of middle-class families to vote against their own economic self-interest in order to ‘save’ the family from extinction and the nation from moral collapse. Believing that laissez-faire capitalism is not only the best economic system but the most moral as well, the Christian Right has reversed the church’s longstanding notion that unchecked private ambition is a form of greed.”

The book has a preacherly tone and a breezy style, which will appeal to some readers more than others. He calls his book a “manifesto” and “a call to action.” The book is not without errors, possibly because the author relies too much on websites (often unreliable) rather than books as sources of information. For example, he says that Ireland has fewer women in political life than the United States. As a matter of fact, Ireland has had two women presidents since 1990, one in her second seven-year term, and the deputy prime minister is a woman. In the Emerald Isle two of the top three political posts are held by women. Compare that to the American record.

— Al Menendez

*James Madison and the Struggle for the Bill of Rights*, by Richard Labunski, Oxford University Press, 352 pp., \$28.00.

Whatever the explanation for the mighty stream of books about the founders of the American democracy, it fails to account for the virtual omission of James Madison, the figure most responsible for the Constitution of the United States and the Bill of Rights. Richard Labunski’s *James Madison and the Struggle for the Bill of Rights* deepens the mystery by both posing the question and failing to provide an answer.

The author, who wrote three previous books on constitutional themes, reminds us at the end of the present tome that Madison more than any other was responsible for the American constitution. In addition

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## Books and Culture, *continued from page 21*

tion to his best known central role in writing the American charter, Madison convinced George Washington to attend and preside at the constitutional convention in Philadelphia in 1787, then returned to his native Virginia and fought the seemingly hopeless struggle against Patrick Henry and other anti-Federalists to achieve ratification. The vote was 89-79 with several recommended amendments.

Then, Madison overcame strong opposition and succeeded in getting elected to the House of Representatives from Virginia — he was defeated in his bid for the Senate — where he could battle in the halls of Congress to amend the Constitution to add the Bill of Rights.

Had Madison lost at any stage, it is doubtful that there would have been a constitution, and more importantly, a United States of America as envisioned by the founders! There was general agreement that without the monumental George Washington presiding at the convention, and later as the first president, the squabbling states and their delegates would never have compromised their differences and that would have dimmed hopes for successful nationhood.

After the delegates to the convention in Philadelphia agreed on a constitution in September 1787, came the battle for ratification by the states. Nine states were needed to establish the constitution between consenting states. New Hampshire was the ninth state to agree and those who failed to ratify were not part of the nation. If, for example, Virginia had failed to ratify the constitution, which appeared likely, Washington would have been ineligible to become president! So would all subsequent presidents from Virginia - Thomas Jefferson, James Madison and James Monroe. Four out of the first five presidents came from Virginia!

As an additional consequence had Virginia refused to ratify, New York which followed closely the battle for ratification in Virginia, would likely have also rejected the constitution. Even with Virginia's acceptance, a month later New York narrowly joined by a vote of 30-27.

Even after ratification, Madison's influence was crucial in shaping the Bill of Rights. The First Amendment separation of church and state and freedom of religion clauses were modeled on the famous Virginia Bill for Religious Liberty originally written by Thomas Jefferson, and James Madison's great Memorial and Remonstrance against renewal of the Virginia tax for support of the established church, both of which pre-dated the 1787 Constitutional Convention in Philadelphia. Jefferson was in France and was not present at the drafting of the Constitution nor the Virginia convention which ratified the Constitution. He was never a member of Congress and could not participate in adding the Bill of Rights to the Constitution. It all fell on the shoulders of Madison to argue both for himself and Jefferson.

It may come a shock to Americans today that the Constitution of the United States drafted in Philadelphia in 1787 had such a difficult time in achieving approval by the states. Labunski's considerable research into the detail of the opposition is one of the strengths of the book. The evidence is presented in a clear and realistic manner and is all the more essential since it is unlikely that even readers in Constitutional Law have had this education.

First, there was no Bill of Rights. It was rejected on the ground that the Constitution never gave the federal government the power to deny liberty to "We the People." Alexander Hamilton was probably the most vocal in advancing the argument that a bill of rights would endanger that understanding. If a bill of rights denied the federal government the right to abridge specified liberties, would that not imply that it could abridge others? Subsequent history has proven that even the Ninth Amendment attempt to counter that argument has largely been a failure in guaranteeing rights of privacy and other rights not specifically listed in the Bill of Rights which was finally approved. After all, if there was no bill of rights, would anyone dare to advance the conten-

Randall Balmer, author of *Thy Kingdom Come: How the Religious Right Distorts the Faith and Threatens America* (see book review on page 20), challenges the myth that the Religious Right arose in the late 1970s in opposition to the *Roe v. Wade* decision striking down state restrictions on abortion. He argues that it began in opposition to a 1972 court ruling (*Green v. Connally*) that held that segregated institutions could not, by definition, be seen as a charitable entity that qualifies for tax-exempt standing. The IRS attempt to revoke the tax-exempt status of Bob Jones University in 1975 was the light that lit the fuse of Religious Right militancy. In his new book Balmer explains:

"The Religious Right arose as a political movement for the purpose, effectively, of defending racial discrimination at Bob Jones University and at other segregated schools. Whereas evangelical abolitionists of the nineteenth century sought freedom for African Americans, the Religious Right of the late twentieth century organized to perpetuate racial discrimination.

"Sadly, the Religious Right has no legitimate claim to the mantle of the abolitionist crusaders of the nineteenth century. White evangelicals were conspicuous by their absence in the civil rights movement of the 1950s and 1960s. Where were Pat Robertson and Jerry Falwell and Billy Graham on August 28, 1963, during the March on Washington or on Sunday, March 7, 1965, when Martin Luther King Jr. and religious leaders from other traditions linked arms on the march from Selma to Montgomery, Alabama, to stare down the ugly face of racism?"

tion that The People had no rights at all as against the central government when the underlying philosophy of the Constitution was that We the People were sovereign and possessed all the power and were delegating to the federal government only so much of that power that was absolutely necessary to the operation of a central government? The constitutional convention itself was designed only to remedy the inability government to operate under the Articles of Federation because the central authority had little power to do anything. It was not to curb the liberties that the colonists considered inherent.

Madison among the other delegates agreed that a bill of rights was imprudent and could even be a trap. Only later when he had to face Patrick Henry in the ratification debates in Virginia, did Madison change his position and admit that he was wrong. Or at least, that if he opposed a bill of rights, the Constitution would have been doomed in his native state and others.

Another perceived fault in the constitution drafted in the Philadelphia convention was that many states felt that too much power was given to the federal government including the power to tax the people. Underlying the first two objections, was the third, namely, that Federalist philosophy for a strong central government which dominated the Constitutional Convention, was already beginning the process of retreat and deterioration as so graphically described in Ackerman's *The Failure of the Founding Fathers* (Belknap-Harvard 2005).

The question was whether a second convention should have been called to address objections by the states or write a new constitution. There were three views. Patrick Henry among others was in favor. Others opted for ratification, then amendment. Still others argued to ratify and let history determine whether amendment was needed. Madison considered a second convention a prescription for disaster because he feared that the spirit which convinced the original delegates to compromise would be impossible to achieve again — especially without the stern George Washington peering down at the convention in silent admonition.

Even the amendment route was fraught with risk because approxi-

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mately 40 amendments were proposed by several states. Without Madison, it seems highly unlikely that the Bill of Rights, as we know it, would have become a part of our Charter of Liberty.

In the view of this reviewer, although the importance of Madison's success is fairly covered by Labunski, his failures are not. The most significant failure was to amend the Constitution to require the states as well as the federal government not to infringe upon the liberties of the people. As the text points out, on June 8, 1789, Madison introduced an amendment, "No state shall violate the equal rights of conscience, or freedom of the press, or the trial by jury in criminal cases." Madison considered it among the most important of all the amendments. Yet, the Senate deleted the provision undoubtedly because under the Constitution, senators were then chosen by states, not elected by the people.

Although that was the only amendment proposed by Madison which was explicit in binding the states, another failed amendment by its spirit might have been interpreted to apply to the states. Or, even might have persuaded the Supreme Court that the Bill of Rights in its entirety should be binding on the states. The reference is to the first of Madison's proposed amendments which virtually paraphrased the Declaration of Independence that all power belongs to the people and government is instituted for the benefit of the people and consists of enjoyment of life, liberty and happiness, and the right to acquire and use property. That did not even survive the first cut.

As the author has written, in 1833 in the case of *Barron v. Baltimore*, the Supreme Court decided that the Bill of Rights did not apply to the states, and it was not for another century that the Court in a case-by-case approach applied the various rights to states by way of the 14<sup>th</sup> Amendment due process clause. Justice Black favored total incorporation, and other justices would have incorporated some but not others and not in every case. Considering what a profound affirmative effect on civil liberties would have resulted in the nation had these proposals been adopted as part of the Constitution, the meager notice in this book can only be attributed to a curbing of enthusiasm! And the failure to take in account that the underlying theory of *Barron v. Baltimore* was highly contested both as to hermeneutical principles in reading the text of the Bill of Rights and the principles of natural law as understood by Madison and others.

In Philadelphia, for example, in the early 19<sup>th</sup> century, an Orthodox Jewish merchant argued in court that the laws requiring that he close on Sunday violated the establishment clause and his right to freedom of religion because the Ten Commandments required him to cease work on Saturday, not Sunday. The court ruled that the Bill of Rights applied only to the federal government, not the states. It was not until

1947 in *Everson v. Board of Education*, that the Supreme Court held that the 14<sup>th</sup> Amendment, which provides that no state shall deny any person of due process of law, incorporated the religion clauses. This is just one illustration that the history of the country would have been profoundly affected had Madison succeeded in requiring states to obey the Bill of Rights.

Nor can it be ignored that before the abolition of slavery, slave states prosecuted abolitionists on the ground that they advocated unlawful conduct, and even if religiously or politically motivated, the speech was incendiary and had to be suppressed. In 1859, Virginia banned the *New York Tribune* under a sweeping state censorship law. No constitutional defense—First Amendment, for example—was available on the principle that states were not bound by the Constitution of the United States.

How many know that 12 Amendments were submitted to the states for ratification and the first two were not approved? The first pertained to the size of the House of Representatives and Labunski has little to say about it and why it was not ratified. In contrast, Akhil Reed Amar in *The Bill of Rights* (Yale University Press, 1999), explains that the size was fundamental to what kind of democracy would result, elite or popular. The second proposed amendment banned changes in compensation of members of congress until an election intervened. That was finally ratified in 1992. Little is said about that, too, and it seems obvious that the battle was whether members of Congress could be trusted not to enrich themselves unconscionably.

Madison's importance to the republic did not end with the adoption of the Bill of Rights. He went on to become Secretary of State for the eight years that Thomas Jefferson was President, and then succeeded him as President for eight years. Madison was the last survivor of the 1787 Constitutional convention. He outlasted Adams and Jefferson by 10 years and died in 1836 at the age of 85. Wasn't that enough to merit a biography at least as extensive as McCullough's life of John Adams? Or the various biographies of Washington, Jefferson, and Benjamin Franklin? Why was the present Madison history limited to the struggle for the Bill of Rights?

In my view, there are even additional reasons of current value for an encyclopedic treatment of James Madison. First, the most embarrassing event in the American free speech jurisprudence was the enactment of the Alien and Sedition Acts in 1798 during the presidency of John Adams which made it a crime to criticize officials of the government. The statutes expired at the end of Adams' term. It was not until 1964 in *New York Times v. Sullivan* that the Supreme Court ruled that the law

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violated the First Amendment. But James Madison, who left Congress in 1797 and thus had no opportunity from within to stop the passage of the Alien and Sedition Acts, subsequently wrote the Kentucky-Virginia Resolutions declaring the acts unconstitutional and therefore not binding.

More important in my view is the little known fact that Madison, who kept the most complete record of the proceedings of the 1787 Constitutional Convention, refused to make his notes public until his death because he did not want to influence the courts in the interpretation of the Constitution. So much for the Scalia notion of “original intent” which is largely an attempt to freeze the Constitutional text in the past, and irrelevant to the future. In the words of Justice Brennan, this condemns the Constitution to be “parchment under glass.” Brennan, with Madison cheering from history, treats the Constitution as a living, breathing document serving the cause of liberty for all time.

Labunski’s book suffers from insufficient notes and poor editing. Notes are skimpy and do little more than give dates and pages. The arguments for and against various amendments are difficult to follow without the text immediately at hand, and too often that is not the case. There are five indices of the various proposed amendments but there is no reference in the text to these useful guides and they are in danger of being overlooked.

*James Madison and the Struggle for the Bill of Rights* touches upon a fascinating period in American history and clamors for an extensive treatment of the life of the most unsung of American heroes and his efforts to offer solutions to fundamental questions of governance that can never be answered definitively and for all time. Only one chapter has been sketched here. Since other books have dealt with the Bill of Rights far more majestically, Amar’s, for example, the unmet need was for a prodigious work on the life and thought of James Madison. *The Federalist Papers*, which Labunski rarely plumbs, is a good place to start. His book has been enough to provoke thought and emphasize the need to go further. While books on the most fruitful period of political thought in this country are still in demand, I hope that we need not wait long for one or more volumes on James Madison and the struggle for the ideal of America.

— Burton Caine, Professor of Law, Temple Law School; Chair, ARL Board of Directors

*America’s Most Hated Woman: The Life and Gruesome Death of Madalyn Murray O’Hair*, by Ann Rowe Seaman, Continuum, 2005, 301 pp., \$24.95.

Madalyn Murray O’Hair was undoubtedly the most visible atheist in the US during the past half century. Seaman’s biography of her covers virtually every detail of her endlessly complicated, messed up life and strange death.

Seaman’s view of Madalyn as an obnoxious, manipulative, dishonest, potty-mouthed tyrant coincides with the opinions of most of the people she had dealings with. She had an especially intense dislike for anyone who did not wave an atheist banner 24/7.

Seaman does not make it sufficiently clear that Madalyn’s boast that she was the woman who got prayer out of the public schools was just hot air. The Supreme Court’s 1962 *Engel* ruling stopped government sponsored prayer in public schools. Madalyn’s case in 1963 was paired with the *Schempp* case in Pennsylvania, and it was the Schempp’s lawyer, Henry Sawyer (who later won the important *Lemon v. Kurtzman* case against tax aid for church schools in 1971), who really won the case. Finally, the Supreme Court did not outlaw all prayer in public schools, only government sponsored prayer; kids may pray silently in school whenever they wish, perhaps before exams.

It was Madalyn’s wild claims and obnoxious personality that threw religious conservatives into a frenzy. Fortunately, all their efforts to have Congress pass a school prayer amendment came to naught, mainly because the religious mainstream opposed such an amendment. During those congressional battles, we were relieved that Madalyn stayed far from Washington.

Madalyn started numerous church-state lawsuits but none were successful. They did, however, create problems for subsequent litigators.

Madalyn was nearly always rolling in money, thanks to myriads of admiring but shortsighted donors, but Seaman does not guesstimate how many millions she pulled in.

Seaman’s book is a real pageturner that can be read with profit by all who are concerned with church-state issues.

— Edd Doerr

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