



VOICE OF REASON

The Newsletter of Americans for Religious Liberty

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Bush Pushes Faith-Based Agenda, Ignores Congress

On December 12 President Bush issued executive orders that greatly expand the efforts of religious groups to tap into government grants and contracts. The president directed the Federal Emergency Management Agency (FEMA) to allow religious nonprofit groups to receive disaster-relief money. His order establishes "faith-based" offices in the Department of Agriculture and in the U.S. Agency for International Development, similar to offices he set up last year in the federal departments of Education, Justice, Labor, Health and Human Services, and Housing and Urban Development. These offices, while claiming to be impartial, are specifically designed to encourage more religious groups to apply for government funds.

Bush's orders claim that the new thrust is predicated on the concept of "equal treatment" for religious charities, and prohibits the use of government money for "inherently religious activities" such as worship, proselytizing and religious instruction. But religious groups are allowed to display religious symbols and can choose board members and employees on the basis of their religious affiliation.

President Bush on Thursday [December 12] signed an executive order that makes it easier for religious institutions to compete for federal dollars to support their social work programs. With a stroke of the pen, the president has thus by-passed Congress, by-passed some of the more conservative members of his own party and, possibly, by-passed the Constitution. . . .

Bush's executive order appears to have driven a wedge under the line that separates church and state while also condoning a de facto form of discriminatory hiring.

— *Arizona Daily Star*, Excerpts, December 15, 2002.

One Bush directive explicitly allows religious groups serving as government contractors to hire on the basis of religion. Rep. John Conyers (D-MI) said this provision "violates one of the most fundamental principles of civil rights."

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Suit Filed Challenging Ten Commandments Plaque

On December 11, 2002, the Freethought Society of Greater Philadelphia filed a brief in the U.S. Court of Appeals for the Third Circuit, urging the appellate court to uphold a district court ruling striking down a Ten Commandments plaque in the Chester County Courthouse.

The bronze tablet containing the Protestant version of the Ten Commandments and excerpts from the New Testament was erected on November 8, 1920. The plaque had been requested by the Religious Education Council, which was affiliated with the Vacation Bible Schools established by local Protestant churches. In March, 1920, a Religious Education Council committee asked the Chester County Commissioners to erect the tablet at the Courthouse in the county seat of West Chester.

On December 11, 1920, the county held a program of dedication presided over by the Reverend Samuel C. Hodge, chairman of the

Religious Education Council. Invocations and hymns were included in the ceremony. The attendees declared, "We dedicate to God this tablet of the Ten Commandments . . . in holy fear of him who is ruler over us all and the father of us all." Several other Protestant clergy (no Jews or Catholics were included) gave prayers of dedication and benediction. In a questionable admixture of church and state, Judge Frank C. House told the assembled audience, "Have you remembered the Sabbath Day to keep it holy? If you disobey the Commandments here and escape punishment, there is surely the punishment that will be meted out on the day of judgment."

The plaque was placed in a prominent place used for public gatherings and political rallies.

Furthermore, as the brief for the plaintiffs (which includes longtime Chester County activist and resident Sally Flynn) says, "Chester County residents are required to go to the Courthouse as a result of judicial proceedings or as a result of the necessity of securing legal documents, such as passports and licenses for marriage, for hunting and for dogs, as well as for gun permits." The brief asserts, "Like Ms. Flynn, members of the Freethought Society of Greater Philadelphia are offended by the plaque and perceive it as conveying the County's message that their lack of religion puts them outside of the County's mainstream political community."

In addition, the suit charges that the plaque in effect establishes Protestant Christianity as the religion of the state or county, which is contrary to both the U.S. and Pennsylvania Constitutions. The text is from the Protestant King James Version of the Bible (Exodus 20:2-17

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The Politics of Abortion

For three decades the issue of abortion rights has influenced national, state and local politics. Since the U.S. Supreme Court in effect struck down state laws which restricted or outlawed abortion, opponents of that decision, *Roe v. Wade* (1973), have sought to reverse it, or, failing that, to whittle away at the decision's reality.

Once a rather taboo subject, abortion has dominated much of the public discourse since 1973. The two national parties have adopted wholly dissimilar views on the topic. Since the Religious Right captured the Republican Party, the party has become a bastion of anti-abortion attitudes and, since 1976, has called for the abrogation of abortion rights and the recriminalization of the practice. Fully 88% of state Republican Party platforms call for the elimination of abortion rights, while the remaining 12% are noncommittal. Not one GOP platform supports abortion rights. In Congress usually 90% to 95% of Republicans vote to restrict the practice or limit its availability.

The Democrats, in contrast, have become almost universally supportive of abortion rights, and 84% of state Democratic Party platforms support a woman's right to choose. The remaining 16% avoid the issue but not one favors the elimination of a right now considered fundamental to reproductive freedom. In Congress 85% to 90% of Democrats support this view.

Since the Bush administration has taken an unusually hard-line position against abortion rights, the lines are drawn even more sharply today. President Bush sent a videotaped message to the swarms of anti-choice demonstrators who descended on Washington on January 22, 2003, as they have for the 29 prior years. Bush promised that his administration would redouble its efforts to reduce access to abortion, as had previous GOP presidents Reagan and Bush I. The unspoken message was that future U.S. Supreme Court appointments will further the objective of overturning *Roe v. Wade*.

Meanwhile, every announced Democratic presidential candidate appeared at the NARAL Pro-Choice America gala on January 22 and pledged that they would fight all efforts to return the U.S. to the pre-*Roe* days. Senator John F. Kerry (D-MA) denounced the "forces of intolerance" and promised to make abortion a defining issue in his campaign against Bush. North Carolina Senator John Edwards warned that a "chill wind blows from the White House, the House and the Senate" that makes "politicians think they have the wisdom to make

decisions for women that can so profoundly affect their lives. They are wrong and we must stop them." Former House Speaker and Missouri Representative Dick Gephardt traced his own evolution from an anti-abortion representative in the 1970s to a supporter of abortion rights. "There should be no balance between the rights of a woman to control her own body and the government's power to take those rights away. The sanctity of a woman's right to control her own destiny is a moral force of its own."

An eloquent defense of women's reproductive freedom came from former Vermont Governor Howard Dean, himself a physician, who emphasized the dangers to human freedom that are inherent in the anti-abortion campaign. Senator Joseph Lieberman of Connecticut, the party's vice-presidential nominee for 2000, ridiculed those in the anti-choice movement who claimed they had "a monopoly on values" but are "just plain wrong." Finally, the Reverend Al Sharpton joked that the "Christian Right had not met the right Christians" when they assumed that all Christians must be opposed to abortion rights.

Defenders of abortion rights are already on the defensive. Both public opinion and the Republican domination of all three branches of the federal government threaten the right of women to make these vital decisions affecting their health and well-being. A new *CNN-Washington Post Poll* found that support for *Roe v. Wade* has dropped to 54%, down from 65% a decade ago. Other polls show a similar 55% or so support for maintaining the status quo. Diminishing support among younger Americans, however, has caused alarm in the pro-choice community.

In addition, there have been 335 anti-abortion laws of one sort or another, usually affecting the margins of the issue, adopted throughout the United States in the past decade. Exit polls conducted by the Fox network in Minnesota, Missouri and Georgia last November showed that anti-abortion single-issue voters outnumbered pro-choice single-issue voters by enough percentage points to have elected three new Republican senators. And the number of abortion providers has declined from 2,908 in 1982 to 1,819 today. In 87% of the 3,100 counties in the United States, not a single abortion provider exists.

The issue, once laid to rest by some media commentators, is likely to engage the political process for years to come and may affect the outcome of the next national election.

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Americans for Religious Liberty is a nonprofit public interest educational organization dedicated to preserving the American tradition of religious, intellectual, and personal freedom in a secular democratic state. Membership is open to all who share its purposes. Annual dues are \$25 for individuals, \$35 for families, \$15 for students and limited income.

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Faith-Based Agenda, *continued from page 1*

In a speech before a sympathetic audience in Philadelphia on December 12, the president claimed once again that religious groups “are discriminated against just because they are religious.” He also reiterated a claim made endlessly that “charities and faith-based programs should not be forced to change their character or compromise their mission” to receive federal support.

Bush’s executive orders were designed to circumvent Congress, especially the Senate, which has refused to approve the faith-based initiative until the question of religious discrimination in hiring is addressed.

Meanwhile, opposition to the Bush action on religious charities has increased. The *Fort Worth Star-Telegram* editorialized against it on December 19, saying, “We fear that faith-based organizations cannot fulfill their religious duty while also adhering to the rules and regulations that always accompany federal dollars.”

The American Jewish Committee (AJC) released a formal statement on December 13 in opposition to the presidential directive. It said, in part, “AJC has consistently opposed charitable choice, in part, because of the danger that pervasively religious providers will use public funds to discriminate in the hiring of those employed to administer the services. Moreover, allowing pervasively religious institutions to compete for public dollars will only result in divisiveness and claims of government favoritism.”

“AJC values the important role of religious institutions in providing social services as well as government partnerships with the private sector in addressing the needs of underprivileged and at-risk citizens. However, today’s announcement by the President, which bypasses congressional action, advances the use of taxpayer dollars to fund social services provided by religious institutions without adequate church-state safeguards and anti-discrimination protections.”

Using Tax Dollars for Churches

President Bush punched a dangerous hole in the wall between church and state earlier this month by signing an executive order that eases the way for religious groups to receive federal funds to run social services programs. The president’s unilateral order, which wrongly cut Congress out of the loop, lets faith-based organizations use tax dollars to win converts and gives them a green light to discriminate in employment. It should be struck down by the courts. . . .

President Bush’s initiative runs counter to decades of First Amendment law, which holds that government dollars cannot be used to promote religion. The White House claims money will not be used to directly support religious activities. But by financing religious people who provide social services in a way that includes religion, the program will be doing just that.

The faith-based initiative is also unconstitutional, and fundamentally unfair, because it allows tax dollars to be used in programs that discriminate in hiring. Churches will be able to hire only Christians for jobs paid for with federal funds, and synagogues and mosques could similarly refuse to hire non-believers. And taxpayer-financed religious programs can, by citing their religious beliefs, refuse to hire gay men and lesbians. . . .

It is ironic that President Bush is working to tear down the separation of church and state at home, given the battles he is waging abroad. It is clearer today than ever that one of America’s greatest strengths is that we are a nation in which people are free to practice any faith or no faith, and the government keeps out of the religious realm. This is a tradition that has served America well since its founding. There is no reason to tamper with it now.

— *The New York Times*, Excerpts, December 30, 2002.

The Catholic Church Crisis Revisited

The fallout from the clergy sex abuse scandal, the cover-ups and denial of responsibility by the bishops, and the financial hemorrhage from church coffers for insurance and payoffs to victims have deepened the crisis for America’s 62 million-member Catholic community. Some recent developments have long-range ramifications for church-state relations and for the body politic. Among them are these:

- The moral authority of the U.S. hierarchy has been so weakened and compromised that major statements adopted by the bishops on national policy are now ignored and/or ridiculed. A case in point is the bishops’ denunciation of a potential U.S. invasion of Iraq by a 218-14 vote margin. The bishops warned that the Bush administration’s plans violate the historic principles of a just war and could have “unpredictable consequences” that would damage the broader issues of world peace. The national press ignored what should have been regarded as a significant statement. Conservative commentators linked the bishops’ cover-up of priestly crimes to their political statements. Said the usually pro-Catholic *National Review*, “U.S. Catholic bishops, unable to discipline priestly molesters and the bishops who protected them, have turned their attention to Iraq. Once again, the shepherds fail their flock.”

- In numerous states the local hierarchy is either clashing with state authorities or has been compelled to bend its historic canonical secretiveness to civil authority. A number of canon lawyers expressly warned high church officials that in some matters of grave concern the church must bend to civil law.

Some compromises have pleased no one but may bring about a

semblance of justice. In Manchester, New Hampshire, for example, the Catholic bishop, John B. McCormack, acknowledged publicly that his diocese would have been convicted of child endangerment charges for failing to stop sexual abuse by priests. He agreed to unprecedented scrutiny from public prosecutors, who were contemplating filing criminal charges against the diocese.

New Hampshire Attorney General Philip T. McLaughlin announced a court-approved agreement on December 10 under which church officials promised to provide a greater degree of accountability than ever before. The diocese accepted state oversight of its sexual misconduct policy for the next five years, including an annual audit involving records inspections by the attorney general’s office. The church pledged to report all sexual abuse allegations to civil authorities, required by New Hampshire since 1971 but apparently ignored by the church.

Commented *The Washington Post’s* Pamela Ferdinand, “The agreement sends a message that not even a 2,000-year-old institution is above the law. . . .” The settlement in New Hampshire is the closest church leaders have come to criminal prosecution for their handling of sexual abuse cases.”

This agreement does not end ongoing investigations of individual priests nor does it affect civil lawsuits against the diocese.

Bishop Wilton D. Gregory, president of the U.S. Conference of Catholic Bishops, however, indicated that this was not necessarily what all bishops wanted or would accept. He said, “The New Hampshire agreement does not in any way indicate agreement on the part of any

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ARL Files Brief in Commandments Case

Americans for Religious Liberty (ARL) filed an *amicus curiae* brief with the Third Circuit Court of Appeals, urging affirmation of the district court ruling in *Freethought Society v. Chester County*, 191 F.Supp.2d 589 (2002). That ruling enjoined the removal of the Ten Commandments plaque from the Chester County Courthouse because its erection and presence violate the U.S. Constitution's First Amendment Establishment Clause.

ARL's brief argues, "The Biblical plaque at the Chester County seat of government was prominently presented to the public by the government itself, with the purpose to teach observance of sectarian religious principles." Furthermore, the structure and selection of the terminology used on the plaque "proclaims the Biblical essence of mainline Protestantism from the office of government and is unconstitutional. . . . The entire message in context and suffused by history is the matrix of theistic belief of a particular sectarian faith."

The ARL brief was written by Burton Caine, dean of Temple University School of Law and chairman of the ARL Board of Directors. It was joined by the American Humanist Association, the American Ethical Union, the Unitarian Universalist Association, the Society for Humanistic Judaism and the Philadelphia Ethical Society.

The brief stressed that "all have the right to come to the courthouse and not be confronted with, and affronted by, mainline Protestantism's declaration of sectarian faith. . . . Chester County is prohibited by the Establishment Clause from favoring one religion over another, or entangling itself in religious polemic."

Jewish experts testified that "the Chester County plaque deletes a version (Exodus 20:2) that is crucial to the Jewish religion, since this verse is held by "Jewish tradition to be the first of the divine pronouncements." The Protestant version, used by Chester County, is a truncated version that is unacceptable to most members of the Jewish community.

Finally, ARL challenges the view enunciated by Chester County officials that the plaque's antiquity somehow makes it constitutionally acceptable. "Any argument that 82 years of constitutional infraction earns a reprieve from Establishment Clause condemnation has no legal basis." The plaque is not just a historical relic. "The Ten Commandments preach religion at the seat of government, not in a museum or a park. It amounts to government endorsement. The refusal to remove it emphasizes the undiminished passion for religion which motivated its installation."

Commandments, *continued from page 1*

and Deuteronomy 5:6-21), and includes Matthew 22:37, 39 from the New Testament. This version differs significantly from the Catholic Vulgate translation, which numbers the Commandments in a different way, and the Hebrew Scriptures, which include a preface not used in the Protestant translation.

The brief further charges, "Given the purpose of the plaque's creators and the exclusive Protestant membership of the Religious Education Council, it is not surprising that the text should prove not only offensive to those without religious affiliation, but also to those who are members of other religious traditions."

During the trial at the district court level, Roman Catholic, Jewish and Muslim scholars and clergy attested to the claim that the version enshrined at the Chester County Courthouse made them feel excluded. Rabbi Leonard Gordon testified that the version's omission of a significant text was "an effort to negate the Jewish people's special relationship with God" and was "troubling to observant Jews." Professor Khalid Yahya Blankinship, chair of the Religious Studies Department at Temple University and a practicing Muslim, said that "some of the Commandments set forth in the Decalogue are actually antithetical to the teachings of the Qur'an, Islam's holy book."

The Freethought Society brief urged the Third Circuit to follow the guidance of two other circuit courts and eleven district courts, which enjoined similar displays and held them unconstitutional. (The U.S. Supreme Court reached a similar conclusion in *Stone v. Graham* in 1980.)

The brief also ridiculed the rather lame attempt by Chester County to claim that the plaque is "secular." County officials claimed that they had ignored the plaque for decades, thereby rendering it meaningless.

The Freethought brief challenges this assertion. "This argument makes it clear that the county has never come to grips with the depth of the text's essentially religious nature. Indeed, it is hard to fathom how the Decalogue and the Gospel of Matthew, which have been deemed sacred by religious adherents for several thousand years, should suddenly be secularized by benign neglect of the county since their placement on its Courthouse."

In summary the basic arguments of this brief are:

1. The history and purpose of the display are unambiguously religious;
2. Longevity of a religious display provides no constitutional defense to an Establishment Clause challenge;
3. A reasonable viewer will not see the display as secular but as clearly religious in purpose and content;
4. The preservation of religious pluralism and governmental neutrality toward religion are vital to the maintenance and survival of democracy in the United States.

As the brief concludes, "The litigation seeks to affirm the principle of religious neutrality which was illuminated first in human history by the beacon that is our nation's Constitution."

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Church Crisis, *continued from page 3*

other diocese of the U.S. Conference of Catholic Bishops in the legal analysis on which the office of the Attorney General of New Hampshire has acted.” He also added, rather defensively, “There is a difference between mistakes and intentional wrongdoing. As church leaders we are willing to own up to our mistakes. However, church leaders have not intentionally endangered the welfare of children.”

- Some dioceses are facing potential bankruptcy. The scandal-ridden Boston Archdiocese is even considering filing for bankruptcy as a way of avoiding the payment of judgments against it for mishandling previous sex abuse cases. Nearly 450 plaintiffs are involved in abuse lawsuits in the Boston area alone.

- Some states have lifted the statute of limitations on sexual abuse and child molestation lawsuits. California passed such a change last June, and the state’s Catholic bishops decided not to oppose it. But in December they mounted a campaign to convince Catholics that their church is under attack by greedy trial lawyers. Cardinal Roger Mahony claimed, in letters read to parishioners on December 8, that the church could face bankruptcy and “has been falsely portrayed as a large corporation with deep pockets.” At least 400 lawsuits are heading for courts in California, many alleging transgressions several decades old. (This issue has united both conservative and progressive Catholics. The ultra-conservative *Wanderer* has called for Cardinal Mahony to resign.)

- Vatican intervention has only caused more furor. Objecting to the “zero tolerance” policy approved by the bishops months ago, the Holy See waded in with often-expressed concerns for the due process of priests who may be falsely accused. While some civil libertarians share these concerns, there is still a feeling that the Vatican places the well-being of its clergy above that of families concerned about their children’s safety.

A panel of Vatican officials has asked U.S. bishops to create church tribunals for priests accused of sexually abusing minors. Vatican canon law also tends to be more protective of the clergy than civil laws in most countries. A long appeals process could also prevent immediate expulsion from the priesthood. Canon law also provides that a statute of limitations should expire after 10 years, or when a victim turns 28. Many U.S. bishops want a broader law, knowing that U.S. public opinion has been scandalized and angered by the volume of abuse cases.

The Vatican continues to blame the U.S. media for allegedly hyping the events. German Cardinal Joseph Ratzinger, perhaps the most powerful Vatican official besides the pope, told a Catholic news service that news reporting in the U.S. was “an intentional, manipulated desire to discredit the church.” Two Latin American cardinals have made the same charge and Cardinal Medina Estevez blamed the crisis entirely on the “inadvisable, imprudent and very risky ordination of homosexual men to the priesthood.”

- The resignation of Boston Cardinal Bernard Law on December 13 (Friday the 13th!) is only the tip of the iceberg, according to legal authorities in Boston. A grand jury has already issued subpoenas for Law and for a number of other bishops who once worked in the Boston archdiocese and may be implicated in criminal activities. This most heavily Catholic large city is roiling in church-state conflicts, and the heavily Irish Catholic political and legal authorities have come down strong on the church, insisting that the full brunt of the law be applied expeditiously and fairly.

- Governor Frank Keating of Oklahoma, the chairman of a church panel studying the sexual abuse crisis, said in December that some church officials had been “slovenly to the point of recklessness” in their record keeping. The overall response has been “inadequate,” said Keating, who added, “How much of that is the result of the passing of time or ignorance and neglect, and how much of it is a conspiracy of silence

remains to be seen.” Keating heads a 13-member board established by the bishops last June. Keating, a former federal prosecutor and Georgetown University graduate, is admired for his constancy and dedication by many observers and Catholic progressives, but Vatican officials are critical of his zealotry. *The New York Times* reported, “In recent weeks several Vatican officials, speaking anonymously, have criticized Governor Keating, who is Catholic but has said he admires Martin Luther. They have called him a self-promoting politician who is using the church as a whipping boy.” Keating responded, “You can’t just band-aid this. You’ve got to root out the problem.”

Finally, the internal church crisis now threatens to sink many Catholic charitable programs. Not only are church funds being diverted to pay for lawsuits, but the Catholic laity are cutting their donations to the church at all levels. Many parishioners continue to demand accountability from local diocesan financial officers. Surveys show that diocesan fundraising has fallen off in dozens of dioceses. In an article for *Readers’ Digest* entitled “Collection Plate Crisis,” Peter Keating discovered, “The clergy abuse scandal has been a rude revelation to Catholics in many ways – not least of which is their discovery that they are not entitled to know how their contributions are used. As a result, simply exiling wayward priests won’t be sufficient for the Church to recover, according to people who track Catholic giving. Dioceses must also lay open their books.”

Some leading dioceses, including New York and Philadelphia, still do not provide financial reports to members.

All of these developments will dramatically impact the move toward greater democratization of the U.S. Catholic Church, but forces resistant to change may dig in their heels to prevent change. The outcome of this struggle in the nation’s largest faith group could have a significant impact on church-state relationships in the years ahead.

— Al Menendez

ARL in Action

Americans for Religious Liberty joined about two dozen other groups and individuals that urged the state of Nevada to adopt a Religious Freedom Act which strengthens and ensures that the constitution’s free exercise clause is protected. The December action urged the legislature to adopt the measure. The American Humanist Association, Jewish and Seventh-day Adventist groups and other religious and civil libertarians supported the effort.

Edd Doerr’s article, “Religion and Public Education,” has been reprinted in a college textbook for education majors, *Taking Sides: Clashing Views on Controversial Educational Issues*, edited by James Wm. Noll (McGraw-Hill/Dushkin, 2003). It appeared originally in the *Phi Delta Kappan* (November 1998) and is available from ARL for \$1.

During the next several months Doerr is scheduled to address various audiences in Sacramento, CA, New Orleans, LA, Lincoln, NE, Philadelphia, PA, Ormond Beach, FL, as well as in Maryland, Virginia, and Washington, DC.

ARL associate director Al Menendez, in a January 16 interview with *Washington Times* religion writer Larry Witham, criticized the recent Vatican pronouncement urging that “natural law” should dictate the outcome of certain political decisions. “No one knows what natural law is, where it comes from, or how it applies in every situation,” he said. Menendez also asked, “In any secular country, how do you make such a concept superior to its constitution?”

Editorials

Roe v. Wade at 30

January 22 marked the thirtieth anniversary of *Roe v. Wade*, the Supreme Court's breakthrough 1973 ruling that acknowledged and recognized (not "created," as the Religious Right would have it) every woman's constitutional right to decide for herself whether or not to continue a problem pregnancy. *Roe* is comparable in importance to the Declaration of Independence, the Bill of Rights, and the Emancipation Proclamation.

While Americans hold an enormous variety of opinions on the morality or propriety of abortions for particular reasons, stages of pregnancy, or circumstances, a majority continues to agree that it is the individual woman and not government that should do the deciding.

The primary argument against the right to choose has it that "personhood" begins at "conception," that fertilized eggs, embryos, and fetuses are "persons" or "unborn persons." This is a view with very little historical precedent, essentially a Vatican invention in the latter part of the nineteenth century. It is a view that has little religious backing, as the Jewish and Christian scriptures do not condemn abortion and, indeed, the Hebrew word for person is "nefesh," which means one who breathes, i.e., is born.

Nor does the notion of early fetal personhood have scientific backing. In 1989 Americans for Religious Liberty arranged for an *amicus curiae* brief to be submitted to the Supreme Court in *Webster v. Reproductive Health Services* in which twelve Nobel laureates and over 150 other scientists pointed out that neuroscience shows that the brain functions associated with personhood are not possible until rather late in gestation, sometime after 28 weeks. (Over 90% of abortions are performed during the first trimester and over 99% by twenty weeks.) Interestingly, the great 13th century Christian theologian Thomas Aquinas did not subscribe to the Vatican's later "personhood at conception" view.

The real reason behind the anti-choice crusade is an interest in the maintenance of male dominance, and the enhancement of religious hierarchical authority. It is no coincidence that the religious bodies that are the most anti-choice are those that refuse to ordain women and find various ways to keep women in subordinate positions.

Where do matters stand today, thirty years after *Roe v. Wade*? Thanks to conservative appointments, the Supreme Court has allowed choice to be eroded somewhat, while conservatives in Congress and many state legislatures have passed measures to increase reproductive health care costs and reduce access to services, particularly for poor and young women.

But the greatest threats to choice, to reproductive health care, and to freedom of conscience are the accession to power of George W. Bush and the extraordinarily strong influence of the Religious Right now over both houses of Congress.

On his first day in office in 2001 President Bush reinstated the Reagan/Bush I global gag rule on international family planning aid. In his first budget Bush removed contraceptive coverage for federal employees. He has fanatically promoted "abstinence only" education. (Frances Kissling of Catholics for a Free Choice makes the point that if abstinence only education does not work well in Catholic seminaries, why would it work anywhere else?)

Bush administration operatives have opposed condoms for HIV/AIDS prevention and in 2002 Bush withheld \$34 million in congressionally approved funds from the UN Population Fund even after his own mission to China had approved the funding.

In 2002 Bush withdrew U.S. support for the UN Convention on the Elimination of All Forms of Discrimination Against Woman and is pulling the U.S. back from support for the reproductive health care

services pledged by the U.S. and 160 other countries at the 1994 UN Population Conference in Cairo. In October Bush removed medically accurate information from the HHS website. He froze \$3 million in funding for the World Health Organization for reproductive health research and stopped \$200 million in funding for programs to support women and deal with HIV/AIDS in Afghanistan.

In 2001 Bush appointed anti-choice zealot John Ashcroft to be Attorney General and an anti-choice governor Tommy Thompson to be HHS Secretary. He closed the White House Office for Women's Initiatives and Outreach. He has sought to appoint anti-choicers to federal appellate judgeships.

The Republican-controlled House of Representatives has passed bills to outlaw certain abortion procedures and to restrict stem cell research. In an effort to pave the way for eventual reversal of *Roe v. Wade*, the Bush administration is pushing for federal aid for fetal health rather than what is really needed, beefed-up programs for maternal health.

Meanwhile, on December 4, the U.S. Supreme Court heard arguments in *NOW v. Scheidler*, a suit originally filed in 1986 charging that the Pro-Life Action League, Operation Rescue, and other groups violated the 1970 Racketeer Influenced and Corruption Organization (RICO) law in their efforts to shut down clinics providing abortion services.

In short, what we have now, though far too many Americans seem neither to see nor care about it, is a national government increasingly under the influence and serving the ideological agenda of the zealous, well-organized Religious Right, which, clearly, represents only a minority of Christian and Jewish citizens.

Thoughtful Americans across the religious and political spectra will need to recognize the threat of the Talibanization of this country and take action to restore secular (i.e., religiously neutral) democracy.

—Edd Doerr

Roe Celebrated

On January 22 the Religious Coalition for Reproductive Choice sponsored an ecumenical service celebrating the thirtieth anniversary of *Roe v. Wade* at Washington's New York Avenue Presbyterian Church (which had been attended by Andrew Jackson and Abraham Lincoln). Catholic, Protestant, Jewish, Unitarian Universalist, and Humanist representatives made short presentations. Following are the remarks made at the service by ARL president Edd Doerr, a long time member of the Coalition's governing board.

"Friends, sisters and brothers. We are gathered here in this special place on this special day from all points of the religious compass.

"We are gathered here to commemorate the Supreme Court's ruling thirty years ago that declared that women have a constitutional right to choose, a ruling that ranks in importance with Magna Charta, the Declaration of Independence, and Lincoln's Gettysburg Address.

"We are gathered here to honor the heroic women and men who labored and sacrificed to liberate women from the chains of misguided patriarchalism.

"We are gathered here in gratitude to this nation's founders who wisely understood that combining the power of religion with the power of government all too often leads to lockstep conformity, hypocrisy, intolerance, persecution, and tyranny; we are grateful for those founders who erected a wall of separation between religion and government.

"We are gathered here to renew our pledge to continue for as long as is necessary the struggle for the emancipation of ALL women and the preservation of the free exercise of conscience."

Shades of Stalin?

John DiIulio, who headed the White House Office of Faith-Based Initiatives until August 2001, told *Esquire* magazine that the Bush staff suffers from “a complete lack of a policy apparatus.” Furthermore, Team Bush is dominated, he said, by “Mayberry Machiavellis” who “reduce every issue to its simplest, black and white terms for public consumption, and then steer legislative initiatives or policy proposals as far right as possible.”

The unflattering comments were immediately denounced by Ari Fleischer, the president’s press secretary, as “baseless and groundless.”

Official Washington would normally not regard this as exceptional. After all, former White House staffers or administration officials are frequently asked their opinions about the direction of current policy.

But only “hours later” DiIulio repudiated his own words, delivered originally in a seven-page memo to Pulitzer Prize-winning journalist Ron Suskind, the author of the *Esquire* piece. DiIulio “asked for forgiveness and vowed never to speak or write again” about his White House stint, according to the *Washington Times*. He apologized several times, issuing a strangely-worded third person plea, saying, “John DiIulio agrees that his criticisms were groundless and baseless, due to poorly chosen words and examples. He sincerely apologizes and is deeply remorseful.” He then claimed that Suskind’s report “contained factual errors, mentioned a conversation that never took place and mischaracterized his viewpoints.”

Suskind responded, “John stood tall and spoke the truth. This is a difficult thing to do in this White House.” Suskind added that he believed DiIulio was initially truthful. Suskind said his conclusions, based on his interview (via memo) with DiIulio and others, was that there is “almost no serious policy discussion in the Bush White House, rather only short-term political calculations. . . . There is almost no policy that one can point to as a success for this president.”

On December 9, DiIulio issued another apology on a website, entitled “Why I Apologized to the Bush White House.” This time DiIulio was even more abject, saying “I have taken issue with and apologized sincerely for things in the article, but I surely cannot and do not blame the journalist for my own bozo-brained mistake and my sloppy mis-sive.” He noted, “My biggest moral and mental error was to get into personnel at all when all that truly matters is institutional dynamics, policy and results.” He then vowed “to end my 16-year public intellectual journey, the better to take up my private community-serving ministry journey: no more general political or popular writing, more academic research and teaching focused on faith-based organizations, and redoubled volunteer service and fund-raising.” DiIulio also called Bush a “godly and moral man.”

DiIulio’s servile repudiation of his own freely expressed critique of an administration that he had served raises serious questions about this country, this administration, and the survival of free speech and healthy debate so vital to a democratic nation. This sorry spectacle raises the specter of the Stalinist Soviet Union and other totalitarian regimes which have stifled dissent and demanded apologies and denials from critics.

Can no one criticize the Bush administration anymore? Is this government immune from examination? We have seen in recent months officials from the Canadian and German governments forced to resign because they dared to question Bush administration policies.

The DiIulio affair is a sad reminder that civil liberties are always fragile and under threat from regimes that fear examination.

—Al Menendez

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Scalia’s Arrant Nonsense

Supreme Court Justice Antonin Scalia dragged himself out in frigid weather to deliver a mess of intellectual pottage to a tiny, freezing audience in Fredericksburg, Virginia, on January 12. The event was a commemoration of a 1777 meeting of Thomas Jefferson, George Mason, and other patriots in a tavern to draft what became the Virginia Statute for Religious Freedom. The Virginia document, passed in 1786, led to the First Amendment’s guarantee of religious freedom. It is certainly an event worth celebrating, even though the Virginia remembrance was sponsored by the Knights of Columbus and the Knights Templar, two groups with nothing in common. What Scalia said on this occasion was disconcerting and oddly inappropriate. He claimed that “God had been excluded from the public forum and from political life.” This is poor history. Both the Congress which drafted the First Amendment and the ratification debates surrounding the Constitution and the Bill of Rights rejected the multiple establishment argument advanced by Patrick Henry and others in favor of the clear separation doctrine advocated by Thomas Jefferson and James Madison. Scholars also agree that the adoption of Article Six and its ban on religious tests reflected a desire to separate religious and political institutions and to limit improper ecclesiastical influences on civil policy.

Numerous Supreme Court decisions have refuted the Scalia thesis. In *Abington v. Schempp* (1963) the Court held, “The state must be steadfastly neutral in all matters of faith, and neither favor nor inhibit religion.” In *Wallace v. Jaffree* (1985), the Court ruled, “The government must pursue a course of complete neutrality toward religion.”

And in *Lee v. Weisman* (1992) Justice David Souter wrote, in his concurring opinion, “The state may not favor or endorse either religion generally over non-religion or one religion over others. This principle against favoritism and endorsement has become the foundation of Establishment Clause jurisprudence ensuring that religious belief is irrelevant to every citizen’s standing in the political community.”

Justice Scalia, whose disastrous opinion in *Employment Division v. Smith* case in 1990 set back the cause of religious liberty, is hardly in a position to lament a weakening of religious free exercise. Scalia ridiculed in *Smith* religious liberty as a “luxury we may not be able to afford.” Scalia’s record on the Court indicates a repeated disinterest in and indifference to the claims of religious minorities, a preference for religious majorities, and a decided preference for the state against the individual in religious matters.

In a speech delivered a few years ago to a group of Christian law students in Jackson, Mississippi – the state which sent Trent Lott, John Stennis and Theodore Bilbo to the U.S. Senate – Scalia called himself and his audience “fools for Christ,” echoing St. Paul (Scalia may be half right). His contempt for established jurisprudence and received wisdom in religious liberty rulings should be a warning that principles once thought inviolate can be undermined at the highest level.

Even the relatively conservative *Salt Lake Tribune* warned on January 15, “Scalia is thought to be in line for the job of chief justice if, as rumored, William Rehnquist retires soon. But if he doesn’t understand the American judicial system any better than he demonstrated Sunday, or if he is deliberately distorting its rulings to win political favor, such an appointment would not be forthcoming.”

Vouchers and the City

This newsletter has regularly reported on the Gallup/Phi Delta Kappa annual polls on public opinion on such educational issues as school vouchers. In newsletter 80 (No. 3, 2002) we reported that respondents favored “reforming the existing public school system” over “funding an alternative” by 69% to 29%, almost the same percentage by which voters in 25 statewide referenda on average defeated vouchers or their analogs between 1967 and 2000.

But voucher promoters have not given up. The Texas legislature, now dominated by Republicans, is expected to consider setting up a voucher “demonstration” in several cities, and similar pushes are expected in other states. After nearly 30 years of mostly failed efforts to promote school vouchers, the sectarian special interests and privatizers are taking a new tack, talking about vouchers as the answer to the problems of urban schools, where older and more run-down public schools serve larger percentages of disadvantaged and minority kids than more flush suburbs and exurbs.

But do urban dwellers really want to try vouchers? And are they popular in the African American community, despite opposition from the NAACP? No, according to a reanalysis of Gallup/PDK poll results. In a report in the January 2003 *Phi Delta Kappan*, Gallup’s Alec Gallup and PDK’s Lowell Rose separate out the “urban dwellers” from the total sample for the last three years. The results: The total sample prefers “reforming the existing public school system” by 67% over “funding an alternative” (28%), or “providing vouchers” (26%). The percentages for “urban dwellers” are 64%, 30%, and 27%. The differences are not statistically significant.

The bottom line is this: The Gallup/PDK polls and the referendum exit polls from California, Michigan, and Colorado all show that there is not significantly more support for school vouchers in cities than anywhere else. Politicians in Congress and the state capitals need to be reminded of this from time to time.

Having Your Cake and Eating It Too

A Christian student group filed suit in federal court in New Jersey in January because Rutgers University has revoked the group’s funding for refusing to abide by the school’s nondiscrimination policy. The Inter Varsity Christian Fellowship, which has 34,000 members on 560 campuses nationwide, limits its leadership positions to those who are “committed to the basis of faith and the purpose of the organization.” Rutgers University requires all student groups to be open to all students and requires that any active member must be eligible to hold leadership positions.

Inter Varsity is thus treated the same way that other campus groups are in order to secure funding. It is not a campus ministry group, which are not held to these requirements and are not funded by the university.

It seems to us that Inter Varsity has no case. Student groups, whether political, religious, cultural, ethnic or fraternal, must abide by a reasonable standard if they wish to be eligible for university funding. Inter Varsity wants to have it both ways. They wish to maintain their own standards for admission and still receive funding granted to other groups which abide by the nondiscriminatory standards enunciated by the university. This is not discrimination against a religious group, as the suit contends. It is a common sense policy. Public funds require public accountability.

Update

Bush Budget Includes DC Vouchers

President Bush’s budget, released on February 3, includes millions for a pilot voucher plan in the District of Columbia and several other cities. The Bush proposal was never discussed with city officials, school board members, or congressional members serving on the DC oversight committee. Even Rep. Thomas J. Davis III (R-VA), chairman of the House Government Reform Committee, said he was never consulted or informed of the decision by White House Budget Director Mitchell E. Daniels. “I’m a little surprised they would put this in before talking to congressional leaders,” Davis said.

Eleanor Holmes Norton, the District’s nonvoting delegate to the House, said she was “shocked and disappointed” that Bush would propose a voucher plan without consulting city officials. Voters in the nation’s capital rejected a voucher proposal in 1981 by a whopping margin of 89% to 11%. The voucher proposals are included in a \$756 million “school choice” section of the federal budget. Money is also aimed at charter schools and transfers among public schools.

Americans for Religious Liberty on February 4 joined with other education, civic, civil rights, and religious organizations in the National Coalition for Public Education in urging the House of Representatives to reject the administration’s voucher proposal. The text of the letter may be found on ARL’s website (www.arlinc.org).

Who Can Pray?

A federal lawsuit was filed by civil liberties groups on December 6 in Richmond, alleging that the Chesterfield County, Virginia, Board of Supervisors prefers some religions over others when selecting local clergy to open their public meetings with prayer.

Local ministers, priests and rabbis have volunteered to be included in an official list of clergy who deliver prayers at the Board of Supervisors meetings. The Board deals primarily with zoning laws. But when Cynthia Simpson, a Wiccan priestess, asked to participate, she was informed by the county attorney that only members of “Judeo-Christian” religions can pray on the board’s behalf.

The suit asks that the county either permit a wide range of religious expression or disallow all prayers before meetings. Kent Willis, executive director of the American Civil Liberties Union of Virginia, said, “They are allowing people of some religious faiths to participate and not others. It is virtually impossible for the government to get involved in religion without discriminating.”

Willis cited a letter from Chesterfield County Attorney Steven L. Micas as proof of the discriminatory action. Micas wrote, “Chesterfield’s nonsectarian invocations are traditionally made to a divinity that is consistent with the Judeo-Christian tradition. Based upon our review of Wicca, it is neo-pagan and invokes polytheistic, pre-Christian deities.”

The board chairman, Kelly E. Miller, vowed to fight the lawsuit and allow only suitable prayers. “We should continue to follow a Judeo-Christian perspective. In the name of diversity, we need not throw away our Christian heritage.” Miller suggested that Hindus and Muslims would not be welcome either.

Board Approves Evolution in Ohio

In December the Ohio Board of Education unanimously approved science standards for public schools that advocate the teaching of evolution in science classes and that do not require the teaching or testing of such alternate concepts as “intelligent design.” Under the standards, evolution will be the only origin-of-life concept covered on exams that students must pass before graduating from high school.

Abortion News: Mixed Signals

Texas is not constitutionally required to pay for abortions for poor women who have health complications related to their pregnancy, the state’s conservative Supreme Court ruled. The unanimous ruling upheld a state law that restricts the use of Medicaid funding for abortions, except where the mother’s life is endangered or in cases of rape and incest.

A federal judge declared unconstitutional South Carolina’s license plates which proclaim “Choose Life.” The court said they violate the First Amendment by providing a forum for abortion foes that abortion rights supporters do not have. Planned Parenthood had challenged the plates and won an earlier injunction that kept them from being issued until the federal court ruled on the issue. Similar license plates remain legal in Florida, Hawaii, Louisiana, Mississippi, and Oklahoma.

Lawmakers in the Republican-dominated legislature of Virginia are considering a host of anti-abortion measures, from an outright ban on late-term abortions (that failed by two votes in the Senate a year ago), to tougher parental notification and consent laws. The GOP’s powerful right wing is pushing the socially conservative agenda and may set up a confrontation with the state’s moderate Democratic governor Mark Warner.

Maryland Prayers Cause Conflict

Three prayers delivered in January before the Maryland State Senate have ruffled feathers in the legislature because the guest clergy invoked the name of Jesus, in violation of Senate guidelines that urge inclusive invocations “in an ecumenical spirit.” Senators are required to be present because the blessings are delivered after the roll call, unlike the U.S. Congress, where only a handful of members are present during the prayers. Some members have urged that attendance be made optional for the prayers, or that visiting clergy be held to the inclusivity standard. Senator Delores G. Kelley of Baltimore said, “Some of the prayers have contained ideological creeds with a theological underpinning.” One Republican member, Larry E. Haines of Carroll County, who often delivers prayers, insisted that he would continue to invoke the name of Jesus.

Enrollment Drops in Large Catholic School Systems

A *New York Times* survey of the nation’s eleven largest Catholic school systems found that enrollments for the 2002-2003 school year are down in all of them. The declines range from 7% in Detroit to 1.5% in New York. Catholic education officials attributed the declines to the tight economy, competition from charter schools, and the continued migration of families from inner cities to suburbs. Rev. Joseph M. O’Keefe, associate dean of the School of Education at Boston College, said, “Catholic superintendents are very concerned about these declines in enrollment.”

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Muslim Prisoners Win Suit

The U.S. Court of Appeals for the Ninth Circuit ruled on December 27 that Muslim inmates in a California prison had been denied their constitutional rights to religious freedom when they were penalized for attending Friday afternoon religious services. The appellate court upheld a district court ruling holding that inmates were covered by federal laws enacted in 1996 to protect religious freedom.

Revised Jones Bill Introduced

Despite its overwhelming defeat in the 107th Congress, a bill to allow clergy to endorse candidates without jeopardizing the church’s tax-exempt status was introduced in the U.S. House of Representatives on January 22. Its sponsor, North Carolina Republican Walter Jones, revised the bill slightly so that religious institutions would not be able to give financial contributions to candidates. This revision might attract more votes, according to some observers. The Jones bill “has a
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good chance to come up early in this session of Congress,” according to Melissa Schwartz, the media relations director for the Interfaith Alliance, which opposes the legislation, as do many civil and religious liberty groups, including ARL. The ban on clergy political endorsements was added to the IRS Code in 1954 at the urging of then-Senator Lyndon Johnson of Texas.

Ashcroft Supports Money for Churches

Attorney General John Ashcroft told a Denver meeting of religious groups that the government has discriminated against them. He told the January 14 gathering that President Bush is determined that they should have access to federal funds. “Out of fear, ignorance and occasional bigotry, faith-based groups have been prohibited from competing for federal funding on a level playing field with secular groups,” Ashcroft claimed, and added, “Through faith, all things are possible.” Critics charged that Ashcroft, the nation’s chief law enforcement officer, was involving himself in an issue outside of his jurisdiction and competence.

No Religious Messages at Columbine

The U.S. Supreme Court declined on January 13 to hear an appeal from several parents of victims of the Columbine High School shootings, who were barred from placing religious messages in the school’s hallways. A panel of the U.S. Court of Appeals for the Tenth Circuit ruled last year that the memorial project was a form of school-sponsored speech. The parents had argued that the ban violated free speech and free exercise of religious guarantees and had originally won at the federal district level. But the appeals court ruled that the school was not required to include explicitly religious messages. (*Fleming v. Jefferson County School District* [Case No. 02-732].)

Christmas Decorations Stir Controversy

While disputes surrounding Christmas decorations in public places have become rarer than a decade ago, one in New York and one in Florida enlivened the holiday season. Both seem frivolous and unlikely to add much to the case law.

In New York City, a Queens family filed suit in U.S. District Court in Brooklyn claiming that the city’s schools discriminate against Christians by banning Nativity scenes but allowing menorahs and Christmas trees. Backed by the Catholic League for Religious and Civil Rights, Andrea Skoros argued that her children’s schools displayed menorahs, stars, crescents, and Christmas trees but banned the Nativity or crèche scenes. Catholic League Director of Communications Louis Giovino said that the Christmas tree is not a Christian symbol, but that the menorah is a Jewish symbol. He argued that the Nativity scene is a better equivalent to the menorah. Last year the New York City Schools announced a policy permitting specific “secular holiday decorations, including Christmas trees, menorahs and the stars and crescent,” and added that symbols of other “beliefs or customs” should be displayed if one of the aforementioned symbols is used.

A series of confusing U.S. Supreme Court rulings in the 1980s and 1990s has not really helped the situation. Religious symbols are only allowed if they are part of a secular exhibit. In a case from Allegheny County, Pennsylvania, the High Court held that a Nativity scene unaccompanied by secular symbols was unconstitutional but that a menorah was acceptable because it was accompanied by a Christmas tree.

In Wildwood, Florida, a local leader of American Atheists objected to the placing of two angels on the front lawn of City Hall, which had been approved by the Wildwood City Council on November 25. Greg McDowell, Florida director of the New Jersey-based organization, said that “angels are without question a religious symbol.” A lawsuit is unlikely.

ACLU Drops Ten Commandments Suit

The ACLU withdrew a federal court suit against the city of Frederick, Maryland, after city officials agreed to sell a portion of public property containing a monument inscribed with the Ten Commandments. The decision was reached in December after the Frederick Board of Aldermen voted to sell the land to a private group for \$6,700.

A New Twist

The Bush administration’s reliance on faith-based solutions to the nation’s economic problems knows no end. In his State of the Union address, the president proposed \$600 million in vouchers that could be used in rehabilitation programs run by religious groups. This is supposed to be an “end run” around the constitutional problems involved in direct government grants to religion or religion-based enterprises. Bush is especially fond of Teen Challenge, a Missouri-based group that fights drug addiction by “teaching a new way of living based on faith in Christ and biblical principles.” Critics say that indirect aid to religious institutions has also failed to pass constitutional muster in some previous court rulings.

Archbishop vs. the Governor

Newly-elected Kansas Governor Kathleen Sebelius, a pro-choice Catholic Democrat, ran into trouble from Archbishop James Keleher, who tried to block an interfaith prayer service at Assumption Church in Topeka, scheduled for January 13. Sebelius, a member of the church, was denounced by Keleher for being a long-time and consistent advocate of abortion rights while serving in the Kansas legislature. Apparently, it was too late to move the event.

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International

Brussels: A Brussels-based religious liberty interest group, Human Rights Without Frontiers (HRWF), called on the Council of Europe to move toward “a system of total separation between state and religion.” In a January statement, the group advocated equal opportunities for all religions before the law and in society and criticized the widespread “two-tiered systems” which favor one religion and limit opportunities for those who adhere to minority faiths. HRWF called for equal tax exemptions for all “religious or philosophical movements” and for the cessation of discriminatory measures against those who adhere to new religious movements. HRWF urged legal authorities to desist from labeling unpopular religions “cults” or “sects.”

HRWF said that members of disfavored religious minorities are often unable to receive visitations from clergy or fellow believers in “the armed forces, police, prisons, hospitals or detention centers for asylum seekers,” and “cannot attend religious classes corresponding to their religious beliefs in public schools or escape from an impossible choice between religious classes in one of the recognized religions and the secular ethics classes.” Not all European nations are guilty of this practice, said HRWF, but enough are to require a concerted continent-wide effort at reform.

HRWF also criticized the income tax system in countries like Italy, Spain, Greece and Belgium, where the recognized or “established” churches alone may receive tax funds. “Such a system of state recognition is discriminatory and must be dismantled. It is not fair that members of minority religions, or atheists and agnostics, must pay for religions which do not tolerate them or are openly opposed to them,” the report, *State and Religion in Europe*, concluded.

Jerusalem: The Israeli elections on January 28 strengthened the hard-line policies of Prime Minister Ariel Sharon, whose Likud Party doubled its number of seats from 19 to 37 while its primary opposition, the Labor Party, dropped from 25 to 19. The multi-party Knesset, however, includes 64 members from almost a dozen other parties. The three Orthodox Jewish religious parties (Shas, United Torah, and the National Religious Party) won 22 seats, down from 27 in the last election. They generally serve in conservative governments, where they demand concessions relating to religious schooling, marriage law legislation, exemption of rabbinical students from national service, enforcement of Sabbath laws and other matters. A new secularist party which opposes the religious parties, Shinui, won 15 seats, more than double its 6 seats in the old parliament. Its leader, Tommy Lapid, says his party represents a voice for change, a rejection of the status quo, and a return to Israel’s secular constitution and values that are threatened by religious fundamentalism. Sharon has six weeks to select a new coalition government.

Jerusalem: A coalition of 14 non-governmental organizations has filed suit with the Israeli Supreme court challenging unequal distribution of funds for Development and Enrichment of Jewish Culture. Only \$500,000 goes for all non-Orthodox educational organizations out of a total budget of over \$20 million. Though only a minority of Israeli Jews are Orthodox, over 95% of the Knesset allocation is for Orthodox and ultra-Orthodox groups.

Moscow: A pressure group called “The Union of Orthodox Citizens” marched on the Ministry of Education on December 15, demanding that Orthodox Christian education be introduced into all Russian schools. The group’s spokesperson, Kirill Frolov, told the crowd, “Yes, all denominations are equal before the law, but not all denominations are equal in terms of Russia’s history.” Orthodox Church leaders succeeded in convincing Education Minister Vladimir Filippov to en-

dorse a course, “Foundations of Orthodox Culture,” for all schools. The first draft of legislation allows schools to decide whether to offer the course and also grants them the right to compel students to take it. An estimated 50% to 60% of Russians claim to be Orthodox, but regular church attendance is closer to 5%, according to a survey in *Catholic World Report*.

New Delhi: Hindu extremists won a resounding victory in December elections in the western Indian state of Gujarat, the scene of fierce rioting and violence between majority Hindus and minority Muslims last spring. The Hindu National party (BJP) won 125 seats to 52 for the secular Congress Party, which was backed by Muslims and Christians. Many observers in the Indian capital saw the election as a potential bellwether of India’s future as a religiously pluralistic and officially secular nation. The BJP victory was accomplished by rancorous and emotional appeals to Hindus, reminding them of the February 27 attack on a trainload of Hindu pilgrims, which killed 58. Retaliatory attacks on Muslims left 1,000 dead in March. The BJP, the ruling party in India as a whole, was accused of doing little or nothing to quell the violence.

The election results are seen as a victory for naked religious hatred, ironically, in the home state of India’s revered disciple of nonviolence, Mohandas Gandhi. The BJP saw the Gujarat election as critical to its maintenance of national power, which will be tested in 2004.

Rome: The Jesuit magazine *La Civiltà Cattolica*, whose editorials are approved by the Vatican’s secretary of state, criticized the preemptive war theory of U.S. President George W. Bush. “If every country that feels threatened attacks first in order to prevent the threat of being attacked, there would be war without end on the whole planet,” said the editors in January. The editorial said reasons for a U.S.-led attack on Iraq were “not cogent enough or sufficient to justify a war,” and warned that “destabilization of the entire Middle East and a flareup of terrorism against the United States and its allied Western countries” could result.

Vatican City: On January 16 the Vatican exhorted Catholic political leaders to continue to oppose laws allowing abortion, euthanasia, scientific research involving human embryos, and gay marriage. In a 17-page document written by Cardinal Joseph Ratzinger and called “Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life,” the church reiterated its natural-law concept. This murky philosophical position assumes that there are self-evident laws governing human behavior which transcend constitutions, statutes, and common law derived from the consent of the governed. The statement, approved by Pope John Paul II, said there are “non-negotiable ethical principles which are the underpinnings of life in society.”

Denouncing “moral relativism” and “intolerant secularism,” the Vatican clearly aligned itself with right-wing political parties which support various restrictive social agendas. The Vatican denounced all “forms of cohabitation” other than marriage and said the unions can “never be placed on the same level as marriage, or receive legal recognition.” Politicians were urged to grant parents the right to educate children in a religious environment, a clear reference to the never-ending question of whether government should aid religious schools financially. The release date may have been aimed at an international Catholic anti-abortion rally in the Philippines on January 22, or at the United States, which marked the 30th anniversary of the *Roe v. Wade* decision, which struck down laws banning abortion, on January 22, 1973.

Vatican City: Pope John Paul II continues to flood the church with canonizations of new saints. He has presided over 465 such declarations that a deceased person had engaged in such heroic virtue (and
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worked two miracles after death) that he or she may be invoked as a saint. In just 26 years John Paul II's saint-making has outpaced the 447 canonizations in the previous 400 years. The pope is also naming patron saints of new professions. These are already canonized saints whose special interests or merits make them likely to be invoked by certain groups. The Internet, for example, is looking for a patron saint, and one is likely to be chosen soon by the Vatican Congregation for Divine Worship and the Discipline of the Sacraments.

Politics play a large role in the selection of saints. The pope is planning to beatify an Italian priest, Marco d'Aviano, who rallied Christian forces in the defense of Vienna from a Muslim invasion in the 17th century. Muslim countries are said to be unhappy over this one. (Beatification is the first step on the road to canonization, and requires only

one certified miracle.) Plans for the beatification of 19th century missionaries to China and a bishop in Sudan are aimed at those countries, where Catholics and other Christians have been repressed in recent decades. Mother Teresa is to be beatified in October. Since she was born in a Muslim country and labored in a Hindu country, the church hopes to send a positive message to nations where those religions are dominant. Some recent papal canonizations and beatifications have been controversial and politically unpopular. John Paul beatified 223 nuns, priests and lay people killed by Republican forces in the Spanish Civil War, for example, but ignored those who were killed by Franco's forces, which included many faithful Catholics from the Basque region. The beatification last year of the anti-Jewish and anti-democratic Pope Pius IX engendered severe criticism, as did the canonization of Josemaría Escrivá, founder of the far-right pressure group Opus Dei. Vatican officials reject charges of political bias.

Books and Culture

Suffer the Little Children: The Inside Story of Ireland's Industrial Schools, by Mary Raftery and Eoin O'Sullivan, Continuum, 424 pp., \$16.95.

This is an evocative and powerful study of Ireland's industrial schools, reform schools and orphanages where widespread physical and sexual abuse was routinely administered to the hapless inmates throughout the 20th century. They were finally exposed by courageous RTE (Irish television) documentary reporters, resulting in a full-scale government investigation and a formal apology from Irish Prime Minister Bertie Ahern on May 11, 1999. Though the schools closed in the early 1990s, more than 500 cases of abuse by former residents are now in Irish courts.

What makes this relevant to American readers? The simple fact that all of these deplorable centers of mistreatment were run by Catholic religious orders and paid for by the Irish government. Here is a splendid example of what can go wrong when "faith-based" enterprises are regarded as above the law, uniquely protected by the state, and assumed to be operating in a manner consistent with justice and mercy. The tragic events revealed in this book suggest otherwise.

As the authors write, "On political grounds, it was very clear that any attempt to wrest control of the system from the religious orders would have been met with the most serious resistance. While the religious congregations constantly demanded more money from the state, they repeatedly and successfully resisted attempts by the government to have any influence over the industrial schools. Even the role of the Department of Education was effectively reduced to that of funding the system, without having any major impact on it."

The Christian Brothers, a male religious order implicated in similar transgressions in Canada and Australia, are the primary villains in this saga, but over 50 nuns have also been charged with crimes. "Meanwhile, the Catholic Church in Ireland maintains its policy of secrecy with regard to publicly releasing its records on children's institutions. Diocesan archives in this area remain closed, and despite repeated requests for access to their archives, the religious orders concerned remain equally secretive."

The government was also guilty of turning a blind eye to the situation. The result was "the willful and systematic ruination of thousands of lives."

The lesson for the Bush administration and for Congress: caveat emptor. Religious institutions are not necessarily better than their secular counterparts, and they may be a good deal worse.

—Al Menendez

The Challenge of Choice: Presbyterians and Roe v. Wade, Presbyterian Church (U.S.A.) [100 Witherspoon St., Louisville, KY 40202], 112 pp., \$2.50.

This "book" is actually the November-December 2002 issue of *Church & Society*, the journal of the National Ministries Division of the Presbyterian Church (U.S.A.). The entire number is devoted to the issue of reproductive choice and abortion rights, all from the carefully considered, nuanced position of a major mainstream Christian denomination. Among the topics dealt with are the pre-*Roe* Clergy Consultation Service, the early history of the Religious Coalition for Reproductive Choice (of which this reviewer has been a long-time board member), religious and theological considerations regarding abortion rights, the moving story of how a Nebraska congregation had to deal with anti-choice demonstrations, and the history of the Presbyterian Church's approaches to the abortion rights issue. This excellent book/magazine should be of interest to a wide audience.

—Edd Doerr

Redeeming the Dial: Radio, Religion & Popular Culture in America, by Tona J. Hangen, University of North Carolina Press, 220 pp., \$18.95 paperback.

The story of how evangelical Protestants gained access to and eventual control of the media has been told before, but Harvard professor Tona Hangen adds to our knowledge of these developments in this brief but lively book.

When radio programming began in the 1920s, religious groups immediately sought access to the new medium, foreseeing rightly that it would have a significant impact on popular culture. Writes Hangen, "Religious people wanted to make their beliefs available to the American public. Protestants were engaged in a mortal battle for leadership of the American religious establishment, with both modernists and fundamentalists eager to use radio to put forward their own views."

For the next two decades, the mainstream religions (Catholic, Jewish, moderate Protestant) fought evangelicals and fundamentalists for control of the airwaves. Conservatives saw the struggle as pivotal. Hangen says, "Clearing the airwaves for conservative religious radio may have been the first issue of national import around which evangelicals and fundamentalists rallied in the post-war era, setting the stage for their gradual but irreversible reentry into American popular culture."

Hangen argues that religious conservatives saw the new radio media as central to their strategy of penetrating U.S. culture. "Communication, after all, lies at the heart of religious experience and at the soul of media institutions. In both realms, the goal is to control the channels of communication and thereby control the messages transmitted and the behavior elicited."

While fighting for their own right to be heard, evangelicals were

opposed to the expression of hostile views. After the Federal Communications Commission ruled in July 1946 that “freedom of religious disbelief was a right as equal and worthy of protection as that of religious belief,” evangelicals warned that the decision “would unleash a flood of propaganda against God coming out of the radio sets of the nation.”

Hangen asserts that religious conservatives did not really withdraw from American political and cultural life, as some historians have argued. She writes, “Religious radio changed the evangelical movement’s self perception and strategic position in American life from marginalized outsider to ubiquitous cultural presence, preparing the way for an aggressive assault on moral and political fronts in the latter half of the twentieth century.”

— *Al Menendez*

El crimen del Padre Amaro (The Crime of Father Amaro), directed by Carlos Carrera.

Mexican director Carlos Carrera has stirred up quite a storm with his new film, *El crimen del Padre Amaro* (in Spanish with English subtitles). Catholic Church officials in Mexico publicly urged a boycott but stopped cold when a million people turned up on its first weekend. Because it is in Spanish, it has shown up on few screens in the U.S., but will probably be available soon on DVD or VHS.

El crimen’s plot is simple. An apparently idealistic young priest, Amaro, comes to a Mexican village, but soon discovers that his superior, Padre Benito, has had a long affair with a local widow. He then seduces the widow’s beautiful 16-year-old daughter, Amelia, with disastrous results. Along the way the film exposes a high level of hypocrisy and corruption in the church, with clerics engaged in money laundering for narcotraffickers. The one good priest, who takes liberation theology seriously, gets excommunicated.

Reviewers note that the film is based on an 1875 novel by Portugal’s leading 19th century writer, Jose-María Eça de Queiroz, who is often compared to Victor Hugo, though none seem to have read it. It was published in English in 1963 by St. Martin’s Press under the title, *The Sin of Father Amaro*, which is a mistranslation of the Portuguese title, *O crime do padre Amaro*; “sin” and “crime” mean two different things. Though the translation is a bit stiff, the book is still a good read.

In any event, the transfer of the story from 1870s Portugal to 2002 Mexico is smooth and remarkably faithful to the original, down to such details as Amaro’s wrapping Amelia in the Virgin Mary’s blue robe (familiar in religious art) while shacking up in the poor, gentle sacristan’s hovel. Director Carrera perfectly echoes the anticlericalism of the Portuguese author.

American audiences might find some of the film a bit hard to swallow, but anyone familiar with Latin culture will recognize its essential integrity and authenticity. The acting and directing are superb. I would give the flick four stars.

— *Edd Doerr*

The Pope & the Heretic: The True Story of Giordano Bruno, the Man Who Dared to Defy the Roman Inquisition, by Michael White, William Morrow, 234 pp., \$24.95.

Giordano Bruno was a 16th century Italian Dominican priest whose burning at the stake for heresy on February 19, 1600, represented only a temporary blow to freedom of thought. For Bruno’s ideas eventually influenced Galileo, Newton, Leibnitz and even Shakespeare.

The story of this extraordinary Renaissance figure is well told in this volume by Michael White, who combines scientific knowledge with the ability to write lucid biography, a rare combination indeed.

White depicts Bruno as a martyr to free thought and to the spirit of scientific inquiry, who ran afoul of Vatican officialdom’s fear of anything that challenged religious orthodoxy.

Bruno was not really a scientist as we understand that term today.

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He was a natural philosopher whose methods of thought were influential among those who were later to become fledgling scientists.

White observes, “Bruno was different because he held a broader vision; his heresy was all-embracing. He defended the right of all humans to think as they wished; he offered an alternative to the ideas enforced by orthodoxy. He was a man who wished to steer humanity toward reason, who wanted to allow us to conceptualize freely rather than have our thoughts determined for us.”

That’s why Bruno had to die. And that’s why his message remains relevant to a world threatening to return to a new Dark Age.

— *Al Menendez*

Made in Texas: George W. Bush and the Southern Takeover of American Politics, by Michael Lind, Basic Books, 201 pp., \$24.00.

Lind, a senior fellow at the New America Foundation, argues with conviction and historical exactitude that his home state of Texas, as embodied in the 43rd president, has bequeathed a corrupt, reactionary political culture to the nation. Angrily, he writes, “The Southern conservatism of Texas politicians like George W. Bush, Phil Gramm, Dick Armey, and Tom DeLay is a menace to the prosperity and security of the world as much as that of the United States. The political defeat and intellectual discrediting of these heirs of the Confederates and anti-Roosevelt Southern Dixiecrats is imperative.” He adds, “The Texan conservatism of George W. Bush combines seventeenth century religion, eighteenth century economics, and nineteenth century imperialism. The United States in the twenty-first century can do better than this.”

Lind covers a wide range of territory, cultural, economic and political. But he reserves his deepest contempt for the religious fundamentalism that has captured the Republican Party.

Bush, says Lind, “reflected the religious values and views of a declining but aggressive minority among the American people: Southern Bible Belt fundamentalists.” This religious community has sought to regain political power through the GOP and has utilized modern technology to repack its stale message. “Hostile to the world and encapsulated in its own subcultural network of institutions, Southern Protestant fundamentalism at the beginning of the twenty-first century had hardly changed from the 1920s, when it took on its present form.”

Lind examines why “neo-conservative” intellectuals, mostly Jewish, Catholic or moderate Protestants, have found a common ground with Dixie fundamentalists. But the consequences may in the long run dam-

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Books and Culture, *continued from page 13*

age their hoped-for hegemony. "As these Southern fundamentalists hijacked the GOP, growing numbers of Republicans in the Northeast, Midwest, and West Coast quit the party in disgust, becoming Democrats or Independents." Lind himself has moved from conservative to what he calls the "radical center."

Lind exposes the bizarre alliance of fundamentalists and Israeli hawks, and says that both groups regard themselves as "embattled and despised minorities," who share "a sense of a peoplehood distinct." Says Lind, "The gun-toting, Bible-thumping Anglo-Celtic Texan in former Mexican and Indian territories, with his admiration for the Hebrew patriarchs and professed devotion to the Ten Commandments, is remarkably similar to the gun-toting, Torah-thumping Israeli settler in the occupied Arab territories." These attitudes, shared by Bush, threaten the peace and security of the world, because "the conservative imperialism of George W. Bush's administration has no precedents in U.S. foreign policy."

Lind criticizes another Texan, Marvin Olasky, who coined the term "compassionate conservatism." Olasky's concept "disguised his radical goal: A rejection of the American tradition of separation of church and state, which he believes was a mistake, in favor of a return to the seventeenth and eighteenth century colonial tradition of established churches in the British-American colonies."

Lind writes on a variety of issues with which many may disagree, especially when he attacks "radical environmentalists," supports immigration restriction and urges "the federal government to encourage the migration of less-educated Americans from overpopulated coastal areas to the depopulated Heartland states." Still, his central argument, that the U.S. must reject the "callous capitalism, primitive religion and demagogic politics" of George W. Bush is right on target.

— Al Menendez

City of Secrets: The Truth Behind the Murders at the Vatican, by John Follain, Morrow, 309 pp., \$25.95.

Why does the Vatican cover-up everything? Why do church officials place such a premium on secrecy and protecting the institution?

A sordid soap opera murder on the surface, this case involving the Swiss Guards, the police force which protects the pope, has, says the author, a much more sinister aspect. Follain, the *London Sunday Times* correspondent at the Vatican, unravels the 1998 murders of two Swiss Guards and the wife of one of them. The story is rather unexceptional, involving mostly a gay subculture in the Guards and in the clerical fastness of the Holy See, but the aftermath reveals the depths to which institutional protectors will go to keep the truth away from public view.

Writes Follain, "There were plenty of reasons why it was imperative for the powers that be in the Vatican to prevent the sordid story behind the deaths of May 4, 1998, from ever becoming known outside its walls. The need for silence over an event that was a damning indictment of the twilight of John Paul's papacy was paramount. . . . Even today, the conspiracy of silence and the refusal to admit any responsibility prevails: Although the three victims have long been buried, and the Vatican's inquiry — a shoddy affair that lied by omission — remains closed, the files of inquiry are still locked away." In his exhaustive investigation, Follain discovered, "The Vatican even violated subjudice rules to leak key evidence when this suited its purpose."

In conclusion, Follain says, "No mea culpa has ever been pronounced by anyone in the Vatican. None of those involved in the events that led to the three deaths has been called to account for his actions. The same is true of those who fabricated an official version in order to prevent the truth from emerging."

— Al Menendez

A Love That Dares to Question: A Bishop Challenges His Church, by John Heaps, Eerdmans, 119 pp., \$12.00.

Heaps is a retired Catholic bishop from Australia. In this book, originally published Down Under in 1998, Heaps calls for decentralization of church structures, voluntary celibacy, a recognition that marriages can and do fail despite initial church blessings, consultation with the laity on critical issues, and "a priesthood without clericalism."

The book is honest and straightforward and in many respects admirable. It is easy to see why Heaps never rose higher than auxiliary bishop in Sydney. His views are simply too progressive and too compassionate for his superiors at the Vatican. Heaps writes, "A letter written to a newspaper recently referred to religion as one of the great forces of evil in the world. I found myself agreeing with the writer. Throughout history and at present, religion is one of the great forces dividing people and preventing or inhibiting reasonable communication and dialogue leading to cooperation and the solution of problems." That's not the message that hierarchs and clerical sycophants want to hear.

Heaps' message is timely in some respects, but one cannot help but wonder if most people, including Catholics, haven't moved on from these rather stale debates. The publisher is calling this a "courageous book." It might have been so in the 1960s, but in this first decade of the 21st century, the issues and arguments seem quaint and almost irrelevant.

— Al Menendez

Catholic Power vs. American Freedom, by George La Piana and John Swomley, edited by Herbert F. Vetter, Prometheus Books, 286 pp., \$34.

George La Piana (1878-1971) was an Italian priest-scholar who relocated to the United States in 1914 and taught church history at the Harvard Divinity School from 1916 until his retirement in 1947. During his long and distinguished career he wrote for *The Nation* and *Foreign Affairs* and was known as a strong anti-fascist. Over half of this important book consists of four lectures presented at Butler University in Indianapolis in 1949 (while this reviewer was an undergraduate there, though unaware of La Piana's lectures). The remainder, by John Swomley, political scientist and former president of ARL, brings La Piana's work up to date.

Though not well known today, La Piana provided assistance to my late colleague Paul Blanshard, whose writings in *The Nation* and books on the Catholic Church were important contributions to the literature on church-state and religious liberty issues. He also provided valuable assistance to Supreme Court Justice Felix Frankfurter.

As a church history specialist and priest, La Piana was well prepared and situated to critique his church's long history of antipathy to democracy and church-state separation. This fast-paced book is a fitting valedictory to a brilliant career. Were he alive today, La Piana would doubtless find his church's hierarchy hardly changed, but he would be heartened by the fact that most Catholics in America today are on his side of the church-state divide.

John Swomley's updating supplement is a suitable sequel to La Piana's work. Unitarian minister Herbert Vetter is to be commended for bringing La Piana back into circulation.

— Edd Doerr

Spy: The Inside Story of How the FBI's Robert Hanssen Betrayed America, by David Wise, Random House, 310 pp., \$24.95.

In ARL's newsletter No. 79 (2002, No. 2) we reviewed the first three books written about Robert Hanssen, the FBI agent arrested in February 2001 for espionage. David Wise, a veteran writer on intelligence and espionage, adds more to the story in this new book.

Like the three earlier writers, Wise mentions that Hanssen was a member of Opus Dei, the secretive, conservative, cult-like Catholic

organization whose founder, Msgr. Josemaría Escrivá de Balaguer, was canonized a saint by Pope John Paul II last fall. However, Wise says less about Opus Dei than the earlier writers, except for one detail. He writes (p. 85) that “Hanssen told at least two persons who visited him in prison that he regularly confessed his espionage over a period of more than two decades. It is possible that he did so obliquely, of course in vague or general terms. There is no question that he disclosed his spying outright to priests at least twice, and almost certainly more often.”

It is known, of course, that Opus Dei members are told to make confessions only to priests who are members of Opus Dei. The unanswered questions, then, are: What did Opus Dei know about Hanssen’s two decades of spying for the USSR and Russia? What did Opus Dei do with the information? Since Opus Dei likes to recruit members from political and government elites in the U.S. and abroad, just how important a player is the organization in world affairs? We need answers.

— Edd Doerr

Holy War: The Rise of Militant Christian, Jewish and Islamic Fundamentalism, by David S. New, McFarland & Co., 233 pp., \$35.

This timely, well documented, important, and very scary new book shows how militant Christian, Jewish, and Muslim fundamentalists, though only small minorities in the three great faith traditions, could easily spark a conflagration in the Middle East. Author New, who has a Ph.D. in religious studies from McMaster University, traces the development of Christian fundamentalist apocalypticism from its origins in the late-nineteenth century to its prominence in the U.S. today, especially in the work of Jerry Falwell, Pat Robertson, and Tim (“Left Behind”) LaHaye, to its strange alliance with Israeli fundamentalists after the 1967 Arab-Israeli war. New is rather thorough in his treatment of Christian and Jewish fundamentalism but not with the Muslim variety.

Holy War is overpriced, but the publisher caters mainly to libraries. It also contains two factual errors. On page 51 we read that U.S. public school enrollment has declined over the past 50 years from 90% of all students to less than 75%. Not so. Public school enrollment increased from 87% in 1965 to 90% today. On page 121 New puts Israel’s population at 3.2 million; the correct figure is six million.

— Edd Doerr

Letter to the Editor

In Albert J. Menendez’ article on congressional religious affiliations (No. 4, 2002) he writes, “There is a persistent under-representation for Americans who do not claim any religious affiliation. Only seven of the 535 members of Congress, or 1.3%, are religiously unaffiliated while recent surveys suggest that 14% of Americans decline to identify themselves with any specific religious tradition . . .”

I am not sure they are really under-represented. Under the category “non-denominational Protestant,” especially, and even in other more specific categories, there are, I believe, Congressional members hiding under an umbrella of religiosity who pretend to have religious beliefs in order to help ensure their election to office.

For the United States to maintain its position as a highly secular and highly religious nation at the same time takes considerable sleight of hand. Under our umbrella of religiosity held up by three props – the phrases “under God,” “in God we trust,” and “so help me God” – members of Congress work their magic.

James L. Sanders
Flagstaff, AZ

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Revolution at the Margins: The Impact of Competition on Urban School Systems, by Frederick M. Hess, Brookings Institution Press, 268 pp., \$18.95 paper, \$45.95 cloth.

This book, very long on footnotes and very short on common sense, should be a source of profound embarrassment to the publisher and to the university at which the author teaches. An ideology-driven opus, it provides an abundance of useful but carefully selected information about the school voucher programs in Milwaukee and Cleveland (tax supported) and San Antonio (privately funded).

Missing from the book is even a hint that the author knows anything about what goes on in real world classrooms, any treatment of the numerous studies showing that voucher plans in the U.S. or abroad tend to benefit no one but some of the operators and patrons of previously existing nonpublic schools, any reference to the state referenda or polls showing strong public opposition to vouchers, any recognition of the profound differences between public schools and the sectarian schools that account for the overwhelming majority of nonpublic institutions, or any acquaintance with the measures that educators know can improve public education. One would suppose that the single page (out of 268) dealing with denominational schools, three smallish fundamentalist schools in San Antonio with selective admissions policies and a “We’re here for ministry” program, would have motivated the author to examine the nature of voucher aided schools, but no.

One nugget appears in a footnote on page 226: “Legislators [in unspecified states] unwilling to formally allow religious participation in charter school programs or for-profit participation in some voucher programs have nonetheless left some cracks through which these providers have gotten involved in supporting expansion. For instance, for-profit operators have contracted to ‘manage’ schools that are sponsored by nonprofit entities. Similarly, religiously motivated operators have opened many charter schools featuring curricula, pedagogy, and discipline that – even in the absence of formal religious instruction – are intended to advance particular moral precepts and beliefs.” The author seems to see nothing wrong with this.

This book is nothing but another in the dreary series of attacks on American public education and church-state separation. The publisher should be ashamed to produce such stuff.

— Edd Doerr
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Books and Culture, *continued from page 15*

Faith in Politics, by A. James Reichley, Brookings Institution Press, 429 pp., \$52.95 hardback, \$20.95 paperback.

A rehash of his 1985 book, *Religion in American Public Life* (which we reviewed unfavorably), Reichley's new book essentially repeats the first one and adds a chapter covering developments from 1986 to 2002. It is an acceptable, though not particularly memorable, survey of the impact of religion on American politics over two centuries.

Reichley tries to classify all religio-political behavior into four categories: separationists, social activists, accommodationists, and interventionists. But that is too constricting a definition and fails to recognize nuances. To say, for example, that accommodationists support "moderate" separation between church and state and a "moderate" role for religious bodies in politics is too generous an assessment.

Reichley believes that "democracy cannot flourish without support from values inspired by religion," though he offers little empirical proof to defend such a thesis. The record of the Scandinavian democracies would seem to refute such a simplistic assertion. He also argues that "religious bodies nurture moral values that help humanize capitalism." Well, some do, and some don't. This black and white approach to the subject pervades Reichley's book. And he constantly attacks a straw man called "civil humanism" without really defining it. "Fortunately for the health of free institutions, America remains a religious nation," he says, "despite recent incursions by civil humanism."

A couple of Reichley's comments raise disturbing questions. "One reason for continued alignment by Jews with the Democrats was the important role played by Jews in recent Democratic national administrations," he writes. Is it that simple a case of self-interest? He does the Jewish community a disservice by ignoring such fundamental factors as values, history and heritage. Would it not be more accurate to say that the historic Jewish commitments to social justice and liberal values are more permanent factors in their 75-year-long support for the Democratic Party than merely having a few members in the cabinet?

Similarly, he sneers at liberal Catholics, who also support the Democrats because of a century of commonality of interests and a historic commitment to social justice. Reichley says of them, "Many lay Catholics have become casual in church attendance and relatively indifferent to the church's moral teachings on sexual behavior." Reichley is long on simplism and short on historical understanding.

Reichley is right on one point when he observes, "The religious rhetoric through which [George W.] Bush presented his policies convinced most evangelicals that he was truly one of their own" and has become "the chosen champion to whom most conservative evangelicals look for leadership in public life."

Those looking for a solid overview of the role of religion in political life should look elsewhere.

— Al Menendez

Why Religion Matters: The Fate of the Human Spirit in an Age of Disbelief, by Huston Smith, HarperSan Francisco, 290 pp., \$14.95.

Does religion matter? Well, yes. Religion or religions have mattered in many different ways throughout history. Sometimes they are associated with altruism, good will, sound ethics, benevolence, social responsibility, justice, and love. At other times they are linked to intolerance, bigotry, fanaticism, oppression, sexism, ethnocentrism, persecution, ignorance, and superstition. Vast libraries are filled with material on the subject in all its enormous complexity.

But the reader will find little of value in this book by a noted scholar of world religions, who managed in his textbook to confuse the Disciples of Christ with the United Church of Christ. In December I was asked to respond to a lecture by the author on a main theme of this book, his division of religion into four vertical columns: mysticism, polytheism, monotheism, and his *bête noir*, naturalism. I criticized his thesis as being far less useful in the real world than a lateral division with moderate to liberal Protestants, Catholics, Jews, and others who tend to get along and work together toward one pole and, toward the other, fundamentalist-leaning people who do not especially like each other for theological reasons but who share a Religious Right sociopolitical agenda.

Smith is not very keen for church-state separation and buys into the rather silly Religious Right thesis that American society is hostile to religion.

This is a book that might better have been left unpublished, especially when it contains stuff like this (page 254): "If a two-year-old drops her ice-cream cone, that tragedy is the end of the world for her. . . . Can there be an understanding of life so staggering in its immensity that, in comparison to it, even gulags and the Holocaust seem like dropped ice-cream cones?"

— Edd Doerr