



# VOICE OF REASON

The Newsletter of Americans for Religious Liberty  
an adjunct of the American Humanist Association

2004, No. 1 [86]

## Voters Versus Vouchers: The Forgotten Factor in the Debate

By Albert J. Menendez

In the ongoing debate about school vouchers and their potential impact on education in a free society, one factor is often ignored: The clear and convincing opposition of the voters over four decades. While constitutional and economic questions are important, so too is the response of the electorate in a democracy.

Most recently voters in California and Michigan in 2000 overwhelmingly rejected voucher plans. In California 71% of voters turned down a universal voucher scheme, while 69% of Michigan voters rejected a voucher initially aimed at students in “failing” public schools. Every group of every income, age, education, gender, ethnic, party affiliation, and religious identity opposed vouchers. Every county in both states opposed the initiatives. Even in heavily minority cities, where pro-voucher propaganda was intense, voters said no: 73% in Los

Angeles and 82% in Detroit. Despite a strong endorsement and campaign contributions from the Michigan Catholic Conference, a solid majority of 62% of Michigan Catholics voted no. In both states top-heavy majorities (68% to 78%) of Latinos and African-Americans said they did not want the voucher option.

So let’s review the voting patterns in this important issue and see if a consensus has been achieved.

The American people do not favor tax support for parochial or private schools. They have said so repeatedly, where it matters most, in the polling booths of the nation. This issue has been placed before the electorate 25 times since 1966 – and the voters have rejected it 24 times. Voters in 14 states and the District of Columbia have considered variants of voucher/tax credit schemes – and, with the single exception of South Dakota, they have rejected all of them. In these 25 elections two out of three voters have rejected public support for private and religious schools.

The most common type of measure to aid faith-based schools has been the proposals to weaken the state constitutions to allow legislatures subsequently to pass various aid programs. Constitutional changes were rejected by voters in New York (1967), Oregon (1972), Washington State (1975), Alaska (1976), and Massachusetts (1986). The provision of auxiliary services – often including textbooks, transportation, and other incidentals – was turned down by voters in Maryland (1974), Missouri (1976), and Massachusetts (1982). Vouchers were rejected in Maryland (1972), Michigan (1978), Colorado (1992), California (1993), Washington State (1996), California (2000) and Michigan (2000). Bus transportation was rejected by voters in Nebraska (1966) and Idaho (1972). Voters in the District of Columbia (1981), Utah (1988), Oregon (1990), and Colorado (1998) turned down tuition

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## March for Women’s Lives Set for April 25

Hundreds of thousands are expected to participate in the “March for Women’s Lives” that will take place on the Mall in Washington, DC, on Sunday, April 25.

The March will address the assaults on women’s rights and lives, both nationally and globally, that restrict women’s access to reproductive health services and limit women’s ability to have a child or to end a problem pregnancy. The March is in large measure a response to the increasing attacks on reproductive rights by the Bush administration and others.

Organizers of the March are the Feminist Majority, NARAL Pro-choice America, the Black Women’s Health Imperative, the National Latina Institute for Reproductive Health, the National Organization for Women, and the Planned Parenthood Federation of America. Co-sponsoring groups are the Center for Reproductive Rights, the National Abortion Federation, the National Family Planning and Reproductive Health Association, the National Partnership for Women and Families, and the National Women’s Law Center.

Americans for Religious Liberty is a cosponsoring organization, along with at least 600 (as of late January) national, regional, and local women’s, civil liberties, labor, Protestant, Catholic, Jewish, lawyers, civil rights, medical, student, social worker, political, and other groups.

ARL joins the other March sponsors in urging all who are able to participate. Information is available at [www.marchforchoice.org](http://www.marchforchoice.org) on the web. ARL’s office can be contacted for information on DC hotels.

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# Supreme Court Hears Arguments in Landmark Case

On December 2 the U.S. Supreme Court heard oral arguments in a case that will decide how much leeway states have in declining to finance religious activities. At issue is a Washington State constitutional provision that unequivocally bans all state aid to religion. The 19<sup>th</sup> Century provision expressly forbids the appropriation of public money for “any religious worship, exercise or instruction.”

The case, *Locke v. Davey*, No. 02-1315, generated ambivalence and concern for the future implications of a ruling on the part of several justices during the oral arguments. Justice Sandra Day O’Connor, who almost certainly represents the decisive vote, openly expressed concern that “a couple of centuries in this country not funding religious instruction with public money” could be ended. Expressing a concern that 37 state constitutions could be affected, O’Connor observed, “So the decision here could have a very broad impact.” O’Connor cast the deciding vote in upholding a Cleveland voucher law, saying that the money flowing to the church schools was a result of private, individual choice and therefore acceptable to her interpretation of the First Amendment. Her questioning in the *Locke v. Davey* case suggests that she is not convinced that the Washington scholarship program is similarly fashioned.

Justice Ruth Bader Ginsburg seemed troubled by the implications that the state of Washington must be compelled to finance a student’s religious education. “Is there any space between what a state is permitted to fund and what it must fund, and if so, what fills up that space?” she asked Jay Sekulow, a veteran Religious Right lawyer who represented the plaintiff/respondent Joshua Davey.

Davey was a pre-ministerial student majoring in pastoral studies at Northwest College, an Assemblies of God college near Seattle, Washington. Enrolling in 1999 and graduating in 2003, Davey received some of the state’s Promise Scholarship money for high-achieving but low-income students for two years until he declared his pastoral studies major. (He also double-majored in business.) He was denied the scholarship for his remaining two years and then sued the state. Davey apparently decided against the ministry and is now a first-year law student at Harvard. Northwest College requires students to indicate “a personal commitment to Jesus Christ as Lord and Savior” and teaches all religious and biblical courses from a literalist and fundamentalist perspective.

Davey lost his case in a federal court but then won a surprise victory at the usually pro-separationist Ninth U.S. Circuit Court of Appeals in 2002, which ruled that “a law targeting religious beliefs as such is never permissible.”

The Bush administration weighed in on Davey’s side, looking no doubt toward a strategy that would lead to the invalidation of 37 state constitutional provisions banning similar forms of state aid to religious activities and enterprises. A favorable decision would ease the way for the president’s voucher plans and for his faith-based initiatives in the social welfare realm. The government’s lawyer, Solicitor General Theodore B. Olson, called the Washington law “the plainest form of religious discrimination.” (For a discussion of the background, see Albert J. Menendez’s article, “Blaming Blaine,” in *Voice of Reason* 83.)

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*“The implications of this case are breathtaking.”*

Justice Stephen G. Breyer

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Justice Stephen Breyer clashed with Olson during the oral arguments. Breyer said that religious groups would “fight over billions and billions of dollars.” He added, “The implications of this case are breathtaking. Every program throughout the government would be affected. There would be a claim in each instance that they cannot be purely secular.” Olson replied that the result would not be “as far-reaching as the sense of doom that your question suggested.”

Narda Pierce, Washington State’s solicitor general, told the Court that, “one of the underlying values is not to require people to support the promotion of a doctrine or religious belief with which they may not agree.” Justice O’Connor perked up at that point, saying, “Maybe it’s more expensive for Davey to go to school, but how does that violate his free exercise of religion?”

The *Davey* case has elicited a considerable number of briefs. On Davey’s side are the usual array of right-wing religious and legal organizations (the Becket Fund, Institute for Justice, Landmark Legal Foundation, Liberty Counsel), a group whose members will benefit from a favorable ruling (Council for Christian Colleges and Universities), a

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*Voice of Reason* is the quarterly newsletter of Americans for Religious Liberty, 1777 T Street NW, Washington, DC 20009-7125 (telephone 301-260-2988 or 202-238-9088; fax 301-260-2989 or 202-238-9003); e-mail: arlinc@erols.com; website: www.arlinc.org). The newsletter is sent to all contributors to ARL.

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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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## Voters Versus Vouchers, *continued from page 1*

tax credits. Tuition reimbursement for parochial schools was rejected by Nebraska voters in 1970. The provision of textbooks was rejected by California voters in 1982 but approved by South Dakotans in 1986.

In 1970 voters in Michigan, opposed to constant attempted raids on the state treasury by the faith-based school lobbies, initiated and approved an amendment to the state constitution banning all forms of tax aid to nonpublic education. (ARL president Edd Doerr helped to write and campaign for the amendment.)

Advocates of tax aid or support for sectarian and other nonpublic schools often claim wide support for their point of view. Their claims, however, are usually based on poorly designed poll questions. While permitting families greater choice among public schools is at least a superficially popular idea, mixing together public school choice and tax support for nonpublic schools in a single poll question to be answered “yes” or “no” is sure to produce ambiguous if not meaningless results. However, when the issue is placed concretely before a large group of voters, with advocates and opponents of the proposed changes engaging the body politic, a meaningful test of public opinion is possible.

A study of the state referenda reveals a wide range of opposition to vouchers and other forms of parochial and private school aid that transcends income, education, place of residence, ethnicity, and, to some extent, religion. In the earliest referenda (1966-80), opposition was consistently high in rural areas, in small towns, and in centers of academic influence. Income and education levels did not play a strong defining role in the vote. African Americans were strongly opposed to these proposals, as were Jewish voters and most Protestants, except the Dutch ancestry Reformed Church members in Michigan. Catholics tended to favor these measures. But by lower margins than might have been anticipated. And in New York in 1967, in the first of the major referendum tests, a majority of Catholic voters joined then-Senator Robert Kennedy in opposing a constitutional change that would have opened the doors to state aid to nonpublic schools. Catholic support was greatest in Nebraska, Maryland, and Missouri.

Beginning in Massachusetts in 1986 a discernible shift in Catholic voter sentiment with regard to nonpublic school aid was evident. Question 2 on the Bay State ballot would have “removed elementary and secondary schools from the list of nonpublic institutions barred from receiving public aid” and would have “allowed public money, property, loans, and credit to be used for founding, maintaining, and aiding those schools.” Additional forms of “financial aid, materials, and services could be provided” to nonpublic schools.

By a resounding margin of 69.7% to 30.3%, Massachusetts voters said no. Turnout was heavy as 1,154,069 voted no and 502,170 voted yes. Every county in this heavily Catholic state rejected the scheme, including 65% in Portuguese-flavored Bristol County, 63% in Boston, 67% in the Berkshires, and 70% in Worcester. (Protestant and Jewish voters were also opposed – 78% to 80% – but that was expected.) Overwhelmingly Catholic towns such as North Adams, Fall River, and New Bedford rejected the proposed constitutional change. Even towns with high parochial school enrollments (for example, Chicopee and Holyoke) said no. The strongly Catholic town of Gloucester (noted for its fishing boats and Portuguese churches) turned in 5,610 no votes to 1,829 yes votes.

### Oops!

A number of ARL supporters/subscribers have inadvertently received duplicate or triplicate renewal notices, due to a computer glitch. We regret any confusion or inconvenience this may have caused and we have taken steps to correct the problem.

## Louisiana Opposes Vouchers

A statewide poll in January found that Louisiana voters oppose vouchers by 60% to 34%, with 6% expressing no opinion. The question asked was, “Do you favor or oppose allowing the state to pay private schools tuition to get students out of public schools labeled as ‘failing schools?’” The results were reported in the January 7 Baton Rouge *Advocate*.

Voters in all regions of the state opposed vouchers, even in the heavily Catholic, Cajun-oriented area (Acadiana) of southwestern Louisiana, where opposition was 55% to 41%. In New Orleans voters were against vouchers 56% to 41%. In more rural and Baptist North Louisiana opposition reached 68% to 27%. In the state capital, Baton Rouge, voters were against vouchers 63% to 28%.

Neither blacks nor whites were supportive of the voucher idea. Blacks were opposed 63% to 33% and whites by 59% to 35%.

Democrats were opposed 65% to 29%, while Republicans were the only group to give a narrow 48% to 47% support for vouchers.

Louisiana has one of the highest percentages of students attending nonpublic schools of the 50 states.

### Louisiana Poll on Vouchers

Region	Percent For	Percent Against
North Louisiana	27	68
Baton Rouge	28	63
New Orleans	41	56
Acadiana	41	55
<i>Party</i>		
Democrat	29	65
Republican	48	47
<i>Race</i>		
Black	33	63
White	35	59

Republican politicians seeking to use vouchers and related schemes as wedge issues to move Catholic voters to their party could not have chosen a less suitable issue. One explanation for this unexpected attitudinal change comes from Timothy Walch, associate editor of *U.S. Catholic Historian*, who, in his 1996 book, *Parish School: American Catholic Parochial Education from Colonial Times to the Present*, concluded that “changing social values, changes in family structure, changes in the forms and content of public education, and the rising cost of private education relative to other living expenses have contributed to the decline over the past thirty years and will continue to affect parochial schools in the next century.” He added, “Catholic families no longer have the time or energy to contribute to the operation and maintenance of a private parish school.”

Perhaps the most important factor, he argues, is “the changing nature of public education.” It is to the public schools that “students of all faiths come to be treated equally.” Catholic parents are also attracted to public schools by the quality of the facilities, teachers, and courses. He concludes: “Their grandparents and parents saw parish schools as a form of protection and security for their children against a frequently hostile American society. In an increasingly pluralistic, ecumenical world, discrimination against Catholics is a distant memory. . . . Public education on page 4

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tion is no longer a threat to Catholic children. Catholics as a group have blended into American society without the loss of their religious faith.”

In his 2000 book, *Catholic Schools: The Facts*, Edd Doerr cited several additional factors that have affected Catholic opinion on this issue. Among them are the U.S. Supreme Court’s decision against mandatory public school prayer, the election of John F. Kennedy, the Second Vatican Council’s emphasis on the primacy of conscience, and the cultural integration of Catholics into U.S. society.

Today evangelical and fundamentalist Protestant voters have become both the major supporters of vouchers and the primary targets of voucher advocates in referendum elections. Throughout the 1990s the main electoral battleground over vouchers and related educational issues was the West, a politically volatile region of the U.S., where both major parties have seen their fortunes wax and wane. Four states, beginning with Oregon in 1990, considered measures for private school aid, and all four resoundingly rejected them, sometimes more than once.

By a 67% to 33% margin, Oregonians in 1990 turned down a proposed tuition tax credit program that would have aided private and religious schools and home-schooled students. The proposal would have cost taxpayers an initial \$60 million to \$100 million per year. A majority of voters in every region, from Portland and its suburbs to the coastal areas and the conservative eastern rural areas, said no. Every demographic group registered a majority in opposition.

Three years later Californians of all races, colors, creeds, backgrounds, and political philosophies handed voucher advocates a humiliating defeat by turning down Proposition 174 by nearly 70% to 30%. All 58 counties in the state rejected the proposal. Voter opposition was so deep that the plan could not muster 40% support in a single county. Opposition ranged from nearly 80% in liberal San Francisco to 61% in conservative Orange County.

In 1996 voters in Washington State decisively trounced a voucher initiative placed on the ballot by multimillionaire Ron Taber, who also lost his race for state school superintendent. Initiative 173 was defeated 64.5% to 35.5%. Initiative 173 would have provided public funding for sectarian and other nonpublic schools at about \$3,400 per student per year and would have allowed the private schools to charge add-on tuition.

On Election Day 1998, Colorado voters rejected a complicated tuition tax credit/voucher scheme to provide state funds to private and parochial schools, which educate 6% of Colorado students. (The comparable national figure is about 10%.) Amendment 17, a proposed amendment to the state constitution, would have provided state income tax credits or, for individuals with little or no tax liability, a tuition grant (a “refundable” tax credit) worth about \$2,500 per student, per year. A vaguely defined Educational Opportunity Fund would have

been created to distribute the funds to parents or guardians who transferred their children from low-performing public schools.

The plan resembled the school voucher proposal rejected by Colorado voters in 1992. There is in essence little difference between tuition tax credits and vouchers, as the U.S. Supreme Court held in 1973 in *Committee for Public Education and Religious Liberty v. Nyquist* (413 U.S. 756). Every geographic region of the state and every type of voting area (city, suburb, small town, rural) cast majorities against Amendment 17, as did every ethnic and religious group.

Over three decades, when given the opportunity to express themselves on this broad public policy initiative, voters have repeatedly declined to support such proposals. It makes little sense for state and national legislators to continue to press for programs that the American people do not want. Lawmakers at the federal and state levels should properly direct their attention to the needs of the public schools, which nearly 90% of all students attend.

### The Referenda on Non-Public School Aid 1966-2000

Referenda	Year	Issue	Results (%)
Nebraska	1966	busing	57-43 against
New York	1967	constitutional change	72-27 against
Nebraska	1970	tuition tax credits	57-43 against
Michigan	1970	constitutional change	57-43 against
Oregon	1972	constitutional change	61-39 against
Idaho	1972	busing	57-43 against
Maryland	1972	vouchers	55-45 against
Maryland	1974	auxiliary services	56-43 against
Washington	1975	constitutional change	60-39 against
Alaska	1976	constitutional change	54-46 against
Missouri	1976	auxiliary services	60-40 against
Michigan	1978	vouchers	74-26 against
District of Columbia	1981	tuition tax credits	89-11 against
California	1982	textbooks	61-39 against
Massachusetts	1982	auxiliary services	62-38 against
Massachusetts	1986	constitutional change	70-30 against
South Dakota	1986	textbooks	54-46 for
Utah	1988	tuition tax credits	70-30 against
Oregon	1990	tuition tax credits	67-33 against
Colorado	1992	vouchers	67-33 against
California	1993	vouchers	70-30 against
Washington	1996	vouchers	64-36 against
Colorado	1998	tuition tax credits	60-40 against
Michigan	2000	vouchers	69-31 against
California	2000	vouchers	71-29 against

## Landmark Case, *continued from page 2*

pro-voucher front group (Black Alliance for Educational Options), and the Conference of Catholic Bishops. Also filing briefs urging the overturn of the Washington State constitution are the states of Alabama, Florida, Mississippi, Utah, and Texas.

Supporting Washington State with amicus briefs are the American Civil Liberties Union, the American Jewish Congress, the Anti-Defamation League, the National Education Association, the National School Boards Association, a group of “historians and law scholars,” and the states of Vermont, Massachusetts, Missouri, Oregon, and South Dakota.

Religious conservatives and special interest groups are hoping for a verdict affirming the Ninth Circuit. Religious libertarians and advo-

cates of freedom of conscience see the *Davey* case as crucial to the survival of religious liberty in America. Commented *The New York Times* on December 2: “Washington State is not depriving anyone of the free exercise of religion. It is merely drawing a line, which the Supreme Court has recognized, between religious and secular education, and directing its funds to secular education. There is no right to taxpayer financing for religious studies.”

A decision in the case is expected by July 2004.

### Moving?

Please send a change of address form to: Americans for Religious Liberty, 1777 T Street NW, Washington, DC 20009-7125.

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## France's Secularity Battle Reflects European Angst

In a bombshell announcement on December 17, French President Jacques Chirac called for a new law that would ban the wearing of Muslim head scarves or other "overt" religious symbols in the nation's public schools. Chirac said, "The Islamic veil, whatever name it is given, the kippa (the Jewish skullcap), or the cross, if of manifestly excessive dimensions, don't have a place within the walls of public schools." He added, "Secularism is not negotiable, the schools will remain secular."

Chirac was responding to growing ethnic and religious divisions in France, symbolized by the presence of five million Muslims in the nominally Catholic country and the largest Jewish community in Western Europe. The French president accepted most of the recommendations of an independent commission appointed by the government. The commission released its 67-page report on December 11. The 20-member commission of religious leaders, teachers, politicians, and sociologists, created in July by Chirac, called for a new law banning the wearing of "conspicuous" religious symbols in public schools. Small crosses or Stars of David on apparel will apparently be allowed.

Chirac rejected the commission's recommendations that Muslim and Jewish holidays be observed, as well as the Christian holidays now granted to students. The panel cited Yom Kippur for Jews, Id-al-Kebir or Id-al-Adha for Muslims, and Orthodox Christmas for Eastern Orthodox Christians.

The panel also urged employers to broaden religious holidays for employees, called on schools to provide special meals for Jewish and Muslim students in school cafeterias, and urged the appointment of Muslim chaplains in prisons, hospitals and the armed forces.

Chirac urged France to "wage a pitiless battle against xenophobia, racism, and, in particular, anti-Semitism." His hard-line secular stance, however, was criticized by some liberals who saw it as an attempt to reduce support for the extreme right National Front Party, a crypto-fascist group which despises immigrants and is often accused of supporting anti-Jewish and anti-Muslim policies.

Some prominent French women – including actresses, historians, and fashion designers – signed an open letter in *Elle* magazine calling for a ban on the veil. "The Islamic veil sends us all – Muslims and non-Muslims – back to a discrimination against women that is intolerable," the letter said.

But the Council of Christian Churches – representing Catholic, Orthodox, and Protestant churches – warned that the passage of such a law by parliament would be "discriminatory." They also wondered how small crosses would have to be to pass muster. (In a speech before a French high school in Tunisia, Chirac denounced "ostentatious signs of religious proselytism.")

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## Charitable Choice Stalls

Republican strategists in Congress told *Christianity Today* magazine recently that President Bush's faith-based proposals are going nowhere in Congress and may not be pushed by the White House during an election year. The Senate, in particular, is unlikely to allow faith-based groups to require a religious test for hiring employees. The Senate is expected to debate bills for Head Start and job training funding.

Bush's point man on the issue, James Towey, blamed supporters of church-state separation for the impasse. "The interest groups in Washington have made this a fairly polarized issue. The truth of the matter is that faith-based groups were victims of decades of efforts to secularize the public square."

Towey seems to have ignored the hundreds of millions of dollars in federal funds that have gone to religious charities over the past decades, though most of the groups do not practice discrimination in hiring or engage in proselytism. (Lutheran and Catholic institutions have been the largest beneficiaries.)

Towey, director of the White House Office of Faith-Based and Community Initiatives, caused a minor brouhaha when he suggested on November 26 that pagans don't care about the poor. "I haven't run into a pagan faith-based group yet, much less a pagan group that cares for the poor," he said. Members of pagan and Druid religious groups countered by claiming that the International Pagan Pride Project in Indianapolis had coordinated the delivery of 74,000 pounds of food and donated \$51,000 to homeless shelters, interfaith food banks, and the American Red Cross. The White House "clarified" Towey's comments, when Claire Buchan, deputy White House press secretary, said that Towey "did not intend to convey any ill will toward anyone."

Congress had grappled with the hiring issue for several years. In 2000 it voted to give \$600,000 to the Bowery Mission for a summer camp for at-risk children, even though the group continued to hire only Christians. The Justice Department under Bush allowed the grant to continue but issued regulations denying future aid to such groups under existing laws. But the administration now seeks "proposed rules to clarify that faith-based organizations are eligible to participate in

programs on the same basis as any other private organization." The National Education Association (NEA) sent a lengthy and detailed legal brief to Towey's office, asserting that "the proposed rules are inconsistent with statutory requirements" because existing laws provide that "grants to pervasively sectarian organizations would violate the Establishment Clause." The NEA was responding to the possible operation of "community learning centers" in faith-based schools.

The first national study of Charitable Choice, issued in November, shows that faith-based organizations do not do a better job in providing services that secular agencies provide. The Charitable Choice Research Project, conducted by Indiana University-Purdue University Indianapolis, found that faith-based organizations operating job training programs placed 31% of their clients in full-time employment compared to a 53% success rate by secular organizations. The research project was based on three years of study. The project's chief, Sheila Sues Kennedy, professor of law at Indiana-Purdue, also noted, "We found that states did not monitor constitutional violations and did little to educate contractors about constitutional compliance." The study evaluated programs in Indiana, Massachusetts, and North Carolina.

In Georgia, Republican Governor Sonny Perdue has proposed scrapping the Peach State's long-time constitutional ban on aid to religion in order to expand state aid to faith-based organizations. At present 17 faith-based groups receive \$3 million annually from the state's Department of Human Resources for adoption, after-school care, domestic violence counseling, and suicide prevention services. Perdue has proposed a 12-word amendment to the Georgia constitution that needs two-thirds majorities in both houses of the legislature and then approval by the voters. Civil liberties and public education groups have announced their opposition, as has ARL.

The charitable choice controversy provoked a strong editorial in the *Hartford* (Connecticut) *Courant* on December 2. The editors chastised the Bush administration for "promoting a disturbing entanglement of government and religion."

## France's Secularity, *continued from page 1*

But even Chirac's government is divided. Interior Minister Nicholas Sarkozy said a total ban would represent "secular fundamentalism." Some liberal groups also worried that a ban would drive more students out of the public schools toward private Islamic schools.

The battle over religious symbolism reflects larger conflicts among religions that threaten health care, prisons, and employment as well as education. Similar conflicts in Germany, Italy, Denmark, and elsewhere on the continent reveal deep-seated religious conflicts that clash with Europe's resolutely secular, even post-Christian, society.

Many French Muslims have protested the proposal in street rallies, claiming that passage and enforcement of the head-scarf ban would further stigmatize and marginalize the Muslim community. Some Muslims and Sikhs, who will also be affected by the ban, have kept a low profile.

Chirac's center-right coalition party and the Socialists have generally voiced support for the proposal while Greens and Communists are opposed. The National Front expressed opposition because Christian symbols are included in the ban. Chirac may have more difficulty in drafting a law to ban religious symbols in workplaces, since that would require changing the current anti-discrimination provision that covers employment throughout France and forbids firing employees for religious reasons. Some commentators observe that the French have long held a schizophrenic view toward freedom and individualism on the one hand and secular equality and centralized state power on the other.

Meanwhile, France's Sikh community, numbering about 5,000 and residing mostly in the Paris area, has asked the Indian government to intervene with the French government to exempt them from Chirac's proposed law.

Sikh religious law and tradition require males to wear turbans. Religious law also prohibits Sikh men from cutting their hair. The Sikhs enjoy exemptions from many civil laws in other European Union nations. Britain exempts the Sikhs from laws requiring crash helmets for motorcycle riders. Chain Singh, spokesperson for the Sikh community, told Reuters that he had contacted the Indian Embassy in Paris and would soon transmit letters to Indian Prime Minister Atal Bihari Vajpayee and Chief Minister Amrinder Singh of Punjab State, the historic home of the Sikhs. "We cannot live without our turbans. This is our religion. If we cannot wear them, we may not be able to stay here," he added.

Singh said many Sikhs in France are refused identity cards for refusing to remove their turbans. Some public schools have expelled turban-attired pupils, while others accommodate them. Singh noted that Sikhs comprised the majority of the 4,746 Indian soldiers who were killed while fighting with the British Army in France during World War I.

## The American Reaction to the French Decision

In an unusual move, the United States officially criticized the French proposal to ban religious symbols in public schools. U.S. Ambassador-at-Large for Religious Freedom John Hanford said, "A fundamental principle of religious freedom that we work for in many countries of the world, including on this very issue of head scarves, is that all persons should be able to practice their religion and their beliefs peacefully, without government interference, as long as they are doing so without provocation and intimidation of others in society."

A French government official retorted, "Very often there are debates on the pledge of allegiance or other religious issues in the schools . . . Never have you heard a French diplomat comment on an internal debate in the United States."

A number of liberal, pro-separationist journals of opinion in the U.S. also criticized the French president. *The New York Times* called it "the wrong decision." The paper argued that even though Islamic fundamentalism "has generated serious and complicated pressures on society," "the notion that this can be brought under control by imposing secular conformity on students is flawed and dangerous. The devout are likely to become more zealous if they sense that they are being repressed."

"Moreover, by banning such religious symbols in state schools, France would be driving the students who wear them into the hands of religiously sponsored institutions, where notions of mutual tolerance are unlikely to be a central focus. In effect, as France's blunt minister of the interior, Nicholas Sarkozy, argued, the law would only intensify the problems it is trying to resolve. That was why the West embraced the concept of a separation of church and state to begin with, because every attempt by one religion or ideology to dictate its precepts on others led to only greater problems. The idea was to get the state out of the business of telling people what they should believe or how they could express it. That is what France should do."

The *National Catholic Reporter* said Chirac "took a wrong turn" and advocated a measure "that may do more harm than good, and that may fan the very flames of religious intolerance it is ostensibly designed to suppress." The liberal Catholic weekly added, "In the case of France, one wonders if the measure won't fan the very flames of religious divisiveness that it is ostensibly designed to suppress. France's strong anti-clericalism is responsible for excesses in its past, and is now being used to justify repressive measures directed against its Muslim citizens."

## Annual Report Hits North Korea

North Korea is the world's most restrictive country in terms of religious freedom, according to the annual State Department report on the status of religious liberty in 192 nations. Five other countries – Burma, China, Cuba, Laos, and Vietnam – were also cited for severe restrictions on freedom of religious belief and practice. Seven predominantly Muslim nations were cited for various kinds of religious repression: Iran, Iraq, Pakistan, Saudi Arabia, Sudan, Turkmenistan, and Uzbekistan.

The annual report released by the State Department on December 18 is mandated by the 1998 International Religious Freedom Act. John V. Hanford III, ambassador at large for international religious freedom, termed the state of world religious freedom "fragile, neglected and violated."

In some of the above mentioned countries, several or all religious groups are objects of persecution. In Vietnam, Buddhist leaders lan-

*"Even a cursory glance around the globe reveals appalling religious persecution. Many face arrest, torture, imprisonment or other harsh violations of their right to follow their beliefs."*

Ambassador John V. Hanford III

guish under house arrest while Protestants have been arrested in the central and northwestern highlands and coerced to renounce their faith. In one province, government approval has been removed from 380 churches serving 150,000 people, leaving only two government-approved churches. All religious minorities are repressed in Turkmenistan and Saudi Arabia.

In China, Catholics loyal to the Vatican are particular objects of scorn, as are Buddhist leaders in Tibet. In Iran, Bahais are still persecuted, as they have been since the establishment of the Islamic Republic in 1979.

Two countries that showed improvement since last year's ratings are Kazakhstan and Laos. In Laos the last group of religious prisoners was released in 2003, and a number of evangelical Christian churches were reopened.

The State Department report expressed great "concern" about the growth of anti-Semitism in Europe but praised France and Greece for establishing government commissions on anti-Semitism.

Concern was also expressed about the new Afghan constitution. While guaranteeing all individuals the right "to perform religious ceremonies," the draft says that "no law can be contrary to the sacred religion of Islam." Ambassador Hanford said, "Freedom of religion is not denied but it's certainly not fully guaranteed either." He added, "We want to make sure we don't end up with Taliban lite."

## Park Service Capitulates to Religious Right

In a series of recent decisions, the National Park Service (NPS) has approved the display of religious symbols and Bible verses, as well as the sale of creationist books giving a non-evolutionary explanation for the Grand Canyon and other natural wonders within national parks, according to documents released on December 30 by Public Employees for Environmental Responsibility (PEER), a national alliance of local, state and federal resource professionals working to protect the environment.

Also, under pressure from conservative groups, the Park Service has agreed to edit the videotape that has been shown at the Lincoln Memorial since 1995 to remove any image of gay and abortion rights demonstrations that occurred at the memorial.

"The Park Service leadership now caters exclusively to conservative Christian fundamentalist groups," stated PEER executive director Jeff Ruch. "The Bush administration appears to be sponsoring a program of Faith-Based Parks."

Last July NPS deputy director Donald Murphy ordered the Grand Canyon National Park to return three bronze plaques bearing biblical verses to public viewing areas on the Canyon's South Rim. Murphy overruled the park superintendent who had directed the plaques' removal based on legal advice from the Interior Department that the religious displays violated the First Amendment. In a letter to the Evangelical Sisterhood of Mary, the group sponsoring the plaques, Murphy apologized for "any intrusion resulting from" the temporary removal of the plaques quoting Psalms 68:4, 66:4, and 104:24 and pledged "further legal analysis and policy review" before any new action is taken.

This fall the Park Service also approved a creationist text, *Grand Canyon: A Different View* for sale in park bookstores and museums. The book by Tom Vail claims that the Grand Canyon is really only a few thousand years old, developing on a biblical rather than an evolutionary time scale. At the same time, Park Service leadership has blocked publication of guidance for park rangers and other interpretive staff that labeled creationism as lacking any scientific basis.

The Park Service is also engaged in an extended legal battle to continue displaying an eight-foot-tall cross, planted atop a 30-foot-high rock outcropping in the Mojave National Preserve in California. PEER board member and former-Park Service manager Frank Buono filed suit to force removal of the cross. That suit is now pending before the Ninth U.S. Circuit Court of Appeals.

## Nativity Scenes Cause Controversy

A series of rather contradictory and inconsistent Supreme Court and other federal court decisions concerning public display of nativity scenes continue to cause legal controversies during the Christmas season. At least five states experienced legal challenges in December 2003. Among them are the following:

- A nativity scene was removed from Simmons Elementary School in Horsham, Pennsylvania, because "it was too overt in its religious significance," according to a statement released by the Hatboro-Horsham School District in Montgomery County. School authorities said that Christmas trees, a menorah, and a Kwanzaa symbol could remain in the school.

- The American Civil Liberties Union of Rhode Island filed suit on December 19 to force removal of a nativity scene from the Cranston, Rhode Island, City Hall lawn. Ironically, a Jewish man erected the creche in memory of his deceased Christian wife.

- In Cedar County, Iowa, authorities placed a nativity scene on the courthouse lawn, accompanied by a sign saying that the display "is neither sponsored nor endorsed by the county." The lawn was formally designated an "open public forum," which should "satisfy constitutional concerns," said assistant county attorney Stephen Benz.

- The Meriden, Connecticut, Public Library Board of Trustees unanimously agreed to include a local artist's painting of a nativity scene and four paintings of Jesus as an adult in an art exhibit. Artist Mary Morley was featured with a 17-piece art exhibit at the Meriden Public Library, but library staff had excluded the five paintings of religious scenes. Meriden City Attorney Laurence Kendzior endorsed the library board's decision, saying that the removal of paintings based on religious content "would create problems with the Establishment Clause of the Constitution."

- In Elbert County, Colorado, the Colorado ACLU and the Anti-Defamation League asked the Elbert County Charter School to ban references to Christmas in the school's annual holiday program. In a letter to school authorities the two groups urged the school to "take immediate steps to comply with the constitutional separation of church and state." The school's attorney, Barry Arrington, a member of the Religious Right group, the Alliance Defense Fund, attacked the two groups for allegedly "outrageous and inflammatory" comments. The ACLU letter charged that "Jewish students no longer feel safe or welcome at the Elbert County Charter School." An ultra-conservative Jewish group, Toward Tradition, also waded into the conflict by calling the Anti-Defamation League "secular fundamentalists" and "an obsolete relic in the Jewish community."

### **The Case Against Charitable Choice:**

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## The Voucher Watch

News on the voucher front is varied. To begin with, good news from Colorado. On December 3 a Denver District Court judge ruled that Colorado's voucher law violates the state constitution and must not be implemented in 2004.

The case was not decided on church-state grounds but on the clause in article IX section 15, which mandates "local control" of education. The state voucher law, proposed by Republican Governor Bill Owens and passed by a Republican legislature, was held to violate the state's constitutional requirement by Judge Joseph E. Meyer III.

Colorado is one of six states that mandate control of all instructional questions to local school boards.

Governor Owens said he will appeal directly to the state supreme court rather than the appeals court, which would normally be the next step in the judicial review process.

Eleven school districts had already begun to accept applications for the 2004-05 school year. The voucher law gives vouchers worth \$4,500 per child to 3,400 children in low-performing public schools, enabling them to attend private and church-related schools. The program was expected to cost the state \$14.8 million in the first year and rise to \$90 million per year in the 2007-08 school year. The state law clashed with the constitution's requirement that local school boards must determine how money is to be spent within a district's classrooms.

The law was challenged by the Colorado Education Association (CEA). CEA president Ron Brady said, "We will continue to resist all efforts to bring vouchers to Colorado," and the group's chief counsel, Marti Houser, reiterated the central question noted by the court, "The bottom line is that it's public money going to a private institution over which the local school board has no control."

Pro-voucher groups in Washington, DC, and Republican legislators in Colorado dismissed the ruling as "a technicality" and predicted a reversal at the higher court level.

Opponents of vouchers vow to file another suit invoking the state constitution's prohibition on public financial support of religious institutions if Judge Meyer's ruling is overturned. A majority of the private schools planning to participate in the voucher plan have religious affiliations, including 36 schools run by the Archdiocese of Denver.

In Florida, the state's chief financial officer (CFO), Tom Gallagher, issued a stinging report on December 11 that accused Governor Jeb Bush's school voucher program of lacking basic accountability measures that might have prevented criminal activity. The audit found that the largest dispenser of tax-deductible vouchers, Florida Child, was guilty of \$9 million in financial irregularities. Criminal charges could be brought against the Miami-based group. Four other voucher-funded "school choice" programs face possible criminal investigations by the state's Office of Fiscal Integrity.

The CFO criticized Bush's education secretary Jim Hoover for an "absence of active participation in program management and a lack of accountability." The report found that vouchers had been awarded to an unlicensed school in disrepair, a home school that gave kickbacks to parents, and to a couple who created a voucher home school to serve only their son.

The *St. Petersburg Times* editorialized that the State Department of Education (DOE) was guilty of "an abdication of responsibility that is breathtaking in its sweep." The respected West Coast newspaper added, "In four quick years, Florida has created three different voucher programs that now serve 24,000 students at a cost this year of roughly \$135 million. Yet DOE couldn't even determine which students received the money and whether some of them were getting more than one check (they were). Is anyone minding the voucher store?"

In Arizona, the conservative Goldwater Institute issued a report on December 11 concluding that the state's tuition tax credit law designed to help poor public school children attend private schools had ended up paying tuition for students already attending private schools. The state program has diverted more than \$85 million in tax money to private, mostly religious, private schools. Instead of helping the needy, as originally intended by sponsors of the law, the program gave funds to 43% of all private school students in 2002. Most of the 47 organizations that act as middlemen between donors and private schools are faith-based, the Goldwater Institute reported. The two largest recipients, receiving more than \$12 million each in 2002, were the Catholic Tuition Organization of the Diocese of Phoenix and the Arizona Christian School Tuition organization.

These groups have never been required to report to the Department of Revenue, but a new law passed by the Arizona legislature requires them to do so this year. However, the new law includes no penalties to the tuition organizations that do not report.

In Wisconsin, a rapidly growing voucher school, Mandella School of Science and Math, received more than \$4 million in public funds last year but failed to pay its teachers on time or at all and owes a bus company \$100,000. The school also failed to reimburse the state for overpayment, since it claimed an enrollment of 450 but actually had only 283 pupils.

Milwaukee's voucher program now subsidizes 13,400 students in more than 100, mostly religious, private schools. Average voucher payments are \$5,882 per pupil.

In Louisville, Kentucky, a privately-funded voucher program has given 1,100 scholarships worth \$3 million to low-income children to attend private schools. Some critics worry that the state's new Republican Governor, Ernie Fletcher, who voted for D.C. vouchers when he was in Congress, may seek to extend the program to the public and seek a voucher or tax credit scheme in his legislative program.

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## Editorials

### Vouchers . . . Still

Although school vouchers or their analogues have been strongly and repeatedly rejected in state referendum elections and opinion polls in nearly every demographic grouping (political, religious, geographic, ethnic, income level), the movement to foist tax support for private and faith-based schools on all Americans is far from running out of steam. President Bush gave new impetus to the campaign in January with a new call for a \$14 million voucher plan for the unwilling District of Columbia. And voucher promoters, encouraged by the mistaken June 2002 Supreme Court ruling favoring Ohio's plan, are gearing up for fresh attacks on the public treasury, public education, and church-state separation.

Most welcome, then, is Marcus Egan's new book, *Keep Public Education Public: Why Vouchers Are a Bad Idea* (National School Boards Association, 2003, 122 pp., \$25.00).

Egan provides us with a concise, clear, comprehensive, readable exploration of the referendum campaigns for school vouchers and/or their sibling, tuition tax credits, which he correctly and creatively refers to as "tax-code vouchers." He shows how vouchers work in Milwaukee, Cleveland, and Florida, and how "tax-code vouchers" function in Minnesota, Iowa, Illinois, Arizona, Florida, and Pennsylvania. He details precisely what is wrong with the schemes, how they divert public funds from already underfunded public schools serving needy children, why their effects on public education are harmful rather than helpful, and how they make a joke of accountability and fairness. Egan also presents



research findings that pretty much shred the claims that vouchers improve education, and all this without reference to studies of voucher plans in other countries that are equally if not more objectionable and harmful.

The book's eleven useful appendices contain polling data, helpful hints for opposing voucher plans, lists of groups opposing (such as ARL) and supporting vouchers, and interesting comment on vouchers from many sources, some of them rather surprising.

As good as this book is, it could have been improved in two ways.

Instead of listing only the statewide referenda in which vouchers or "tax-code vouchers" were rejected by voters, the book could have detailed the other 15 referenda dealing with other forms of tax aid to nonpublic schools or with efforts to change state constitutions to permit vouchers and different forms of tax aid. Missing also (and we must admit that we overlooked it also in our book, *The Case Against School Vouchers*) is mention of Utah's 70% to 30% defeat of "tax-code vouchers" in 1988, which is particularly significant because Utah is one of the most conservative and Republican states, where vouchers might be thought easier to garner support.

(See Al Menendez' complete summary of the state referenda beginning on page 1.)

More force could have been lent to the book by discussion of the nature of nonpublic schools and what is objectionable (to taxpayers) about what many of them include in their curricula. This subject was covered in Al Menendez' groundbreaking 1993 book, *Visions of Reality: What Fundamentalist Schools Teach* (available from ARL for \$14.95), Frances R.A. Paterson's excellent 2003 book *Democracy and Intolerance: Christian School Curricula, School Choice, and Public Policy* (Phi Delta Kappa Educational Foundation), reviewed in ARL newsletter No. 83, and my 2000 book, *Catholic Schools: The Facts* (available from ARL for \$9.95).

Egan's *Keep Public Education Public* is an important addition to the literature on this serious controversy facing many individual states and the country as a whole. I would give it five stars.

— Edd Doerr

## Irony

Afghanistan's new constitution, announced in January, will guarantee women 20% of the seats in the country's new parliament. That is about one-third more than the percentage of women in the U.S. Congress. For comparison, women make up about 40% of the national legislatures in several northern European countries.

As I pointed out in a speech to the Women's National Democratic Club in December, if women were represented proportionately in Congress, that body would very probably not have passed the so-called "partial-birth abortion" ban last fall. Women in the Senate rejected the measure nine to five while women in the House rejected it by 36 to 25.

To further make the point, the news photos of President Bush signing the bill showed him surrounded exclusively by men, as if the matter of reproductive choice is primarily a male prerogative. All of this lends further support to the view that the anti-choice movement, dominated by the Religious Right, is less about "personhood" than about perpetuation of male dominance.

— Edd Doerr

*The delusional become dangerous when they become the government.*

Jim Hightower

# Update

## Senate Approves DC Vouchers

On January 22 the U.S. Senate approved an education package that includes \$14 million for a District of Columbia voucher program. At least 1,700 students will be eligible for up to \$7,500 per year to pay for attendance at private or faith-based schools. Eligible schools must ban discrimination on race and gender lines, but nothing is said about religious discrimination nor is the issue of special needs children addressed.

This is another victory for the Bush administration, which lobbied furiously for passage of the voucher scheme, though DC voters opposed a similar tuition tax credit proposal by an 8-1 margin in 1981.

The first hurdle was cleared when the Senate invoked cloture on a 61-32 vote, allowing for final passage. Republicans voted 45-3 in favor. (John McCain of Arizona voted no.) Democrats were opposed 28-16 but a number of prominent "liberals" – including Feinstein of California, Schumer of New York, and Harkin of Iowa – voted with the Republicans. Senator Jeffords, a Vermont Independent, voted no.

On final passage, 21 Democrats voted yes and 23 opposed, while Republicans supported the bill 44-4.

One DC resident, however, was not impressed. Fernando R. Laguarda wrote in the *Washington Post* on January 27 that DC residents should have had input into the congressional debate. "We don't need to be treated like lab rats," he said.

## Veterans Program Gets Religion

A Massachusetts homeless shelter and substance abuse program for veterans was denied a \$415,000 grant renewal from the Department of Veterans Affairs (VA) a year ago because preference was being given to faith-based providers. Its director, John F. Downing, who operates the shelter at the Veterans Administration Medical Center in Leeds, Massachusetts, decided to change his tack and register as a faith-based organization. Voila! This year his shelter, the United Veterans of America, Inc., is flush with \$2 million in federal grants from the VA, the U.S. Department of Housing and Urban Development (HUD), and the Federal Home Loan Bank.

Downing's group hired two chaplains for his 120-bed shelter and received additional information and technical training about grants directed toward faith-based programs. Downing said, "I think it helped to be considered a faith-based organization. We're going to take advantage of the training program that the White House is sponsoring to include more faith-based organizations."

Several federal agency administrators denied that faith-based organizations are receiving preferential treatment.

## Georgia Moving to Establish Religion?

The Georgia state senate on January 15 voted 40-14 to amend the state constitution by deleting a significant 150-year-old ban on state aid to religion.

Governor Sonny Perdue's so-called "Faith and Family Services Bill," SR 560, is intended to bestow state funding on a host of sectarian charities and faith-based schools. The house version, HR 941, is now the primary battleground.

Americans for Religious Liberty has joined with more than 25 civic, educational, civil liberties, social service, and religious groups in a "Coalition to Protect Georgia's Bill of Rights." The group is lobbying the

*continued on page 10*

## Update, continued from page 9

legislature to preserve a constitutional safeguard of religious liberty and freedom of conscience. The coalition has emphasized these points:

“This bill is a backdoor attempt to implement taxpayer-funded vouchers for private religious schools. Such a system will hurt our public schools.

“Religiously *affiliated* organizations (e.g., Catholic Charities, Lutheran Social Services, Jewish Family and Career Services) currently receive government funds to provide social services. This bill would go a lot further and allow your taxes to flow *directly* into churches, mosques and synagogues. It will create unhealthy competition among various faiths for limited funds and may even *diminish* the quality of services for Georgians in need.

“Permitting government bureaucrats to choose which religions to fund is divisive and is just plain bad public policy.

“This bill will result in taxpayer money being used to fund discrimination in hiring, discrimination in service delivery, and allow the forced proselytizing of individuals who seek help. If religious organizations truly want to compete on a level playing field, they should be subject to the same safeguards that apply to other non-profit social service providers.”

### Faith-Based Prison Opens in Florida

On Christmas Eve Florida Governor Jeb Bush dedicated the nation's first “faith-based prison,” Lawtey Correctional Institution, in the tiny North Florida town of Raiford. Bush claimed that the program, based intensively on religious instruction, would lower the recidivism rate. The 791 prisoners in the facility represent 26 religious faiths. More than 500 religious volunteers have been selected to help with religious instruction and to serve as mentors to inmates.

Already a religious winnowing system is in effect. Some prisoners who sought a religious program have transferred in while 111 inmates transferred to other prisons. Religious activities are supposed to be voluntary, but troublesome inmates will be transferred to other incarceration facilities. Christianity appears to be the preferred religion. Roman Catholic Bishop Victor Galeone celebrated a Mass before the dedication of the prison, and Governor Bush told the inmate audience, “I can't think of a better place to reflect on the awesome love of our Lord Jesus than to be here at Lawtey Correctional. God bless you.”

ARL president Edd Doerr said the scheme “will clearly violate the Florida state constitution's Article I, Section 3: “As with Florida's scandal-ridden school voucher plans, this creation of a faith-based prison shows contempt for the state's constitution, which the governor swore to uphold, and for the right of every Florida resident to be free of compulsory support for religious institutions,” Doerr added.

### Religious Favoritism At Issue in Oklahoma

Oklahoma's Office of Faith-Based and Community Initiatives has been accused of favoring certain evangelical Christian groups in the awarding of state contracts.

The charges were leveled by Rep. Debbie Blackburn (D-Oklahoma City). “One of the things I'm most concerned about is that this is aimed mostly at the benefit of evangelical Christians and not other denominations,” Blackburn told Bradley Yarbrough, director of the Oklahoma office that funnels funds to faith-based charities. The office was created in July 2000 under a \$173,000 contract with the state's Department of Human Services. It was a project of then-Governor Frank Keating, a Republican.

The state agency also administers \$200,000 of federal funding under the Temporary Aid to Needy Families block grant program. The largest recipient of aid was Cornerstone Tulsa, an evangelical Christian group which receives \$45,000 annually and serves as an intermediary and technical assistant to many faith-based organizations.

### Religion-Politics Connection Grows Stronger

The connection between church attendance, religious involvement, and politics has never been stronger and is growing more profound, according to two recent polls. The Pew Research Center found that 63% of voters who attend church weekly are likely to support the reelection of George Bush, while only 38% of those who seldom or never attend religious services are likely to back the president's reelection. This gap started growing in the 1990s and has tended to supercede the historic divisions of Protestant Republicans versus Catholic and Jewish Democrats. Writes Steven Thomma of the Knight Ridder newspapers, “This relatively new fault line in American life is a major reason that the country is politically polarized. And the division over religion and politics is likely to continue or even grow in 2004.”

A Gallup Poll released in December found that 51% of Republicans attend religious services weekly, compared to 44% of Democrats and 35% of Independents. Among Republicans 67% considered religion to be “very important” in their lives, compared to 63% of Democrats and 54% of Independents. (This poll tends to confirm the higher level of support given to Ross Perot in the 1992 and 1996



elections and to Ralph Nader in 2000 by voters who were not regular churchgoers.) The most religious states were in the South and in Kentucky and West Virginia (all for Bush in 2000) while the least religious states were in New England, the Pacific Coast, Minnesota, and New York, which all supported Gore in 2000.

The Gallup Poll also discovered that 64% of registered voters say their “personal religious beliefs and faith” will shape their vote for president, while 36% say it will make no difference. About 38% said their faith would be “extremely or very important” in their voting decision. Women are more likely than men to admit religious influences on their voting preference, and voters in rural areas are more open to personal religious influence than are suburban or urban residents.

### God Supports Bush: Pat Robertson

Religious broadcaster Pat Robertson told his “700 Club” listeners on January 3 that God told him President Bush will win reelection by a landslide. Said the highly partisan Republican televangelist, “I think George Bush is going to win a walk. . . I really believe that I'm hearing from the Lord it's going to be like a blowout election of 2004. It's shaping up that way. The Lord just has blessed him. . . It doesn't make any difference what he does, good or bad. God picks him up because he's a man of prayer and God's blessing him.”

Yarbrough admitted that Cornerstone Tulsa seemed to favor fellow evangelicals but was “now willing to provide technical assistance to any faith group that requests it.”

## Bush Praises Catholic Schools

In an event widely heralded as an election year ploy, President Bush invited 250 Catholic educators to the White House on January 9. The president showered praise on Catholic education, claiming that it has achieved high academic results on limited budgets. Bush called Catholic education “astonishing.”

He again emphasized his support for the District of Columbia voucher bill, providing up to \$7,500 per child for a limited number of students to attend private and faith-based schools. The \$14 million program was passed by Congress as part of the overall fiscal year budget in mid-January. Catholic schools are expected to receive the bonanza of funds available, since many of the posh prep schools in DC charge tuition far in excess of \$7,500.

Bush seemed to recognize this fact. “The Catholic school system here in DC provides a really good alternative. And the federal government is now willing to help fund that alternative.”

Much of the speculation surrounding Bush’s address was political. Deal Hudson, the publisher of the conservative Catholic monthly, *Crisis*, admitted, “The president has reached out to Catholics as a voting bloc during his campaign.” But the Rev. Andrew Greeley, an author and sociologist, pooh-poohed Bush’s approach.

Greeley, who refused to attend the White House event, noted pointedly, “Since Richard Nixon, Republicans have been promising they will help Catholic schools and they haven’t. I don’t think President Bush is any more sincere than Richard Nixon was. I’ve heard that line before, and I wasn’t going to go and hear it again.”

Bush also promised \$50 million for a “national choice incentive fund” that would allow the transfer of some students from low-income families to private, faith-based or charter schools.

This is the 100<sup>th</sup> anniversary of the founding of the National Catholic Educational Association, which has 200,000 teacher members. *Education Week* reported that, “The Catholic educators gave the president extended and enthusiastic applause throughout the speech.”

## Faith-Based Charities Rake in Federal Funds

Over 600 grants worth \$168 million were awarded to faith-based organizations by the U.S. Department of Housing and Urban Development (HUD) during the last fiscal year. This represents 16% of the grants and 15% of the dollars under the federal homeless program. HUD spokesperson Brian Sullivan said, “We can’t really say why the number of faith-based organizations is higher, but local field offices are putting these on the top of their lists. We removed all the barriers faced by faith-based organizations.” Sullivan claimed that HUD is now intent on “leveling the playing field” and placing faith-based groups on an “equal footing” with their secular counterparts.

HUD rules changes now allow religious groups to use federal money to acquire, rehabilitate and repair buildings. The faith-based providers no longer have to set up secular nonprofit arms and may retain their religious activities and identity.

## No Due Process in Catholic Schools

At least four Catholic school teachers have been fired in recent months for running afoul of church laws regarding marriage, sexuality, and

## Visit ARL’s Web Site

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

political involvement. Michele Curay-Cramer, a teacher at the Ursuline Academy in Wilmington, Delaware, was fired after signing a pro-choice ad in a local newspaper. She refused to recant her views and has sued the Wilmington diocese for job discrimination. Angela Meacham, a fifth-grade teacher at St. Joseph School in Crescent Springs, Kentucky, lost her job after diocesan officials learned she had remarried in a Presbyterian Church without obtaining a Catholic-approved annulment. A similar fate befell Vicki Manna, who is suing St. Felicitas Elementary School in Euclid, Ohio, for her dismissal. Two teachers at an all-girls Catholic prep school, Luralton Hall, in Milford, Connecticut, were dismissed because of an alleged lesbian relationship.

## Justice Department Funds Evangelical Seminary

A \$1 million grant from the U.S. Justice Department to an evangelical Christian seminary – Fuller Theological Seminary in Pasadena, California – to break down anti-Muslim prejudice among evangelicals has been made. The program, designed to develop an interfaith code of ethics in which both groups will refrain from making offensive comments about the other and would prohibit proselytizing for two years, has won plaudits from Southern California Muslims. A spokesperson for the Southern Baptist executive committee, John Revell, denounced the effort, “For Fuller to declare that Christians and Muslims worship the same God would be a radical departure, not only from the evangelical tradition but also the tenets of orthodox Christianity. . . .”

No one seems to have questioned the program’s constitutionality, however laudable its objectives.

## Most Catholic Dioceses Improve Sex Abuse Reporting

Nearly 90% – 171 of 191 – of Roman Catholic dioceses in the U.S. have complied with the rules set by the nation’s bishops in 2002 to prevent sexual abuse of children. Auditors hired by the Church reported on January 6 that 20 dioceses, including New York, Honolulu, Memphis, and both Virginia dioceses (Richmond and Arlington) had not fully complied.

The Church spent \$1.8 million to audit 191 of its 195 dioceses, and the auditors were mostly former FBI agents working for a Boston consulting firm. (Four small dioceses, including Davenport, Iowa, presented insurmountable difficulties and were not audited).

Among the requirements were that dioceses ensure accountability of erring clergy and report criminal background checks to local police authorities. The head of the church’s new Office of Child and Youth Protection, Kathleen McChesney, a former FBI official, said most dioceses are now in compliance with a “zero tolerance” policy toward clerical offenders. The Cincinnati diocese was fined for keeping five accused priests in the ministry, but they have been removed.

Victim groups were not very satisfied with the results. They noted that the auditors did not have power to comb through personnel records, but relied on interviews with church officials, prosecutors and accused priests. More access to “objective data” was needed, said Barbara Blaine

*continued on page 12*

of the Survivors Network. Interestingly, eight of the non-compliant dioceses were Eastern-rites, where priests can marry and the problems may be less severe.

## Bush Funds Political Right

The Bush administration has channeled \$77 million in U.S. Department of Education (DOE) funds to groups which promote "school privatization" and vouchers, according to a report released at year's end by People for the American Way. The money has gone to a variety of organizations that support the No Child Left Behind law, as well as a group of pro-voucher "school choice" groups established by political conservatives.

Three groups which exist almost solely to promote school vouchers have received more than \$2.5 million in DOE grants. (The Black Alliance for Educational Options, \$1.1 million; Center for Educational Reform, \$960,147; Hispanic Council for Reform and Education Options, \$500,000.)

More than \$70 million in discretionary grants went to such conservative groups as the Education Leaders Council, whose cofounder, Eugene W. Hickok, is now the second-ranking official at DOE.

One other group that benefited from a \$14 million grant was K-12, a company founded by Reagan's education secretary, William J. Bennett, to promote home schooling.

Senator Edward Kennedy praised the report for "exposing a stealth campaign by the administration to reward groups that support its private-school voucher agenda at the expense of strengthening public schools."

## Bush Wants "Under God" to Stay in Pledge

The Bush administration on December 19 asked the Supreme Court to overturn an appellate court ruling that found the Pledge of Allegiance unconstitutional because it contains the phrase "under God." The 63-page brief filed by Justice Department lawyers argued that recitation of the pledge in public schools "is a patriotic exercise, not a religious testimonial." Joining the Bush effort was the Religious Right's major legal arm, Pat Robertson's American Center for Law and Justice, which filed a similar brief on the same day. Its spokesperson, Jay Sekulow, wrote that the religious invocation in the pledge "does not violate the Establishment Clause and is part of an American tapestry of patriotic and historical references."

*To understand George W. Bush, it is crucial to understand how the president of the United States could simultaneously be the leader of the nation's Christian Right. . . . George W. Bush, willing to tread where Ronald Reagan was not, had become the leader of the Religious Right by dint of his religiosity, patronage, and faith-based activism in desecularizing the American presidency.*

-- Kevin Phillips, *American Dynasty: Aristocracy, Fortune and the Politics of Deceit in the House of Bush* (Viking, 2004, pp. 223, 227, 228).

## Abortion Issue Stirs Passions Anew

On the eve of the 31<sup>st</sup> anniversary of *Roe v. Wade*, the House Judiciary Committee approved a bill that would make it a federal crime to "kill or injure a fetus" in the commission of an attack on a pregnant woman. The party-line 20-13 vote (all Republicans for, all Democrats against) was criticized by Democrats as an attempt to erode abortion rights. "This is part of a larger cultural war that is going on," observed Rep. John Conyers, Jr. (D-Michigan). The House passed similar "unborn victims" bills in 1999 and 2001, but the Senate took no action. Senator Mike DeWine, an Ohio Republican, is the sponsor of the Senate version of the so-called "Unborn Victims of Violence Act."

Republicans rejected an amendment offered by Rep. Zoe Lofgren, a California Democrat, that would have increased penalties for attacks on a pregnant woman leading to an interruption of pregnancy but would not confer a separate legal status on the fetus.

Nearly 30 states have similar laws. In Florida, a state appeals court rebuffed Governor Jeb Bush's attempt to extend guardianship rights to fetuses. Saying that the Florida Supreme Court had rejected the argument that a fetus is a person defined by law, a Daytona Beach court of appeals ruled in January that an Orange County judge was right when he denied a woman's bid to become a fetal guardian.

## Courts Ban Ten Commandments Plaques

A December 18 ruling by the Sixth U.S. Circuit Court of Appeals held that it is unconstitutional for three Kentucky counties (Harlan, McCreary, Pulaski) to post the Ten Commandments in public buildings, even if they are accompanied by other historical documents. The 2-1 decision upheld a 2001 federal court ruling removing the displays until an appellate decision was rendered. The displays originally included only the Ten Commandments but were changed to include the Declaration of Independence, the Magna Charta and the Bill of Rights. The Court majority held that adding these documents was merely an attempt at subterfuge. The counties and their counsel, Matt Staver of the Liberty Counsel, have asked for a review by the entire panel of Sixth Circuit judges.

In Habersham County, Georgia, U.S. District Court Judge William O'Kelley ordered the removal of Ten Commandments displays at the county courthouse and swimming pool. O'Kelley held that the displays "failed to retreat from the unambiguous religious purpose." He added, "While there might be ways to constitutionally display the Ten Commandments as part of a larger, historical presentation, Habersham County has failed to do so in this case."

## Bush Panders to Religious Right

In his State of the Union address, President Bush called for a "constitutional process" to protect marriage as an institution solely involving a male and a female. Bush attacked "activist judges who have begun redefining marriage" and said that "the only alternative left to the people" would be a constitutional amendment. Such an amendment, backed by religious conservatives and Republicans, would federalize all marriage laws, a traditional area of state definitions for centuries. Bush stopped short of endorsing a specific constitutional amendment, provoking criticism from the far right Family Research Council and the Southern Baptist Ethics and Religious Liberty Commission.

## Religious Monuments: Still Controversial

An ACLU federal court challenge to a Ten Commandments plaque at the Barrow County, Georgia court house has taken a new turn. A

local resident installed an addition, which contained Hindu, Buddhist, Islamic and agnostic writings, in an attempt to soften the impact of the Commandments plaque. But Barrow County Commission Chairman Eddie Elder ordered the new material removed on January 8.

In North Carolina, Winston Salem city council member Vernon Robinson placed a granite monument to the Ten Commandments in front of city hall on the Martin Luther King, Jr. holiday, when offices were closed. It was removed the following day by order of Mayor Allen Joines, who called it divisive.

## Bush Pressed on UNFPA Funding

One-hundred-seventy religious leaders and “people of faith” – Roman Catholic, Protestant, Jewish, Muslim, Buddhist, Hindu, and Humanist – wrote to President Bush on January 20 urging that he release the \$34 million appropriated by Congress for the UN Population Fund (UNFPA). The letter states that “women and men must have access to information and services so they can act morally and responsibly in their sexual behavior,” and “that when family planning services are not available to women and men, women’s health and livelihood suffer.”

The letter was initiated by Religious Voices for UNFPA, a project of Catholics for a Free Choice. Among the signers are ARL president Edd Doerr and ARL co-founder Rabbi Sherwin Wine.

## International

**Cairo:** More than 20 Egyptian Christians were arrested in October, according to the Barnabas Fund, a British-based human rights group. Apparently, all 22 were converts from Islam. While conversion from Islam is not forbidden by Egyptian law, a convert is not allowed to marry another Christian under the civil law or to change their name. The children of Muslims who convert to Christianity are still considered Muslims. Egypt has an ancient Christian community, the Copts, whose existence is still considered precarious in the increasingly Muslim-dominated nation. President Hosni Mubarak declared the Coptic Orthodox Christmas a legal holiday in January 2003, and has promised to crack down on Muslim attacks on the Christians, who may number 10% of the population.

**Dublin:** The percentage of Catholics in Ireland has declined to 88.4% from 91.6%, according to figures from the 2002 census. This marks the fourth straight census decline in Catholic percentage in the fast-changing Irish Republic. For the first time since Ireland separated from Britain in the 1920s, the Protestant population increased, to 7.2%. The Episcopal Church of Ireland added 26,400 members in the past decade. Eastern Orthodox Christians jumped from 400 to 10,400, as a result of immigration from Russia, the Baltic states, and the Balkans. Muslims were up from 3,900 to 19,100 and Jews increased from 1,581 to 1,790. The largest single increase was the “no religion” category, which more than doubled, from 66,500 to 141,000 in the new census. Nearly 4% of Ireland’s residents had no affiliation with any religious community.

**London:** Cherie Blair, wife of Prime Minister Tony Blair, blasted Vatican sexism in a lecture at the Jesuit church in Farm Street on December 18. In a talk sponsored by *The Tablet*, the internationally known Catholic weekly, Blair said, “The Church has to introduce human rights internally if it wants to be credible on the international stage. The Vatican curia needs to open its doors to female participation. There is little reason why half of all Vatican curial positions could not be filled by women. It should be a main priority of the Church at all levels to break down the barriers to female participation.”

**Madrid:** The government of conservative prime minister José María Aznar has implemented a law to strengthen the presence of the Roman Catholic Church in Spanish public schools. A new law requires that all students take a class each year in Catholic dogma, taught by church-approved employees, or an alternative class on comparative religion. The religion grades count toward final averages, which determine promotion to higher grades and eligibility for competitive university entrance exams. Previously, an optional course on Roman Catholic doctrine was offered during school hours but was not counted as a graduation requirement. National teachers unions, parents associations, and opposition political parties oppose the change. Several groups have filed suit in Spain’s Constitutional Court, seeking to block the law’s full implementation. The Spanish Constitution of 1978 guarantees freedom of religion and grants no official status to any religion. But the government at that time signed a concordat with the Vatican pledging financial support for independent Catholic schools.

**New York:** The Philippine Mission to the United Nations has proposed a new office at the United Nations to promote understanding and cooperation among the world’s religions. A draft resolution introduced in November encourages a working group to explore means of averting clashes between religions. A World Council of Religious Leaders, which met at the UN in August 2000 and drafted a charter in Bangkok in 2002, has already become an “independent resource” for promoting “harmony and tolerance” along religious lines. A new UN agency for these goals has been endorsed by the Organization of the Islamic Conference. But the Philippine proposal has received a lukewarm response from the Bush administration.

**Toronto:** Some Canadian Muslims will soon be able to bring disputes before an Islamic tribunal whose decisions may be enforced by the secular courts. Canada’s Islamic Institute of Civil Justice, formed last October, will begin arbitrating family and business disputes among Muslims in Ontario province. The arbitration decisions will be recognized by Canada’s courts. Women will be disadvantaged, say many critics. Sheila Ayala of the Humanist Association of Canada said, “It involves inheritance, divorces and family matters, and the sharia law is a distinct disadvantage to Muslim women, and they will be pressured. If Canada accepts this, it means it will give credibility to the sharia law around the world.” The arbitration system already exists for conflict resolutions in the Jewish community, where a couple can obtain a divorce from a rabbinical court, whose decision is accepted by the civil authorities. Defenders of the arbitration system point to provincial government oversight procedures that insure that decisions do not breach the Charter of Rights and Freedoms, the country’s supreme law. Canadian provinces determine their own laws on property and civil rights questions, and the federal government generally stays out of these issues. Arbitration does not cover criminal offenses.

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# Books and Culture

*The United Nations Population Fund in China: A Catalyst for Change*, Report of an Interfaith Delegation to China, Catholics for a Free Choice (1436 U Street NW, Suite 301, Washington, DC 20009), 57 pp., \$10.00.

In July of 2002 the Bush administration blocked \$34 million that Congress had appropriated for the United Nations Population Fund (UNFPA). The ostensible reason for the action was that the UNFPA was supporting coerced abortions in China, despite the fact that the administration's own investigation team had gone to China two months previously and recommended approval of the grant.

In response, though delayed for months by the SARS outbreak in the region, Catholics for a Free Choice sponsored an interfaith delegation of nine religious and faith-based organization leaders and ethicists – Catholic, Protestant, Unitarian, Jewish, Muslim – to China in September of 2003 to investigate the matter.

The delegation concluded that, despite Bush administration claims to the contrary, the UNFPA's role in China actually reduces coercion in family planning and plays an important role in promoting voluntary, high quality reproductive health care for the Chinese people.

On November 24, 2003, the delegation's report was formally presented to the UNFPA at the UN. Ambassador Dirk Jan van den Berg, the Netherlands' Permanent Representative to the UN, declared: "As the largest donor to the UNFPA, The Netherlands fully concurs with the findings in this report. We firmly believe that the provision of quality reproductive and sexual health care is paramount to achieve the

goals and objectives of the Cairo agenda [i.e., the Programme of Action adopted, with U.S. support, at the UN's 1994 International Conference on Population and Development in Cairo], for which we fought so hard ten years ago. Since Cairo, lack of funding for reproductive and sexual health care programs, combined with increased conservation, has hampered progress to improve the health of women and children, violated women's rights and stalled development progress."

Among the delegation's findings: The Chinese government is taking active steps to end the use of coercion in its family planning activities nationwide; abortion and sterilization rates are declining as contraceptive choice increases; contrary to Bush administration claims, the UNFPA neither "supports" nor "participates in" managing China's family planning program.

Among the delegation's recommendations: U.S. policies toward China's family planning program should become one of constructive engagement; U.S. funding for the UNFPA should be restored and if possible increased.

Catholics for a Free Choice (CFFC) is encouraging concerned citizens to express their views on this matter to President Bush (1600 Pennsylvania Avenue NW, Washington, DC 20500; phone 202-456-1414; email: president@whitehouse.gov) and to Secretary of State Colin Powell (U.S. Department of State, 2201 C Street NW, Washington, DC 20520; phone 202-647-6575).

CFFC has made an important contribution to the struggle against the campaign of the religious right to interfere with reproductive freedom of choice and retard efforts to deal with the worldwide population/resource problem.

— Edd Doerr

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*The Transformation of American Religion*, by Alan Wolfe, Free Press, 309 pp., \$26.00.

Wolfe, director of the Boisi Center for Religion and American Public Life at Boston College, argues rather effectively that religion in America has become so domesticated and so devoid of theological distinctions that it is not much of a threat to domestic peace. Religion has become more therapy and entertainment, and even conservatives and evangelicals live a life-style not too dissimilar from the nonreligious or the modestly religious.

He writes, "American religion has become more personalized and individualistic, less doctrinal and devotional, more practical and purposeful, and increasingly at home with the culture surrounding it."

Wolfe is too irenic and optimistic in some of his sweeping assessments. "Understanding how religion is actually practiced in the United States offers the more optimistic scenario that religion need not be an enemy of democracy and can in many cases be its friend." But he does admit that "the attack [of September 11] stands as a reminder of the power of religion to fuel hatred and to justify extremism."

Some of his assertions seem at least mildly absurd, especially when he says, "The pedophilia scandal could turn out to be a source of replenishment for American Catholicism rather than a nail in its coffin," and "religious switching acts as a kind of insurance policy against bigotry." Only time will tell whether this is true. His conclusion, "American religion has been so transformed that we have reached the end of religion as we have known it," may not be accurate at all.

—Al Menendez

*The Two Americas*, by Stanley B. Greenberg, St. Martin's Press, 400 pp., \$25.95.

Greenberg, an internationally known pollster and onetime adviser to President Bill Clinton, examines in exhaustive but readable detail the political deadlock now gripping America. He breaks down the electorate into numerous disparate groups, based on their historic voting behavior, education, income, and cultural proclivities. Most groups are firmly in the Republican or Democratic camps, but a few are closely "contested" and uncertain how they will vote in 2004.

Greenberg argues that a Kennedy-style Democratic message of full opportunity for all Americans, not just the privileged few, is potentially a winner in the future and could defeat Reaganism redux in the George W. Bush presidency.

Readers of this publication will find three of his subgroups of interest: The "faithful" (evangelical and fundamentalist white Protestants), who favor the GOP 72% to 23%; the "secular" voters, who rarely or never attend religious services, and prefer the Democrats 63% to 30%; and the "devout Catholics," who are conflicted and almost evenly divided, 48% to 46% Republican. These three groups constitute only

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41% of voters, so there are many other religious categories excluded from his analysis or subsumed in other categories. (The faithful are 17%, the seculars 15%, and the devout Catholics are 9%.) A solid majority of Catholics do not fit the devout category and are more often than not at odds with their church leadership on a host of issues.

According to Greenberg, the secular voters, 15% strong, are growing fast and "determined to protect their emerging way of life." The secular Americans "think that powerful groups calling upon moral or religious authority threaten their autonomy and privacy."

Their polar opposites, labeled "the faithful" by Greenberg, "animate the modern Republican Party. They give the party life, not just in the countryside but also in the small towns and small cities and suburbs of America." They are "the most committed of the loyalists and vote for the Republicans as if it were an article of their faith." Furthermore, "Their deep bond within the Republican Party was forged through decades of culture war." Nearly two-thirds of white evangelicals consider themselves political conservatives, 80% voted for Bush and 75% supported Republican congressional candidates.

The faithful may soon be overtaken by the seculars, however. Greenberg's poll found that 25% of the electorate attend church every Sunday but 29% never or rarely attend religious services. "The secular modernizing forces to which Christian fundamentalism is partially a reaction may be catching up with the devout." Also, the domination of the GOP by the faithful has "many voters in the contested, or independent sectors, deeply uncomfortable."

This is an excellent study of U.S. politics today, and it deserves a wide reading audience.

—Al Menendez

*The Decline and Fall of the Catholic Church in America*, by David Carlin, Sophia Institute Press, 405 pp., \$24.95.

Carlin, a professor of sociology and philosophy at the Community College of Rhode Island, and a former Democratic state senator from Rhode Island, has written a truly wacky book. He says his beloved Catholic Church has been betrayed by liberals and those who cherish tolerance and democracy. His thesis: "The once-flourishing Catholic Church in the United States was undermined in the 1960s by Vatican

*continued on page 16*



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**Books and Culture**, *continued from page 15*

II, the end of the old Catholic quasi-ghetto and the rise to cultural hegemony of secularism and moral liberalism. These factors combined to produce a dangerously tolerant and open-minded mentality among Catholics.”

He argues that American Catholicism “will continue to decline in the future and will become a small and insignificant factor in American life.” He claims that “the triumph of secularism and moral liberalism will eventually undermine the republic, by encouraging a kind of moral anarchy.” Nothing can really save church or state, he implies, but an “alliance” between a “revived Catholicism” and conservative Protestantism might – just might – “halt the advance of the secularist juggernaut.”

This pessimistic and absurd screed lacks any historical or factual underpinning. (The book has no bibliography and no footnotes.) It probably points up why Carlin received less than a fourth of the vote in Catholic, liberal and Democratic Rhode Island when he ran for Congress in 1992 against a pro-choice Republican woman.

— *Al Menendez*

*My Struggle for Freedom*, by Hans Küng, Eerdmans, 478 pp., \$38.00.

Admirers of the Swiss-German Catholic theologian Hans Küng will relish this detailed autobiography. Küng minces no words as he demolishes dishonesty and duplicity in the church he has chosen to serve. The author has had a long and distinguished career as a professor, scholar, author, and *peritus* (theological adviser) to cardinals at the Second Vatican Council. The book ends in the late-1960s so there is ample room for a future volume of memoirs, which the author is planning to write.

As a leader of the church’s loyal opposition, he writes, “Spiritual dictatorship in particular – which has devastating consequences for countless people – must be resisted. Church totalitarianism in particular must be opposed with the freedom of the conscience.”

Well done and well said.

— *Al Menendez*

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