



VOICE OF REASON

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School Voucher Programs Expand

There are 190,811 students participating in 20 school voucher or tuition tax credit programs in 12 states and the District of Columbia. These programs received \$714 million in the 2010-2011 school year. School voucher programs involved 67,267 students and cost \$425 million, while tax credit programs include 123,544 students and cost \$289 million. Florida and Pennsylvania enroll slightly over half of the students in these programs, with Arizona in third place, followed by Wisconsin and Ohio. Iowa and Georgia rank sixth and seventh in students. Smaller numbers are found in Louisiana, the District of Columbia, Utah, Rhode Island, Indiana and Oklahoma. New programs were signed into law last year in Louisiana and Oklahoma, while Pennsylvania and Florida saw increases in funding. (Florida's legislature increased its support for the tax credit program from \$118 million to \$140 million.)

Students enrolled in voucher plans have almost doubled since 2004-2005, when 96,528 participated. Today's 190,811 is a far cry from the 29,003 enrolled in 2000-2001. An aggressive campaign by pro-voucher advocates and court rulings weakening separation of church and state are largely responsible for this trend.

These data have been compiled by the pro-voucher Alliance for School Choice, whose *School Choice Yearbook 2010-11* forecasts more movement in this direction in Arizona, Florida, Georgia, Ohio, Pennsylvania, Wisconsin, Indiana, New Mexico and North Carolina. New Jersey is also seen as a likely target, considering the enthusiastic support of Gov. Chris Christie. ■

School Vouchers and Tax Credit Programs by State

State	Students Enrolled	\$ Funding (in Millions)	Participating Schools
Florida	54,000	292.0	2,077
Pennsylvania	42,339	51.8	275
Arizona	31,247	60.6	577
Wisconsin	20,189	130.8	102
Ohio	20,131	106.6	546
Iowa	10,208	10.8	157
Georgia	8,675	24.5	190
Louisiana	1,697	7.8	33
District of Columbia	1,012	8.2	41
Utah	624	3.3	43
Rhode Island	460	1.3	51
Indiana	219	0.4	NA
Oklahoma	10	0.1	6
Total	190,811	714.2	4,098

Source: School Choice Yearbook 2010-2011, pp. 11-12, 38-57.

War Memorial Cross Held Unconstitutional

A war memorial cross in a public park is unconstitutional because it conveys government endorsement of religion. This was the opinion of the Ninth U.S. Circuit Court of Appeals on January 4, possibly signaling an end to a case that has dragged on for twenty years.

The three-judge panel issued a unanimous ruling that the cross is an intrinsically religious symbol, even if it was meant to honor Korean War veterans. "In no way is this decision meant to undermine the importance of honoring our veterans. Indeed, there are countless ways that we can and should honor them, but without the imprimatur of state-endorsed religion."

The Ninth Circuit hedged its bet a bit by saying that the cross did not have to be removed immediately. The judges also suggested that the "Soledad Cross," as it is known, could be rendered constitutional but they did not spell out just how this could be achieved.

The case has a long history. A cross was erected on Mount Soledad overlooking La Jolla, California, in 1913, was replaced in the 1920s and then blown down in 1952. In 1954 the present cross was dedicated

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Creationist Support Declines Slightly

About 40% of Americans—down from 47% a decade ago—believe “God created humans in their present form about 10,000 years ago.” The number who believe that “humans evolved over millions of years” with no involvement by a deity has increased from 9% to 16%. These are the findings and language used in surveys by the Gallup Poll every two years. An additional 38% believe “God guided a process by which humans developed over millions of years from less advanced life forms.” This “theistic evolution” view has received a steady 35% to 38% endorsement in polls going back to 1982.

Notes Gallup’s Frank Newport: “Americans’ views on human origins vary significantly by level of education and religiosity. Those who are less educated are more likely to hold a creationist view. Those with college degrees and postgraduate education are more likely to hold one of the two viewpoints involving evolution.”

For example, strict creationism is believed by 47% of those with a high school education or less and by 22% of those who hold postgraduate college degrees. Creationism is endorsed by 60% of weekly churchgoers and by 24% of those who seldom or never attend religious services. Republicans (52%) are more likely than Democrats or Independents (both 34%) to endorse the creationist view.

The “theistic evolution” view is most likely to be held by Democrats, Independents, college graduates, and occasional church attendees. Six percent of those surveyed did not offer an opinion about the origin of life.

Gallup surveyed 1,019 adults by telephone in December, 2010, and results were released on December 17. ■

Views on Creationism

% Who Believe In:	Creationism	Theistic Evolution	Secular Evolution	No Opinion
Church Attendance:				
Weekly	60	31	2	7
Monthly	41	47	9	3
Seldom-never	24	39	31	6
Education:				
Post graduate	22	49	25	4
College graduate	37	38	21	4
High school or less	47	34	9	10
Politics:				
Republican	52	36	8	4
Democrat	34	40	20	6
Independent	34	39	21	6
All	40	38	16	6

Christmas Disputes Wane

The annual “War on Christmas” has become a mere skirmish. There was a minor dispute over the removal of a nativity scene at the St. George Ferry Terminal by the New Jersey Department of Transportation, and the boycott of a parade in Tulsa, Oklahoma, by Sen. James Inhofe was briefly contentious. Inhofe refused to participate after city officials changed the name from the Christmas Parade of Lights to the Holiday Parade of Lights. Parade chairperson Larry Fox told interviewers that the new name “was more reflective of what we actually are.” Fox said it was “silly” for Inhofe to claim that Christmas was being deni-

grated.

Several national surveys showed that most Americans actually preferred “holiday” to “Christmas” in descriptions of public events, or didn’t care which term was used.

Northern Virginia’s Loudoun County opened its courthouse grounds to various displays after last year’s imbroglio over a lone Nativity scene and Christmas tree that had appeared for half a century. This year ten holiday displays were on view, including a Christmas tree, three manger

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Memorial Cross, *continued from page 1*

“as a reminder of God’s promise to man of everlasting life and of those persons who gave their lives for our freedom...,” making the symbol both a religious and a veterans memorial site. The cross also served as a site for Easter services. Only in the late 1990s did veterans’ organizations begin to hold regular memorial services.

The opinion in *Jewish War Veterans v. City of San Diego* noted, “Contrary to any popular notion, war memorials in the United States have not traditionally included or centered on the cross and, according to the parties’ evidence, there is no comparable memorial on public land in which the cross holds such a pivotal and imposing stature, dwarfing by every measure the secular plaques and other symbols commemorating veterans.”

The court admitted, “Simply because there is a cross or a religious symbol on public land does not mean that there is a constitutional violation.” But, the “context, history, use, physical setting and primary effect of the memorial is driven by the factual record, which drives the legal judgment.”

Even though the land on which the cross sits was transferred by Congress to the federal government in 2006, there is still a vital constitutional question that cannot be ignored. The appeals court said that “the district court erred in declaring the Memorial to be primarily non-sectarian.” On the contrary, “The Latin Cross has long been acknowledged as a preeminent Christian symbol,” and “the Cross’s religious nature has been widely recognized and promoted since it was first erected.”

The court also noted that “the record of secular events at the Memorial is thin” and that the town of La Jolla has “a history of anti-Semitism that reinforces the Memorial’s sectarian effect.”

After determining that the cross is an exclusively Christian religious symbol, the Ninth Circuit concluded, “The use of such a distinctively Christian symbol to honor all veterans sends a strong message of endorsement and exclusion. It suggests that the government is so connected to a particular religion that it treats that religion’s symbolism as its own, as universal. To many non-Christian veterans, this claim of universality is alienating.”

In summary: “We conclude that the Memorial, presently configured and as a whole, primarily conveys a message of government endorsement of religion that violates the Establishment Clause. This result does not mean that the Memorial could not be modified to pass constitutional muster nor does it mean that no cross can be part of this veterans’ memorial.”

The decision could have an influence on present and future cases involving religious symbols on public lands. But the Ninth Circuit judges were cautious in explaining that this case may be different from others because of context and history. They observed: “The centrality and prominence of the Cross in the Memorial distinguishes the Memorial from other war memorials containing crosses. For example, the Argonne Cross and the Canadian Cross of Sacrifice at Arlington National Cemetery and the Irish Brigade Monument at Gettysburg are located among the many secular monuments in those memorials. The crosses are on equal footing with these other monuments and do not dominate the landscape. The constitutionality of these crosses is not before us and we do not question their legitimacy. Their setting, however, is reflective of how crosses are incorporated within a larger memorial setting. That a cross may be permissible when it is merely one facet of a large, secular memorial in which it does not hold a place of prominence does not speak to the constitutionality of a cross that is the centerpiece of and dominates a memorial, the secular elements of which are



The “Soledad Cross,” San Diego County, California

subordinated to the cross.”

Conservative legal groups indicated that they will ask the U.S. Supreme Court to review the ruling.

Three California Republican congressmen, led by Rep. Duncan Hunter, have introduced the “War Memorial Protection Act,” which would allow religious symbols to be included in any federal military memorial. ■

Christmas Disputes, *continued from page 2*

scenes, five atheist displays and a mannequin celebrating Luke Skywalker of “Star Wars.”

Religious conservatives continued to raise a ruckus. Columnist Armstrong Williams wrote, “For the past half-century, there has been a slow but unrelenting attack on the Christian foundations of the United States.”

But essayist Joshua Villines noted that Christmas means different things to different people, and is celebrated in both secular and religious ways. The “Christmas season,” he says, has become a preeminent shopping fest and often has little to do with religious observances, at least in the public context. “For Christians, Advent is a time of expectation, of hope tinged with fear and self-evaluation. The misguided campaign to relocate the Nativity into the retail Christmas shopping season completely ignores the traditional, Christian understanding of it.”

Villines wrote that it is absurd to claim that “evil forces of secularism are persecuting faithful believers.” He continued, “Claims of religious persecution are all the more bizarre given that 76 % of Americans self-identify as Christians. It takes a real talent for deceptive rhetoric to portray a group that makes up three-fourths of the country as a threatened minority.”

Most Americans seem to have ignored this controversy anyway. A Rasmussen Reports Survey found that 92% of Americans celebrate Christmas in either (or both) religious or secular ways. ■

Religious Affiliations, 112th Congress: Final Count

With all recounts and certifications completed in time for the seating of the 112th Congress in January, Catholics remain in first place with 156 members. Democrats outnumber Republicans 84-72 among Catholics, a considerable decline from the 113-48 Democratic margin in the 111th Congress. Catholic Democrats outnumber Catholic Republicans heavily in California, Illinois, New York and the New England states, but Catholic Republicans outnumber Catholic Democrats in the South 19-7 and in Ohio and Pennsylvania.

Baptists total 70 and Methodists 48. There are 46 Presbyterians, 39 Jews, 36 Episcopalians and 26 Lutherans in the new Congress.

There are 26 nondenominational "Protestants" and 24 "Christians." These two groups are overwhelmingly Republican 35-15 and reflect the nondenominational preferences of many newly elected conservative Republicans.

The 112th Congress has 14 Mormons and five members of the Eastern Orthodox and United Church of Christ traditions. Buddhists, Christian Scientists and members of the Church of Christ all have three members each.

Other religious groups represented in Congress with one or two members include the following: A.M.E., Anglican, Assembly of God, Christian Reformed, Congregationalist Baptist, Church of God, Community of Christ, Evangelical Christian, Evangelical Methodist, Evangelical Free Church, Muslim, Nazarene, Quaker, Seventh-day Adventist, Unitarian Universalist, and United Brethren in Christ.

Six members are unaffiliated with any religious group.

Republicans have clear majorities among all Protestant groups, in addition to Mormons, while Jews, Buddhists, Muslims and the religiously unaffiliated are nearly all Democrats. Interestingly, with the death of Robert Byrd, there are no Baptist Democrats in the Senate. All eight are Republicans.

Despite the huge turnover in members of Congress, with more than 100 new members, the overall religious affiliations did not reflect dramatic change. Catholics, Jews and Methodists decreased the most, while nondenominational "Christians" made the greatest increases, but the overall effect is minimal. One odd trend was the near wipe-out of Eastern Orthodox Democrats, who declined from four to one, leaving John Sarbanes of Maryland as the lone Greek Orthodox Democrat. His four co-religionists are Republicans.

Religious Affiliations, 112th Congress

<i>Denomination</i>	<i>Total</i>	<i>Change from 111th Congress</i>	<i>Senate</i>	<i>House</i>
Catholic	156	-5	24	132
Baptist	70	+2	8	62
Methodist	48	-5	11	37
Presbyterian	46	+2	14	32
Jewish	39	-5	12	27
Episcopalian	36	NC	4	32
Lutheran	26	+3	4	22
"Protestant"	26	+2	5	21
"Christian"	24	+8	3	21
Mormon	14	+1	5	9
Unaffiliated	6	NC	1	5
Eastern Orthodox	5	-3	1	4
United Church of Christ	5	NC	4	1
Buddhist	3	+1	0	3
Christian Science	3	-2	0	3
Church of Christ	3	NC	1	2
All others	25	+1	3	22

Note: These totals include changes in self-designation since the last Congress. Sources consulted include *Roll Call/Congressional Quarterly*, the *Almanac of American Politics*, Pew Forum, Wikipedia, and VoteSmart.org.

The religious configuration of the parties shows their appeal to different groups. Nearly half of Democrats are Catholic or Jewish, compared to just one fourth of Republican members who are Catholic or Jewish. And 69% of Republicans but only 43% of Democrats are Protestant (see table).

A complete list of religious affiliations for all members of Congress is available on our website, www.arlinc.org. ■

More Abortion Restrictions Likely

The Republican triumph in the U.S. House of Representatives and in a majority of state legislatures last November is leading observers to forecast an avalanche of new proposals to limit abortion availability.

In the House the anti-choice lobby gained about 45 seats in the midterm elections, and they count speaker John Boehner as an ally. The new chairman of the subcommittee which has jurisdiction over Medicare, private health insurance, the Food and Drug Administration, the National Institutes of Health, and portions of Medicare is Pennsylvania Rep. Joe Pitts, a son of missionaries and the head of the 70-member Values Action Team.

The main goal for Pitts and his allies is to ban federal subsidy payments to any health insurance plans that include abortion coverage. He has already introduced a bill, HR 5111, to ban federal subsidies "to pay for any abortion or to cover any part of the costs of any health plan that

includes coverage of abortion." Speaker Boehner favors these restrictions. However, Rep. Fred Upton (R-MI), chairman of the Energy and Commerce Committee, under which Pitts' subcommittee serves, opposes many abortion restrictions. Upton opposed a Republican proposal to cut off federal funds for Planned Parenthood in 2009.

Abortion restrictions would be more difficult to pass in the Senate, which still has a Democratic majority. And President Obama could still veto any extreme legislation.

The outlook is more problematic in the state legislatures, with their topheavy Republican majorities. The GOP now controls a majority of state houses and has more legislators than at any time since 1928, when Herbert Hoover defeated Al Smith for the presidency, according to the National Conference of State Legislatures. Many states seem poised to pass "informed consent" or ultrasound image laws. Some states may try

to change the specified stage of pregnancy during which states may prohibit abortions. Thirty-eight states prohibit abortions after a stage of pregnancy, usually fetal viability, according to the Guttmacher Institute.

In Iowa key Republican leaders are drafting legislation modeled on the restrictive Nebraska law, which has lowered the standard of viability to 20 weeks rather than the more usual 22 or 24. The Center for Reproductive Rights in Washington, D.C., believes the Nebraska law is unconstitutional and may appeal it. But Republican state Rep. Matt Windschitl, a board member of Iowa Right to Life, plans to introduce a Nebraska-style law.

Legislators in both Iowa and Nebraska are also planning to impose a ban on “telemedicine” abortions, involving prescriptions for RU-486 and videoconferences with physicians. Iowa is the only state that currently allows this method, and its services are mostly utilized in rural areas.

Mother Jones magazine summarized the present state-by-state pattern of restrictions mandated by state law. They include mandatory waiting periods, fetal pain counseling, pre-abortion ultrasounds, and such medically dubious measures as “psychological impact” information and discredited abortion-breast cancer links. Four states (Oklahoma, South Dakota, Texas, and Utah) require four of these restrictions, while Louisiana, Mississippi, Missouri and West Virginia require three of the restrictions in their laws regulating abortion. Two restrictions apply in Alabama, Alaska, Arizona, Arkansas, Georgia, Michigan, Minnesota, Nebraska, North Dakota, and South Carolina. One is mandated in Florida, Idaho, Indiana, Kansas, Kentucky, Ohio, Pennsylvania, Virginia and Wisconsin.

Twenty-three states, mostly in the Northeast and Pacific Coast regions, do not require any of the five restrictions cited. Two Southern states, North Carolina and Tennessee, have none of these restrictions. The above-cited restrictions are not found in Illinois and Iowa or in the Mountain West states of Colorado, Montana, Nevada, New Mexico and Wyoming.

There is some connection between political orientation and restrictive abortion legislation. John McCain carried 19 of the 27 states with at least one of these abortion restrictions. Of the 23 states without these restrictions, 20 supported Barack Obama.

As we went to press, Virginia’s legislature approved new restrictions on abortion clinics, which are scheduled to go into effect in July but may be challenged in court. ■

Herbert I. Blinder, 1920-2011

Herb Blinder, ARL treasurer for many years, died on January 21 at the age of 91. Herb, a navy veteran and engineer, retired from the American Public Power Association in 1985. He was a lifelong activist for social justice.



At his memorial service, ARL co-founder Edward L. Ericson, a life-long friend, said the following: “The true builders and reformers of democracy and human well-being are far less likely to be celebrated as patriots—and are even less likely to claim special distinction for themselves. Herb was of the latter kind—a working patriot of the larger vision, whose life and labors actualized Tom Paine’s creed: ‘The world is my country and to do good is my religion.’”



Church and State in the Courts

Elementary school students have First Amendment free speech and free exercise of religion rights as long as their speech is non-disruptive. So concluded a three-judge panel of the U.S. Court of Appeals for the Fifth Circuit on November 29. A unanimous ruling in *Morgan v. Swanson* may allow more religious messages in public school classrooms in the Plano Independent School District in Texas. The same court last year upheld a district policy that establishes time, place and manner limits on the distribution of religious materials at elementary schools. The appeals court sent the case back to district court, where parents who brought suit on behalf of their children will still have to prove that they suffered religious-viewpoint discrimination.



Montana’s Supreme Court ruled that a high school student had a free speech and free exercise of religion right to make a religious reference in a graduation address. In a 6-1 ruling on November 19, the court said that it was “unreasonable for the school district to conclude that cursory references to personal religious beliefs could be viewed by those in attendance at the graduation ceremony as a religious endorsement.” A lower court had upheld the school district’s policy of disallowing the expression of religious views. The case began in May 2008 after senior Renee Griffith, a valedictorian, wanted to include a reference to “Christ and his joy” in her valedictory address. The school district refused to allow her to do so, and the Montana Human Rights Bureau said there were no grounds for a discrimination charge, a position that was endorsed by a lower court.



It does not violate the principle of separation of church and state for a county government to lend money for a church to build affordable housing for low-income residents. The U.S. Court of Appeals for the Fourth Circuit dismissed an appeal from an Arlington County, Virginia, taxpayer on December 23. The taxpayer, Peter Glassman, had lost a case in a federal district court prior to the appellate decision. The court determined that the primary purpose of the loan from the Arlington County Board to First Baptist Church of Clarendon was to build affordable housing on church property, not to aid religion.



There will be no rehearing of a case involving the erection of crosses to commemorate fallen state troopers in Utah. The U.S. Court of Appeals for the Tenth Circuit ruled on December 20 that the three-judge panel’s August, 2010, decision will stand. That ruling held that the crosses were religious symbols and could not be erected by the state. The Utah Highway Patrol Association and the State of Utah had asked the Tenth Circuit to rehear the case with all judges, i.e., *en banc*. The Tenth Circuit’s rejection now means that state authorities have until March 20 to file a petition with the U.S. Supreme Court.

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The federal government sued a suburban Chicago school district for denying leave to a Muslim teacher who wanted to make a pilgrimage to Mecca. The U.S. Justice Department filed a civil rights case in federal court on December 13 against the Berkeley School District. The government said the school district violated the Civil Rights Act of 1964 by failing to make a reasonable accommodation for an employee's religious practices. The suit said the district compelled middle school teacher Safoorah Khan to choose between her job and her religious beliefs. The government asked that Khan be reinstated with back pay in addition to receiving compensatory damages.

Khan asked for three weeks of unpaid leave in 2008 to make the pilgrimage. The school district denied her request twice. She resigned and filed a complaint with the U.S. Equal Employment Opportunity Commission.

According to the Associated Press, "The case is the first brought by the department in a project to ensure vigorous enforcement of the 1964 act against state and local governments by improving cooperation between the Equal Employment Opportunity Commission and the department's civil rights division."



The moment of silence law has been reinstated for Illinois public schools. U.S. District Judge Robert Gettleman lifted the injunction against the law's enforcement on January 13, and the Illinois State Board

of Education notified the state's 868 school districts the day after. The judge's move came in response to a Seventh Circuit U.S. Court of Appeals ruling last October upholding the 2007 "Silent Reflection and Student Prayer Act." The appeals court held that the law had a secular and practical purpose and did not specifically require prayer but mandated "an opportunity for silent prayer or silent reflection." School districts have been given flexibility in implementing the law.



A federal appeals court ruled on February 2 that an Ohio judge has no constitutional right to post the Ten Commandments in his courtroom. The Sixth U.S. Circuit Court of Appeals decided that Richland County (Ohio) Common Pleas Court Judge James Deweese violated the First Amendment rights of lawyers and litigants appearing in his courtroom.

Since 2006 Deweese had placed a poster of the Commandments, along with his commentary on moral relativism, on a courtroom wall. Deweese's comments on law said there is "a conflict between moral relativism and moral absolutism," and "because morality is based on faith, there is no such thing as religious neutrality in law or morality." The judge implied that his court would "acknowledge God as the final authority and His unchanging standards of behavior."

The Sixth Circuit held that Deweese's poster "sets forth religious messages and religious endorsement" and "is an explicit endorsement of religion in contravention of the Establishment Clause."

The lawsuit was brought by the ACLU and marked the second time since 2000 that courts had ordered religious messages removed from this courtroom. ■



The Voucher Watch

• Republicans wasted no time in an all-out attempt to reauthorize a federally-funded voucher program for the District of Columbia. Speaker John Boehner, and his erstwhile ally, Sen. Joseph Lieberman (I-CT), introduced legislation January 26 to restore the D.C. voucher program despite its spotty performance and lack of support from Mayor Vincent Gray and Delegate Eleanor Holmes Norton and other officials. The program began in 2004 and was being phased out by the Obama administration.

The proposal now has a new name, "The Scholarships for Opportunity and Results Act," and a new and more generous price tag. Though the new Republican-led House has claimed that cutting spending and reducing the deficit are its primary goals, the Boehner-Lieberman plan would increase per pupil spending from \$7,500 to \$8,000 per year for elementary and middle school students and \$12,000 for high school students.

"Boehner began lobbying for the legislation during Tuesday's State of the Union address, where his guests for the evening included children, educators, parents and activists involved in the voucher program," reported *CQ* on January 26. *CQ* cautioned that the bill may not pass any time soon. "Finding room in the budget for vouchers will be

difficult when the new GOP majority is vowing to make deep spending cuts."

Senator Lieberman announced his impending retirement after 2012, and he is expected to push hard for the voucher scheme in the less-friendly Senate.

Numerous national organizations, including ARL, are already gearing up to fight the bill. The 13,000-member American Association of School Administrators sent a letter to all members of Congress, which said in part, "Vouchers are poor public policy, inherently flawed in permitting the inequalities found in the private markets, lacking public oversight, and leaving the choice of which students are admitted to the schools not the parents. Beyond being poor public policy, they lack political viability, losing by a margin of two-to-one in 12 elections over a 36 year period, and create an unsustainable increase in federal, state and local taxes."

The American Association of University Women, representing 100,000 members, urged lawmakers to reject vouchers: "The program funnels taxpayer money to private schools that do not have to follow many civil rights laws and has not been proven to improve academic achievement."

- Pennsylvania voucher advocates have mounted a strong campaign to increase the state's education tax credit program from \$75 million to \$100 million. The program, which began a decade ago under Republican Gov. Tom Ridge, offers tax credits to businesses that offer money for "scholarships" to private and faith-based schools. Senate Bill 1, introduced by Republican state senator Jeffrey Piccola and Democrat Anthony Williams of Philadelphia, is being rushed to debate since Piccola chairs the Senate Education Committee. The bill would provide "opportunity scholarships" of up to \$12,000 per student to attend private schools, even those located outside of their local public school district. Republicans control both houses of the Pennsylvania legislature, and Gov. Tom Corbett is a voucher supporter. Corbett even proclaimed the last week of January "Pennsylvania School Choice Week."

Many out-of-state groups are using Pennsylvania as an early test-case for the new voucher campaign. A Washington, D.C.-based Right Wing group, Freedom Works, led by former Texas Rep. Dick Armey, is actively involved and is supporting a local Tea Party group, The Kitchen Table Patriots, in the campaign. Television ads supporting voters and aimed at African American voters in Philadelphia have been funded by the Center for Education Reform, a long-time voucher advocacy group based in the nation's capital. Students First, a group founded by former D.C. public school chancellor Michelle Rhee, and the American Federation for Children are active in the effort.

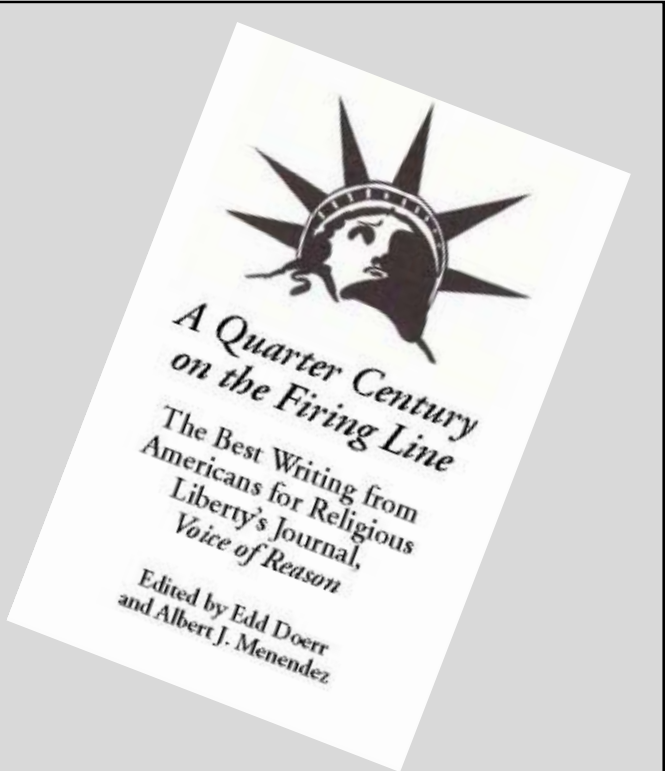
Civil liberties groups, the Pennsylvania State Education Association, and the Pennsylvania School Boards Association (PSBA) are gearing up for the fight. PSBA cited a new statewide poll showing two thirds of voters opposed to tuition vouchers, about the same as national referendum results over four decades.

- Florida's new Republican governor Rick Scott is expected to propose a massive new private school voucher program that would be worth 85% of what the state presently spends on public school students. Scott's transition team says that so-called "education savings accounts" could be used for private tutoring, "virtual" schools and colleges, purchasing textbooks for dual enrollment programs or for private school tuition. Scott's education transition team was chaired by Patricia Levesque, the executive director of former Gov. Jeb Bush's Foundation for Florida's Future, which supports vouchers.

Ron Meyer, a legal counsel for the Florida Education Association, said the proposal faces "a huge constitutional issue" since the Florida Supreme Court struck down a more limited voucher program inaugurated by Bush.

The transition team acknowledged the problem by recommending an overhaul of the state constitution to see if "it is still appropriate for the changing environment of the 21st century." Voucher proponents would still have to win the support of 60% of voters in a referendum even if the legislature passed a voucher law.

- A powerful national conservative lobby, which has been promoting school vouchers since 1983, is now advocating "scholarship tax credits" similar to the Arizona law, whose constitutionality will soon be decided by the U.S. Supreme Court. The group is the American Legislative Exchange Council (ALEC), which claims one-third of state legislators as members. ALEC was set up in 1973 by such conservative zealots as Illinois Republican Henry Hyde, then a state legislator and later congressman noted for attempts to restrict or outlaw abortion, and activist Paul Weyrich, a founder of the Moral Majority. Other early members include two Midwestern Republicans who later became governors of their states, Tommy Thompson of Wisconsin and John Engler of Michigan. Also active were John Kasich, newly elected governor of



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Ohio, and Terry Branstad, a long-time Iowa governor who has just returned to the governorship. Jesse Helms of North Carolina, Phil Crane of Illinois and Jack Kemp of New York were all early ALEC supporters.

ALEC has a strong track record of success, since its members are lawmakers in a position to "create, develop, introduce and guide to enactment cutting-edge conservative policies that have now become the law" in many states. The group takes positions and develops "model laws" on many economic, environmental, criminal justice and trade issues, but its educational priorities are increasing charter schools and expanding tax credits for organizations that provide indirect tuition payments which benefit private and faith-based schools.

ALEC's six-member Board of Scholars include Arthur B. Laffer, "the father of supply side economics," Stephen Moore, founder of the Club for Growth, and Kay Coles James, former dean of the School of Government at Pat Robertson's Regency University and onetime Secretary of Health and Human Resources for Virginia's ultra-conservative governor George Allen.

With coordinated efforts from ALEC and support from other voucher groups, legislatures can expect to see an increase in tax credit voucher proposals. Bills have already been filed in South Carolina, Texas and Kentucky.

Florida's eight-year-old "Corporate Income Tax Credit Scholarship" has funneled nearly \$500 million in tax revenues to private, mostly faith-based schools. In a few years the program could reach more than \$1 billion a year, according to a report in *Jacksonville.com*. The program

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Voucher Watch, *continued from page 7*

allows companies to direct up to 75% of corporate income taxes to one of two Florida nonprofits administering the distribution of funds. The legislature is considering expanding the program by 25%.

A lack of accountability has caused some concern. The oversight board is made up primarily of lobbyists and has no educators. The program does not require “scholarship” students to take statewide achievement tests required of public school students, nor does it require that private school teachers be certified, as is true for public school educators.

Jacksonville.com reporters Abel Harding and Paul Pinkham concluded, “The program has accomplished many of the same goals as a voucher program that the Florida Supreme Court found unconstitutional. The major difference between the programs is the scholarship money flows from a nonprofit courtesy of tax revenue that never made it to state coffers. The Legislature also set up specific laws to shield many details about the program, including which businesses participate, how much they give and how well schools are performing. However, two consecutive annual studies ordered by lawmakers showed the scholarship students are performing no better than public school students.”

- Tax credits for parents who home-school their children may be the next proposal on the horizon, say observers of education legislation. One critic lambasted the idea. “Tax credits for home schooling is yet one more attempt by conservatives to destroy public education,” wrote Susan Neuman in *The New York Times* on January 4. Her opinions created a stir because Neuman, now a professor at the University of Michigan, was an assistant secretary of education in the administration of President George W. Bush. Neuman warned that “audits, specific standards, tests, and regulations” would invariably follow tax credits. The government, she said, would probably require religion to be removed from the curriculum and perhaps standardize the course work in return for tax breaks.

She concluded, “Home-schooling families are too smart and too savvy to buy into this half-baked plan. They know that tax credits are good for nothing but greater federal intrusion. Is this what the Tea Party had in mind?”

Vouchers Aren't Real Education Reform

“Vouchers fly in the face of our democracy’s commitment to public education; they siphon off scarce public funds for private or religious schools that selectively admit students. These schools aren’t responsible to the public or an elected school board and aren’t held to any accountability standards. We do need meaningful education reform, but vouchers are the wrong strategy. We must use precious tax dollars to improve the public schools serving 90 percent of our students.”

—Lisa Maatz

Lisa Maatz is the Director of Public Policy and Government Relations at the American Association of University Women.

- The BOAST Maryland Tax Credit proposal has been reintroduced in the state legislature, after repeated defeats. This proposal would allow businesses to donate funds for private schools and receive credits against Maryland state taxes. The Maryland Catholic Conference supports the bill, saying it “would increase scholarships for Catholic school students and grants to Catholic school teachers” and “will benefit Catholic school families.”

- There was one bright spot in the voucher debates. Virginia’s Senate Finance Committee voted 9 to 6 on February 15 to reject a private school tuition voucher scheme (see page 1). The bill, sponsored by a Republican delegate from the Richmond suburbs, passed the state House on February 8 but its defeat in the Senate most likely dooms it for this legislative session. The bill would have given tax credits to businesses that donated up to \$6,700 tuition for “scholarships” to private and faith-based schools. The tax deductions would have cost the state treasury an initial \$25 million. Supporters included the Family Foundation, a Religious Right group, the Virginia Catholic Conferences, and the Old Dominion Association of Church Schools. The Virginia Education Association and the Virginia School Boards Association successfully lobbied against the voucher bill, noting that the state continues to reduce public school funding. ■

Updates

Evolution Under Fire

Bills aimed at weakening the teaching of evolution in science classes have been introduced in Kentucky, Missouri, New Mexico and Oklahoma. In New Mexico and Oklahoma so-called “strengths and weaknesses” bills produced by Republican legislators will encourage teachers to present both pro and anti-evolution information. The National Center for Science Education notes that this is a legislative strategy favoring creationists.

The Texas Freedom Network reported, “Creationists and other anti-science activists have tried to use the ‘strengths and weaknesses’ strategy to promote junk science arguments in classrooms across the country, especially in Texas.”

The New Mexico bill says that the “scientific information may include information that coincides or harmonizes with religious tenets,” apparently a go-ahead for “intelligent design” creationism.

Chris Mooney, author of *The Republican War on Science* and other books, wrote recently on *desmogblog.com* that opposition to both evolution and global warming are increasingly linked. He noted that if Oklahoma legislators approved the “Scientific and Academic Freedom Act,” teachers could ridicule both evolution and global warming. “Standing up for good science education increasingly means protecting both evolution and climate science at the same time.”

Meanwhile, the January 28 issue of *Science* reported that 28% of teachers are teaching evolution in a thorough manner, while 13% explicitly advocate creationism. The remaining 59% try to avoid the subject altogether. Michael Berkman and Eric Plutzer review the results of a National Survey of High School Biology Teachers and conclude: “The data reveal a pervasive reluctance of teachers to forthrightly explain evolutionary biology.” They add, “Considerable research suggests that supporters of evolution, scientific methods, and reason itself are losing battles in America’s classrooms.”

Religious Charter Schools Raise Questions

Though charter schools are supposed to be religiously neutral since they are a type of public school, many are religious in character. Writing in the Dallas Morning News, reporter Jessica Meyers noted, "Church-charter partnerships are springing up across the country as private institutions lose funding and nontraditional education models grow in popularity. Their emergence prompts questions about the role religious groups should play in the development of publicly funded schools."

Meyers found that "more than 20% of Texas' charter schools have some kind of religious ties." The trend is accelerating. Six of seven charter schools approved by the State Board of Education in 2010 have religious connections.

The church-state connection is "fuzzy," wrote Meyers, and "taxpayers are footing the bill for religious instruction." The situation has deteriorated even though there is a supposed safeguard. "Religious groups may apply to open a charter school if they establish a separate nonprofit to receive state funds," notes Meyers.

However, as a practical matter, many religious groups seem to be reinterpreting the law and bending the rules. Wrote Meyers: "Even with a middleman, heavy overlap exists between the school and the religious group that supports it. Dozens of Texas charter school leaders or board members hold prominent positions in the church, where the schooling sometimes takes place. Parochial schools reinvent themselves as charters, often with little guidance on running a public school. And the mission of the school itself typically stems from the values of the religious group."

Conservative Christians dominate the religious charter school market but other religions also participate. Harmony Public Schools in Houston are run by Turkish Muslims. Islamic Relief sponsors Tarek ibn Ziyad Academy in Minnesota, while Ben Gamla Charter School in Florida reflects an Orthodox Jewish heritage.

Church Hospitals Must Respect Law, Says ACLU

The ACLU has asked the federal government to investigate denials or delays of emergency reproductive health care in religiously-affiliated hospitals. The ACLU Reproductive Freedom Project has asked the Centers for Medicare and Medicaid Services to investigate possible denials of emergency care, which may violate federal law. "Religiously-affiliated hospitals are not exempt from federal law that requires them to provide emergency care to their patients," said Vania Leveille, ACLU Legislative Counsel. "The government must ensure that all hospitals that receive federal funding are in compliance with the law."

Faith-based hospitals claim that federal law from the 1960s protects their enforcement of sectarian medical codes.

Hawaii Abolishes Legislative Prayers

The Hawaii State Senate voted unanimously in January to discontinue official prayers in the Senate chamber, making it the first state legislative body to abolish daily invocations. The ACLU of Hawaii praised the action, saying it would create a more welcoming environment. The action was denounced by religious right leaders.

Creationist Theme Park May Get Public Support

A proposed creationist theme park, dubbed Ark Encounter, is scheduled to open in Grant County, Kentucky, in 2014. Developers expect the park will cost nearly \$150 million and will feature replicas of Noah's Ark, the Tower of Babel and various other depictions of Biblical events. The park will be managed by a subsidiary of Answers in Genesis (AIG), a fundamentalist Christian group that has owned the nearby Creation Museum since 2007.

Then there is the question of tax incentives from government agencies. The Kentucky Tourism Development Finance Authority, a government agency, has granted preliminary approval for Ark Encounter to receive up to \$37 million in tax revenue by allowing the park to retain one fourth of sales taxes generated by the project. Now, the developers are asking the state to improve a highway interchange to accommodate the park's expected visitors (1.6 million in the first year, according to some projections). This could amount to \$40 million in road improvements, according to a critical editorial in the *Louisville Courier-Journal*.

Two potential constitutional problems remain. One is that AIG requires all employees to adhere to a statement of faith that the Bible is "inerrant and factually true." Public support for religious discrimination in hiring raises thorny questions.

Gov. Steve Beshear backs the project and its appeal for public support, claiming it will create 900 jobs and bring in tourist dollars. He also
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John M. Swomley, 1915-2010

John M. Swomley, president of ARL from 1985 to 2000, died on August 16, 2010, after a long illness. (We only learned this in January of 2011.)

John was a life-long activist for church-state separation, women's rights, civil liberties, civil rights, and peace. His lecturing took him literally from A to Z, from Argentina to Zimbabwe.

In addition to his nearly twenty years of activism with ARL, John served on the boards of the ACLU and Americans United For Separation of Church and State. For several years he chaired the ACLU's church-state advisory committee, members of which included ARL board chair Burton Caine and current ARL president Edd Doerr.

John was executive secretary of the Fellowship of Reconciliation from 1953 to 1960, formed the Committee Against Jim Crow in Military Training after World War II and helped organize civil rights activities with Dr. Martin Luther King and Ralph Abernathy.

An ordained United Methodist minister, John taught at the St. Paul School of Theology in Kansas City. At Wounded Knee in 1973, at the request of the American Indian Movement, he negotiated (unsuccessfully) with the Department of Justice for a non-violent settlement.

John was a prodigious writer. In 1999 ARL arranged for publication of his book *Compulsory Pregnancy: The War Against American Women* (still available from ARL).



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promised that religious discrimination in hiring would not be allowed.

Eighth Diocese Declares Bankruptcy

The Catholic Archdiocese of Milwaukee filed for Chapter 11 bankruptcy protection on January 4. The church claimed it had no choice since settlement of suits filed by victims of sexual abuse had depleted ecclesiastical finances. Archbishop Jerome ListECKI told parishioners, "This action is occurring because priest-perpetrators sexually abused minors, going against everything the church and the priesthood represents. As a result, there are financial claims pending against the archdiocese that exceed our means."

Critics said the bankruptcy filing came just before deposition of former bishops might have revealed names of abusers and officials who covered it up. Milwaukee is the eighth American diocese to declare bankruptcy in recent years, following the actions of Fairbanks, Davenport, San Diego, Spokane, Tucson, Wilmington (Delaware) and Portland (Oregon).

More Sharia Bans Coming?

While a federal judge has temporarily blocked Oklahoma from enforcing a constitutional ban on considering Islamic or international law in Oklahoma state courts, other states are falling in line behind the Sooner State's example. Similar bills have been introduced in Arizona,

Florida, Louisiana, South Carolina, Tennessee, and Utah, according to the National Conference of State Legislatures. Tennessee and Louisiana have already enacted statutes banning the use of foreign law in certain situations. Critics, however, say that such restrictions could have negative impacts on cases involving adoptions, wills, and international business practices.

On the national level, former House Speaker and possible Republican presidential candidate Newt Gingrich has endorsed federal legislation that "clearly and unequivocally states that we're not going to tolerate any imported law."

University of Oklahoma constitutional law professor, Randall Coyne, told *USA Today*, "There's no risk of Oklahoma falling under the sway of sharia law or any other law other than American law for that matter. It's fear mongering at its worst."

Taxes, Politics and Religion: Still Muddled

A three-year investigation by Sen. Charles Grassley (R-IA) into possible financial improprieties at six large Christian ministries ended with the recommendation that the IRS establish an independent Advisory Committee to monitor accountability. Grassley urged "self correction" rather than government oversight of tax-exempt religious groups in order to "preserve confidence in the tax-exempt sector without imposing regulations that inhibit religious freedom or are functionally ineffective."

His independent commission under the Federal Advisory Committee Act would be comprised of church leaders and representatives. Grassley added, "A federal advisory committee for churches and reli-

ARL in Action

D.C. Voucher Bills

ARL joined with its 46 partners in the National Coalition for Public Education (NCPE) in voicing opposition to the D.C. voucher bills. Letters were sent to every member of Congress in February, urging rejection of the Boehner-Lieberman proposal (HR 471, S 206).

NCPE submitted written testimony to the Senate Committee on Homeland Security and Government Affairs on February 16. The coalition urged the committee to reject reauthorization of the flawed program: "Rather than continuing to spend millions of dollars on a program that has proven ineffective and that is geared towards only helping a small fraction of D.C. students, we believe that the money should be redirected to programs that help improve public education for all students in the District." (**The entire testimony is available on our website, www.arlinc.org.**)

Unfortunately, Sens. Joe Lieberman (I-CT) and Susan Collins (R-ME) suggested that D.C. public and charter schools would not receive full funding unless the private school voucher program is reinstated.

'Vouchers for Islamic schools'

Deborah Simmons is wrong in promoting the school voucher plan for the District ("School vouchers the right option," Culture,

Friday). D.C. voters rejected a similar plan in the 1980s by 89% to 11%. The voucher plan would force all voters in the U.S. to help pay for sectarian private schools (including Islamic schools) in violation of every citizen's right to religious freedom, the right not to be compelled by government to contribute to the support of any religious institution. Our religious freedom should not be endangered by politicians.

—Edd Doerr

Letter published in the *Washington Times* January 31, 2011.

'Wrong diversion'

Regarding Tom Barnes' January 26 report on the school voucher rally in Harrisburg ("Hundreds Voice Support of 'School Choice' in Capital"): How can the Legislature even think of diverting \$50 million in public funds per year to private schools with the state in financial straits? Doesn't tax aid to faith-based schools violate Article III, Sections 15 and 29 of the state constitution?

If the Legislature wants to provide tax aid to church schools, shouldn't it offer an amendment to the state constitution so that voters can have a say? Is it right that taxpayers of all faiths be required to help support church schools, including Islamic schools? Isn't the state's priority to fix the public schools?

—Edd Doerr

Letter published in the *Pittsburgh Post-Gazette* January 31, 2011.

gious organizations would hopefully result in a proactive and collaborative approach to compliance with federal laws, with a focus on education and outreach, as opposed to a reactive, enforcement-oriented approach.”

Some critics think the new approach will be ineffective. Author Sarah Posner wrote, “Since a system of, basically, trust has broken down here, why would ‘self-reform’ work better than more government oversight of transparency and accountability?”

One proposal is certain to provoke criticism. Grassley recommended repealing or modifying IRS rules that prohibit churches from endorsing political candidates. Posner noted that the rule is rarely enforced but “if it’s repealed, and churches are free from the possibility of an IRS investigation for endorsing candidates, churches would become even more politicized, and free to use their tax-exempt status to do so.”

Religion Affects Opinion on Gays in Military

Religion, more than any other demographic factor, affects how people think about allowing gays and lesbians to serve openly in the military. A November Pew poll found that 71% of the religiously unaffiliated favor ending the ban, as do 66% of white Catholics, 64% of white mainline Protestants and 52% of black Protestants. But only 34% of white evangelicals agree. The frequency of church attendance is also a factor since 71% of those who seldom or never attend religious services favor allowing gays in the military compared to 40% of weekly attendees and 66% of those who go monthly or less.

Political affiliation also matters: 70% of Democrats, 62% of Independents and 40% of Republicans support the change, which is endorsed by most military leaders and received final approval by the U.S. Senate on December 18.

Age remains a factor, as 68% of Americans ages 18 to 29 favor the change compared to 44% of those over age 65. College graduates are 13% more supportive than those with a high school diploma or less, and women are 11% more supportive than men.

Overall, support for gays and lesbians serving in the military is 58% to 27%, with 15% undecided.

Evangelicals Dominate Military Chaplaincy

Department of Defense data show that the military chaplaincy is increasingly dominated by evangelical Protestants, whose chaplains far outnumber in percentage their adherents among the rank and file. According to a study done by Tim Townsend of the *St. Louis Post-Dispatch*, “While just 3% of the military’s enlisted personnel and officers call themselves Southern Baptist, Pentecostal or a member of a denomination that’s part of the National Association of Evangelicals, 33% of chaplains in the military are members of one of those groups, according to Pentagon statistics.”

The disparity is greatest in the Air Force, where 87% of prospective chaplains are enrolled in evangelical seminaries, which specialize in military training programs. The military chaplain corps requires its clergy to have a Masters of Divinity degree. One prominent evangelical school, Liberty University, founded by the late Rev. Jerry Falwell, offers on-line military chaplain courses. “No school in the nation enrolls more potential future chaplains,” the *Post-Dispatch* reported on January 10.

Mainline Protestant and Catholic chaplains are few and far between. Citing Pentagon data, the *Post-Dispatch* noted, “For example, the most popular Christian denomination among military members—as it is

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among the general public—is Catholicism. Twenty percent of those in the active duty military identify themselves as Catholic. Just 1%, meanwhile, are Southern Baptist. In contrast, 16% of active-duty chaplains are Southern Baptist, while just 8% are Catholic, according to the Pentagon.”

Most non-Christian personnel rarely encounter chaplains of other faith traditions since “fewer than 1% are Jewish, Muslim, Buddhist, B’hai, or Hindu.”

(Note: The figures discussed in this article are somewhat misleading, because most Southern Baptist military personnel apparently called themselves “Baptist” (174,677 of them did so) while only 16,959 specified Southern Baptist. Most evangelicals called themselves “Christian—no denominational preference.” Official figures of religious affiliation released by the Defense Department Manpower Data Center for all 1,403,010 active duty military personnel showed this breakdown: Catholic 20.4%, no religious preference 20.1%, Christian-nondenominational 18.9%, Baptist 14.2%, Methodist 3.1%, Protestant-nondenominational 2.9%, Lutheran 2.4%. All other classifications were under 2%. Unknown totaled 6.2%. There were 6,853 atheists and 1,312 agnostics in the military, totaling 0.6%. Non-Christian religions included 5,255 Buddhists, 4,665 Jews, 3,526 Muslims, 2,392 Wiccans and 749 Hindus.)

International Updates

Alexandria: At least 21 Coptic Christians were murdered while leaving a New Year’s service by an apparent suicide bomber, the worst attack on the Christian community in decades. While Egyptian government officials, including President Hosni Mubarak, condemned the attack and blamed it on al-Qaeda, Coptic Church leaders called it “an escalation of sectarian violence.” Christian-Muslim relations have continued to deteriorate in the past year.

Dublin: A letter said to be “the smoking gun” about Vatican indifference to child-abuse by priests was obtained by the Irish government’s RTE broadcasting company and released on January 19. The 1997 letter, signed by now deceased Archbishop Luciano Storero, the Vatican nuncio to Ireland, warned Ireland’s Catholic bishops not to report all suspected child-abuse cases to police because some are to be handled by the church’s canon law. Any crimes occurring within the seal of the confessional must be dealt with under strict secrecy within church law, the letter implied. Crimes such as “solicitation in the confessional” automatically incur the penalty of excommunication in canon law, but that does not satisfy the requirements of civil or criminal law, according to critics. “The letter is of huge international significance, because it shows that the Vatican’s intention is to prevent reporting of abuse to criminal
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International Updates, *continued from page 11*

authorities. And if that instruction applied here, it applied everywhere,” said Colm O’Gorman, director of the Irish chapter of Amnesty International.

In an attempt at damage control, the Vatican press office told AP that the letter was “being misunderstood.” AP reported, “To this day, the Vatican has not endorsed any of the Irish church’s three major policy documents since 1996 on safeguarding children from clerical abuse. Irish taxpayers, rather than the church, have paid most of the two billion dollars to more than 14,000 abuse claimants dating back to the 1940s.”

The bad news has not stopped. After two state-commissioned investigations lambasted church leaders, another is on the way. “A third major state-ordered investigation into Catholic abuse cover-ups, concerning the southwest Irish Diocese of Cloyne, is expected to be published in the next few months documenting the concealment of crimes as recently as 2008.”

Frankfurt: A German researcher has found that the government provides 19.3 billion euros (about \$25 billion) per annum to the Protestant and Catholic churches. About 9.3 billion are provided directly in the annual church tax. But another 10 billion are provided for various church-run health, welfare and educational enterprises. These allocations and grants are divided as follows: 3.9 billion for denominational day care (36% of all day care facilities are operated by churches at government expense); 2.3 billion for religious schools; 1.7 billion for religious education in “state” or public schools; 510 million for theological schools and seminaries, and church choir schools; 443 million for clergy salaries; 270 million for Christian relief and mission agencies; and 100 million for adult religious education classes. The information was compiled from public sources by Carsten Frerk, author of the Purple Book of Church Finance: How the State Finances the Churches, and appeared in *Frankfurter Rundschau*.

Kuala Lumpur: Malaysia’s religious police have stepped up raids on the forbidden Shiite branch of Islam. The Sunni Muslim-majority nation recognizes only the Sunni branch of Islam, as well as Christianity, Buddhism and Hinduism. There are an estimated 40,000 Shiites among Malaysia’s 16 million Muslims. AP reported on January 20 that

some Shiites “have been detained in the past, and some sent to faith rehabilitation centers, but there is no official data on the number of arrests.”

Malaysia’s ban on Shiites was issued in 1996 by a branch of the Islamic Advancement Department, a government agency. One of its leaders, Harussani Zakaria, called the Shiites “a threat to Muslim unity in Malaysia” and said they were tied to Iran. The Iranian embassy denounced the crackdown, and the nation’s Home Minister Hishammuddin Hussein denied the small group is a threat to national security.

London: While the United Kingdom has far fewer religious conservatives and politically engaged evangelicals than the United States, a British campaign to fight alleged discrimination against Christians was announced outside the House of Lords in December. Led by Lord Carey, a former archbishop of Canterbury, the “Not Ashamed” campaign is aimed at using the courts to fight anti-Christian discrimination in hiring practices, and in areas where “public expression of their faith is penalized.” Two groups, Christian Concern and the Christian Legal Centre, claim that “Christians are under attack in secular Britain.” The liberal Catholic weekly, *The Tablet*, however, warned, “A new campaign to encourage Christians to show their religion openly has been launched, echoing a concern felt by some that they feel discriminated against because of their faith. But the legal groups that advise them may be simply worsening divisions as they fight their corner.”

Vatican City: Just in time to meet a European Union directive on money laundering, the Vatican on December 30 announced creation of a financial watchdog called the Financial Information Authority. Pope Benedict XVI created the new internal body answerable directly to himself to ensure that the Vatican’s financial entities comply with the increasingly stringent European Union standards. Italian prosecutors had seized \$30 million in assets from the Vatican bank in September, alleging the bank broke the law by trying to transfer funds without identifying the sender or recipient. The Vatican signed a 2009 monetary accord with the European Union that allows it to use the euro as its currency. Rachel Donadio explained to *New York Times* readers: “Charged with cooperating with European Union agencies and ensuring that all of the Vatican’s financial operations comply with European Union laws, the authority will have the power to freeze suspicious transactions for up to five days, conduct investigations and determine whether to pass them to prosecutors at the Vatican’s own tribunal.”

Vatican City: In his annual New Year’s address to the diplomatic corps, Pope Benedict XVI said that “mandatory sexual and civic education courses in schools are attacks on the religious freedom of families.” They also “reflect an anthropology opposed to faith and right reason.” The pope was apparently aiming his criticism at Spain, which requires compulsory citizenship education classes that address such issues as homosexuality, divorce and abortion. Conservative Catholics have called the orientation of the classes “anti-Christian.” The pope also called for continued government support of church-run schools and faith-based charities, and even warned that Catholic education was being “compromised or hampered by legislative proposals which risk creating a sort of state monopoly.”

Victoria: British Columbia’s Supreme Court heard a challenge on January 5 to Canada’s anti-polygamy law on religious freedom grounds. Supporters of polygamy, primarily a breakaway Mormon sect called the Bountiful, argue that the 1890 ban on multiple marriages violates Canada’s 1982 Charter of Rights and Freedoms. Lawyers for the group

Morris Goodman, 1925-2010



Morris Goodman, an internationally known evolutionary biologist, died in December. A professor of cell biology and anatomy at Wayne State University in Michigan, his contributions to science were recognized in 2002 by his election to both the National Academy of Sciences and the American Academy of Arts and Sciences. He was also the recipient

of the Charles Darwin Lifetime Achievement Award of the American Association of Physical Anthropologists.

Professor Goodman was one of the original members of the Scientific Advisory Board for Americans for Religious Liberty.

claim that law also adversely affects some Muslims and Wicca adherents. The British Columbia attorney general's office said that religious activity that harms the fundamental rights of others, particularly women, cannot receive legal protection. Laws that discriminate against women are explicitly prohibited in the 1982 charter, according to Craig Jones of the attorney general's office. Chief Justice Robert Bauman will rule on the issue, but his decision will have no binding effect on other courts. The Supreme Court of Canada may eventually have to resolve the dispute.

In another case from the province, the British Columbia Court of Appeals ruled in favor of the Anglican bishop in a property dispute with conservative Anglicans who left the church and removed Vancouver's largest and wealthiest parish, St. John's Shaughnessy, from the church's jurisdiction. Religious conservatives, led by Chinese-Canadians who once belonged to the "Holy Catholic Church of China," an Anglican province, caused four British Columbia parishes to withdraw, largely over the issue of same-sex unions. The Economist observed, "The court's ruling will add to the billowing secular jurisprudence on the handling of disputes over religious assets."

Vienna: The Observatory on Intolerance and Discrimination against Christians in Europe, which is based in the Austrian capital, said that Christians face increasing discrimination throughout Europe. The group was created by all Catholic bishops' conferences to monitor reports of discrimination and state interference in religious affairs. It encourages government to take measures to prevent or redress hostile acts specifically aimed at Christians. Notice is being taken by government officials. The Organization for Security and Co-operation in Europe (OSCE) held a conference on Freedom of Religion in December. The director of the Office for Democratic Institutions and Human Rights, Janez Lenarcic, concluded, "What came out clearly from this meeting is that intolerance and discrimination against Christians is manifested in various forms across the OSCE area... including violent attacks against persons, property and places of worship, as well as restrictions to the right to freedom of religion or belief [and] inaccurate portrayals of Christian identity and values in the media and political discourse."

Christians, Muslims and organized secularist groups have differed in recent years over public expressions of religion and in methods to combat charges of intolerance.

Books and Culture



God's Own Party: The Making of the Christian Right, by Daniel K. Williams. Oxford University Press, 2010, 372 pp., \$29.95.

The Religious Right did not suddenly appear out of nowhere in 1979. Various strands of religious thought coalesced into a full-scale political movement that really began decades before. And the Republican Party, always a receptacle for religious conservatives, allowed itself to become increasingly dominated by white conservative evangelicals. As Daniel Williams writes in this superbly researched book, "The creation of the 'New Christian Right,' which emerged at the end of the 1970s, was not an instantaneous process, because it required the political mobilization of disparate factions of conservative Protestantism that had not often cooperated." Republicans saw this as an opening to the right. "Though the Christian Right was the creation of conservative Protestant grassroots activists, not Republican politicians, national Republican leaders did play a role in encouraging it. Had they not been receptive to the Christian Right's demands, the movement would probably not have gained national influence as quickly as it did."

Williams traces this powerful transformation to the culture wars of the 1920s, when conservative Protestants linked Prohibition to anti-Catholicism to hold a modicum of political power. This alliance slowly grew over four decades. "Their alliance with the Republican Party developed in two stages. During the first stage, which lasted from the 1940s through the 1960s, conservative Protestants began to identify the GOP as the party of anticommunism and a Protestant-based moral order... During the second stage, which began in the late 1960s, conservative Protestants succeeded not only in making alliances with Republican politicians, but in changing the agenda of the party."

Evangelist Billy Graham's fondness for President Eisenhower was another factor. "At a time of unprecedented cooperation between the federal government and the nation's religious leaders, Graham believed that the Eisenhower administration offered evangelicals a chance to effect a moral and religious revival in the nation through the office of the president." His vice president Richard Nixon's "appearance at Graham's crusade was a sign that evangelicals had succeeded in making their personal faith a political religion for the nation."

Evangelicals were actively involved in the 1960 presidential election. "In 1960, Southern Baptists, northern evangelicals, and independent fundamentalists had come together in a rare moment of unity to try to stop a Catholic from being elected president and thereby to preserve Protestant influence in Washington." Churches became politicized. "Churches that had not previously engaged in partisan activities were transformed into centers of a grassroots campaign against Kennedy... Southern denominations that had traditionally eschewed political pronouncements joined the fray."

After Kennedy's election, fundamentalists turned inward. "Fundamentalists also increased their political activity in the early 1960s, partly by attacking Kennedy's policy decisions almost immediately after he took office. During the campaign of 1960, they had argued that Kennedy was a threat to the nation's liberties because he was a Catholic. After his inauguration, they began arguing that he was a threat to the nation's security because he was soft on communism."

Many others were uncertain of their political role. Many were actively involved in the presidential campaigns of Barry Goldwater in 1964 and George Wallace in 1968 and stressed such issues as religious exercises in public schools and defense of racially segregated private religious schools. To these issues were added opposition to sex education in public schools, to gay rights, abortion and changing gender roles.

By the 1970s a convergence of issues brought them together and made the Religious Right the epicenter of Republican politics. "Since the 1950s, evangelicals had been moderately influential in the party. But as thorough Republican partisans after the mid-1980s, evangelicals were poised to exercise much greater influence; they could now dictate the terms of the Republican party platform, exercise veto power over presidential and vice presidential nominees, and force candidates to spend more time talking about abortion, gay rights, and school prayer."

Williams concludes that conservative evangelicals "have largely succeeded in turning the GOP into 'God's Own Party.'" This study is carefully focused, a strength given the complexity of the issues exam-

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ined. The author notes that “this book restricts its analysis to white conservative Protestants and examines the moral order they sought to create.”

This book offers a corrective to those who think the Religious Right is dead. “Christian Right leaders could rise and fall, but the core ideas of the movement remained,” he writes, adding, “The culture wars were far from over. The debate that began in the 1920s continues in the early twenty-first century. For decades, evangelicals used the Republican Party to try to enforce a code of morality that would provide a religiously based structure for society. Their attempts mostly failed, because the majority of Americans were unwilling to abandon the values of pluralism, tolerance, and egalitarianism....Despite what pundits predicted, evangelicals have not called off the culture wars; they have merely changed strategies.”

God's Own Party is a major achievement of historical scholarship and an important contribution to political studies.

—Al Menendez

Bob Drinan: The Controversial Life of the First Catholic Priest Elected to Congress, by Raymond A. Schroth, S.J., Fordham University Press, 2011, 393 pp., \$32.95.

This first-rate biography of the first Catholic priest elected to Congress, Jesuit Robert Drinan, brings back and makes alive the turbulent politics of the Vietnam War era. Drinan, who won a bitterly contested Massachusetts House seat in 1970, served for a full decade until being ordered to leave politics by Pope John Paul II in 1980. A loyal Jesuit, he complied. But his interest in world peace and social justice issues never waned, and he continued to be an influential public figure at Georgetown University Law Center until his death in 2007.

Drinan is perhaps best known for his opposition to the Vietnam War (and subsequent U.S. military ventures), and support for civil rights, the impeachment of President Richard Nixon, as well as sympathy for Israel and the plight of Soviet Jewry. He was a skilled commentator and an influential congressman who did not shy from expressing his views. Biographer Schroth, himself a Jesuit priest-professor, noted wryly, “Drinan’s leadership style at either Boston College or later in national politics was not all grace, charm, and smooth diplomacy.”

Drinan remained a man of the law, teaching at both Boston College and Georgetown. He wrote seven books, numerous scholarly reviews and articles, and penned a thoughtful column at *National Catholic Reporter*.

Schroth traces the evolution of Drinan’s views on abortion and other church-state issues, probing how he was able to separate his personal religious views from what he believed the role of the state should be in decision making on moral issues. “The idea that the law represents a ‘harmonization’ of interests in a pluralistic society prepared the way for Drinan to tolerate legalized abortion.” Drinan was plagued by the abortion issue all during his political career. Even in his last campaign in 1978, an anti-abortion rights candidate took a third of the Democratic primary vote. Later, conservative Catholics tried to get him removed from Georgetown.

Drinan once called himself a “moral architect,” a fitting description of one who was able to apply moral reasoning to public policy issues. He will undoubtedly be remembered for his advocacy of human rights and religious freedom, the twin themes of his last books and lectures.

Schroth suggests that Drinan was a moral architect because “his writings and presence raised moral issues, specifically justice issues, that might have been neglected had he not entered public life.” Drinan also

“represented a brand of Catholicism that was ecumenical, pluralistic and justice-based.”

As has so often been said in other contexts, it is unlikely that we will ever see his like again.

—Al Menendez

Ourselves Unborn: A History of the Fetus in Modern America, by Sara Dubow. Oxford University Press, 2011, 308 pp., \$29.95.

Anti-choice activism, sure to grow over the next two years, springs from two main sources: one, a widespread, deep-seated patriarchalism that banned women from voting until nearly a century ago and still limits women to a mere one-sixth of the members of Congress; and two, the elevation of fertilized eggs, embryos, and fetuses over the lives, health, welfare, interests, and rights of conscience of real, live women. This important new book by historian Sara Dubow, with 2,000 endnotes and bibliographical entries, examines how Americans over the past century and a half have regarded embryos and fetuses from the standpoint of biology, sociology, psychology, law, politics, medicine, ethnicity, class, religion, environmental protection, industrial safety, public health, racial and economic justice, and how opinion has evolved and shifted over the years.

While this book essentially supports the wisdom and correctness of the Supreme Court’s 1973 *Roe v. Wade* ruling, it does call attention to legitimate public concerns over the health and welfare of children who are born. Reproductive choice is paramount in a society that protects religious freedom, but this does not mean that the complex process of producing children is entirely free of parental and societal concern.

—Edd Doerr

Science and the Religious Right, by John Jagger. iUniverse, 2010, 262 pp., \$30.95.

In this important, concise book biophysicist John Jagger takes the reader on a whirlwind tour of modern science and shows how science and scientific thinking have gained increased acceptance in mainstream religion, while a noisy, mind-numbing religious fundamentalism has been negatively impacting education, public opinion, women’s rights, environmental and population problems, and democracy itself. Jagger makes an eloquent case for the maintenance and strengthening of our constitutional wall of separation between church and state.

—Edd Doerr

God’s Century: Resurgent Religion and Global Politics, by Monica Duffy Toft, Daniel Philpott, and Timothy Samuel Shah. W.W. Norton & Company, 2011, 276 pp., \$25.95.

The authors of this brilliant, enlightening and sometimes disturbing study argue that “a dramatic and worldwide increase in the political influence of religion has occurred in roughly the past forty years.” They continue: “The representatives of God are in the ascendancy and are playing a central role in defining the dominant problems and patterns of world politics in the unfolding twenty-first century. God’s partisans are back, they are setting the political agenda, and they are not going away. This is what makes the present century ‘God’s Century.’”

In their “ten rules for surviving God’s century,” they urge policy makers to recognize that religious activism is here to stay and will affect public policy and the fragile barriers between war and peace. Religious actors, including religious leaders, activists and ordinary citizens, “will enter public life and shape political outcomes.” They will “play a large and more personal role,” but that role “should not be exaggerated.” It will be “self-defeating” for governments to “repress or exclude religion from public life” because such repression “will encourage pathological

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forms of religious politics, including religion-based terrorism and religion-related civil wars.”

Therefore, it is desirable for religions to “retain some independence from the state” and to develop an “essentially peaceable and liberal political theology.” Such religious actors would be “highly unlikely to undertake systematic campaigns of violence against civilians.” But some religions, especially those dominated by a rising fundamentalism, may still pose a threat to stability and democracy.

The authors, all academics, believe that the resurgence of religion in politics is likely to continue because “the conditions that encouraged it remain largely in place.” To meet these challenges, they say, “There is strategic value in pursuing religious freedom in the conduct of foreign policy.” This excellent book deserves a wide audience.

—Al Menendez

The Case of the Pope: Vatican Accountability for Human Rights Abuse, by Geoffrey Robertson QC. Penguin Books, 2010, 228 pp., \$9.99 paper.

This book, written in the manner of a legal brief, argues that the Vatican/Holy See does not meet the international standards of national sovereignty and, therefore, has received too much deference from other nations in diplomatic affairs. The Vatican’s canon law should not be seen as a legitimate alternative to civil law in cases where civil crimes have been committed, the author argues. Robertson, a British human rights lawyer, writes, “The Holy See, a pseudo-state, has established a foreign law jurisdiction in other friendly states pursuant to which, in utter secrecy, it has dealt with sex abusers in a manner incompatible with, and in some respects contrary to, the law of the nation in which it operates, and has withheld the evidence of their guilt from law enforcement authorities.”

He charges that the Vatican “does not satisfy official criteria for statehood” but is really “the Italian headquarters of the Catholic religion.” He traces relevant developments in international law and diplomacy and details how the Holy See “became parties to various international treaties and gradually insinuated itself into the UN system, without even inviting a determination as to its statehood.” Since the 1995 Cairo conference, the Holy See, he says, has become “a participant, not merely a consultant” in international affairs. John Paul II was a consummate diplomat who increased the number of countries having diplomatic ties to the Holy See from 85 to 174 during his pontificate.

—Al Menendez

The Fethard-on-Sea Boycott, by Tim Fanning. Dufour Editions, 2010, 234 pp., \$25.95.

Ireland was not always the generally tolerant and pluralistic society it is today. Just a half century ago, as this dramatic reconstruction attests, Catholic political, economic and legal power made life less than pleasant for Protestants in the Irish Republic.

Fanning tells how a personal family dispute involving an interfaith marriage in the sleepy farming and fishing village of Fethard-on-Sea on the southeast coast of Ireland became a nasty cause célèbre that garnered international criticism. In 1957 the Protestant wife of a Catholic man in Fethard resented the constant pressures by local parish priests to raise the family’s children as Catholics and to send them to the local Catholic school, as she had promised in an ante-nuptial agreement.

What made this a public dispute was a 1950 Irish Supreme Court ruling that these private documents between marital partners had the force of law. These requirements were enacted by the Vatican to regulate interfaith marriages in the infamous Ne Temere decree of 1907. The wife objected and took the children to an undisclosed place. The local Roman Catholic clergy accused the Protestant community of aiding and abetting her flight and called for a boycott of all Protestant-owned businesses in the area. Thus began the “Fethard-on-Sea” boycott, probably the nadir of Protestant-Catholic relations in modern Ireland.

Northern Ireland Protestants seized upon the event as an example of the tyranny of Rome and the acquiescence of the Irish state. Liberal Catholics were embarrassed by the action. Prime Minister Eamon de Valera denounced the boycott on the floor of parliament, the Dail. Though de Valera was devoutly Catholic and close to church leaders, he considered the action unjust. He was also worried that Ireland’s image as a tolerant nation was being damaged. This was not the first time he had stood up to church leaders. He declined to declare the Catholic Church the Established Church in Ireland during the 1937 Constitution debate and he refused the hierarchy’s pleas that Ireland support the Franco revolt in Spain. Ireland maintained diplomatic relations with the Spanish Republic throughout the Spanish Civil War.

Writes Fanning, “The boycott may be seen as a divergence between Church and State, of which there were very few in the first four decades of independent Ireland.”

The Anglican Church of Ireland, of which the wife was a member, refused to take a public stance. “There was a sense that the Church of

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Ireland in the Republic had shown great weakness by refusing to stand up to the Catholic Church.” Their counterparts in Northern Ireland were far from silent. “They railed against the tyranny of the Republic. But, while the shouts of defiance from Protestant leaders were deafening in the North, in the South the Church of Ireland chose to say nothing...Noisy northern Unionists with their own political agendas had filled the vacuum, much to the disgust of southern Protestants, who felt that their own leaders had deserted them.”

The Catholic hierarchy’s initial sympathy for the boycott was soon revealed to be a grave mistake. “The boycott had a lasting impact on both the Catholic Church and the Church of Ireland, the reputation of the Irish State and, of course, on the relationship between the Catholics and Protestants of Fethard. For the Catholic Church, the boycott had been an unequivocal disaster.”

The couple eventually reconciled and remained married for nearly 50 years. They worked out their religious differences with no interference from church or state. Forty-one years later, the Catholic bishop of the area issued a formal apology for his predecessors’ actions. But the damage had already been done. It took a new generation of Irish people to make sure that such episodes of intolerance will be unlikely to ever occur again.

No one can read this exciting account without feeling gratitude for the institutional separation of church and state, backed by a solid constitution, and supported by an enlightened citizenry.

—Al Menendez

Five Miles Away, A World Apart, by James E. Ryan. Oxford University Press, 2010, 384 pp., \$29.95.

This is a strange, schizoid book. On the one hand, it is a useful, scholarly survey of the whole school desegregation/integration movement in all of its kaleidoscopic complexity and an analysis of the extraordinary difficulty of reforming school finance. On the other hand, however, it is a blatant call for diverting public funds to private schools through vouchers or tax-code vouchers (i.e., tuition tax credits).

In pushing vouchers, Ryan says not a word about religious liberty, only fleetingly mentions church-state separation, deliberately overlooks most of the long history of federal and state court cases on tax aid for religious schools (in a book with 73 pages of endnotes, bibliography, and index). The book, and here the author displays total irresponsibil-

ity and dishonesty, gives not the slightest hint of the fact that 90% of nonpublic schools are pervasively sectarian institutions (Catholic, Evangelical, Orthodox Jewish, Islamic, etc.) that separate children by religion, social class, ethnicity, ideology, ability level, and other ways; that sectarian private schools commonly apply religious and lifestyle tests to teachers; and that often subordinate science teaching to religious fundamentalism.

It is shocking that this virulent attack on public education, religious freedom, and church-state separation was exuded by a law professor at the university founded by Thomas Jefferson. It is disappointing that a reputable university press like Oxford would publish such a venture into Clouduckooland.

—Edd Doerr

Secularization and the World Religions, edited by Hans Joas and Klaus Wiegandt. Liverpool University Press, 2009, 325 pp., Cloth \$99.50, Paper \$34.95.

Religion/government, church/state, and religious freedom matters have always loomed large in societies throughout the world. This excellent book is composed of papers presented at a 2006 conference at the European Academy in Germany by a group of international experts. Its authors cover these issues in Europe, North America, the Islamic world, East Asia, Latin America, and Africa.

“Secularization,” writes Gudrun Krämer of the Free University of Berlin, may be regarded as having three “dimensions”: religion’s “declining relevance,” the “relegation or withdrawal of religion to the private sphere,” and separation of church and state, as in American and European models.

Winfried Brugger of the University of Heidelberg cites the U.S. First Amendment as the “classic example” of church-state separation.

This book essentially highlights the importance of separating the realms of religion and government to safeguard religious freedom for all. American conservatives ignore this sound advice at our peril.

—Edd Doerr

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