



VOICE OF REASON

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Danger Ahead: Legislatures Flooded with School Voucher and Creationist Proposals

Most state legislatures returned to work in January, and school voucher advocates are avidly promoting new schemes to force taxpayers to subsidize religious schools. Overwhelming rejection of such misuse of public funds seems to have little deterrent effect on legislators.

Tennessee: A task force stacked with voucher supporters is expected to recommend new legislation to subsidize student attendance at private, mostly faith-based, schools. The *Memphis Commercial Appeal* reported that the school voucher lobby, Students First, run by former D.C. school chancellor Michelle Rhee, donated \$427,000 to candidates in recent legislative campaigns. That may predispose many of them to support a voucher scheme.

Texas: Sen. Dan Patrick (R-Houston), chair of the Senate Education Committee, is a prominent school voucher advocate and is expected to make a major proposal in the coming weeks. Patrick has already held hearings featuring pro-voucher advocates. The state cut \$5.4 billion from public education in the last legislative session. A number of state newspapers, including the *Fort Worth Star-Telegram*, have blasted the voucher idea, and several Republican legislators are already opposed. A state court just ruled that the state's system of financing public schools is unconstitutional because inequitable.

Wisconsin: Gov. Scott Walker is expected to support an increase in the existing school voucher program, despite evidence of its relative ineffectiveness. Senate Democrat leader Chris Larson told the *Wisconsin State Journal* that he plans to oppose additional funding of private schools that are "unaccountable" to the public.

New Jersey: Gov. Chris Christie is planning to move forward on a school voucher program that could cost \$825 million to induce 40,000 students to switch to private schools, according to the *Newark Star-Ledger*.

Montana legislators must decide whether they support a tax credit scheme in SB 81.

Indiana may expand its already controversial voucher program if SB 184 passes. It would extend eligibility to siblings of students already in the existing voucher program. Siblings would not have to attend public school for two semesters or receive a "choice scholarship" from a scholarship-granting organization. Tuition tax deductions may also be expanded under the governor's plan.

Mississippi: Republican Gov. Phil Bryant proposed a privately funded "Opportunity Scholarship" program, a voucher by any other name, to encourage transfers to private schools. He also asked the legislature to enact charter school legislation. The state is one of the few that do not allow charter schools.

Maryland: The "BOAST" bill to encourage business donations for private school tuition is expected to be reintroduced after suffering defeats in previous sessions.

Vouchers aren't the only threats to church-state separation and pub-

lic education. In **Montana** Republican state Senator Dennis Kruse plans to reintroduce a bill mandating the teaching of "creation science" (a misnomer, if there ever was one) in public school biology classes. Kruse is reportedly working with the Discovery Institute in Seattle to develop a bill that will pass constitutional scrutiny, as unlikely as that is. A similar bill was introduced in **Texas** by Rep. Bill Zedler.

Missouri legislators will consider HB 179, which calls on education administrators to encourage teachers and students to consider the "strengths and weaknesses of the theory of evolution." HR 291, introduced in the Missouri House of Representatives on January 23, would require "the equal treatment of science instruction regarding evolution and intelligent design." Called the "Missouri Standard Science Act," the bill would apply to public colleges and universities as well as public elementary and secondary schools. The bill's scope is sweeping. It provides: "If scientific theory concerning biological origin is taught in a course of study, biological evolution and biological intelligent design shall be taught. Other scientific theory or theories of origin may be taught."

A similar bill, HB 13-1089, was introduced in **Colorado**. It also includes public colleges. The National Center for Science Education (NCSE) said the bill is "possibly the first anti-evolution measure intro-

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Abortion Rights Threatened

In a cover story examining abortion rights in the U.S. on the fortieth anniversary of *Roe v. Wade*, *Time* magazine concluded that access to abortion has steadily declined over the past two decades. “Getting an abortion in America is, in some places, harder today than at any point since it became a constitutionally protected right 40 years ago this month,” the influential news weekly observed. One reason is that “pro-life state legislators have redrawn the boundaries of legal abortion in the U.S.”

Time cited data showing the number of abortion providers declined from 2,908 to 1,793 from 1982 to 2008, the last year for which data are available. Four states—North Dakota, South Dakota, Mississippi and Arkansas—have just one abortion clinic. These states, in addition to Kansas, Oklahoma, Missouri, Louisiana, Alabama, South Carolina, Kentucky, Indiana and Wisconsin, have the least access to abortion providers. There is clearly a political factor determining whether abortion is accessible. Twelve of the thirteen states with the lowest level of access voted for Romney. Wisconsin was the exception. Of the seven states with the highest access to abortion providers, six (Maine, Vermont, New York, Connecticut, California, and Hawaii) supported Obama, while only Alaska favored Romney.

Time's Kate Pickert warned, “As memories of women dying from illegal pre-Roe abortions become more distant, the pro-choice cause is in crisis.” She said that solely concentrating on the constitutional issue of privacy may not be enough to secure a long-term victory for the pro-choice cause. “If abortion rights activists don’t come together to adapt to shifting public opinion on the issue of reproductive rights, abortion access in America will almost certainly continue to erode.” She concluded, “At the state level, abortion-rights activists are unequivocally losing,” in part because the anti-choice movement “slowly built a formidable legal apparatus.”

Another study came from the *Guttmacher Policy Review* (Winter 2012), which reviewed state regulations and found that “Over the last decade, the abortion policy landscape at the state level has shifted dramatically.” By 2011 “more than half of women of reproductive age lived in states hostile to abortion rights.”

Oklahoma has 22 provisions restricting a woman’s access to abortion, the highest of any state. Other states with highly restrictive policies are Utah, Indiana, Kansas, South Carolina, Arizona, Louisiana, Missouri, Virginia, and South Dakota. All of these states except Virginia went for Romney in the 2012 election. Oregon has the lowest number

of restrictive provisions (none), while Washington, Vermont, California, New York, New Hampshire, Hawaii, New Mexico, New Jersey and Montana have the fewest number of restrictions. All except Montana supported Obama. The political dimension was clearly significant. Only the Northeast and West Coast states generally protected abortion rights.

These reverses have occurred despite the fact that 63% of Americans believe that *Roe v. Wade* should not be overturned, according to a Pew Research Center poll released in January. Only 29% favored overturning the 1973 ruling.

Both genders and all age groups supported the decision. Among religious groups, a majority (54%) of white evangelical Protestants wanted the decision overturned, while large majorities of white mainline Protestants (76%), black Protestants (65%) and white Catholics (63%) were opposed to changing the historic Supreme Court decision. So were 82% of the religiously unaffiliated. College graduates, Democrats and Independents strongly opposed overruling *Roe v. Wade*. Even Republicans were opposed 48% to 46%. Church attendance was a factor in attitudes. Weekly attendees favored overturning the ruling 50% to 44%, while those who attend less often were opposed 76% to 17%.

One silver lining for pro-choice advocates was the reelection of President Obama, which will almost certainly preclude any Supreme Court reversal of *Roe v. Wade*. ■

Texas Public School Bible Classes Receive Failing Grade

A study of public school Bible classes offered in 57 school districts and three charter schools in Texas shows that they are suffused with religious bias, are unscholarly, intellectually undemanding, and promote Biblical literalism.

These courses were developed after the legislature passed a bill in 2007 that encouraged Bible classes. These courses were supposed to protect the religious freedom of students who chose to enroll. The Texas Freedom Network Education Fund reported that “state agencies and many local school districts have largely ignored these guidelines.”

The TFN report, “Reading, Writing and Religion II: Texas Public

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School Bible Courses in 2011-12,” concluded that: “Many Bible course teachers lack the proper training required by the legislature. Consequently, many courses are not academically rigorous and include numerous errors, distortions and other problems.”

TFN found that “Many Bible courses reflect the religious beliefs of the teachers and sectarian instructional materials they use in their classrooms,” many of which “incorporate pseudo-scholarship.” Conservative religious bias, mostly reflecting fundamentalist Protestantism, is joined with a literalist interpretation of the Bible. In addition, “Course materials in numerous classes are designed to evangelize rather than provide an objective study of the Bible’s influence.”

Other areas of concern include claims that the United States “is a Christian nation founded on Christian biblical principles,” and that “the Bible proves Earth is just 6,000 years old.”

The report’s author, Mark Chancey, professor of religious studies at Southern Methodist University, concluded that, “Academic rigor is so poor that many courses rely mostly on memorization of Bible verses and factoids from Bible stories rather than teaching students how to analyze what they are studying.” Chancey also discovered that, “Anti-Jewish bias—intentional or not—is not uncommon. Some courses even portray Judaism as a flawed and incomplete religion that has been replaced by Christianity.”

Despite the overall poor grades, TFN commended a few districts that “did succeed in offering Bible courses that largely comply with legal and constitutional requirements, are academically serious and avoid many of the serious problems noted in most other districts.” ■

Danger Ahead, *cont. from page 1*

duced in Colorado since 1972” and encourages teachers “to miseducate students about evolution whether by teaching creationism as a scientifically credible alternative or merely by misrepresenting evolution as scientifically controversial.”

Oklahoma will consider two anti-science bills, SB 758 and HB 1674. Both claim to advance academic freedom by encouraging critiques of “scientific controversies.” A previous attempt to challenge evolution died in committee in 2011.

All of these proposed anti-evolution statutes provoked this comment from NCSE executive director Eugenie Scott: “At first, creationists tried to ban the teaching of evolution in the public schools altogether. When they were no longer able to do so, they tried to ‘balance’ it with the teaching of Biblical creationism, or scientific creationism, or intelligent design.” After these strategies failed, creationists decided to concentrate on “belittling evolution” or calling it “a controversial theory.”

In Virginia a legislator has proposed a constitutional amendment that would allow “public” prayer on public property and schools.

Alabama, Florida, Michigan and Texas have bills aimed at preventing government enforcement of Islamic Sharia law in state courts, despite a 2012 federal appeals court decision striking down a similar law in Oklahoma.

Finally, a number of Religious Right groups are setting up “caucuses” to promote “religious freedom,” or their version of it, in state legislatures. As we reported last issue, nine states have established “religious freedom” caucuses, with 120 legislators. The movement is led by a Religious Right think tank, the Ethics and Public Policy Center. A “prayer caucus” has been established in eight states—Colorado, Kentucky, Maine, Michigan, Mississippi, North Carolina, Oklahoma and Virginia—to “promote” religious freedom at the state and national levels. The Congressional Prayer Caucus Foundation is the brainchild of U.S. Rep. Randy Forbes (R-VA).

Study Finds Blasphemy Laws Widespread

A surprising number of nations, including 36 European democracies, still retain laws punishing blasphemy, according to a report issued by the Pew Forum. Nearly half (47%) of the countries in the world have “laws or policies that penalize blasphemy, apostasy (abandoning one’s faith) or defamation (disparagement or criticism of particular religions or religion in general).” Of the 198 countries studied, 32 have anti-blasphemy laws, 20 have laws penalizing apostasy and 87 have laws against the defamation of religion. Some countries maintain all three types of prohibition.

Pew cited 19 national organizations, including the U.S. State Department, the United Nations, Human Rights Watch, and Amnesty International, as sources for the data. Pew also included “hate speech laws,” which, it said, “refers to words or actions that vilify, disparage or intimidate a *person or group* based on religion.” Defamation of religion “refers to the disparagement or criticism of a religion.”

Anti-blasphemy laws are “particularly common in the Middle East and North Africa, where 65% of the countries in that region make blasphemy a crime.” Some nations in the Asia-Pacific region also retain these statutes, including India, Indonesia, Singapore and Turkey. Only two sub-Saharan African countries (Nigeria and Somalia) do so.

Eight European nations (Denmark, Germany, Greece, Ireland, Italy, Malta, Netherlands, and Poland) also retain such laws, but that may be changing. The Netherlands is expected to scrap its 1932 blasphemy law, which has already lost support from one court. Political parties in the new Dutch coalition government are expected to propose legislation abolishing it. The new Irish government favors a reform of the 1937 constitution, which defines blasphemy as a crime. Ireland has already begun a constitutional revision process.

Reuters reported, “Ireland passed a new blasphemy law in 2009 after its previous one, a remnant of pre-independence English law there, was ruled illegal because it violated the constitutional guarantee of religious equality.” England and Wales removed a blasphemy statute in 2008.

Laws penalizing apostasy are applied in 20 Muslim countries (including Nigeria, which is partly Muslim and allows Sharia enforcement in its northern provinces). These laws apply mainly to Muslims who seek to convert to another religion and are most common in the Middle East and North Africa.

In the Americas, Brazil, Canada, Chile, El Salvador, Trinidad and Tobago, and Venezuela have laws penalizing defamation of religion. The United States has no national blasphemy law, but Pew researchers noted that “Massachusetts, Michigan and Oklahoma still had anti-blasphemy laws on the books.”

The International Humanist and Ethical Union also issued its annual “freedom of thought” report to the United Nations on December 10. They said seven nations that have established Islam as the state religion make atheism a crime punishable by death. They include Pakistan, Saudi Arabia, Iran, Afghanistan, Sudan, Mauritania, and the Maldives. ■

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Women in Congress: Record Numbers and Religious Diversity

The number of women elected to the 113th Congress reached an all-time high of 98. There are 78 in the House and 20 in the Senate. Democrats far outnumber Republicans 75-23, which means that the percentage of Republicans among women members (23.4%) is far lower than the 40%-45% of women who generally support Republican presidential and congressional candidates.

There are also three women non-voting delegates, one each from the District of Columbia, Guam, and the Virgin Islands, who appear in some lists of Congress, though they cannot vote on final legislation.

The states with the highest percentage of women in their congressional delegation are New Hampshire (100%), Hawaii (75%), Maine (50%), Washington State (41.7%) and Missouri (40%). California has the largest number (20) of women members, who comprise 36.4% of the Golden State's delegation.

Women are most likely to be elected in the Pacific Coast states, where they are 37% of the members, and in New England, where they are 30%. In the rest of the country, about 14%-17% of members are women. The South lags with just over 10%. In the whole Congress, women hold 18.3% of the seats.

Some large states have no women members, at all, including Georgia, New Jersey, and Virginia, while only one of Pennsylvania's 20 members is a woman, as are only three of 38 in Texas.

There are some religious differences among women members compared to their male counterparts. The women are more likely than the men to be Jewish, religiously unaffiliated, members of Eastern religions (Buddhist, Hindu), Presbyterian and "evangelical." They are less likely to be Baptist, Methodist, or members of nondenominational Protestant Christian churches. They are slightly more likely to be Catholic or Lutheran, but much less likely to be Mormon, all 15 of whose Congressional members are men.

Democrats are also much stronger among most religious groups than Republicans. All eight Baptist women are Democrats, while three fourths

of Baptist Republicans are men. The same is generally true for Episcopalians (all six women members are Democrats), and nondenominational Christians. Republicans outnumber Democrats only among female Presbyterians and evangelicals. Among the largest religious group, Catholic, women are 77% Democratic, while just 53% of Catholic men are Democrats.

There is no certainty about how women members will vote or whether they will differ significantly from their male colleagues, but there is some evidence to suggest that they will be vigorous defenders of women's reproductive health and access to health services and to equal employment opportunities. Polls show women voters are somewhat more favorable to equal rights for gays and lesbians. It seems likely that the Democratic preponderance of women members will make them a key element in the progressive coalition. ■

Marriage Equality Draws Different Coalition

Support for marriage equality in Maine, Maryland and Minnesota drew some Republican votes while losing some ethnic Democratic votes, an analysis of precinct data shows.

In the wealthy Washington, D.C., suburb of Montgomery County, Maryland, voters in 11 of the 15 precincts carried by Romney approved of same-sex marriage. They were all in upper income areas of Potomac and Darnestown, in the rolling hills and leafy enclaves that are often referred to as homes of the country gentry. In these four precincts 60% supported marriage equality while 47% voted for Obama. "Old Chevy Chase," a once Republican high income area, gave 78% support for marriage equality compared to 69% for Obama—a nine point difference.

In Hunt Valley, a high-income area of Baltimore County, 65% favored marriage equality while only 37% backed Obama. Statewide, support for marriage equality exceeded the Romney vote in 11 of the 18 counties carried by the former Massachusetts governor.

In Minnesota 47 suburban towns and villages around the Twin Cities backed Romney but supported marriage equality (by opposing a proposed constitutional ban). In 20 wealthy suburbs, Romney carried 16 but marriage equality won 19. This strongly suggests that a significant chunk of Republicans rejected their party's (and their candidate's) stance on the issue.

This is borne out by the returns from the wealthiest suburb, North Oaks (per capita income \$94,000, median family income \$163,000), where 55% supported marriage equality and 38% backed Obama.

In Maine support for marriage equality ran 10-15 percentage points higher than support for Obama in well-to-do towns. Interestingly, Obama carried the Bush family bailiwick of Kennebunkport for the second time, with 55%, while marriage equality won the support of 63%. The prestige town of Cape Elizabeth voted 73% for marriage equality and 64% for Obama. Other similar results came from Kennebunk, Cumberland, Falmouth and Yarmouth. All supported Obama but gave even greater support for the same-sex marriage referendum.

Maine towns with many artists, writers and scientists strongly backed marriage equality, including Vinalhaven, Ogunquit, Kittery, and Bar Harbor. Wealthy Southport backed marriage equality with 58% while

The Great School Voucher Fraud

By Edd Doerr

ARL president Edd Doerr's 23-page position paper explores in detail how the school voucher movement seriously threatens—

- Religious freedom
- Church-state separation
- Public education
- Community harmony

Doerr's paper examines the 27 statewide referendum elections on this important issue.

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giving Obama 48%. Liberal strongholds such as Portland and Orono, where the University of Maine is located, were overwhelmingly supportive of both marriage equality and the president.

There were also some Democratic groups that gave lukewarm support for marriage equality, or were opposed. In Maryland African-American precincts in Prince Georges County gave Obama 95% but only 46% for the marriage proposal. In African-American and Latino precincts in Montgomery County, Obama polled 89% and same-sex marriage 53%. In Maine's rural St. John Valley, Catholics of French ancestry backed Obama with 71%, while only 33% supported marriage equality. (But in French Catholic cities, 64% supported Obama and 51% backed marriage equality).

Even some liberal voting groups were not quite as enthusiastic about marriage equality as they were for the Obama-Biden ticket. In Maine

the Penobscot Indian precincts gave Obama 90% and marriage equality 69% support. In Maryland's Takoma Park, a multicultural ultra-liberal area, Obama received 93% of the major party vote (the same as last time) and marriage equality was backed by 80%.

These referenda indicate that social issues typically develop their own coalitions apart from presidential preferences or party affiliations. The broader lesson from the four victories for marriage equality in 2012 may be a warning that Republicans are increasingly out of touch with moderate, swing voters. Political analyst Walter Olson concluded, in a *Washington Post* essay (December 2), "The GOP establishment has alienated many younger voters and independents with its stance on this issue and now faces the prospect of dissent among its core constituents as well." ■

Election Follow-Up: More Data

A number of studies that examined in great detail the 2012 presidential vote were published since the election. Many add to or expand the basic contours of the national exit polls. Here are some of the findings:

Latinos

A detailed national survey of the vote from ImpreMedia/Latino Decisions found that President Obama defeated Gov. Romney 75%-23%, four points higher than the exit poll conducted by the television networks. In the 11 states where the Hispanic vote was concentrated, Obama's vote margin ranged from an incredible 89%-9% in Romney's home state of Massachusetts to a 58%-40% margin in Florida, where Cuban-Americans still favored Romney 54% to 44%. Even in Florida, though, Obama's Cuban-ancestry support was the highest ever recorded for a Democrat, and it enhanced the president's margin in Miami-Dade County, and helped to defeat one Republican congressman. The 18-point margin for Obama was largely responsible for the president's narrow victory in the Sunshine State.

Religion was a major dividing point among Latino voters. Catholics supported Obama 81% -17% while only winning 54%-44% among evangelicals. Obama won voters of Puerto Rican ancestry 83%-14%, and Mexican ancestry 78%-20%. Among those from Central and South America, Obama won nearly 80%. He received 77% from Latino women and 73% from men. Age, education and income were not as significant as religion, though Romney did relatively better among older, affluent and college-educated Latinos.

The Unaffiliated

Those who claim no particular religious affiliation, the "nones" in common parlance, were instrumental in Obama's victory in a number of states. These relatively young, socially liberal and mainly male voters constituted at least 12% of the national vote, though their potential is 20%. (They voted in lower numbers than the religiously affiliated). After examining the data, Liz Halloran of National Public Radio's "It's All Politics" blog concluded, "Their overwhelming support of Obama proved crucial in a number of swing states where the president lost both the Catholic and Protestant vote by single and low-double digits, but won the 'nones' by capturing 70-plus percent of their votes."

Iowa pollster Ann Selzer claimed that Obama's margin in Iowa, Ohio, Virginia, Florida, Michigan, New Hampshire, and Pennsylvania came



from huge margins (70-75%) for Obama among the "nones," offsetting narrow losses among Protestants and Catholics. (This analysis fails to mention Jewish and "other religion" voters, who also supported Obama by large margins.)

Gregory Smith of the Pew Forum on Religion and Public Life observed, "There's no question that the religiously unaffiliated are a very important, politically consequential group... Democrats have a firm hold on a not-inconsequential voting bloc and that is one of the reasons Obama is in the White House for four more

years."

Evangelicals

Exit poll data from National Election Pool showed that Romney swept the evangelical vote 79%-20%, a gain of six points over McCain's 2008 vote. Romney took 82% of Florida evangelicals and over 70% in North Carolina, Michigan, Wisconsin, Ohio and Nevada, while winning 67% in Iowa. (Many Deep South states were not included, but county data show even higher percentages for Romney.)

Evangelicals showed no enthusiasm gap for Romney, since 62% said they "strongly favored" the GOP nominee. ■

To Safeguard the Future

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Presidential Proclamation for Religious Freedom Day

Foremost among the rights Americans hold sacred is the freedom to worship as we choose. Today, we celebrate one of our Nation's first laws to protect that right—the Virginia Statute for Religious Freedom. Written by Thomas Jefferson and guided through the Virginia legislature by James Madison, the Statute affirmed that “Almighty God hath created the mind free” and “all men shall be free to profess . . . their opinions in matters of religion.” Years later, our Founders looked to the Statute as a model when they enshrined the principle of religious liberty in the Bill of Rights.

Because of the protections guaranteed by our Constitution, each of us has the right to practice our faith openly and as we choose. As a free country, our story has been shaped by every language and enriched by every culture. We are a nation of Christians and Muslims, Jews and Hindus, Sikhs and non-believers. Our patchwork heritage is a strength we owe to our religious freedom.

Americans of every faith have molded the character of our Nation. They were pilgrims who sought refuge from persecution; pioneers who pursued brighter horizons; protesters who fought for abolition, women's suffrage, and civil rights. Each generation has seen people of different faiths join together to advance peace, justice, and dignity for all.

Today, we also remember that religious liberty is not just an American right; it is a universal human right to be protected here at home and across the globe. This freedom is an essential part of human dignity, and without it our world cannot know lasting peace.

As we observe Religious Freedom Day, let us remember the legacy of faith and independence we have inherited, and let us honor it by forever upholding our right to exercise our beliefs free from prejudice or persecution.

Issued by President Barack Obama, January 16, 2013.



Church and State in the Courts

Courts continue to issue contradictory rulings on the federal contraception mandate. Some have held that complying with the mandate does not violate the religious liberty of employers (See VOR 121, p. 12). But the U.S. Court of Appeals for the D.C. Circuit on December 18 required the Obama administration to devise exceptions to the new rule for two church-related colleges, evangelical Wheaton College and Catholic Belmont Abbey College. On the same day, however, the U.S. Court of Appeals for the Tenth Circuit ruled that Hobby Lobby, a national arts and crafts supply chain, must comply with the contraception mandate until its legal challenge is heard and adjudicated. The appeals court agreed with a federal district court ruling that the HHS rule did not constitute a “substantial burden” to religious liberty, but was “indirect and attenuated.” But the U.S. Court of Appeals for the Seventh Circuit ruled on December 28 that an Illinois construction company, whose owners are conservative Catholics, “would have to violate their religious beliefs to operate their company in compliance” with the requirement to provide contraception coverage.

There may also be differences in the way the courts are handling nonprofit challengers and for-profit companies, further complicating the outcome of the legal challenges. Noted Melissa Steffan in *Christianity Today.com*, “In the 43 legal challenges to the ACA mandate, some courts have ruled that for-profit companies and their owners are separate entities and thus the companies themselves cannot practice any particular religion.”

A Missouri federal judge, Audry Fleissig, issued a restraining order on December 21 blocking a state law requiring insurers to offer policies excluding birth control. The law, passed by a Republican legislature which overrode Democratic Gov. Jay Nixon's veto, said the beliefs of the employer should determine what the health insurance covers. Judge Fleissig said there “appears to be an irreconcilable conflict” between state and federal laws on the issue.

One legal specialist, Marc Stern, associate general counsel of the American Jewish Congress, observed in *Religion in the News* (Fall 2012): “It's hard to predict the outcome of all this litigation. It will take years for all the cases to be decided, and, of course, different cases may be

decided differently. But it is already possible to see that the clash over contraception presents in sharp focus clashes between two conflicting world views: of individual autonomy, private decision-making, and gender equality against the claims of religious institutions and of sexuality as a matter of public moral concern. Some see battles between good and evil. It is more accurate to see an agonizingly painful clash of values widely held in American society.”

This mélange of competing rulings raises the possibility that the Supreme Court may eventually resolve the issue. Fueling the concern is that religious institutions such as schools and hospitals must comply with the mandate by August or face serious fines. Writing in the *San Francisco Chronicle* (January 11, 2013), Bob Egelko noted, “The divergence, mirrored in decisions by individual federal judges, has led legal commentators to predict that the dispute will reach the high court by next year.”

In an attempt to find common ground and perhaps head off a Supreme Court ruling, the Obama administration proposed that religious nonprofits could issue insurance plans that do not directly provide birth control coverage. Their employees would receive a stand-alone private insurance policy that would provide contraceptive coverage at no cost. The health insurer will automatically enroll employees in a separate policy, whose cost would be borne by the insurance company. The faith-based employers, mostly hospitals or universities, would not “have to contract, arrange, pay or refer for any contraceptive coverage to which they object on religious grounds,” according to the policy announced on February 1.

The policy change was praised by women's health groups and by liberal Catholics. But religious conservatives still thought that all religious employers, whether directly church-related or not, should have been exempt. The status of the many lawsuits remains uncertain, and some observers predict even more challenges to this part of the Affordable Care Act.

While the administration seems to have offered every reasonable accommodation to religious groups, its policy change was promptly rejected by the nation's Catholic bishops on February 7. Cardinal Timo-

thy Dolan, president of the U.S. Conference of Catholic Bishops, said, "The administration's proposal maintains its inaccurate distinction among religious ministries." Philadelphia Archbishop Charles Chaput added, "The White House has made no concessions to the religious conscience claims of private businesses."

These claims prompted a critical *New York Times* opinion piece, "The Conscience of a Corporation," by Bill Keller. Keller rejected the idea that a corporation can have a religious conscience, suggesting that the claim is purely motivated by partisan politics. "Evangelicals and Catholics, cheered on by anti-abortion groups and conservative Obamacare-haters, now want the First Amendment freedom of religion to be stretched to cover an array of for-profit commercial ventures."

Progressive Catholics, including columnist E.J. Dionne and the *National Catholic Reporter*, supported the president over the bishops. So did free exercise expert Douglas Laycock of the University of Virginia, who said the conservative churches "are taking a risk of turning large chunks of the population against the idea of religious exemptions altogether."



New Hampshire's tax credit program has been challenged in a suit filed January 9 in the Superior Court for Strafford County. The state allows businesses to reduce their tax liability by receiving an 85% tax credit in exchange for donations made to scholarship organizations, which then pay for tuition at religious and other private schools. This program is blatantly unconstitutional, say a group of plaintiffs backed by ACLU and Americans United.

The plaintiffs in *Bill Duncan, et al. v. State of New Hampshire* cite two state constitutional provisions that prohibit tax support for religious schools. Part I, Article 6, states: "No person shall ever be compelled to pay towards the support of the schools of any sect or denomination." Part II, Article 83 affirms: "No money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination."

The plaintiffs, who include public school teachers, clergy, a school librarian and a state legislator, argue that the program "diverts tax funds to religious schools, places no restriction on how those funds may be used, and will aid religious schools that discriminate based on religion in admissions and/or employment." The program "will have the effect of primarily benefitting religious schools." The plaintiffs want the program declared "unconstitutional and invalid on its face."

The complaint cites data showing that 61% of the approved private schools are religious, and that 67% of the students who will benefit from the program attend church-related schools. There are 116 private schools enrolling 16,882 students eligible for the program. Most of these schools apply religious criteria for faculty and student body.

The Tax Credit Program was passed by the legislature last year over the veto of then-Gov. John Lynch. It allows up to \$3.4 million in tax credit to be claimed in the first year and \$5.1 million during the second year. Additional increases will be allowed in subsequent years.



Can an entire diocese secede from the national church and still retain ownership of its property and name? That is the issue before South Carolina courts after the Episcopal Diocese of South Carolina officially withdrew from the parent denomination last October. The first round went to the local diocese when Circuit Court Judge Diane Goodstein issued a temporary restraining order in January preventing the national church from "using, assuming or adopting the registered name and the

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seal" of the church in the diocese of South Carolina. Under South Carolina law the diocese is a legally established corporation and its trademarks are protected under state law.

In most previous cases the national church has won complete control of dissenting parishes' property, but South Carolina has an unusual twist. The diocese was established in 1785, four years before the national Episcopal Church was created from former Church of England parishes. Some of the oldest, most historic churches in the nation are found in Charleston, Beaufort, and other coastal areas.

In South Carolina 44 parishes have voted to join the secession while 16 chose to remain with the national church and 11 are undecided. About 77% of the 30,000 members belong to seceding parishes.

The Episcopal Church has been hit with numerous departures all over the country, primarily over the issue of gays in the church. More than 80 lawsuits have been filed in the past decade, costing the national church \$22 million in legal fees.



A public school district is not required to provide special education services to a student in a private religious school, the U.S. Court of Appeals for the Fourth Circuit ruled on January 18. The parents of a child enrolled in a yeshiva sued the Baltimore City school district, claiming that their son should receive disability services provided in a public school. But a three-judge panel unanimously held that the Rehabilitation Act of 1973 did not require the provision of services to private school students, because the statute's original language was unclear. The court cited a 1993 interpretation by the U.S. Department of Education's office for civil rights.

The parents had also charged that their religious liberty was being violated. The appeals court rejected that claim: "The right to a religious education does not extend to a right to demand that public schools accommodate [the parents'] educational preferences. [The Baltimore city district] has legitimate financial, curricular, and administrative reasons to require that D.L. [the student] enroll exclusively in a public school in order to take advantage of Section 504 services. The school board need not serve up its publicly funded services like a buffet from which [parents] can pick and choose."



In January the Montana Supreme Court, on a 4-3 vote, upheld a state law that requires religious organizations to carry workers compensation insurance. The Big Sky Colony of Hutterites, an Anabaptist group, filed suit, claiming the law infringed on their right to free exercise of religion. The majority held that the requirement "did not interfere with religious practice but only regulated their commercial activities like any other business." ■



The Voucher Watch

- Georgia's tax credit program that transfers state money into private school "scholarships" supports discriminatory anti-gay policies. A report issued in January by the nonprofit Southern Education Foundation found that at least one third of the schools in the scholarship program forbid enrollment or require expulsion of gay students.

Steve Suits, vice president of the foundation and author of the report, said public funds are being used to support schools that "punish, denounce and even demonize students in the name of religion solely because they are gay, state that they are homosexual, happen to have same-sex parents or guardians, or express support or tolerance for gay students at school, away from school or at home."

New York Times writer Kim Severson added, "Since the Georgia program began in 2008, \$170 million in tax credits have been given to people who donated to the nonprofit organizations that funnel money to private schools." There is also little oversight of this program by the state.

- House Republicans are pressuring the White House to continue funding for the District of Columbia voucher program, even though the president has long favored its discontinuance. Representatives John Kline, Darrell Issa and Todd Rokita blasted Education Secretary Arne Duncan for recent actions seeking to wind down the program.

- Upcoming debates on tax credits in the Texas legislature provoked sharp and incisive comments from columnist Billy Hamilton in the *Austin Statesman*. He writes: "Why would we create such a complicated way of paying for a tiny percentage of students to attend private schools when our public schools desperately need resources for the five million students they educate annually? The answer: these corporate tax credits are meant to conceal something else—school vouchers. Vouchers are a way of providing government funding to parents to pay tuition at nonpublic schools, generally private or parochial schools. The

tax variation, sometimes called 'tuition tax credits,' creates a more indirect route to the same result. A taxpayer donates money to a specially created private nonprofit group. The group bundles the donations and awards scholarships to families of its choosing to use as vouchers to pay tuition at a private school, also of its own choosing. The state backfills the funding, reimbursing the company through tax credits. This money would have otherwise gone to state coffers. . . . Tuition tax credits aren't about tax policy or about investment in schools: they're about getting a voucher program on the books that can be expanded over time. . . . These tax credits aren't just bad tax policy; they're gimmicks—gimmicks used to conceal bad policy. Public schools don't need gimmicks. They need the Legislature's full support in educating the state's children."

- Private schools are concerned about preserving their admissions procedures and religious activities if they agree to participate in publicly funded school voucher programs. This is the primary finding of a report, "School Choice Regulations: Red Tape or Red Herring," issued by the pro-voucher Thomas F. Fordham Institute. Writing in *Education Week* (February 1), Sean Cavanagh observed, "On the whole, private schools were most worried about voucher programs' regulations that might impose changes on their admissions procedures. Fifty-two percent said 'upholding student admissions criteria' was either a very important or extremely important factor in whether they decided to take part in a private school choice program."

Most of these schools needn't worry, however. Few state voucher programs have regulations regarding admissions and only one, Milwaukee, allows students to opt out of religious activities.

(For other voucher-related news, see the page 1 article "Danger Ahead" and "Church and State in the Courts.")

Updates

Texas Shortchanges Women's Health

Texas women, especially the poor and unmarried, have limited choices in reproductive health care because the state prefers so-called "Crisis Pregnancy Centers" to legitimate family planning clinics, according to a report in the *Texas Observer*. Anti-choice centers that counsel against abortion and provide medically dubious information to clients have received \$26.3 million in public funds since 2005. At the same time, 60 family-planning clinics have closed from lack of funding. In 2011 Texas legislators cut funding for family-planning centers by two-thirds and redirected the funds to crisis pregnancy centers under a state program called The Texas Alternative to Abortion Program.

Texas Observer reporter Carolyn Jones writes, "The state is also directing women toward crisis pregnancy centers in other ways. A new law requires that abortion clinics provide patients with a list of crisis pregnancy centers at least 24 hours before an abortion can be performed. And callers to Texas state-funded 2-1-1 helpline seeking information about pre-abortion counseling will find crisis pregnancy centers included on the list. Despite all the government support, the state doesn't require such centers to promote medically accurate information about sexual health. Crisis pregnancy centers promote strict abstinence out-

side of marriage and don't distribute birth control. And unlike family-planning clinics, they aren't licensed or inspected by the state."

Religion a Factor in Hate Crimes

The annual FBI "hate crime" report shows that crimes based on religion or religious bias remained at 20% of the 6,222 reported cases—a figure that has been stable in recent years. Jews were victims in 771 hate crimes, followed by 157 Muslims, 67 Catholics, 44 Protestants and four atheists. About 130 hate crimes involved Sikhs and Hindus. Race remained the main animus, with 47% of cases involving racial animosity. Anti-gay incidents increased to 21% of the total.

Scientists Lean Left

It is hardly surprising that scientists are far more liberal in their political views than all Americans and are much less likely to support the Republican Party. A Pew Research Center survey, based on online interviews from 2,533 members of the American Association for the Advancement of Science, showed that 55% of scientists identified themselves as Democrats and only 6% as Republicans. About a third (32%)

said they were Independents. As to political ideology, 52% called themselves liberal, 35% moderate and 9% conservative. A small percentage identified with other parties or political ideologies. Since 58% of Republicans supported some brand of creationism in a recent Gallup poll, it is unlikely that scientists will gravitate toward the GOP. These findings prompted *New York Times* columnist Charles Blow to observe, “This anti-intellectualism is antediluvian.... If the Republicans don’t want to see their party go the way of the dinosaurs, they have to step out of the past.”

Predictions, Anyone?

The end of the year is a traditional time for predictions of the future and a summing-up of past events. This was true in religion as well. The venerable *Economist*, in its year-end special issue, foresaw a continued decline for the Anglican Communion and a possible end for “Anglican Christendom and its 70 million members.” The journal also predicted an acceleration of the persecution of Christians in Syria and Egypt and a resultant flight of perhaps hundreds of thousands of Christians who have lived in these ancient lands for two millennia. Meanwhile, John Dickerson, an evangelical minister and author of the forthcoming book *The Great Evangelical Recession*, told *New York Times* readers on December 15 that the evangelical faith “as we knew it in the 20th century is disintegrating” and has reached a state of “collapse.” The reason for this rather extravagant claim is that “evangelicals have not adapted well to rapid shifts in the culture.” He argues that “our beliefs are now in conflict with the mainstream.” Evangelicals will never regain “politically muscular force,” he says, but should use this period of decline to “refashion themselves into a more sensitive, spiritual and humble movement.”

“War on Christmas” Fizzles

The “War on Christmas” fizzled to a mere skirmish in 2012. The only action came from the American Family Association (AFA), perhaps the most extreme of Religious Right groups. AFA issued its 10th annual “Naughty or Nice?” listings of companies that “promote and celebrate” Christmas, based on their advertising policies. Companies fell into four categories. The most “Christmas friendly” were Belk, Hobby Lobby, Lowes and Wal-Mart. Most retailers received favorable ratings but a few, including Safeway, Starbucks and Whole Foods, were rated marginal. Thirteen retailers were judged to be “against” Christmas, including Barnes & Noble, Banana Republic, Office Depot, Staples and Victoria’s Secret. The worst offenders, GAP and Old Navy, were urged to be boycotted by AFA members and supporters. *Christian Century* thought the whole exercise was silly and shallow and did not exemplify the values held by most Christians.

One Texas state legislator has assured that the controversy will continue into next Christmas. Rep. Dwayne Bohac, a Houston Republican, introduced a bill dubbed the “Merry Christmas Bill” on December 19. It would allow teachers and other public school staff to display Christmas trees, Nativity scenes, and menorahs in school, as well as “Merry Christmas” and “Happy Hanukah” greetings. As a sop to critics, the bill prohibits schools from using language that “promote adherence to a specific religion,” though that seems to be the intent of the legislation.

DuBois Steps Down

Joshua DuBois, a young Pentecostal clergyman who served as President Obama’s director of the Faith-Based Office for four years, resigned

in February. DuBois, who was criticized for not challenging the office’s policies on religious discrimination in hiring and in provision of services in overtly religious settings, will teach at New York University. DuBois will also create a new organization promoting partnerships between secular and religious groups in the social service sector.

Arkansas Disallows Most Abortions

Arkansas’ Republican legislature has moved to make almost all abortions illegal. The State House voted to ban abortions after 20 weeks with no exceptions for rape or incest. The State Senate voted to prohibit abortions if a fetal heartbeat is detected. The House also voted to ban private insurance from offering abortion coverage if they participate in the online marketplace under the 2014 federal health care changes. Democratic Gov. Mike Beebe vetoed the 20-week ban but was overridden in February.

Virginia May Allow Public Prayer

A Virginia Senate committee narrowly approved on January 29 a proposed amendment to the state’s Bill of Rights that would require public schools and other public places to allow prayers and religious activities that were “not disruptive” or “coercive.” Students would even be allowed to skip assignments or classroom activities that conflict with their religious beliefs. The Republican-backed measure claims that “people of all faiths are under attack.” But ACLU of Virginia executive director Claire Gastanaga said the resolution was an unconstitutional establishment of religion.

International Updates

Belfast: New 2011 census data showed that Protestants have fallen below 50% of the population for the first time since 1921, when Northern Ireland was incorporated into the United Kingdom. The province’s 1.8 million people are 48% Protestant, 45% Catholic and 7% other or none. These figures—846,000 Protestant and 800,000 Catholic—are vastly different from 1970, when the “Troubles” began, at which time Protestants outnumbered Catholics two to one. Some observers fear this will further upset the delicate balance of relations between the two communities. (In the Republic of Ireland, however, Catholics have declined while Protestants have inched upward in recent censuses.)

Cairo: Nearly 64% of Egyptian voters ratified a new constitution that was hastily adopted by Islamic-dominated legislators after liberals, secularists and Christians withdrew from the process, saying their concerns were ignored. The new constitution “will deepen the influence of Islamic law” said *The Washington Post*. The new charter provides no specific guarantees for religious liberty nor does it address women’s issues. The powerful Muslim Brotherhood backed the constitution. The upper house of Parliament, the Shura Council, is composed mostly of Islamists, and the lower house is expected to be dominated by the same group. *The Post* said the constitution “leaves the door open to fundamentalist interpretations of Islamic law” and “would carry dire consequences for Egypt’s Christian minority in a country already fraught with sectarian tension.” The document also gives al-Azhar University power “to pass judgment on the religious merits of the nation’s laws.” President Mohamed Morsi expressed hope that approval would signal a period of stability in the strife-torn nation, but most observers suggest the result will only deepen the crisis. Critics pointed out that less than

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a third of eligible voters turned out for the constitutional referendum in December. The victory was secured in rural areas, where conservative Islam is strong, but 57% of voters in Cairo said no.

Canberra: The issue of state aid to sectarian schools, approved by Australia's Supreme Court decades ago, continues to enliven debate and divide citizens along religious lines. A new Australian Education Bill was introduced in parliament on November 28 and would basically expend such aid. The Australian Council for the Defense of Government Schools (DOGS), a pro-public education lobby, says the proposal "funds schools that discriminate against children and employees on economic, religious criteria and lifestyle criteria." The group added, "Since state aid to religious schools was introduced in 1973, the rich have gotten richer and the poor poorer." The new bill "gives preference to religious institutions and places them on a preferential footing with existing cash-strapped public schools." The federal funding formula creates "a voucher system by another name."

DOGS added that the states, which have power to deal with primary and secondary education under Section 51 of the Australian Constitution, have been exceedingly generous to private religious schools. "The Victorian Government shaved more than \$250 million in additional funding from the public education budget and handed it to the private sector in the last State Education budget handed down on May 3, 2012." As a result, thirteen new Catholic schools opened in the area. "Free, secular and universal education is no longer an option," DOGS charged. In a December 7, 2012, article in the *Sydney Morning Herald*, professor and former government official Nicholas Reese charged that "Catholic school funding arrangements lack transparency and are not based on need."

Dublin: The Irish government issued a formal apology to the survivors of the infamous Magdalene Laundries, which incarcerated 10,000 women and girls, often for minor offenses, from the 1920s into the 1990s. Prime Minister Enda Kenny, in a February 19 address to parliament, said the government's complicity in sending women to the church-run institutions, where they were never paid for their labor, "cast a long shadow over Irish life, over our sense of who we are." In response to a massive and critical report issued recently, the government will also provide financial compensation for the estimated 800 women who are still alive.

Edinburgh: The Scottish government announced plans to legalize same-sex marriage and to introduce a new category of marriage called "belief" marriages as an alternative to religious or civil ceremonies. The plans are set out in the *Marriage and Civil Partnership Bill*, according to the *Scotsman* newspaper. Scotland presently is one of six countries where "humanist" marriage ceremonies are legal. The others are Australia, Canada, New Zealand, Norway and several U.S. states. Last year there were 2,846 humanist weddings compared to 1,729 solemnized in Catholic churches and 5,557 in the Church of Scotland (Presbyterian). Data for other religions were not available. The new bill will strengthen the humanist component and has been endorsed by the Humanist Society of Scotland. A government spokesperson told the *Scotsman* on December 30, "The Scottish government is committed to a Scotland that is fair and equal and that is why we intend to proceed with plans to allow same-sex marriage and religious ceremonies for civil partnerships."

London: The nominal Christian population of the United Kingdom has fallen to 59% of the population, according to figures released in December. Data were compiled by the national census on March 27, 2011. While Christians numbered 33.2 million out of 56 million in England and Wales, (data from Scotland were not included in this report), that number was down four million from the 2001 census. The number who said they had "no religion" shot up to 25%, with 14.1 million checking this alternative, up from 7.7 million a decade

ago. The nonreligious are particularly strong in university towns and in South Wales.

Islam claimed 2.7 million adherents, up from 1.55 million in 2001. Muslims now make up 4.8% of the population. There were also 817,000 Hindus, 423,000 Sikhs, 263,000 Jews and 248,000 Buddhists. These figures reflect the increasing number of foreign-born Britons, who make up about one in eight residents. India, Poland and Pakistan have contributed the largest number of new residents.

The Church of England's communications office admitted that these changes posed a "challenge" to the Established Church but argued that the decline represented fewer "cultural Christians." British Humanist Association chief executive Andrew Copson added his own interpretation to the debate, "This is a really significant cultural shift. It is time that public policy caught up with this mass turning away from religious identities and stopped privileging religious bodies with ever-increasing numbers of state-funded religious schools and other faith-based initiatives."

Manila: The Philippine Congress on December 17 passed legislation that provides government funding for contraception and allows sexuality classes in public schools. President Benigno Aquino III signed the legislation on December 21. Government spokesperson Abigail Valte said the law's passage "closes a highly divisive chapter of our history."

Roman Catholic Church officials strenuously opposed the law and are clearly the big losers in the debate. Though Archbishop Socrates Villegas, spokesman for the Philippines Bishops Conference, said, "The wide and free accessibility of contraceptives will result in the destruction of family life," 68% of Filipinos favored the law, according to a national poll.

Conservative Catholics have organized to defeat members of Congress who supported the Reproductive Health law. Pro-Life Philippines and Catholic Vote Philippines are rating members "to know how their positions align with Catholic beliefs," said Ricardo Boncan, executive director of Catholic Vote Philippines. The Catholic Bishops Conference, which helped to block legislation for 13 years, issued a document called "Contraception is Corruption." But polls show most Filipinos favor contraceptives for poor women, sex education in the schools, and government family planning clinics—all provisions of the new laws. As a result, *New York Times* correspondent Floyd Whaley wrote, "By all accounts, mustering a unified Catholic vote in the Philippine will be difficult."

Montevideo: Uruguay's parliament recently legalized abortion (by a one-vote margin) and approved a gay marriage law. The proposal goes to the Senate, where approval is expected. President José Mujica indicated that he will sign the legislation. The gay marriage law passed the lower house by a wide margin on December 11, making Uruguay the 12th nation in the world to adopt marriage equality. Uruguay becomes the first South American nation to legalize abortion and the second to enact marriage equality (after Argentina). AP writer Pablo Fernandez noted, "The Roman Catholic Church is opposed to the proposal, but the church has little political influence in secular Uruguay."

Moscow: On New Year's Eve President Vladimir Putin signed new legislation that makes "courses on the fundamentals of religion mandatory in all schools," according to *The Moscow Times*. Different types of classes are available at different school levels, including courses on ethics and comparative religion, as well as instruction in certain religious traditions, the most prominent of which is Russian Orthodoxy. The law takes effect on September 1, 2013.

Paris: President François Hollande is expected to create a new government agency to monitor and enforce the century-old law mandating separation of church and state. The department is expected to support a "secular morality" curriculum for public schools, a mechanism for monitoring "religious extremism" and, according to several press re-

ports, even deporting those whose views tend toward “religious pathology.”

Reykjavik: The Icelandic Parliament approved a law on January 30 that gives “secular life stance organizations” equal legal status with religions. Sidmennt, the Icelandic Ethical Humanist Association, has lobbied for this change for more than a decade and plans to apply to the Ministry of the Interior for registration. Sidmennt president Hope Knutsson noted, “An additional improvement provided by this law is that newborn babies will no longer automatically be registered into the religion of the mother, but rather according to the religious or life stance registration of both parents, and only if the registrations match.” She added, “Although this law is an important step towards equality, the government is not changing the privileged status of the Evangelical Lutheran State Church, which enjoys both legal and financial privileges over all other life stance organizations.” The *2013 World Almanac* reports that 81% of Iceland’s 313,000 people belong to the Lutheran Church.

Rome: An unusual coalition of Catholic bishops and shopkeepers is trying to retain Sunday-closing laws in Italy. A new law allows shops to stay open on Sundays, but many workers and unions are opposed, saying it exploits workers who have no choice but to work if their employers wish. However, relatively few businesses have chosen to open. The Catholic bishops’ conference emphasized that Sunday is a “holy day” and “a common weekly day for rest.” One priest, Rev. Marco Scattolon, labeled Sunday shopping a sin and said parishioners should do penance for it.

The issue has continent-wide consequences. Religious and commercial organizations from 27 countries formed the “European Sunday Alliance” to lobby the European Union to keep Sunday a day of rest. The Alliance emphasized family values and claimed support from Muslim organizations.

Strasbourg: The European Court of Human Rights (ECHR) handed down some mixed rulings on religious freedom issues in January. In deciding four cases, the court said freedom of religion is “an essential part of the identity of believers and one of the foundations of pluralistic, democratic societies.” But it cautioned that, “where an individual’s religious observance impinges on the rights of others, some restrictions can be made.”

In one case the court said British Airways (BA) violated a clerk’s religious freedom by firing her for wearing a small silver cross to work. BA eventually changed its policy and the employee, Nadia Eweida, was reinstated. However, she pursued a claim of religious discrimination and sought damages and compensation for lost wages.

But a nurse, who was asked to remove religious insignia for health and safety reasons and refused to do so, lost her case. So did a local registrar who refused to preside over same-sex civil partnerships, and a marriage counselor who refused to offer therapy to gay couples. In those cases the court felt that employment rules were reasonable and struck a balance among competing rights. Most human rights groups praised the rulings, though the Evangelical Alliance responded that “sexual orientation trumps religion.”

ECHR rulings are binding on the 47 member states of the Council of Europe. Losing claimants may appeal to the court’s Grand Chamber, a five-judge court of last resort. ■



Books and Culture

First Freedom: The Fight for Religious Liberty, by Randall Balmer. Covenant Communications, 2012, 98 pp., \$26.99.

PBS’s December 18, 2012, 90-minute documentary “First Freedom: The Fight for Religious Liberty” was an excellent introduction to the subject. It traced the evolution of religious freedom in the U.S. from early colonial times to shortly after 1800, coming down nicely on the side of church-separation and using a great many period visuals. Washington, John and Samuel Adams, Jefferson, Madison, Franklin and others come off well, but John Winthrop and the Puritans come off as, well, narrow Puritans unfriendly to religious freedom and diversity. A DVD of the program is available.

The documentary’s “companion book” by Randall Balmer, author of a dozen books in this general area, is a handsome, lavishly illustrated 9 by 12 coffee-table volume for the general reader or as a supplemental reading for high school history classes. Balmer touches all the bases: the Puritans, the Anglican south, the more diverse middle colonies/states; the development of the Declaration of Independence, the Constitution and Bill of Rights; Roger Williams, Anne Hutchinson and Mary Dyer; the Virginia struggles that led to adoption of the church-state separation principle; Madison’s “Memorial and Remonstrance,” Washington’s 1790 letter to the Jewish congregation in Newport, RI (Actor Ed Asner and I were speakers at the 1990 bicentennial celebration at the Touro Synagogue); Jefferson’s 1802 “wall of separation” letter to the Danbury Baptists; and the influence of Deism. The only thing missing is the 1797 treaty with Tripoli, negotiated under Washington, ratified by the Senate, and signed by John Adams, which stated that “the government of the United States of America is not in any sense founded on the Christian religion”

Beyond the scope of the documentary and book are the ongoing threats to religious freedom in the U.S., such as the unceasing campaigns to infringe women’s freedom of conscience on reproductive matters, to divert public funds to religious private schools through vouchers, and to infiltrate fundamentalist religion into public schools.

— Edd Doerr

Piety and Public Funding: Evangelicals and the State in Modern America, by Axel R. Schäfer. University of Pennsylvania Press, 2012, 311 pp., \$45.00.

In this provocative analysis, the author, director of an American studies program at a British university, challenges the widely-held assumption that evangelicals shifted their politics to the Republican Right because of their opposition to the cultural policies associated with liberalism and the Democratic Party. He argues, rather forcefully, that evangelicals no longer saw the state as a hostile force controlled by enemies (Catholics and secularists), but as an institution that they could influence, and eventually control. They were no longer opposed to state subsidies for religious institutions, such as schools and social welfare agencies, as long as they could get some of the funds. As a result of the expansion of government into new realms, and the appropriation of money to the nonprofit sector, the evangelicals gave up their once rock-solid support for separation of church and state and decided to hop on the government gravy-train.

While keeping their anti-statist rhetoric, “Conservative Protestants gradually parted with their traditional insistence on the separation of church and state. Instead of refusing public aid to religion outright,

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they made access to funds and the preservation of their faith-based practices within a system of state subsidies the linchpin of their new attitude.”

Thus, “Focusing on the potential benefits of public funding gradually overshadowed concerns with preserving the separation of church and state.” Other threats came to the fore. “The battle against ‘secular humanism’ shaped the neo-evangelical revision of traditional separationism.” Schäfer adds, “As fears of secularism became a central thesis in evangelical politics, a crucial shift in evangelical attitudes to the subsidiarist welfare state occurred.” They criticized secularists, whom they believed “threatened the spiritual dimension of social policy.” Ironies abound. “By the early 1970s evangelicals had clearly shifted from encouraging separation as a way of keeping secularization out toward downplaying separation as a way of getting evangelicalism in.”

Evangelicals adopted this new policy “in their desire to regain cultural legitimacy and political influence” even though they “had to struggle with the dilemma of rejecting public funds in principle while accepting them in practice.”

Eventually, they resolved the problem “in ways that enabled them to legitimize their transformation from advocates of strict separationism to beneficiaries of government funding.” In fact, “The growing experience of evangelical agencies with public funding had convinced them that subsidiarity protected religious providers and tacitly condoned the transformative power of faith as an effective antipoverty policy.”

Evangelicals supported and benefited from Clinton’s Charitable Choice and Bush’s Faith-Based Initiatives. These programs “removed elements of federal oversight” and “permitted restrictive hiring of employees by religious agencies contracting with government, and abandoned requirements for religious social service agencies to be privately incorporated and tax exempt under IRS codes as a prerequisite for receiving public funds.” Under Bush, “The Faith-Based Initiative allowed for federal funds to be given directly to churches, rather than just denominational charities, and further limited the ability of the state to interfere with religious content.”

As a result the modern evangelical conservative movement enthusiastically supported the “national security and welfare state” and “became part and parcel of a larger ‘big government conservatism’ that, while vilifying the liberal state, did not question the institutional or ideological construction of Cold War public policy.”

— Al Menendez

Conceived in Doubt: Religion and Politics in the New American Nation, By Amanda Porterfield. The University of Chicago Press, 2012, 252 pp., \$40.00.

While some historians have stressed the rise of evangelicalism during the Jeffersonian era, Amanda Porterfield argues that this connection did not of itself lead to more democracy or a liberal religious culture. In many respects it did the opposite. Evangelicals criticized the prevalence of religious skepticism and sought affirmation for biblical authority as the foundation of American national identity.

Evangelicals favored a weaker federal government not because of opposition to centralization per se, but because an aggressive brand of religion would conceivably grow stronger when government was weaker. “Religion had an institutional presence in colonial America linked to monarchy and civil order.” Evangelicals wanted to replace that with a power base of their own.

Baptists were attracted to Jeffersonian ideals more than other groups. “While Baptists rejected the state’s meddling in religion, weak federal government and freedom from government intervention enabled Baptist churches to operate almost like independent states on their own.” As a result, “Jefferson’s Republican Party drew heaviest support from

towns with strong Baptist churches.” Baptist support for “religious voluntarism” led to a “codependence of libertarian politics and evangelical religion in the formative era of American politics,” thus creating “an effective coalition of pietists and rationalists” that made Jefferson a two-term president.

Other religious groups were more divided politically. Presbyterians in the border South and West favored Jefferson as did many Methodists. But Congregationalists and Quakers were staunch Federalists, while Episcopalians, Lutherans and Dutch Reformed Christians were divided politically. “Methodists and Baptists drew many of their members from regions and population groups that favored Jeffersonian democracy... and thrived as a result of Jefferson’s strong support for separation of church and state.”

This amalgam of religion and politics was not uniformly liberal, however. Support for slavery and denial of Indian rights went hand-in-hand with religious populism. So did religious prejudice against outsiders. “When the growth of Catholic immigration accelerated, the anti-Catholic bias engrained in American notions of biblical revelation and common sense took on new life as evangelicals treated Catholics as religious enemies with loyalties to foreign government.”

Religious liberals and freethinkers also came under attack. “Fear of free thought contributed to the vitality of religious growth.”

By the early 19th century, politics and religion were closely connected. “As Jeffersonians stifled charges of irreligion with growing numbers of evangelicals in their ranks, partisan claims about religion became an ingrained feature of American politics, a powerful and volatile ingredient in the formation of political parties.”

— Al Menendez

High Tide on Main Street: Rising Sea Level and the Coming Coastal Crisis, by John Englander. The Science Bookshelf, 2012, 219 pp., \$19.95 Paper

In his second inaugural address President Obama said: “We will respond to the threat of climate change, knowing that the failure to do so would betray our children and future generations. Some may still deny the overwhelming judgment of science, but none can avoid the devastating impact of raging fires, and crippling drought, and more powerful storms. The path toward sustainable energy sources will be long and sometimes difficult. But Americans cannot resist this transition. We must lead it.”

This book, published just weeks before \$60 billion Hurricane Sandy slammed the New York area, should jolt readers and may well be one of the most important books to see print in the past year. Experienced oceanographer John Englander marshals the scientific evidence to show indisputably that climate change and global warming are real and present serious threats. Abundantly illustrated, documented and well written, *High Tide on Main Street* makes clear the close correlation between sea levels, global temperature change and carbon dioxide accumulation. He highlights a 2007 survey of climate scientists showing that 97% agreed that human-caused greenhouse gases are substantially affecting climate.

High Tide on Main Street makes the case that governments will have to adopt policies not only to reduce production of greenhouse gases but also to change flood insurance and zoning policies that encourage construction in areas threatened by rising sea levels.

Englander zeros in on sea level rising, about eight inches between 1880 and 2000 and likely to accelerate up to as much as ten feet or more over the coming decades. In the lifetimes of younger readers sea levels could rise enough to swamp nearly all coastal cities and coastal areas.

He mentions overpopulation but does not dwell on it. As we know, Julian Huxley and other scientists were calling attention to the overpopulation problem as early as the early 1950s, when world population

was only a bit above two billions (it is now over seven billion and likely to increase to nine billion by 2050). Another important resource is the National Security Study Memorandum 200 report, produced during the Nixon-Ford administrations, and reported in *Voice of Reason*, Issues 41 and 50.

Englander does not assign any blame for our situation, but I would suggest that ignorance, apathy, disdain for science, media inattention, political paralysis, special interest lobbying, and reactionary religious pressure are primary factors. We need to get serious about environmentalism and overpopulation.

— Edd Doerr

God and War: American Civil Religion Since 1945, by Raymond Haberski Jr., Rutgers University Press, 2012, 286 pp., \$29.95.

That the United States, which clearly differentiates civil and religious authority, maintains a kind of civil religion is both unremarkable and generally accepted. Certain national values are held to be rooted in a broad understanding of religion, though civil religion itself has evolved and redefined itself from generation to generation.

Tracing the civil religion model from Lincoln to Obama, the author stresses that the concept is most often used to justify the nation's wars and international adventures.

Most of our presidents have accepted the existence of this vague entity and several have attempted to redefine it. Barack Obama "proposed a civil religion based on justice rather than confidence" while John F. Kennedy "offered an idealized version of both civil religion and American religious freedom." From Lincoln's notion of "an almost chosen" people, "every president has made similar appeals to a common purpose—an American creed."

The author believes that Truman inaugurated a different emphasis in civil religion. "A new American civil religion took shape in a way different from that in other times of trial in American history. Rather than during a war, as in the American Revolution, or after a war, as with the Civil War, civil religion in postwar America initially emerged to fight a cold war and ostensibly to prevent a real war." Eisenhower continued this tradition. "The imperatives of the Cold War pressed religion into the service of the nation. . . . The Cold War revealed something about the soul of the nation, and religious leaders fell in line."

This excellent study of American intellectual history concludes with an appropriate observation: "And while it is prone to manipulation, civil religion is also the only way to acknowledge that we will need to believe in something worthy of the sacrifices that have been and will continue to be made in the name of the nation."

— Al Menendez

Moral Minority: The Evangelical Left in an Age of Conservatism, by David R. Swartz. University of Pennsylvania Press, 2012, 376 pp., \$47.50

The evangelical left is almost an anomaly in modern U.S. politics, having been completely overshadowed by the Religious Right (itself a mainly, but not wholly, evangelical phenomenon). But for a brief time in the 1960s and 1970s, the movement included such figures as Oregon Sen. Mark Hatfield, a leader of the anti-war movement, and, possibly, George McGovern and Jimmy Carter.

In this story of "the rise, decline and legacy of the evangelical left," the author argues that "President Jimmy Carter and the broader evangelical left were 'left behind' by both the political left and the religious right." The vast majority of evangelicals were never sympathetic to the movement, which tended to be centered on college campuses and young professionals. Other liberals or progressives were generally indifferent to or suspicious of them. Finally, the evangelical left "ran aground when progressive evangelicals refused to conform to political orthodoxies on abortion. The movement found itself politically home-

World's Religious Population: New Data

- About 84% of the world's 6.9 billion people are affiliated with a religion. The four largest groups are: Christians (32%), Muslims (23%), Hindus (15%), and Buddhists (7%).

- About 16% are unaffiliated. The unaffiliated are a majority of the population in six countries: China, the Czech Republic, Estonia, Hong Kong, Japan and North Korea. Some of these findings are surprising, since Japan has large numbers of Buddhists and Shintoists. Estonia is historically Lutheran and the Czech Republic used to have a Catholic majority.

- 72% of the world's people live in countries in which their religious group makes up a majority of the population. This is particularly true for Hindus (97%), Christians (87%) and Muslims (73%), but is less true for Buddhists (28%) and Jews (41%).

- Christians are the majority faith in 157 of the 230 countries whose census reports and other demographic data were surveyed by the Pew Forum. Muslims are the majority faith in 49 countries, mostly in the Middle East and North Africa, while Buddhists are the dominant faith in seven lands (Bhutan, Burma, Cambodia, Laos, Mongolia, Sri Lanka and Thailand). Hindus are dominant in India, Mauritius and Nepal.

- Muslims have the youngest median age (23), followed by Hindus (26) and Christians (30). Jews (36), Buddhists (34) and the nonaffiliated (34) are older. Demographers predict that the youngest groups will grow the fastest in coming years.

less, obscured by a burgeoning religious right and an unfriendly progressive coalition."

In sum, the movement "failed to live up to its initial promise" but "occasionally had real political impact" and "contributed to the broader politicization of evangelicalism."

This impressive study of a mostly forgotten strain of politico-religious thought fills a void in historical studies. Its superb documentation (90 pages of reference material) is also an asset.

— Al Menendez

Southern Crucifix, Southern Cross: Catholic-Protestant Relations in the Old South, by Andrew H.M. Stern. The University of Alabama Press, 2012, 265 pp., \$39.95.

Catholic-Protestant relations were often strained by differing views toward government and education in addition to wide disparities in theology and worship. This was particularly true in the pre-Civil War north and in the 20th century south, especially from the 1920s through the 1960s.

But relationships were cordial in the Old South before and up to the Civil War, according to this study. "Friendships between Catholics and Protestants, often born of shared experiences, suggest that religious toleration was at least as important as antipathy in the Old South. But southern Protestants went a step further than simply tolerating Catholics or describing them as decent people; they encouraged Catholics to participate in the public life of the South."

This absorbing volume fills a void in American, and especially Southern, religious history, revealing much new information and challenging existing stereotypes.

This amity and concord came at a price, though, and that was acceptance of the institution of slavery in the Antebellum South, a conviction shared by almost all religious groups within the region. "Catholics bought their place in the South in part by acquiescing to slavery."

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Books and Culture, *continued from page 13*

The Old South was not religiously monolithic. “Catholicism’s growth in the South also sheds light on the Old South itself. It reveals that, despite the numerical and cultural dominance of evangelical Protestantism, other faiths could also take root and flourish. The southern religious landscape was remarkably fluid, as people drifted into and out of churches for reasons of belief, taste, or whim. Catholics could compete more or less as equals in the religious marketplace.”

—Al Menendez

Faith Based: Religious Neoliberalism and the Politics of Welfare in the United States, by Jason Hackworth. The University of Georgia Press, 2012, 172 pp. \$22.95 paper.

Most of us are familiar with neoconservatism, a kind of muscular foreign policy based conservatism that emphasized American exceptionalism and drew some Democrats toward the GOP in the 1970s and 1980s. Neoliberalism is a less familiar term. As the author describes it, it is economic conservatism with a religious overlap, whose main objective is “the idea of turning much of the welfare state over to faith-based organizations.”

The author argues that “the rise of religious neoliberalism has had a palpable impact on social policy in the United States,” but it has led to “larger fissures in the American Right.” Simply put, not all conservative Republicans have been enamored with this blurring of church and state, and religious and secular liberals have long been suspicious of the idea, particularly in its various implementations. Even though the Obama administration has maintained the faith-based concept in some ideas of social policy, “neoliberalism is partial” and is still vigorously opposed. “There were always countervailing forces that contradicted it, challenged it, paralleled it, and provided resistance to it,” Hackworth writes.

This is an interesting study of the interplay of religion, economics and politics.

—Al Menendez

Ethan Allen: His Life and Times, by Willard Sterne Randall. W.W. Norton & Company, 2012, 617 pp., \$18.95 paper.

This full-blooded biography of a frontier hero, founder of Vermont, and nearly forgotten Founding Father is a welcome addition to biographical literature. Allen’s significance can be encapsulated in this brief summary. “With only eighty-three men, Ethan Allen had taken the mightiest fortress in colonial America, complete with all its vital artillery and munitions, without firing a shot or suffering a single casualty. In the first American offensive of the Revolutionary War, Allen had won America’s first victory and made himself its first war hero.”

Allen was a revolutionary zealot with “a sincere passion for liberty.” He embodied a non-aristocratic radical tradition. “Like Vermont, the nation’s first independent republic, Ethan Allen bore scant resemblance to his fellow founding fathers.” He was a prisoner of war of the British, and the narrative of his capture established him as “the second-best-selling author of the Revolution, influencing enlightenment thinkers ranging from Paine himself to Madison.” He founded a ragtag paramilitary group, the Green Mountain Boys, and was a “public-spirited leader.” But he was no saint. He was “a self-interested individual as well, often no less rapacious than his archenemies, the New York land barons of the Hudson and Mohawk valleys.”

Allen should also be remembered as an advocate of freedom of conscience. Opposing religious establishments and dogmatism in general, he wrote *Reason, the Only Oracle of Man*, published in 1785. His book advocated a “natural religion based on the use of reason,” and was often called “Ethan Allen’s Bible.” It caused him to be labeled a blasphemer and an infidel by the religious conservatives of his era. Scholars say his volume is “an amalgam of English Deism, Spinozan naturalism and

what would later become known as New England Transcendentalism.”

In one of life’s little ironies, Allen died on February 12, 1789, one week after George Washington’s election as the nation’s first president and twenty years to the day before Abraham Lincoln’s birth. Allen was 51. Characteristically, the preacher-president of Yale wrote in his diary that the “profane and impious Deist” had entered hell.

This superb biography should be on everyone’s reading list for 2013.
—Al Menendez

Realising Secularism: Australia and New Zealand, edited by Max Wallace. New Zealand Secular Association, 2009, 161 pp.

Australia, New Zealand and the United States have much in common. All three are English-speaking, more-or-less democratic former British colonies that largely displaced indigenous peoples. Their cultural and religious demographics are similar, as are their histories. Then things get interesting. In the late 18th century the U.S. pioneered the protection of religious freedom by adopting the First Amendment and the principle of separation of church and state, which the 14th Amendment extended to cover state and local government after the Civil War. Australia’s constitution of 1901 contains an establishment clause (Section 116), but it does not apply to state governments. In 1981 Australia’s High Court ruled 6 to 1 in favor of tax aid for religious private schools, following British rather than U.S. precedents that were apparently the wishes of Australia’s constitutional authors. (U.S. church-state author-

A Provocative People: A Secular History of the Jews, by Sherwin T. Wine. International Institute for Secular Humanistic Judaism, 2012, 508 pp., \$24.95.

Sherwin Wine (1928-2007), co-founder (with Ethical Culture leader Edward Ericson) of Americans for Religious Liberty in 1982, was also the founder of the Humanistic Judaism movement (the fifth strain of organized Judaism in addition to Orthodox, Conservative, Reform and Reconstructionist). Wine ranks with such figures as Spinoza, John Dewey, Bertrand Russell and Paul Kurtz.

Sherwin and I were friends for over three decades, and I contributed a chapter to the festschrift honoring him, *A Life of Courage: Sherwin Wine and Humanistic Judaism*. In 2000 my wife Herenia and I translated into Spanish and published his 1995 book, *Staying Sane in a Crazy World (Como mantener la cordura en un mundo loco: Guia para una vida racional)*.

When he died tragically in a car accident in Morocco in 2007, Wine left the manuscript for this magnum opus unfinished. The drafts were assembled by editor, friend and colleague Rabbi Adam Chalom and other associates into what can only be described as a work comparable to H.G. Wells’ *Outline of History*.

A Provocative People defies facile summary. It takes in the long sweep from pre-history until today of the complex evolution and history of the Jewish people and of all the peoples and cultures that influenced them or were influenced by them, the diverse peoples and cultures of the Middle East, the Greeks and Romans, the Germanic tribes that overran the Roman world, the Christians and Muslim Arabs, the Poles and Russians, the Anglo-Saxons and Americans. Wine traces the factors that shaped the many and shifting subcultures among the Jews and the complexities of the various anti-Semitismisms over more than twenty centuries, from early Christianity to the Inquisition to the Shoah.

Wine’s book shows his extraordinary command of history, anthropology, archeology, linguistics, theology, psychology and sociology. His prose is eminently readable and his sense of humor shines through. I give this my highest recommendation.

—Edd Doerr

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ity Leo Pfeffer and I were involved peripherally in the case.) New Zealand, following the British model, does not have a written constitution, but has always been a more secular society than Australia or the U.S. Census statistics show that about 32% of New Zealanders and 20% of Australians are religiously unaffiliated. Recent independent surveys suggest similar trends in the U.S.

Over the last 40 years or so, all three countries have seen an upsurge of the Religious Right, with the Aussie and Kiwi Religious Right mimicking their U.S. counterparts. But even before the rise of the Religious Right, Australia, whose election system is quite different from that of the U.S., faced a powerful political thrust by Catholic Church leaders to get tax aid for church schools. This massive effort succeeded despite the efforts of defenders of public education, represented by the organization Defence of Government Schools (D.O.G.S.) who brought the unsuccessful suit to stop the aid. While New Zealand's 19th century public school law was intended to confine tax support to public schools, the well-organized church lobby was able in recent years to open up tax aid to church schools. The effects of this diversion of public funds to church-run private schools have been disastrous for public schools and community harmony in both countries down under.

Realising Secularism is mostly a collection of papers presented at conferences in Sydney and Wellington in 2008 aimed at countering the Religious Right. Theocracy virus knows no national boundaries. This book is essential for anyone seeking to understand our distant cousins on the other side of the planet. It rates five stars.

—Edd Doerr

The Vatican Diaries: A Behind-the-Scenes Look at the Power, Personalities and Politics at the Heart of the Catholic Church, by John Thavis. Viking, 2013, 321 pp., \$27.95.

Those who think the Vatican is all-powerful and pursues coherent policies in political and religious matters are in for a rude awakening in this book. The author, Rome bureau chief for Catholic News Service for nearly 30 years, gives readers a genuine insider's view of this ancient body. He writes of recent Vatican events: "To me, they were the public eruption of a private culture of miscommunication and miscues, of good intentions and flawed execution, of conflicting agendas and shifting alliances. It is a culture in which clerical careerism often overshadows quiet dedication to the work of the church. It is a culture founded on hierarchical order, but swamped in organizational confusion."

The Vatican, he says, "has become a kind of showcase for missteps, distractions and mixed messages, a place where the pope is upstaged by his own gaffes or those of his top aides." Pope Benedict "feels safe only within

a very circumscribed ecclesial environment, the sheltered realm of faith and church," and his unexpected resignation in February tends to confirm this analysis.

Thavis joins such distinguished Vatican observers as John Allen, Robert Blair Kaiser and Robert Neville in a book that is at once readable and informative. The book remains relevant despite the change in leadership that will come in March.

—Al Menendez

The Pope's Last Crusade: How an American Jesuit Helped Pope Pius XI's Campaign to Stop Hitler, by Peter Eisner. William Morrow, 2013, 292 pp., \$27.99.

Finally, the story of a lost opportunity that could have affected the course of history can now be told. Eisner tells the gripping story of the lost encyclical of Pope Pius XI, which the elderly pontiff planned to issue in 1939. The pope, who had come to see Hitler as the primary danger to world peace and harmony, planned an unequivocal denunciation of Nazi anti-Semitism and racism, even stronger than the one he issued in 1937.

Pius had read *Interracial Justice*, a book by an American Jesuit, John LaFarge, and admired its cogent critique of racism. Upon learning that LaFarge, then associate editor of *America* magazine, was in Rome, the Pope invited him to a private audience and asked the American priest to write an encyclical which could alter the course of history. LaFarge agreed and immediately began work on it.

Unfortunately, those who wanted to avoid any confrontation with Hitler and Mussolini, conspired to delay and eventually suppress the document. Taking advantage of the Pope's rapidly declining health, Wlodimir Ledochowski, the head of the Jesuit Order and LaFarge's superior, and Cardinal Eugenio Pacelli, soon to become Pope Pius XII, did everything they could to keep the encyclical hidden from the dying Pope and then tried to destroy all remaining copies of it.

LaFarge's document, called *Humanis Generis Unitas* (The Unity of the Human Race) was finally delivered to the Pope, but the pontiff died shortly thereafter, one day before he planned another condemnation of Fascism before the Italian bishops. The appeasers in the Vatican destroyed all copies, leaving LaFarge to wonder if his efforts had been in vain. Pacelli even "helped destroy copies of Pius XI's final speech to the bishops on February 11, 1939," which, of course, was never delivered.

Years later LaFarge told a few Jesuit colleagues of his role in this drama. His later years were spent in civil rights advocacy and a friendship with Dr. Martin Luther King, Jr. He passed away quietly in his

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Commentary

“Why Send a Catholic?”

Since the Reagan administration formalized diplomatic relations with the Holy See, all of our ambassadors have been Catholic. Doesn't this seem to conflict with the U.S. Constitution's ban on religious tests for public office? We do not send Jewish envoys to Israel, Hindus to India, Muslims to Egypt, or Buddhists to Sri Lanka. How about a non-Catholic envoy to the Holy See?

(Letter by Edd Doerr published in the *National Catholic Reporter*, February 1, 2013.)

Someone is sure to ask if the U.S. should have diplomatic relations with the Holy See. (The Vatican is a 106-acre artificial state in Rome which has relations only with Italy; the Holy See is the entity that has diplomatic relations with nearly all countries and is simply the headquarters of the Roman Catholic Church.)

On February 9, 1984, I testified against U.S. diplomatic relations with the Holy See at a congressional hearing on behalf of Americans for Religious Liberty, the Unitarian Universalist Association, the Council for Secular Humanism, the American Ethical Union and the American Humanist Association. (My oral and written testimony, from the *Congressional Record*, is reprinted in my 2006 book *Here I Stand*.) The church-state separation side lost in that battle.

After the Senate approved formal relations with the Holy See, I was one of many plaintiffs in a Supreme Court challenge to the arrangement. We lost on grounds of lack of “standing to sue,” as well as foreign policy considerations. Later, I helped get the International Humanist and Ethical Union to support the “See Change” campaign by Catholics for Choice and other liberal Catholic groups to terminate the Holy See's unique status as the only religious organization that has permanent observer status at the U.N. General Assembly. The Holy See uses its position to block international efforts to deal with family planning and overpopulation.

From 756 to 1870 the Papal States in central Italy was a recognized state, though it was a badly governed theocracy. It was absorbed into the Kingdom of Italy in 1870 with the approval of the overwhelming majority of its inhabitants. Though no longer a state, the Holy See nonetheless concluded dubious treaties, called concordats, with a number of nations, such as Colombia. In 1929 the Mussolini dictatorship

had created the State of Vatican City for political reasons.

During World War II President Roosevelt had a “personal representative” at the Vatican. President Truman considered extending U.S. diplomatic relations to the Holy See in 1950, but this met with widespread opposition and fizzled.

So the Holy See remains the only church with which the U.S. has formal diplomatic relations. I am of the opinion still that this conflicts with the First Amendment and discriminates against all other religions. However, like a fishhook in one's finger, it is easier to get in than get out.

Meanwhile, all Americans who value religious freedom and church-state separation must work together to stop or reverse the erosion of church-state separation in our foreign and domestic policies.

— Edd Doerr

Books and Culture, *continued from page 15*

sleep on the Sunday preceding President Kennedy's funeral.

This narrative reads like a detective story or a true spy tale. In 1972 a copy of the proposed encyclical was found in LaFarge's papers, and a story about it appeared in the *National Catholic Reporter*, written by young journalist Jim Castelli. Years later another copy turned up in the Vatican Archives. This superbly written book was also helped immensely by the opening of materials related to Pius's papacy at the Vatican Secret Archives in 2006.

History's might-have-beens are always intriguing. Could this denunciation have stopped Hitler's deportations and persecutions that led to the Holocaust? Writes Eisner, “That can never be known. It was only clear that Pope Pius XI took a stance in favor of absolute morality and defended to his last breath his principles of decency and humanity, nothing more, nothing less.”

— Al Menendez

Breaking News

As we went to press, the Colorado Court of Appeals upheld a school voucher program in Douglas County. The 2-1 decision overturned a previous district court ruling holding the program unconstitutional. More details will follow in our next issue.