



VOICE OF REASON

The Journal of Americans for Religious Liberty

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Campaign 2006: The Race Begins

The midterm congressional elections, along with many state races, not only will determine the last quarter of the George W. Bush presidency but may also reveal the endurance of the Religious Right as a political force.

The IRS announced a possible crackdown on political activities by churches, but it remains to be seen whether the agency will follow through in time for the November elections.

Pennsylvania could be the first test case. In March and April evangelical pastors held get-out-the-vote training sessions. The kick-off was on March 5 in Valley Forge, where the Pennsylvania

Pastors network and the Pennsylvania Family Institute mapped a strategy of church involvement in the coming elections. U.S. Senator Rick Santorum, perhaps the most threatened Republican incumbent up for reelection, addressed the group by videotape. "I encourage you to let your voices be heard from the pulpit," he said. Other speakers included Colin Harra, founder of the group "Let Freedom Ring," who said the Ohio experience of 2004 should be a model for the Keystone State in 2006. Harra's group was a factor in the state's approval of a ban on same-sex marriage and in the victory of George W. Bush.

The Pennsylvania Pastor's Network website indicated that it was hiring ten full-time organizers to help churches get out the vote. "Evangelical or Catholic background is helpful," the site suggested in its job search.

A number of states are heading toward divisive referenda on social issues. At least six states – Idaho, South Carolina, South Dakota, Tennessee, Virginia and Wisconsin – will have proposed bans on same-sex marriage on the ballots. Some states will even include bans on civil unions or various kinds of legal protections for same-sex couples as well as outright bans on marriage.

Colorado faces the most confusing proposals. Four possible proposals may be on the ballot. The Domestic Partnership Benefits and Responsibilities Act, which would give same-sex partners many legal and medical rights, was placed on the ballot on May 6. Opponents of that act (Bill 1344) have mounted an effort to block it by constitutional amendment, a possible second referendum. A third proposal would add the Partnership Act to the state constitution. A fourth ballot proposal would add a total ban on same-sex marriage to the constitution. The deadline for petitions for all Colorado referenda is August 7.

In South Dakota a possible referendum could test that state's near-total ban on all abortions, passed this spring by the legislature and signed by Governor Mike Rounds.

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Colson's Prison Fellowship Banned in Iowa

On June 2 a federal judge ruled that the state of Iowa violated the First Amendment by setting up a faith-based prison program. The government-funded program, called InnerChange Freedom Initiative, is part of convicted Watergate felon Charles Colson's Prison Fellowship Ministries. Colson's group is involved in numerous state correctional facilities across the United States.

U.S. District Judge Robert W. Pratt held that the program was pervasively religious and sought to rehabilitate inmates by converting them to evangelical Christianity. Pratt found, from the trial evidence, that prisoners who entered the initiative received better living conditions. He also found that the Newton Correctional Facility did not offer any alternative rehabilitative programs. Pratt wrote: "The overtly religious atmosphere of the InnerChange program is not simply an overlay or secondary effect of the program – it is the program. Though an inmate could, theoretically, graduate from InnerChange without converting to Christianity, the coercive nature of the program demands obedience to its dogmas and doctrine."

Pratt ordered the Iowa Department of Corrections to disband the program within 60 days, and required the Prison Fellowship to return \$1.5 million it has received in state funds since 1999.

The case was initiated by Americans United. As *Voice of Reason* went to press, it was uncertain whether the case would be appealed, though that is seen as a likely response. Prison Fellowship president, Mark Earley, a former Republican attorney general in Virginia, denounced the ruling as "extreme and bizarre."

For more legal news, see "Church and State in the Courts" on page 8. ■

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Voucher Mavens Fail in Texas

Eccentric, reclusive multi-millionaire James Leininger sank at least \$2.7 million of his own money into an effort to defeat five Republican members of the Texas legislature who opposed his pet voucher scheme. He failed. Only two of the five were defeated in the March Republican primaries in the Lone Star State.

Three of his targets, Charlie Geren of Fort Worth, Tommy Merritt of Longview and Delvin Jones of Lubbock, easily retained their seats. Since the five Leininger-backed challengers received from 78% to 97% of their entire campaign chests from the millionaire, according to the *San Antonio Express News*, his candidates did not really do that well. In the five races, the anti-voucher incumbents drew 29,066 votes to 24,150 votes for the challengers, a 55% to 45% margin. Charges that Leininger was trying to buy the election and install stooges in the legislature were frequent themes in area newspapers. Since the five targeted districts are Republican strongholds, the primary election was more decisive than the coming November election.

Even in one of the two districts where Leininger was successful, the fallout from the bitter election may prove costly to Republicans. Carter Casteel, a popular incumbent, lost her seat by less than 50 votes out of 20,307 cast to Nathan Macias, Leininger's man. After the recount, many Republican Party officials and office holders in Republican-dominated Comal, Gillespie, Bandera and Kendall Counties (the state's historic German area) denounced the narrow Macias victory. Comal Judge Danny Scheil said, "It is a complete disgrace to Texas politics to have any individual be able to determine the outcome of an election." Comal County Commissioner Jan Kennapy agreed. "I have never seen such an ugly, dirty race. It is a disgrace, not just for this race, but for the whole system. I am devastated by what has happened to the Republican Party. It's despicable and obscene." Campaign tactics used by Leininger allies were widely condemned. "The tone of the negative ads contrasts with Leininger's saintly side," wrote Rich Casey in the *Houston Chronicle*.

Leininger has donated \$10 million to Republican and conservative campaigns over the last nine years, including support for the anti-gay marriage referendum last year. Leininger made a fortune estimated at \$300 million from medical equipment companies and dairies. (His Promised Land Dairy prints Bible verses on its glass bottles.) Leininger, who lives with his wife in a \$1.45 million mansion in San Antonio, was an emergency room physician born in Indiana of German immigrant

parents. Besides his political donations, he "has spent \$40 million to create his own school voucher program," according to a report by journalist R.A. Dyer in the Fort Worth *Star-Telegram*.

The election may have been influenced by the low turnout: only 9% of registered voters participated in the primaries, the lowest since reliable voter registration statistics were gathered. In contrast, 36% of registered voters cast ballots in the 1988 primaries.

One prominent Republican, House education chairman Kent Grusendorf, lost his seat to educator Diane Patrick. Grusendorf, a 19-year House veteran, was blamed for the legislature's repeated failures to fix the state's school finance system. Even an election-eve appearance by Governor Rick Perry could not save his campaign.

One conservative victory came in the District 10 race for a place on the State Board of Education. Cynthia Dunbar, who home schools her children and supports teaching "Intelligent Design" in public school science classes, won the Republican nomination, 62%

to 38%, over Tony Dale, who opposed the creationists.

In a U.S. House race in the Houston suburbs, Rep. Tom DeLay survived a primary challenge, winning 62% of the vote. But less than a month later, he announced his retirement from Congress. ■



Right Wins First Round in Ohio

The darling of Ohio's Religious Right, Secretary of State Kenneth Blackwell, won the Republican nomination for governor by 56% to 44% over the state's attorney general Jim Petro in the May 2 primary. Blackwell has close ties to Rev. Russell Johnson of Lancaster's Fairfield Christian Church and televangelist Rod Parsley, founder of the Center for Moral Clarity and Reformation Ohio. The groups have merged into something called the Ohio Restoration Project, which has announced plans to save 100,000 souls and register 400,000 new voters. Parsley said Ohio "will be the blueprint for change in our nation as a whole."

Blackwell, widely accused of using his office to advance the Bush campaign in Ohio two years ago, said religious conservatives will never "give up, back up or shut up." His campaign made frequent appear-

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

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The Top Ten Lies About Church and State

by J. Brent Walker

Was it Mark Twain who said that lies come in three types, “Lies, damn lies and statistics”? The lies I want to talk about are particularly insidious because, like statistics, most of them have at least a grain of truth in them. That’s what makes them so hard to answer with a sound bite or a clever slogan.

1. Our nation’s Founders were born-again, Bible-believing evangelical Christians, or our Founders were Enlightenment rationalists who worshipped the “goddess of reason,” or our Founders were Deists who posited a watch-maker God and were suspicious of religious “enthusiasms.”

It is difficult and dangerous to generalize about our Founders. This goes for finding some pervasive original intent behind the text or ascertaining their degree of religious fervor. We cannot speak in monolithic terms here. There were many “original intents” and there were many views about religion. Some were orthodox Christians, some were rationalists, some were Deists, and some may even have been atheists.

Even for those Founders we know a lot about, the determination of faith is dicey. As David Kirkpatrick has observed, George Washington is often held up as an orthodox churchman, but he always spoke in terms of the deistic “Providence” instead of God and never wrote a word about Jesus. Thomas Jefferson, on the other hand, is often seen as a consummate anti-clerical skeptic who took a razor blade to edit the gospels; but even he could speak warmly of Jesus and is reported to have shed a tear upon hearing a familiar hymn. (Mapp, *Faiths of Our Fathers*, p. 3) Benjamin Rush, a hero to many Christian conservatives because he insisted that education must rest on instruction in Christian religion, became critical of organized religion and ended up a Unitarian. Thomas Paine, author of *Common Sense*, who attacked Christianity as filled with superstition, later turned against French schools for teaching science without emphasizing the role of a divine “creator.” Some point to Abraham Lincoln’s Second Inaugural Address as the greatest sermon in history, but Lincoln was never baptized, nor an active church member. (David Kirkpatrick, “Putting God Back Into American History,” *New York Times*, 2/27/05)

How dangerous it is to skip over more than two centuries of history and try to force the Founders into our favorite 21st century post-denominational religious category. These were complicated, multifaceted men of the 18th century. Alf Mapp’s book *The Faiths of Our Fathers*, is aptly named. But, we can say with confidence that they were committed to ensuring religious liberty rather than enshrining their own particular religious views.

2. We don’t have a separation of church and state in America because those words are not in the Constitution.

True, the words are not there, but the principle surely is. It is much too glib an argument to say that constitutional principles depend on the use of particular words. Who would deny that “federalism,” “separation of powers” and the “right to a fair trial” are constitutional principles? But those words do not appear in the Constitution either. The separation of church and state, or the “wall of separation” is simply a shorthand way, a metaphor, for expressing a deeper truth that religious liberty is best protected when church and state are institutionally separated and neither tries to perform or interfere with the essential mission and work of the other.

Alexis de Tocqueville, in his famed 19th century *Democracy in America*, a work often cited by those who would disparage separation,

writes favorably of it:

“In France, I had seen the spirits of religion and freedom almost always marching in opposite directions. In America I found them intimately linked together in joint reign over the same land. My longing to understand the reason for this phenomenon increased daily. To find this out, I questioned the faithful of all communions; I particularly sought the society of clergymen, who are the depositaries of the various creeds and have a personal interest in their survival. As a practicing Catholic I was particularly close to the Catholic priests, with some of whom I established a certain intimacy. . . . *I found that they all agreed with each other except about details; all thought that the main reason for the quiet sway of religion over their country was the complete separation of church and state. I have no hesitation in stating that throughout my stay in America I met nobody, lay or cleric, who did not agree about that.*” (author emphasis) p.295, Geo. Laurence trans., J.P. Meyer ed., 1969. Cited, John Witte, “That Serpentine Wall” Vol. 101 U.Mich. L. Rev. 1898 (May, 2003).

3. The separation of church and state comes from mid-19th century anti-Catholic bigotry and 20th century secularism.

This is a thesis advanced by Philip Hamburger in his mis-titled book, *Separation of Church and State*. Hamburger denies that the concept of separation was known, understood or intended by either our Founders or early Baptists. He says that it got started as a mid-19th century anti-Catholic polemic in which some, enjoying a *de facto* Protestant establishment, sought to banish Catholics from entering the public square and from receiving support for their religious schools.

This is simply not the case. The concept of church-state separation preceded the 19th century. Even though *some* may have used it to support reprehensible bigotry against Catholics, *many*—including my Baptist ancestors—insisted on separation to protect religion, all religions, from the coercive and corrosive influences of government.

The validity of the concept should not be diminished because of the strange bedfellows who supported it. Some may have come at it with less than honorable motives; but champions of religious liberty long have argued for the separation of church and state for reasons having nothing to do with anti-Catholicism.

Hamburger further argues that this bigotry coalesced with anti-religious secularism of the 20th century resulting in hostility to religion. This is wrong, too.

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William Sloane Coffin

The Rev. William Sloane Coffin, a member of ARL’s Advisory Council, died in Stafford, Connecticut, on April 12. Coffin, a former Yale University chaplain, was known for his peace activism during the Vietnam War. He was also a civil rights advocate who joined the “freedom riders” campaign for desegregation in the South during the 1960s. A Presbyterian minister, Coffin received an honorary doctorate from Yale in 2002, which said, “You changed the shape of college chaplaincy and inspired a generation of young people to challenge injustice.”

The Top Ten Lies, *continued from page 3*

As we well know, along with the Enlightenment rationalists following the teachings of John Locke, who wanted separation for political or philosophical reasons, were Baptists, like John Leland and Isaac Backus, who worked for separation for reasons having everything to do with religion and religious liberty. As William R. Estep so ably told us in his book, *Revolution Within the Revolution*, the First Amendment's protections for religious liberty were adopted because of the support of the so-called "twice born" evangelical dissenters of the late 18th century—Baptists, Presbyterians and Quakers. As Forrest Church has written, this confluence of the secular and sacred parallels the distinction between freedom *from* religion and freedom *for* religion as well as the No Establishment Clause and the Free Exercise Clause themselves. (Church, *Separation of Church and State*)

4. The United States is a Christian nation.

The United States of America is not a Christian nation—in law or in fact. As we have seen, most of our Founders were religious folks of some ilk. They certainly thought that religion was important to good government. But they did not intend to set up a Christian nation in a legal or constitutional sense. No one can deny that Americans are a very religious people, as Justice William O. Douglas famously observed in one of his church-state opinions. But our civil compact, the Constitution, is a decidedly secular document. It never mentions "Christianity." Even the word "religious" is used only once, and then to disallow a religious test for public office. Two years later the Bill of Rights again dispelled any lingering doubt about whether America is a Christian nation when it prevented the federal government from establishing or privileging any religious tradition.

5. Church-state separation only keeps the government from setting up a single national church or showing preference among denominations or faith groups, but not from aiding all religions on a non-preferential basis.

If all the Founders wanted to do was simply to ban a single, official national church, they did not do a very good job of saying so in the First Amendment. An early draft of the First Amendment read in part: "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any *national* religion be established...." This draft was passed over. And, the Founders had ample opportunity to state that the government should be allowed to promote all religion on an even-handed, non-preferential basis. But the Congress repeatedly rejected versions of the First Amendment that would have explicitly permitted such non-preferential aid.

The Founders adopted a much more expansive amendment to keep the new federal government from making laws even "respecting an establishment of religion." Religion generally, not a religion, or a *national* religion, but no religion at all, period. They did not merely want to keep the federal government from setting up an official national church or to ban denominational discrimination.

In addition to constitutional history, there are practical reasons to reject the attempts of government to aid all religion on a non-preferential basis. In our pluralistic country with its dizzying diversity, it is practically impossible to aid all religions evenhandedly. Inevitably, government will pick and choose a preferred religion, and it almost always will pick the majority, politically powerful, religious tradition for preferred treatment.

6. The First Amendment only applies to the federal government, not to the states.

It is true that the Bill of Rights originally applied only to the federal government, not to the states. The Bill of Rights was simply a further

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

by Michele Swenson

This important, compact, quite readable book could easily have been titled "Everything you might ever want to know about the theopolitical right: personalities, ideologies, agendas, connections, goals, catch phrases, propaganda gimmicks, and methods of operating."

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limitation on the already limited powers that the states had delegated to the new federal government. Thus, state establishments and preferences for religion continued even after the Bill of Rights was adopted. In fact, Massachusetts did not abolish its Congregationalist establishment until 1833.

However, the 14th Amendment, passed after the Civil War, prevents the *states* from abridging the privileges and immunities of citizenship or depriving citizens of due process and equal protection under the law. The Supreme Court later interpreted these provisions to "incorporate" most of the Bill of Rights and apply those provisions to the states. The Free Exercise Clause was incorporated in 1940 and the Establishment Clause in 1947.

Thus, the religion clauses—and therefore the concept of church-state separation—apply to the states as a matter of federal constitutional law.

7. The Ten Commandments form the basis of our legal system.

In an effort to justify the posting of the Ten Commandments, many have asserted that they are not just Holy Scripture but actually the basis for our legal system. Thus, the argument goes, there is a secular justification for government to put them up and endorse them. This misses the mark completely.

Although there is a sense in which a vague Judeo-Christian ethic underpins our legal system, the connection is too attenuated to justify government officially endorsing one religion's sacred text. Only three of the Commandments—killing, stealing and bearing false witness—are the proper subjects of secular law.

American law is based on the common law of England. But these prohibitions were already a part of Anglo-Saxon jurisprudence before England was Christianized. The fundamental notions that it is wrong to murder, steal another's property or bear false witness were already well developed among the Saxons before they ever heard of the Ten Commandments.

Moreover, documents that have directly influenced our legal system—the Magna Carta, English Bill of Rights, Mayflower Compact, Declaration of Independence, *Federalist Papers*—say very little about religion and nothing about the Ten Commandments. Most importantly, the Constitution—the civil compact that governs our public life together—mentions religion only once, and that was to disallow a religious test for public office. And the First Amendment makes clear that

the federal government is not permitted to advance or inhibit religion. In sum, although the Ten Commandments—along with many other ancient secular and sacred legal codes—stand in the backdrop to American law, that alone does not justify government officials endorsing this *one* distant precursor.

8. God has been kicked out of the public schools.

It is only *state-sponsored* religion that has been banned from the public schools. Voluntary student religious expression is not only not prohibited, it is protected—as long as it does not disrupt the educational process and respects other students' rights not to participate.

Time does not permit a full listing of all of the religious activities that are permitted in the public schools—from voluntary prayer, to teaching about religion, to studying religious holidays, to Bible clubs before and after school, to religious attire.

There are numerous national consensus statements by religious and education organizations from the left to the right, that outline these various avenues of permissible religious expression.

Yes, educators still get it wrong sometimes. Every now and then some principal wants to return to the “sacred public schools” of yesteryear and others are ready to overreact and create “naked public schools” where every vestige of religion is stripped away. But the model that most are perusing is the “civil public school” where the government does not promote religion but takes religion seriously in the curriculum and, where possible, accommodates the free exercise needs of students.

9. God has been kicked out of the public square.

This is also a big lie. The institutional separation of church and state does not mean a segregation of religion from politics or God from government or the right of people of faith to speak forcefully in the public square.

Religious speech in public places is commonplace. The Ten Commandments, for example, can be displayed in full *public* view at the edge of every church's and synagogue's property in the land. It seems like every month new cover stories on religion and religious themes appear in the national news magazines, and religious programming on television and radio is ubiquitous. “God Bless America” is sung during the seventh inning stretch in many major league ballparks and is the almost obligatory conclusion to the speeches of every politician who wants to get elected.

Finally, “civil religion” is alive and well. In a culture as religious as ours, we should not be surprised that references to God pervade in our pledge, our mottos, our songs, our civil ceremonies and public rituals. These brief expressions of religion will usually pass constitutional muster as long as they do not (1) involve religious exercises, worship or prayer, (2) single out a particular religion for favored treatment or (3) compel religious conformity. Now, some of us may have *theological* concerns about civil religion because its various forms can quickly morph into an idolatry of nationalism or result in the trivialization of religion. But the constitutional doctrine of church-state separation does not prohibit its various expressions.

10. The Baptist Joint Committee cares more about No Establishment than it does Free Exercise.

This is not true. For 70 years the Baptist Joint Committee has pursued what most think is a balanced, sensibly centrist position on church-state issues affirming both clauses in the First Amendment as essential to guarantee our God-given religious freedom. It is just that Establishment Clause issues seem to get most of the public attention.

Let me highlight a few recent free exercise examples. We chaired a broad coalition to seek passage of the historic Religious Land Use and Institutionalized Persons Act of 2000 to strengthen the hand of churches in dealing with unreasonable zoning laws and to protect the rights of

prisoners to freely exercise their religion. We filed a brief with the Supreme Court defending its constitutionality and prevailed. We defended the right in the Supreme Court for the Good News Club to meet in elementary schools after class to provide children with religious instruction. We filed a brief arguing for the expansive interpretation and constitutionality of the Religious Freedom Restoration Act to protect the right to worship without governmental interference. The Supreme Court just last week ruled 8-0 in our favor in the *Gonzales v. U.D.V.* case. We support passage of the Workplace Religious Freedom Act to help strengthen the rights of employees to exercise their religion in the workplace and to require employers to have a substantial hardship before they can be excused from accommodating religious needs of employees.

Full-blown, well-rounded religious liberty depends on the enforcement of both of these clauses, and that's what we try to do every day.

Now, there are the ten. I'm not sure I've picked the right ten, and I am sure that you can think of others. Maybe you would like offer another one or two. We who believe that separation of church and state is indispensable to ensuring religious liberty for all, no longer have the luxury of remaining politely silent. When we hear lies, distortions and exaggerations, we must respond

Editor's note: This article is adapted from an address delivered on April 10 by J. Brent Walker, at the school of theology at Hardin-Simmons University in Abilene, Texas. Walker is executive director of the Baptist Joint Committee on Religious Liberty, now celebrating its 70th year of advocacy for religious freedom and separation of church and state. Hardin-Simmons is a Southern Baptist College in a town that gave 77% of its 2004 vote to George W. Bush.

Walker's tenth “lie” is applicable to other religious and secular groups working in this field. Both clauses of the First Amendment are important, and complementary, though there may be an inherent tension between them. Almost all of us, including ARL, are accused from time to time of emphasizing only the No Establishment ban. Perhaps this is because most of the threats in the past several decades have come at this point. ■

The Phoney War on Christians

After attending the late March conference on “The War on Christians” in Washington, D.C., historian Elizabeth A. Castelli drew this conclusion:

“The broader threat of this movement is likely not an armed Christian militia marching on Hollywood, the ACLU, or a gay commitment ceremony in your local mainline liberal Protestant church. Rather, it is the targeting of the independent judiciary with incendiary threats of impeachment and calls for a religious revolution. Claims of religious persecution, whether sincere or cynical, notwithstanding, the current executive and legislative branches of the federal government are well-populated—even dominated—by people sympathetic to the views and aspirations of this radical, right-wing theopolitical movement. The judicial branch of government, meanwhile, maintains some level of independence from this movement, and it is this independence that generates the vitriol, the threats, and the calls for a Christian revolution. Such a state of affairs should give us all pause: When the powerful claim to be powerless and use this claim and a purportedly divine mandate to authorize a no-holds-barred attack on political institutions, we are on dangerous ground, indeed.”

Castelli is an associate professor of religious studies at Barnard College. Her complete article, from which the above was extracted, is available at www.therevealer.org/archives/feature_print.php?printid=2500

Religious Influences Increase in State Legislatures

Faith-based legislation has been expanding at a fast pace in state legislatures during this past spring. Even beyond the usual issues of vouchers, abortion and evolution, religion has moved to the front of legislative debates.

In no state is that more true than Missouri. The Republican-controlled House Rules Committee voted 5-3 in March for a resolution that virtually declares Christianity the state religion in the Show-Me State and says the nation's Founders "recognized a Christian god and used the principles enunciated by Him as the founding principles of the nation." The resolution also endorsed school prayer and religious displays on public property. Religious leaders immediately entered the fray. Rev. Timothy Carson, minister at Webster Groves Christian Church, said, "It is an atrocity and Thomas Jefferson would be rolling in his grave. It's indicative of a movement within one segment of activist Christianity that wants to dominate the rest with their views." But Rev. David Clippard, executive director of the Missouri Baptist Convention, endorsed the move. "The foundations of our country started with Christianity and this just goes back and acknowledges where we started." Batya Abramson-Goldstein, executive director of the Jewish Community Relations Council, said the resolution was "painful for faith communities outside the Christian community."

One of the resolution's supporters, Rep. Barney Fisher, a Republican, told the *Joplin Globe*, "I have truly enjoyed watching the liberal element of our state and nation come out squalling like scalded dogs in protest, being forced to unmask their watered-down Christian views, wrap themselves in the Constitution, and try to justify the views that the will of the minority should trump the will of the majority."

That's not all. The *Kansas City Star* reported on March 12, "A year after Republicans took control of state government, conservative law-

makers are promoting a wide range of social legislation designed to rein in sex and unshackle the Bible. . . . From new limits on sex education classes to penalties for living in sin, the proposed laws would remake Missouri's public life in myriad ways. They would sanction prayer in public schools, subsidize religious schools and allow the Bible to be taught in school."

Missouri is also heading for a November referendum on stem cell research. The measure, which must be petitioned to the ballot, is backed by a coalition of medical groups, scientists, and the Missouri Chamber of Commerce and Industry. It has already divided the Republican Party, which controls the governor's office, both houses of the legislature, and both U.S. Senate seats.

In Georgia Republican Governor Sonny Perdue, who is running for reelection in the fall, signed laws in April allowing public school Bible classes and permitting the display of the Ten Commandments at courthouses. The new education law allows elective courses on the Bible to be taught "in an objective and nondevotional manner with no attempt made to indoctrinate students." The state Education Department has until next February to draft curricula, which local school systems may choose to adopt. The Commandments must be displayed with other historical documents to forestall possible lawsuits. Also included in the "Foundations of American Law and Government" display are the Mayflower Compact, the Declaration of Independence, the Magna Charta, the Star-Spangled Banner, the National Motto, the Preamble to the Georgia Constitution, and the Bill of Rights.

Laws supporting or opposing stem cell research have been introduced in seven state legislatures (and passed in Maryland), while nine states are dealing with gay marriage, civil union or domestic partnership legislation, according to a *New York Times* survey in April. ■

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ances at evangelical churches. When 31 ministers and rabbis filed a complaint with the IRS on January 31 against these arguably illegal activities, Blackwell called them "bullies."

Ohio Democratic chairman Chris Redfern is clearly disturbed by these trends. "The Christian right is very powerful in Ohio, powerful in its hypocrisy and rhetoric, and, sadly, controlling public opinion."

The Democratic nominee for governor, however, may be able to go one on one with the GOP. Rep. Ted Strickland is a former United Methodist minister who has emphasized talking about poverty and unemployment as "moral issues." ■

General Backs GOP Candidate

Air Force Major General Jack Cotton, on active duty at Langley Air Force Base, sent a fund-raising appeal on May 4 to fellow graduates of the Air Force Academy class of 1976. In the email, Cotton endorsed a recently retired Air Force general, Bentley Rayburn, who is seeking the Republican nomination for a House seat in Colorado being vacated by Rep. Joel Hefley. The district, Colorado 5, includes Colorado Springs, home to the Academy and to dozens of evangelical parachurch organizations, including Focus on the Family. General Cotton wrote, "For those of us who are Christians, there is that whole side of the coin that recognizes that we need more Christian influence in Congress. We are certainly in need of Christian men with integrity and military experi-

ence in Congress." At present, more than 90% of members of the U.S. Congress identify themselves as Christian.

The Air Force has launched an investigation into whether Cotton violated military regulations that prohibit active duty officers from using their position to solicit campaign contributions or to endorse candidates. Cotton admitted that his email message was "inappropriate." ■

The Separation of Church and State

Edited by Forrest Church

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Catholic Democrats Declare Independence from Bishops

Fifty-five Catholic Democrats in the U.S. House of Representatives, led by Rep. Rosa DeLauro of Connecticut, issued a statement of principles on February 28 indicating how their faith informs their public policies. Emphasizing access to education, health care reform, reducing poverty and support for diplomacy and peacemaking in foreign policy, the group statement sharply separates them from those bishops who stress only abortion or gay rights issues.

The document was called “remarkable” by *Washington Post* columnist E.J. Dionne Jr., who added, “One of the troubling aspects of 2004 was the extent to which partisan politics invaded the churches and seemed to enlist them as part of the Republicans’ electoral apparatus. But there is a difference between defending the legitimate right of churches to speak up on public questions and the hyperpoliticization of the church itself.

“For Catholics with moderate or liberal leanings, the argument from some bishops that they could vote only for staunch foes of abortion posed a wretched dilemma. It seemed to demand that such voters cast their ballots for conservative or right-wing candidates with whom they might disagree on every other question – social justice, war and peace, or the death penalty. All are areas where liberals are often closer to the church’s view.

“If nothing else, these Catholic Democrats will haul out into the open a discussion with their bishops, with their fellow Catholics and with their constituents that has been festering underground.”

Writing in *Choice* (Summer 2006), Frances Kissling, president of Catholics for a Free Choice, also praised the statement: “It is indeed a rarity for legislators to lead on any issue, but here they have shown wise and generous leadership on a debate that has grown exceedingly stale and untenable.”

The statement and its signers follow.

Statement of Principles By Fifty-Five Catholic Democrats in the U.S. House of Representatives

“As Catholic Democrats in Congress, we are proud to be part of the living Catholic tradition—a tradition that promotes the common good, expresses a consistent moral framework for life and highlights the need to provide a collective safety net to those individuals in society who are most in need. As legislators, in the U.S. House of Representatives, we work every day to advance respect for life and the dignity of every human being. We believe that government has moral purpose.

“We are committed to making real the basic principles that are at the heart of Catholic social teaching: helping the poor and disadvantaged, protecting the most vulnerable among us, and ensuring that all Americans of every faith are given meaningful opportunities to share in the blessings of this great country. That commitment is fulfilled in different ways by legislators but includes: reducing the rising rates of poverty; increasing access to education for all; pressing for increased access to health care; and taking seriously the decision to go to war. Each of these issues challenges our obligations as Catholics to community and helping those in need.

“We envision a world in which every child belongs to a loving family and agree with the Catholic Church about the value of human life and the undesirability of abortion – we do not celebrate its practice. Each of us is committed to reducing the number of unwanted pregnancies and creating an environment with policies that encourage pregnancies to be carried to term. We believe this includes promoting alternatives to abor-

tion, such as adoption, and improving access to children’s healthcare and child care, as well as policies that encourage paternal and maternal responsibility.

“In all these issues, we seek the Church’s guidance and assistance but believe also in the primacy of conscience. In recognizing the Church’s role in providing moral leadership, we acknowledge and accept the tension that comes with being in disagreement with the Church in some areas. Yet we believe we can speak to the fundamental issues that unite us as Catholics and lend our voices to changing the political debate—a debate that often fails to reflect and encompass the depth and complexity of these issues.

“As legislators, we are charged with preserving the Constitution, which guarantees religious freedom for all Americans. In doing so, we guarantee our right to live our own lives as Catholics, but also foster an America with a rich diversity of faiths. We believe the separation of church and state allows for our faith to inform our public duties.

“As Catholic Democrats who embrace the vocation and mission of the laity as expressed by Pope John Paul II in his Apostolic Exhortation, *Christifideles Laici*, we believe that the Church is the ‘people of God,’ called to be a moral force in the broadest sense. We believe the Church as a community is called to be in the vanguard of creating a more just America and world. And as such, we have a claim on the Church’s bearing as it does on ours.” ■

Rosa L. DeLauro
Wm. Lacy Clay
James R. Langevin
Anna Eshoo
Betty McCollum
Raul M. Grijalva
John B. Larson
Joe Baca
Tim Ryan
Mike Thompson
Charles A. Gonzalez
Diane Watson
Nydia Velazquez
Frank Pallone
James P. McGovern
Tim Holden
Dale E. Kildee
Cynthia McKinney
Michael Capuano
Mike Doyle
Maurice Hinchey
Joseph Crowley
Lucille Roybal-Allard
Robert Brady
Grace Napolitano
Jose Serrano
Edward J. Markey
Lane Evans

David R. Obey
Hilda L. Solis
Bart Stupak
Bill Pascrell
Gene Taylor
Carolyn McCarthy
Ed Pastor
William Delahunt
Silvestre Reyes
Linda T. Sanchez
Xavier Becerra
Michael H. Michaud
Jim Marshall
John T. Salazar
George Miller
James L. Oberstar
Patrick J. Kennedy
James P. Moran
Richard E. Neal
Peter A. DeFazio
Dennis A. Cardoza
Jim Costa
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Church and State in the Courts

A number of recent court rulings have resulted in defeats for abortion rights groups. The U.S. Supreme Court ruled on February 28 that federal extortion and racketeering laws cannot be used to ban demonstrations at abortion clinics. The unanimous decision ended a two-decade-old controversy. The Hobbs Act did not provide a proper basis for federal court injunctions. Justice Stephen Breyer wrote, "Violence under that law had to have a connection to robbery and extortion. Congress did not intend to create a free-standing physical violence offense in the Hobbs Act." Breyer also noted that the 1994 Freedom of Access to Clinic Entrances Act offered sufficient protection. (The cases were *Scheidler v. NOW*, 04-1244 and *Operation Rescue v. NOW*, 04-1352.)

On February 24, the U.S. Sixth Circuit Court of Appeals ruled that all abortion statutes do not have to contain an exception to protect the health and life of the mother. In *Planned Parenthood Cincinnati Region v. Taft*, the Sixth Circuit invoked the Supreme Court's January *Ayotte* ruling to reach its decision. A month later the same Court allowed Tennessee to continue to produce "Choose Life" license plates in *ACLU of Tennessee v. Bredeesen*.

In other court developments:

The U.S. Court of Appeals for the Seventh Circuit ruled on April 13 that the University of Notre Dame may be forced to pay back a \$500,000 federal grant used to train Catholic school teachers in impoverished school districts. The University claimed the money had already been spent and therefore the case, brought by the ACLU, was moot. The Appeals Court sent the case back to a federal court in Indiana for trial. Judge Richard Posner, writing for the 2-1 majority, said that money spent "to indoctrinate students and teachers in Catholic dogma" was clearly unconstitutional but suggested that the trial court could excuse the University for funds spent on non-religious students.



The California Supreme Court ruled on March 9 that the Berkeley Sea Scouts, a branch of the Boy Scouts, violated anti-discrimination laws. Groups receiving government subsidies may be required to pledge compliance with anti-bias policies, the state's highest court said, in a unanimous ruling. The Scouts were backed by the conservative Pacific Legal Foundation. The national Boy Scouts of America spokesman, Robert Bork, Jr. (yes, the rejected 1987 Supreme Court nominee) said the group had not decided whether to appeal to the U.S. Supreme Court. A similar case, originating in San Diego, was heard in February by the Ninth U.S. Circuit Court of Appeals. The U.S. Department of Justice and six states have filed briefs supporting the Scouts in the Ninth Circuit.



Federal Judge Rebecca Beach Smith ruled in March that the York County (Virginia) School District did not violate a teacher's free speech rights by ordering the removal of Christian themes from his classroom walls. The materials were removed from William Lee's Spanish classroom at Tabb High School at the beginning of the 2004-05 school year after a parent complained. Lee, who also advises the Christian Students Club, filed suit against the school system last August. Materials in-

cluded fliers publicizing the National Day of Prayer, a depiction of George Washington praying at Valley Forge, and articles extolling the religious faith of President George W. Bush and former Attorney General John Ashcroft. Lee argued that his bulletin board constituted a limited public forum that allowed a teacher's private expressions of faith. But Judge Smith concluded that the postings were part of his instructional tools and were subject to school review. The teacher was supported by the Rutherford Institute, a Religious Right lobby.



The Utah Supreme Court ordered the removal from the bench of a small town judge who has three wives and 32 children. Judge Walter Steed, who had served on a court in the polygamist community of Hildale, was found guilty of violating the state's bigamy law, punishable by up to five years in prison. The town of Hildale, in the state's far southwestern corner, and its sister city, Colorado City, Arizona, are dominated by the Fundamentalist Church of Jesus Christ of Latter Day Saints, which retains the early Mormon practice of polygamy.



New York State Justice Leland DeGrasse rejected the request of New York City resident Diane Payne for \$26,000 to pay the private school tuition of her children. Payne claimed that the state's failure to finance public schools adequately forced her to transfer her children to private schools.



In March a Georgia Tech senior, Ruth Malhotra, filed suit in federal court in Atlanta, claiming that her right to denounce homosexuality was infringed by university officials. Her Christian faith, she said, compelled her to speak out against gays and lesbians, something which the university opposes. A similar case is in a California court involving the Every Nation Campus Ministries at California State University in Long Beach and San Diego. At issue there is whether the state university system must grant official recognition to a student group that discriminates along religious, gender and sexual preference lines. In Georgia, Malhotra, chairperson of the Georgia Tech College Republicans, is backed by the right-wing Alliance Defense Fund.

Los Angeles Times reporter Stephanie Simon wrote in the paper's April 10 edition that this is a national trend. "With her lawsuit, the 22-year-old student joins a growing campaign to force public schools, state colleges and private workplaces to eliminate policies protecting gays and lesbians from harassment. The religious right aims to overturn a broad range of common tolerance programs: diversity training that promotes acceptance of gays and lesbians, speech codes that ban harsh words against homosexuality, anti-discrimination policies that require college clubs to open their membership to all.

"In that spirit, the Christian Legal Society, an association of judges and lawyers, has formed a national group to challenge tolerance policies in federal court. Several nonprofit law firms—backed by major ministries such as Focus on the Family and Campus Crusade for Christ—already take on such cases for free."



A North Texas couple filed suit in federal court in Dallas in March challenging the state's 2003 moment of silence law. David and Shannon Croft said the law is unconstitutional and is really "a ruse to get prayer in school without calling it prayer in school." This is the first challenge to the Texas law. The U.S. Supreme Court ruled in 1985 that a moment of silence in Alabama public schools was unconstitutional, but declined to hear a challenge to Virginia's law in 2001. Croft has run unsuccessfully for Congress and the state legislature on the Libertarian Party ticket.



On April 6 the U.S. Court of Appeals for the Seventh Circuit heard arguments in a case challenging the Pentagon's financial support for the National Boy Scout Jamboree, held every four years at Fort A.P. Hill in Virginia. ACLU attorneys, whose Illinois chapter initiated the suit in July 2005, argued that the Defense Department's support violates church-state separation. The ACLU lawsuit, which was successful before U.S. District Judge Blanche Manning last year, challenges the \$22.3 million spent by the Pentagon on the Jamboree since 1997. The ACLU contends that the words "duty to God" and the Boy Scouts' refusal to admit members who do not affirm a belief in a supreme being, make the organization a religious one. The Justice Department appealed Judge Manning's ruling that the aid was unconstitutional.

The Boy Scouts of America is not a party to the lawsuit but has filed a legal brief in support of the Pentagon. Virginia Attorney General Robert McDonnell, a Republican ally of Pat Robertson, also filed a legal brief supporting continued Pentagon funding. The case is *Winkler v. Rumsfeld*. (Eugene Winkler is a Chicago Methodist minister, who joined Rabbi Gary Gerson as the original plaintiffs.)



The Association of Faith-Based Organizations filed suit in Dane County, Wisconsin, on April 3, charging that religious groups are being excluded from a program that allows state employees to make payroll deductions to charities. The Virginia-based organization claimed that the Christian Legal Society and other groups were excluded from the program last year because they would not promise to refrain from discrimination on the basis of religion, and would not agree to admit gays and lesbians to membership. The Fellowship of Christian Athletes was also deemed ineligible. The charity campaign, begun in 1973, allows state employees to donate a portion of their salaries to charities approved by the Department of Administration. More than 400 charities were approved in 2004. Administration Department officials told the Associated Press that they would have no comment on the lawsuit but admitted that two groups have already been excluded from this year's program because they refused to adopt the nondiscrimination statement.



U.S. District Judge James Carn ruled on April 18 that a Ten Commandments monument on the courthouse lawn in Toledo, Ohio, could remain because it did not promote religion. He held that the motivation for erecting the plaque on the Lucas County courthouse lawn a

ARL in Action

Greenhaven Press, an imprint of the Thomson Gale book publishing conglomerate, has just published *Civil Liberties*, a contemporary issues companion edited by Jill Karson. Included among the 25 articles is "The First Amendment Intends the Separation of Church and State" by Albert Menendez and Edd Doerr. For more information contact Greenhaven Press, 27500 Drake Road, Farmington Hills, MI 48331-3336 or www.gale.com.

ARL signed on to an *amicus* brief in March in a Missouri Supreme Court case, *Planned Parenthood of Kansas and Mid-Missouri v. Nixon*. The case involves reproductive rights and freedom of speech. The brief was prepared by Aaron Levine of Sullivan & Cromwell in New York City.

Albert J. Menendez published a review of the book *Sanctioning Religion? Politics, Law, and Faith-Based Public Services in Conscience* (Summer 2006), the quarterly news journal of Catholics for a Free Choice.

Edd Doerr spoke on church-state issues at Mill Creek Unitarian Universalist Church in Mill Creek, Delaware on March 26.

Lynn M. Morgan's paper, "When Does Life Begin? A Cross-Cultural Perspective on the Personhood of Fetuses and Young Children," originally published in ARL's book *Abortion Rights and Fetal Personhood*, edited by Edd Doerr and James W. Prescott (1990), has been reprinted in *Talking About People: Readings in Contemporary Cultural Anthropology*, edited by William A. Haviland, Robert J. Gordon and Luis A. Vivanco (McGraw-Hill, 2006).

half century ago was secular. The marker was donated by the Fraternal Order of Eagles as part of a 1950s effort to combat juvenile delinquency.



A lawsuit with potentially far-reaching implications was filed in federal court in Madison, Wisconsin, on April 19. The Freedom from Religion Foundation (FFRF) claimed that the U.S. Department of Veterans Affairs (VA) is violating the First Amendment by spending funds to encourage spiritual practices. The FFRF suit charges that VA chaplains are a regular part of medical treatment teams and that some VA hospitals encourage "spiritual assessment" and urge patients "to tap into their spiritual resources of faith."

"The integration of religion and spirituality into the medical services provided by the VA is intended to promote religion and belief, rather than to accommodate free exercise rights of veterans who are otherwise limited by their hospitalization from freely exercising religious choices," the lawsuit charges.

It is not certain whether the court, the U.S. District Court for the Western District of Wisconsin, will accept a challenge to the entire VA system, which includes 157 hospitals, 870 outpatient clinics and 134 nursing homes, or will require specific examples of alleged violations. The suit mentions VA hospitals in Dayton, Virginia, Chicago, and Augusta, Georgia, among others.

Ira Lupu, law professor at George Washington University, told Claire Hughes, correspondent for the Roundtable on Religion and Social Welfare Policy, "It's an important case that presents very serious issues. .

continued on page 10

In the Courts, *continued from page 9*

.. The government's money cannot be used for purposes of religious indoctrination, and the allegations in the complaint suggest a possible violation of that principle."



Two families filed suit in federal court in Boston on April 27, charging that Lexington, Massachusetts, school officials have violated their and their children's religious freedom by offering teachings about homosexuality that are contrary to their religious faith. The families object to inclusive textbooks that recognize gay families as part of the reality of present-day U.S. life. Lexington Public Schools Superintendent Paul Ash called the charges "ludicrous" and said, "Lexington schools prides itself in creating a warm atmosphere, a warm and caring atmosphere for all of its students. We present to students a curriculum that respects families from different religions, nationalities, ethnic backgrounds, cultural heritages, and sexual orientations."



A federal judge in Wichita ruled on April 18 that abortion clinics were not required under Kansas law to report names of underage patients for purposes of pursuing statutory rape or child abuse cases. The Center for Reproductive Rights challenged Kansas Attorney General Phill Kline, who argued that a 1982 state law applied to abortion clinics and to other health care professionals.



The U.S. Court of Appeals for the Second Circuit ruled on April 27 that New York City's Fifth Avenue Presbyterian Church may continue to offer shelter on its steps to the homeless. The church operates a small homeless shelter in its basement but the needy have expanded to the steps. New York City officials have been trying to remove the homeless from the church site since November 2001. The American Civil Liberties Union supported the church, invoking the free exercise clause of the First Amendment and the right of free association.



A federal judge in California may have brought a 17-year controversy nearer to a close when he ruled that San Diego must remove a cross from city-owned parkland within 90 days or face fines of \$5,000 a day. Judge Gordon Thompson said, "It is now time, and perhaps long overdue." However, the City Council voted to mount another legal challenge. Conservatives have also appealed to Congress and the President.



The Kentucky Commission on Human Rights ruled in favor of a former Amish member who claimed she was a victim of discrimination when an Amish store owner refused her service back in October, 2003. The commission ordered Erma Troyer, owner of Rocky Tip Salvage in Cub Run, to pay \$100 to Ruth Irene Garrett, an author who wrote a

book explaining her defection from the Amish community. Troyer may appeal to a circuit court.



A Ten Commandments display is the focus for a non-jury civil trial in federal court in Muskogee, Oklahoma, that began on May 1. The American Civil Liberties Union filed a complaint on behalf of James Green, a resident of Haskell County, against the Haskell County commissioners, who allowed a lay pastor, Mike Bush, to erect the monument on the courthouse lawn in 2004. Though the display was erected with private funds, the local government's motivation to advance religion is at issue. The question is government endorsement of religion and "favoritism for a religious document," according to Green's attorney Michael Salem. The reverse side of the marker is the Mayflower Compact, and other secular historical monuments also appear on the courthouse lawn. Haskell County is in rural southwestern Oklahoma, 90 miles from Tulsa. It is 73% Baptist and despite Democratic leanings it went for Bush in 2004 after having backed Gore in 2000.

The Oklahoma House has responded to the trial by passing a bill authorizing the state attorney general to defend lawsuits challenging Commandments displays and allowing state funds to be used by local district attorneys to defend monuments. The bill goes to the Senate. The *Muskogee Phoenix*, the local paper where the trial is being held, criticized the House action, saying that the state should "defend religious freedom, not religious partiality." ■



The Voucher Watch

From time to time, we all need to be reminded of the flaws and fallacies inherent in the voucher concept. The National Coalition for Public Education, an umbrella group representing more than 50 educational, civic, civil liberties and religious organizations, including Americans for Religious Liberty, recently released "The Truth About Vouchers," a succinct summary of arguments against the scheme. Since 1978 the Coalition has sought to inform the general public as well as members of Congress and state legislatures of the fundamental values of free, publicly supported education open to all American children of every cultural, racial and religious background. What helps public education helps America, and what harms public education inevitably harms America. Here is the text:

The Truth About Vouchers

The guarantee of a free public education is at the heart of our nation's promise of democracy and equality for all. Only when all children have a chance to learn can everyone enjoy equal opportunities to work, achieve, and participate fully in our society. Diverting public funds to private and parochial schools through vouchers will hinder our efforts to provide a quality education for all students. We must provide an excellent education for every child, not just vouchers for a few. The way to ensure that every child has an equal and valuable education is to invest in our public school system.

Vouchers will not ensure parental "choice." The real beneficiaries of "choice" programs are private and religious schools. Private school ad-

ministrators select which students they will nor will not admit. Private schools can discriminate and refuse to accept students because they have a learning or physical disability, lack English proficiency, or have other special needs. A parent's "choice" extends only to determining to which school they will submit an enrollment application. In many areas of the country "school choice" becomes meaningless either because there are no private schools or because the only private schools are religious, and might not be the appropriate denomination for the student.

Vouchers do not improve public schools through competition. Public and private schools function on different playing fields so pure competition between the two is impossible. For example, private schools choose who will or will not attend their schools whereas public schools are required to accept *all* children. Private schools can deny entrance to students with high-cost special needs such as learning and physical disabilities or limited English proficiency. Moreover, fair competition is not achieved when the funds to pay for private school vouchers are being drained from the public schools.

Voucher programs lack accountability. Private schools that accept vouchers are not accountable to the public taxpayers who pay for the vouchers. Public schools are required to meet standards in order to be accountable to the public. Private schools are not required to meet basic accountability standards, such as open meetings and records laws, or to release test scores, dropout rates, student selection criteria, and other basic information.

Vouchers do not protect the civil rights of America's students. Politicians and organizations that favor school vouchers continue to position vouchers as a "civil rights" issue. This rhetoric is particularly offensive given the current voucher proposals that would not require the private institutions that would receive publicly funded vouchers to adhere to the same civil rights enforcement and compliance mechanisms that apply to public institutions. In other words, private schools would receive public funds without a corresponding obligation to comply with all federal anti-discrimination laws – laws designed to protect our children. These laws were crafted specifically to address issues of equal access and discrimination in the first place. How does a system that would allow discrimination help our nation's children?

Vouchers are prohibitively expensive and will divert needed funds from public schools. Professors Henry Levin and Cyrus Driver estimated a decade ago that a universal national voucher program would cost \$73 billion per year, based on a voucher worth at most the average per pupil expenditure in U.S. public schools in 1990-91.¹ Corrected for inflation and the increase in student population, the figure would no doubt be higher today. Today, public schools are facing teacher shortages, record-high student enrollments, crowded school facilities and increased demands for education technology.

School voucher schemes would force federal taxpayers to support religious beliefs and practices with which they may strongly disagree. At the heart of these proposals is the goal of merging government and religion.

Voucher schemes would abandon our local public schools. Groups that have traditionally advocated for improvement of public schools oppose vouchers for parochial and private schools, as do a majority of Americans as demonstrated both by polling and ballot initiatives. Parents and the public want our leaders to focus on improving our public schools, not abandoning them for private schools.

Vouchers will not have a significant impact on student achievement levels. Nothing in the research suggests that the mere act of choosing a private school improves a student's academic achievement. Studies of student achievement in the Milwaukee and Cleveland voucher programs are contradictory and there is no conclusive evidence that voucher students showed any significantly improved academic performance.

Public voucher programs have significant implementation prob-

There is no strong evidence that vouchers or education tax subsidies improve student achievement. According to a large-scale study released in January 2006, if the effects of income and school and home circumstances are taken into account, students in regular public schools do as well as or significantly better than comparable students in private schools in math.¹ A second study released in January 2006 found that participants in the Cleveland voucher program did not show higher academic achievement than students not using vouchers.²

1. Chris Lubienski and Sarah Theule Lubienski, *Charter, Private, Public Schools and Academic Achievement: New Evidence from NAEP Mathematics Data, National Center for the Study of Privatization in Education*, Teachers College, Columbia University, 2006, www.ncspe.org/readrel.php?set=pub&cat=126

2. Clive R. Belfield, *The Evidence on Education Vouchers: An Application to the Cleveland Scholarship and Tutoring Program*, National Center for the Study of Privatization in Education, Teachers College, Columbia University, 2006. www.ncspe.org/list-papers.php

lems. Although promoted as the means to "save" children from "failing schools," the District of Columbia voucher program actually enrolled fewer than 75 students who had previously attended public schools in need of improvement. Indeed, more than 200 voucher recipients were already enrolled in private schools.²

Cleveland's voucher program was already touted as aid for low-income students, yet an audit found that some voucher recipients enjoy annual family incomes in excess of \$50,000. The audit also revealed inadequate staffing, lax oversight, and \$1.4 million in payments to taxi companies providing transportation for voucher students.³

Even supporters of Florida's voucher programs conceded that oversight is inadequate. Florida's Chief Financial Officer asserted that the absence of accountability jeopardizes the "success of these vital school choice programs."⁴

A legal complaint was filed alleging that more than one-third of the private voucher schools in Milwaukee were not in compliance with a requirement that students must be selected on a random basis, and that voucher schools must comply with nondiscrimination laws.

Voucher programs will not help "low-income" students. Proponents argue that vouchers will help low-income students "escape" struggling public schools. Yet data indicate that students who use vouchers are less likely to be low income than their counterparts in the public schools, and less likely to come from low-performing schools.⁵ Anecdotal information also suggests that the additional costs of attending private school limit the utility of vouchers for low-income students. Furthermore, a model voucher bill promoted by the American Legislative Exchange Council (ALEC) would authorize a universal voucher program, revealing the intent to offer no special assistance to low-income students.

1. Levin, Henry M., and Cyrus E. Driver. 1997. "Costs of an Educational Voucher System." *Educational Economics* 5:265-283.

2. *Flaws and Failings: A Preliminary Look at the Problems Already Encountered in the Implementation of the District of Columbia's New Federally Mandated School Voucher Program*. People for the American Way Foundation (February 2005).

3. Paul Souhrada. *The Columbus Dispatch*, January 6, 1999.

4. Letter from Gallagher, CFO, State of Florida to Handy, Chairman, Florida Board of Education (December 11, 2003).

5. Cleveland School Vouchers: Where the Students Come From; Policy Matters Ohio (2001); Evaluation of the Cleveland Scholarship and Tutoring Program: Summary Report 1998-2002, Kim Metcalf (2003); Wisconsin Department of Public Instruction, School Finance and Management Services; Milwaukee Parental Choice Program (MPCP) Facts and Figures for 1998-2002. Data available at DPI web site at <http://www.dpi.state.wi.us>.

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Other News About Vouchers:

- Florida's Republican-dominated legislature tried several end-run measures to circumvent the recent state supreme court decision striking down the state's existing voucher program. A proposal to place a voucher referendum before the state's voters cleared the Senate Judiciary Committee. Two House panels have approved a measure that would prevent state court jurisdiction over school choice programs. Still another plan that would permit voucher students to stay in private schools from a separate tuition-aid program supported wider corporate tax credits passed the House on March 23 by a whopping 95-25 vote. Republicans also rejected an amendment that would have required voucher students who attend private schools at taxpayer expense to take standardized tests given annually. The bill failed in the Senate by one vote, with five Republicans voting against a referendum. The Senate majority leadership stripped Alex Villalobos of his position because he opposed vouchers to public school students.
- In March Wisconsin Governor Jim Doyle signed a measure to increase the number of students in the Milwaukee voucher program from 15,000 students to 22,500 next year. Cost to taxpayers this year is \$94 million. The Democratic governor signed the increase after vetoing similar expansions in previous years.
- The New Hampshire House rejected a voucher bill (HB 1707)

on March 9. The 174-154 vote postponed the proposal indefinitely, meaning that it is dead at least for this year. But Senate Bill 131, which sets up a nonprofit organization to distribute voucher funds and establishes a tax credit for individuals and businesses that donate funds for vouchers is still alive. It passed the Senate and received preliminary approval in the House. It would allow businesses to reduce state taxes by the same amount they contribute to the foundation providing vouchers. Vouchers of \$2,500 a year would be given to families whose income caps at \$50,000, while \$3,500 grants would go to those making \$40,000-\$50,000 per annum. However, the Department of Revenue's Commission told a House Committee on April 18 that the voucher plan is "a recipe for change that can't be administered."

- In Arizona Governor Janet Napolitano allowed a tuition tax credit bill to become law without her signature. She had previously vetoed similar proposals. The new law will allow companies to claim income tax credits for contributions made to organizations that provide scholarships and tuition grants to low income families desiring private schools.
- The South Carolina legislature killed a voucher bill on April 18 that would have granted up to \$4,500 a year for private school tuition to low-income students who attend "unsatisfactory" or "below average" public schools. The bill died in a House subcommittee.
- Voucher advocate Cory Booher was elected mayor of Newark, New Jersey, on May 9, though he downplayed his support for vouchers. ■

New Studies Probe Religion, Politics

College students are becoming more active in religious activities, and this new involvement is affecting their political stances, according to a Harvard University survey released in April. A full 70% say that religion "is important in their lives" and 60% say they are concerned about the moral direction of this country. Nearly 1,200 students were polled in March.

"Religion and morality are critical to how students think about politics and form opinions on political issues," said former New Hampshire Governor Jeanne Shaheen, director of Harvard's Institute of Politics, which conducted the poll.

While one-fourth of students say they have become more religious in college, most are not sympathetic to the Religious Right. Nearly one-quarter are "religious centrists who will be the critical swing vote and likely the most influential group in American politics" in the years to come. "Traditional liberals" outnumber "traditional conservatives," 44% to 16%. There are also 24% who fall in the "religious centrist" category and 16% are "secular centrists." The secular students are the most supportive of abortion and gay rights, but are the least likely to vote. More students (41%) are independent, while 32% are Democrats and 24% Republicans. (3% did not indicate a party preference.) Even in college, the Democratic and Republican parties appeal to different electorates:

	<i>% Traditional Liberal</i>	<i>% Traditional Conservatives</i>	<i>% Religious Centrists</i>	<i>% Secular Centrists</i>
Democrats	59	7	24	9
Republicans	16	34	30	20

Religious "centrists" are also growing among evangelicals. John C. Green, a senior fellow at the Pew Forum on Religion and Public Life, used national polling data from the 2004 election to divide evangelicals into three camps: Traditional conservatives, centrists and modernists. Among evangelicals, who make up 26.3% of Americans, a bit under half (47.9%) are orthodox traditionalists, while 41.1% are middle of

the road centrists, and only 11% are Modernists, who have more in common with liberal or progressive Protestants and Catholics. Those differences within the evangelical community affect partisan politics and issue positions.

	<i>Traditionalists</i>	<i>Centrists</i>	<i>Modernists</i>
Evangelicals			
% of All Americans	12.6	10.8	2.9
% Republican	70	47	30
% Democrat	20	31	44
% Independent	10	22	26
% Oppose Evolution	93	57	10
% Oppose Same Sex Marriage or Civil Unions	89	67	42
% Oppose Abortion Rights in Most Cases	84	59	37

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Left, Right, Center?

A comprehensive survey of religion and politics suggests that the U.S. is increasingly polarizing along religious lines within what should be a secular political system.

About 4,000 adults were polled after the 2004 elections in the Fourth National Study of Religion and Politics. Conducted by the University of Akron, the results were analyzed by the university's John C. Green and three other nationally known specialists, James Guth, Lyman Kellstedt and Corwin Smidt. The results suggested that 38% of voters belong to the "grass-roots religious right" and 27% support the "grass-roots religious left." That leaves 35% either in the center or opposed to a close connection between religious views and political identity. These categories are broadly defined, since the poll also found that 23% of voters were religious "traditionalists," which corresponds somewhat to previous studies of hard-core Religious Right sentiment. The poll also suggested that 30% of Americans are "modernists" in religion, while 26% are "centrists" and 21% are "secular."

While this concatenation of data may seem overwhelming and even a bit contradictory, it points up a disturbing feature of the American political landscape. In contrast with almost every other First World democracy, the U.S. seems to be moving toward a confessional or faith-based political system.

Much of this stems from the Republican Party's embrace of the Religious Right about 1980 and the concomitant infusion of Religious Right supporters and operatives into the GOP apparatus, which is reflected in national party platforms, presidential policies, and congressional voting.

But now the religious left is pressing for a greater influence in the Democratic Party, which has traditionally favored a more laissez-faire, open door approach to religion. Democratic platforms have always been less likely to reflect a religious orientation, and the party of Jefferson and Jackson has always welcomed religious minorities with more enthusiasm than have the Republicans. Author and Rabbi Michael Lerner told

the Network of Spiritual Progressives conference in Washington, D.C., in May, "I can guarantee you that every Democrat running for office in 2006 and 2008 will be quoting the Bible and talking about their most recent experience in church."

But is this really a sign of progress? Must both political parties reflect religious biases and orientations that may or may not have any relevance to the real business of governing a vast and diverse nation? How can either, or both parties, reflect the increasing diversity within U.S. religious life?

While many Americans bring their religious convictions to bear on public policy, many do not, including those who have a strong personal commitment to their own, or their religious community's, values.

Many Americans are properly reluctant to intrude specifically religious values into every political discussion. Many believe that a successful government of compromise and consensus cannot afford to get bogged down in often divisive faith-based politics. The experience of many other countries suggests that a sectarian-based political system does not promote harmony or the concept of the common good.

University of Oklahoma political scientist Allen Hertzke predicted that "we will see an even more polarized electoral environment than we did in 2004" if the Democrats try to beat the Republicans at the religion game. Mark Silk, director of the Greenberg Center for the Study of Religion in Public Life at Trinity College in Hartford, echoed that view, warning that his research has uncovered "a real unhappiness with the whole business of politicizing religion."

We could not agree more. Religious liberty and interfaith harmony are far more likely to be protected in a secular political system that remains officially neutral in religious matters, neither hostile toward religious values nor conducive to some over others (which is inevitable when religious groups jockey for power in the political domain).

Both Republican Chief Justice Warren Burger, who warned against "political division along religious lines," and Democratic President John F. Kennedy, who condemned "religious bloc voting" and "attitudes of disdain and division" among religious groups, understood this primal U.S. principle. Would that today's politicians understood it as well.

— Al Menendez

Update

Faith-Based Czar Leaves Post

James Towey, director of the White House Office of Faith-Based and Community Initiatives since 2002, resigned on April 18. His last day on the job was June 2. He left to become president of St. Vincent's College in Latrobe, Pennsylvania, effective July 1.

Interfaith leaders urged the president to close the office, which has been controversial since its inception. Rev. C. Welton Gaddy, president of the Interfaith Alliance, said, "The so-called faith-based initiative was a bad idea as a campaign promise in 1999, and it's even a worse idea today after we have seen the bureaucratic and political realities growing out of this initiative. . . . The faith based initiative turns houses of worship who receive its funds into contract employees of the federal government."

Religious Liberty Ratings: The Usual Suspects

Just as the prefect of police in the classic film "Casablanca" rounded up the usual suspects to impress his superiors, so does the annual State Department review of religious liberty violators. The new report, re-

leased in May, lists almost a dozen "countries of particular concern" for repression of religious freedom: Burma, North Korea, Eritrea, Iran, China, Sudan, Turkmenistan, Vietnam, Pakistan, Saudi Arabia and Uzbekistan. The last three named are U.S. allies. It is noteworthy that the U.S. Commission on International Religious Freedom plays no favorites in its annual assessments gathered by U.S. embassies overseas. Countries that are U.S. allies often engage in systematic religious repression, usually of minority faiths.

The *Washington Times* editorialized, "The report is a sobering reminder of the ambiguities of working with governments like those in Saudi Arabia or Uzbekistan to accomplish our strategic objectives." The paper also noted that the report's conclusions on "Sharia-observant countries" reminds us "of how breathtakingly repressive the cultural and political landscape of most of the Muslim world is."

The annual report, required by Congress since 1998, also put seven countries on a "watch list," whose records on religious liberty are worsening. They are: Afghanistan, Egypt, Indonesia, Nigeria, Bangladesh, Belarus, and Cuba. Four of these nations are predominantly Muslim, while Nigeria is evenly divided between Muslims and Christians. Belarus is dominated by Eastern Orthodoxy, while Cuba is a Communist nation with faint Catholic memories. The most repressive countries are either Muslim or Communist in their governing ethos.

Ironically, Iraq appears on neither list, though sectarian-inspired violence has cost thousands of lives since the U.S.-led invasion of 2003.

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Faith-Based Grants Top \$2 Billion

Federal agencies gave \$2.15 billion in grants to faith-based organizations in fiscal year 2005, an increase of 7% over 2004, according to a White House report issued in March. Last year 2,760 grants were distributed. More than half the funds came from Health and Human Services (\$780 million) and the US. Agency for International Development (\$591 million). The Department of Housing and Urban Development was responsible for \$545 million in grants and seems to have been the agency most likely to approve requests from the faith-based sector. Overall spending on charitable projects, however, is down.

On the state level Utah became the 25th state to create a state office to funnel money to faith-based programs. And President Bush issued an executive order on March 7 establishing a Center for Faith-Based and Community Initiatives in the Department of Homeland Security.

Washington Post reporter Thomas Edsall wrote in March 22 that the Bush administration “funneled at least \$157 million to organizations run by political and ideological allies.” Frequent recipients were African-American, Pentecostal and Hispanic Protestant organizations—all target groups for Republican recruiting and campaign efforts. In Charleston, South Carolina, the tiny pro-abstinence Heritage Community Services has seen its budget increase from \$51,288 to more than \$3 million as a result of HHS grants made during the Bush presidency. Pat Robertson’s Operation Blessing has received \$23.5 million in government grants.

Saudi Texts Blasted for Religious Bias

Textbooks used by five million students in 25,000 schools in the Kingdom of Saudi Arabia promote “an ideology of hatred toward Christians and Jews and Muslims who do not follow Wahhabi doctrine,” according to Nina Shea in the May 21 *Washington Post*. Shea, director of the Center for Religious Freedom at New York’s Freedom House, charged that the Saudi government had deliberately misled other nations by claiming that substantial “reform” had been made in the textbooks since 2001.

Not only do these textbooks govern how students learn about religion in the Kingdom but are the foundation for Islamic academics throughout the world.

Writes Shea, “Religion is the foundation of the Saudi state’s political ideology; it is also a key area of Saudi education. Scholars estimate that within the Saudi public school curriculum, Islamic studies make up a quarter to a third of students’ weekly classroom hours in lower and middle school, plus several hours each week in high school.”

The intolerance directed at other religions “is shaping the views of the next generation of Saudis and Muslims worldwide.” Even in first grade students learn that “every religion other than Islam is false,” and that “whosoever dies outside of Islam enters hellfire.”

Shea concludes that these textbooks “will only harden and deepen hatred, intolerance and violence toward other faiths and cultures.”

Mississippi Approves “Origin of Life” Bill

Mississippi Governor Haley Barbour signed into law on April 20 a bill which says, “No local school board, school superintendent or school principal shall prohibit a public school classroom teacher from discussing and answering questions from individual students on the origin of life.” The law, HB 214, originally had nothing to do with evolution but was amended and merged with SB 2427. The National Center for

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Thank you,
Edd Doerr, President

Science Education’s website commented, “Although the wording of that section is innocuous on its face, the legislative history of the bill suggests that this section of the bill is intended to allow or encourage antievolution teaching in science classes in Mississippi’s public schools.”

The Utah House of Representatives defeated antievolution legislation on February 27. At least a dozen other states have confronted related issues during their sessions.

Meanwhile, church support for teaching evolution has increased. The National Council of Churches issued a March 27 statement, “Science, Religion, and the Teaching of Evolution in Public School Classes,” which pointedly declared that “people of faith experience no conflict between science and religion and many embrace science as one way of appreciating the beauty and complexity of God’s creation.” The Archbishop of Canterbury, Rowan Williams, told the *Guardian* on March 21 that creationism should not be taught in science classrooms. The spiritual leader of the world’s 77 million Anglicans said the “theory” of creationism is a “category mistake that can end up reducing the doctrine of creation rather than enhancing it.”

Stem Cell Research Grants Released

The first funds for stem cell research programs in California were released on April 10. Sixteen nonprofit research institutions shared \$12.1 million raised as “bond anticipation notes.” The \$3 billion program, passed overwhelmingly by California voters in 2004, has been held up by lawsuits challenging the constitutionality of the program. Officials of the California Institute for Regenerative Medicine have raised the funds from private businesses.

House Adds Religion to Defense Bill

At the last minute, Republicans on the House Armed Services Committee added a provision to the defense authorization bill that would allow military chaplains to pray in the name of Jesus at public ceremonies. This undercuts new Air Force and Navy guidelines that encourage nonsectarian prayers or moments of silence at public ceremonies attended by service members of all faiths. The same guidelines preserve

the right of chaplains to pray as they wish in voluntary worship services. The provision was opposed by the chief of Navy chaplains, Rear Adm. Louis Iasiello, a Roman Catholic priest, who said, "The language ignores and negates the primary duties of the chaplain to support the religious needs of the entire crew and will marginalize chaplains and degrade their use and effectiveness." The National Conference on Ministry to the Armed Forces also opposed the language insisted on by House Republicans.

Four U.S. Opus Dei Bishops Revealed

According to *National Catholic Reporter* correspondents John L. Allen Jr. and Dennis Corday (May 12, 2006), four American Catholic bishops are members of Opus Dei, the secretive fundamentalist Catholic prelature that is expanding its influence in world Catholicism. They are Archbishops John Myers of Newark and José Gomez of San Antonio, and Bishops Robert Finn of Kansas City and Nicholas DiMarzio of Brooklyn.

Report on Texas Religious Right Issued

In May the Texas Freedom Network released *The Anatomy of Power: Texas and the Religious Right in 2006*, a survey of the "growing power of far-right Christian conservatives in the state's electoral politics." The report explores the role of wealthy individuals and pressure groups, and the political strategy of relying on evangelical pastors who use their positions to advance the movement's policy objectives in both the legislatures and at the ballot box. The report includes detailed financial and descriptive data on fourteen Religious Right organizations. An appendix includes the Texas Republican Party Platform of 2004, which reflects the virtual takeover of the GOP by religious fundamentalists. That platform boldly states, "The Republican Party of Texas affirms that the USA is a Christian nation" and will seek to "dispel the myth of the separation of church and state."

The Anatomy of Power concludes: "The religious right has tightened its grip on the Republican Party of Texas and now completely controls the party leadership. In fact, it has become increasingly difficult to distinguish between the movement and the party in leadership, political goals and tactics. . . . Regardless of the outcome of this year's elections, the religious right influence over public policy in Texas will likely be a problem for years to come."

The full 62-page report is available at www.tfn.org

Bush Pours Millions into Faith-Based Groups

In May the Bush Administration released \$50 million in grants available for faith-based and community groups through the Compassion Capital Fund. The funds are available through the Administration for Children and Families within the U.S. Department of Health and Human Services. Josephine Robinson, director of the office which oversees administration of the grants, said, "Faith-based and community groups know how to help people in their neighborhoods."

Bryan Jackson, correspondent for The Roundtable on Religion and Social Welfare Policy, noted, "The grants are the latest ground available from the Compassion Capital Fund, which was created in 2002 and initially funded by Congress with \$30 million. As of last September, \$148 million had been given to more than 3,000 faith-based and community organizations, including sub-awards made by 44 intermediary grantees."

Meanwhile, seven grant programs totaling more than \$135 million

were announced for the Healthy Marriage Initiatives. An initial \$75 million is going to the Healthy Marriage Demonstration project in high schools.

Wyoming Aids Faith-Based Services

An Associated Press investigation revealed that Wyoming's state government provided nearly \$100,000 to sectarian enterprises. The Wyoming Department of Family Services gave \$80,000 to Faith Initiatives of Wyoming, a private religious corporation that funds churches, ministries, and faith-based anti-abortion services. The grants are supposed to be used for "strengthening families" and "at-risk youth." One group aided by the state funds, Life Choice Pregnancy Care Center in Cheyenne, calls itself "an outreach ministry of Jesus Christ committed to presenting the Gospel of our Lord to women with crisis pregnancies—both in word and deed."

Family Services Director Rodger McDaniel, an ordained minister, defended the state program, "What we're buying is not religious services but social services."

The disposition of the grants has led to widespread criticism. Brian DeBoskey, regional director of the Anti-Defamation League in Wyoming and Colorado, expressed reservations about the program. "What kind of restrictions are in place with the use of federal and state funds, which are required by federal and state law, to keep church and state separation intact?"

Sharon Breitweiser, director of NARAL Pro-Choice Wyoming Education Project, questioned the use of government funds to support religious crisis pregnancy centers. "We believe that religion should not

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The Bible Goes to School

Thank you for your article, "The Bible Goes to School" in the current issue of *Voice of Reason*, Vol. 94, No. 1, pp. 7 and 8. Your analysis is good except that you are much too easy on Cullen Schippe.

You are right that he is presented in the Bible Literacy Project promotional literature as a recently retired publishing executive. More specifically, he was the vice president and publisher at Macmillan/McGraw-Hill, a mainline textbook publishing firm (bibleliteracy.org). What's not said at the web site is that his work was at the Benzinger subdivision of that corporation, and Benzinger publishes religious materials. To illustrate, in 2002 Benzinger teamed up with Maryknoll, a Roman Catholic religious order, to produce *Christ Jesus, the Way* for Catholic school students. At that time Schippe said, "Through *Christ Jesus, the Way*, we hope to provide religious instruction with a global perspective, and to cultivate a missionary spirit in children that go beyond learning Christian concepts, [so] a child becomes the Living Gospel—someone who loves Jesus, who loves the Church, is Jesus, is the Church. (Maryknoll.org, "Mission Education for a New Generation," May, 2002.)

Moreover, Schippe is now un-retired. According to *Today's Catholic Teacher* web site, he currently is the Associate Publisher and Editorial Director" of this journal for K-12 teachers. People should know that he as well as Stetson has spent years promoting the Christian faith.

Sincerely,

Brant Abrahamson

Update, continued from page 15

be allowed to dictate public health and education policies and that government funds should be directed instead to non-controversial programs that provide a real benefit to their communities and the state.”

Faith Initiatives Training Director Jim Elias responded that state money can be given to such groups without endorsing their religious work. Associated Press reporter Ben Neary added, “In addition to state funds, Faith Initiative received \$347,000 in federal funds last year, and the same amount the year before through the federal Compassion Capital Fund.”

The Wyoming State constitution says, “No money of the state shall ever be given or appropriated to any sectarian or religious society or institution.” It remains to be seen whether Wyoming legislators will see a disparity between the constitution and these recent grants.

Friday Prayers at Issue in Maryland County

Howard County, Maryland, is a sprawling, prosperous (one of America’s 20 wealthiest counties) suburb that connects Baltimore and Washington. Its highly praised public school system is trying to resolve a problem related to religious accommodation. Muslim students have requested early dismissal on Fridays so they can attend Jummah, the Friday afternoon prayers of Islam. Over the past eight years, five of the county’s 12 high schools have allowed Muslim students to be excused if they make up the lost instructional time. Muslim community leaders are asking for a standardized countywide policy. School officials say they are trying to balance the federal requirements of “reasonable accommodation” to student religious beliefs while ensuring that school policy remains “neutral to all faiths,” according to a report by Jennifer Surface in the *Howard County Times*.

Medical Journal Weighs in on Evolution

The authoritative *New England Journal of Medicine* concluded in its May 25 issue that, “Religion is not science and should not be taught in science class. In the United States, the higher power that prevents this is the First Amendment.” The prestigious journal examined three “waves of religion-inspired anti-evolution activism.” The first wave was an attempt, originating in Tennessee in 1925, to outlaw education about evolution. This crusade ended with the U.S. Supreme Court decision in *Epperson v. Arkansas* in 1968. The second wave was an attempt to substitute creationism for evolution, and that was struck down in the High Court in 1987 in *Edwards v. Aguillard*, a case from Louisiana. The third wave, that of Intelligent Design, may have ended with the *Kitzmiller v. Dover Area School District* ruling last year.

Judge Roy Loses in ‘Bama

Former Alabama Supreme Court Chief Justice Roy Moore lost his bid to become governor on June 6, losing 2 to 1 to Governor Bob Riley in the state’s Republican primary. “God’s will has been done,” Moore told supporters in Gadsden when he conceded. Moore was removed from the bench after he refused to obey a federal court order to remove a Ten Commandments monument from the state judicial building.

Alabama voters of both parties overwhelmingly approved a constitutional ban on same-sex marriage, by 81% to 19%. The “Sanctity of Marriage Amendment” won heavily in both rural and urban areas, north and south. The amendment denies legal recognition to “common law marriage” and any “union replicating marriage between persons of the same sex.”

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International

Belgrade: The Serbian National Assembly rushed through a new “religious freedom” law that preserves the power of the “recognized” religions and discriminates against smaller religious communities. The Serbian government currently recognizes the dominant Serbian Orthodox Church, the Roman Catholic Church, three Protestant churches (Lutheran, Reformed, Evangelical), and the Islamic and Jewish faiths. All other religious communities must undergo registration and documentation standards, must submit its beliefs to a government review board and must divulge the sources of its income to the government. The Law on Churches and Religious Communities was submitted to President Boris Tadic, who must “promulgate” the law within seven days or resubmit it to the Assembly. The Organization on Security and Cooperation in Europe (OSCE) was not consulted. A Washington, DC-based religious rights group called on the president to send the law back to the Assembly. Joseph K. Grieboski, president of the Institute on Religion and Public Policy, asked Tadic and the Assembly to “make appropriate amendments and adopt a fair, balanced and equitable religion law that reflects the tremendous democratic strides Serbia has made in the last several years.”

Bratislava: In February Slovak Republic premier Mikulas Dzurwda rejected a concordat with the Holy See (Vatican) that would have allowed Catholics (only) to avoid doing abortions or teaching evolution and Catholic catechism was to be taught in elementary schools. Dzurwda said the concordat would discriminate against non-Catholics, 40% of the population, and create problems with the European Union.

Copenhagen: Since April, Danes may now name their children Jesus, which had been prohibited by a 1904 law. The Danish parliament approved the change to accommodate Spanish and Latin American immigrants who frequently use the name. A number of Muslim names have also been added to the official registry of approved names, according to Denmark’s Ministry of Ecclesiastical Affairs.

Kabul: An Afghan man, Abdul Rahman, who faced possible execution for converting to Christianity from Islam, may have survived his ordeal by fleeing to asylum in Italy, but his case highlights the conflict between religion and modernity in Afghanistan. While the nation guarantees freedom of religion to all Afghans in its constitution, the same document says that “no laws can be enacted which conflict with the holy religion of Islam.” A Kabul court, under international pressure, dismissed the case against Rahman on March 26, but the nation’s par-

liament and religious leaders denounced the ruling and urged his execution.

Kuala Lumpur: Malaysia's highest court, the Federal Court, decided on April 13 to determine whether Islamic courts have an exclusive right to determine if Muslims can convert legally to another religion. The case in question is that of Lina Joy, who converted from Islam to Christianity in 1998, but cannot remove Islam as her religion from the government identity card, which includes religion. The National Registration Department, which issues cards to all Malaysians, said she needed permission from a Sharia Court, which handles Islamic family matters. Joy contends that Malaysia's constitution guarantees religious freedom and does not require Sharia approval. She has also been barred from marrying a fellow Christian, because the civil law only governs non-Muslim marriages, and she is officially still a Muslim. About 60% of Malaysia's 26 million people are Muslims, whose marriages and divorces are regulated by Sharia courts. Members of other religions are subject to separate civil courts.

London: The weekly *Guardian* reported on February 21 that an unusual coalition of Muslim and Evangelical students is challenging the teaching of evolution in some high schools and colleges in the United Kingdom. The backlash has even spread to medical schools. Reports Duncan Campbell: "A growing number of science students on British campuses and in sixth form colleges are challenging the theory of evolution and arguing that Darwin was wrong. Some are being failed in university exams because they quote sayings from the Bible or Qur'an as scientific fact and at one sixth form college in London most biology students are now thought to be creationists."

Nationally, and in states like Alabama, the GOP cannot afford to allow Democrats a victory on anything that might be perceived as benefiting people of faith. Republican political dominance depends on being able to manipulate religious supporters with fear, painting the Democratic Party as hostile to religion and in the thrall of secular humanists.

— Amy Sullivan is an editor at *Washington Monthly*; from *Beliefnet.com* (March 15, 2006).

"Earlier this month Muslim medical students in London distributed leaflets that dismissed Darwin's theories as false. Evangelical Christian students are also increasingly vocal in challenging the notion of evolution."

Madrid: The *Washington Post* Foreign Service reported in April that a "church-state schism" is approaching in Spain, where 80% of the population calls itself Catholic but half of them are non-practicing. It is the progressive, secular policies of Socialist Prime Minister José Luis Rodríguez Zapatero that have highlighted the gulf between his government and the church hierarchy. Spain's policies, backed by parliament and most opinion polls, have liberalized laws regarding gay rights, divorce and abortion. Zapatero blocked mandatory religious classes in public schools shortly after winning election in 2004. (Polls show 80% of Spanish parents want their children to study religion in school, but many prefer comparative religion courses rather than instruction in Catholicism.) Despite the increasing gulf, the Church still receives \$3.9 billion a year in state subsidies, according to Fernando Moraleda, a government official. Moraleda told journalist John Ward Anderson, "This is a government that is deeply secular and reform-oriented. We can't allow Catholic doctrine to be superior to the government and the government's legitimacy."

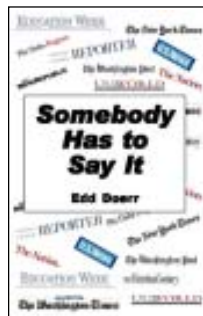
Mexico City: A report by Human Rights Watch revealed that rape victims in Mexico are rarely able to obtain abortions, even though Mexican law permits abortion for women who have been raped. The report concluded, "At the core of this issue is a generalized failure of the Mexican justice system to provide a solution for rampant domestic and sexual violence, including incest."

Odayssat, Egypt: "There is a growing tendency toward religious intolerance in Egypt," said Hafez Abu Saeda, who directs the Egyptian Organization for Human Rights. Another scholar, Mohamed Sayed Said, echoed these sentiments. "There's rising sensitivity over religious issues these days. It's starting to scar the national psyche. People are starting to worry about it." Tensions between the Muslim 90% of the population and the 10% who are Coptic Christians are on the rise. In the town of Odayssat, where 8,000 of 30,000 residents are Copts, Muslim voters tried to burn down a Christian guest house in January and killed a Christian bystander. While the Mubarak government has tried to crack down on Islamic extremists, it is still seen as hostile to religious minorities, who still need government approval to build or repair places of worship. Clashes between the groups have increased since 2004. *Washington Post* reporter Daniel Williams wrote on February 23 that the Odayssat incident is not an isolated one.

"The sectarian battle was one of a series that have recently pitted the minority Coptic Christians, an ancient community in Egypt, against the majority Muslims. Repeated instances of violence have brought to

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The third volume of Edd Doerr's letters-to-the-editor covers a half decade of material, from 1999 to 2004, and also includes an analysis of gender gaps in the publication of letters in three national newspapers. Included as well is an article from USA Today from 1995 on a 1974 world population report commissioned by the White House but suppressed.



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light a persistent paradox of Egyptian life: although officially a secular state, Egypt is in many ways an Islamic entity in which non-Muslims are accommodated but not exactly on an equal footing. The constitution specifies Islam as Egypt's official religion; Copts make up less than 10% of the country's population.

Oslo: A 20-member panel of the Lutheran Church of Norway came out in favor of separating church and state, in a nation where the Evangelical Lutheran Church has been established for 469 years. Even if parliament approved the change, it could not become effective until 2014 because this requires a constitutional amendment supported by two successive parliaments. The state generously funds many of the church's activities and pays the salaries of the clergy. Some panel members wanted the church to retain a kind of "special status." About 86% of Norway's population are registered members of the church.

Tashkent: Uzbekistan's State Committee on Religions is reportedly cracking down on Pentecostals and Jehovah's Witnesses, who were accused in April of organizing illegal gatherings and private religion classes, both of which are barred by law in this predominantly Muslim republic. President Bekazod Kadyrov forbids religious activities of any kind, except those that are registered with the state. Human rights groups charge that independent Muslims have also been repressed, even jailed, in recent years.

Letters to the Editor

"Regarding Religious Freedom"

Regarding the review of Kevin Hasson's "The Right to be Wrong" (Feb. 19), Mr. Hasson is wrong if he thinks that the 14th Amendment did not apply the First Amendment to state and local government until the 1920s. The Congress that approved the 14th after the Civil War intended precisely that, though it took the Supreme Court 50 years to actually do it.

If Mr. Hasson believes that First Amendment free exercise is adequately protected, he should reread Justice Scalia's 1990 ruling in *Oregon v. Smith* to see how free exercise has been diluted.

If he thinks that free exercise eliminates the need for the establishment clause, he is mistaken, as the history of religious freedom in the U.S. makes clear.

-- Edd Doerr, President, Americans for Religious Liberty (*Washington Times*, February 21, 2006)

'Religion, State Should be Separate'

Eric Moskowitz's March 10 piece on the defeat of vouchers in the House notes that proponents said their plan was constitutional because the public funds could only be spent "on the nonreligious portion of education at religious schools."

That is an illusion. In theory and practice the whole curriculum in faith-based schools is permeated with a particular religious point of view.

The New Hampshire constitution clearly provides that "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."

-- Edd Doerr, President, Americans for Religious Liberty (Keene, New Hampshire *Sentinel*, March 23, 2006)

Toronto: Negotiations conducted in April will give 80,000 native Canadians compensation for physical and sexual abuse suffered in church-run but government-financed school systems. Nearly \$2 billion will be paid in damages, beginning in 2007. The average payment will be \$20,000. About 1,500 victims have received court-ordered compensation during the past 12 years. The Presbyterian, United, Anglican and Roman Catholic churches administered the schools.

Trabzon, Turkey: This Black Sea port city was the site of the murder of an Italian Catholic priest, Rev. Andrea Santino, on February 5. His Muslim assassin shouted, "Allahu Akbar! (God is great)" when arrested. This incident symbolizes growing religious conflict in the supposedly secular (but Muslim) nation that is seeking admission to the European Union. Observers see Turkey's indifference toward its non-Muslim religious minorities as a potential deal-breaker that will block Turkish entry. The government confiscated hundreds of Christian church properties and charged 293 people with "missionary activity" (a crime) from 1998 to 2001. Turkey's Directorate of Religious Affairs published a pamphlet last June which warned that "missionaries and the Crusades are related" and encouraged imams to warn that missionaries seek "to steal the beliefs of our young people and children." The Directorate is a government agency that controls the nation's mosques. There are only 100,000 Christians in a nation of 70 million. Noted *Washington Post* reporter Karl Vick, "The warning reflected a hard fact masked by Turkey's official embrace of secular rule and Western modernity. Seven hundred years after the Crusades and eight decades after the fall of the Ottoman Empire, which claimed to unite the world's Muslims in a caliphate, modern Turkish identity is an emphatic blend of patriotism and faith."

Warsaw: The new conservative government's policies on media freedom of expression have provoked criticism. The Polish National Broadcasting Council, which enforces broadcasting regulations for commercial radio and television stations, leveled a \$125,000 fine on Kazimiera Szczuka, for satirizing an ultra-conservative Catholic radio station called Radio Maryja. The same station regularly refers to "men from Judea" and calls Polish Jewish journalists "an example of the Jewish fifth column in Poland." Even the papal nuncio, Archbishop Jozef Kowalczyk, has urged Polish bishops to rein in Radio Maryja. But the government has so far refused to fine the religious station. Richard Bernstein, in a "letter from Poland," in *The New York Times* on May 3, wrote, "Still, the government has taken no action against Radio Maryja like those it took against the television station where Ms. Szczuka committed her anti-clerical satire, and the suspicion that the discrepancy reflects an unspoken cultural and political alliance between the government and Father Rykzyk's radio outlet is widespread."

Zagreb: Croatia's state television service reinstated a sign-language interpreter who was fired from translating Mass because she divorced her husband. The employee, Dubravka Naumoyski, had been employed for four years until being sacked by the religious programming head, Father Tunci Trstenjak. Human rights groups denounced her ouster. "In Croatia, the right to divorce is protected by law and it is absolutely unacceptable that Christian fundamentalism is trying to be imposed on public television," said Zarko Puhovski, head of the Croatian Helsinki Committee for Human Rights.

The Irish Times (March 25, 2006) also reported: "Croatia's Catholic Church has in the past successfully protested against yoga classes in school and against an AIDS-prevention programme that was teaching students how to use condoms. It is currently leading efforts to close shops on Sundays. But it has also come under scrutiny for allegedly trying to cover up child abuse at a orphanage run by the Catholic charity Caritas."

Books and Culture

Book Talk

We had thought about reviewing John Allen's *Opus Dei*, published late last fall by Doubleday, but we decided that the long review-article by Terry Eagleton in the April, 2006, issue of *Harper's* expressed our views wonderfully well. In his commentary on *Opus Dei* (a household phrase since the film version of *The Da Vinci Code* opened on May 19), Eagleton writes, "Globally speaking, the movement is estimated to hold assets of about \$2.8 billion; it runs fifteen universities, seven hospitals, eleven business schools, and a large number of primary, secondary, and technical schools. Assiduously courted by the late Pope John Paul II, it has become a formidable underground force for traditionalist values and political reaction within the Catholic Church. The setup has many features of a cult, expecting drastic obedience from its members and practicing some draconian disciplines. Its champions view it as restoring traditional holiness to a world bereft of spiritual values; its critics see it as recruiting professional Catholics in order to form a secretive power bloc within nations and governments."

He continues, "Sociologically speaking, the phenomenon of *Opus Dei* is not hard to understand. In its original Spanish context, it represented an attempt to harness certain traditional Spanish values – honor, discipline, hierarchy, austerity, and the like – the project of modernizing a backward national capitalism. For all its talk of inner spirituality, it was, and to a great extent still is, an authoritarian and semi-clandestine enterprise that manages to infiltrate its indoctrinated technocrats, politicians, and administrators into the highest levels of the state. And few supposedly spiritual movements have proved so astute about making money."

Of Allen's book, which is disappointing, considering the author's previous high quality output, Eagleton writes, "John Allen's survey of this bizarre phenomenon is really a case for the defense thinly disguised as a dispassionate account. His book is partisanship masquerading as objectivity. Allen provides evidence both pro and con, but the tone and tenor of his emollient prose create a general air of exoneration. *Opus Dei* is rapped lightly over the knuckles from time to time but found not guilty of the grave allegations against it. On the whole, Allen's idea of objectivity is to set out a criticism of *Opus Dei* and then try to refute it, as though by airing the criticism at all he has set forth the case for the prosecution. A good deal of his material comes from *Opus Dei* members themselves, which is rather like asking Tom Cruise to spill the beans on Scientology. The book is a masterpiece of disingenuousness, which is not to suggest that it is consciously deceitful. It seems, rather, an exercise in self-deception by a Catholic Vaticanologist who is loath to think badly of such a powerful arm of his church, and who consequently goes in for a scandalous amount of mental shuffling."

(For more information on *Opus Dei*, see www.odan.org.)

American Theocracy, by Kevin Phillips, Viking, 462 pp., \$26.95.

Political analyst and author of the 1969 bestseller, *The Emerging Republican Majority*, Kevin Phillips has hit the nail on the head. He argues compellingly, "We are in the midst of one of America's most perverse transformations." That is, "Reckless dependency on shrinking oil supplies, a milieu of radicalized (and much too influential) religion,

While most Americans are opposed to overturning Roe v. Wade, many are unsure whether the decision goes too far in making abortion legal. Survey questions about the legality of abortion often draw different responses depending on how questions are worded. This is generally a sign of conflicted feelings on the part of the public. The abortion issue features a number of conflicted and seemingly inconsistent findings. For example, large majorities favor laws to restrict abortions, but nearly two-thirds say the government should not interfere with a woman's access to abortion.

Another often under-appreciated point in survey results is that often there seems to be a distinction between what people consider the right decision for themselves and what they think should be written into law for everyone. On the question of abortion, many hesitate to impose their views on others.

— "Red Flags on Abortion," from *Public Agenda Alert*, January 12, 2006.

and a reliance on borrowed money . . . now constitute the three major perils to the United States of the twenty-first century."

Phillips sees religious excess as the key to the impending disaster. "The last two presidential elections mark the transformation of the GOP into the first religious party in U.S. history. . . . The Republican Party has slowly become the vehicle of all three interests – a fusion of petroleum-defined national security; a crusading, simplistic Christianity; and a reckless credit-feeding financial complex." He denounces "White House implementation of domestic and international political agendas that seem to be driven by religious motivations and biblical worldviews."

America is clearly headed "in a theocratic direction" when it has "an elected leader who believes himself in some way to speak for God, a ruling political party that represents true believers and seeks to mobilize the churches, and the conviction of many voters in that Republican party that government should be guided by religion."

This is not just political carping, Phillips, a careful student of history, believes that such policies foreshadow the decline and fall of the United States.

"Natural resources, religious excess, and burgeoning debt levels have been prominent causes of the downfall of the previous leading world economic powers. . . . Should religious excess and over-ambition become part of an epitaph for the twenty-first century United States, as it did for some of the others, the current GOP national coalition will share in the ignominy."

Phillips is a specialist on elections, party coalitions, and the like, and he shows convincingly that the new Republican coalition depends almost exclusively on those regions dominated by evangelicals, fundamentalists, Southern Baptists, Mormons and Pentecostals, who ignore poverty and injustice in their midst and concentrate on religious prophecies interpreted by religious leaders and pseudo-theologians who preach a bizarre kind of escapism and American Supremacy. This allows the elite corporate classes to profit at the expense of others and skews America's political agenda. "With much of the GOP's low- and middle-

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income electorate listening to conservative preachers, the corporate and financial agenda not only prevails but often runs riot.”

Our foreign policy has also been corrupted by this new Republican theocracy. “American foreign policy has its own corollary to the end-times worldview: The preemptive righteousness of a biblical nation become a high-technology, gospel-spreading superpower.”

Phillips sees the Southern Baptists as the core of the new coalition, both in the South and in Southern-settled regions elsewhere. “The eighteen-million-member church of the Southern Cultural Memory was on its way to becoming a newly fledged Church of Biblical Inerrancy and Republican Ascendancy – an extraordinary metamorphosis full of national and even global implications.”

Phillips is justifiably pessimistic about the future, though he does warn, “One peril to Republicans lay in growing voter skepticism about the influence on national policy wielded by the religious right and the wisdom of mixing religion and politics. . . . Despite the huge numbers of born-again and frequent church-attending voters, theological correctness stands to be a Republican Achilles’ heel. Its influence periodically forces the Republican party to lean too far to the right. For example, religion has been the principal denominator of the aggressiveness of the GOP rank and file in the Middle East.”

This is one of the best books on religion and politics that I have ever read, any time, any place. Its facts are impeccable; its conclusions, irrefutable.

This unholy alliance of oil, debt, and religious zealotry may quite simply destroy the United States. All Americans should read this book. We ignore its conclusions at our peril.

—Al Menendez

The Faiths of the Founding Fathers, by David L. Holmes, Oxford University Press, 225 pp., \$20.00.

Holmes is a professor of religious studies at the College of William and Mary (Thomas Jefferson’s alma mater) and in this book tackles the twin subjects of the religious ethos of colonial America and its impact on the Founding Fathers and, in turn, their religious influences on the Constitution. He succeeds reasonably well.

Beginning with an examination of religious conditions in the colonies, he devotes considerable attention to “The Anglican Tradition and the Virginia Founding Fathers” and “The Enlightenment Religion of Deism,” which affected the elite classes across denominational lines. He then describes in more detail the religious views of Franklin, Washington, Adams, Jefferson, Madison and Monroe. The inclusion of President James Monroe in this study is welcome, since little has been written about our fifth president’s religion. He then proceeds to a brief look at some of the wives and daughters of the Founders, including Martha Washington, Abigail Adams, Martha Jefferson and Dolley Madison. Three “Orthodox Christians,” who might resemble today’s moderate evangelicals, are included. They are Samuel Adams, Elias Boudinot and John Jay.

One fact clearly emerges. Despite their differences of opinion about religion, or how they believed religion should or should not influence public life, the founders united on the necessity of guaranteeing religious freedom. “Genuine religious freedom did not come to the United

States until the late 1780s. And when it did come, it emerged from the religion of the founding fathers.”

Holmes argues that Deism, a movement emphasizing reason in religion, had a significant influence on America’s educated classes. “Deism proved influential in the United States from roughly 1725 through the first several decades of the nineteenth century. Emphasizing human inquiry, reason, and personal freedom, it catered to American principles of individuality. Deism became especially fashionable at American colleges in the decades immediately following the Revolution. Deism influenced, in one way or another, most of the political leaders who designed the new American government.”

In fact, this was true even among many who retained a religious affiliation. “None of the founding fathers was an evangelical, although Madison attended a moderately evangelical Episcopal church in the last years of his life.” Deism often blended with Anglicanism in some of the founders’ personal religious outlooks. “Although all were Episcopalian, their religious faiths differed markedly. Washington and Monroe were influenced significantly by Deism; Jay was not.” Monroe “seems to have been an Episcopalian of Deistic tendencies who valued civic virtues above religious doctrine but, as his Episcopal marriage and funeral indicate, he maintained a lifelong affiliation.” The wives and children of the founders were, however, more likely to embrace “Orthodox Christianity rather than rationalistic religion.”

Most of the founders, then, were either “non-Christian Deists, Christian Deists, or orthodox Christians,” though any “examination of history cannot capture the inner faith of any man” with absolute certainty. The most conservative founders were clearly Patrick Henry and John Jay. Most of the others fell into the two Deistically-influenced categories.

But, says Holmes, there is a common denominator. “Deists and orthodox Christians alike composed the revolutionary generation. Whatever their private beliefs, most maintained formal affiliations with Christian denominations. In the spirit of the times, some questioned doctrines that they believed could not be reconciled with human reason. Above all, they valued freedom of conscience and despised religious tyranny. By enacting laws to protect religious freedom, the founders ensured that Americans would maintain the right to worship in any manner those chose.”

Holmes succeeds admirably in his quest for an honest assessment of a complicated and often elusive historical record.

—Al Menendez

American Gospel: God, the Founding Fathers and the Making of a Nation, by Jon Meacham, Random House, 399 pp., \$23.95.

This is an eloquent and soundly-researched, almost Delphic, view of the often overheated world where religion and politics collide. Meacham, managing editor of *Newsweek*, takes the middle road, either consciously or as the result of his investigation of how religion has affected the political realm in U.S. history.

Meacham’s elegantly-written treatise is one of the few books likely to be respected across the political spectrum. His basic thesis is that the U.S. founders clearly intended the institutions of government and religion to be separate but that the free exercise clause presupposes a degree of religious dialogue, influence, and rhetoric, particularly at the presidential level. “The great good news about America – the American gospel, if you will – is that religion shapes the life of the nation without strangling it. Driven by a sense of providence and an acute appreciation of the fallibility of humankind, the Founders made a nation in which faith should not be singled out for special help or particular harm.”

Those who argue that the United States is founded solely on Christianity are wrong, Meacham says. “However dominant in terms of numbers, Christianity is only a thread in the American tapestry – it is not the

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“Founding Religion”

Michael Novak’s “The Truth About Religious Freedom” (March) was somewhat out of focus. The Founders endorsed the Declaration of Independence’s assertion that our rights are granted by the Creator, but how does one explain why this was discovered only in 1776? Since we were a weak, divided nation fighting the most powerful empire in the world, doesn’t it seem likely that Jefferson asserted the “divine right of the people” as a public relations attack on the “divine right of kings”? Whatever the Creator had in mind, in the real world we acquired rights by defining them, asserting them, fighting for them, and building the machinery to defend them. Novak writes that the First Amendment was designed to “prevent any one religion” from being established. But by 1787 single-church establishments had either disappeared or given way to “multiple establishments.” As the Supreme Court noted in 1879 in the *Reynolds* decision, Jefferson was right when he wrote, with the concurrence of Attorney General Lincoln, that the First Amendment erected a wall of separation between church and state. Of course it took years to work out the bugs, but the Supreme Court was correct about separation in 1947 in *Everson* and later rulings.

Novak insults those whose ethics are based on naturalism rather than supernaturalism. Are religious injunctions against murder, theft, and bearing false witness valid because the Creator said so, or did religions credit the Creator with injunctions that people worked out from their experience of living in society?

Edd Doerr, President

Americans for Religious Liberty (published in the June/July issue of *First Things*)

whole tapestry. The right’s contention that we are a ‘Christian nation’ that has fallen from pure origins and can achieve redemption by some kind of return to Christian values is based on wishful thinking, not convincing historical argument.”

Meacham admits, “Little is more emotional and vexing than how much religious expression in a democracy is appropriate and how much is too much.” There is thus a need for “a historical sensibility and an analytical mind.”

The Founders appear to have understood that dilemma. “The Founders understood that theocracy was tyranny; but they did not feel they could—or should—try to banish religion from public life altogether.”

“Public religion,” Meacham writes, “is a habit of mind and heart that enables Americans to be at once tolerant and reverent.”

Meacham’s work is informed by enormous and wide ranging reading. Appendices, source notes and bibliography fill 137 pages. His appendices include Jefferson’s Virginia Statute for Religious Freedom, Madison’s “Memorial and Remonstrance Against Religious Assessments,” Washington’s letter to the Hebrew Congregation at Newport and his Farewell Address, the treaty between the United States and Tripoli, the correspondence between Jefferson and the Danbury Baptist Association, an address by Rabbi Max Lilienthal in 1870, and Robert Ingersoll’s 1887 essay on secularism. Another fascinating appendix includes Bible verses used in 34 presidential inaugurations.

All in all, an outstanding book.

—Al Menendez

Washington’s God: Religion, Liberty and the Father of Our Country, by Michael Novak and Jana Novak, Basic Books, 282 pp., \$26.00.

What were the specifics of our first president’s religious convictions?

Did these beliefs influence his policies? Does private religious faith dictate public policy? These are some of the issues conservative writer Michael Novak and his daughter Jana tackle in this book.

Historically those who have examined (often superficially) Washington’s religion have fallen into two broad categories: Conservative religionists who have tried to prove that Washington was a pious, even evangelical, Christian, and freethinkers who were convinced that he was a fellow skeptic or Deist who only pretended religious convictions to curry favor among the electorate. Even a cursory reading of Washington biographies fails to support either position. The born-again label is inaccurate, since there is absolutely no evidence to support it and because the elite governing class of colonial America had not been significantly influenced by the “awakenings” of religious enthusiasts. And there is ample evidence that George Washington was an observant Anglican who chose voluntarily to be active in parish and vestry activities and attended church services frequently.

The Novaks have concluded that “the preponderance of the evidence falls fairly heavily on the side of Washington’s bona fides as a Christian. Anglican Christianity was what he professed. Anglican Christianity is what he acted out.” But he was also unwilling to discuss his personal faith except in vague, generalized terms, and preferred the term “Providence” when referring to God. He apparently believed that nations, as well as individuals, owe a kind of loyalty to the divine, and should engage in corporate acts of thanksgiving and penitence.

Washington’s reticence is no proof of skepticism. “It is not at all unusual for public men in pluralistic American life to maintain a notable reserve about their private convictions. They did not burden the public with declarations of their deepest beliefs.” (That was before George W. Bush!)

While clearly a Christian on his own terms, Washington also learned much from stoic and ancient classical Roman and Greek philosophies, according to the authors. And the authors conclude that “the legend of the prayer at Valley Forge has no historical footing.”

Our first president’s contributions to the development of religious liberty are far more important. He espoused tolerance at all times, banning the anti-Catholic “Pope’s Day” celebrations in the army, and wrote personal messages to Jewish, Catholic and Swedenborgian groups, reminding them that they were as welcome in the United States as the more powerful religious communities. “As president, he made a point of responding to all the distinct religious groups that wrote to him. He wanted all to feel part of the republic, and to know that they had in him a tribune.”

In his writings, he is strongly committed to religious liberty: “He had a powerful passion for freedom of the individual conscience. Washington was absolutely and unqualifiedly committed to the principle that every individual had the right to follow God in the manner closest to his or her heart.” As Washington himself wrote in 1783, “The establishment of Civil and Religious Liberty was the Motive that induced me to the field of battle.”

According to the authors, “Washington’s notion of religious liberty sprang from his reflections on human nature, especially the nature and special characteristics of the human mind. Second, Washington held that religious liberty was the very first imperative of government. Third, government must by no means impose a coercive establishment of one religion upon the consciences of all but must, as far as it could, encourage the free exercise of religion. Government should accommodate and fortify the religious impulse . . .”

Washington also held that constitutionally-protected religious liberty would lead inevitably to “a greater charity among diverse groups.”

The authors add, “To the time-honored virtue of toleration, he added an important new virtue: mutual respect.”

Unfortunately, the careful reader will detect a subtext in an other-

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wise pretty good book. Michael Novak is wrong on just about every church-state issue today, and he delights in ridiculing the separationist position. Just one example is the following: "In 1947, the US Supreme Court overthrew the traditions Washington had set and made itself the tribunal of all the nation's religious disputes, treating religion as a dangerous disease to be carefully quarantined." That is an absurd misinterpretation of the Court's rulings that have in many ways strengthened the religious liberty principle that Washington and the Founders so wisely bequeathed to the young republic.

—*Al Menendez*

Religion and Public Life in the Middle Atlantic Region, edited by Randall Balmer and Mark Silk, Alta Mira Press, 178 pp., \$19.95.

This is the eighth, and final, entry in a series devoted to the impact of religion on politics in each geographic region of the United States. One out of six Americans lives in the Middle Atlantic region (New York, New Jersey, Pennsylvania, Maryland and Delaware). All of these states were among the original colonies that came together to form the United States, thus making their religious heritages among the oldest in the country.

The Middle Atlantic states have much stronger Catholic and Jewish communities than the nation as a whole. Eastern Orthodox Christians, Muslims, Hindus, and such Protestant groups as Mennonites and

Fun and Games at the Washington Post Book World

As readers will be aware, I am quite enthusiastic about Kevin Phillips' new book, *American Theocracy* (see review). It deserves to be read widely as a cautionary tale about what's happening in the good old USA. So I was incensed to see the book trashed in the venerable pages of the *Washington Post Book World* on April 9. The reviewer ignored the author's marshalling of facts, pooh-poohed the idea that the Religious Right really has any influence or control over the U.S. government under George Bush and implied the book will appeal only to "partisans" (her favorite word) and crackpots.

What's more, the reviewer had absolutely no qualifications to tackle this important best-seller from an established author, whose first book appeared before she was born. *Book World*, for some reason known only to its aloof and quirky editors, chose for this assignment one Christine Rosen, a young staffer at the ultra-conservative Washington think tank called the Ethics and Public Policy Center, which is dominated by religious conservatives and usually adopts pro-Religious Right positions, albeit in a softer line. Ms. Rosen has never written anything about religion and politics. Her only book was a memoir of her Fundamentalist upbringing.

I suggested in a final paragraph (cut by the editors in my letter that appeared on April 30) that there were far more qualified reviewers for this meritorious title. (After all, their rival, *The New York Times Book Review*, selected Columbia University historian Alan Brinkley to review Phillips.)

Martin Marty, the dean of U.S. church historians would have been a natural choice. So would William Martin, a Rice University professor and author of a classic study of the Religious Right and a biography of Billy Graham. Three experts on the movement, who are themselves evangelicals, could have been chosen: Richard Pierard at Gordon College, Mark Noll of Notre Dame, or Bob Linder at Kansas State. And there are any number of other credible reviewers who might have approached the book with a more open mind.

But I suppose *Book World* wanted a negative review. So they selected an unqualified and biased reviewer who gave them what they wanted.

My letter [edited] and Ms. Rosen's response are reprinted below.

The Religious Right's Reach

Christine Rosen's review of Kevin Phillips's *American Theocracy* is irresponsible, unfairly castigating one of the most compelling and significant political books in recent years. Having just read the book, I found her conclusion that the author produced a "book that caters to partisan passions" inadequate as a serious review and just plain wrong.

Phillips has a four-decade-long record of careful scholarship, and his sources indicate wide reading. It is Rosen who is suspect. When she says that only 68% of white evangelical Christians support the war in Iraq, she fails to note that this is double the percentage of all Americans who back the war. While pointing out that the white evangelical vote remains at 23% of the total electorate, she neglects to note that nearly 80% of them supported Bush twice. Bush carried all 17 states dominated by white evangelicals, with 201 electoral votes, in 2004. Without that level of support, his reelection bid would have failed. (His victory in Colorado, Iowa and New Mexico also came largely from those states' evangelical counties.) She praises Phillips for citing Mark Noll and George Marsden, who are conservative Protestants, but criticizes him for quoting Esther Kaplan, who is liberal and Jewish. She says that "end-times" theology has been present for more than a century among some Christians but fails to point out that this theological emphasis was unknown during the first 1,850 years of Christianity and is rejected by the historic churches (Roman Catholic, Eastern Orthodox, Anglican/Episcopal, Methodist, among others).

Finally, the fact that the religious right has so far failed to achieve its major political goals does not mean that its threat to interfaith peace and harmony, legislative rationality and the integrity of the American experiment is any less serious.

Albert J. Menendez

Christine Rosen replies:

My prediction that Phillips's book would appeal largely to political partisans is confirmed by the tone of this letter.

I did not "fail to note" the statistics Albert J. Menendez suggests. Rather, I noted that 23% of the American electorate is composed of white evangelicals to emphasize that the percentage has not increased since 2000. One of the major problems with Phillips's book is its lack of perspective about the true influence of the religious right. Of course white evangelicals supported Bush; that is not in dispute. What is debatable is Phillips's contention that they are taking over the U.S. government and are intent on ushering in Armageddon in the Middle East.

I contrasted Phillips's use of the work of Mark Noll and George Marsden with that of Esther Kaplan because of the stark differences in the quality of their respective work. Noll and Marsden are highly regarded scholars of American religious history whose extensive published work could never be called partisan. Kaplan is a journalist and self-described "activist."

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Quakers are relatively stronger here than in the nation, while Baptists, Mormons and Pentecostals are underrepresented. While half the region's religious adherents are Catholic, this ethnically diverse church has lost ground since 1990. The secular, or non-religious segment of the population, has gained over the same period, even though this region has the second-highest church affiliation rate of the eight regions.

As book editor Randall Balmer of Columbia University writes, "Since the earliest days of European colonization, the Middle Atlantic region has served as the proving ground for pluralism." Just about every religious group on earth has some adherents in this melting pot, and many minority churches began here. Balmer also stresses that "45 percent of America's Jews live in the Middle Atlantic, and an overwhelming majority of the country's Jewish organizations have their offices in the region, as do the major Jewish denominations."

Another unique fact about this region, explained by one of the essayists, James Hudnut-Beumler, "Of all regions in the United States, it is the Middle Atlantic that has the smallest conservative and evangelical adherence rates among Protestants." This is mitigated somewhat by the fact that many mainline Protestant churches have strong evangelical contingents within their ranks, particularly in areas west of the Catskills, Poconos and Appalachian mountains. Western Pennsylvania's Presbyterians, Methodists and Lutherans, for example, are quite conservative. Methodists remain strong in the rural areas of all five states, especially on Maryland's Eastern Shore, southern Delaware, upstate New York, southern New Jersey and central Pennsylvania. Eastern Pennsylvania is Amish, Mennonite and Lutheran country, as is part of western Maryland. Presbyterians are strong in western Pennsylvania and northern New Jersey, while Episcopalians are strong in the suburbs of the region's big cities.

In politics and public policy, the region is moderately liberal, though not quite as liberal as New England or the Pacific Coast states. The region's Catholics are a good deal more liberal than the hierarchy. Writes James T. Fisher, "There is little question that a decision to bar John Kerry from attendance at the Al Smith dinner violated the Catholic spirit embodied by Smith himself. The tension between exemplars of this tradition and church leaders in the Middle Atlantic is real, and is most likely to endure. In 2004 John Kerry carried all the heavily Catholic states of the Middle Atlantic despite the clear if unofficial opposition of most of the region's leading prelates."

In the Mid-Atlantic Kerry beat Bush 55.4% to 44.6% in the major party vote, down a bit from Gore's 58.4% to 41.6%. Still, it's a Democratic region.

—Al Menendez

The Mighty and the Almighty: Reflections on America, God and World Affairs, by Madeleine Albright, HarperCollins, 339 pp., \$25.95.

In a rare example of self-criticism, Clinton Secretary of State Madeleine Albright says that her government underestimated the role of religion in the conduct of foreign affairs. This was typified by the failure to predict or to contain the resurgence of fundamentalist Islam throughout the Third World and the persistence of animosities between Roman Catholicism and Eastern Orthodoxy, and between Christians and Muslims, in the Balkans. These failures, though not unique to U.S. policymakers, continue to affect world events and have been exacerbated by the Bush administration's Messianic unilateralism in foreign policy.

Albright believes that religion can be both a source of violence—both as cause and justification—and a source of forgiveness and reconciliation. She shows that this conflict between the unifying and divisive aspects of religion affects many of the world's trouble spots. She writes, "Religion is a large part of what motivates people and shapes their views of justice and right behavior. It must be taken into account." That's true, but it doesn't have to shape public policy for everyone. Government is by nature coercive and prescriptive, while religion is most fruitful when it is persuasive and voluntary.

Her understanding of religion in American life is right on target. "Separation of church and state rests on three nos: "no religious tests for public office, no established state religion, and no abridgement of the right to religious liberty. These principles are essential to our democracy and to our identity as a nation; let us hope they are never breached."

—Al Menendez

Uncompromising Positions: God, Sex and the U.S. House of Representatives, by Elizabeth Anne Oldmixon, Georgetown University Press, 244 pp., \$26.95 paper, \$44.95 cloth.

This is an intriguing and important study of cultural conflict, generally rooted in religion, as it has been played out in the U.S. House of Representatives from 1993 to 2002. The author, an assistant professor of political science at the University of North Texas, concentrates on three emotional issues, gay rights, abortion, and school prayer. She says that "Political conflicts surrounding reproductive policy, gay rights and school prayer represent a profound cultural cleavage at the mass level between religious traditionalism and progressive sexuality."

These issues are bitterly contested because they are "nonnegotiable cultural issues." "What matters is that when cultural groups are mobilized, they apply countervailing pressures on political institutions to

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enact policies that are consistent with their vision of society.” Furthermore, “Because cultural conflicts are ends based conflicts over how individuals should live as a society, cultural conflicts tend to be framed in an absolutist, nonnegotiable manner.”

In analyzing congressional voting behavior, the author classifies religious groups into such categories as “fundamentalists and nontraditional conservatives (which include Christian Scientists, Adventists and Mormons), Mainline Protestants, liberal Protestants and black Protestants, as well as Catholics and Jews. This classification works reasonably well, though there are some conservatives within the mainline ranks. The author also measured the effect of the religious orientation of the congressional district.

Oldmixon argues that “Partisanship, ideology and religion define culture. Religion is most important. Religion appears to structure attitudes across an array of issues including issues of sexual morality.” The two major parties are poles apart. “Over the years, Democrats and Republicans had moved further and further apart on cultural issues, with Democrats embracing progressive sexuality and Republicans embracing religious traditionalism. . . . The cleavage between religious traditionalism and progressive sexuality will endure” and “Congress will continue to be a venue for cultural conflict.”

This is a good study of how religion “informs decision making” along with “other cultural phenomena, party and ideology”. An extensive bibliography adds to the book’s overall strength. The author writes well and uses interesting terminology.

— Al Menendez

A Church in Search of Itself: Benedict XVI and the Battle for the Future, by Robert Blair Kaiser, Alfred A. Knopf, 261 pp., \$25.95.

This overview of the papacy today, by a veteran reporter (*New York Times*, *Time*, *Newsweek*) is well worth reading. Kaiser, who favors democratic reform at all levels in the church, suggests that present ecclesiastical leadership is losing touch with its members. Electing Cardinal Ratzinger last year was a rejection of change. “Ratzinger had made his case for continuity, and like the board members of any major international conglomerate, the cardinals voted for a CEO who would give them that continuity.” Kaiser, who covered the conclave for *Newsweek* with the same thoroughness with which he covered the Second Vatican council for *Time* four decades earlier, reveals that Ratzinger was so confident of victory that he “outlined his acceptance speech four days before he was elected.” He was also a “cunning politician,” telling Italian television that he had no intention of reforming the Curia, the Vatican’s

The Founders’ idea of a secular state with neutrality toward religion emerged out of the need to keep warring religious factions in check. It envisions a place where everyone is free to bring their ideas and distinct identities to the table.

— W. Cole Durham Jr., professor of law at Brigham Young University Law School, quoted in *The Christian Science Monitor*, January 18, 2006.

tightly-run bureaucracy. He knew, of course, that 25% of the voting cardinals were part of the Curia.

While Benedict XVI will probably try not to rock the boat, this stand-pat strategy will ultimately fail. “Many Church liberals grumble when they hear the pope identify himself as a fundamentalist, but they will not leave the Church. They will pay as little attention to Benedict XVI as they did to John Paul II. They will stay and battle for a people’s church, not because they enjoy fighting with Catholics who prefer a clerical Church but because they think it is the only way they can live honorably in a reasonable world. Many of them realize that history and numbers are on their side, and that it is only a matter of time before they win the struggle.”

— Al Menendez

Bushopedia, by Bill Potts, Potts Publishing, 2006, 333 pp., \$22.95 (may be ordered from ARL, Box 6656, Silver Spring, MD 20916).

Americans for Religious Liberty member Bill Potts has produced an up-to-date (literally), meticulously and thoroughly researched (over 240 entries and 760 footnotes), beautifully written who’s who, what’s what, how and why of the George W. Bush administration, at once as amusing as a Bush malapropism and as serious as a cancer diagnosis. He covers the church-state issues of concern to readers of this journal. This is must reading for the majority of Americans who believe that the country is headed in the wrong direction.

Veteran White House correspondent Helen Thomas writes, “*Bushopedia* says it all when it comes to the follies of the Bush administration and its conservative cohorts leading to the present American tragedy.”

Autor Jim Hightower says that “Bill Potts’ *Bushopedia* will make you laugh, cry, scream, throw up, get mad, and try to do something about the worst administration in U.S. history. It’s my kind of book.”

— Edd Doerr