



# VOICE OF REASON

The Journal of Americans for Religious Liberty

2007, No. 2 [99]

## Court Upholds Abortion Ban

In a stunning though not unexpected decision, the U.S. Supreme Court upheld the Congressional ban on a specific late-term abortion procedure dubbed “partial-birth” abortion. The April 18 ruling in *Gonzales v. Carhart* and *Gonzales v. Planned Parenthood* was by a 5-4 margin. This represents the first time the Supreme Court has allowed any restrictions on abortion since striking down all state restrictions in *Roe v. Wade* more than three decades ago.

The Court ruling, written by Justice Anthony Kennedy, is a departure from recent precedent in a number of key areas. For one thing, the Court upheld a restriction that did not include an exception for the health of the woman seeking an abortion. In its previous ruling (*Stenberg v. Carhart*) on the same issue in 2000, the Court reiterated that such exceptions must be included. This could represent a weakening of that protection, though the majority did not repeal the “undue burden” caveat enunciated by former Justice Sandra Day O’Connor in previous rulings. The Court also seemed to accept the assertion by a Congressional majority that the late-term abortion procedure was “never medically necessary,” which runs counter to considerable medical expert testimony. Kennedy softened that reversal by denying that the majority “uncritically” deferred to Congress. “We do not in the circumstances here place dispositive weight on Congress’ findings,” he wrote. However, the effect of this ruling suggests a contrary interpretation. Kennedy went to considerable length to justify this aspect of the ruling. He said there was “medical disagreement whether the Act’s prohibition would ever impose significant health risks on women.”

He added, “The Court has given state and federal legislatures wide discretion to pass legislation in areas where there is medical and scientific

uncertainty. ...When Congress undertakes to act in areas fraught with medical and scientific uncertainties, legislative options must be especially broad.”

Another departure from precedent came in the majority’s adoption of a viewpoint argued by some religious and legal conservatives that abortions traumatize and depress women. Kennedy wrote, “While we find no reliable data to measure the phenomenon, it seems unexceptionable to conclude some women come to regret their choice to abort the infant life they once created and sustained. ...Severe depression and loss of esteem can follow.” There is no scientific, medical or statistical proof to verify these assertions. Indeed, President Reagan’s Surgeon General, C. Everett Koop, rejected these claims two decades ago. Maro Robbins, a reporter for the *San Antonio Express-News* attributed these findings to a little-known group of conservative lawyers based in San Antonio called the Justice Foundation. It was created in 1993 by school voucher advocate James Leininger. Robbins pointed out that, “Out of more than 50 briefs filed by interested parties on both sides of the dispute, the court’s majority opinion in *Gonzales v. Carhart* cited only one by name,” the brief filed by the Justice Foundation. Yale Law School professor Jack Balkin told Robbins, “The new rhetoric of pro-life forces is no longer just rhetoric. It’s now part of Supreme Court doctrine. That is the big news about *Gonzales v. Carhart*.”

Justice Ruth Bader Ginsburg, writing for three other colleagues, issued a blistering dissent, all the more so by reading it orally on the day the decision was issued. She called the ruling “an alarming decision” that “refuses to take seriously” previous rulings such as *Planned Parenthood v. Casey* (1992) and *Stenberg v. Carhart* (2000). She said the underlying reason for the reversal was the change in personnel on the Court.

Long-time Court watcher Lyle Denniston explained Ginsburg’s dissent, “Ginsburg, in a lengthy statement, said ‘the Court’s opinion tolerates, indeed applauds, federal intervention to ban nationwide a procedure found necessary and proper in certain cases by the American College of Obstetricians and Gynecologists. For the first time since *Roe*, the Court blesses a prohibition with no exception protecting a woman’s health.’ She said the federal ban ‘and the Court’s defense of it cannot be understood as anything other than an effort to chip away at a right declared again and again by this Court—and with increasing comprehension of its centrality to women’s lives. A decision of the character the Court makes today should not have staying power. ...In the course of her dissenting opinion, Ginsburg accused the majority of offering ‘flimsy and transparent justifications’ for upholding the ban. She also denounced the Kennedy opinion for its use of ‘unborn child’ to describe a fetus, and ‘preferences’ based on ‘mere convenience’ to describe the medical judgments of trained doctors. She also commented: ‘Ultimately, the Court admits that “moral concerns” are at work, concerns that could yield prohibitions on any abortion.’”

Echoing Ginsburg’s concern about the incremental loss of abortion rights was Richard Hasen, a professor at Loyola Law School in Los Angeles, who told the *Washington Post*: “This court can weaken or even

*continued on page 5*

### Inside:

|  |    |
|--|----|
| <i>Editorial: The Religious Right</i> .....              | 2  |
| Presidential Candidates on Church and State .....        | 3  |
| Religion Shapes Hispanic Voting .....                    | 4  |
| Religious Bias at NIH .....                              | 5  |
| Elite Religions Dominate Presidential Appointments ..... | 6  |
| <b>Regular Features</b>                                  |    |
| The Voucher Watch .....                                  | 7  |
| Church and State in the Courts .....                     | 8  |
| ARL in Action .....                                      | 9  |
| Updates .....  | 10 |
| International Updates .....                              | 15 |
| By the Numbers .....                                     | 17 |
| Books and Culture .....                                  | 18 |

## The Religious Right: Neither Dead Nor Sleeping

From time to time we hear rumors that the Religious Right is dead, or no longer a threat to our constitutional order. Well, as Mark Twain and others have observed, reports of death are often premature. The Religious Right is alive and well but has chosen to concentrate its efforts at the state level.

It is true that the Democratic majority in Congress has slowed the Religious Right's momentum at the national level. The number of Religious Right-inspired bills that were introduced and often passed in the House during the previous dozen years (but fortunately stalled quite often in the Senate) are unlikely to make it out of committees to a full floor debate and vote. And the courts – some of them – continue to apply traditional First Amendment jurisprudence to halt some of the more egregious attempts to impose religiously divisive statutes on the body politic.

But the Religious Right is not dead. Make no mistake about it. Polls and religious membership data still show that a substantial segment of the population adheres to both religious and political conservatism. The movement's influence within the Republican Party has yet to be challenged, though the 2008 primaries could signal some decline.

It is important to remember that the "true believers" who constitute the bulk of the movement are not about to give up their zeal for a radical restructuring of American society and culture. They are convinced that their religious views, and their interpretation of the role of religion in public life, law and government, are the correct ones. They may be down at times but they are not out. Their immense media power has not diminished, and their use of modern technology remains undiminished. Tom Minnery, senior vice president of James Dobson's Focus on the Family Action, recently told his group, "If church people understand the issues, and become motivated to act on what they know, they will turn this country around. ... We will prevail eventually."

While it may be true, as some observers have noted, that the Religious Right has become more sophisticated, more willing to settle for incremental changes, and less willing to settle for grandstanding tactics

*"It may be premature to claim that the Religious Right organizations will fade away or that their target constituencies will withdraw from politics. Indeed, the existence of other religious voices may lead the Religious Right to step up its activism in the short run. The last 30 years have shown that religious conservatives are very resourceful and not easily discouraged in the face of opposition."*

— John C. Green, AlterNet.org, April 16, 2007

and overreaching tactical strategies, the movement itself remains a force to be reckoned with, particularly in state legislatures, the courts and the federal bureaucracy (as several articles in this issue reveal).

At least a dozen states face renewed efforts to pass voucher or tax credit bills to aid faith-based schools. The evolution/creation controversy continues to embroil legislators from Tennessee to New Mexico. Attempts to expand the funding of faith-based social services are moving forward in Missouri, Georgia and other states. Plans to restrict court oversight of government-sanctioned prayer and religious activities in public schools have been introduced in Virginia, Kentucky and Arizona. Restrictions on reproductive choice are being considered in several states.

It is absolutely essential that supporters of church-state separation, freedom of conscience and religious liberty redouble and rekindle their efforts to preserve a sane and rational – and free – country for themselves and, as the old saying goes, for their children and their children's children.

—Al Menendez

*Voice of Reason* is the quarterly journal of Americans for Religious Liberty, PO Box 6656, Silver Spring, MD 20916 (telephone 301-260-2988; fax 301-260-2989); e-mail: arlinc@verizon.net; website: www.arlinc.org). The journal is sent to all contributors to ARL.

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

Americans for Religious Liberty is a nonprofit public interest educational 501(c)(3) organization dedicated to preserving the American tradition of religious, intellectual, and personal freedom in a secular democratic state. Membership is open to all who share its purposes. Annual dues are \$25 for individuals, \$35 for families, \$15 for students and limited income. Our IRS ID number is 36-3118921.

**Board of Directors:** Burton Caine, *Chair*; Herb Blinder; Louise Gallun; Joanne Goldsmith; William R. Murry; Susan Nogan; John Nugent; Michael Prival.

**National Advisory Board:** M. David Alexander; Francisco Ayala; Rev. Charles Bergstrom; Walter Breuggeman; Rev. John Buehrens; Bette Chambers; Bob Chase; Joseph Chuman; Rev. Forrest Church; Dr Catherine Cohen; Denise Davidoff; Norman Dorsen; Niles Eldredge; Edward L. Ericson; Joseph Fahey; Rev. Carl Flemister; Keith Geiger; Laurie Godfrey; Morris Goodman; Rev. Donald S. Harrington; Frances Kissling; Paul Kurtz; Rev. James Lawson; Rev. Barry Lynn; James T. McCollum; Rev. Jack Mendelsohn; Rev. O. Eugene Pickett; Alan Powell; Howard Rade; Rosemary Ruether; Rev. William F. Schulz; Eugenie Scott; Lynn Silverberg-Master; Rev Bruce Southworth; Rev. A. Knighton Stanley; Nadine Strossen; Philippa Strum; Ruti Teitel; Sister Margaret Traxler; Rev. David D. Van Strien; Edward O. Wilson; Rabbi Sherwin T. Wine; Walter Wink.

Edd Doerr, *President*  
Albert J. Menendez, *Research Director*

---

# The Presidential Candidates on Church and State

While there are eighteen announced candidates vying for their parties' nomination for president, six have emerged as the front-runners as of this writing.

For the Democrats: Senator Hillary Clinton of New York, Senator Barack Obama of Illinois and former Senator and 2004 Vice-Presidential nominee John Edwards of North Carolina lead in the polls and in fund raising. All three have a psychological hurdle to overcome: the last President to be elected directly from the Senate was John F. Kennedy in 1960.

For the Republicans: Senator John McCain of Arizona, former Governor Mitt Romney of Massachusetts, and former New York City Mayor Rudolph Giuliani are the leaders, though former House Speaker Newt Gingrich of Georgia and former Tennessee Senator Fred Thompson are waiting in the wings.

The positions of these six candidates on church-state issues are pretty well defined by their records and public statements. Here is a summary of their stands:

## Abortion Rights

All three Democrats and Giuliani are pro choice, though Giuliani may be forced to modify or downplay his views to appeal to the anti-choice base of the GOP.

Hillary Clinton supports abortion rights but has called abortion a "tragedy" and favors reducing the incidence of abortion through expanded access to sex education and birth control. She has praised religious groups that promote abstinence but supports comprehensive sex education. She says she is seeking "an opportunity for people of good faith to find common ground in this debate." John Edwards favors additional funding for family planning and is firmly pro-choice, winning the support of abortion rights advocate Kate Michelman. Barack Obama is pro-choice. As a member of the Illinois State Senate, he opposed a ban on late-term abortions because it did not contain a protection for the life of the mother, a view roughly akin to that of former President Bill Clinton, who vetoed a Congressional ban for the same reason.

John McCain supports overturning *Roe v. Wade* and has cast a number of anti-choice votes during his 20 years in the Senate, including an attempted override of Clinton's 1996 veto of a bill barring "partial birth" abortion. Mitt Romney supported abortion rights during his 1994 Senate race against Ted Kennedy and during his successful bid for the Massachusetts governorship in 2002, but he now says he has undergone a Ronald Reagan-like conversion to the anti-choice position. As governor, however, he did nothing to discourage abortion. He now favors banning the procedure except for cases of rape, incest, or to save the woman's life. Rudolph Giuliani said he "hated" abortion during a February 2007 interview, but added, "I believe in a woman's right to choose." As mayor of the Big Apple, he supported public funding of abortions and opposed a ban on late-term abortions. He initially opposed abortion rights during his 1989 campaign for mayor, which he lost, but became pro-choice before his successful 1993 race.

## School Vouchers

Clinton opposes vouchers, saying they could divide communities along religious and other lines. Edwards agrees, saying vouchers "would divert resources and energy from reform and divert students into the

only schools that don't have to meet high standards." Obama said vouchers and tax credits undermine efforts to improve public education.

Romney favors vouchers for poor students who wish to attend private, including faith-based, schools. Giuliani supported a school voucher program when he was mayor. McCain supports vouchers.

## Gay Rights

The issues of same-sex marriage, civil unions and partnerships, and discrimination in hiring based on sexual orientation have increasingly divided Democrats from Republicans. All three Democratic candidates say they oppose legal recognition of same-sex marriage but favor civil unions. Clinton opposed amending the Constitution to ban same-sex marriage in a U.S. Senate vote. Edwards has endorsed civil unions and partnership benefits for partners. Obama also opposed the proposed Constitutional ban on gay marriage and prefers a civil union approach.

Giuliani opposes an amendment banning gay marriage and signed legislation as mayor that recognized domestic partnerships. In general, he is the most pro-gay rights candidate in the GOP ranks. Romney endorsed gay rights in his 1994 challenge to Sen. Ted Kennedy, even claiming that he could do more for the gay community than Kennedy. But as governor he denounced the Supreme Judicial Court's decision to legalize same-sex marriage and engineered a future referendum on the issue just before leaving office. He supports a federal Constitutional ban, though he once endorsed civil unions and said the issue should be decided by the states. He is considered the most anti-gay rights of the major candidates in either party. John McCain also takes a states-rights approach to the issue. He voted against the federal Constitutional ban but supported an Arizona ballot initiative in 2006, which failed. (Arizona remains the only state to reject a ban on same-sex marriage.) In 1996 he supported the Defense of Marriage Act, which banned federal recognition of gay marriage and domestic partnerships. President Clinton signed this. On September 10, 1996, McCain cast the deciding vote against a bill prohibiting job discrimination based on sexual orientation. (S.2056 failed on a 50-49 vote).

## Faith-Based Initiatives

All three Democrats endorse faith-based initiatives in the social welfare realm, though all have called for non-discrimination in hiring practices and in the delivery of services to recipients. Clinton said, "There is no contradiction between support for faith-based initiatives and upholding our constitutional principles." Edwards said disadvantaged Americans could not survive in many areas without "the existence of good, effective faith-based organizations." Obama said there is room for faith-based approaches to social problems. "One can envision certain faith-based programs – targeting ex-offenders or substance abusers – that offer a uniquely powerful way of solving problems."

McCain supported the Bush administration's approach, which downplayed nondiscrimination requirements. He supported moves to make it easier for religious groups to apply for federal funds. Romney created a state-level faith-based office as governor, but said they must not engage in religious activities. Giuliani has enunciated no position on the issue at present.



*continued on page 6*

# Religion Shapes Hispanic Voting

Religious affiliation is a major factor shaping voting behavior and political attitudes in the large and growing Hispanic/Latino community, according to a new national survey. The Pew Research Center contacted a nationally representative sample of 4,016 Hispanic adults between August and October 2006. The results indicate important political findings in America's largest minority, estimated at 40 million people.

Catholics and Protestants differ greatly in political party affiliation. Catholic Latinos favor Democrats by three to one but Evangelical Latinos lean to the Republicans by five percentage points, a massive gap in communities that have similar socioeconomic characteristics.

Another important finding: Two-thirds of Hispanics say their religious beliefs are an important influence on their political thinking (86% of Evangelicals and 66% of Catholics agree). The report, "Changing Faiths: Latinos and the Transformation of American Religion," adds, "Frequency of attendance at religious services is especially significant on this question. By often large margins, and regardless of religious tradition, those who attend religious services at least once a week are more likely to say that their religious beliefs are a very important influence on their political thinking, compared with those who attend church less frequently. Among evangelicals, for example, 68% of weekly churchgoers feel this way, compared with 47% among those who attend less often. The difference is about as large among Catholics (49% vs. 26%). Among mainline Protestants the difference is 54% for weekly churchgoers versus 29% for those who attend less often."

Latinos also say they want "more expressions of religious faith by political leaders" by a two to one margin over those who say there has been too much of it. Evangelicals favor more expression by four to one. A majority (56%) favor churches "expressing their views on day-to-day social and political matters." (Evangelicals endorse this view 65% to 29%).

Most Hispanics, including evangelicals, lean to the liberal side of economic and foreign policy issues, though evangelicals are much more pro-Israel (possibly because of their "end-times" theology, which places Israel at center stage in the unfolding of world events that relate to the end of history). Both groups are opposed to the death penalty, and "frequent church attendance is associated with higher levels of opposition to the death penalty" among both Catholics and Evangelicals.

On the "social issues" of gay marriage and abortion, both groups are somewhat conservative: 56% oppose gay marriage and 57% say abortion "should be illegal in most or all cases." Interestingly, "Latino

evangelicals are more than 20 percentage points more likely than Catholics to say that abortion should be illegal in most or all circumstances." Also, "The segments of the population that tend to be the most conservative on these social issues are the most recently arrived immigrants and those for whom Spanish is the dominant language." Neither group has made either issue a dominant one in their party preferences or voting for president, however.

Overall, 68% of Hispanics are Catholic, 15% are Evangelical, 8% are secular or nonaffiliated, 5% are "mainline" or non-evangelical Protestants, and 3% are "other Christians" (mainly Jehovah's Witnesses or Mormons). Half of the Evangelical community are converts, mostly from Catholicism, which is why the Catholic percentage, while still high, is much lower than it was a quarter century ago.

The Evangelical converts from Catholicism seem to have adopted their new religion's political predilection since Republicans outnumber Democrats 35% to 33%, with the rest being Independents or indifferent to politics.

Members of the "secular" group are also largely converts, having rejected both the Catholic and Protestant churches of their youth. They are somewhat better educated than all Hispanics, largely male and young, and are more liberal on social issues. In politics they are divided between Democrats and Independents, with only 8% choosing the Republicans.

The mainline Protestants are wealthier than other subgroups, are more likely to speak English, to have been born in the United States, and are less likely to attend church regularly (all characteristics similar to white mainliners). The Jehovah's Witnesses and Mormons are marginalized, poor, and indifferent to politics.

The Catholics and Evangelicals are culturally similar, though Evangelicals have a slightly higher socioeconomic profile. Both groups have substantial disadvantaged populations in terms of income, education, health care and job opportunities.

There are also some sharp differences in politics, policy positions and religious affiliation by country of origin and length of residence in the United States. Puerto Ricans are the least Catholic (49% to 36% Protestant) but are the most Democratic and liberal. Mexicans and South Americans are the most Catholic and are solidly Democratic. Cubans are three to one Catholic over Protestant, but include 14% seculars in their ranks. Cubans are the most conservative on gay marriage, and the only Republican-leaning group, but are the most liberal on abortion.

While Catholic identifiers are 68% of all Latinos, they are only 58% of the native-born, compared to 74% of foreign-born residents. All other groups seem to gain membership among the native-born, which suggests further Catholic decline.

The majority of Hispanics share three characteristics: Most believe the Bible is the inerrant word of God (especially Evangelicals but even 47% of Catholics), not just an "inspired" document, and a majority in both communities believe the world as we know it will end during their lifetimes. A majority (even 54% of Catholics) call themselves "charismatics" and are influenced by the "renewalist" movement that has made Christendom in the Southern Hemisphere far more conservative than in the developed, industrial nations of the West (North America and Europe, primarily). (The split in the Anglican Communion between conservative Africa and liberal U.S./Canada is another example).

Hispanic voters are likely to remain more Democratic and moderately liberal in the near future, but these internal trends could produce changes in voting behavior some years from now. ■

## Need a Speaker?

Americans for Religious Liberty can provide expert speakers for:

Conferences • Meetings • Debates • Universities  
Churches • Synagogues • Radio and TV talk shows  
Student Groups • Etc.

Write or phone: Americans for Religious Liberty  
PO Box 6656  
Silver Spring, MD 20916  
(301) 260-2988

undermine precedent without overruling it, or at least overruling it explicitly.”

The selection of Justice Kennedy to write the ruling led to much speculation, since he has favored abortion rights in some previous cases. Some speculated that it was a desire to provide cover for the four hardliners, or it may have represented a desire by the consensus-minded Chief Justice to tone down the ruling and make it more narrowly applicable to a specific procedure.

Both sides of the abortion law controversy are gearing up for political action in the 2008 elections. All leading Democratic presidential candidates criticized the ruling and all the Republicans except Giuliani hailed it. Giuliani told an audience just before the ruling that he hoped “our party could get beyond issues like this,” but during the first GOP presidential debate at the Reagan Library on May 3, he reiterated that he “hates” abortion and opposes public funding for it.

Anti-choice legislators are pushing for additional restrictions in North Dakota, Georgia, Missouri, Texas, South Carolina and Alabama. Mississippi has already moved to ban all abortions if *Roe v. Wade* is overturned. But in Oklahoma, Democratic Gov. Brad Henry vetoed legislation on April 19 that would have banned state facilities from performing abortions except in cases where the life of the woman was gravely at risk. Other health exceptions as well as rape and incest were not protected. Wyoming Democratic Gov. Dave Freudenthal also vetoed an anti-abortion bill in March. New York Gov. Eliot Spitzer plans to introduce legislation shoring up the right to choose in the Empire State.

Finally, the Supreme Court has already ordered a review of previous appeals court rulings striking down state bans on “partial birth” abortion in Virginia and Missouri. It is likely, though not certain, that these bans will be reinstated. ■

## Religious Bias at NIH

The Equal Employment Opportunity Commission (EEOC) ruled that the firing of a Jesuit chaplain at the National Institutes of Health (NIH) was religious discrimination. It ordered his reinstatement in January. On February 23, the Merit Systems Protection Board, a federal agency, supported the EEOC decision. Rev. Henry Heffernan was fired in 2004 by Ray Fitzgerald, who frequently expressed anti-Catholic attitudes and called all priests pedophiles. Testimony from staff indicated that Fitzgerald had vowed “never to hire a Roman Catholic priest again.” Heffernan was supported by a Jewish chaplain, Rabbi Reeve Brenner, who was also suspended and is seeking reinstatement. Rabbi Brenner has filed a complaint with the Merit Board, charging that he was fired as retribution for his testimony on behalf of Father Heffernan.

Apparently, there was widespread discrimination at NIH against chaplains who are not Protestant. A Greek Orthodox lay minister, Edar Rogler, was also fired after she testified that NIH’s head of the Spiritual Ministry Department, Rev. Ray Fitzgerald, a Methodist minister, made frequent anti-Catholic and anti-Semitic statements. Rogler filed suit in March against the federal Department of Health and Human Services (HHS), the parent agency for NIH, in federal court in Maryland. Rogler alleges that Fitzgerald called all Catholic clergy “pedophiles” and labeled Rabbi Brenner “a butthead Jew” and “the crass Jew.”

Corroboration of bigotry also came from Rev. Gary Johnston, who worked at NIH for 18 years before becoming a Protestant military chaplain. Johnston told the *Washington Post* that he considered Fitzgerald “very anti-Catholic and anti-Semitic.” Father Heffernan worked at NIH from 1994 until 2004. The *Post* found a pattern of frequent turnovers

*continued on page 7*

### “Denying the Right to Choose”

“Among the major flaws in yesterday’s Supreme Court decision giving the federal government power to limit a woman’s right to make decisions about her health was its fundamental dishonesty.

“Under the modest-sounding guise of following existing precedent, the majority opinion – written by Justice Anthony Kennedy and joined by Chief Justice John Roberts and Justices Clarence Thomas, Antonin Scalia and Samuel Alito – gutted a host of thoughtful lower federal court rulings, not to mention past Supreme Court rulings.

“It severely eroded the constitutional respect and protection accorded to women and the personal decisions they make about pregnancy and childbirth. The justices went so far as to eviscerate the crucial requirement, which dates to the 1973 ruling in *Roe v. Wade*, that all abortion regulations must have an exception to protect a woman’s health.

“...For anti-abortion activists, this case has never been about just one controversial procedure. They have correctly seen it as a wedge that could ultimately be used to undermine and perhaps eliminate abortion rights eventually. The court has handed the Bush administration and other opponents of women’s reproductive rights the big political victory they were hoping to get from the conservative judges Mr. Bush has added to the bench. It comes at a real cost to the court’s credibility, its integrity and the rule of law.”

*The New York Times*, April 19, 2007

### “A Shift on Abortions”

“With the departure of Justice Sandra Day O’Connor and the arrival of Chief Justice John G. Roberts Jr. and Justice Samuel A. Alito Jr., this is clearly a different court, one far more willing to uphold abortion restrictions and to give great weight to ‘moral concerns,’ if still short of the necessary votes to overturn *Roe*. The willingness of the two new justices to stray so far from the court’s previous rulings is disappointing and ominous.”

*The Washington Post*, April 19, 2007

### Church, State and JFK

John Yoo’s slam at critics of the Supreme Court’s April 20 abortion rights ruling in *Gonzales v. Carhart* (“Silly or sad,” Culture, etc, May 2) was way off target. John F. Kennedy was right in 1960 in saying that “I do not speak for my church on public matters,” but the five rather unrepresentative Catholics on the Court who put their church’s official position ahead of legal precedent, ahead of informed medical opinion, and ahead of the rights, health and dignity of women, veered 180 degrees away from JFK’s sincere respect for freedom of conscience and church-state separation. Their behavior was inexcusable.

Edd Doerr, *Washington Times*, May 5, 2007

**Stem Cell Research**

All the major candidates favor stem cell research except Governor Romney. Senators Clinton, Obama and McCain have voted for it in Congress. At the first GOP debate on May 4, Romney said he is opposed to embryonic stem cell research. (The second-tier GOP candidates are also against stem cell research, and three of them – Brownback, Tancredo and Huckabee – said they did not believe in evolution, either.)

**Symbols, Etc.**

Both Clinton and Obama have hired operatives to go after the religious vote, refusing to concede it to the Republicans. McCain spoke to a Discovery Institute event in February this year, saying that Darwinian evolution is “valid,” but that students should be “exposed to every point of view.” Both Romney and McCain favor retaining the phrase “under God” in the pledge of allegiance. McCain supported a constitutional amendment to ban flag-burning in a December 12, 1995 roll call vote.

All six are affiliated with a religious group: Methodist (Clinton, Edwards); Catholic (Giuliani); United Church of Christ (Obama); Epis-

copalian (McCain); and Mormon (Romney). Some are more active in church activities than others, and several are married to spouses who attend a different church, much like the rest of America. ■

| <b>In a Nutshell</b> |                         |  |                 |                                |                           |
|----------------------|-------------------------|--|-----------------|--------------------------------|---------------------------|
| <i>Democrats</i>     | <i>Abortion Rights</i>  | <i>Gay Rights</i>  | <i>Vouchers</i> | <i>Faith-Based Initiatives</i> | <i>Stem Cell Research</i> |
| Clinton              | For                     | For civil unions   | Opposed         | For                            | For                       |
| Edwards              | For                     | For civil unions   | Opposed         | For                            | For                       |
| Obama                | For                     | For civil unions   | Opposed         | For                            | For                       |
| <i>Republicans</i>   |                         |  |                 |                                |                           |
| Giuliani             | For                     | For domestic partnerships                                  | For             | No position                    | For                       |
| McCain               | Against                 | Against federal ban  | For             | For                            | For                       |
| Romney               | Now Against<br>Once For | Once for civil unions,<br>Now opposed to legal recognition | For             | For                            | Against                   |

## Elite Religions Dominate Presidential Appointments

A study of presidential appointments to the Cabinet and Supreme Court, spanning more than 200 years (1789-2003), concludes that the “Protestant Establishment” churches have had and continue to have “disproportionate access to public office relative to their numbers in the total population.” These groups are Anglicans (Episcopalians), Presbyterians, and Congregationalists (United Church of Christ). “Other Colonial Elites” (Quakers, Unitarian Universalists) also do well in appointments. “Other Protestants,” primarily Baptists and Methodists, have fared better in recent decades and “Others,” which include Catholics, Jews and the religiously nonaffiliated have improved their percentage of appointments since the Roosevelt New Deal. Before then, they “had virtually no access to public office.”

Though members of the Protestant Establishment “have been over-represented in cabinet posts throughout U.S. history,” their share is declining. “The Establishment declined from 61% of cabinet officers in 1789-1839 to 46% in 1840-1929 and 42% in 1930-2003.”

It also makes relatively little difference which religious tradition the president belongs to. In Supreme Court appointments, presidents who were Quaker, Catholic or Unitarian appointed a higher percentage of Protestant Establishment (PE) justices than PE presidents did. The case was true for Cabinet appointments. Methodist and Baptist presidents were a little less likely to appoint members of PE churches than other presidents. This overall preference for the PE is meaningful. “The tendency for presidents from all religious strata (especially the PE) to appoint members of the Establishment to cabinet posts and the Supreme Court has perpetuated religious stratification.”

| <b>Religion and Presidential Appointments, 1789-2003</b> |                     |                        |                          |
|--|---------------------|------------------------|--------------------------|
| <i>Religious Group</i>                                   | <i>% Presidents</i> | <i>% Supreme Court</i> | <i>% Cabinet Offices</i> |
| Protestant Establishment                                 | 47                  | 50                     | 45                       |
| Other Colonial Elites                                    | 14                  | 9                      | 6                        |
| Other Protestants  | 30                  | 25                     | 27                       |
| Others   | 9                   | 17                     | 23                       |

Note: This chart is derived from data in the article cited.

The authors caution that religion is only one factor in the appointment process and may “simply be a correlate of other, more important considerations.” Wealth, family stature, and attendance at prestige universities may also have influenced presidential appointments, rendering religious affiliation less directly significant.

The findings of this ground-breaking study appeared in the *Journal for the Scientific Study of Religion* (2005) 44(4): 485-495. The authors are James D. Davidson, Rachel Kraus, and Scott Morrissey. ■

in the chaplaincy department at the vast Bethesda campus, which is noted for research and advanced medical care. Wrote *Post* reporter Jacqueline L. Salmon: "The former chaplains say that tensions have simmered in the department for years under Fitzgerald. The hospital, a clinical research center, employs about a half-dozen chaplains of various faiths, but in recent years turnover has been unusually high. At least seven have been ousted or have left voluntarily because they were unhappy with Fitzgerald's management style, said several former members of the department."

Another Jewish chaplain and doctor, Benjamin Rubin, told the *Post* that he had long complained about the hospital's shabby treatment of Jewish patients. ■

## Attention ARL Supporters

Would you prefer to receive ARL's *Voice of Reason* journal by email in PDF format? It would get the journal to you more quickly and would save ARL money.

Of course, those who prefer to continue to receive the journal in paper form through the Postal Service are free to do so.

If you would like to receive the journal by email, please send ARL your email address at arlinc@verizon.net, as well as your name and postal address.

Thank you,  
Edd Doerr, President



## The Voucher Watch

*Education Week* reported on March 28 that "More than half a dozen states are considering legislation to offer private school vouchers for students with disabilities." Four states, Arizona, Florida, Ohio and Utah, already have voucher programs aimed at students with "autism, disabilities or special needs." The vouchers range from \$3,000 in Arizona to \$20,000 in Ohio.

Seven state legislatures are considering proposals this spring: Georgia, Kentucky, Mississippi, Nevada, Oklahoma, South Carolina, and Texas. In Georgia a voucher act passed the senate in January and is now in the House, where a close vote is anticipated.

Opponents believe these proposals are part of a larger strategy of obtaining full scale vouchers, using the emotional pull of disabled pupils as a foot in the door approach. The recently enacted Utah "Special Needs Scholarship Program," which faces a probable court challenge, provoked this comment from Marc Egan, the director of federal affairs for the National School Boards Association, "The Utah program is enormously significant. It unmasked the whole push for vouchers. The end goal has always been full-scale private school vouchers for all kids." (A March poll by the *Deseret Morning News* found Utah voters opposed to the voucher plan by 55% to 39%.)

Pro-voucher forces are being coordinated by a Washington, DC-based association of conservative state legislators called the American Legislative Exchange Council, which even provides "model legislation on special-needs vouchers." NSBA's Egan labeled this "a political strategy on the part of the voucher supporters to go for these more targeted programs."

A federal voucher bill worth up to \$4,000 per student in "underperforming schools" was introduced in Congress in March by Rep. Howard McKeon (R-CA). President Bush supports the concept, though his plan for renewing the No Child Left Behind Act (NCLB) includes a similar proposal. McKeon is the top Republican on the House Education and Labor Committee. A senior Department of Education official unveiled the scheme at a March conference sponsored by the U.S. Conference of Catholic Bishops.

Meanwhile, Ohio's new governor, Ted Strickland, a Democrat and United Methodist minister, proposed ending the Buckeye State's expensive voucher program. In his March 14 State of the State address, he said, "Wastefulness and giveaways can no longer be tolerated. That's why my budget eliminates the EdChoice voucher program." ■

A group of concerned Utah residents called Utahns for Public Schools collected 124,218 valid signatures on petitions to force a referendum on the newly-signed legislation. This is far higher than the required 92,000 for a referendum. After certification by the lieutenant governor's office on April 30, the petitions were sent to Gov. John Huntsman, Jr., who will set a date for the referendum.

Utahns for Public Schools included the state PTA, the Utah Education Association (UEA) and the NAACP, among others. Pat Rusk, a former UEA president, told the *Deseret Morning News*, a Salt Lake City daily, on April 10, "This is an unprecedented outpouring of support for public education. When we began, the experts told us we would never be successful in an all-volunteer effort – sometimes experts are wrong." She added, "Many of us have worked for years to overcome the river of money from out-of-state ideologues intent on starting a voucher experiment in Utah. To us this makes no sense for Utah where 96% of Utah students attend public schools and 21 Utah counties have no private schools at all."

Voters will be asked to repeal HB148, which would not take effect until the issue is decided by voters. However, another voucher-type bill HB174 took effect on April 30 because it was approved by more than two thirds of both State House and Senate members.

The election date is November 6. Utah voters rejected vouchers in a 1988 referendum by 70% to 30%. ■

The *Marshall News Messenger* criticized a proposal in the Texas legislature to provide vouchers for private school attendance by children with autism. The February 15 editorial "Playing Politics with the Schoolchildren of Texas," said, in part, "...[T]hose who support public education cannot become complacent. Vouchers have the potential to do irreparable harm to the public schools in our state and we should pull out all the stops to see that this does not happen. ... This is the problem. Those who favor school vouchers don't care about fixing public education. They don't believe it can be fixed and their mission is to dismantle it piece-by-piece. Under their plan, this would happen slowly, so slowly it might not be noticed by the general public before it was too late."



## Church and State in the Courts

On February 28 the U.S. Supreme Court heard oral testimony in a case involving taxpayers who wish to challenge expenditures by the White House in support of faith-based initiatives, which last year topped \$2 billion. The case, *Hein v. Freedom From Religion Foundation Inc.*, No. 06-157, involves “standing,” which gives taxpayers the right to sue under certain conditions. The White House, through the solicitor general, claims that executive branch expenditures cannot be challenged, as can congressional appropriations. Linda Greenhouse, *The New York Times* legal correspondent, explained what the fuss is about. “Under the ordinary doctrine of ‘standing,’ which defines who may bring a suit, people who object to a government policy but who cannot claim a concrete injury from that policy have no right to sue. But in a 1968 decision, the court carved out an exception for religion cases. The case, *Flast v. Cohen*, gave taxpayers standing to challenge federal laws that authorized expenditures for purposes alleged to violate the First Amendment prohibition against the ‘establishment’ of religion.”

On March 19 the justices heard testimony in a free speech case, *Morse v. Frederick*, No. 06-278, that has religious implications. At issue is whether a student at a high school in Juneau, Alaska, was within his constitutional rights to unfurl a banner reading “Bong Hits 4 Jesus” even though the school’s principal objected.

An unusual coalition defending student speech has come from the American Civil Liberties Union, and such Religious Right groups as the Christian Legal Society, the Alliance Defense Fund, the Rutherford Institute and the American Center for Law and Justice. Defending the school are the Bush administration, the Juneau School Board, and the National School Boards Association. Former solicitor general Kenneth Starr was one of the attorneys arguing the government case at the High Court. The Bush administration’s brief asserted that student speech “may be banned if it is inconsistent with a school’s basic educational mission.”

Both cases are expected to be decided by the end of June.



On March 7 an Arizona judge dismissed a lawsuit challenging a new state law that creates a tax break for businesses that donate funds for private school tuition grants. The program was designed to help more

students attend private, mostly faith-based, schools. Judge Janet Barton of Maricopa County (Phoenix) Superior Court said she was obligated to follow a 1999 ruling by the Arizona Supreme Court that upheld a similar tax credit for individual donations to nonpublic schools. (A federal appeals court has yet to rule on a trial judge’s dismissal of a challenge to the individual tax-credit law.) Judge Barton said the business tax credit is “legally indistinguishable” from the one previously upheld. Attorneys for the plaintiffs, the Arizona School Boards Association and the ACLU, will appeal. About \$10 million was given to private schools under the tax credit scheme by businesses last year, and \$42 million came from the individual plan.



A federal court ruled on March 20 that the city of Starke, Florida, in rural Bradford County, violated the Constitution by placing, maintaining and illuminating a cross on top of a municipal water tower. U.S. District Court Judge John Moore held that the cross was “indistinguishable from the ubiquitous crosses found on any number of churches within the State of Florida and across the country symbolizing Christianity. The display of the Cross on the water tower has the unconstitutional effect of advancing, affirming, or otherwise validating Christianity... To the objective observer, the combination of the words ‘Starke’ and the Cross on the water tower clearly communicates the City’s endorsement of Christianity...”

The cross had been erected more than 30 years ago. A local resident, aided by the legal department of American Atheists brought suit.



On March 8, federal judge John Shabaz, in a ruling from the bench, said the University of Wisconsin could not deny a Catholic student group recognition because its admission policies clashed with university non-discrimination rules. However, the group, the UW-Madison Roman Catholic Foundation, must increase its student membership on the group’s board. University rules require that all recognized and funded student groups be controlled and run by students. The Alliance Defense Fund represented the students. *InsideHigherEd.com* commented on the ruling: “In a technical sense, a ruling by a federal judge Thursday [March 8] handed defeats to both the University of Wisconsin at Madison and to a Roman Catholic group seeking to receive support through student fees at the university. But the fault that the judge found with the Catholic group is one that it can fairly easily fix. On the key issue of legal philosophy, the judge’s ruling was very much what the religious students wanted: an order that the university not deny them recognition on the basis of Madison’s non-discrimination policy.”



On February 20 the Supreme Court declined to hear an appeal in a case involving which holiday symbols may be constitutionally displayed in the nation’s public schools. Both a federal district court and a panel of the U.S. Court of Appeals for the 2<sup>nd</sup> Circuit upheld the New York City school system’s policy of permitting Christmas trees and Santa Claus decorations, Menorahs and crescents but not Christmas nativity scenes,

### To Safeguard the Future

Religious liberty and church-state separation will never be completely secure. But you can help provide the means for their defense in the future in two ways.

Include a bequest to Americans for Religious Liberty in your Will, or include ARL as a beneficiary in a life insurance policy. Bequests and insurance proceeds to ARL are tax deductible.

Please contact us if you would like further information.

**Americans for Religious Liberty**  
PO Box 6656, Silver Spring, MD 20916  
Telephone: 301-260-2988, Fax 301-260-2089  
email: arlinc@verizon.net

or crèches, during the December holidays. The case, *Skoros v. City of New York* had dragged on since 2002. The Thomas More Law Center in Ann Arbor, Michigan, a Catholic Religious Right group, had sought an appeal claiming the decisions “conveyed the impermissible message of disapproval of Christianity.”



In February, the American Civil Liberties Union filed suit challenging Dixie County commissioners for violating the Constitution by erecting a Ten Commandments monument outside the courthouse. The six-ton granite monument faces government buildings in the tiny, rural northwest Florida county. The Liberty Counsel is defending the county.



A federal lawsuit was filed by Native American inmates at the Maine State Prison, alleging that their religious freedom was violated by lack of access to certain ceremonial events and appropriate music. The suit, filed in February, charges that Protestant and Catholic inmates receive preferential treatment in religious free exercise matters. The plaintiffs cited a 2005 federal court ruling in Nebraska that required prison authorities to accommodate the religious and cultural needs of Native American prisoners.



A government agency may issue tax-free bonds to help faith-based schools pay for capital improvements, the California Supreme Court ruled on March 5. The 4-3 decision held that constitutionality depends on “the substance of the education provided” rather than “the religious character” of the schools. However, the bonds can only be used to build facilities where secular subjects are taught along the same lines that the subjects are taught in public schools. Such a proviso may be difficult to police, say critics. The requirement that secular courses be taught in roughly the same way in all schools sends the financing proposals for faith-based schools back to the trial court, which must determine if their curricula are secular enough to qualify the schools for the bonds.

Maura Dolan, staff writer for the *Los Angeles Times* noted, “The ruling, which overturned two lower court decisions, opens the door for private religious schools to save millions of dollars in building new facilities. The schools that won the decision were Oaks Christian School in Westlake Village, California Baptist University in Riverside and Azusa Pacific University in Azusa, all Christian evangelical institutions that wanted to use tax-exempt bonds to pay for classrooms, dormitories, athletic facilities or dining halls.”

The dissenting justices were critical of the majority. Justice Ming Chin wrote that “the California Constitution simply does not permit a public entity to act as a fundraiser for schools of this nature.”

ACLU Southern California attorney Peter Eliasberg said the decision will force courts to examine curricula in religious schools and represents a general weakening of church-state separation. “It’s not good for religious institutions, and it’s also not good for citizens who don’t believe in financing a religious education,” Eliasberg said.



## ARL in Action

On March 12 ARL President Edd Doerr debated Karen Cross, political director of the National Right to Life Committee, at a seminar of the Panim el Panim program in Washington.

ARL joined with several dozen civil rights and educational organizations urging reauthorization of the Head Start program that retains critical civil rights provisions. The provisions in H.R. 1429 protect 213,000 teachers and 1,360,000 parent volunteers from employment discrimination based on religion in these federally-funded positions. These nondiscrimination requirements date to 1972. The Coalition Against Religious Discrimination, of which ARL is a member, expressed concern in an April 20 letter to Congress that a Motion to Recommit will contain instructions to roll back Head Start’s civil rights protections. The Coalition urged Congress to oppose this effort and to reauthorize the program with the nondiscrimination provisions intact.

Congress agreed with the Coalition’s position. On May 2 the House voted 222 to 195, almost completely along party lines, to reject a Republican motion to “recommit” and thus water-down H.R.1429. Only two Republicans (from Illinois and Connecticut) out of 193 voted to protect religious liberty, and only four Democrats (from Georgia, North Carolina and Tennessee) out of 224 voted to weaken religious civil rights.

The full 11-member U.S. Eighth Circuit Court of Appeals heard appeals on April 11 to a three-judge panel’s ruling last October that a South Dakota abortion law is unconstitutional. A South Dakota law requires doctors to tell women seeking abortions that the procedure would “terminate the life of a whole, separate, unique, living human being.” They must tell her that “by having an abortion, her existing relationship and her existing constitutional rights with regards to that relationship will be terminated.” Finally, they must say there is an increased risk of depression and suicide after abortion, for which there is no credible scientific or statistical evidence.

South Dakota authorities appealed to the full court. The law was passed in 2005 but was initially blocked by an injunction from federal district court Judge Karen Schreier, who held, “The South Dakota statute requires abortion doctors to enunciate the state’s viewpoint on an unsettled medical, philosophical, theological and scientific issue, that is, whether a fetus is a human being.”

The case is considered important nationally because several other states are considering similar legislation. “What we are fighting is the imposition of a state mandated non-science-based script read by a doctor to a patient in an attempt to intimidate the patient,” said Sarah Stoesz, the chief executive for Planned Parenthood in the three-state region of Minnesota, North Dakota and South Dakota.



On April 24, the full 5<sup>th</sup> U.S. Circuit Court of Appeals ruled that the legal controversy over a Bible display at the Harris County (Houston), Texas, courthouse is ended because county officials removed the religious display. The vote was 11-5, and it left in place a lower court ruling that a replica of an open Bible, erected in 1956, represented governmental endorsement of religion in violation of the First Amendment. The case, *Staley v. Harris County*, originated in 2004. A three-judge panel of the 5<sup>th</sup> Circuit ruled the display unconstitutional in 2006. ■

# Updates

## Stem Cell Research Wins New Victories

A California appeals court ruled on February 26 that the state's stem cell research program, approved by 59% of the voters in 2004, is legal. Opponents had charged that the law violated state spending rules. The opposition consisted of an anti-abortion group called the Life Legal Defense Foundation, as well as the California Family Bioethics Council, affiliated with James Dobson's Focus on the Family, and two anti-tax groups. Uncertainty over the program's legality had made it impossible to issue any of the \$3 billion in bonds set aside to pay for research.

The court ruling was so unequivocal that observers thought the California Supreme Court would probably not agree to hear an appeal. The court said the program "suffers from no constitutional or other legal infirmity," and "interfered with implementation for more than two years."

Earlier in the month the state awarded \$45 million in grants to 20 institutions for research in the field. Gov. Arnold Schwarzenegger, a supporter of the Stem Cell Research and Cures Act, arranged for a state loan to move the program forward. "We can't afford to wait when it comes to advancing a life-saving science," he said.

In Illinois the State Senate approved state funding for embryonic stem cell research on February 23. The bill goes to the House where, if passed, it will soon become law since Gov. Rod Blagojevich supports it.

## Presbyterian Theologian Defends Secular State

The dean of Austin Presbyterian Theological Seminary, Michael Jenkins, wrote in the *Austin American Statesman* (April 6, 2007) that "a secular common ground is the best way to preserve religious freedom and the free exercise of religious values." Jenkins rejected calls to infuse American education and public life with any group's religious values. He concluded, "The United States, through the genius of its Constitution, has established just such a neutral public space for us to reason together, a space belonging to all of us because it belongs exclusively to none of us, a secular space where we can reverence God as we choose and respect one another as we must if we are to live in peace.

"Whether we are Muslims, Jews, Christians, Hindus, Buddhists, of another faith or none at all, our Constitution preserves a space where we can live together and negotiate our differences in freedom and in peace.

"The answer to our society's persistent anxieties over values, religious and otherwise, is not to establish Christian madrassas where our children, in the name of the state, are indoctrinated in sectarian religious ideas.

"Any democratic society, any society that not only says it values freedom, but actually works to promote freedom, must maintain the

### Sample Copy

We will be happy to send a sample issue of this newsletter to people you consider likely subscribers. Please send names and addresses to Americans for Religious Liberty, PO Box 6656, Silver Spring, MD 20916, or email to arlinc@verizon.net. They can obtain a subscription form at [www.arlinc.org](http://www.arlinc.org).

secular structures that allow people to practice their faiths, articulate their ideas and live their values according to the dictates of their conscience, without the intrusion or oversight of the state.

"It is not enough to admire the artifacts of freedom. If we care about religious values, we must preserve the secular common ground in which our values are freely forged, refined, disputed and lived."

## Catholic Schools Face New Challenges

The nation's largest private school system, maintained by the Catholic Church, is declining under the onslaught of new challenges, according to an article by Peter Meyer in the spring 2007 issue of *Education Next*, a journal published by the pro-voucher Hoover Institution at Stanford University.

Meyer writes that "dramatic changes in the composition of teaching staff as well as competition from public charter schools have contributed to enrollment declines and rising tuition costs in Catholic schools." The average tuition is \$2,607 at Catholic elementary schools and \$4,268 at secondary schools.

He adds, "Although still a bargain by private school standards, Catholic schools must compete with 'free,' public charter schools. Charter schools, which now enroll more than one million students and constitute a growing presence in many cities, have drawn students from Catholic schools as well as from traditional public schools."

Meyer cites data from the National Catholic Educational Association showing an 11% decline in total Catholic school enrollment between 2000 and 2006. Nearly half of the exodus (136,000 students out of a total decline of 290,000) came in a dozen large urban dioceses from Boston to Los Angeles to Miami.

Observers think Catholic educational lobbyists will renew their efforts to obtain federal vouchers to keep their shrinking system afloat. Meyer seems to agree. "Just as the charter movement offers private schools more competition, so the voucher movement levels the playing field for them. As the largest private school system in the country, Catholic schools are most dramatically affected by these changes."

## Bush Promises Aid to Catholic Schools

President George Bush told attendees at the National Catholic Prayer Breakfast on April 13 that he will try to prevent inner-city Catholic schools from closing. He announced plans to include funds for "scholarships" to faith-based schools for students in "low-performing" public schools as part of the reauthorization of the No Child Left Behind Act. The Catholic Prayer Breakfast, which was established in 2004, attracted Supreme Court Chief Justice John Roberts, Associate Justice Samuel Alito, and the Holy See's nuncio (ambassador) to the United States, Pietro Sambi.

## Busing Law Approved in Virginia

A new state law, taking effect July 1, will allow local school boards to decide whether to allow students from private, including faith-based, schools to ride on public school buses. The "share the ride" measure narrowly passed the legislature this year after failing to win approval for nearly two decades. Introduced by Delegate Mark Cole, a Republican from Spotsylvania County, it was vigorously supported by the Virginia Catholic Conference. The law is permissive, not mandatory, and many counties are likely to ignore it. Nationally, 20 states mandate school busing for nonpublic school students, and seven states (now eight) allow local school districts to provide transportation to nonpublic schools.

The Virginia School Boards Association lobbied against the measure and is urging boards to reject the option. National school board leaders also opposed the Virginia law. "In general, we oppose subsidizing private school tuition and expenses with public tax dollars; this is consistent with that," said Mark Egan, director of federal affairs at the National School Boards Association.

## Iraq Cited for Lack of Religious Freedom

Iraq has reappeared on the government's annual listing of countries where religious freedom is threatened or nonexistent. Iraq is on a "watch list" of countries that violate religious freedom. The U.S. Commission on International Religious Freedom, which advises the State Department to take action against violators, said Iraq's government "engages in extrajudicial killing based on religious identity." The report cites an "alarming and deteriorating" situation in Iraq. "Although non-state actors, particularly the Sunni-dominated insurgency, are responsible for a substantial proportion of the sectarian violence and associated human rights violations, the Iraqi government also bears responsibility," it says.

Iraq had been designated a "country of particular concern" from 1999 to 2003, but had not appeared on the list since the U.S. invasion and occupation.

China, North Korea and Sudan were again cited as the worst abusers. The State Department will decide in the fall whether to accept the commission's recommendations. Congress created the commission to monitor religious liberty conditions in 1998. It has nine members: three appointed by the House, three by the Senate, and three by the president.

Politics intruded into what should have been a nonpolitical decision. Five Republicans opted for the less stringent "watch list" while the Democrats favored including Iraq on the list of "particular concern."

## Stem Cell Bill Passes, Faces Veto

The U.S. Senate approved a bill sponsored by majority leader Harry Reid (D-Nev.) that would lift the 2001 ban on federal funding for new embryonic stem cell research. The bill (S.5) passed on April 11 by 63 to 34, with 19 Republicans joining 44 Democrats and Independents in support. (Two presidential candidates, John McCain and Sam Brownback, were campaigning and missed the vote, though McCain said he supported it and Brownback opposed it. Tim Johnson of South Dakota is recuperating from an illness.) The vote was similar to the 63-37 bill passed last July. The House is expected to approve similar legislation and President Bush has promised to veto it once again. Commented *The New York Times* in an April 13 editorial: "The Senate easily approved a bill this week that would free embryonic stem cell research from the worst shackles imposed by the Bush administration. The House passed its version earlier. A substantial majority of Americans tell pollsters they support embryonic stem cell research. Yet one man, President Bush, and a minority of his party, the religious and social conservatives, are once again trying to impose their moral code on the rest of the nation and stand in the way of scientific progress."

## Red State Fading

America's reddest state, Utah, appears to be less enamored with the Bush-Cheney administration, according to a statewide poll in the *Salt Lake Tribune*. Only 44% of Utah's Mormons, who gave Bush 86% of their 2004 vote, said they supported Bush's management of the war in Iraq. This represents a decline in support of 21 percentage points from

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

## ***Why President Bush's Faith-Based Initiative is Bad Public Policy***

**Albert J. Menendez and Edd Doerr**

**A 51-page study of the flaws in this proposal and its implications for religion, government, and society.**

**\$10.00 paperback**

**Order from:  
Americans for Religious Liberty  
PO Box 6656  
Silver Spring, MD 20916**

last August. LDS President Gordon Hinckley told a student audience at the church's flagship college, Brigham Young University (BYU), last fall that war "is a fruitless thing that exacts a terrible price." Utah Gov. Jon Huntsman, a Mormon Republican, said "the security situation in Baghdad is out of hand" after a visit to the Iraqi capital. Students and faculty at conservative BYU protested the selection of Vice President Dick Cheney as commencement speaker. Wrote Martin Stolz, in *The New York Times* (April 11), "The invitation extended to Vice President Dick Cheney to be the commencement speaker at Brigham Young University has set off a rare, continuing protest at the Mormon university, one of the nation's most conservative. Some of the faculty and the 28,000 undergraduate and graduate students, who are overwhelmingly Republican, have expressed concern about the Bush administration's support for the war in Iraq and other policies, but most of the current protest has focused on Mr. Cheney's integrity, character and behavior. Several students said, for example, that they were appalled at Mr. Cheney's use of an expletive on the Senate floor in a June 2004 exchange with Senator Patrick J. Leahy, Democrat of Vermont."

## **Wiccans Win Recognition**

After nearly a decade of conflict, the Department of Veterans Affairs relented and decided to allow a Wiccan religious symbol on tombstones at Arlington National Cemetery and other U.S. military cemeteries. At least ten applications are pending on behalf of veterans who were adherents of the Wiccan religion. A legal settlement reached on April 23, 2007, stipulates that the VA will grant all pending requests within two weeks and will expedite new requests. The department will also pay the legal fees for the plaintiffs who brought suit against the government. Both ACLU and Americans United had filed suits on behalf of veterans whose request for a pentacle – a five-pointed star within a circle – on graves had been denied or ignored. The VA gives veterans a choice of 38 - now 39 - religious symbols, representing a wide gamut of religious and philosophical traditions.

*continued on page 12*

## Pennsylvania County Will Bar Faith-Based Prison

Officials in tiny Bradford County, Pennsylvania, agreed on April 3 to ban public funding of religious activities in the Bradford County Jail. A lawsuit filed in 2005, *Moeller v. Bradford County*, charged that local government officials had “established” a religion when it funded a religiously-based rehabilitation program, The Firm Foundation, at the local jail. The program proselytized inmates with its brand of evangelical Christianity, coerced prayer and worship activities, and hired only believers as employees. No other programs were available to prison inmates. In a settlement agreement filed with the U.S. District Court for the Middle District of Pennsylvania, Bradford County agreed that any future rehab programs will be devoid of religious activities.

The county agreed to:

- “Prohibit the use of any public funds for the support of any religious activities, including religious instruction, worship and proselytization”
- “Bar the use of public money to purchase religious materials or the construction or maintenance of religious buildings”
- “Forbid county contractors from pressuring or coercing program beneficiaries to attend or participate in religious activities”
- “Prohibit publicly funded programs from discriminating based on religion in providing services”
- “Regularly monitor compliance with these rules by all religiously affiliated contractors”

The Bradford County Alliance for Democracy exposed the program’s unconstitutional nature. (See VOR, Issue 88, pp. 4-5.)

## States Reject Abstinence-Only Grants

Five states—Ohio, Maine, New Jersey, Pennsylvania and Wisconsin—have rejected federal grant programs mandating an abstinence-only approach to teenage sex education programs. Critics claim the \$176 million program does not work and often engages in scientifically questionable assertions. The Government Accountability Office reported last November that the Health and Human Services Department was not reviewing abstinence education programs for scientific

accuracy. Several state health agencies cited gaps in the program’s effectiveness, and a failure to track results, as reasons for rejecting the aid. Currently, 43 states participate in the program but 18 states may face legal opposition. A national survey, authorized by Congress in 1997 and released in April, found that abstinence-only programs are not effective in reducing early teenage sexual activity or preventing teen pregnancy. It was conducted by the nonpartisan Mathematica Policy Research, Inc.

## Americans Still Divided on Creation/Evolution

A *Newsweek*/Princeton Survey Research Poll found that 48% of Americans think “God created humans pretty much in the present form at one time within the last 10,000 years or so,” while 30% believe that “God guided the process of evolution over millions of years.” About 13% believe that “humans developed over millions of years from less advanced forms of life, but God had no part in this process.”

Religion was the major point of difference: 73% of evangelical Protestants but only 41% of Catholics, and 39% of non-evangelical Protestants chose the “created in present form” option.

On a second question, “Do you think the scientific theory of evolution is well-supported by evidence and widely accepted within the scientific community?,” 48% said it was well supported, 39% said it was not, and 13% did not know. Again, religion was the dividing point since 58% of Catholics and 57% of non-evangelical Protestants expressed a favorable view of evolution, while 63% of evangelicals said it was not well supported. Similar results have been reported by previous Gallup polls, suggesting little change in opinion on this issue.

## Robertson’s Law School Infiltrates Justice

An investigative report by Slate.com discovered that graduates of Rev. Pat Robertson’s Regent University Law School have obtained numerous positions throughout official Washington during the administration of George W. Bush. The most visible example recently was Monica Goodling, a senior counsel to embattled Attorney General Alberto Gonzales, who abruptly resigned her position on Good Friday after invoking the Fifth Amendment privilege against self-incrimination. Goodling, a 1999 Regent Law School grad, had refused to testify before Congress into the investigation of the Justice Department’s recent firings of eight U.S. attorneys for apparently partisan reasons. Writes Slate’s legal affairs correspondent Dahlia Lithwick, “Goodling is one of 150 graduates of Regent University who have served in this administration, as Regent’s Web site proudly proclaims. Pretty impressive for a 29-year-old school. The university says that ‘approximately one out of every six Regent alumni is employed in some form of government work.’ And that’s precisely what its founder desired. The school’s motto is ‘Christian Leadership to Change the World.’ Former attorney general John Ashcroft teaches at Regent, and graduates have obtained senior positions in the Bush administration. The express goal is not only to tear down the wall between church and state in America but also to enmesh the two.”

Lithwick added that the Civil Rights Division of Justice, both under John Ashcroft and Gonzales, brought no voting rights cases on behalf of minority Americans during the first five years. She said, “One of Ashcroft’s most profound changes was to the Civil Rights Division, started in 1957 to fight racial discrimination in voting. Under Ashcroft, career lawyers were systematically fired or forced out and replaced by members of conservative or Christian groups or folks with no civil rights experience. In the five years after 2001, the Civil Rights Division brought no voting cases—and only one employment case—on behalf of an African American. Instead, the division took up the ‘civil rights’ abuses of reverse

### *The Separation of Church and State*

Edited by Forrest Church

*In this attractive pocket-sized, readable book, Church pulls together, with useful commentary, the more important writings of the Founders that show clearly that they intended our system of government to incorporate the principle of separation of church and state.*

Available from ARL for \$16.00 plus \$2.00 shipping and handling. Send your check or money order to:

Americans for Religious Liberty  
PO Box 6656  
Silver Spring, MD 20916

discrimination – claims of voter fraud or discrimination against Christians. On Feb. 20, Gonzales announced a new initiative called the First Freedom Project to carry out ‘even greater enforcement of religious rights for all Americans.’ In his view, the fight for a student’s right to read the Bible in school is as urgent as the right to vote.”

Lithwick concludes with this ironic observation, “The dream of Regent and its counterparts, such as Jerry Falwell’s Liberty University, is to redress perceived wrongs to Christians, to reclaim the public square and reassert Christian political authority. And while that may have been a part of the Bush/Rove plan, it was only a small part. Their real zeal was for earthly power. And Goodling was left holding the earthly bag.”

## Poll Shows Religious Fervor Declining

The latest survey from the highly respected Pew Research Center reveals that the intensity of religious belief and commitment has declined during the past decade. This decline has some political significance.

The proportion of secular or nonreligious individuals in the general population has increased from 8% in 1987 to 12% today. Age is the major factor: 19% of people under age 30 have no religious affiliation, compared to 11% of baby boomers and only 5% of those who are age 60 or older.

Attitudes toward family, marriage and homosexuality have grown less conservative. Twenty years ago, 51% of those polled said “school boards should have the right to fire homosexual teachers.” Today only 28% agree. Among white evangelical Christians, support for firing gay teachers declined even more than among all Americans, from 73% in 1987 to 42% today. Even this most conservative religious community is becoming decidedly less conservative on a number of social issues, the survey found.

Here is a summary of the poll results:

“The latest values survey, conducted Dec. 12, 2006-Jan. 9, 2007, finds a reversal of increased religiosity observed in the mid-1990s. While most Americans remain religious in both belief and practice, the percentage expressing strong religious beliefs has edged down since the 1990s. And the survey finds an increase in the relatively small percentage of the public that can be categorized as secular.

“In Pew surveys since the beginning of 2006, 12% identified themselves as unaffiliated with a religious tradition. That compares with 8% in the Pew values survey in 1987. This change appears to be generational in nature, with each new generation displaying lower levels of religious commitment than the preceding one.

“In addition, political differences in levels of religious commitment are larger now than in years past. Republicans are at least as religious as they were 10 or 20 years ago, based on the numbers expressing belief in God, citing prayer as important, and other measures. By contrast, Democrats express lower levels of commitment than in the late 1980s and 1990s.”

Pew researchers also found that the “religious factor” in Republican presidential primaries next year will vary widely. Only 10% of Republican primary voters in New Hampshire are “politically conservative white evangelicals” compared to 39% in South Carolina, which votes a few days after New Hampshire.

## Religious Discrimination Cases Increase, But Many Lack Substance

The U.S. Equal Employment Opportunity Commission (EEOC) reported in March that complaints of religious discrimination totaled

## Moving?

Please send a change of address form to: Americans for Religious Liberty, PO Box 6656, Silver Spring, MD 20916.

2,541 last year, an increase of 48.7% over a decade ago. But 60% of the cases have “no reasonable cause.”

Federal law requires employers to make “reasonable” accommodations to the religious needs of employees that do not place an “undue burden” on the employer. A large gray area exists in the interpretations that EEOC must render. The *Los Angeles Times* reported (March 27, 2007) that the large community of Somali Muslim refugees in Minneapolis has become a main center for complaints, particularly since Somali taxi drivers are refusing to transport passengers who are visibly intoxicated or who are carrying alcoholic drinks. Some cashiers refuse to scan bacon or pork products. These confrontations are creating ill feeling in an otherwise tolerant and liberal city. Said Stephanie Simon, staff writer for the *Times*, “To the immigrants, it’s a question of religious freedom – and protecting themselves from sin.” To some, however, it is the imposition of personal religious beliefs on others, resulting in inconvenience.

Another example of alleged religious discrimination stems from a clash between a municipal ordinance banning animal slaughter and the practice of the Santería religion mandating ritual sacrifice of certain animals, a practice upheld by the U.S. Supreme Court in 1993. In a recent case, authorities in the Fort Worth suburb of Euless, citing a 1974 law banning the slaughter of animals, even in private homes, inside city limits, banned a Santería religious ceremony last summer. The group’s Oba, or priest, José Merced, has sued the city, invoking the Supreme Court’s decision in a case involving the Church of Lukumi Babalú Ayé in Hialeah, Florida. A fellow Oba told the Associated Press, “By targeting José Merced on the issue of animal slaughter means that the government deems it appropriate to regulate... how one worships inside the privacy of a home. It’s a dangerous claim toward religion as a whole, it’s important for everyone to understand that.”

ACLU religious freedom specialist Jeremy Gunn added, “In some places, authorities have worked to accommodate religious practices of new residents. Other times, participants have met with opposition. Most political societies are very accommodating to the majority practice, but not to minority religions.”

## Strickland Reorganizes Faith Office

Ohio Gov. Ted. Strickland replaced staff in the state’s faith-based office in January and announced plans to review contracts and grant programs. In March he asked for an investigation and audit of the office. He discovered that former Republican Gov. Bob Taft had used conservative political operatives to dominate the office and gave grants to We Care America, a Virginia-based nonprofit with close ties to the Bush administration. Strickland told the Dayton *Daily News*, “This was like an ATM machine for some of the most politically right-wing organizations. I think that’s unfortunate. It just really seems as if this is an example of where money that should’ve legitimately gone to serve the needs of the poor and vulnerable people in Ohio was in my judgment misused and it was done in the name of God. It’s just reprehensible what happened here.”

Strickland said he planned to continue funding the office with \$14.4 million but would concentrate on nonsectarian services to people  
*continued on page 14*

in genuine need. "We're going to try to use the office to carry out legitimate services to the people of Ohio with an effort toward focusing on real needs that exist," the governor said.

## Women Still Can't Get a "Get"

Orthodox Jewish women who have divorced their husbands in Maryland but cannot remarry within Orthodox Judaism failed to convince Maryland legislators to help them. A March 16 tie vote in the Maryland Senate doomed efforts to improve their plight. Church-state considerations were paramount in the vote. Sen. Lisa Gladden of Baltimore, a Baptist whose district is substantially Orthodox Jewish, proposed that Maryland law allow divorced women to remarry without obtaining the "get," a declaration signed by the former husband. New York State enacted a similar law more than two decades ago, and Gladden patterned her bill on the New York law, which has never been challenged in court. Assistant Attorney General Kathryn Rowe said the proposal represents a "substantial issue" under the First Amendment, but "it would likely be upheld if challenged."

But a number of Senators, particularly Jewish Democrats who belong to Reform and Conservative congregations, opposed the bill on constitutional grounds, saying that it crossed the line separating church and state. Senators. Rona Kramer and Jamin Raskin, who represent districts in the Washington suburbs, lobbied their colleagues by citing concerns about entanglement between church and state. Raskin said the "get" edict "is sexist, but one that is completely, wholly and entirely a religious rule."

Kramer said the state should only intervene when civil law preempts religious strictures. Kramer also suggested that Orthodox Jewish women who want to remarry within Judaism can simply switch to a different branch. This brought a rebuke from another Jewish Democrat, Brian Frosh of Bethesda. "I don't think it's fair for me to say you have to set aside your religious beliefs to get a divorce."

The Baltimore Jewish Council supported the bill. David Conn, the deputy director, told *The Gazette*, a local weekly, "We're disappointed we weren't able to persuade enough senators that this bill is an appropriate way to provide relief for some women in a desperate situation."

The only Christian minister in the Senate, Anthony Muse, reversed his position at the last minute and voted against the proposal. "It was crossing a line. At that point, the court is allowed to dictate the law of the church and that is what the separation of church and state is all about."

It is uncertain whether the bill will be reintroduced in a future session of the legislature. Raskin, a constitutional lawyer, said legislation could be developed that would deal with the issue of child custody, often a bargaining point in "get" disputes, in order to avoid the constitutional entanglement problem.

## Court Cases Target Religion in Schools

Challenges to Bible courses and to distribution of Gideon Bibles in public schools were filed in federal courts in May.

In the Western District of Texas, eight parents have charged that the Bible course used in the Ector County schools violates their children's religious liberty and promotes a distinctive fundamentalist view of Christianity. In December 2005 the Ector County School Board voted to adopt the curriculum devised by the National Council on Bible Curriculum in Public Schools, which has been widely criticized as insufficiently academic and skewed toward religious indoctrination rather than objective study of the Bible. "This class is not about educating students. It is about proselytizing one set of religious beliefs to the exclusion of others," said Daniel March, Director of Litigation for the ACLU's Program on Freedom of Religion and Belief.

The case is *Moreno v. Ector County Independent School District*. Supporters of the school district include the Liberty Counsel, the American Family Association, the Eagle Forum and the Liberty Legal Institute, all Religious Right advocacy groups.

One of the plaintiffs is a Presbyterian deacon, Doug Hildebrand, who told the Associated Press, "Religion is very important in my family and we are very involved in our religious community. But the public schools are no place for religious indoctrination that promotes certain beliefs that not all the kids in the school share."

In Louisiana ACLU filed suit in federal court against the Tangipahoa Parish school policy of allowing distribution of Gideon Bibles on school property during school hours. "School officials in Tangipahoa Parish habitually show disdain for the Constitution, while disrespecting the right of parents, who happen to be Catholic in this case, to choose the religious tradition in which to raise their children," said Joe Cook, the ACLU executive director for Louisiana.

The family is using a pseudonym because of fear of retaliation from school officials.

Tangipahoa Parish, which borders Mississippi, has long been plagued by church-state issues. ACLU has filed five religion-related lawsuits since 1994. One case, involving Christian prayers at school board meetings, is under review by the 5<sup>th</sup> U.S. Circuit Court of Appeals in New Orleans.

The distribution of Bibles by the Gideons International, whose purpose is the "promotion of the Gospel of Christ to all people," has an undertone of sectarianism. Included as a preface in some of its Bibles is the following: "The Bible contains the mind of God, the state of man, the way of salvation, the doom of sinners, and the happiness of believers. Its doctrines are holy, its precepts are binding, its histories are true, and its decisions are immutable... It is the traveler's map, the pilgrim's staff, the pilot's compass, the soldier's sword, and the Christian's charter. Here Paradise is restored, Heaven opened, and the gates of hell disclosed." Only the King James translation of the Bible is made available to students.

### *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."*

Available from ARL for \$20.00 plus \$2.50 shipping and handling. Send your check or money order to:

Americans for Religious Liberty, PO Box 6656  
Silver Spring, MD 20916

## Religious Lobbies Pursue Private Interests

A *New York Times* analysis shows that religious groups are increasingly receiving funding from Congress for special projects, or “earmarks.” Researchers Diana Henriques and Andrew Lehren wrote, “From 1989 to January 2007, Congress approved almost 900 earmarks for religious groups, totaling more than \$318 million, with more than half of them granted in the Congressional session that included the 2004 presidential election. By contrast, the same analysis showed fewer than 60 earmarks for faith-based groups in the Congressional session that covered 1997 and 1998.”

At the same time, “the number of religious organizations listed as clients of Washington lobbying firms tripled” and the amount they paid for services doubled between 1998 and 2005.

The programs smack of pork-barrel politics. St. Vincent College in Latrobe, Pennsylvania, whose president worked for George W. Bush, received \$4 million for road improvements to the campus (President Bush was the commencement speaker in May.) Land grants were given to the Mormon Church in Wyoming, funds for job skills and police recruitment programs at Baptist churches in New York and Philadelphia, and for exhibits at the Museum of Jewish Heritage in Beachwood, Ohio. St. Francis College in Loretto, Pennsylvania, reaped \$800,000 in grants, and Dakota Wesleyan University in Mitchell, South Dakota, found some federal debt payments reduced. Conservative ministries in Raleigh, North Carolina and Gadsden, Alabama received \$355,000 last year. A fitness center at Malone College, an evangelical school in Canton, Ohio, was built with a \$1 million grant.

A number of church-state scholars and official church lobbyists in Washington, D.C., lamented these developments and noted that some programs were suspended after being challenged as unconstitutional.

Some observers suggest that religious groups may be seen as money-grubbers and, therefore, treated as any other interest group. In an interview with *The New York Times* (May 13, 2007), Maureen Shea, director of the Episcopal Office of Government Relations, said, “Earmarks are bad public policy. If earmarks are not in the public interest, I would wonder why the faith community would be involved in them. It would hurt our credibility.”

## International

### Religion Faces Decline in Eastern Europe

The *Economist* reported in the March 17 issue that, despite state aid in countries such as Poland, Romania and Slovakia, Eastern Europe’s churches are in crisis.

“Persecuted, valiant and victorious. That was how the churches of Eastern Europe seemed in 1989. It was a flattering picture. In truth, totalitarianism spawned heroism, treachery and corruption in the church, as in other parts of life. It also stunted thinking on ecumenism and tolerance. Now secularism is shriveling some churches, especially mainstream Protestant ones. Others have retreated into steamy nationalist ghettos, sometimes in cahoots with the new authorities. Everywhere disturbing, long-hidden questions are emerging about collaboration with the communists. It is not an uplifting picture.”

Religious freedom for minorities is still problematic in some areas. Macedonia has cracked down on Serbian Orthodox authorities, who have been accused of “causing national, racial and religious hatred and intolerance.” In Kosovo, however, it is the Serbs who fear impending persecution from the Albanian (and mostly Muslim) community if the tiny enclave becomes independent or is transferred to Albanian jurisdiction. In March, monks at the medieval monastery of Decani pleaded with NATO’s supreme commander John Craddock to place themselves

## Visit ARL’s Web Site

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

under his protection. The Catholic Church in Poland, Slovakia and the Czech Republic is reeling under accusations that some of its senior clergy had collaborated with the Communist secret police apparatus decades ago.

**Belfast:** Though Northern Ireland’s voters gave the biggest share of their votes (which translate into seats in Parliament under proportional representation) to the more extreme Protestants (Ian Paisley’s Democratic Unionist Party) and Catholics (Sinn Fein), the old foes agreed to launch a new provincial government on May 8. If it works, the new power-sharing government will finally implement the provisions of the 1998 Good Friday agreement, which ended three decades of strife in the embattled province. One of the main areas of contention has been the Police Service of Northern Ireland (PSNI), which replaced the Royal Ulster Constabulary (RUC) in 2001. Under a new law, 50% of all new recruits must be Catholic. Today, 20% of PSNI officers are Catholic, compared to 7% in the RUC, which has been credibly linked to Protestant paramilitaries and was widely believed to dispense unequal justice in an area which is now 45% Catholic.

**Berlin:** A book published in Germany in April includes remarks by Pope Benedict XVI that seem to cast doubts on evolution, which previous popes have accepted as consistent with Catholic theology. “The question is not to either make a decision for a creationism that fundamentally excludes science, or for an evolutionary theory that covers over its own gaps and does not want to see the questions that reach beyond the methodological possibilities of natural science,” the pope said.

The book, *Creation and Evolution* (the English title) was released by Sankt Ulrich publishing house and includes papers by theological scholars who attended a conference at the papal summer residence in Castel Gandolfo, Italy, last September. Both the late Pope John Paul II and the Pontifical Academy of Sciences expressed support for evolution. Benedict praised scientific progress and did not endorse creationism or intelligent design interpretations about the origins of life, according to Reuters’ religion editor Tom Heneghan.

**Cairo:** An appeals court in March upheld a four-year prison sentence handed out to a blogger who criticized conservative Muslims and “insulted Islam.”

**Frankfurt:** A divorce trial in a German court opened raw wounds between Muslim immigrants and German society and between men and women. Judge Christa Datz-Winter rejected a Moroccan-born Muslim woman’s request for an expedited divorce (waiving the one-year separation period usually required under German law) because, said the judge, the Koran sanctions a husband’s beating of a disobedient wife. An outraged public and the local legal system removed Datz-Winter from the case on March 22. *The New York Times* reported (March 23): “News of the ruling brought swift and sharp condemnation from politicians, legal experts and Muslim leaders in Germany, many of whom said they were confounded that a German judge would put seventh-century Islamic religious teaching ahead of German law in deciding a case of domestic violence.” The woman is a German citizen whose

*continued on page 16*

## Updates, *continued from page 15*

husband had been ordered to stay away from her after threatening her life in May, 2006.

**Istanbul:** Turkey is reeling from clashes between defenders of the nation's eight decades of secular identity and hard-core nationalists who support an Islamic state. The killing of three Evangelical Christians, two Turks and a German citizen, in the eastern town of Malatya on April 18 has raised fears of religious extremism. The dead men were associated with a publishing house that imported Bibles and published Christian literature and had recently been prevented from receiving a shipment of Bibles by Muslim extremists. Reporter Sabrina Tavernise wrote in *The New York Times* (April 19): "The recent nationalist attacks are ghosts from Turkey's past. Malatya once had a heavy Armenian population. But in eastern Turkey, Armenians were driven out or killed in a series of purges culminating in the 1915 genocide, in which 1.5 million Armenians died. Subsequently, nationalists were urged to settle in the area to preserve a Turkish identity there." The recent killings of a Turkish journalist of Armenian ancestry and an Italian Catholic priest have caused alarm in the nation and in the European Union, which is considering Turkish membership. Elections in July may determine the fate of Turkish democracy.

**Lisbon:** In April, Portugal's president signed a liberalized abortion law passed by parliament. The action allows abortion virtually on demand during the first ten weeks of pregnancy, bringing Portuguese law into conformity with most of the rest of Europe. The change was approved by voters in February but a technicality in election law required additional action by parliament.

**London:** On March 20 Britain's Education Ministry proposed new rules allowing schools to forbid Muslim girls to wear full-face veils in class. The new guidelines came in response to a court ruling in Buckinghamshire that rejected a 12-year-old girl's request to wear the veil. According to *The New York Times*, "The proposed regulations, which have yet to be formally adopted, said the individual right to 'manifest a religion or belief' did not bestow a right to demonstrate faith 'at any time, in any place or in any particular manner.'"

The Islamic Human Rights Commission denounced the proposed dress regulations. Britain's highest appeals court ruled in 2005 that a school acted properly when it banned a *jilbab*, which covers the entire female body except for hands and face, in classrooms.

### Safeguarding the Future

Religious liberty and church-state separation will never be completely secure. But you can help provide the means for their defense in the future in two ways.

Include a bequest to Americans for Religious Liberty in your Will, or include ARL as a beneficiary in a life insurance policy. Bequests and insurance proceeds to ARL are tax deductible.

Please contact us if you would like further information.

Americans for Religious Liberty  
PO Box 6656, Silver Spring, MD 20916  
Telephone: 301-260-2988, Fax 301-260-2089  
email: arlinc@verizon.net

**Lyon:** The third Muslim school in France opened in a Lyon suburb in March despite virulent opposition from regional school board president Alain Morvan. Morvan obstructed the school's opening for eight months, claiming its owners were Islamic fundamentalists. The national government fired Morvan.

**Mexico City:** After a contentious debate, the Mexico City assembly legalized abortion during the first twelve weeks of pregnancy. It also decriminalized abortion, which was made a crime in Mexico in 1931. The 46 to 19 vote is considered significant because Mexico City is a federal district that functions like a state and its decisions are considered influential. Last year the assembly (similar to a state legislature) passed the first gay civil union law, which was soon followed by another state, with proposals pending in several others.

The abortion legislation in Mexico City may create a domino effect in the rest of the country. Mexico City joins Cuba and Guyana as the only areas in Latin America where abortion is completely legal. In Nicaragua and Chile, it is forbidden for any reason. In most other Central and South American nations, abortion is legal under certain circumstances. The Mexico City legislators ignored intense pressure from Catholic Church officials, who threatened excommunication for those who supported the legislation. Mexico Cardinal Norberto Rivera, called abortion "an abominable crime." The Vatican, which called abortion "terrorism with a human face," sent Cardinal Alfonso Lopez Trujillo to argue against the proposal, and Mexico's First Lady, Margarita Zavala, denounced the measure on the eve of the vote. Abortion is available in the rest of Mexico only in cases of rape and when the mother's life is in danger.

**Moscow:** The April 25 funeral service for former Russian president Boris Yeltsin represented a break with the recent past. It was the first Orthodox Christian burial for a Russian leader since Czar Alexander III was laid to rest in St. Petersburg in 1894. Ironies abounded at Yeltsin's obsequies. The ceremony was held at the Cathedral of Christ the Savior, rebuilt during Yeltsin's presidency after its predecessor was dynamited by dictator Joseph Stalin. His funeral was conducted by Metropolitan Yuvenaly, the second highest cleric in the Russian Orthodox Church, who praised Yeltsin for restoring religious freedom. Another church spokesman, Metropolitan Kirill observed, "By his strength, he helped the restoration of the proper role of the Russian Orthodox Church in the life of the country and its people."

The United States was represented at the service by former Presidents George H.W. Bush and Bill Clinton, while the United Kingdom sent former Prime Minister John Major. Yeltsin was buried at the rich-in-history Novodevichye Cemetery, alongside actors, authors like Anton Chekhov, and former Premier Nikita Khrushchev.

**Moscow:** The Russian Orthodox Church continues to strengthen its ties to the Russian government. The church's Department for Cooperation with the Military, Law Enforcement and the Security Services seeks to advance Orthodoxy in government departments. Its main job is to approve patron saints for government agencies, dedicate chapels for employees and adopt special prayers for civil servants. *Washington Post* foreign service writer Peter Finn commented, "Moribund during the Soviet era, the Orthodox Church has been reborn as a powerful force in Russian life, building congregations across the country. The church has also become increasingly identified with a strand of patriotism that celebrates a strong centralized state and is skeptical of Western notions of democracy, human rights and pluralism. Its most prominent adherent is President Vladimir Putin, whose faith is part of his public persona."

Other religions, including the growing Muslim community, are wary. Nafigulla Ashirov, co-chairman of Russia's Council of Muftis

said, “The Russian army... is being turned into a narrow religious army.”

Alexander Kyrlezhev, a professor at the prestigious Academy of State Service in Moscow, explained, “The church’s position is that Orthodoxy is not just the majority confession but a state-formed tradition. The church claims it has privileges, not from the legal point of view, but from a historical, cultural point of view.”

Orthodoxy does not win every battle, though. Church authorities supported a family who sued education authorities in St. Petersburg for teaching only about evolution in science classes. They lost. A spokesman for the Moscow Patriarchate, Father Vsevolod Chaplin, told the *Economist* (April 21), that “Darwin’s theory of evolution was ‘based on pretty strained argumentation’ – and that physical evidence cited in its support ‘can never prove that one biological species can evolve into another.’”

**Shanghai:** A survey conducted by East China Normal University found that 31.4% of Chinese adults (age 16 or older) are religious. That raises the number of religious adherents of all kinds to almost 400 million people, far higher than the 100 million estimated by the government, which officially frowns on religious expression. Howard French noted these changes in *The New York Times* (March 5), “Official attitudes toward religion have gradually loosened in China in recent years, enabling the resurgence of popular belief. Places of worship for the five officially recognized faiths—Buddhism, Taoism, Catholicism, Protestantism and Islam—have been restored or built anew, and public worship allowed again amid signs that the government sees limited religiosity as a useful component of its drive to build what it calls a ‘harmonious society.’” Though there is a thaw in relations between government and religion, the situation is still fraught with conflict. Adds French, “Strict limitations on religion remain, however. Beijing handpicks senior clergy for each of the authorized faiths and frequently persecutes believers in unauthorized religions, from Falun Gong to underground Protestant churches that meet in homes. The government also severely restricts religious education and prohibits proselytizing.”

**Strasbourg:** On March 20 the European Court of Human Rights awarded a Polish woman \$33,000 in damages after doctors in Poland refused her request for an abortion on medical grounds. Continuation of the pregnancy was judged likely to reduce or destroy her eyesight, but the medical team did not think her condition was serious enough to justify termination of her pregnancy. After delivery, her eyesight deteriorated and she is now classified as disabled. The court required Poland to introduce new guidelines on abortion for reasons of health. As a member of the Council of Europe, Poland must abide by the decision but may appeal within three months.

**Strasbourg:** The European Court of Human Rights ruled against the governments of Bulgaria and Russia in cases involving freedom of religion (Article 9 of the European Human Rights Convention) and freedom of association (Article 11). In *Ivanova v. Bulgaria* the Court ruled that a swimming pool manager was unjustly fired because of her membership in an evangelical group. Commented William Walsh, a Washington, D.C.-based expert on religious freedom, “*Ivanova v. Bulgaria* is an important decision protecting the right of members of religious groups to be free of discrimination and intimidation in their employment based on their personal religious beliefs and religious association. It is significant that the Court looked beyond the government’s facially valid reasons for terminating Ms. Ivanova to look at the government’s program against the religion and the case in its entirety to find that religious discrimination existed. This case established a strong precedent throughout Europe that should protect individuals from arbitrary firings or demotions based on their religious beliefs in the future.”

In a second case, *Church of Scientology Moscow v. Russia*, the Court, which has jurisdiction in 46 countries, ruled that Russia’s refusal to register the Scientology Church “neglected their duty of neutrality and impartiality” on the part of government toward religious communities.

**Vatican City:** The Holy See and Vietnam are moving toward an exchange of diplomatic representatives following visits by Vatican diplomats to the Communist nation in Southeast Asia. Vietnam once had a Catholic-dominated government under the Diem regime but diplomatic relations were terminated at the end of the Vietnam War in 1975. About 80% of Vietnam’s population is Buddhist, while 7% is Catholic. The Holy See maintains diplomatic relations with 173 nations, as of August 2006.

**Vatican City:** Pope Benedict XVI issued an “apostolic exhortation” (just below an encyclical in importance) on March 13 declaring the church’s opposition to gay marriage to be “nonnegotiable.” The document reiterated opposition to abortion, divorce, and euthanasia and said Catholic politicians have a moral duty to follow church teachings in these matters. Observers in Italy, where parliament is drafting legislation legalizing gay civil unions, said the pope’s statement would have no effect on the debates.

**Warsaw:** Poland’s parliament rejected in April several constitutional changes that would have outlawed all abortions. Present Polish law allows abortion only in cases of rape, severe birth defects or threat to the woman’s life. ■

## By the Numbers

### Red States and Blue States really are different:

- Bush carried 14 of the 15 states which refused to ratify the Equal Rights Amendment (Illinois was the exception).
- Bush carried all 10 states with the lowest per capita income, and the 10 states with the lowest percentage of the population who are college graduates.
- Kerry carried 9 of the 10 states with the highest income and educational levels (Colorado was the exception).
- Bush carried all 10 states with the highest crime rates, prison populations, and number of capital punishment executions (Texas, Virginia and Florida were the top three).
- Bush carried all 10 states that still allow corporal punishment in the schools.
- Bush carried 8 of the 10 states with the lowest abortion rates, as compiled by the Guttmacher Institute (the exceptions were Vermont and Maine).
- Kerry carried 8 of the 10 states with the highest abortion rate (the exceptions were Nevada and Florida). The abortion rate per 1,000 women ages 15-44 was 21.3 in the 19 states carried by Kerry and 13.9 in the 31 states carried by Bush.
- Bush carried all 20 states that have the highest percentage of their populations belonging to Evangelical Protestant churches.

Sources: U.S. Census Bureau, *Statistical Abstract of the U.S.*, Glenmary Research Center, Alan Guttmacher Institute, *Washington Post*.

---

## Books and Culture

*The Faith Factor: How Religion Influences American Elections*, by John C. Green. Praeger, 2007, 214 pp., \$39.95.

We are fortunate to have a book examining the multiple connections between religion and politics written by the preeminent expert in the field. Green, who hangs his hat at both the Pew Forum on Religion and Public Life and at the University of Akron, argues forcefully, with solid statistical backup, that religion is a central factor in modern U.S. political developments and party coalitions.

He bases most of his findings on the 2004 exit polls (the National Election Pool) which, he says, “reveals the strong connections between religious affiliation and worship attendance and the vote.” There are three truisms about today’s religious politics: (1) “affiliation with a religious community matters in politics. . . . It might be called the ‘politics of belonging,’ or in short, the ‘Old Religion Gap’”; (2) religious behavior and belief matter in politics. . . . It might be called the ‘politics of behaving and believing’ or for short, the ‘New Religion Gap’”; (3) “religion matters in politics because of issues and priorities.” All three religious tendencies influence our politics: “The truth is that the presidential candidates and their allies engaged in an extraordinary effort to bring religious voters to the polls, reaching a wide range of religious communities.”

Green and his colleagues have been the primary detectives who discovered that religious involvement and attendance now overshadow membership in particular religious communities. Frequent church attendance correlates with Republican voting among almost all groups. Religious interactions also vary from region to region, depending in part on the dominance of certain religious cultures. The patterns also vary within the Blue states, Red states and the few closely divided Purple states.

“Region matters politically in part because of enduring civic cultures, and these reflect in part the size and distribution of religious communities as well as the long-standing ways that they interact with one another. For example, the ‘red’ regions were characterized by the presence of traditional white Christians, and these groups played a critical role in the Republican coalitions, which varied from region to region. Likewise, the ‘blue’ regions had many more Catholics, less traditional Christians, and a wider variety of religious minorities. In contrast, the ‘purple’ regions were characterized by a balance between major religious communities, and this fact contributed to the close partisan competition. These differences are reflected in the distribution of issue priorities of the voters in 2004.”

The purple states are especially prone to both “Old Religion Gap” and “New Religion Gap” divisions, making these regions quite competitive.

Green’s book is also valuable for its historical context. He compares data on a variety of attributes (religion, gender, age, income) from the 1944 and 2004 elections, showing how much this country has changed over six decades. In addition, he compares data from the 1952 party conventions with similar data from 2004, revealing a startling religious change. At the GOP Convention which nominated General Eisenhower in 1952, nearly three fourths (74%) of delegates were members of Mainline Protestant churches. At the 2004 Convention which re-nominated President Bush, only 20% were Mainline Protestants. All other groups increased, with evangelicals increasing from 8% to 29%. (Evangelicals declined among Democratic delegates from 17% in 1952 to 8% in 2004.)

Green notes that the two major “swing constituencies,” where closely fought elections may be decided, are the “less observant” Mainline Protestants and Catholics. They hold a variety of views but lean to the

moderate or liberal side of most cultural and social issues, and are occasional churchgoers rather than zealously observant ones. An emerging, though small, swing group may be Latino Protestants, who gave Bush 56.6% of their ballots, but who are clearly less conservative than other Bush voters, especially on economic and immigration-related issues. Their votes were decided by “moral issues,” but those concerns could be overshadowed by other issues in future elections.

What of the future? “The present situation is likely to prevail in the short run. That is to say, the Old and New Religion gaps are likely to continue to operate as in the 2004 election. That pattern will certainly hold for the 2008 presidential campaign, which at this writing is already well under way, and it is very likely to persist well into the next decade. Put another way, religious divisions that caused such consternation in 2004 are likely to do so in the immediate future as well.” Green adds, “Each of the major parties has strong religious constituencies whose issue priorities and political identifications strongly bind them to the existing coalitions.”

However, religious influences on politics could change. “[I]t is quite likely that the impact of religion will change in the next 30 to 60 years.” The New Religion Gap, based on ideology and church involvement, could overshadow other factors, or the Old Religion Gap, based on denominationalism, could reassert itself. The Old Religion Gap may have reappeared somewhat in the 2006 congressional election. “[T]he results of the 2006 congressional election provide a good example of this possibility. For one thing, the non-Latino Catholics’ vote swung back into the Democratic column, effectively erasing the Catholics’ swing toward the Republicans in 2004.”

On the other hand an “alternative” religious division, based on new issues, could appear. “[T]his alternative ‘spirituality gap’ could initially complicate party coalitions by creating new religious constituencies on both sides of the partisan divide.”

Green’s final point is compelling: “[R]eligion is likely to have a significant role in American elections in the future, much as it does in the present and has in the past. Indeed, the political impact of religion will surely be a source of continuing consternation, with a great capacity to surprise.”

It is difficult to see how any scholar, party activist, journalist, or even ordinary citizen, can ignore this valuable book. If you have time to read only one book in this field, let it be this one.

—Al Menendez

*Monkey Girl: Evolution, Education, Religion, and the Battle for America’s Soul*, by Edward Humes. HarperCollins, 2007, 380 pp., \$25.95.

On December 20, 2005, Pennsylvania federal district court judge John E. Jones III, after a six-week trial, handed down a 139-page ruling in *Kitzmiller v. Dover*. The ruling held that the ID (“Intelligent Design”) creationism policy of the Dover school board violated the First Amendment establishment clause; that the board had sought to inject religion into public school classrooms while undermining the teaching of evolution and science; that school board members had lied under oath; that ID is a religious proposition and not science; and that the “scientific” arguments for ID were unpersuasive and scientific support for ID nonexistent.

In a beautifully written book that reads like a John Grisham legal thriller, Pulitzer Prize winner Edward Humes not only tells the story of the *Kitzmiller* case in fascinating detail, but he also walks the reader through the lead-ups to the trial, from the 1925 Scopes “monkey trial,” through the Supreme Court’s landmark 1987 *Edwards v. Aguillard* ruling, the development of the creationism/ID movement, and the actual events leading to the Dover case. Humes hits just the right tone on the scientific and legal issues involved, neither excessively technical

nor simplistic. He delineates the dramatis personae fairly and with due respect.

Throughout the whole affair, Humes shows, the IDers on the Dover school board, their attorneys, and their “science experts” made the Keystone Kops look like Scotland Yard. He also notes that Judge Jones is a long-time Republican who was named to the bench by President George W. Bush and in the wake of his ruling received death threats and required around the clock police protection.

There are clearly winners and losers in this case. The winners: science, science education, students, evolution, common sense, church-state separation, the ACLU, and the National Committee for Science Education. The losers: ID creationism, ignoramuses on the school board who created the mess, the Discovery Institute, and the “experts” who are the most visible ID proponents, Michael Behe and William Dembski.

*Kitzmiller* was a terrific victory but the war is far from over. Literal believers in “young earth” creationism in the United States outnumber the supporters of science and evolution and are not about to give up. Despite the *Edwards* and *Kitzmiller* rulings fundamentalist pressures in far too many communities have succeeded in intimidating school officials and teachers into downplaying or deleting evolution from biology classes.

—Edd Doerr

*The Jesus Machine: How James Dobson, Focus on the Family, and Evangelical America are Winning the Culture War*, by Dan Gilgoff. St. Martin's Press, 2007, 315 pp., \$25.95.

Forget Jerry Falwell and Pat Robertson. The real “political power broker” of the Religious Right is James Dobson and his Focus on the Family empire, which is thoroughly explored in this eye-opening book by *U.S. News & World Report* senior editor Dan Gilgoff.

Gilgoff writes, “I set out to explain how his sprawling organization empire provides the national armature for the modern-day Christian Right, as Moral Majority and Christian Coalition had done in earlier decades, but to greater effect. The Family Research Council, for example, which Dobson took the lead in founding and which Focus calls its Washington Embassy, has long replaced Christian Coalition's D.C. office as the capital's premiere Christian Right lobbying shop. At the same time, Focus on the Family's Family Policy Councils, state-level advocacy groups that act like Focus affiliates, have replaced state Christian Coalition chapters as the most powerful local Christian Right outfits in the country.”

Dobson himself, who may be “the most influential evangelical figure since Billy Graham” stressed two points in his interview with Gilgoff: “In Dobson's mind the current historical moment marked a national crisis the likes of which had not been seen in a generation.” Secondly, it was “Dobson's belief that the 2004 election... had ushered in a historic season of hope for evangelicals.”

Focus on the Family, says Gilgoff, flies under the radar. “Focus's political power, by contrast, stems from the very fact that it is primarily apolitical.”

Gilgoff shows precisely how the Dobson Empire and allied groups contributed to, if they were not primarily responsible for, Bush's narrow reelection. “Despite the unprecedented get-out-the-vote efforts on the part of evangelical groups like Focus on the Family and the spontaneous mobilization efforts of countless evangelical pastors, the Bush-Cheney 2004 campaign wasn't taking any chances.” They hired former Christian Coalition head Ralph Reed as an official staffer and set about “persuading evangelical churches to host voter registration drives, and convincing evangelical pastors to speak from the pulpit on the importance of making voting decisions based on hot-button issues.”

Some of their activities may have been illegal, such as encouraging evangelical churches to hand over their membership directories to the

Bush campaign staff. Gilgoff reveals that this practice continued even after it was denounced by many evangelical leaders.

“The Bush campaign continued to zealously pursue church directories to identify and sign up new evangelical voters even after being exposed in Pennsylvania... Reed's national network collected directories from thousands of evangelical churches and funneled them to Bush-Cheney national headquarters... Bush-Cheney headquarters sent the names of unregistered churchgoers back to volunteers across the country, who would call their evangelical neighbors and urge them to register.”

The effort was successful. “Exit polls showed that 3.5 million white evangelicals who stayed home in 2000 cast ballots in 2004... All other demographic factors being equal, Bush might have lost the presidency to John Kerry were it not for the surge in evangelical voters... Between new evangelical voters and those who had voted for Al Gore in 2000, the president picked up nearly six million new evangelical votes in 2004, about twice his margin of victory.”

It is not surprising that some Democrats have decided to challenge the GOP for the so-called religious vote. Gilgoff writes: “It was, on the surface, a direct challenge to the Christian Right, an attempt to redefine “moral values” in terms of progressive government. In another way, though, the Democrats' post-2004 faith offensive represented a major victory for the movement. It was a recognition by one of the nation's two major political parties, decades after the other party had done so, that the Judeo-Christian faith should play a central role in America's public life, including the policy-making process. Two hundred years after the U.S. Constitution had explicitly outlawed religious tests for public office, the Democrats began studying up on how to pass them.”

Finally, he notes, “The Democrats' secular bloc could thwart the party's religious offensive before it has a chance to succeed.”

Gilgoff has done a thorough job on the Dobson Empire and its continuing impact on American politics.

—Al Menendez

*American Fascists: The Christian Right and the War on America*, by Chris Hedges. Free Press, 2006, 255 pp., \$25.00.

Chris Hedges, former *New York Times* foreign correspondent and a Harvard Divinity School graduate, has provided us with one of the very best exposés of the Religious Right ever published. It is especially valuable because the author personally covered “theocon” meetings and conventions, interviewed theocon representatives, and has the divinity school background that most critics of the theocons lack.

Hedges takes the reader on a tour of the bizarre, frightening, paranoid world of the James Dobsons, Jerry Falwells, Pat Robertsons, Benny Hinns, Tim LaHayes, and their ilk. He walks readers authoritatively through the fundamentalist conversion process, explores the theocons' authoritarianism and male dominance ideology, their extensive (mis)use of the electronic media, and their disregard for logic, facts, truth, and integrity.

Some excerpts: “The hyper-masculinity of radical Christian conservatism, which crushes the independence and self-expression of women, is a way for men to compensate for the curtailing of their own independence, their abject obedience to church authorities and the calls for sexual restraint... Those who lead these churches fear, perhaps most deeply, their own internal contradictions.”

“The triviality of American popular culture, its emptiness and gossip, accelerates this destruction of critical thought. It expands the void, the mindlessness that makes the magic, mythology and irrationality of the Christian Right palatable... Television lends itself perfectly to this world of signs and wonders, to the narcissism of national and religious self-exaltation. Television discourages real communication.”

continued on page 20

---

## Books and Culture, *continued from page 19*

Fittingly, Hedges ends the book with heartfelt praise for his Harvard ethics professor, the late James Luther Adams, who was a member of the Americans for Religious Liberty national advisory board and who tangled with Nazi fascists in Germany in the 1930s.

Hedges concludes that the theocon ideology “bears within it the tenets of a Christian fascism. . . . The attacks by this movement on the rights and beliefs of Muslims, Jews, immigrants, gays, lesbians, women, scholars, scientists, those they dismiss as ‘nominal Christians,’ and those they brand with the curse of ‘secular humanist’ are an attack on all of us, on our values, our freedoms and ultimately our democracy.”

This important book cannot be praised too highly.

—Edd Doerr

*Divided America: The Ferocious Power Struggle in American Politics*, by Earl Black and Merle Black. Simon & Schuster, 2007, 286 pp., \$26.00.

The Black brothers, political science professors at prestigious Southern universities (Rice and Emory), argue that a “new regionalism,” rooted in cultural differences, religion and ideology, has created a near-even split between the Democratic and Republican parties that will last for the foreseeable future. The party bases have changed dramatically in the past half century. “Highly distinctive regional patterns culminate in a closely divided national electorate, an electorate separated profoundly by race and ethnicity, religion, and gender.”

Now, a Democratic Northeast and Pacific Coast face off against a Republican South and Mountain West, leaving the Midwest the true battleground region. Within each region the shifting religious and ethnic populations have led to a strengthening or weakening of the historic patterns of party support.

Religious group loyalties are significant factors. Evangelical Republicans are pitted against Jewish, secular and other non-Christian Democrats. Both broad groups now fill the ranks of party loyalists and activists. That leaves Catholics and non-evangelical Protestants as the main swing voters, giving both groups considerable clout in close national elections. However, it is Catholic and mainline Protestant women who are the most closely divided, though both gave Kerry the edge in 2004.

White Christians—Protestant and Catholic—are declining as a percentage of all voters, but a pro-Republican realignment among evangelicals has made the GOP competitive nationally and dominant in the South. “White Christians were a smaller percentage of American voters than in the past, but in 2004 they still made up 64% of all voters and were more Republican in their politics than ever before.”

In terms of partisan changes among religious groups, since the 1950s, the most important is the massive swing to Republicans among Southern white Protestants, a smaller gain for the GOP among white Catholics, especially men, and a gain for the Democrats among non-evangelical Protestants, especially among women and in the Northeast. The Democratic preference of the “non-Christian whites” is less pronounced, but they have grown larger as a percentage of the electorate. How these groups interact, as well as wax and wane in the voting population, largely determines how each region votes.

Religious, ethnic, and cultural influences have transformed U.S. politics. “In the 2004 election, for the first time in party history, white Christians were a minority (47%) of self-identified Democratic voters. . . . For American voters who call themselves Democrats or Republicans, the social and cultural differences between the two national parties are infinitely greater in the first decade of the twenty-first century than they were in the past.”

Consequently, two evenly matched parties appealing to dramatically different audiences are making the nation difficult to govern,

especially as independents and moderates are sidelined and marginalized. “America’s permanent power struggle, a fight between two evenly balanced minority parties, generally results in frustration on all sides. Just as Democrats and Republicans are minority parties in the entire American electorate, so too are conservatives and liberals both minority ideological orientations among the nation’s voters.”

The book, while outstanding in so many ways and packed with data, would have been strengthened if the authors had differentiated what they call “non-Christian” whites. Jewish voters, members of Eastern religions, and secular or non-religious citizens, have somewhat different political perspectives, and, while they favor the Democrats, may do so for different reasons. Similarly, grouping all “minority” groups together does not adequately explore the very real differences between the Hispanic/Latino Community, which is itself sharply divided by Catholics and Evangelicals, and Asian ancestry groups. While Hispanic Evangelicals have been moving toward the Republicans, Asian Americans have realigned toward the Democrats.

—Al Menendez

*Welcome to Doomsday*, by Bill Moyers. New York Review Books, 2006, 39 pp., \$7.95.

After viewing the April 25 premiere of the terrific new PBS series “Bill Moyers’ Journal,” in which the veteran journalist delved into how the Bush administration got the U.S. into the Iraq quagmire and how the media quietly let it happen, I read Moyers’ new *Doomsday* book. Previously published in *The New York Review of Books* in March 2006, *Doomsday* is an analysis of “the impact of the new political religion,” the term Italian scholar Emilio Gentile uses to refer to the movement coalesced by Jerry Falwell, Pat Robertson, James Dobson, D. James Kennedy and their ilk, on environmental policy and how the U.S. in particular faces the potentially disastrous problems posed by global warming so well portrayed by Al Gore in his film and book “An Inconvenient Truth.”

Moyers, as a seminary-trained and ordained Baptist minister, has the credentials and credibility to pin the tail on this donkey. He writes: “There are millions of Christians who believe the Bible is literally true, word for word. Some of them . . . subscribe to a fantastical theology concocted in the nineteenth century by two immigrant preachers who took disparate passages from the Bible and wove them with their own hallucinations into a narrative foretelling the return of Jesus and the end of the world. Google the ‘Rapture Index’ and you will see just how the notion has seized the imagination of many a good and sincere believer. . . . It is the inspiration for the best-selling books in America today—the twelve novels in the Left Behind series by Christian fundamentalist and religious right warrior Tim LaHaye, a co-founder with Jerry Falwell of the Moral Majority.”

Moyers adds that the plot of the “Rapture,” a word not found in the Bible, is simple and bizarre: Once Israel has occupied all of the “biblical lands,” the legions of the “anti-Christ” will set off the battle of Armageddon, in which all “unconverted” Jews will die while the “true believers” all ascend to heaven. As at least a third of the U.S. population believes this nonsense, Moyers tells us, “You can understand why people in the grip of such fantasies cannot be expected to worry about the environment” or finding alternative energy sources.

Moyers concludes that people who think this way are a significant force in the party in power and that Bush, Cheney, LaHaye, et al are brothers “in a regime whose chief characteristics are ideological disdain for evidence and theological distrust of science.”

Moyers’ powerful little book will make you cringe but it deserves the widest possible circulation.

—Edd Doerr

*Religion in a Free Market: Religious and Non-Religious Americans, Who/What/Why/Where*, by Barry A. Kosmin and Ariela Keysar. Paramount Market Publishing, Inc., 2006, 299 pp, \$49.95.

This statistics-laden, deeply informative book explores what used to be called “the voluntary principle” in American religion, a historically verifiable proof that our constitutional system of free exercise and no establishment has worked, and worked well. *Religion in a Free Market* shows the remarkable variety and scope of the religious enterprise in early 21<sup>st</sup> Century America without ignoring the important segment of the population that eschews involvement in organized religion.

Kosmin and Keysar manage and direct a think tank at Trinity College in Hartford, Connecticut. They were the directors of a massive national survey of religion, the American Religious Identification Survey 2001 (ARIS), upon which this book is based. Kosmin also directed its predecessor, the National Survey of Religious Identification 1990, which resulted in his 1993 book *One Nation Under God: Religion in Contemporary American Society* (Reviewed in VOR 47, page 11).

This volume, with 149 “figures” (graphs, tables, charts, maps), is essential reading for religious demographers and historians, as well as political analysts who want to understand the role of religion in elections. Each major (and some minor) religious group is profiled in detail, giving socioeconomic and geographic descriptions. Some examples: Unitarian Universalists are the best educated group, followed by Hindus, Jews and Episcopalians. The least well educated are Jehovah’s Witnesses and Pentecostals. The highest income groups are Jews, Unitarians and Episcopalians, while the poorest are Jehovah’s Witnesses, Adventists and Pentecostals.

Muslims and Buddhists have the highest percentage of their members under age 35, while Jews and mainline Protestants have the highest percentage of over age 65 adherents. About 16% of American adults have “switched” religions in adulthood, with Catholics losing the most and “no religion” gaining the most. Catholics are strongest in the Northeast, Lutherans in the Midwest, Mormons in the Mountain West, Baptists in the South and seculars in the Far West. Home-ownership is highest among Presbyterians, Methodists and Lutherans and lowest among Hindus, Muslims and Buddhists.

The political ramifications of these findings are manifold. The authors observe, “The emergence of religion as a factor in American politics is due in part to cultural divisions that are increasingly evident in society. ...No one cultural issue will contend with the economy or national security as the most important issue facing the nation but together cultural issues drive the thinking and calculations of candidates, parties, and voters. And at the heart of American culture is religion.” Politics and economics interact, but in surprising ways. “The strongest supporters of the Republican Party and the free-enterprise system are the theologically conservative, evangelical, and fundamentalist groups, whose followers do not appear to be very successful socioeconomically.”

“Increasingly, religious identification is acknowledged as an important factor in political party preference.” Mormons are the most likely to be registered Republicans, while members of Eastern religions are the least likely GOP identifiers. The strongest Democrats are Jews, and Mormons the least. The religiously nonaffiliated are the most likely to call themselves Independents, while Baptists are the least likely to do so. “Republicans are more likely to be affiliated with religious institutions.”

Catholics are the middle-road, diverse group whose members are moving in seemingly opposite directions. Democrats and Independents outnumber Republicans among all Catholics, but “Catholics who report that they are church members, which in this case we presume means practicing Catholics, are much more likely to be Republicans (38%) than the larger body of Catholic identifiers (28%).” Even among Hispanic Catholics, who are solidly Democratic, the practicing ones “are 15 points less likely to support Democrats than cultural-Catholic Hispanic voters.” The authors note pointedly, “The cultural Catholics

who identify but don’t affiliate are the wild card in any assessment of the role of Catholicism in contemporary American politics.”

There are also religious differences in voter registration trends. Mainline Protestants and Jews are the most likely to register and vote, but Muslims and members of other Eastern religions are the least likely to do so, possibly because many are recent immigrants and may not be citizens or, if citizens, are not yet politically acculturated.

Self-styled Independents are the least religious group, in terms of practice and membership, which makes them a key demographic group. “The clearest message for Democrats and Republicans is that independents are unlikely to be won over in large numbers by messages with strong religious content since independents are the most secular segment of the electorate. Given their socioeconomic profile, independents are likely to be found in the middle ground on most economic and political issues, but not on faith issues.”

The two major parties also have clear religious problems as well as possibilities. “For Republicans, religious appeals can energize the base while appealing to the socially conservative and religious ‘Reagan Democrats.’ If political debate can be framed primarily as a ‘culture war’ this will be to the advantage of the Republican Party. Republicans have a natural edge in that those with a religious outlook, particularly Protestants, not only tend to be Republican but have the highest propensity to vote in national elections.

“Democrats, in contrast, can use religious appeals to retain the support of wavering Reagan Democrats, but should not expect that religion will boost their support among other, more secular Democratic constituencies. Indeed, Democrats are better off when the battleground moves away from religion.”

Finally, it is important to remember that religious ferment is contributing to political change, and that change is a constant in America. “The intersection of religion and politics has been fascinating to observe since the earliest days of the Republic. What adds to the fascination is that social and economic issues and interests are constantly shifting though the pace of change varies between different generations and epochs. Certainly the truisms of a generation ago no longer hold for the early years of the 21<sup>st</sup> century, so up-to-date, broad-based research such as ARIS is worthy of close scrutiny and study by political scientists and tacticians alike.”

It is unfortunate that this book did not come out earlier, since the data were gathered in 2001, the first year of the Bush presidency, and Republicans have clearly declined since then. Still, it is a very useful book, supplementing other national surveys and exit polls.

—Al Menendez

*Religious Literacy: What Every American Needs to Know – and Doesn’t*, by Stephen Prothero. HarperSanFrancisco, 2007, 296 pp., \$24.95.

Prothero, chairman of the religious studies department at Boston University, has hit a home run with this analysis of the religious illiteracy of modern American culture. It’s not just that American society is devoid of serious religious knowledge, despite high levels of religious practice. It’s not just an academic deficiency. Ignorance of religious influences on history and on modern geopolitical movements has had a deleterious effect on U.S. policies overseas. Ignorance and/or disinterest in religious matters caught elite, educated policymakers asleep at the helm when the Ayatollah Khomeini seized power in Iran in 1979, and widespread ignorance by U.S. leaders missed the impact of religion and religious strife on events in the Middle East, South Asia, and in the Balkans. Ignorance of religion serves no one well.

As Prothero demonstrates, ignorance of basic religious knowledge known to previous generations of Americans, even those who never

*continued on page 22*

---

## Books and Culture, *continued from page 21*

attended college, permeates American education and culture. When a majority of Americans do not know who delivered the Sermon on the Mount, and a majority of evangelical Christians cannot name the authors of the four gospels, it is evidence that religious literacy does not exist in modern America.

In America “faith is almost entirely devoid of content. One of the most religious countries on earth is also a nation of religious illiterates.” He continues, “Today religious illiteracy is at least as pervasive as cultural illiteracy, and certainly more dangerous. Religious illiteracy is more dangerous because religion is the most volatile constituent of culture, because religion has been, in addition to one of the greatest forces for good in world history, one of the greatest forces for evil.”

This ignorance, he argues, is dangerous. “Religious illiteracy makes it difficult for Americans to make sense of a world in which people kill and make peace in the name of Christ or Allah. How are we to understand protests against the Vietnam War, which compelled Catholic priests to burn draft records in Maryland and Buddhist monks to set fire to themselves in Vietnam, without knowing something about Catholic just war theory and the Buddhist principles of no-self and compassion? How are we to understand international conflicts in the Middle East and Sri Lanka without reckoning with the role of Jerusalem in the sacred geography of the Abrahamic faiths and with the differences between Hinduism and Buddhism in Southeast Asia?”

But Prothero’s prescription – requiring religion courses in high schools and colleges – raises serious pedagogical and constitutional questions. Who will teach these religious courses, and how will curriculum specialists decide what events and personalities deserve or require inclusion in the course studies? If schools are not doing a particularly good job of teaching core subjects, as many critics have charged, is there any likelihood that they will do a better job of teaching about religion? Will these religion courses be dominated by the more powerful religious groups? Will smaller, less influential groups be marginalized? Can there be agreement about what religious information is essential? These questions remain unanswered.

Prothero understands these difficulties. “The ground rules for public school courses on religion are fairly simple. They should be taught only if there are trained teachers ready and willing to teach them. Parents should be offered an opt-out provision if they consider any course to be objectionable on grounds of religion or conscience. Finally, these courses should be academic offerings *about* religion rather than devotional courses *in* religion. Teachers cannot be preachers. They need to inculcate knowledge rather than belief – religious literacy rather than faith. Their courses must be neutral, neither encouraging nor discouraging any particular religious belief or practice (or, for that matter, religion in general). This is not an easy assignment.”

Prothero’s lively, provocative book includes an 86-page “Dictionary of Religious Literacy,” which “defines key terms from Christianity and other religions, focusing on the religious symbols, beliefs, rituals, holidays, scriptures, people, places, and historical events employed in public life for political purposes.”

Prothero’s case is compelling but his argument for obligatory religion classes in public schools is not convincing, given the immense diversity and complexity of religion in America.

—*Al Menendez*

*The Varieties of Scientific Experience: A Personal View of the Search for God*, by Carl Sagan, edited by Ann Druyan. Penguin Press, 2006, 284 pp., \$27.95.

Carl Sagan, whose untimely death in 1996 deprived the world of one of its greatest humanists, scientists, and science popularizers, gave

us the award-winning television series and book “Cosmos,” *Pale Blue Dot*, *The Dragons of Eden*, and other important works. Now his widow and collaborator Ann Druyan has posthumously given us his Gifford lectures of 1985 in Glasgow. The prestigious Gifford lectures were begun in 1888 for the purpose of “promoting and diffusing the study of Natural Theology in the widest sense of the term.” Sagan’s book title is a take-off on Gifford lectures over a century ago by William James, which were published as *The Varieties of Religious Experience*, still one of the great classics in its field.

While Sagan never flinches in his awe at the universe, writing that “humility is the only just response in a confrontation with the universe, but not a humility that prevents us from seeking the nature of the universe we are admiring.” He adds that “science is, at least in part, informed worship.”

Sagan moves from pure science to consideration of the evolution of religion, or religions. Although he makes quite clear that he is a naturalistic humanist, Sagan points out that religion can, at least in its humanistic manifestations, do a lot of good. “Do unto others as you would have them do unto you” has a corollary: Others will do unto you as you do unto them.”

This is a readable and beautifully illustrated book. Sagan, incidentally, was a long-time member of ARL’s advisory board.

—*Edd Doerr*

*Failing America’s Faithful: How Today’s Churches Are Mixing God with Politics and Losing Their Way*, by Kathleen Kennedy Townsend. Warner Books, 2007, 206 pp., \$24.99.

Maryland’s former lieutenant governor writes passionately about the perversion of mainstream U.S. religious life by the forces of the Religious Right. She calls for the revitalization of the social justice tradition in her own Catholic church and the return of a progressive stance in the Protestant community.

She laments that America’s once proud tradition of serious religious group involvement in social amelioration, acts of charity, and opposition to tyranny has diminished, while self-centered religious conservatives have co-opted the political realm with an emphasis on personal sexual morality and unconcern for the growing numbers of disadvantaged and poor. These religious zealots, she says, care nothing about the issues that Jesus emphasized, while elevating issues about which he said nothing.

“Religious leaders are subverting their authority on issues of public moral responsibility by focusing exclusively on issues of private moral behavior.” They have “cheapened our churches and diminished our civic life.”

She continues, “The rise of right-wing evangelicalism and the force it has exerted in electing ever more conservative politicians has served to undermine the sense of national unity and collective responsibility that has mattered so much throughout American history. . . . Regrettably, the influence of Protestant churches on our nation’s politics today appears almost uniformly conservative. Not unlike those of the Catholic Church, the leaders of Protestant congregations have come to disregard the New Testament’s teachings on charity and justice and have instead tightly focused their outrage on issues of sex and private conduct.”

The decline of religious progressivism threatens the nation. “The Religious Left has silenced itself. That part of the faith community that inspired the labor movement, marched against segregation, opposed the Vietnam War, and brought moral authority to America’s efforts to fight poverty has all but disappeared from the national political discourse. . . . The results have been catastrophic. The values that used to animate the progressive movement—the notion that we share a responsibility to one another, that we were, in fact, our brother’s keepers – are steadily eroding.”

## Join Americans for Religious Liberty!

PO Box 6656, Silver Spring, MD 20916

I want to do my part to help Americans for Religious Liberty halt the threats to religious, intellectual and personal freedom.

This is a:  Renewal  New Membership  Extra Donation

\$25 Individual

\$50 Sustaining

\$500 Sponsoring

If you would prefer your journal to be sent via email, please include your email address:

\$35 Family

\$100 Supporting

\$1000 Patron

\$15 Student and Low Income

Enclosed is my/our check for \$\_\_\_\_\_.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Contributions to ARL are tax-deductible. The ARL journal is sent to all contributors.

This is a stirring call to action. “The Religious Left has been all but silent while conservatives have redefined faith and values in their own image. ... The key point that religious progressives need to understand is that working through politics, while difficult, greatly enhances our ability to do good.”

Maybe Robert Kennedy’s daughter (and JFK’s niece) can rouse U.S. religious progressives out of their doldrums.

—Al Menendez

*Feds in the Classroom*, by Neal P. McCluskey. Rowman & Littlefield Publishers, 2007, 208 pp., \$65.00 hardback, \$22.95 paperback.

As one-sided as a Möbius band, this shameful waste of paper is a sustained paranoid rant against public education topped off with a specious sales pitch for school vouchers and their variant, tax code vouchers (tax credits). The author’s paranoia is displayed in his wild fantasies about a conspiracy to have the federal government take complete control of all public education.

As even a clock that is broken is right twice a day, McCluskey, to his credit, is critical of President Bush’s No Child Left Behind Act (referred to by some as the No Child’s Behind Left), though for the wrong reasons. Chiefly wrong with the NCLB is that it is largely an “unfunded mandate” and that it actually damages public education by giving testing higher priority than teaching. In practical terms this means having schools teach to the test while de-enriching the curriculum, in my humble opinion as a former teacher.

McCluskey’s pitch for vouchers is as simplistic as a child’s stick drawing. Totally absent is even the slightest mention of the fact that millions of Americans from coast to coast have rejected vouchers or their analogues in 25 statewide referenda by an average vote of two to one, or any reference to the numerous opinion polls over the years registering opposition at about the same level.

Nor does McCluskey write a single word about the numerous serious problems with his totally unregulated voucher scheme, which could destroy public education. Vouchers would increase educational costs while lowering quality. Vouchers would replace democratic public education with sectarian, ideological, and/or political indoctrination. These and many other objections are spelled out in *The Case Against School Vouchers* by Al Menendez, John Swomley and myself (available from Americans for Religious Liberty).

Our public schools do have real problems, but McCluskey fails to mention a single one, the chief of which is inadequate and inequitably

distributed financial support. A major study reported in January 2007 showed that the United States spends a smaller percentage of Gross Domestic Product (GDP) on K-12 education (5.7%) than such countries as Denmark (8.3%), Finland (6.5%), Iceland (7.8%), New Zealand (6.8%), Norway (7.6%), Sweden (7.5%), or even Mexico (5.8%).

We in the U.S. have allowed poverty and its concomitants to accumulate in urban ghettos and rural pockets. We have allowed the religious right to intimidate public schools into watering down science education. We have failed to replace or rebuild thousands of broken down schools in inner cities and rural areas (there are schools in Ohio without indoor plumbing). We have emphasized sports over education. The annual Gallup/Phi Delta Kappa polls show that Americans want to fix what’s broken, not waste time and money on irresponsible and unproven experiments.

—Edd Doerr

*A Mormon in the White House? Ten Things Every American Should Know About Mitt Romney*, by Hugh Hewitt. Regnery Publishing, Inc., 2007, 311 pp., \$27.95.

Hewitt does not deliver what he promises, since only one chapter out of ten deals with the religious issue, the implications of former Massachusetts Gov. Mitt Romney’s membership in the Mormon faith. He admits, “Romney faces a very difficult challenge if his candidacy depends upon him educating people about the Church of Jesus Christ of Latter-day Saints.” Therefore, what is “Romney’s best strategy for overcoming the obstacle of anti-Mormon voters? Bypass them completely. Argue the case for his candidacy based upon his qualifications. ... In short, Romney’s best strategy is to overwhelm any objections to him based on his faith by demonstrating that he is simply the best-prepared, best-qualified candidate to run for, win, and then serve as president.”

That hardly justifies a full length book, though Hewitt is right that the ban on religious tests in Article 6 must be observed, adding, “But there is simply no persuasive argument to be made that a great president must be a great and orthodox Christian, or, even, an outwardly observant one.”

Hewitt, a conservative talk-radio host and law school professor who served in the Reagan administration, has basically delivered unabashed advocacy and a campaign puff job for his candidate.

—Al Menendez

continued on page 24



Americans for Religious Liberty

PO Box 6656

Silver Spring, MD 20916

NONPROFIT ORG.  
U.S. POSTAGE  
PAID  
SOUTHERN, MD  
PERMIT NO. 4004

RETURN SERVICE REQUESTED

---

## Books and Culture, *continued from page 23*

*Invasion of the Party Snatchers: How the Holy-Rollers and the Neo-Cons Destroyed the GOP*, by Victor Gold. Sourcebooks, Inc., 2007, 246 pp., \$26.95.

This lightweight book is more entertaining than insightful. Gold, deputy press secretary to Barry Goldwater during the Arizona Senator's 1964 presidential campaign, laments that his party is now run by Religious Right zealots and neocons bent on an aggressive militaristic foreign policy. Though a personal friend of George H.W. Bush, Gold considers Bush 43 a failure as president. His take on some of the religious issues is amusing. "The Bush-nurtured program of 'faith-based initiatives' has never been anything more than a Great Society giveaway in clerical drag, another Rovean ploy using taxpayer money to shore up support among Bush's evangelical base."

Gold, who voted for Adlai Stevenson and John F. Kennedy, switched to Goldwater's brand of libertarian conservatism in 1964, and sees Bush as a phony. "*Lies and evasions*: No two words could better describe the modus operandi of the Bush-Cheney administration and today's Republican party, masquerading as 'conservative' in the Goldwater tradition."

Gold seems to have forgotten, however, that Goldwater endorsed school prayer in his 1964 campaign. It was the later Goldwater in the Senate who opposed Reagan's school prayer amendment in 1984 and became a principled critic of the Religious Right. Still, there must be millions of "old Conservatives" who deplore their party's transformation as much as Gold does.

—Al Menendez

*Jeb: America's Next Bush, His Florida Years and What They Mean for the Nation*, by S.V. Dáte. Jeremy P. Tarcher/Penguin, 2007, 393 pp., \$26.95.

This serious review of Bush's two terms as governor of the Sunshine State is worth reading as a cautionary tale. Dáte, the Tallahassee bureau chief for *The Palm Beach Post*, covered Bush's regime for all eight years.

His chapter "Voucher Madness" is well worth the price of the book. Bush's signature domestic program was his voucher plan that was declared unconstitutional by the state's Supreme Court. Dáte writes that Jeb was stubborn in his advocacy of vouchers, "We might suggest that his faith in their efficacy was just that, faith, because no empirical evidence showed that they improved the performance of students who received them. Still, there was no denying: Jeb truly believed that private school vouchers were a good and fair and just policy." The author noted that "77 percent of the schools in that program did not even have any teachers trained to teach disabled children."

Bush was a thoroughgoing advocate of church-state partnership. "Through his two terms, Jeb injected religion into state government at seemingly every opportunity. ... Obviously, in this discussion of religion in politics, we're not talking about primal yearning and the need for understanding of our universe. We're talking about elected leaders and candidates taking this force and twisting it to mobilize political support."

Dáte concludes, "After winning reelection in 2002, though, it was no-holds-barred. His Department of Children and Families sought to bar a minor girl who'd had sex while in the state's protective custody from having an abortion. He pushed through a law strictly regulating abortion clinics, but no other comparable outpatient clinics. He created 'faith-based' prisons, where all inmates get religious counseling, courtesy of Florida taxpayers, without any idea or interest whether it would help the recidivism rate. He got money in the budget for his office to finance antiabortion groups who counsel women to carry pregnancies to term."

Dáte contends that Bush "was not remotely interested in adhering to the spirit of Florida's 'Government in the Sunshine' laws as he set about recasting state government according to his own vision." Bush also had "no use for public scrutiny, and his administration went out of its way to devise new and ingenious methods for withholding what historically had been public records."

Despite this record, Bush "will seek the presidency with a forceful and clear agenda," warns Dáte.

—Al Menendez