



# VOICE OF REASON

The Journal of Americans for Religious Liberty

2012, No. 2 [119]

## Romney and the Religious Right: Uneasy Allies?

The powerful Religious Right has grudgingly come around to supporting Gov. Mitt Romney, if only because his opponent is President Barack Obama. Rev. Robert Jeffress of Dallas, who has repeatedly called Romney's Mormon faith an unChristian cult, has said he will support the likely GOP nominee. Others, including Michele Bachmann, have generally followed suit, though Gary Bauer and a few stragglers are apparently holding off for now. One vocal exception was Rev. Steven Andrew of USA Christian Ministries, who called on conservative Christians to vote for Ron Paul in the remaining primaries, saying Paul "was the only Christian left in the race." Andrew said, "Romney and Obama aren't Christians. Don't vote against God or waste your vote with Romney, who shares in many of Obama's sins." Ironically, Paul's support has come mostly from the GOP's small nonreligious wing. He ran first or second in many primaries among secular voters, particularly those in their 20's.

The underlying question now is whether the Religious Right will force Romney further to the right. Conventional wisdom expects him to veer somewhat toward the center, where the influential moderate and independent vote resides.

It is hard to see how Romney can move any further to the right on social issues. He is already contemptuous of abortion rights, opposed to government support for women's access to reproductive health care, and supportive of a federal ban on same-sex marriage. He has endorsed school vouchers and has hinted that his Supreme Court appointees will reflect these stances.

The first example of a cave-in was the resignation of Romney foreign policy adviser Ric Grenell, who held relatively high positions during the Bush administration, because he is openly gay. Unending attacks on Grenell came from numerous Religious Right groups, led by the American Family Association, which has been labeled a hate-group by the Southern Poverty Law Center. Former U.S. ambassador to Romania Michael Guest wondered in a *Washington Post* opinion piece why "Republican Party leaders continue to allow principles of fairness and equality to be hollowed out."

Polls in May showed Romney trouncing Obama 73%-20% among evangelicals, which is slightly higher than McCain's 2008 margin. So Romney's fence-mending appears to be working.

Reuters correspondent Patricia Zengerie suggested that evangelicals are "putting aside their suspicion" of Romney so they can have influence in a new administration. She wrote, "Romney has nearly wrapped up the Republican nomination without the help of the Religious Right, raising the alarm among evangelical leaders who worry they might lose the role of Republican kingmakers they have held for 30 years." Zengerie

noted that National Right to Life and the Susan B. Anthony List—two zealous anti-choice groups—declared support for Romney in April.

Romney made a direct appeal to evangelical voters when he delivered the commencement address on May 12 at Liberty University, founded by Rev. Jerry Falwell. Romney's selection as commencement speaker had initially drawn criticism from those who opposed a Mormon speaker.

After being introduced by the school chancellor Jerry Falwell Jr. as "America's next president," Romney emphasized a religiously conservative view of American history, saying, "From the beginning, this nation has trusted in God, not man.... There is no greater force for good in the nation than Christian conscience in action." He then added, "Marriage is a relationship between one man and one woman," provoking a loud standing ovation. The statement was clearly a throw-away line designed to elicit maximum positive response. Romney appears to have passed the test among the Religious Right base.

President Obama's May 9 announcement in a TV interview with Robin Roberts that he favored same-sex marriage may have handed the Religious Right the issue they care most about. It appears to have energized voters who are lukewarm about Romney but oppose the president bitterly on this issue. Already, latent anti-gay marriage groups are being refurbished and geared up for an emotional

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## Poll Shows Religion Fatigue

A new Pew Research Center survey finds the public is weary of “too much religious talk by political leaders.” Nearly 38% of Americans express “public uneasiness with the mixing of religion and politics,” say Pew researchers. This is the highest percent of concern expressed by voters since this question was first asked more than a decade ago. About 30% of Americans say there is “too little” religious expression by politicians, while 25% think the present expression is the “right amount.”

Democrats and Independents are more likely to be skeptical of “religious faith and prayer” from politicians than are Republicans but there has been an increase in this sentiment among all voters. The new survey shows that 46% of Democrats, 42% of Independents and 24% of Republicans share this concern.

This growing distaste for mixing politics and religion has led to increasing sentiments that churches and other houses of worship should keep out of politics. The public endorses “stay out of politics” by 54% to 40%. A majority of Democrats and Independents share that view, but even 44% of Republicans think churches should stay out of politics.

The Republicans are divided internally on this question, with 57% of Romney supporters opposed to church engagement in politics compared to 38% of Santorum supporters. Santorum supporters also think there is too little expression of religion by political leaders, which made him the religion-friendly candidate.

Evangelicals and black Protestants still favor religious involvement in politics. Only 14% of evangelicals and 30% of black Protestants think there is too much religious rhetoric in the political realm, while 64% of the religiously unaffiliated, 44% of mainline Protestants and 40% of white Catholics express concern. College graduates are far more likely (49%) than those with high school or less education (30%) to think there is too much emphasis on religion.

More than 60% of Catholics, mainline Protestants and unaffiliated want churches to stay out of political matters, while 60% of evangelicals and 51% of black Protestants disagree. There is no significant difference among gender, education or age on this question.

Voters increasingly see the Religious Right exercising “too much control” over the Republican Party. This view is endorsed by 51% to

40%. Solid majorities of Democrats (62%) and Independents (57%) agree, but so do 34% of Republicans. The concern that “religious conservatives have too much control over the GOP” is held by 66% of the unaffiliated, 56% of white Catholics and 53% of mainline Protestants.

Even 38% of evangelicals agree. The public rejects the argument that secular liberals have too much control over the Democratic Party by 49% to 41%.

There has been a small increase in the view that the Obama administration is “unfriendly toward religion,” especially among white Catholics, 31% of whom feel that way, perhaps in response to the controversy over the birth control mandate in health care. Still, 38% of Catholics see the administration as friendly and 31% as neutral. Only Republicans and evangelicals see the administration as hostile toward religion. ■



### Romney and the Religious Right, *cont. from page 1*

fall campaign, led by activist clergy. Phil Burrell, leader of the Ohio group Citizens for Community Values, said, “We are going to make this our key issue.” *The Washington Post* reported that “activist groups have begun laying plans for social media campaigns, leaflet drives and other get-out-the-vote efforts centered on the same-sex marriage issue.” *The Post* added, “President Obama’s endorsement of same-sex marriage is energizing Christian conservative support for Mitt Romney in a way that the likely GOP nominee has so far not been able to do on his own, according to religious leaders and activists.”

The Republican leadership is wary of pushing the issue too directly, since most polls show an increasing acceptability by the public for same-sex marriage, especially among voters under age 40. A Gallup poll found six in ten Americans say Obama’s statement will have no effect on their presidential vote. But of those who do say it makes a difference, twice as many (26%) say it made them less likely to support the president compared to 13% who say it increases their likelihood of voting to reelect him. This same negative edge was found among Independents, who will likely decide the election. Analysts also say the issue would affect Hispanic evangelicals and blue-collar white voters more than others, adding another uncertainty to an unpredictable election. ■

*Voice of Reason* is the quarterly journal of Americans for Religious Liberty, PO Box 6656, Silver Spring, MD 20916 (telephone 301-460-1111; e-mail: arlinc@verizon.net; website: www.arlinc.org). The journal is sent to all contributors to ARL.

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# Religion, Geography, and Politics: New Data

America's "religiosity," defined by a new Gallup Poll as a combination of church attendance and percentage of residents saying religion is important in their daily lives, varies widely. Mississippi ranks first, with 59% falling into the "very religious" category, while Vermont and New Hampshire tie for last place, with 23% classified as very religious.

All of the very religious states are in the South, except for Utah, which ranks second. Of the least religious states, six are in New England, while four are in the West (Alaska, Oregon, Nevada and Washington).

Gallup classifies 40% of Americans as very religious, and 32% as "nonreligious," which is double the percentage who say they are nonaffiliated in other surveys. The nonreligious rarely or never attend worship services and say religion is not important to them. The remaining 28% are "moderately religious," who rarely attend church but say religion is still important to them in some ways.

Gallup's Frank Newport pointed out that "these state-by-state patterns in religiousness have remained stable in recent years." There are cultural and historic reasons for this. He adds, "Gallup research has shown that these state differences appear to be part of a 'state culture' phenomenon, and are not the result of differences in the underlying demographics or religious identities in the states. For example, while Mississippi has the highest percentage of blacks of any state in the union, and while blacks are the most religious of any major race or ethnic group in the country, the Magnolia State's white residents are highly religious on a relative basis compared with whites in other states. And, Vermonters who identify as Catholics or with Protestant denominations are less religious than Southern state residents who identify with the same religions. It appears there is something about the culture and normative structure of a state, no doubt based partly on that state's history, which affects its residents' propensity to attend religious services and to declare that religion is important in their daily lives."

There is a clear political impact from these differences. Newport observes, "Religion is related to politics in today's America, and it is clear. . . that the most religious states in the union generally are the most Republican, while the least religious states skew more toward the Democratic Party. This means that the most divided states -- and thus, those where most of the heavy-duty campaigning in this year's presidential election will be taking place -- are the ones where residents tend to be neither at the very religious nor at the nonreligious end of the spectrum."

This can be seen in the last presidential election. John McCain carried nine of the ten most religious states, losing only North Carolina by a slim margin. Barack Obama, however, carried nine of the ten least religious states, losing only Alaska. In fifteen states, where 40% to 48% of residents are very religious, McCain carried nine and Obama six. Of fifteen states where the pattern is mixed, or where moderately religious voters predominate, Obama carried twelve.

The polar opposites remain Mississippi, where 59% are very religious and only 11% are nonreligious, and Vermont, where 58% are nonreligious and 23% are very religious. Both of those states have moved in the opposite direction politically. Mississippi, once the most Democratic state in presidential elections, has become a Republican stronghold. Since 1964 it has supported only one Democrat (Jimmy

Carter in 1976). Vermont, once a staunchly Republican bastion for more than a century, has supported every Democratic candidate for president since 1992 and was Barack Obama's second strongest state four years ago.

One unusual religious portrait is found in Utah, which ranks second in very religious residents, but last in moderately religious ones. While 57% of Utahans are very religious, 28% are nonreligious.

The moderately religious are most numerous in Delaware, the only state where they outnumber the more polarized categories. The very religious rank first in 31 states, though they are a majority in only eight. The nonreligious rank first in 18 states, with a majority in just two.

The key battleground states in this year's presidential race tend to rank in the middle category, with above-average numbers of moderately religious voters. North Carolina and Indiana, the two surprise states for Obama, are expected to swing back to the GOP. Both have above average percentages of the very religious, which may explain this probable shift. North Carolina is the eighth most religious state, while Indiana is tied for 13th.

Arizona, however, is seen as a possible pick-up for the Democrats, and in that state the nonreligious rank first with 37%. (However, relatively secular Wyoming and Alaska are almost certain to stay in the GOP column.) Religion, of course, is only one factor in presidential voting behavior, but an important one.

A follow-up Gallup poll shows that these religious divisions may have a considerable impact in November. The very religious favor Romney over Obama 54% to 37%, while the nonreligious support the president 61% to 30%. The moderately religious category also favors Obama 54% to 40%. ■



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## North Carolinians Reject Same-Sex Marriage

Spurred by intense church political activity and a large primary turnout (2,150,000 votes), North Carolina voted 61% to 39% to add a ban on same-sex marriage and "domestic legal unions" to the state constitution. The May 8 vote (1,318,944 to 832,867) was hard fought.

Community size was a factor in the vote. Rural North Carolina voted 71% yes and produced a 378,000-vote margin of victory, almost all of the statewide 486,000 vote margin. Small metropolitan areas, which include the Republican suburbs, gave 67% support, and constituted a 168,000 vote margin. But the large urban counties only gave 46% support, where the amendment lost by 60,000 votes.

North Carolina already has a law passed in 1996 that bans same-sex marriage. But proponents insisted on adding an amendment to the state constitution, making the ban permanent. The *Raleigh News & Observer* said, "The pro-amendment campaign had its foundation in churches and ran television ads featuring the Bible." Supporters included 93-year-old evangelist Billy Graham, whose endorsement of the amendment appeared in newspapers. Other Graham family members

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recorded pro-amendment messages. The president of the Baptist State Convention, Rev. Mark Harris, commented, "The involvement of the local churches across the state was absolutely the turning point."

That is borne out by the voting data. In the 16 counties where support for the ban exceeded 80%, 59% of church members are white Baptists compared to 38% of all North Carolina residents, according to data from the Glenmary Research Center.

Though the constitutional ban received support from 61% of voters and carried 92 of the state's 100 counties, the yes vote varied widely, from 89% in rural Graham County to 21% in Orange County, home of the University of North Carolina at Chapel Hill.

While there was no exit poll to reveal how the vote broke down by age, gender, education, income, race or religion, there are clues from the county returns. Support for the amendment was greatest in rural evangelical areas, where turnout was also high. Republican areas were heavily supportive. Three "Mountain Republican" counties (Avery, Mitchell, Yadkin), which have never supported a Democrat for president, and where white Baptists are the dominant religion, voted 83% for the amendment. Support reached 75% in middle class Republican counties in the Piedmont region.

Some rural white Democratic counties where Obama was unpopular in 2008 voted overwhelmingly yes, e.g., 86% in Columbus County on the South Carolina border. (In a number of rural counties, where 80% voted yes, 40% of Democrats voted "no preference" for president, in effect against President Obama.) A half dozen black majority rural counties in the eastern part of the state also voted 70% yes.

But the "Research Triangle" area around Chapel Hill, Durham and Raleigh overwhelmingly opposed the amendment, with margins against of nearly 80% in Chapel Hill and 70% in Durham. Areas with large numbers of young professionals, college students and transplants from other states voted no. The two largest population counties, Wake (Raleigh) and Mecklenburg (Charlotte) opposed the ban, as did Asheville (Buncombe County) and the Outer Banks (Dare County). Even in the heavily pro-amendment western part of the state, Watauga County, home to Appalachian State University, voted no. The vote was split almost evenly in Greensboro, Wilmington, and Winston Salem.

The turnout also reflected how close the vote in November is likely to be: 966,605 Republicans and 958,906 Democrats voted, as did a smaller number of Independents. ■

## Catholic School Enrollment Slips

Catholic school enrollment was 2,031,455 during the present academic year, a decline of almost 600,000 students, or 22.4%, over the past decade. This continued hemorrhage was felt in all regions of the country, but especially in the church's traditional strongholds of New England and the Mid-Atlantic states. Catholic schools lost a third of their students in the Northeast and 28% in New England. Student enrollment in the Great Lakes region declined by one-fourth, while enrollment in the Plains States was down 16%. The South and West experienced smaller declines, 12% and 11% respectively.

Catholic school enrollment reached a peak of 5.2 million in 1965, and has steadily declined since then. There was a slight uptick in the late 1990s, but a reduction of almost one-fourth since 2001-2002 suggests a massive rethinking of the importance of a separate Catholic school system.

Hispanics represent 14% of the students, reaching nearly 30% in the West. African Americans account for 7.5% and Asian Americans 5%. About 5% of students are multiracial and 1% are Native American.

Catholic schools are less ethnically diverse than public schools but somewhat more so than other private schools.

Catholic schools still serve a largely Catholic population (83.4%), while 15.4% are classified "non-Catholic." Despite the images of popular culture, nuns are clearly a vanishing breed among the faculty. Only 2% of the teaching staff are nuns—once the formidable and dominant symbol of Catholic education in the U.S. In the face of this decline, Catholic school officials have recently sought to reemphasize the prominence and importance of religion in the curriculum (see accompanying story). Whether such a decision will have any impact on school enrollment trends remains to be seen.

These data are derived from *United States Catholic Elementary and Secondary Schools 2011-2012*, an annual statistical report issued by the National Catholic Educational Association. ■

## Catholic Schools Reassert Primacy of Religion

A group of Catholic educators issued a plan on March 12 for assuring that Catholic schools emphasize the role of religion. The Center for Catholic School Effectiveness at Loyola University Chicago proclaimed that certain "characteristics define the deep Catholic identity of Catholic schools and flow directly from the Holy See's teaching on Catholic schools."

These schools must "contribute to the evangelical mission of the Church." The report noted, "As an ecclesiastical entity where faith, culture, and life are brought into harmony, the Catholic school should be a place of real and specified pastoral ministry in communion with the local bishop." Furthermore, "The environment in Catholic schools should express the signs of Catholic culture physically, and visibly."

The local bishop is the overseer. "Catholic schools have a formal and defined relationship with the Bishop guided by a spirituality of ecclesial communion and should work to establish a relationship marked by mutual trust, close cooperation, continuing dialogue, and respect for the Bishop's legitimate authority."

Teachers must reflect this renewed emphasis on Catholic identity.

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“Catholic schools pay attention to the vocation of teachers and their participation in the Church’s evangelizing mission...As much as possible, Catholic schools should recruit teachers who are practicing Catholics, who can understand and accept the teachings of the Catholic Church and the moral demands of the Gospel, and who can contribute to the achievement of the school’s Catholic identity and apostolic goals.” There is no ambiguity here. “Every administrator, faculty and staff member visibly supports the faith life of the school community.”

These “National Standards and Benchmarks for Effective Catholic Elementary and Secondary Schools” were developed over a three-year period by prominent educators and academics at both Loyola University’s School of Education and at the Roche Center for Catholic Education at Boston College. ■

*“Religious people cannot have it both ways: to assert that their faith really matters to their public engagement, and then to insist, when it’s convenient, that religion is a matter about which no one has a right to ask questions. Voters especially have a right to know how a candidate’s philosophical leanings shape his or her attitudes toward the religious freedom of unbelievers as well as believers.”*

— E.J.Dionne Jr., *The Washington Post*, November 6, 2011



## Church and State in the Courts

The Colorado Day of Prayer proclamations issued by governors from 2004 to 2009 were held unconstitutional on May 10 by the Colorado Court of Appeals. The court held that “The proclamations represent ‘active involvement of the sovereign in religious activity,’ which was one of the core problems that the Establishment Clause was designed to prevent.”

In reaching its decision the Appeals Court cited Article II, Section 4, of the state Constitution: “Nor shall any preference be given by law to any religious denomination or mode of worship.” The court concluded that the proclamations “are governmental conduct that violates the Preference Clause” for these reasons:

“The purpose of these proclamations is to express the governor’s support for their content; their content is predominantly religious; they lack a secular context; and their effect is government endorsement of religion as preferred over nonreligion.”

The court added: “Our decision does not affect anyone’s constitutionally protected right to pray, in public or in private, alone or in groups.”

Quoting the U.S. Supreme Court in *Santa Fe v. Doe* (2000), the court said, “Religious liberty protected by the Constitution is abridged when the state affirmatively sponsors the particular religious practice of prayer.”

The Appeals Court sent the case back to the trial court, which had reached a different conclusion, asking that court to determine “whether it should issue a permanent injunction to enjoin the Governor and his successors from issuing proclamations that are predominantly religious and have the effect of government endorsement of religion as preferred over nonreligion.” The trial court must decide whether an injunction against a prayer proclamation would do “irreparable harm” to the governor or would “adversely affect the public interest.”

The decision applies only to the Colorado Day of Prayer and not to the National Day of Prayer mandated by Congress in 1952.

The suit, *FFRF v. Hickenlooper*, was initiated by the Freedom From Religion Foundation.

Opening each government meeting with a recitation of the Protestant version of “The Lord’s Prayer” in a Delaware county was deemed to be “likely unconstitutional” by a federal court on May 15. Sussex County had routinely opened all council meetings with the Lord’s Prayer until a group of plaintiff taxpayers challenged the practice. The Christian plaintiffs said the action “co-opts and debases their faith” while the non-Christian plaintiffs said it “demeans and excludes their beliefs.” The Sussex County government claimed the prayer was “merely a constitutionally permissible way to memorialize a public occasion” and even denied that it was a uniquely Christian prayer.

The U.S. District Court for the District of Delaware did not buy that argument. Reviewing the decisions from numerous other courts, it concluded that: “Circuit courts have held that recitation of sectarian prayers associated with one faith improperly advances a specific faith.” Any activity that “affiliates the government with one faith” or results in actions “promoting, advancing, favoring, and endorsing the Christian religion” violates the First Amendment. Furthermore, Article 1, Section 1, of the Delaware Constitution prohibits “giving preference to any religious societies, denominations or modes of worship.” This preference clause “is violated by continual use of the Protestant version of the Lord’s Prayer at council meetings.”

The court granted a preliminary injunction to halt these prayers.



In an unprecedented move, 13 Catholic dioceses joined 30 Catholic social service and educational organizations in filing a dozen lawsuits against the federal government, alleging violation of religious liberty. Specifically, they sued the U.S. Department of Health and Human Services over the birth control insurance mandate. Included in the suit are the powerful dioceses of New York and Washington, D.C. The Archdiocese of Washington claimed the government will force Catholic organizations to “sacrifice their beliefs in order to be able to continue their mission of serving all people in need.”

Many observers say the suit is without merit as well as being “legally premature,” since the regulations do not go into effect until next year.

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## Church and State in the Courts, *continued from page 5*

This was the view expressed by Professor Ira Lupu of George Washington University School of Law, an expert in church-state matters. A number of Catholic bishops apparently agree. Bishop Stephen Blaire of Stockton, California, told *America* magazine that “groups far to the right are turning the controversy into an anti-Obama campaign.” Progressive Catholic columnist and author E.J. Dionne, Jr. wrote, “The vast majority of the nation’s 195 dioceses did not go to court” because “many bishops saw the litigation as premature.” He noted that the influential dioceses of Chicago and Los Angeles refused to participate. And while Notre Dame University joined one of the suits, Boston College and Georgetown University did not. Georgetown invited HHS Secretary Kathleen Sebelius to address graduating seniors, provoking public criticism from Washington Cardinal Donald Wuerl.

*New York Times* columnist Maureen Dowd spoke for liberal Catholics and others who said the lawsuit is really “about birth control and women’s lower caste in the church.” She concluded, “The lawsuit reminds the rest that what the bishops portray as an attack on religion by the president is really an attack on women by the bishops.”



The Department of Health and Human Services was wrong to allow the U.S. Conference of Catholic Bishops to distribute taxpayer funds based upon religious belief. A federal district court in Massachusetts ruled on March 23 that grants awarded to a Catholic agency active in combating human trafficking violated the Establishment Clause by insisting that grantees comply with their views on abortion and birth control. The court held, “The case is not about government forcing a religious institution to act contrary to its most fundamental beliefs. No one is arguing that the USCCB can be mandated by government to provide abortion or contraceptive services or be discriminated against for the refusal to do so. Rather, this case is about the limits of the government’s ability to delegate to a religious institution the right to use taxpayer money to impose its beliefs on others (who may or may not share them).”

The court also insisted that separation of church and state requires neutrality toward religion on the part of government. “To insist that the government respect the separation of church and state is not to discriminate against religion; indeed, it promotes a respect for religion by refusing to single out any creed for official favor at the expense of all others.”



Planned Parenthood filed suit in federal court in Austin on April 11, arguing that the state of Texas improperly banned 49 of its health clinics from participation in a Medicaid program. The suit, filed by nine affiliates that operate the clinics, asks for an injunction allowing the group to remain a part of the Women’s Health Program. Planned Parenthood noted that it serves 50,000 of the program’s 130,000 patients each year. The federal government has also told Texas that its policy violates a federal law requiring that Medicaid recipients be able to choose any qualified provider. Texas has sued the federal health department, and Gov. Rick Perry’s administration said that “abortion providers and their affiliates are not qualified health care providers.”

In May the U.S. Fifth Circuit Court of Appeals granted Texas the right to exclude Planned Parenthood, reversing the federal district court’s granting of a preliminary injunction that prohibited Texas from excluding Planned Parenthood. Then, in an about-face, the Fifth Circuit reversed its own ruling but said there was no guarantee that Planned Parenthood will remain in the state program long term. Arguments in the case begin in early June.



Oklahoma’s ultrasound abortion law was struck down as unconstitutional on March 28. District Judge Bryan Dixon ruled the statute passed by the legislature in 2010 violated the state constitution because it was aimed solely at abortion and did not address broader aspects of medical care. The law had not been enforced since the Center for Reproductive Rights filed suit against it in May, 2010. Center president Nancy Northrup was pleased. “The court has resoundingly affirmed what should not be a matter of controversy at all that women have both a fundamental right to make their own choices about their reproductive health, and that government has no place in their decisions.”



The U.S. Supreme Court decided to forego two controversies over religion in public schools. On March 26 they declined to hear an appeal to a case involving a charter school in Idaho that sought to use the Bible as a primary source in its curriculum. Both a district court and the Ninth U.S. Circuit Court of Appeals held the local school district was correct in refusing this request since charter schools are public schools. The Court also declined to hear an appeal from a teacher in California’s Poway School District, who challenged the district’s policy against religious banners or insignia in the classroom. The Ninth Circuit agreed with the school district’s policy. Both decisions were seen as upholding separation of church and state as it applies to education.



The Oklahoma Supreme Court has effectively ended the “personhood” amendment campaign by ruling unanimously on April 30 that such an effort was “void on its face,” i.e. unconstitutional. A group called Personhood Oklahoma had been gathering signatures to place a proposed constitutional amendment on the November ballot that would grant personhood status to embryos. Efforts to pass a personhood bill failed in the conservative, Republican-dominated legislature this year, forcing proponents to seek a referendum. The state’s highest court said the proposed amendment “is clearly unconstitutional,” citing a 1992 U.S. Supreme Court ruling. Similar campaigns have failed at the polls in Colorado (twice) and Mississippi. In December a Nevada judge blocked a personhood initiative in that state.

Nancy Northrup, president of the Center for Constitutional Rights said, “This amendment would have run roughshod over the fundamental, constitutionally protected reproductive rights of all Oklahoma women.” The Center and ACLU challenged the proposal before the state Supreme Court on behalf of several Oklahoma doctors and residents.



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A cross on a hilltop in the Mojave National Preserve will be transferred from government to private ownership, ending a decades-long dispute. The April 23 decision by a federal judge allows the National Park Service to turn over a portion of land to the Veterans of Foreign Wars, who formerly maintained a cross on top of Sunrise Rock honoring World War I veterans. The park service will receive five acres of donated property in the California preserve. Numerous decisions by district and appellate courts reached the U.S. Supreme Court in 2010, with no definitive solution. Recent court decisions have, however, tended to invalidate specific religious symbols on public property. Explaining the complicated decision, Cheryl Crowe noted in *Report from the Capital*, "After the land swap is complete, the veterans will be permitted to restore a cross to the site. The National Park Service will put a fence around the site with entrances for visitors, post signs noting that it is private property and place a plaque on Sunrise Rock to describe the memorial commemorating American war veterans."



A suburb of Rochester, New York, violated the Constitution when it opened all government meetings with Christian-oriented invocations. The U.S. Court of Appeals for the Second Circuit on May 17 overruled a 2010 district court ruling that there had been no evidence of intentional exclusion. The Appeals Court said the town of Greece should have made a greater effort to invite people of other faiths to open the monthly meetings. In 2008 four of twelve meetings were opened by representatives of the Jewish, Wiccan and Baha'i faiths. But the remaining eight meetings in 2008 and every meeting from 1999-2007 and 2009-2010 were begun with Christian prayers. A town employee selected clergy or lay people from a local guide to churches. "The town's process for selecting prayer-givers virtually ensured a Christian viewpoint," the Court ruled. The town council, backed by an Arizona-based Religious Right group, The Alliance Defense Fund, said it would appeal the decision. ■

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## Legislative Roundup

**Georgia** has enacted a law, subject to its governor's signature, that outlaws most abortions after 20 weeks. The so-called "fetal pain" bill contains no exceptions for rape, incest, or a woman's "emotional or mental condition." Nebraska, Indiana, Idaho, Kansas, Oklahoma and Alabama have similar laws, while Arizona and New Hampshire may soon join them.

**Arizona** Gov. Jan. Brewer signed into law a bill that effectively bans abortion after 18 weeks and "includes no exceptions if the fetus is found to have a life-threatening condition," according to Allison Yarrow in *The Daily Beast*. Yarrow noted that "Life starts earliest in Arizona, which now defines gestational age as beginning on the first day of a woman's last period, rather than at fertilization. In practice, that means the state has banned abortions after about 18 weeks (20 weeks from the last menstruation) except in the case of medical emergencies."

**Arizona** is the seventh state to pass such legislation, though its law is the most comprehensive. Yarrow continues, "Other parts of the law include education in public schools prioritizing birth and adoption, signs throughout health-care facilities warning against abortion 'coercion,' and an order for the state health department to create and maintain a website touting alternatives to abortion and displaying images of fetuses. Also required is abortion counseling for women aiming to abort pregnancies due to fetal abnormalities, and if the abnormality is certain to be fatal, the counseling incorporates perinatal hospice information before ending the pregnancy. It reaffirms existing barriers to access, like the requirement of a notarized parental consent form for minors and a mandatory ultrasound screening within 24 hours of having an abortion."

The Center for Reproductive Rights is considering a legal challenge to the so-called "Women's Health and Safety Act," which was signed into law on Friday the 13th of April.

**Arizona** Gov. Jan Brewer signed a law May 4 banning all state funding for Planned Parenthood, even its preventive health-care and family planning services. Similar laws were enacted in Indiana and North Carolina. In the Tarheel State the legislature overrode a veto by the governor to strip funding for the group from the state budget. Wisconsin has banned abortifacient drugs, forcing Planned Parenthood to stop

providing them. Restrictive actions are being considered by legislators in Michigan, Nebraska, Ohio and Oklahoma.

**Tennessee** enacted a law that will likely weaken science instruction in the state's public schools. The law encourages teachers to "present the scientific strengths and scientific weaknesses of existing scientific theories covered in the course being taught" and singles out "biological evolution, the chemical origins of life, global warming, and human cloning" as specific areas subject to challenge. Gov. Bill Haslam allowed the bill to become law without his signature. (He refused to veto it, essentially removing himself from the controversy.)

Eugenie Scott, executive director of the National Center for Science Education, expressed dismay. "Telling students that evolution and climate change are scientifically controversial is miseducating them. Good science teachers know that. But the Tennessee legislature has now made it significantly harder to ensure that science is taught responsibly in the state's public schools."

Columnist Valerie Strauss acidly commented in *The Washington Post*, "The new Tennessee law does not ban the teaching of evolution as the old law had. Its supporters contend that it will allow the expansion of scientific views in the classroom. What it does do is allow doubt to be injected into areas of science in which scientists say there really isn't any. It allows creationism and evolution to be debated side by side in a science classroom, which is just plain wrong, even if the Tennessee legislature thinks otherwise."

*The Washington Post* was also critical of the new Tennessee law. "Rather than removing some kind of official hostility to critical thought in Tennessee's curriculum, it seems designed to encourage teachers who would introduce pseudo-scientific criticisms inspired by religion or ideology into descriptions of the current state of evolution or climate science."

**Arizona's** Gov. Jan Brewer signed into law a bill allowing any "religiously affiliated employer" to refuse birth control coverage in its employee health care plans. In her May 11 statement, the Republican governor said, "Mandating that a religious institution provide a service in direct contradiction with its faith would represent an obvious en-

*continued on page 8*

croachment upon the First Amendment.”

**South Dakota** Gov. Dennis Daugaard (R) on March 12 signed into law a bill making sharia or other “foreign” laws inapplicable in state courts. South Dakota joined Arizona, Louisiana, Tennessee and Oklahoma in passing such laws, though Oklahoma’s law was recently declared unconstitutional. Twelve other state legislatures have rejected anti-sharia laws in the past year, according to “Gavel to Gavel,” an online newsletter that tracks state laws. Religion News Service writer Omar Sacirbey speculated that the “anti-sharia movement has lost its momentum.”

**Utah** Gov. Gary Herbert vetoed a controversial sex education bill on March 16, saying that it “deprives parents of their choice and constricts parental options.” The bill (H.B.363) would have allowed school districts to drop sex education classes unless they are taught from an abstinence-only perspective. The Republican governor angered fellow party conservatives, but he insisted, “I am unwilling to conclude that the state knows better than Utah’s parents as to what is best for their children.”

**Oklahoma’s** Republican-controlled House rejected a proposed “personhood” law that would have granted legal rights to embryos. After passing the state Senate and receiving the probable support of Gov. Mary Fallin, the bill failed without even coming to a full vote. Reuters reported that “Missouri is the only state with a ‘personhood’ law on its books establishing broad legal rights for embryos.”

Though the U.S. Court of Appeals for the Tenth Circuit invalidated an Oklahoma law targeting sharia last year, Kansas passed a measure banning state courts and administrative agencies from basing any rulings on “foreign laws or legal systems.” Experts say the law would interfere with marriage contracts, wills, and international adoptions. Several religious and civil liberties groups urged Gov. Sam Brownback to veto the bill. ■



## The Voucher Watch

• Mitt Romney told a Washington audience May 23 that education vouchers will be a central part of his presidential campaign. He said he wants to expand the D.C. voucher program and make it a “national showcase.” His campaign released a white paper urging a rerouting of federal funds for private schools to help “poor and disabled students.” The Friedman Foundation for Educational Choice, founded by economist Milton Friedman, praised Romney, while NEA President Dennis Van Roekel commented, “His speech demonstrates a complete disdain for public schools and educators.”

• An Oklahoma voucher law was ruled unconstitutional on March 27 by Tulsa County District Judge Rebecca Nightingale. The court held that the 2010 law violated the state constitution’s prohibition of public money used for religious institutions. The law cost the state \$1.1 million in the past year, sending 149 students with certain designated disabilities to private schools.

Several Tulsa-area public school districts challenged the voucher law in court. Tulsa superintendent of public schools Cathy Burden expressed approval of the ruling. “It should have a very chilling effect on the legislature’s overreach on spending public dollars on private or sectarian institutions. These handicapped students were really used as a pawn to try and get a voucher system started.”

A Democratic state legislator, Ed Cannaday, said, “I am glad to see that the legal process is working in this case to invalidate a law that is part of the Republicans’ war on public education.” The law’s sponsor, Rep. Jason Nelson, an Oklahoma City Republican, was so angry over the lawsuit that he has introduced a measure seeking a statewide referendum to abolish the constitution’s “no aid to religion” provision. The proposal passed a House committee but has not reached the full House or the Senate.

• Louisiana became the 19th state to enact a voucher program when the legislature approved and the governor signed a far-reaching bill that would expand an existing program limited to New Orleans. The legislation is ostensibly aimed at students in “academically struggling” public schools.

There may be as many as 380,000 students eligible for the voucher law, though most private schools do not have space to accommodate many new students. According to recent data, about 132,000 students attend private schools in the state, 80,000 of them in Catholic schools.

ARL president Edd Doerr denounced the move. “Louisiana’s GOP lawmakers have thumbed their noses at the state constitution’s Article IV, Section 8, which prohibits tax aid to religious institutions, and Article XII, Section 13, which clearly states that ‘No appropriation of public funds shall be made to any private or sectarian school.’”

The Louisiana Association of Educators (LAE) said the measure will “dismantle Louisiana’s public school system” and would strengthen private interests and limit public accountability.

In addition to the constitutional prohibition on public funding of faith-based schools, there may be other constitutional defects. LAE executive director Michael Walker-Jones said the voucher measure violates state law by taking a portion of locally raised school funding from local districts. State superintendent of education John White supports the program, but both associations representing teachers and school personnel are opposed on public policy grounds.

• Arizona’s Gov. Jan Brewer vetoed a major expansion of her state’s

### Tuition Tax Credits

Thank you for exposing the tuition tax credit scam (“Public Money Finds Back Door to Private Schools,” front page, May 22). Tuition tax credits, also known as tax code vouchers, violate the spirit, if not exactly the letter, of the First Amendment and comparable provisions in at least 38 state constitutions.

They are a serious threat to religiously neutral democratic public education and to the fundamental right of Americans not to be taxed directly or indirectly for the support of religious institutions.

Tens of millions of voters in 26 statewide referendums have rejected tuition tax credits, vouchers or their analogues by an average margin of 2 to 1. Legislatures that approve such measures lack the decency to propose appropriate constitutional amendments that would allow voters to say yea or nay.

— Edd Doerr, president, Americans for Religious Liberty  
Letter published in *The New York Times*, May 29, 2012

school voucher program. She cited concerns about increasing costs for taxpayers and warned that “government should not artificially manipulate the market through state budget or tax policy.” She had supported some voucher and tax credit proposals in the past.

- On March 15 Wisconsin’s state Senate refused to expand the state voucher program. It would have given \$13,500 for students with special-needs to attend private, mostly religious, schools, thereby reducing public school funding.

The state Department of Public Instruction released a study on March 27 that compared standardized test scores of voucher students to public school students in Racine. Voucher students fared poorly, scoring 11-14 points weaker than public school students in math and reading. Racine Superintendent Ann Laing said, “Basically, the scores speak for themselves.”

- Mitt Romney criticized President Obama for seeking to phase out the District of Columbia voucher program, calling the president’s opposition “inexcusable.” Campaigning in Chantilly, Virginia, on May 2, Romney added, “The president shut that down. His party shut that down.” The president tried to end vouchers, but agreed to allow students already in the program to continue. House Speaker John Boehner insisted on including D.C. vouchers in the first yearlong spending bill Obama signed after the Republican take-over of the House in 2011. Obama’s 2013 budget, submitted in January, includes no funds for vouchers.

- New Jersey Gov. Chris Christie endorsed vouchers before a friendly audience of voucher supporters in Jersey City May 3. He called on the legislature to pass a voucher test program by July 1, calling it “the tool that has the chance to get the most change, the most quickly.” Christie claimed that New Jersey’s schools had left students unprepared for college, even though the state has one of the highest percentages of college graduates among its adult population of any state. The governor spoke to the American Federation of Children, whose leader, Betsy DeVos, is a former chair of the Michigan Republican Party and a long-time figure in the Religious Right. New Jersey Education Association spokesperson Steve Wollmer told Bloomberg News that a considerable body of research disproved the governor’s assertion that vouchers would significantly improve education. ■

### Vouchers and Choice

“Voucher programs involve the establishment of religion, and they will inevitably bring with them the harms associated with the undue mingling of church and state. Once government vouchers become a major source of funding for religious institutions, can anyone imagine that the government will not use the power of the purse to curtail teachings of schools run by minority religions that may be considered ‘cults’ or ‘un-American’? Instead, only perceived majority religions will be allowed to exercise the ‘right’ to teach children according to their own conscience.

“In the long run, ‘school choice’ means that students and parents will, in effect, have to choose their religion when they choose their education. The government, in turn, will become captive to the influence of those religious sects that move fastest and acquire the largest share of government funds. And many children will miss out on one of the most valuable lessons that schools can teach: how to get along with those who are different.”

This is an excerpt from “School Vouchers and the Religious Subversion of Church-State Separation,” an article by Frances Prevas appearing in *The Guardian*, April 23, 2012.

## Updates

### Catholic Bishops “Redefine” Liberty

In April the U.S. Conference of Catholic Bishops issued “A Statement on Religious Liberty,” warning that “religious liberty is under attack both at home and abroad.” Their major point was that government is allegedly seeking to limit religious liberty in areas such as mandates for birth control services in insurance policies, and in other areas where public policy and public funding clash with religious opinions.

Catholics for Choice president Jon O’Brien issued a vigorous disagreement, saying, “The bishops’ concept of religious liberty means they should get the liberty to deny ours.” He continued, “The bishops’ idea of ‘religious liberty’ proposes that one narrow interpretation of one religious tradition should be allowed to run roughshod over the religious beliefs of every single American... Their strategy is twofold: they have sought to redefine religious liberty so that it is limited to policies and issues that they support, and in order for them to get their way, they are happy to deny the religious liberty of those who wish to be free from the dictates of the US bishops.” O’Brien also questioned the timing: “This new document from the bishops is an odd way to start—by seeking to insert themselves into political debates that take on extra importance in an election year.”

The bishops called for a two-week campaign beginning on June 21 to promote their views. Clashes over the meaning and scope of religious liberty seem inevitable. Religion writer Michelle Boorstein explained in *The Washington Post*, “Religious-liberty lawyers across the spectrum have said for some time that a legal collision is inevitable between the civil rights of gays and lesbians (to marry, to adopt) and the rights of religious groups that oppose same-sex relationships to refuse to perform certain services for them.”

*Commonweal*, a liberal Catholic journal, thought the bishops had chosen an unwise course of action. “Unfortunately, the argument made by the bishops as well as their proposed tactics for public action undermine their case. Worse, the tenor of the bishops’ statement runs the risk of making this into a partisan issue during a presidential election in which the leaders of one party have made outlandish claims about a ‘war on religion’ or a ‘war against the Catholic Church.’” In the April 12 editorial the editors added that the bishops’ statement “vastly exaggerates the extent to which American freedoms of all sorts and of religious freedom in particular are threatened.” In a later editorial (April 17) *Commonweal* observed that the bishops’ argument is “hyperbolic” and “conflates a number of disparate federal, state, and judicial actions into an allegedly unified and urgent peril.”

### White House Modifies Faith-Based Partnership

On April 27 the White House issued guidance for faith-based agencies that have social service partnerships with government. The report directs agencies to avoid excessive entanglement between government and religion and to ensure that grants are not made on the basis of religious affiliation. The guidelines do not, however, explicitly address the question of whether religious providers should be allowed to hire only members of their own faith traditions.

Melissa Rogers, chair of the president’s first Advisory Council, said

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## Updates, *continued from page 9*

the following guidance directs agencies to ensure that:

- “Standards regarding the relationship between religion and government are monitored and enforced in ways that avoid excessive entanglement between religious bodies and governmental entities;
- “Decisions about federal grants are free from political interference or even the appearance of such interference and made on the basis of merit, not on the basis of the religious affiliation of a recipient organization or lack thereof;
- “Beneficiaries of federally funded social services may receive services from a nonreligious provider if they object to receiving services from a religious provider;
- “Providers are given detailed and practical guidance regarding the principle that any explicitly religious activities they offer must be clearly separated, in time or location, from programs that receive direct federal support; subsidized with purely private funds, and completely voluntary for social service beneficiaries;
- “Social service intermediaries that disburse federal funds are instructed about their special obligations, and recipients of subawards are made aware of the church-state standards that apply to their use of federal aid;
- “Plans are developed to train government employees and grant recipients on the church-state rules that apply to these partnerships; and
- “Regulations, guidance documents, and policies that have implications for faith-based and neighborhood organizations are posted online, along with lists of organizations receiving federal financial assistance.”

### Anti-Choice Groups Receive Public Funding

“Across the country, crisis pregnancy centers that refuse to hire non-Christians are receiving taxpayer funding and other forms of government support.” This is the conclusion of an investigative report by Sofia Resnick that appeared on [huffingtonpost.com](http://huffingtonpost.com). These so-called crisis pregnancy centers encourage women to refuse abortions and often provide inaccurate medical information to them.

At least eight states—Florida, Kansas, Missouri, Minnesota, North Dakota, Pennsylvania, South Dakota and Texas—fund these centers, to the tune of \$17 million per year. “Many still use religion to make hiring decisions,” writes Resnick, and encourage their staff to proselytize women who come to them for help.

This is a particular scandal in South Dakota, which passed a law requiring women to get counseling from a “pregnancy help center” before obtaining an abortion. All three facilities listed on the state’s official website are connected to evangelical church groups. Texas maintains a similar connection, and its Alternatives to Abortion Services Program receives \$4.15 million in taxpayer funding. However, “The fact that many of the country’s anti-abortion pregnancy centers are Christian organizations is not something that is prominently featured in state literature promoting these groups or even on many of the centers’ websites.” Several are affiliated with Care Net, which requires all staff and volunteers to adhere to a “Statement of Faith” promulgated by

the National Association of Evangelicals.

Other anti-choice groups that dominate the field include Heartbeat International and the National Institute of Family and Life Advocates.

### Romney Names Bork

Republican presidential nominee-designate Mitt Romney has chosen former Judge Robert Bork as co-chair of his advisory committee on law and the judiciary. Bork, whose nomination to the U.S. Supreme Court was rejected, will presumably advise Romney on potential nominees to the High Court and to other positions on the federal bench. This selection “spells serious trouble for the American people and expresses Romney’s complete and total surrender to the most right-wing forces in the Republican party,” observed Jamie Raskin, professor of constitutional law at American University.

Raskin’s analysis, “Borking America: What Robert Bork Will Mean for the Supreme Court and American Justice,” was published recently by People For the American Way. Raskin exposed Bork’s extreme views, including hostility to civil rights, civil liberties, and equal treatment for women and gays, in his report. Bork’s own extensive writings indicate that he views *Roe v. Wade* as “the greatest example and symbol of the judicial usurpation of democratic prerogatives in this century [and] should be overturned.”

Bork favors government-sponsored school prayer and other religious activities, has ridiculed the wall of separation, opposes “evolutionary theory and Darwinism,” and believes that “America is engaged in a religious war.”

Raskin concludes, “With this brazen appointment, Governor Romney has ardently embraced Robert Bork’s reactionary and anti-feminist campaign against liberal democracy. . . . By naming Bork as a lead advisor on the law and the courts, Romney has shown that his approach to the Constitution is entirely political, partisan and right-wing.”

The full Raskin report is available at [www.pfaw.org/media-center/publications/borking-america-20](http://www.pfaw.org/media-center/publications/borking-america-20).

### What Religious War?

Most Americans do not believe that religious liberty is under siege today, as many leading Republicans have asserted. A March poll found that Americans rejected this claim 56% to 39%. Large majorities of the young (ages 18 to 29), as well as Democrats and Independents rejected the charge that religious liberty is being threatened in America. Majorities of evangelical Protestants, Republicans and Americans over age 65 believed the claim. Tea Party members were the most likely to fear a loss of religious liberty. A majority of Catholics, mainline Protestants and black Protestants also rejected the claim. Catholic opposition is significant since a number of bishops have made the charge.

The poll was conducted by the Public Religion Research Institute.

### Birth Control Mandate Supported

Most Americans endorse free birth control coverage in health care plans. Nearly 60% say that public corporations and religiously-affiliated hospitals should be required to provide this coverage, while smaller majorities think church-related colleges and social service agencies, as well as privately owned small businesses, should be required to provide coverage. Churches and other places of worship, however, should not

#### Moving?

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

be required to do so.

Catholics “are generally more supportive than the general public of the contraception coverage requirements,” noted the pollster, the Public Religion Research Institute, while “white evangelical Protestants are the only religious group that opposes requiring any type of employer to provide their employees with no cost contraception coverage.” Black Protestants and the religiously unaffiliated also strongly favor required birth control coverage, as do smaller majorities of mainline Protestants. Church attendance is a factor in the poll results. Weekly churchgoers are far less likely to favor the birth control mandate than those who attend worship services less frequently or never.

## Prison Programs Stress Religion

A majority of American prisons offer religion-related rehabilitation programs, according to a new survey of religion in prisons conducted by the Pew Research Center. About 62% of chaplains report that faith-based job training or mentoring programs are available in their prisons, and 61% report that usage has increased over the past three years.

The chaplains, who are state employees, are overwhelmingly Protestant (71%), and nearly half (44%) are evangelicals. Only 13% are Catholic, 7% Muslim and 3% Jewish, and the rest reflect a variety of other religions. Most chaplains are white, middle aged and male; and 55% describe themselves as political conservatives and 53% as religious conservatives.

Chaplains report a fairly high incidence of religious extremism, religious switching and religious proselytizing among inmates. Pew researchers received responses from almost half of the 1,474 professional chaplains working in state prisons in all 50 states.

## School Trip Raises Legal Questions

A school day trip to an evangelical megachurch in El Paso, ostensibly for Christmas gift giving, has come under fire. Last December 1, four public school districts sent thousands of students on buses to the Abundant Living Faith Center, where they saw a Christmas play and received presents. The cost for the bus fuel was \$6,000. Students missed an entire instructional day and apparently attended religious-themed events. School officials now say they will reevaluate the program before participating this year. Since the event occurred during school time, it does not fall under the protection of released time. John Witte, Jr., director of the Center for the Study of Law and Religion at Emory Law School in Atlanta, said emphatically, “This is a patently unconstitutional practice under the First Amendment Establishment Clause.”

## Sikhs May Join D.C. Police Force

Sikh officers in the District of Columbia police force will now be able to wear beards and turbans on the job. Police Chief Cathy Lanier announced the policy change on May 16, saying it was a “common-sense decision” that will enhance the cultural diversity of the Metropolitan Police Department. At present no active-duty Sikh officers are employed, but one Sikh reserve officer is expected to join the force. Sikhs may also wear other “articles of faith,” such as steel bracelets and small decorative swords, under their clothing. The Sikh American Legal Defense and Education Fund praised the decision, saying, “The beauty of this country is it really is founded on the idea of religious liberty.”

## By the Numbers

10 states generally considered to be tossups in November (Nevada, New Mexico, Iowa, Wisconsin, Ohio, Pennsylvania, New Hampshire, Florida, Colorado, Virginia)

2 Obama states likely to swing Republican (Indiana, North Carolina)

1 McCain state that might shift to Obama (Arizona)

30% of evangelical voters in 18 Republican primaries supported Mitt Romney

50% of Catholic voters in 12 Republican primaries supported Mitt Romney (exit polls in some states included only “evangelical” and “non-evangelical” religious categories)

34% of evangelical voters supported Rick Santorum in 18 Republican primaries

23% of Catholic voters supported Rick Santorum in 12 Republican primaries

8% of both evangelical and Catholic voters supported Ron Paul

54 Congressional members who have retired, are running for other offices, or have been defeated in primaries as of May 20

Washington is the first police force voluntarily to allow Sikhs to wear articles of faith. (New York City was forced to do so after a successful 2004 lawsuit.) A handful of Sikhs serve in the U.S. armed forces. Even more have long served in the British, Canadian and Indian armies.

## Amish Reject Orange

Kentucky Gov. Steve Beshear signed a law in April that exempts Amish residents from using a bright orange reflective triangle on their horse-drawn buggies. Several Amish farmers had served jail time for refusing to use the emblem, which they claimed violated their religious beliefs. Gray emblems are now allowed in a bill that passed the legislature.

## “Public Money Finds Back Door to Private Schools”

A front-page story in *The New York Times* May 22 reported that “public money finds a back door to private schools.” Staff writer Stephanie Saul wrote, “Spreading at a time of deep cutbacks in public schools, the programs are operating in eight states and represent one of the fastest-growing components of the school choice movement. This school year alone, the programs redirected nearly \$350 million that would have gone into public budgets to pay for private school scholarships for 129,000 students.” She noted that “most of the private schools are religious,” and added, “Public school officials view the tax credits as poorly disguised state subsidies, part of an expanding agenda to shift tax dollars away from traditional public schools.”

In Pennsylvania, “More than 200 organizations distribute more than \$40 million a year donated by corporations,” who then “retain up to 20% in administrative fees.” In some states questionable financial tactics have been uncovered. In several states the tax-credit programs have been credited with revitalizing failing religious schools. ■

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## International Updates

**Ankara:** In a highly contested move, on March 31, Turkey's parliament allowed middle school students to attend Islamic schools. The decision reverses a 1997 ruling by the military that restricted attendance at religious schools to high school students. The plan also extends compulsory education from eight to 12 years.

**Cairo:** Egypt's Coptic Christians withdrew their members from the committee that is drafting a new constitution. They said their concerns were being ignored by the Islamist-dominated panel. Only six of 100 members were Christian and only six are women. Liberal and secular groups also have only a handful of representatives. All minorities fear that Islamic domination will lead to a constitution that allows sharia law and will legitimize discrimination against the Christian minority. At present Christians must seek special approval from the state to repair or build churches.

The constitution process is itself in jeopardy. *USA Today* reporter Sarah Lynch reported in March that a court has suspended the committee, adding more doubt that any constitutional reform will be approved. U.S. Rep. Frank Wolf (R-VA) is pressing for the U.S. to make the annual \$1.4 billion in U.S. aid to Egypt contingent on respect for religious freedom.

**Dublin:** The declining political influence of the Catholic Church can be seen in two recent developments. The Irish government is moving forward with plans to end the Catholic Church's near monopoly over the national school system. School control may be shifted to secular, nondenominational sponsors in Dublin and in other towns where support for secular education is strongest. Polls show a majority of Irish parents support removing schools from denominational control, according to *The Irish Times*. Eventually, 1,500 of the 3,169 publicly supported Catholic schools may become essentially secular, forecasts Irish education minister Ruairi Quinn.

On another issue, the Irish Parliament began debates that would liberalize the nation's abortion law, which limits access to the procedure to only those instances affecting the life of the woman. Opposition from conservative groups is intense, and the outcome is expected to be close.

**London:** The Catholic Education Service (CES), which regulates Catholic schools in England and Wales, asked 385 secondary schools to encourage students to sign a petition against same-sex marriage. Parliament is debating and is expected to pass some type of gay marriage legislation. National Secular Society president Terry Sanderson told *The Guardian* newspaper, "This is a clear breach of the authority and privilege that the Catholic Education Service has been given in schools. Surely it is no part of its remit to promote a specific political campaign from the purely sectarian viewpoint." Sanderson's critique was echoed by the British Humanist Association, which said the CES action violated the 1996 Education Act, which requires all schools to present political issues in a balanced way. CES disagreed, retorting, "The Catholic view of marriage is not a political view; it's a religious view."

Church-related schools are substantially funded by the government throughout the United Kingdom.

**Moscow:** All Russian schools are now required to offer courses in religion and ethics. In February, Prime Minister Vladimir Putin expanded the requirement to all schools, instead of the pilot program introduced in a fifth of schools in 2010. Elementary and middle-school students can choose to study one of four "traditional" religions (Eastern Orthodox Christianity, Islam, Judaism or Buddhism) or take

courses in "ethics" or "religious culture." No courses in Protestant or Catholic Christianity are offered.

**Ottawa:** Quebec's mandatory "Ethics and Religious Culture" program in schools was upheld by Canada's Supreme Court. Two parents challenged the program, arguing that the courses would conflict with their ability to raise children according to their religion. But the court held that the program was purely educational and did not encourage or force children to adopt any faith. The program, which exposes children to a variety of religious traditions, replaced Protestant and Catholic instruction in all provincial schools in 2008.

**Portsmouth:** The English Catholic diocese of Portsmouth launched an appeal against a High Court ruling last November that a bishop can be held legally responsible for abuse committed by his priests. The appeal hearing will determine the issue of "vicarious liability" and whether there is any limitation under English and Welsh law to a bishop's liability for the actions of diocesan priests. This case, *JGE v. the Trustees of the Portsmouth Diocesan Trust*, "has implications for the way the law treats faith organizations and the voluntary sector as a whole," according to a report in *The Tablet*, a London-based Catholic weekly.

**Pristina:** Kosovo, which declared independence from Serbia in 2008 and proclaimed itself a secular state, is facing the resurgence of conservative Islam. Writes Mary Fitzgerald in *The Irish Times*, April 12: "While 90% of Kosovo's ethnic Albanian majority identify themselves as Muslim, this has more of a cultural than a religious resonance centuries after Ottoman Turks first brought Islam to the region. In general, Kosovar Muslims wear their faith lightly — overall mosque attendance is low and several other tenets are either observed casually or not at all. . . . However, many within Kosovo's secular-minded majority are uneasy over what appears to be a drift towards more conservative interpretations of Islam in some parts of the country."

The tiny country, which hopes to join the European Union one day, has banned the wearing of the hijab and restricts religious instruction in public schools. The rise in Islamic conservatism stems from Islamic charities funded by Gulf Arab states. These charities have rebuilt mosques and support various health projects. But the official regulatory body that selects and trains imams remains suspicious of these groups. Its president, Xhabir Hamiti, said emphatically, "The majority of Muslims here are against any kind of extremism and radicalism based on religion."

**Tripoli:** Libya's ruling National Council banned political parties based on religion. The April 25 decision was denounced by Islamists, who have tried to fill the political vacuum left by the collapse of the Gaddafi government last year. Elections scheduled in June will elect an assembly that will write a new constitution and form a new government.

**Tunis:** Tunisia's new constitution will retain the wording that the country is an "Arab and Muslim" state, but will include no reference to sharia as a source of law. The Islamist party that rules the nation in a coalition government had promised to preserve the secular character of Tunisia and distance itself from the fanatical Salafists, who have grown more assertive in recent months in calling for bans on alcohol and films deemed offensive.

The May 3 conviction of a cable TV mogul for "offending Islam," "disturbing public order," and "threatening public morals" by showing an Iranian-French film raises questions about the secularity of the state. However, TV magnate Nabil Karoui received only a fine rather than a jail sentence (or even death, as some religious extremists wanted). This clash between Islamic beliefs and free speech provoked widespread criticism. U.S. ambassador Gordon Gray expressed concern. "His conviction raises serious concerns about tolerance and freedom of expression in the new Tunisia." ■

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## Books and Culture



Seth Dowland, who teaches American religious history at Pacific Lutheran University, takes a long look at “The New Dominionist Politics” in the Spring 2012 issue of *Religion in the News*. While critical of the theocratic impulses among these extremists, he suggests that the “real threat” in the movement is “not theocracy but misguided policy.” Dowland argues that “their rhetoric has always been more aspirational than realistic.”

Dowland continues, “Evangelicalism’s diversity, not to mention the checks and balances of the U.S. political system, means that true dominionism is best seen as a fundamentalist dream, not a plausible American future.”

The main impact of dominionism may be their increasing domination of the home schooling movement. “These children learn about a world where the state of Israel is an example of God’s work in the world, and where demonic forces combat believers around the globe. Such views filter into politics, where opposition to Israel or denial of the supernatural can spell doom for Republican candidates.”

*The Republican Brain: The Science of Why They Deny Science – and Reality*, by Chris Mooney. John Wiley & Sons, Inc., 2012, 327 pp., \$25.95.

Are Republicans and Democrats wired differently? Do they have even more fundamental intellectual or unconscious orientations than just their views about the proper role of government? In his previous excellent book, *The Republican War on Science*, the author explored and explained why GOP members of Congress generally opposed the mainstream findings of modern science as it related to environmental and other issues.

In this book the author, a science writer, goes even further in exploring how political attitudes may be based on or related to psychological needs. “Personality traits strongly predict political outlooks.” Based on insights from social science, psychology and a new and probably controversial discipline called “political neuroscience,” the author has discovered that “Republicans and Democrats really think about facts, about reality itself, differently.”

Conservatives value “conscientiousness,” which extols order, structure and preservation of the existing order. Liberals value “openness to experience” which “embraces change and revels in it.” Liberals score highly on “integrative complexity, which describes the tendency to view an issue from multiple perspectives.” Liberals are also comfortable with “ambiguity and uncertainty,” while conservatives favor “closure,” certitude and stability. When conservatives support change, it is usually “in the direction of restoring something they perceive as prior and better,” often endorsing “an imaginary past that has been romanticized.” Conservatives tend to “resist equality or rationalize inequality” and are “hierarchical individualists,” while “egalitarianism is powerfully related to liberalism,” as is communitarianism.

Because of these differences, conservatives practice “motivated reasoning,” which defends traditional views and ignores new realities, thereby placing themselves “in direct conflict with modern scientific knowledge.”

The author takes on the Religious Right. “The historic political awakening of what we now call the Religious Right was nothing if not a defense of cultural traditionalism... and it mobilized a strong strand of right-wing authoritarianism in U.S. politics.” The Religious Right’s fa-

vorite issues inevitably clash with science. “There is a vast clustering of scientific falsehoods on the Christian Right, especially when it comes to matters having anything to do with sex.” This has led to the creation of a cottage industry among those who try to create an alternate reality. “Indeed, Christian conservatives have a strong penchant for fostering counterexpertise to thwart mainstream knowledge.”

Liberals can also be authoritarian and misinformed, but the weight of evidence suggests that “by any reasonable standard, the modern U.S. right is strongly misaligned with reality—and much worse in this respect than anything you will find today among Democrats or the ‘left.’”

What about moderates and independents? The author admits that many people have “an ideologically blended political identity” that does not fit into his liberal-conservative paradigm. Political independents also come in many categories, including libertarians and those who are disaffected or just uninterested in politics.

In some respects this study could be viewed as an updating of T.W. Adorno’s *The Authoritarian Personality*, a classic study published a half century ago during the Eisenhower years and one which arrived at similar conclusions based on empirical evidence from that era.

This book may delight liberals and infuriate conservatives, but it makes a distinct contribution to the political narrative in this election year.

—Al Menendez

*Endowed by Our Creator: The Birth of Religious Freedom in America*, by Michael I. Meyerson. Yale University Press, 2012, 368 pp., \$32.50.

The author of this insightful and closely argued book offers an explanation as to how America’s unique guarantee of religious liberty became embedded in our Constitution. He emphasizes that “a shared national experience guided by the conduct of the government’s early leaders” led to the reality of religious liberty. He continues, “Washington, Adams, Jefferson, and Madison did not always act consistently, but their practices and examples led to the evolution of a collective wisdom that ultimately created the American ideal of religious liberty.”

Concentrating on “the framing generation,” he writes, “The framers were deeply concerned with any governmental action that infringed upon an individual’s liberty of conscience or that coerced religious practices.” But the framers “did not see every acknowledgment of religion as communicating second-class citizenship to nonadherents.” Actions by government were “violative of the American understanding of freedom of religion only if the government were to endorse religion in such a way that it sends a message to nonadherents that they are outsiders.” Therefore, “the appropriateness of religious speech by political and governmental leaders depends on its context.”

In other words, “religion and government must stay in separate spheres” if genuine freedom of conscience is to be maintained. Government policies that cross the line toward endorsement of religion must be avoided, but religious-infused rhetoric by presidents and legislators does not constitute a direct threat to liberty. While Meyerson, a law professor at the University of Baltimore School of Law, says there is “no perfect compromise on the question of how government and religion should interact,” he is emphatic on this point: “We must recognize that one may be deeply religious, like John Leland, and still believe that a close tie between church and state degrades all religion and threatens

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## Books and Culture, *continued from page 13*

the freedom of those not belonging to the majority denominations. We must understand that one may care deeply about religious liberty, like George Washington, and still believe that public acknowledgment of religion does not threaten the rights of others.”

--Al Menendez

*Sword of the Spirit, Shield of Faith: Religion in American War and Diplomacy*, by Andrew Preston. Alfred A. Knopf, 2012, 815 pp., \$37.50.

This extraordinarily important book explores the relatively unknown link between religion and U.S. foreign policy. The author, a historian at Cambridge University, shows that religion has influenced the nation's foreign policies from the intermittent wars with the Barbary pirates in the 1790s to President Obama's Cairo speech in 2009. "Religious attitudes mattered in war and diplomacy," often in "indirect and subtle ways." There were religious elements in the Mexican and Spanish-American Wars and in the Manifest Destiny movement. Preston argues that Abraham Lincoln used religion as a prominent facet in the "first war of humanitarian intervention." With Lincoln's belief in providence and destiny, "the Civil War stands not only as a struggle for the nation but as a redemptive platform for America to save the world."

The war against Spain was framed by President McKinley "in the moralistic terms of Protestant benevolence, responsibility, and uplift."

It was Woodrow Wilson who exemplified neo-Calvinist conceptions of American exceptionalism. "He was so thoroughly steeped in mainline Protestant theology, so familiar with the premises of the Social Gospel, that it would have been surprising had his foreign policy resembled anything else. Wilsonianism was essentially an expression of Christian reformism." Wilson saw the United States as "the chosen nation" and his "covenant theology left no room for ambiguity or moral relativism." Wilson believed that religion was necessary for "the spread of progress and the protection of justice."

"For Wilson, religion formed the basis for politics: from religious liberty flowed political liberty, and from religious justice flowed political justice." As a result Wilson pushed for the inclusion of religious liberty in postwar peace efforts and in the formative documents of the League of Nations.

Preston credits Franklin Roosevelt with moving religious liberty to the top of his foreign policy agenda, as well as including freedom of worship in his "Four Freedoms" declaration. Calling FDR the "most instinctively ecumenical president since Lincoln," the author continues: "In wearing his theology lightly but holding his faith closely, Roosevelt was closely in tune with the religious sentiments of most Americans, who valued religion as much for its social utility and spiritual comforts as for any deeper philosophical meaning."

### Back Issues of *Voice of Reason*

Since 1982 Americans for Religious Liberty has published 119 issues of its journal, the *Voice of Reason*. All of these issues are now available in downloadable PDF format at our website, [www.arlinc.org](http://www.arlinc.org).

If for any reason you should need an original printed version, these are also available from Americans for Religious Liberty at:

ARL, PO Box 6656, Silver Spring, MD 20916

### *ARL in Action*

- Americans for Religious Liberty has joined, upon invitation, the Global Interfaith and Secular Alliance (GISA), which seeks to advance women's rights, "to counter claims made by religious extremists," while "maintaining respect for religion and people of faith." GISA is composed of two dozen advocacy organizations in Europe, Asia, Latin America, Canada and the United States. It was founded last year in Indonesia by a coalition of Muslim, Catholic, Evangelical, Jewish and secular groups.

- ARL president Edd Doerr's position paper on school vouchers will soon be issued by The Center for Inquiry and will become available to ARL members.

He adds, "Roosevelt frequently used religious imagery, symbolism, and language in his official duties....He shared the Christian republican view that religion was the source of democratic freedom because it was the source of conscience and private belief. Freedom of conscience was the bedrock upon which liberty was built, because if the state could interfere with individual conscience, there was no stopping its power or potential for tyranny."

FDR insisted that the Soviet Union respect the religious liberty of American citizens in that country as a condition for diplomatic recognition in 1933 and demanded that religious freedom be included in the 1942 Declaration of the United Nations. "Religion became one of the dominant ideological themes of his foreign policy...and efforts to promote and protect religious liberty permeated U.S. foreign policy for the rest of the war."

Preston examines the diplomacy of Truman and Eisenhower during the Cold War and argues that Reagan's views about Armageddon shaped his opposition to nuclear weaponry and support for détente with the Soviet Union. Reagan also thought that support for religious freedom would strengthen political liberty and lead to world peace. "As had most of his predecessors, Reagan assumed that religion provided a baseline for democracy and that once a state allowed its people to worship it could do little to hold back the swell of other freedoms."

Obama has continued in this pursuit. He "has stressed the importance of religious pluralism to harmonious international relations" and believes that "religious liberty was one of the preconditions for political liberty."

Religion will continue to play a central role in foreign policy, says the author. "Whether from the top down in the form of the personal piety of American leaders, or the bottom up in the form of pressure from religious groups and individuals, whether for peace or for war, religion remains, and will continue to remain, an integral part of foreign relations. It may not always determine the direction of policy, but it will be an ever present factor. Those who conduct U.S. foreign policy ignore it at their peril."

Preston's work is exhaustive, with almost 200 pages of footnotes and bibliography. It is also an exceedingly well written exposition that, in the opinion of this reviewer, deserves a prize for historical scholarship and writing.

--Al Menendez

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***Breaking Their Will: Shedding Light on Religious Child Maltreatment***, by Janet Heimlich. Prometheus Books, 2011, 397 pp., \$20.00.

Journalist Janet Heimlich's book is one of the most powerful and important to appear in the last year. Maltreatment or abuse of children is usually thought of in four separate, but related, categories: physical, psychological/emotional, sexual, and medical. And while these forms of abuse can occur in any social setting, Heimlich shows that they tend to be concentrated in religiously authoritarian or fundamentalist cultures, whether Christian, Jewish, Muslim, Mormon, or other. While Heimlich discusses the problem of sexual abuse by Roman Catholic priests, she does not adequately portray the worldwide extent of the scandal or the top-down cover-ups at the highest levels.

Among Heimlich's prescriptions for reducing the abuse are these: repealing legal exemptions for religious groups that practice faith-healing; requiring clergy to report child abuse and neglect; extending or eliminating sexual abuse statutes of limitations; and having secular agencies reach out to religious communities.

—Edd Doerr

***Bad Religion: How We Became a Nation of Heretics***, by Ross Douthat. Free Press, 2012, 337 pp., \$26.00.

*New York Times* columnist Ross Douthat laments that the past half-century or so has seen a wholesale decline of what he calls orthodox Christianity as a serious influence on American life and culture. "It was the last moment in American life when the churches of the Protestant Mainline still composed something like a religious establishment capable of setting the tone for the culture as a whole." The Catholic Church was, grudgingly perhaps, included as a major role player. "It was the peak, in certain ways, of the American Catholic Church, which had passed from a mistrusted immigrant faith to an institution almost unmatched in confidence and prestige, admired even by its fiercest Protestant rivals for the loyalty of its adherents and the vigor of its leaders." But today, "A slow-motion collapse of traditional Christianity and the rise of a variety of destructive pseudo-Christianities" have taken center-stage. As a result, "The churches with the strongest connection to the Christian past have lost members, money, and authority."

The author's use of the term "heretics" will be off-putting for some readers, conjuring up as it does images of people being burned at the stake. But the author generally means do-it-yourself, upstart religions that challenged traditional groups and contributed to the vitality of American life. And he praises the nation's Founders. "Many of them

were Deists and Unitarians rather than orthodox Christians, and their distance from institutional Christianity helped guarantee the new nation's absolute commitment to freedom of religion."

The author argues that the kind of middle-road, historically grounded Christianity "frequently provided an invisible mortar for our culture and a common vocabulary for our great debates." Those days are gone, perhaps forever, having been replaced by "TV preachers, self-help gurus, utopians and demagogues." Today's feel-good, prosperity gospel preachers receive the bulk of his contempt, though Douthat's far-reaching criticisms have something to offend just about everybody.

He says that Christians should stop being prisoners of nationalism and partisan politics, of trying to identify one party or the other as the sole embodiment of truth. "Two generations of Christian spokesmen steadily undercut the credibility of their religious message by wedding it to the doctrines of the Democratic Party, or the platform of the GOP." Hypocrisy can be found on the left and the right. "A conservative Christianity that lets figures like Newt Gingrich and David Vitter serve as its public champions shouldn't be surprised when its claim to be protecting the sacredness of the family falls on deaf ears."

While leaning a bit to the conservative side, Douthat spares no criticism, especially for those Catholic bishops who mishandled the clerical abuse scandal. "The cover-ups represented Catholic conservatism at its worst — hierarchical and high-handed, demanding obedience at the expense of justice, and putting the supposed good of the faith above the actual good of the faithful."

This lively and exceedingly well-written book is likely to reach a wide audience.

—Al Menendez

***The Constitution of Religious Freedom: God, Politics, and the First Amendment***, by Dennis J. Goldford. Baylor University Press, 2012, 264 pp., \$44.95.

The author makes his intentions clear: "The goal of this book has been to argue that the purpose of the religion clauses of the American Constitution is to protect not religion, but religious freedom." He adds that the United States is "a political order that protects the religious freedom of individuals and groups, that guarantees them a space to make their own choices regarding religious beliefs, values, and practices."

He rejects the argument that America is a religious nation, based on

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

some kind of amorphous religious identity usually called “Judeo-Christian.” Government’s sole purpose in the religious realm is to secure freedom of conscience and to assume a position of neutrality toward all. “Religious liberty is protected when the Constitution prohibits government from requiring that you deny or reject religious belief or practice, and when the Constitution prohibits government from requiring that you affirm or subscribe to a religious belief or practice.”

The Constitution, Goldford affirms, “allows for the existence of particular religious communities with their own particular religious identity and mission” and even “encourages the existence of such communities.” But the nation itself “is not a religious community with a religious identity and religious mission.”

The Establishment Clause “ultimately expresses the secularity principle,” the clear position that government cannot take any position that judges the “truth or worth of religion, religious belief and values, or religious practices.” As a result of this bedrock principle, the nation has seen the “existence of a tremendous diversity of religious communities.”

Even with these Constitutional guarantees, there has always been a “tension between majority rule and individual rights [that] lies at the heart of conflict over the public status and role of religion in the United States.” But the Constitution is clear that “religious matters are reserved to the individual and protected against majority intrusion.”

This book is a good antidote to the misuse of religion in politics.

*--Al Menendez*

*The Case for Polarized Politics: Why America Needs Social Conservatism*, by Jeffrey Bell. Encounter Books, 2012, 322 pp., \$25.95.

Anyone who has ever wondered why social conservatism, rooted in religious and cultural values, is a strong political phenomenon in the United States but nowhere else can find one explanation in this book. Written by a supporter of the movement, this book argues that social conservatism “is a relatively new phenomenon in American politics” and its “continued presence and strength is the central reason politics is polarized here.” It is not likely to go away either since the movement “is becoming increasingly unified and coherent.”

This movement, which he says began largely in opposition to the sexual revolution of the 1960s, is uniquely American. “The United States is the only established First World democracy to have a social-conservative political movement of any consequence.”

Bell suggests that religious preconceptions underlie the movement.

“This gulf between social conservatives and liberals concerning the role of God and natural law has enormous and intensely controversial implications on a wide range of unsettled issues.”

Social liberals and some conservative libertarians will disagree with the author’s contention that “America’s founding documents rested on God-made natural law.” Most would cite the social contract view of government and the Constitution’s clear mandates for governmental neutrality toward religion and the independence of religious institutions from the state that allowed for religious pluralism and diversity. Many readers will also remain unconvinced that polarization is a good thing for democracy, though most will recognize that it may be inevitable, given today’s divisions.

*--Al Menendez*

### An Agenda Behind School Vouchers

Kevin Chavous and Donald Hense wrote [“Why is Mayor Gray jeopardizing aid for school choice in the District?” letters, April 14] that “progressive, forward-looking public officials” support vouchers for private schools. Which progressive officials might these be? The authors cite legislators in Alabama and Mississippi, hardly citadels of progressivity.

The public officials pushing the hardest for school vouchers are anti-progressives, such as Republican governors Scott Walker (Wis.), Mitch Daniels (Ind.) and Bobby Jindal (La), not to mention former House speaker Newt Gingrich and current House Speaker John Boehner (R-Ohio).

Further, the writers plead for “immediate relief for families in need” while we work for “long-range systemic change”—flying the plane while we fix it, they propose. But the plane will not fly with only a right wing. True progressives all over the country are resisting the siren song of religious and other special-interest groups who want public money for their privatizing schemes. Instead, they are getting the priorities straight and supporting legislation that provides the funds to expand equal access to quality education for all children in public schools.

D.C. Mayor Gray (D) and President Obama rightly oppose expanding tax aid to private schools.

—Ken Sandin, Rockville, MD. Letter published in *The Washington Post*, April 17, 2012 (The writer is a member of the board of directors of Americans for Religious Liberty)