



# VOICE OF REASON

The Journal of Americans for Religious Liberty

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## Vouchers Approved in Indiana and Colorado, Lose in Louisiana

The nation’s broadest school voucher program was upheld by the Indiana Supreme Court on March 26. The unanimous decision ignored two clear provisions of the state constitution. Article 1, Section 4, decrees that: “No person shall be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent.” But the court held that this clause does not apply because it was not “intended to limit government expenditures.”

Article 1, Section 6, provides that: “No money shall be drawn from the treasury, for the benefit of any religious or theological institution.” But the court ruled that the school voucher program, which mainly aids faith-based schools, is “ancillary and indirect,” not “substantial” or “direct.” Aid to private religious schools is no different from fire and police protection, or municipal water and sewage service, which religious institutions receive, because the “primary beneficiary is the public.” Chief Justice Brent Dickson wrote: “Section 6 prohibits government expenditures that directly benefit any religious or theological institution. Ancillary indirect benefits to such institutions do not render improper those government expenditures that are otherwise permissible.”

The court denied that religious schools were the intended and primary targets of the program. “The direct beneficiaries under the voucher program are the families of eligible students and not the schools selected by the parents for their children to attend. The voucher program does not directly fund religious activities.”

Civil liberties and public education groups challenged the Indiana program, which became law in 2011. The pro-voucher Friedman Foundation, Religious Right legal groups (The Becket Fund, the Alliance Defense Fund), the Council of Christian Colleges and Universities and the right-wing Pacific Legal Foundation filed amicus briefs supporting the state program.

About 9,000 students are presently enrolled, most of them in religious schools. Gov. Mike Pence signed an expansion of the program at Calvary Christian School in Indianapolis on May 9.

In blatant disregard for the state constitution, the Colorado Court of Appeals upheld a school voucher program in Douglas County. The court overruled a 2011 lower court holding that the plan violated state constitutional provisions. (See *VOR*, Issue 116)

The February 28 decision allowing the so-called Choice Scholarship Program (CSP) to go forward concluded that “plaintiffs do not have standing to seek redress for a claimed violation of the Act, and that the CSP does not violate any of the constitutional provisions on which plaintiffs rely.”

Reaching this amazing conclusion required the court majority (two of three) to ignore state constitutional bans on aid to religious institutions and to disregard the fact that 16 of the 23 schools scheduled to participate in CSP are faith-based. The court even admitted that, “sixteen teach religious tenets or beliefs [and] many are funded at least in part by and affiliated with particular religious organizations.”

These religious schools are given additional protection from state standards. “The CSP does not require as a condition of participation that any private school modify employment or enrollment standards that are based on religious beliefs.”

The court admitted that, “Many of the participating private schools base admissions decisions at least in part on students’ and parents’ religious beliefs and practices. Many also require students to attend religious services.”

These facts are no longer considered relevant by the Appeals Court majority. They bluntly asserted that “the inquiry in which the district court engaged—into the degree to which religious tenets and beliefs are included in participating private schools’ educational programs—is no longer constitutionally permissible.” This reasoning would almost certainly end constitutional jurisprudence in establishment cases. The majority added, “in assessing facially neutral student aid laws, a court may not inquire into the extent to which religious teaching pervades a particular institution’s curriculum.”

Fortunately, one justice, Bernard, issued a stinging dissent. He wrote that the several state constitutional prohibitions on state aid to religion are clear. “It is well-established law in Colorado that, if the language of a constitutional section is clear and unambiguous, we do not resort to other modes of interpretation to determine its meaning.”

Article IX, Section 7, “prohibits public school districts from channeling public money to private religious schools.” In this case “the Choice Scholarship Program is a pipeline that violates this direct and clear constitutional command.”

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## “Nones” Continue to Grow

Americans without any religious preference now constitute 20% of adults, according to 2012 data compiled by the General Social Survey (GSS), a national survey sample that began in 1972. The “no religion” percentage was 18% in 2010, 14% in 2000 and 8% in 1990.

In an analysis published in March by the University of California’s Institute for the Study of Societal Issues, three sociologists found that “Americans in almost every demographic group increasingly claim ‘no religion’ since the trend began to accelerate in 1990.” However, “atheism is barely growing,” the authors note, and the total percentage of atheists and agnostics rose only from 6% to 8% over the past two decades. Most of the shift represents religious disaffiliation or disillusionment with organized religious bodies.

Political affiliation is the biggest predictor of religious nonaffiliation, far more than gender, race, education or geography. Nearly 40% of political liberals claim no affiliation, compared to 9% of conservatives. Moderates are closer to conservatives, with 18% claiming no affiliation with any religion. Since 1990 the increase in the no religion category has jumped 25% among liberals, 12% among moderates and only 4% among conservatives. The reports’ authors claimed that “a growing alliance between the leadership of conservative religious denominations and politicians promoting a conservative social agenda was pushing political liberals from conservative denominations away from organized religion.”

There is a major age factor. The youngest adult cohort, the 18 to 24 year olds, have the highest no affiliation group, 32%, and the greatest two-decade gain, 22%, followed closely by the 25-34 year olds (29%, up 19%). The disaffiliation rate goes down for each succeeding age group, with only 7% (and a 3% increase) for those over 75.

Geographic or regional differences are significant. The Mountain States—a Mormon stronghold—now have the highest incidence of nones (28%) and the largest increase in the nonaffiliated (24%) of any region. In 1990 this area had the lowest percentage of nonaffiliated; today it has the highest. The Pacific States, by far the least religious in 1990, came in second (25%), but the increase was only 10%, or below the national average. Some of this may relate to population movements or migration patterns in the West. The Northeast is 24% nonaffiliated, an increase of almost 17%. This could be due to the decline in Catholic identity in the most Catholic area of the country. The Midwest (19%) and South (15%) have the lowest percentages of nonaffiliated, but the trends toward disaffiliation even in these regions are upward.

Gender, race and education are not as significant. Men have always been less involved in religion than women, and they remain about seven points more likely than women to be unaffiliated. Whites are more likely to be unaffiliated than African Americans or Hispanics, though African American disaffiliation increased from 3% to 17%.

Education was a relatively minor factor. College-educated adults are only 6% more likely to be religiously unaffiliated than high-school graduates (23% to 17%). Those holding advanced college degrees were the most likely to be nonaffiliated (24%) and had the highest percentage increase (16%). But those with “some college” showed almost as large an increase (14%) in disaffiliation.

The authors, Michael Hout and Claude Fischer of the University of California and Mark Chaves at Duke University, suggested that the trend toward nonaffiliation is likely to continue because it “reflects generational differences” that may persist despite aging.

Among their other findings: “While 20% of people currently had no religious preference in 2012, only 8% had been raised without a religious preference.” Still, “40% of those raised without religion had a current religion in 2012.” Catholics have lost more ground than other religions, since 35% of adults were raised Catholic but only 24% consider themselves Catholic today.

Conservative Protestants have held their own. “About one-third of Americans were conservative Christians in 2012, and about one-third were raised in a conservative Christian tradition.” Mainline Protestants have declined from 21% to 19%, while Jews and other religions increased slightly from 5% to 6%.

GSS data show some differences from other studies such as Pew, Baylor, and the National Religious Identification Survey. For one thing, all members of generally conservative churches are classified as conservative or evangelical, which may not be the case. This may explain why their figures are somewhat higher than in other surveys, which show about a fourth of U.S. adults are evangelical. The “other religion” category is much lower in the GSS data, which differs from other findings. (There is always the possibility that members of smaller religions do not participate as avidly in opinion surveys.)

GSS is a project of the National Opinion Research Center, an independent research unit at the University of Chicago. Its funding comes largely from the National Science Foundation. ■

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# Religious Persecution and Discrimination on the Rise

A devastating report from the First Freedom Center, based in Richmond, Virginia, reveals a depressing international trend toward religious discrimination against minority faiths. Women are especially vulnerable if they belong to unpopular religious minorities, particularly in countries that lack effective constitutional safeguards.

The report, "Minority Religious Communities at Risk," issued in March, said:

"Minority religious communities suffer because regimes and majorities consciously and intentionally marginalize them, and by focusing tactics of marginalization specifically on women they very effectively marginalize those communities further.

"Denial of religious-freedom rights more acutely affects women than it does men. Majority communities and the governments/regimes which cohere with them much more often oppress women than they do men. Denying women the wherewithal to leave those circumstances, whether by dint of apostasy laws or via countless other barriers, affects women disproportionately.

"Because they are not adequately protected, religious-minority women are far more often trafficked than are majority women, and the indifference and impunity with which majorities react to their plight, is a vast abuse of their freedoms, including freedom of religion."

The study noted, "If women are denied their rights across the rest of the spectrum, the religious and conscience freedoms of all are at risk," and added, "Nor should we forget that minorities who depend upon these guarantees include humanists and non-believers."

The survey, based on comprehensive analyses of conditions on the ground, said, "Things are getting worse for minority religious communities and others who dissent, and it matters a great deal whether the world does anything about it."

The harshest conditions experienced by religious minorities are in Sub-Saharan Africa and South Asia. Interfaith clashes, authoritarian governments, and repression of minorities are widespread. Many conditions stem from the "failure to rein in, investigate, prosecute or punish those who perpetrate violence against religious communities." Sudan, Nigeria, Mali and Somalia were rife with anti-Christian violence, often abetted by the government.

"In South Asia, authoritarian governments continued to maintain laws that restricted the rights of minorities freely and peacefully to practice their faiths." In Indonesia local governments did little or nothing to protect religious minorities from violence, even when the Supreme Court ordered protection. "These incidents created an environment of insecurity and vulnerability for minority communities that left them open to even more intimidation and loss."

Pakistan has allowed persecution of Christians, Buddhists, Hindus and Ahmadiyya Muslims, a small sect, to continue with impunity. Buddhist mobs, often led by monks, attacked Muslims, Hindus and Catholics in Sri Lanka and Burma. The First Freedom report concluded, "Clearly, when extremists enjoy free rein at the hands of a government which refuses to prosecute them, every minority is at risk....The near total absence of public condemnation for disturbing statements by Asian government or public figures against minorities only encourages extremists to act upon their own rhetorical words."

Throughout South and East Asia, the situation is deteriorating. "Delayed justice represents an important and widespread denial of rights imperiling Asian minority religious communities....A deeply disturbing and growing trend in Asia is violence against women and girls belonging to minority religious communities."

In East Asia, "The historical link between ethnicity and majority religion in numerous Asian cultures has brought great suffering to mi-

nority populations." Two of the most at-risk communities are the Muslim Uyghurs of Western China and the Buddhists of Inner Mongolia. The same remains true for Tibetan Buddhists.

The "future of human rights and religious freedom" depends on "how the outside world reacts to promote positive change" in India and China. "Trends in Asia show some promise but still remain quite disturbing and will likely get worse unless more international attention and action is given to support those minority communities seeking justice and the affirmation of their rights."

Asia remains a dangerous place for free expression of religion, especially in North Korea. "Religious minorities across the continent suffered to varying degrees from restrictive laws, attacks on property and person, attempts at taking land and property, forced conversion, religious conflict, forced movement, delayed justice, and impunity for perpetrators."

Europe, Latin America and North America receive higher marks in their nations' treatment of minorities, though anti-Semitism has increased in Hungary, Greece and Venezuela. Muslim-Christian conflict remains high in Kosovo and the Balkans, and new religious movements are generally frowned upon. "Discrimination and violence against 'new' religions continued across the continent....In Europe, 2012 closed with unprecedented confusion as to what constitutes religious freedom."

Conditions improved in South America. "Latin America offered encouraging movement toward permanently-established religious freedoms."

The Middle East and North Africa generally maintained abominable policies toward freedom of conscience. The report says that, "Most governments have either constitutionally adopted a state religion or describe themselves in terms of a religious identity, [and] outright bans on various minority religions are common in the region." There is "extensive violence committed against minority religious communities [that] frequently goes unpunished." Education and family life are impacted. "In a number of countries, marriage, divorce, and custody laws discriminate against women. Minority religious communities may face severe restrictions in trying to operate a school, import texts, or provide religious instruction to their children."

Saudi Arabia and Iran are guilty of "extreme oppression of minority communities." Even nations with new constitutions, e.g. Tunisia and Egypt, "provide confusing and deficient protection guarantees." In Egypt, "From the perspective of guaranteeing religious-minority rights, the new constitution is so flawed that it is probably beyond practical remedy." Most protections for Coptic Christians and provisions for a secular democracy are absent from Egypt's new constitution.

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## Back Issues of *Voice of Reason*

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## Persecution on the Rise, *continued from page 3*

In sum, “Pervasive violence and instability will impact Middle East and North African religious minorities for some time to come.”

Most nations that could work for greater advancement of human rights and freedom of conscience in line with the U.N. Declaration of 1948 seem consumed by their own economic and domestic crises. First Freedom laments this reality. “There is little prospect that this downward trend will reverse itself in the absence of renewed leadership and reinforced emphasis on the provisions of international law.”

The First Freedom Center is concerned solely with religious freedom issues. The authors of this report include: Ambassador Randolph Bell, a retired diplomat who heads the First Freedom Center; Michele Clark, professor at the Elliot School of International Affairs at George Washington University; Karin Finkler, an international human rights specialist; Timothy Hensley, director of the Holocaust Research Library at the Virginia Holocaust Museum; and Jennifer Quigley and Cheery Zahau, activists on behalf of minority rights in Burma.

This comprehensive review is the fourth major study of the deteriorating situation concerning religious liberty worldwide. Others have come from the U.S. Commission on International Religious Freedom, the U.S. State Department, and the Pew Research Center’s Forum on Religion and Public Life.

The entire document is available at [www.firstfreedom.org](http://www.firstfreedom.org) ■

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## Vouchers Approved, *continued from page 1*

Bernard concluded that Colorado’s Constitution:

- “establishes greater protection against the establishment of religion in Colorado’s public elementary, middle, and high schools than does the First Amendment’s Establishment Clause;
- does not offend the Establishment Clause, the First Amendment’s Free Exercise Clause, or the Fourteenth Amendment’s Equal Protection Clause;

### ***The Great School Voucher Fraud***

By Edd Doerr

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

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

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

Available on line on ARL’s web site — [arlinc.org](http://arlinc.org) — or in print for \$10 from ARL, Box 6656, Silver Spring, MD 20916

- bars transferring public funds to private religious elementary, middle, and high schools; and
- renders the Choice Scholarship Program, created by Douglas County School District RE-1, unconstitutional”

Bernard noted that CSP “suffers from fundamental defects,” in particular because “the manner in which CSP is operated demonstrates that the school district is significantly entangled with private religious schools.”

Bernard concluded: “I respectfully submit that the history of religious oppression and conflict throughout the course of our grand American experiment is a cautionary tale that should never be forgotten.” He noted that “religious freedom is an admirable product of the constitutional division of church and state” that has allowed this country to “become breathtakingly diverse in a religious sense. . . . It is this diversity, I respectfully suggest, that most starkly points out the great risks in the school district program at issue here.”

*Taxpayers for Public Education v. Douglas County School District* attracted a great deal of attention since its outcome could affect other states contemplating school voucher programs, particularly those with constitutional prohibitions on aid to religion.

The plaintiffs challenging vouchers included individual parents, taxpayers and members of the clergy. They were joined by the ACLU Foundation of Colorado, the Interfaith Alliance of Colorado, and Americans United. Amicus briefs were filed by the Anti-Defamation League, the American Federation of Teachers, and the American Association of School Administrations.

Defendants included the state board of education and several other state education departments which backed the proposal, the Association of Christian Schools International, and the Catholic Diocese of Colorado Springs. Joining them were representatives of two Religious Right legal lobbies, the Institute for Justice, and The Becket Fund for Religious Liberty. Parents of five children who were to participate in the program also intervened to support the program.

The case will be appealed to the Colorado Supreme Court.

The Colorado decision has emboldened and energized the aggressive voucher movement and assorted privatizers who want to fundamentally change U.S. education. Peter Montgomery addressed this trend in his “Right Wing Watch” blog from People for the American Way: “Religious Right leaders and anti-government ideologues have shared a decades-long dream: to dismantle public education through a system of vouchers that would divert taxpayer funds out of public schools and into religious schools and other private academies. For some, privatizing education is primarily a religious or ideological project. For others, the billions of dollars that flow through public schools is a tempting source of cash. For some it’s both. Whatever the incentive, voucher proponents are finding success. A renewed push for the creation and expansion of voucher and voucher-like schemes is contributing to a disturbing rise in public education dollars being diverted to schools that face little to no oversight or public accountability and teach religious dogma at the expense of science.”

Louisiana’s school voucher program, however, was struck down in May. Louisiana’s school voucher plan violates the state constitution because it diverts tax dollars from the state’s “minimum foundation program.” So ruled the state supreme court on May 7. The court held six to one that this program was created solely to pay for public schools. Justice John Weimer wrote that “the constitution prohibits those funds from being expended on the tuition costs of nonpublic schools and nonpublic entities.”

The program began in 2008 and sends 4,700 students to private, mostly religious, schools. Gov. Bobby Jindal planned to increase the number of students to 8,000 in September. The governor announced that he would try to find \$40 million in the state budget to fund the controversial program. ■

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## Private School Enrollment Declines

The number of students attending private and religious schools dropped from 5.4 million in 2002 to 4.5 million in 2010, according to data from the U.S. Census Bureau's Current Population Survey. These trends occurred despite the renewed pressure for school vouchers, tax credits, and other schemes to aid private schools from the public treasury.

Stephanie Ewert, of the Census Bureau's Social, Economic and Housing Statistics Division, published "The Decline of Private School Enrollment," in which she "compared trends across datasets and subgroups and explored possible underlying causes of the decline in private school enrollment."

While being cautious in drawing conclusions, Ewert suggested that there is a statistically significant correlation between the growth of charter school enrollment and the decline in private school enrollment, particularly in the Southeast, the Far West, the Mountain West and parts of the Midwest.

In some states the correlation is striking. In Arizona, charter school enrollment rose from 90,000 in 2008 to 125,000 in 2010, while private school enrollment declined from 80,000 to 70,000 over the same period. In Utah, charter schools jumped from 27,000 to 40,000 while private enrollment declined from 33,000 to 29,000. More modest changes were found in Ohio, Pennsylvania and Texas. Ewert stresses that correlation is not causation. Trends may occur simultaneously, but are not necessarily related, nor does one trend cause another. Still, "Most states with a significant difference show a decline in private school enrollment and an increase in charter school enrollment." She concludes, "Therefore, the results support the explanation that growth in the charter school movement has occurred in conjunction with the decline in private school enrollment. These findings are consistent with current research that found that charter school growth was a significant cause of the decline in Catholic school enrollment in New York State."

Another finding was that economic changes do not significantly affect school enrollment. Some private school interests and their political allies have claimed that economic decline has harmed their ability to attract students. Ewert challenges this assertion. "The proportion of students enrolled in private schools declined during most of the 1960s, which was a period of great economic growth in the U.S. The proportion of students in private schools held fairly steady during the recession of 1983. The decline in private school enrollment in the 2000s began prior to the most recent recession." She continues, "This finding suggests that short-term changes in finances do not affect enrollment decisions."

Ewert also looked at homeschooling data in the states that compile information on this educational option. She found that existing data "does not provide strong support for the explanation that a rise in homeschooling has affected the decline in private school enrollment."

There was a definite decline in private school attendance among non-Hispanic whites. Also, "The decline in private school enrollment occurred at all school levels but was concentrated among schools that were larger, religiously affiliated, and not located in rural areas." During the 2005-2009 period, Catholic school enrollment declined 10.5%, other religious schools were down 7%, but nonsectarian schools were up 1.3%.

U.S. Census data may not include all of the evangelical Christian schools, which often fly below radar and fail to participate in national surveys. Ewert's data, showing that about 8% of all students attend private schools, are somewhat lower than comparable U.S. Department of Education data, but her analyses of cause and effect add greatly to the conversation about schooling and financing in the U.S.

Catholic school enrollment also fell during this same time frame. There were two million students attending Catholic elementary and secondary schools during the 2012-2013 school year, a decline of 1.5% over the previous year.

Looking at data over the past decade shows a significant decline of 21.6% since the 2002-2003 school year, a loss of 552,000 students, according to the National Catholic Educational Association.

More than a third of the Catholic school student population in the "Mideast" (roughly equivalent to the Mid-Atlantic and Border regions) was gone by 2012-2013. The enrollment decline was 28% in New England and 23% in the Great Lakes, all traditional Catholic strongholds. Smaller declines were registered in the Plains States (16%), the Southeast (12%) and the West (10%).

About three fourths of students are white, 14% are Hispanic (30% in the West), 7% are African American and 5% are of Asian ancestry. Only 16% are not Catholic. Three fourths of the faculty are laywomen (only 2% are nuns), and nearly a third of secondary schools are single gender.

Schools in suburban areas outnumber those located in urban areas 38% to 31%, while 21% are rural and 10% are found in the inner cities. ■

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## North Dakota Bans Most Abortions

North Dakota surpassed Arkansas in attempts to restrict or outlaw abortion. Its Republican-dominated legislature enacted a law in March that made abortion illegal once a fetal heartbeat is "detectable using standard medical practice," which could be as early as six weeks. Republican Gov. Jack Dalrymple signed the measure into law. He admitted that his main purpose in approving the nation's most restrictive law was to challenge the Supreme Court's 1973 ruling. "Although the likelihood of this measure surviving a court challenge remains in question, this bill is nevertheless a legitimate attempt by a state legislature to discover the boundaries of *Roe v. Wade*," he said.

Doctors who knowingly perform abortions in violation of the measure could be charged with a felony that carries a five-year prison sentence.

The governor signed two additional anti-abortion measures. One would prevent gender-selection abortions, which Pennsylvania, Arizona and Oklahoma also ban. It would also bar abortion for genetic defects, such as Down syndrome—a first for any state. Erik Eckholm, writing in *The New York Times* noted, "No other state has barred abortions because of evidence that a fetus has a genetic defect like Down syndrome, which rises in incidence with maternal age, leading many pregnant women to seek tests for the disorder."

A third law would require doctors performing abortions to get admitting privileges at a local hospital. This may have been aimed at the Red River Women's Clinic in Fargo, the only facility in the state that performs abortions. This law will almost certainly result in the clinic's closure.

The fetal heartbeat ban makes exceptions for severe medical emergencies, or threats to the life of the woman, but does not include cases of rape or incest.

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## North Dakota, *continued from page 5*

The Center for Reproductive Rights will challenge the constitutionality of these laws in federal court.

That is not all. The legislature approved a resolution amending the state constitution to assert that life begins at conception, a move that would grant equal legal rights to a fetus as a person and would effectively end all abortions. The personhood amendment is similar to ones defeated by voters in Mississippi and Colorado. North Dakota voters will decide whether to agree to this constitutional change in 2014.

Observers of abortion politics believe an extreme element in the anti-choice movement has gained the upper hand in state legislatures. Apparently they are willing to risk costly legal action. *New York Times* reporters John Eligon and Erik Eckholm observed, "Some say that North Dakota lawmakers and activists opposed to abortion aggressively pushed their cause this year because they were emboldened by the huge cash reserves from oil revenue that the state can use to fight legal challenges to its laws, and by the successful passage of abortion restrictions elsewhere in the country." ■

### "Wrong Choice for Schools"

The Friedman Foundation is quite wrong about mothers supporting school vouchers ("Send Choice, Not Flowers," Editorial, May 12). The truth is that there have been 27 statewide referendum elections from coast to coast on vouchers, tax credits and other plans to divert public funds to private, mostly church-run schools. Voters rejected vouchers or their analogs in all 27 of these by an average margin of 2 to 1, most recently last November in Florida. Voucher plans exist in Wisconsin, Ohio, Louisiana and Indiana because the conservative legislators in those states not only ignored their state constitutions but also denied their constituents the possibility to vote on the matter.

— Edd Doerr. Letter published in the *New York Post*, May 14, 2013



## Church and State in the Courts

March 26 was a day that delivered a double blow to strict church-state separation. Two federal Appeals Courts upheld the policy of beginning local government meetings with prayer, even sectarian invocations.

The U.S. Court of Appeals for the Ninth Circuit held that legislative prayer, even with specific sectarian references, does not violate the Constitution "so long as legislative prayer does not proselytize, advance or disparage one religion or affiliate government with a particular faith."

In *Rubin v. City of Lancaster* the Ninth Circuit was persuaded that even though the overwhelming majority of city council invocations in the Los Angeles County community of Lancaster have been Christian, this is "merely a function of local demographics." Upholding a ruling from a district court, the appeals court also refused to take any position on regulating specific religious references because such a policy "not only embroils judges in precisely those intrareligious controversies that the Constitution requires us to avoid, but also imposes on us a task that we are incompetent to perform."

The case began in 2009 when two residents, Shelley Rubin and Maureen Feller, objected to the religious invocation and contacted ACLU, which filed suit. A number of national Religious Right groups, including WallBuilders, the extremist Texas outfit headed by David Barton, supported the city.

On the same day the Eleventh Circuit Court of Appeals found no constitutional infirmity in a long practice of invocations before meetings of the Lakeland, Florida, City Commission. In *Atheists of Florida, Inc. v. City of Lakeland*, the court held that the plaintiffs "had failed to demonstrate" that the adoption of a resolution codifying the prayer practices had "resulted in proselytizing or advancing the Christian religion over all others solely because the speakers who were selected included sectarian references in their prayers."

The Lakeland City Commission had maintained an informal policy of inviting local clergy to open its meetings from 1951 to 2010. Almost all of the clergy were Protestant Christians (with an occasional Catholic, Jewish or Muslim representative). After challenged by the group "Atheists of Florida," the city codified its policy of "inviting" clergy from local congregations to "volunteer" to deliver invocations prior to the formal

opening of city council meetings. A federal district court granted summary judgment in favor of the city, and the Eleventh Circuit concurred.



*Forbes* magazine reported on April 10 that there has been an increase in "court cases where the property tax exemption of a nonprofit is being challenged." *Forbes* writer Michelle Shumate cited a recent decision by the Court of Appeals of Tennessee, which granted 50% tax-exempt status for a fitness center run by a Nashville megachurch but denied tax-exemption to the church bookstore. The opinion in *Christ Church Pentecostal v. Tennessee State Board of Equalization* indicated that "neither a gym nor a bookstore counts as an activity directly related to the religious purpose of the church," wrote Shumate, who added, "This case, if nothing else, suggests that even religious congregations are not immune to this trend."



The Obama administration's HHS mandate on contraceptive coverage under the Affordable Care Act received two setbacks in March. Michigan federal judge Laurence Zatkoff granted a preliminary injunction against enforcement on behalf of Thomas Monaghan and his property management company, Domino's Farm Corporation. Monaghan, a leading light in the Catholic Right, was founder and former owner of Domino's Pizza. The decision by the U.S. District Court for the Eastern District of Michigan cited the First Amendment and the Religious Freedom Restoration Act (RFRA).

The U.S. District Court for the Western District of Pennsylvania also ruled that Seneca Hardwood Lumber Company of Cranberry, Pennsylvania, and Geneva College in Beaver Falls would likely succeed under RFRA and the First Amendment's Free Exercise Clause in its challenge to the HHS mandate. Seneca Hardwood's founders are Catho-

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lics, while Geneva College was founded in 1848 by the Reformed Presbyterian Church of North America. The conservative college said the government's action "coerces plaintiffs to violate their religious beliefs," and the court apparently agreed.

Both cases are expected to be appealed.



The Kentucky state government has agreed to make sweeping changes in its child care system to avoid religious coercion. Under an agreement ratified in March, child-care agencies that receive state funds will be forbidden to pressure children to participate in worship or religious instruction. Agencies cannot discriminate against the children's religion, nor will they be permitted to distribute religious items or materials without the consent of the child.

The state must also inform the parents or guardians of the religious affiliation of the child-care agency or foster home.

This settlement stems from a federal lawsuit initiated in 2000 by taxpayers, ACLU and Americans United. The target was the Kentucky Baptist Homes for Children, affiliated with the Kentucky Baptist Convention, and renamed Sunrise Children's Service. Even after its renaming, the group boasted of its conversion success, called itself Christ-centered, and referred to its foster parents as "in-home missionaries." Despite numerous and repeated instances of religious discrimination, Sunrise continued to receive massive state aid, totaling more than \$100 million over the past decade. In the 2011 fiscal year, the last for which data are available, Sunrise received \$14.8 million from Kentucky taxpayers towards its expenditures of \$24.7 million.



The Pittsylvania County, Virginia, Board of Supervisors may not open its meetings with prayers that favor one set of beliefs over others, a federal district court ordered on March 27. Judge Michael Urbanski, of the Western District of Virginia, enjoined the Board of Supervisors "from repeatedly opening its meetings with prayers associated with any one religion, which practice has the unconstitutional 'effect of affiliating the government with any one specific faith or belief.'" The court added that its decision did not "indicate a hostility toward religion or toward prayer." Judge Urbanski concluded that the Constitution preserves "the very guarantees of religious freedom that forbid the sort of governmental activity which [the Board] has attempted here."

The case, *Hudson v. Pittsylvania County, Virginia*, arose in 2011 when local citizen Barbara Hudson objected to explicitly Christian prayers delivered by Board members on a rotating basis. After she filed suit in February 2012, with the support of ACLU of Virginia, the Board opened meetings with silent prayer.



An appeals court upheld a City Hall holiday display, largely because "all but one of the objects in the holiday display are nonreligious," Judge Jeffrey Sutton wrote for the U.S. Court of Appeals for the Sixth Circuit. The unanimous three-judge panel ruling handed down on February 25 held that the city of Warren, Michigan, did nothing unconstitutional in permitting a display, which included a Nativity scene among other secular symbols of the season.

The Court also rejected a request from the Freedom From Religion Foundation (FFRF) that they be allowed to include a sign ridiculing all religion. A federal district court had ruled against the foundation, and

the Sixth Circuit agreed. The Court held that governments have a First Amendment right to choose what messages can be communicated under government auspices. But cities cannot include religious displays that violate the Establishment clause, Judge Sutton ruled. Sutton added, "The Supreme Court has long permitted exhibits like the Warren holiday display, and the Establishment Clause does not convert these displays into a seasonal public forum, requiring governments to add all comers to the mix and creating a poison pill for even the most secular displays in the process."

FFRF announced that it will ask the full bench of the Sixth Circuit to rehear the case.



The Virginia Supreme Court sided with the Episcopal Church in a multimillion-dollar property dispute with a conservative breakaway congregation. The April 18 decision ruled that the Falls Church property belonging to a large parish that seceded from the Episcopal Church in 2006 is the legitimate property of the diocese of Virginia, the local branch of the national church. This affirmed a lower court decision upholding the Episcopal Church's ownership of this historic church in a wealthy Washington, D.C., suburb. The dissident group now calls itself Falls Church Anglican and is under the jurisdiction of a conservative Anglican group in Africa. This may end a long-standing dispute since other seceding parishes in Virginia no longer claim ownership of property and have joined other Anglican dioceses. The main issue causing conservatives to defect was the role of gays and women in church life.



On March 1 the D.C. Circuit Court of Appeals sent a religious discrimination case back to a lower federal court for reconsideration. In that case a group of U.S. Navy chaplains from "non-liturgical" Protestant churches, i.e. evangelicals, charged that the Chaplain Corps systematically discriminates in favor of Catholic and "liturgical Protestant" chaplains when awarding promotions. The Appeals Court ruled that "those plaintiffs whose promotions will likely be considered by future selection boards operating under the challenged policies have standing to pursue their claims for injunctive relief." A D.C. district court had denied their claims in February 2012.



A Louisiana abbey of Benedictine monks will be allowed to sell funeral caskets, ruled the U.S. Court of Appeals for the Fifth Circuit on March 20 in *St. Joseph Abbey v. Coudrain*. The monks had made simple wooden caskets, selling them at lower cost than funeral homes. In 2007 the Louisiana Board of Funeral Directors ordered the abbey to cease selling caskets, since the funeral industry claimed exclusive right to sell caskets in the state. A federal district court held that this action denied equal protection and due process of law. The funeral industry appealed and the Fifth Circuit, citing Federal Trade Commission regulations and restraint of trade law, denied their claim of exclusive control of sales.

The Fifth Circuit was critical of the state funeral industry's rationale, concluding that "great deference due state economic regulation does not demand judicial blindness nor does it require courts to accept nonsensical explanations for regulation." They added that the funeral industry's attempt to shut off competition was "not economic protec-

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## Church and State in the Courts, *cont. from page 7*

tionism in service of the public good but economic protection of the rulemakers' pockets."



A Virginia judge ruled that state law regulating marriage celebrants discriminates against religions that do not have ordained clergy. Fairfax County Circuit Court Chief Judge Dennis Smith ruled on April 1 that the law violates the Equal Protection Clause of the Fourteenth Amendment. Virginia law requires "non-ordained" ministers to post a \$500 bond before performing a wedding, a requirement that does not apply to ordained clergy. The law also restricts congregations that do not ordain clergy to one marriage celebrant.

"This ruling recognizes that all religions are equal before the law," said ACLU of Virginia Legal Director Rebecca Glenberg. The case arose when four Sikh men sought to conduct wedding ceremonies. They challenged the law and were represented by ACLU.



A Pennsylvania fifth grader has a constitutional right to distribute invitations to a church group to her classmates, the U.S. Court of Appeals for the Third Circuit ruled on March 12. The Appeals Court upheld a 2011 federal district court ruling. The case was decided more on free speech grounds than on free exercise of religion. The Pocono Mountain School District had barred any distribution of fliers not directly related to school activities, but had only applied its ruling against a religious meeting. This prompted the district to change its wording to avoid any impression that it was targeting student religious expression. The Third Circuit invoked a 2011 Fifth Circuit ruling that held elementary school students are covered by the landmark 1969 *Tinker* decision by the U.S. Supreme Court, which upheld non-disruptive speech by secondary school students. The case involved a student known only as K.A. and was called *K.A. v. Pocono Mountain School District*.



An Oregon dentist must pay damages to an employee whose reli-

gious liberty he violated. The Oregon Court of Appeals in April upheld a \$350,000 damage suit against Dr. Andrew Engel, who ordered an employee to attend Scientology-based training that conflicts with her religious beliefs. The employer refused to provide a secular alternative, forcing the employee to resign and move out of state. State Labor Commissioner Brad Avakian announced the court ruling on April 23. "It is wrong and illegal to violate an employee's religious beliefs. No employee should be forced to quit a good job to get away from such a hostile work environment." The dentist had sought a stay of enforcement from the appeals court after being found guilty of religious discrimination by the Oregon Bureau of Labor, but the court refused.



Student cheerleaders at Kountze High School in Hardin County, Texas, will be able to display religious banners at football games. District Judge Steve Thomas ruled on May 8 that "religious messages expressed on banners have not created, and will not create, an establishment of religion in the Kountze community." While that decision runs counter to prevailing legal trends, it will hold in this area, unless or until an appeal is mounted by the Freedom From Religion Foundation. Hardin County is a conservative stronghold: 85% of voters chose Mitt Romney in 2012 and 60% are Baptists.



The inclusion of a cross at the September 11 Memorial and Museum does not violate the First Amendment, a federal court ruled on March 29. U.S. District Judge Deborah Batts said the cross-shaped steel beam, found in the rubble of ground zero a dozen years ago, does not constitute an official state endorsement of Christianity. "No reasonable observer would view the artifact as endorsing Christianity," she said. Judge Batts, of the Southern District of New York, added that the museum's founders "have not advanced religion impermissibly, and the cross does not create excessive entanglement between the state and religion." The artifacts to be included in the museum, which opens in 2014, are primarily secular.

American Atheists filed suit in 2011, arguing that the cross's place in the exhibit would impose religion "through the power of the state." The court found that the plaintiffs did not cite any intentional discrimination or adverse treatment on the basis of their beliefs. ■



## The Voucher Watch

• The U.S. Department of Justice has warned Wisconsin voucher schools that they must follow national guidelines with respect to disabled students under the Americans with Disabilities Act of 1990 (ADA).

The April 9 letter released May 2 said the state must create a process to register complaints and to monitor schools to prevent discrimination against students with disabilities.

The directive was issued as a result of complaints filed by advocacy groups and ACLU, which provided information that only 1.6% of voucher students were disabled compared to 20% in Milwaukee public schools. Some disabled students were denied admission to voucher schools.

Justice was adamant. "The private or religious status of individual voucher schools does not absolve DPI [Department of Public Instruction] of its obligation to assure that Wisconsin's school choice programs do not discriminate against persons with disabilities as required under Title II." The state school authorities "must eliminate discrimination against students with disabilities or students whose parents or guardians have disabilities in its administration of the Milwaukee Parent Choice Program ('MPCP'), the school voucher program in Racine, and school voucher programs established in any other locality."

These changes must occur by September 30, and the state schools "must develop program guidance in consultation with the United States to assist and educate voucher schools about ADA compliance" by December 31. All changes must be in effect by the end of the 2013-2014 school year, after which Justice "will evaluate DPI's compliance with these provisions and identify any additional remedial measures necessary to bring DPI into compliance with federal law."

The Educational Opportunities Section of the Civil Rights Division

of the U.S. Justice Department intervened in this dispute. Milwaukee's school voucher program enrolls 24,941 students at a cost of \$154,608,000 in the 2012-2013 school year. Despite these revelations, Republican Gov. Scott Walker has proposed expansion of vouchers statewide.

- President Obama's 2014 Budget, released on April 11, provides only \$2.2 million for the D.C. voucher program and allocates that grant for the Department of Evaluations. This would cover the administrative activities of the program but would not allow for expansion. This could mean the program will expire after the 2014-2015 school year. The Obama Budget provides \$30 million for D.C. public schools and \$20 million for D.C. charter schools. All of this is subject, of course, to House and Senate approval. Republicans are likely to favor increased appropriations for the voucher program.

- The Texas House of Representatives rejected vouchers by an overwhelming margin of 103-43 on April 4. An amendment to the state budget banned expenditures for vouchers or tax credits to aid private and religious schools. Nine of the ten members of the House Public Education Committee opposed vouchers, as did 56% of House Republicans. Opposition mounted among rural Republicans, who joined Democrats in rejecting the voucher proposal.

The state's leading newspapers fueled the opposition. The *San Antonio Express News* called it "bad public policy." George McShan, vice president of the Harlingen Consolidated School District in South Texas, wrote forcefully in the *Brownsville Herald*: "And while proponents call it 'choice,' the only real choice belongs to the private schools. Vouchers would not require a private school to accept children bearing a scholarship or voucher, nor would they require a private school to provide free or reduced-price meals, transportation or the vital social services upon which many economically disadvantaged students in the Rio Grande Valley rely. Public schools provide all of this and more. Further, vouchers wouldn't create a competitive marketplace as some claim. Competition is based on an even playing field. In Texas, private schools play by different rules than those mandated by the state for public schools. For example, public schools must enroll any student who comes through their doors, while private schools can choose to accept or reject any student. In fact, most private religious schools reject 67 percent of all applicants while 'elite' private schools reject 90 percent of all applicants. That does not seem like a real choice for students.... In the end, using

public tax dollars to fund private institutions with no accountability to taxpayers or the state is a bad idea. It's bad for children, it's bad for the Valley, and it's bad for Texas." About 71% of legislators agreed with McShan.

- Congress has seen a passel of voucher and tax-credit bills this spring. An amendment sponsored by Sens. Lamar Alexander (R-TN) and Rand Paul (R-KY) would have turned Title 1, an aid to low-income children, into a voucher program. The Alexander-Paul School Choice Amendment would have cost \$14.5 billion for 11 million children to transfer to private or other schools. Each student presently receives \$1,300. This money has been authorized since the Elementary and Secondary Education Act of 1965. However, senators promptly rejected Alexander-Paul on March 22 by 60-39. Six Republicans joined 54 Democrats in rejecting this voucher proposal. They included Blount (MO), Collins (ME), Fischer (NE), Kirk (IL), Moran (KS) and Murkowski (AK). All but Collins and Kirk are conservatives, suggesting at least some dissent from vouchers on the GOP right.

ARL joined its allies and colleagues in the National Coalition for Public Education to help defeat the Alexander-Paul Amendment.

Sen. Ted Cruz (R-TX) introduced a separate voucher proposal, while Sen. Marco Rubio (R-FL) sponsored a tax-credit scheme (S.297). Rubio's bill has a House counterpart (H.R. 1381) introduced by Rep. Todd Rokita (R-IN), chairman of the Subcommittee on Early Childhood Elementary and Secondary Education. Eight Republican co-sponsors include: Tom Cole (OK), Jeff Duncan (SC), Trent Franks (AZ), Andy Harris (MD), Doug LaMalfa (CA), Luke Messer (IN), Robert Pittenger (NC) and Joe Pitts (PA).

- A report by KYW news radio in Philadelphia found that "Pennsylvania businesses have rushed to take advantage of the additional money made available this year for the Educational Improvement Tax Credit. The credit reimburses them for donations made to 'scholarship organizations' for private and religious schools." The largest recipient was "Business Leadership Organized for Catholic Schools," prompting Haverford Township school board member Larry Feinberg to observe that the tax credit program "was essentially a taxpayer-funded bailout of parochial schools." Feinberg added that "the majority of kids [that benefit from tax credits] were already attending private and parochial schools." Pennsylvania state representative James Roebuck (D-Phila.), said, "You shouldn't be doing that with public money." ■

## Updates

### Church-State Lawyer to Head White House Office



Melissa Rogers, a noted scholar of church-state issues and a strong supporter of church-state separation, was named director of the White House Office of Faith-Based and Neighborhood Partnerships on March 13.

A White House spokesperson told *The New York Times*: "Melissa will work to advance the president's vision by promoting partnerships that serve the

common good in ways that respect church-state separation and religious freedom. Like President Obama, Melissa believes that government and religious organizations can partner to promote the common good, but that government should not promote religion or become excessively entangled with it."

Rogers headed an advisory committee that recommended overhauls of the office in 2009, and her group's suggestions for improvement were recognized by an executive order signed by the president in 2010. Rogers has been Director of the Center for Religion and Public Affairs at Wake Forest University and a senior fellow at the Brookings Institution. She was formerly a director at the Pew Forum on Religion and Public Life and general counsel for the Baptist Joint Committee on Religious Liberty.

### Religious Discrimination Banned

The Violence Against Women Reauthorization Act includes an important nondiscrimination clause. It prevents organizations that receive government funds from discrimination along religious lines.

The Senate version included a firm ban, but a House substitute version omitted it. ARL joined with 60 groups in the Coalition Against Religious Discrimination, which sent a letter to each member of the U.S. House of Representatives, saying, "In our view, effective govern-

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## Updates, *continued from page 9*

ment collaboration with faith-based groups does not require the sanctioning of federally funded religious discrimination.” As a result of these efforts, in March the House passed the Senate version that included the protection against discrimination by 286-138. President Barack Obama signed the bill into law on March 7.

### FEMA Aid May Go to Churches

Despite warnings about its constitutionality, a bill allowing federal disaster aid for houses of worship passed the U.S. House of Representatives on February 13 by 354-72 vote. Only 66 Democrats and six Republicans were opposed. The Federal Disaster Assistance Nonprofit Fairness Act (HR 592) was co-sponsored by Reps. Chris Smith (R-NJ) and Grace Meng (D-NY). The Baptist Joint Committee for Religious Liberty spoke for many civil liberties groups in a letter to Congress which said, “Public funding of houses of worship threatens to undermine religious autonomy and impermissibly involve government in the private affairs of religious bodies.” Rep. Jerrold Nadler said the bill has “constitutional problems” even if its purpose is laudable, since many churches were damaged or destroyed by Hurricane Sandy. Nadler warned that “passing legislation with significant constitutional implications could alter the relationship between government and religion.”

The Family Research Council, the National Association of Evangelicals, the U.S. Conference of Catholic Bishops and the American Jewish Committee supported the measure, which is now being considered by the Senate Homeland Security and Governmental Affairs Committee. While 97% of Republicans and 66% of Democrats in the House supported the bill, it may face tougher scrutiny in the Senate.

The Federal Emergency Management Agency (FEMA) lawyers have raised numerous objections to the bill, saying in a memorandum that it represents “an enormous departure” from current law. The agency cannot provide funds for “worship space” but may provide funds for space owned by religious entities that are used for secular social services. The House bill allows “a church, synagogue, mosque, temple or other house of worship, and a private nonprofit facility operated by a religious organization” to be eligible for funds “without regard to the religious character of the facility or the primary religious use of the facility.”

### Arkansas Adopts Restrictive Abortion Law

In March the Arkansas legislature adopted one of the most restrictive laws on abortion of any state. Both the House and Senate passed, over Gov. Mike Beebe’s veto, a ban on all abortions after the 12th week of pregnancy. The so-called heartbeat law includes exemptions for rape, incest and danger to the life of the mother, and potentially lethal fetal disorders, but opponents say it clearly violates *Roe v. Wade*.

The bill’s sponsor, Republican State Sen. Jason Rapert, said, “The eyes of the entire nation are on Arkansas.” But Jill June, chief executive of Planned Parenthood of the Heartland, retorted, “The Arkansas legislature has once again disregarded women’s health care and passed the most extreme anti-women’s-health bill in the country.”

Scheduled to take effect on August 16, the law’s implementation was

blocked by a federal court on May 17. Judge Susan Webber Wright held that the law was “likely to be declared unconstitutional because a state may not ban abortion prior to viability.”

### Mississippi Endorses School Prayer

In defiance of a half-century of jurisprudence, Republican Gov. Phil Bryant of Mississippi signed a law in March that requires public schools to develop policies allowing prayer at school events. The law claims to be protecting student-initiated, not state-sanctioned, prayer, but critics maintain that it is still unconstitutional. The law is scheduled to take effect in July, and local ACLU leaders are expected to challenge it in court. The law was crafted to create a “limited public forum,” where students could pray but the school district would not be held responsible for student actions. Students would also be allowed to express their religious beliefs in homework assignments, and classroom settings.

### Kentucky Approves Religious Theme Park

A Kentucky state agency granted more than \$40 million in tax rebates to a “biblical theme park” celebrating Noah’s Ark. On April 11 the Kentucky Tourism Development Finance Authority voted to approve this tax break for a project called “Ark Encounter,” closely associated with the fundamentalist group Answers in Genesis. The group already owns the Creation Museum in another part of the state. Gov. Steve Beshear, who has generally supported church-state separation on other issues, has approved the project since its first proposal, claiming it will bring jobs and revenue to the state. Critics say that it amounts to government sponsorship of religious fundamentalism.

### Special Tax Aid For Yeshivas

An intriguing example of special treatment for religious schools comes from New York. Orthodox Jewish yeshivas that stay open after 5:00 p.m. will receive state funding for busing their students from school to within 600 feet of their homes. According to the March 26 *New York Daily News*, the busing program will cost New York taxpayers \$11.2 million. New York City Mayor Michael Bloomberg criticized the governor and legislature for caving in to “a politically powerful special interest group.”

### Maryland Expands Aid

Though the Maryland legislature has generally opposed any substantial or direct funding of faith-based schools, the 2013 General Assembly increased textbook funding for nonpublic schools to \$6,040,000 annually, the highest level since the program began in 2001. Per-pupil limits are \$95 for students in high-poverty areas and \$65 for other students at eligible schools.

### Money Still Flows to Far Right

David Barton’s WallBuilders organization nearly quadrupled its income between 2007 and 2011. Its revenues soared from \$1.164 million to \$4.4 million, reported the Texas Freedom Network in April. The pro-voucher Texas Public Policy Foundation, founded by San Antonio tycoon James Leininger, more than doubled its fundraising, from \$2.5 million to \$5.7 million. (The windfall didn’t prevent a massive defeat in

#### Moving?

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

the Texas legislature.) A number of smaller groups, however, reported revenue declines since 2007.

## Evolution Downplayed in Pennsylvania Schools

About 20% of science teachers in Pennsylvania public schools believe in creationism, and many others tend to ignore evolution altogether according to a survey by the Pittsburgh Post-Gazette. Reporter David Templeton said “this represents the ill-kept secret about public school biology classrooms nationwide—that evolution often isn’t taught robustly, if at all. Faith-based belief in creationism and intelligent design continues to be discussed and even openly taught in public school classrooms, despite state curriculum standards.”

Despite a 2005 federal court ruling that struck down creationism in York County, some teachers employ a “haphazard method of teaching evolution, which represents their own skepticism and raises doubts in students’ minds about the science.” Templeton concluded, “Regardless of the court decisions, creationism continues to find an audience in public schools, limiting students’ education in one of biology’s fundamental principles.”

It may get worse. Pennsylvania Rep. Rick Saccone, a Republican, is sponsoring a bill in the legislature to allow teachers “to teach alternative theories of evolution and climate change and other controversial topics, without facing sanctions.”

## Louisiana Creationism Law Stands

A Louisiana senate committee refused to repeal the 2008 “Louisiana Science Education Act,” which allows creationism under the guise of “supplemental textbooks and other instructional materials.” The May 1 decision preserves a law widely criticized by science educators. The committee vote was three to two, raising hopes that a future challenge might be successful.

## Pentagon Clarifies Stance on Religion

The Pentagon announced on May 2 that armed services members can engage in religious discussions but cannot attempt to coerce others. Lt. Commander Nate Christensen sought to clarify the government’s position on religious speech. “Service members can share their faith but must not force unwanted, intrusive attempts to convert others. Religious proselytization is not permitted within the Department of Defense,” reported *Stars and Stripes*, the military newspaper.

## Tax Aid to Seminaries

An Orthodox Jewish rabbinical school in Lakewood, New Jersey, was awarded \$10.6 million in taxpayer funds for a new library and academic center. Gov. Chris Christie approved the grant after voters approved new construction projects at New Jersey colleges and universities. Assembly speaker Sheila Oliver raised objections on church-state grounds, since the seminary (Beth Medrash Govoha) admits only Orthodox Jewish men, which Oliver says is “a religious test.” The faculty is also all-male. Assemblywoman Bonnie Watson Coleman said the grant “raises real church-state questions.” ACLU legal director Ed Barocas also warned, “Schools that are run by religious organizations are permitted to discriminate both in hiring and their provision of services. However, the state is in violation of the law if it provides special benefits, such as millions of dollars of discretionary funding, to an organization that en-

gages in discrimination.”

Politics may have played a role. Rabbi Aaron Kutler, the school director, recently endorsed the Republican governor’s reelection bid.

Private and church-related colleges are eligible for aid, but the bill originally excluded “any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.” However, Senate President Stephen Sweeney removed the religious exclusion last year.

Princeton Theological Seminary, which has trained Presbyterian ministers since 1812, also received \$645,313 for a new conference center. Princeton admits students of varied religious persuasions and both genders and also grants degrees unrelated to ministry.

## International Updates

**Ankara, Turkey:** The recent conviction of Fazil Say, a Turkish pianist, for “hate speech” on Twitter has led to criticism throughout the European Union, which is considering Turkish membership. Say wrote some irreverent comments about Islam, which a court concluded had violated Article 216 of the penal code, which bans “denigrating the values of a section of the population.” He was given a ten-month suspended prison sentence and could be jailed if he repeats the offence within five years. *The Economist* said the incident is “more evidence of creeping religious conservatism since the Islamist AK party came to power ten years ago.” The AK now intends “to use the courts to suppress attacks on Sunni Islam.” Human Rights Watch noted that prosecutors never invoke laws when Jews or Armenian Christians are vilified. “Laws to criminalise defamation in Turkey have only ever been implemented to protect the rights of the majority, never against vulnerable minorities,” notes Emma Sinclair-Webb of Human Rights Watch.

**Bogotá:** Colombia’s Senate rejected legalizing same-sex marriage on May 1. However, the nation’s highest court, the Constitutional Court, announced that on June 20, same-sex couples could register their unions before a civil notary. *El País* noted, “In 2007, the Constitutional Court gave same-sex unions certain privileges, such as inheritance rights, pensions and social security, but it did not allow them to marry or adopt children.”

**Budapest:** Hungary’s Constitutional Court ruled in March that the current law which allows members of parliament to determine which churches are genuine is unconstitutional. The present law, passed in 2011, “cannot be appealed, provides no written justification, and lends itself to political influence.” The law reduced the number of churches that qualify for tax breaks from 350 to 14, leaving out Methodists, Pentecostals and Seventh-day Adventists, among others. Parliament justified the law by saying lawmakers were trying to weed out fraudulent religious groups, but critics say small religions with a long history in Hungary are the primary victims of the law.

**Bucharest:** A proposed change in the public funding of religious institutions is being debated in parliament and elsewhere in this predominantly Orthodox country. The present system allows parliament to fund religious groups as they wish. But a Green Party member of parliament, Remus Cernea, has proposed introducing a German-style religious tax. This tax would allow all citizens to direct a part of their income tax to churches or secular organizations of their choosing. The Romanian Orthodox Church, which receives the bulk of the funding already, called the proposal “unrealistic and inadequate.” The Romanian Humanist Association has endorsed the proposal. Its president, Cezar Maroti, said, “The church should be independent and should

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## International Updates, *continued from page 11*

not be controlled by politicians. Receiving money from the politicians is making the church vulnerable to political influence, which is not good for anyone. Also, the current system is unfair, unjust and it discriminates against the growing number of Romanians who are non-religious or humanist in their outlook.”

### Aw, Canada

Ontario, Canada's largest province, has four separate publicly-funded school systems: English public, English Catholic, French public, and French Catholic. There is no public funding for Protestant, Jewish, Muslim or other separate schools. The chart below summarizes the four systems' average enrollment over a nine year period and the average per student per year expenditure. The four systems also allow separate transportation arrangements.

English public	1,297,868	\$6,668
English Catholic	560,007	7,872
French public	19,772	15,100
French Catholic	63,761	12,761

Consolidation of the four school systems would save Ontario taxpayers an estimated \$1.4 billion per year, which could be used to provide more services for students with disabilities and lower taxes. A new Forum Research poll shows that Ontarians oppose public funding for separate religion based schools by 54% to 39%.

Because Canada is a signatory to UN civil rights agreements, the UN has chastised Canada/Ontario three times for ignoring civil rights obligations.

(Information in this report was provided by Civil Rights in Public Education, based in Pembroke, Ontario, [www.CRIPe.org](http://www.CRIPe.org).)

*--Edd Doerr*

**Colombo, Sri Lanka:** The image of Buddhists as a peace-loving religious community continues to take a hit in Burma and now in Sri Lanka, where mobs led by monks have attacked Muslim-owned stores and neighborhoods. Associated Press reported a “growing anti-Muslim campaign by Buddhist nationalist groups in the island nation,” and continued, “The escalation in attacks and anti-Muslim rhetoric has caused fears of a new wave of ethnic violence in a country still recovering from a quarter-century civil war between the government, controlled by ethnic Sinhalese Buddhists, and a mainly Hindu ethnic Tamil rebel group.” Proposed legislation is aimed at restricting some Muslim practices. Sri Lanka recognizes Buddhism, Hinduism, Islam and Christianity.

**Dublin:** Ireland's Constitutional Convention gave 79% support for marriage equality on April 14. The group is empowered with proposing changes to Ireland's constitution, but it does not have the weight of law. Parliament must agree, and the governing coalition will then set a referendum date. Civil partnerships began in 2011, but the nation seems to be moving toward marriage equality. Irish minister for justice and equality, Alan Shatter, welcomed the vote and called for “reform and modernization of our laws in relation to the parentage, guardianship, and upbringing of children.”

Ireland's referenda are notoriously unpredictable, however, and the issue may not reach voters for two years or more. France and the United

Kingdom have nearly completed their process of legalizing same-sex marriage.

**Dublin:** On May 1 the Irish government proposed a new law that will define the circumstances under which abortions can be performed. Abortion will be allowed to protect the life and health of the mother, though parliamentary approval and a possible referendum may be required to liberalize the nation's law.

**Grozny, Chechnya:** The recent Boston bombings have reawakened interest in two Muslim majority regions of Russia, Chechnya and Dagestan. Both have been infiltrated by Salafism, a radical version of Islam that promotes Sharia law and encourages terrorism and jihad. *The Economist* noted April 27, “Chechnya now boasts Europe's largest mosque, women are covered and polygamy is encouraged.” Violence is endemic in the region, since Russia launched wars in 1994 and 1999 against Chechen separatists.

**Jerusalem:** Finance Minister Yair Lapid has moved to slash state subsidies to fundamentalist schools that do not teach math, science or English. He plans to reduce subsidies for large families and for Orthodox seminaries, and is seeking to end the exemption from military service for ultra-Orthodox seminary students. Lapid's new secular party ran strongly in the January elections and joined the new coalition government. Previous governments had relied on small religious parties to maintain power and had granted substantial concessions to them.

**Manila:** The Reproductive Health Law passed by Congress and signed by President Benigno Aquino was put on hold for four months by the Supreme Court on March 19. The court scheduled oral arguments for June 18 to consider the constitutionality of a law which provides for government-funded contraception for the poor, expands medical care for women and creates comprehensive sex education in the middle and upper grades of schools. Conservative groups, backed by the Catholic Bishops Conference, are challenging the law, which was supposed to have gone into effect on March 31. Advocates of the reproductive health legislation have fought for 13 years and say they are confident that the law will be upheld and implemented.

**Minya, Egypt:** Associated Press reported a wave of kidnappings aimed at Christians in the section of Upper Egypt known as Minya, a historic Coptic Christian stronghold. Human rights activists blame the “atmosphere created by the rising power of hardline Islamists.” A clash on April 5 left four Christians and one Muslim dead. President Mohammed Morsi promised protection for religious minorities, but his government has failed repeatedly to do so. Coptic Christian leader Pope Tawadros II spoke out publicly for the first time on April 9, accusing the president of failing to protect St. Mark Cathedral, which was attacked by a Muslim mob following a funeral service for the four slain Christians. Tawadros said the president had promised protection, “but in reality he did not, either through negligence or poor assessment of events.” Towadros warned, “This is a society that is collapsing.”

**Montevideo:** Uruguay's parliament gave final approval to a same-sex marriage law, passing it 71-21 on April 10. It will go into effect in mid-July. The final version also allows gay and lesbian foreigners to marry in Uruguay. Adoption will be allowed by same-sex couples, and the terms “husband” and “wife” will be replaced by “contracting parties” in marriage contracts. The nation's divorce law, last changed in 1912, was also updated, allowing women to initiate a divorce. Uruguay's Roman Catholic Church leaders said the changes “will only further weaken marriage.”

**Moscow:** Russia's parliament, the State Duma, passed a "first reading" of an anti-blasphemy law on April 9 by 330-7. It requires two more readings in the lower house and one in the upper house before being signed into law by President Putin, who favors it. The bill is aimed at those who supposedly desecrate relics or places of worship or who offend the religious beliefs of others. The bill, if passed, would provide fines, community service or even three-year jail sentences.

Writing in *The Moscow Times*, Alexander Winning said, "Supporters of the legislation say it aims to safeguard traditional Russian values and would effectively counter efforts to destabilize the country, while opponents call the legislation repressive and fear it could lead to grave miscarriages of justice."

Winning noted that Putin's Human Rights Council and the Public Chamber, an advisory body that analyzes draft laws, expressed doubts about the proposal. They were particularly critical of the phrase "believers' feelings" as too broad a definition.

**Paris:** In 1905 France separated church and state by law after centuries of often violent strife over religion and religious freedom. But beginning in 1959, under the Debré law, and with the support of President Charles DeGaulle, France began subsidizing Catholic and a few other private schools. France's 2013 education budget includes over 7 billion euros for nonpublic schools.

**Paris:** France became the 14th nation to legalize gay marriage, despite fierce opposition from the secular Right. French parliamentary deputies voted to approve same-sex marriage and adoption on April 23, with almost 60% in favor. Opponents appealed to the Constitutional Court, which rejected their challenge on May 17. President François Hollande signed the law on May 18, and it will take effect in June. France is generally considered to be a socially liberal and nonreligious country so the intensity of the opposition surprised many observers. The new law also equalizes inheritance rights which were not available under the civil union law.

**Toronto:** Canada inaugurated its Office of Religious Freedom, a small government agency with a four-person staff, and a \$5 million annual budget. It will be part of the Department of Foreign Affairs. Prime Minister Stephen Harper announced the new venture in a February 19 speech at a Muslim community center and mosque in Ontario. Harper told the audience, "This is not an office to promote any particular religion. It is an office to promote religious diversity and religious tolerance around the world. There is a crucial and historical link between respect for religious pluralism and the development of democracy itself. In the face of injustices and atrocity, Canada will not be silent."

Immigration Minister Jason Kenney noted that the office would "make the protection of religious freedom of vulnerable religious minorities a key pillar of Canadian foreign policy." The first ambassador of religious freedom is Andrew Bennett, dean of Augustine College in Ottawa and a member of the Ukrainian Catholic Church.

**Wellington:** New Zealand became the 13th nation, and the first in the Asia-Pacific region, to legalize same-sex marriage, by a 77-44 margin in Parliament on April 17. The bill must still be signed by the governor-general under "royal assent," but that is considered only a formality. The law will take effect in August. New Zealand had enacted civil union legislation in 2005. ■

## Obituaries

Two prominent members of ARL's National Advisory Board died in recent months.

**Paul Kurtz**  
1925 – 2012

Paul Kurtz, a distinguished philosopher on the faculty of the State University of New York in Buffalo, was the founder of the Center for Inquiry and the Council for Secular Humanism. He was founder of Prometheus Books, which published several of ARL's books. He also established two magazines, *Free Inquiry* and *Skeptical Inquirer*, and was author of over 50 books.

**Jack Mendelsohn**  
1918 – 2012

Jack Mendelsohn was a long-time social justice activist and served as minister of Unitarian Universalist congregations in Illinois, Indiana and Massachusetts. He was the author of a dozen books, including *Being Liberal in an Illiberal Age* and *The Martyrs: Sixteen Who Gave Their Lives for Racial Justice*.

I might note that ARL advisers, living and deceased, and staff have published over a thousand books.

—Edd Doerr



## Books and Culture

### Church School Aid Down Under

Section 116 of the Australian constitution of 1901 is clearly, intentionally based on the US First Amendment and Article VI: "The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth."

As religious special interests began to exercise political muscle well over 40 years ago, supporters of besieged public education across the religious spectrum created the Defence of Government Schools councils (DOGS) to counter those special interests at the ballot box. In the early 1970s the DOGS groups decided to challenge the diversion of public funds to religious and other private schools under Section 116, following the example of similarly motivated Americans. (Leo Pfeffer, Stan Lowell and I were peripherally involved in the matter.) The case, a far more expensive and frustrating affair there than in the US, took ten years to get a ruling from the Australian High Court, and that ruling in 1981 proved to be disastrously wrong and wrong-headed. The High Court refused to consider the history of Section 116 and then chose to follow British rather than the more appropriate American understandings of their church-state separation provision. The High Court's 6 to 1 ruling in early 1981 flatly upheld that misuse of public funds, the naked attack on public education, and the nose-thumbing at religious freedom.

In his brilliant dissent Justice Lionel Murphy cited the history of Section 116, the work of Jefferson and Madison (who inspired Australia's constitution authors), and such relevant US Supreme Court rulings as

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

*Reynolds* (1878), *Everson* (1947), *Walz* (1970), *Engel* (1962), and *Davis* (1890).

This disastrous ruling has affected Australian education adversely for the past three decades. Data from the Australian Bureau of Statistics show that private and religious schools reap more benefits than public schools.

About 3.5 million children attend K-12 schools in Australia: 68% in public schools, 20% in Catholic private schools, the rest in “independent,” Anglican and other religious and secular private schools. While total enrollment has increased by about 7% since 2000, public school enrollment declined slightly, while Catholic and “independent” enrollment increased by 11% and 37% respectively, thanks to increased aid from federal and state taxes.

Total spending for all schools for 2008-2009 was AUD\$38,940,000,000, of which \$29,713,000,000 (79%) was for public schools and \$8,084,000,000 (21%) was for Catholic and other private schools. The nonpublic schools also received about 43% of operating income from fees, charges, donations and other sources. On average, tax aid to nonpublic schools amounted to about \$5400 per student. One interesting anomaly is that only 11% of public school funding is from the national government, with 89% coming from state and territorial governments; while for the Catholic and other private schools 72% of tax funding is from the federal government and 28% from state and territorial governments.

About 39% of young adults (15 to 24 years of age) from public schools were still studying at university level, compared to 54% from nonpublic schools, suggesting that nonpublic schools serve a more advantaged population. Public funds are flooding into nonpublic schools while disadvantaged kids in public schools go begging.

The full story behind the Australian school aid question and the DOGS lawsuit is told in detail in Australian lawyer Jean Ely’s excellent 2012 book *Contempt of Court* (Dissenters Press, West Melbourne, 285 pp.) Ely was very much involved in the whole affair from early on. Copies of this book may be ordered for \$15 from ARL.

—Edd Doerr

*Lessons from the Heartland: A Turbulent Half-Century of Public Education in an Iconic American City*, by Barbara J. Miner. The New Press, 2013, 305 pp., \$27.95.

In early May of 2013 the U.S. Department of Justice announced, nearly two years after the complaint was filed, that Milwaukee private schools, mostly sectarian, funded by tax-paid vouchers to the tune of about \$6400 per year per student, must not discriminate against students with disabilities. Only about 1.6% of students in Milwaukee’s voucher-funded private schools are classified as having disabilities, compared to 20% in the Milwaukee public schools. In March of 2011 the Wisconsin Department of Public Instruction reported that, despite their selectivity advantage, Milwaukee’s voucher schools were significantly behind the public schools in math and reading. Milwaukee’s vaunted school voucher plan, the oldest in the country, is an obvious flop, in addition to everything else that is wrong with it.

In this timely and extremely important book, veteran Milwaukee journalist and native Barbara Miner traces the history of this pioneering experiment in diverting public funds to private, mostly religious, schools, from rather modest beginnings in 1990, through its expansion to religious schools in 1995, to today’s Scott Walker-fueled Wisconsin nightmare. She does this by presenting the whole fifty year background of the civil rights and desegregation movements—touching on race, racism, demographic evolution, white flight, religion, politics, educational pseudo-reforms, court rulings, the influence of conservative private foundations, enrollment statistics, and more—providing a comprehen-

### “Indiana High Court Missteps on Vouchers”

Regarding “Indiana Supreme Court Upholds Voucher Law” (News in Brief, April 3, 2013): In upholding the Republican-sponsored school voucher plan, the Indiana Supreme Court sanctioned the state’s doing indirectly what Article I, Section 6 of the state constitution says may not be done directly—divert funds from the treasury to benefit “any religious or theological institution.”

Had the legislature had the decency to propose an appropriate amendment to the state constitution, to allow voters to say yea or nay, the voucher plan would not have survived a popular vote, just as state schools superintendent Tony Bennett, a voucher supporter, failed to survive his bid for re-election last November.

The ruling was hardly a good lesson in ethics for Hoosier children.

—Edd Doerr. Letter published in *Education Week*, May 15, 2013

sive picture of developments in Milwaukee, a sort of microcosm of major cities throughout the country.

Sadly, the Wisconsin supreme court approved this tax aid to religious schools in 1998 in defiance of the obvious intent of Article I, Section 18 of the state constitution, and the U.S. Supreme Court declined to accept an appeal, perhaps in anticipation of its own mistaken 2002 ruling to uphold Ohio’s equally objectionable voucher plan.

Indiana and Louisiana followed Wisconsin’s lead with even more ambitious and damaging voucher plans, as did Florida, though at least Florida voters were allowed to reject vouchers in a referendum in November of 2012. It is abundantly clear that when the voters in a state are allowed to pass on voucher, tax credit or similar plans they invariably reject them, as has happened in 27 statewide referenda from coast to coast. But voucher promoters will do anything to bar the voters from having their say.

Throughout the country conservatives and the religious right are fanatically bent on voucherizing, privatizing and corporatizing our public schools, which serve 90% of our kids, aided and abetted by school pseudo-reformers, fat cat conservative foundations and media, and public ignorance and apathy.

Barbara Miner’s explosively important book should be a primary tool for defending public education, religious liberty, and democratic values.

—Edd Doerr

*Everybody Matters: My Life Giving Voice*, by Mary Robinson with Tessa Robinson. Walker & Company, 2013, 322 pp., \$26.00.

This lively memoir from a former president of Ireland is one of the most important books of the year. Robinson, a distinguished jurist, was elected in 1990, the first woman to hold that post. She brought to the position a wealth of experience as a crusader for human rights. A liberal Catholic, she supported contraception, civil divorce and gay rights as a member of the Senate. Her independent spirit and passion for justice made her a remarkable lawmaker and an inspiring president.

Robinson’s overarching principles have been fairness, equality, justice and inclusion. Law should be an instrument for social change and must “reflect the need for openness and diversity in Irish society.” The causes she espoused took years, even decades, to reach fruition. But as she put it in her acceptance speech, her election represented the birth of a “new Ireland.”

Later she became the U.N. High Commissioner for Human Rights

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and received the Presidential Medal of Freedom in 2009 from President Obama. Her concerns today remain population growth, climate change, human rights and women's access to reproductive health. "Access to education on reproductive health and the means of family planning are basic rights of every woman. . . . Having promoted family planning legislation in Ireland as long ago as 1970, it troubles me that this is a fight that still has to be fought globally."

Her memoir is both introspective and eloquent.

—Al Menendez

*Culture Wars: The Threat to Your Family and Your Freedom*, by Marie Alena Castle. See Sharp Press, 2013, 236 pp., paper, \$14.95.

As this book ably demonstrates, America's present-day culture wars involve real issues and challenges to religious liberty and freedom of conscience. The outcome of this struggle will affect the kind of society our children and grandchildren will inherit.

This hard-hitting book by long-time Minnesota activist Marie Castle exhaustively catalogues the myriad threats to religious freedom and church-state separation posed by clericalists, fundamentalists, and their political allies and enablers. She devotes nearly half of the book to the age-old problems of misogynist patriarchy and unending assaults on reproductive choice, women's freedom of conscience and health. The rest of the volume summarizes such other church-state problems as tax support for church-related schools, charities, hospitals; religion and the military; fundamentalist infiltration of public schools; attacks on science and science education; tax policy regarding religious institutions and clergy. She could have devoted more attention to the massive drive to get public funding for church-run private schools.

Success in strengthening church-state separation and beating back threats requires cooperation and coalition building among Catholics, Protestants, Jews, humanists, unaffiliateds and others who are supporters of separation. Varying alliances can and have been put together to defeat school vouchers in referendum elections, to defend reproductive choice, and to head off sectarian invasions of public school science classes. The choice is clear.

—Edd Doerr

*Franco's International Brigades: Adventurers, Fascists, and Christian Crusaders in the Spanish Civil War*, by Christopher Othen. Columbia University Press, 2013, 337 pp., \$24.50 paper.

There is a considerable body of literature dedicated to the International Brigades that brought idealists, romantics, and political activists to fight on the loyalist side in the Spanish Civil War. But little has been written about the smaller number who volunteered to fight for Franco's

Nationalist crusade against the Spanish Republic. "The International Brigades became part of popular culture, subject of poems, novels and films. Their Nationalist counterparts were rarely mentioned."

This book fills a void, focusing on the motley group that fought for Franco. Opposition to communism was a common motive, as was a dedication to militant conservative interpretation of Catholicism and Eastern Orthodoxy. Irish "Blue Shirts" under the direction of General Eoin O'Duffy and Rumanian Orthodox zealots in the Legion of the Archangel Michael combined fascism and traditionalist Christianity.

Elements in the Irish Catholic Church encouraged enlistment in the Franco brigades. "Most volunteers came from small towns and villages in the rural south-west of Ireland. Religion was their main fuel." The Irish Republican Army (IRA) banned its members from fighting on either side, but a number of old IRA members joined the Irish Brigade.

The Irish Church was considerably to the right of the Vatican in its enthusiasm for Franco. "The Irish Church's open enthusiasm for O'Duffy's Brigade contrasted with the complexity of the Vatican's position. The Holy See claimed neutrality in Spain but its newspaper *L'Osservatore Romano* criticized the Nationalists frequently enough for Franco to officially complain. Pope Pius XI condemned the Republic's 'truly satanic hatred of God' but in the same speech told Nationalist refugees to forgive the leftist death squads and praised those trying to end the conflict. The Pope and many of the Church hierarchy ultimately supported Franco but, unlike the Irish Catholics, understood the necessity of hiding their feelings."

About 90,000 "foreign volunteers fought for Franco." Most (78,000) were from Morocco or Portugal (8,000). The Blue Shirts from Ireland ultimately numbered only 700. But dozens of countries were represented, including ten Americans. About the same number (95,000) were officially sent by Italy and Germany.

After the Civil War ended on April 1, 1939, Franco declared neutrality in World War II, despite the support he received from Hitler and Mussolini. "Nationalist Spaniards may have supported Germany but their allegiance was torn by the plight of Catholic Poland, now completely in German hands. . . . Despite pressure from Berlin, Spain continued to recognize Poland's London-based government-in-exile."

Othen has succeeded in telling a virtually unknown story with verve, objectivity and detail.

—Al Menendez

*Northern Ireland: The Reluctant Peace*, by Feargal Cochrane. Yale University Press, 2013, 352 pp., \$38.00.

Northern Ireland is rarely in the news these days, after dominating

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

news coverage for the several decades ravaged by the “Troubles.” Most people assume the peace process that began with the 1998 Good Friday Agreement has brought peace and stability to the country. This comprehensive and analytical book examines that assumption.

The author is cautiously optimistic. “Despite the persistence of community sectarianism and the fragility of the peace process, Northern Ireland is gradually changing from a society ravaged by the reality of violent conflict to a place that is merely traumatized by its memory. . . . The mere fact that Northern Ireland has reached a point of relative stability is a cause for cautious celebration.” He continues, “Clearly, Northern Ireland’s journey out of political violence has been anything but smooth. It has been characterized by as many setbacks as breakthroughs. But the people who live there are gradually emerging into a new set of political, social and cultural relationships.”

He emphasizes developing political strategies that can surmount religious animosity. “The key to the future of Northern Ireland lies in the extent to which the majority of both communities in the region feel that the political system and the structures created in the aftermath of the Good Friday Agreement of 1998 are capable of making a positive impact on their lives.”

The one danger to achieving lasting peace is the persistence of religious prejudice and misunderstanding. “Sectarianism percolates through all aspects of a society that remains chronically divided” and “cuts across all classes, religions, and age groups and across both genders.”

The book is strengthened by a solid history of the “collision of religion and politics” from 1690 to the present. It is also well written and benefits from insights gained from personal experience. The author grew up in Belfast and now teaches at an English university.

—*Al Menendez*

*Seeking a New Majority: The Republican Party and American Politics, 1960-1980*, Edited by Robert Mason and Iwan Morgan. Vanderbilt University Press, 2013, 238 pp., \$39.95.

This anthology of essays by historians looks at how the Republican Party sought majority status during the 1960s and 1970s, culminating in Ronald Reagan’s 1980 victory. The era was characterized by “a recurring conflict between governing moderates and activist populists within the GOP in the post-Goldwater era,” writes Timothy Stanley, who adds, “In the 1970s, American conservatives used new populist rhetoric to repackage old ideas.”

While foreign policy, taxation, and economic issues were paramount in Republican strategy, so were race, religion and regionalism. Also important, says Dominic Sandbrook, was the cultural issue. “In many ways, the language of moral populism is one of the keys to understanding American politics and society in the era of Nixon and Reagan.”

Readers of this journal will be particularly interested in Robert Freedman’s essay on the Religious Right. Freedman places the movement in context: “The Religious Right was born from a combination of factors: the reduction of sectarian tensions that enabled different denominations to engage in common pursuit of moral reform via the political process; a religious revival, particularly among evangelicals; and a reaction against the growth of social liberalism in the 1970s. . . . The Religious Right’s strength lay in the fact that sectarian divisions had declined to the extent that different groups could work together in the secular political arena to pursue shared moral goals.” He notes that, “The issue that spurred evangelicals to mass political action more than any other also strengthened their ties to the GOP. This was the 1978 decision of the Internal Revenue Service to end the tax-exempt status of many Christian schools on the grounds that they were covert ‘segregation academies.’” It was this issue, not abortion, that galvanized the movement.

Freedman is convinced that while the Religious Right was “instrumental in the Republican revival by 1980, the extent of its contribution is open to debate.” This is why “the new Reagan administration was committed to economic and military revitalization rather than moral renewal.” It was not until late in the president’s first term that religious issues came to the fore. Freedman concludes, “In summary, the Religious Right helped to mobilize grassroots support for the Republicans, notably among constituencies with a pro-Democratic tradition. This was an important but not the dominant factor in the Republican revival of the 1970s. Far from being a marriage made in heaven, the Republicans and their new partners had an uneasy alliance of necessity.”

This excellent book’s editors conclude, “Overall, the Reagan era was a period of progress but not ascendancy for the GOP.” The brief Republican ascendancy came later and has since evaporated. Mason and Morgan add wisely, “The context of politics in the second decade of the twenty-first century and beyond militates against any assumption that angry conservatism offers the party a viable platform for building a Republican majority.”

—*Al Menendez*