



VOICE OF REASON

The Newsletter of Americans for Religious Liberty

2003, No. 4 [85]

Newfoundland Endorses Public Education

By Albert J. Menendez

Since its founding, the isolated Canadian province of Newfoundland and Labrador educated its citizens in separate school systems based on religion. (There were no nonsectarian public schools, and the religious schools were all tax-supported.) But by the 1990s many residents, themselves the products of a religion-based educational system, wanted a more inclusive, religiously-integrated school system. At that time most students attended either Roman Catholic, Pentecostal, or a kind of pan-Protestant school that appealed to Anglicans, Moravians, the United Church (a union of most Presbyterians, Methodists and moderate-to-liberal Protestants), and the Salvation Army, which is a separate religious denomination in Canada.

Why should this matter to Americans? For one thing, there is a sustained national campaign in the United States to weaken public education through voucher schemes that will fragment the educational enterprise and divide Americans into sectarian enclaves. "If this experiment was tried and failed in another part of North America that has demographic and historical similarities to the United States, we ought to be aware of it," explains ARL president Edd Doerr.

In two referendum elections, the last one in 1997 (approved by 73% of the voters), the province moved toward one public school system open to students of all religious persuasions and traditions. The

new school plan also survived a legal challenge from die-hard supporters of the religious private schools. The province's Premier, Brian Tobin, and his Liberal Party, gave determined support to the implementation of a new school system that was clearly desired by the electorate.

How has it worked out? By all indications the public school system has been a resounding success and is supported by the residents. The new Progressive Conservative government, which took office in November after 14 years of Liberal rule, supports the new system.

Because of the historic divisions along religious lines which characterized the province, the new unified school system had to develop a religious education curriculum that was satisfactory to and accepted by all segments of the community. To do that required imagination, ingenuity, and a commitment to sound educational values. As it turned out, the curriculum may be a model for a religiously pluralistic culture in a western democratic society. Its values are inclusiveness, the impartation of objective knowledge about religious customs and traditions, a respect for diversity, and an avoidance of anything that smacks of indoctrination or intolerance.

Bryce Hodder, the program development specialist for religious education in the province, says the new program is a great step forward from the kind of denominational education that most Newfoundlanders received under the old separate and sectarian system, which emphasized only the superiority of their own religions and imparted little if any objective information about other faith traditions.

The new religious education curricula are much more likely to promote interfaith harmony and to enable citizens to engage fruitfully with the realities of the 21st century world, Hodder suggested.

This is a major achievement since it challenges what award-winning journalist Michael Harris called "a fiercely sectarian society with a long history of denominational education." (Harris made this observation in his 1990 book *Unholy Orders: Tragedy at Mount Cashel*, which exposed the child abuse scandal at a Christian Brothers-run orphanage in the province.) This scandal was a factor in the decline of esteem for separate schools. A Royal Commission report on the lagging quality of education in the province also fueled discontent.

continued on page 3

Bush Pushes Faith-Based Agenda

On September 22 President Bush issued regulations making it easier for religious charities to receive federal funding and to make hiring decisions based on the religious faith of prospective job applicants. Despite the repeated refusal of Congress to approve these changes in existing law, the president used executive action to accomplish his goals.

At the same time \$30.5 million was awarded by the Department of Health and Human Services (HHS) to 81 religious charities in 45 states. The money comes from the so-called Compassion Capital Fund, created by Bush last year.

Four new regulatory actions announced last December were finalized in September as six new policy changes were announced. Proposed new regulations for the Department of Labor, Education, Veterans Affairs and Justice will open the doors for so-called faith-based agencies to compete for \$28 billion in funds from HHS and HUD.

The regulations say that funds may not be used for the acquisition, construction, or rehabilitation of sanctuaries, chapels or other space that an organization uses as its "principal places of worship." No enforcement mechanism has yet been established to monitor these rules, however, and organizations could simply declare a chapel as a secondary

continued on page 6

Inside:

Bullies in the Pulpit . . . Judge Moore Loses Final Appeal . . . Supreme Court Takes College Scholarship Case . . . Pledge Case Goes to High Court . . . Clergy Sexual Abuse . . . Alabama Irony . . . Bush and Theocracy . . . ARL in Action . . . Update . . . Books and Culture . . .

Bullies in the Pulpit

By Sarah Wildman

In late January 2001, the new administration had barely unpacked when George W. and Laura Bush paid a friendly visit to Cardinal Theodore McCarrick, the recently inaugurated leader of the Washington Archdiocese. On the heels of that supper, Karl Rove, together with Deal Hudson, editor of the Catholic magazine *Crisis*, organized a White House meeting with some 30 Catholic leaders. Soon after, the White House established a weekly Thursday morning conference call with a national panel of Catholic leaders, who have since used it to help secure (and squelch) ambassadorial and judicial nominations.

It was the beginning of an extremely successful collaboration between a savvy White House and Catholic conservatives to reach a “core” of religious swing voters by focusing on moral issues like abortion. So far, the conservative Catholic lobby has done well with its agenda. But it has also pitted Democrats and lay Catholics against the White House, the Church’s hierarchy, and conservative Catholic thinkers. All of which raises a key political question: Will the White House’s success with the conservative Catholic hierarchy win voters in 2004, or will it backfire by alienating the majority of less conservative lay Catholic voters? If history is any guide, pushing too hard will send voters in the opposite direction.

Midway through the sticky Washington summer, the contentious debate over Alabama Attorney General William Pryor, nominated for a seat on the 11th U.S. Circuit Court of Appeals, was in full swing. Republican senators on the Judiciary Committee were spinning the nominee’s staunchly anti-abortion position as one of simple, if strict, Roman Catholic doctrine. Sens. Orrin Hatch (R-Utah) and Jeff Sessions (R-Ala.) in particular attempted to tar Democrats – including Catholic committee members Patrick Leahy (D-Vt.), Ted Kennedy (D-Mass.) and Dick Durbin (D-Ill.) – with a patina of anti-Catholic bias. Right-wing groups – including the Committee for Justice and the Ave Maria List, the latter funded by Domino’s Pizza tycoon Thomas Monaghan – ran print and television ads that solemnly displayed closed courtroom doors and the historically heavy phrase “Catholics need not apply.” The fight over Pryor was the loudest, but by no means the only, fight over Catholic identity this year. In mid-January, the Vatican released a “doctrinal note,” timed to coincide with the 30th anniversary of *Roe v. Wade*, stating,

“Those who are directly involved in lawmaking bodies have a grave and clear obligation to oppose any law that attacks human life.”

In the wake of the Vatican statement, bishops and archbishops publicly chastised a number of Catholic Democrats for diverging from Catholic doctrine. The first volley came from Sacramento Bishop William Weigand, who took abortion-rights Gov. Gray Davis (D-Calif.) to task. “Anyone,” Weigand stated, “politician or otherwise, who thinks it is acceptable for a Catholic to be pro-abortion is in very great error, puts his soul at risk and is not in good standing with the church.” Weigand suggested that Davis should refrain from taking communion until his position on abortion changed.

Then in March, a letter purportedly from Bishop Robert Carlson to Sen. Tom Daschle (D-S.D.) was leaked to *The Weekly Standard*. In it, the bishop reportedly appealed to Daschle to remove all references to being a Catholic from the latter’s campaign literature. Neither the bishop’s office nor Daschle would confirm or deny the letter, but anti-abortion groups were thrilled. Soon after, Baltimore’s Cardinal William Keeler publicly rebuked Sen. Barbara Mikulski (D-Md.) after she voted against a bill banning “partial-birth abortions.” Rumors – fueled, it seemed, by the Catholic right – swirled through Washington about other Democrats running afoul of their Catholic heritage.

Is this political intervention appropriate for Church leaders? The Rev. Robert Sirico – president and co-founder of the Acton Institute, a conservative think tank that teaches the clergy about free-market economics, and a participant in the Thursday morning White House conferences, believes that these are not political denunciations but spiritual ones. “These politicians who dissent from teaching on the dignity of human life and protection need to accept . . . that they are not authentically Catholic,” he said in an interview.

Other conservative Catholics agree. “The bishops have the canonical right to control the use of the word ‘Catholic,’” explains Deal Hudson. “[T]hey can tell an organization or a person not to use the word ‘Catholic’ because they are representing something that is antithetical to the faith.”

But not all Catholics believe that to be true. “There is an enormous effort under way to try to bring politicians in line with official Catholic
continued on page 4

Voice of Reason is the quarterly newsletter of Americans for Religious Liberty, 1777 T Street NW, Washington, DC 20009-7125 (telephone 301-260-2988 or 202-238-9088; fax 301-260-2989 or 202-238-9003); e-mail: arlinc@erols.com; website: www.arlinc.org). The newsletter is sent to all contributors to ARL.

Senior Editor: Edd Doerr
Editor: Albert J. Menendez
Canadian Correspondent: John Clubine

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

Board of Directors: Burton Caine, *Chair*; Herb Blinder; Carleton Coon; George Kaplan; Mel Lipman; Michael Prival; Maddy Urken.

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

Edd Doerr, *President*
Albert J. Menendez, *Research Director and Associate Director*
Tony Hileman, *Executive Director*
Roy Speckhardt, *Membership Director*

Affiliated with the American Humanist Association.

Newfoundland, *continued from page 1*

On September 2, 1997, the voters of the province were asked, "Do you support a single school system where all children, regardless of their religious affiliation, attend the same schools where opportunities for religious education and observances are provided?"

The question was supported by 73% of the voters, compared to 54% who endorsed it in a 1995 referendum.

The overwhelming passage of the 1997 referendum started the ball rolling. In an intensely religious and traditionalist province, the development of an academically sound and fair-to-all religious education program was essential to the success of the new unified school system.

Work began on a new "framework document" for religious education in October 1997 and curriculum committees, consisting of teachers and board personnel from the former denominational schools, were set up in January 1998. Focus sessions were held throughout the province in February to elicit suggestions and reactions to the proposals.

The federal Department of Justice examined the framework document and its recommended resources in March and April 1998. New religious education curriculum guides were then developed for each grade level.

The "Curriculum Framework for Religious Education" includes many components. Among these are the following:

- In a world that is truly multi-cultural and multi-faith, it is important that each person can value and celebrate his/her own faith (religious heritage or commitment). However, with accurate information about other religions, the individual should recognize that others have religious beliefs that they value and celebrate as well. Religious and denominational intolerance will be eliminated only when people are more understanding of the intrinsic worth of religious views and traditions that are not their own. An effective religious education program should give accurate information and demonstrate respect for all world faiths.

- Religion has been a determining factor in history and in our cultural heritage. Major decisions have been made in light of religious teachings. While it is true that, at times, religions have been responsible for conflicts in the world, it is also true that they have served to bring about resolutions, peace, and social justice. Students need to be aware of the role religion has played historically. An effective religious education program will enable the student to understand and appreciate the relationship between religion and history.

- Religion is also a large contributing factor in current national and international events. By coming to a realization of the importance of religion in these events, the students will better understand some of the underlying causes and complexities.

- This religious education curriculum is non-confessional. In such a program it is essential that faith, beliefs, doctrines, practices, and history of Christianity and other religions be covered with sensitivity and respect. No attempt to indoctrinate, proselytize or present a biased view would be appropriate.

Bryce Hodder explained, "The new program is inclusive in its approach, representing the major faith communities as well as some which would be considered minor. Resources have been produced in recognition of multi-culture and multi-faith and every attempt has been made to avoid stereotyping and to present unbiased accurate information."

Hodder added, "The Department of Education received co-operation from members of various faith groups (religions) in the reviewing process and many of these people often provided suggestions and photographs to be used in the resources. There was, for the most part, a feeling of good will and a recognition that it is important for students to appreciate their own faith background (those who have one) but to appreciate the faiths of other people as well. To begin this journey, students need to have an understanding of what people believe and what their traditions are. There is a real attempt to move beyond just tolerance

The province of Newfoundland and Labrador is not well known to most Americans, though the outpouring of generosity and kindness shown to passengers of U.S.-bound planes that were diverted to Newfoundland on the tragic day of September 11, 2001, made recognizable this vast land off the northeast corner of Canada.

The last province to join Canada, in 1949, Newfoundland is known for its fishing industry. Labrador, whose population is largely First Nation Inuit, has a distinguished aviation history. Gander was a major link for allied planes refueling on their way to World War II Europe.

Most of the population resides along the coast of the island of Newfoundland, which has fjords, bays, and coves. The provincial capital, St. John's, is one of the oldest cities in North America, since John Cabot arrived in 1497. Most Newfoundlanders are of Irish, English, and Scottish ancestry.

The 1990s were not kind to Newfoundland. The population declined 10%, from 563,375 in the 1991 census to 508,075 in the 2001 census. Out-migration far exceeded in-migration.

Religiously, Newfoundland and Labrador is the only Canadian province in which Protestants are the majority of the population, about 60%, while Roman Catholics are 37%. About 2% say they have no religious affiliation and less than 1% belong to other faith traditions (including Christians who are not Catholic or Protestant).

Despite the population decline, the overall Protestant/Catholic balance hardly changed at all. Protestants were down 1% from their 1991 share while the nonaffiliated were up 1%. Catholics remained the largest single denomination (37%), followed by Anglicans (26%), the United Church (17%), the Salvation Army (8%), and Pentecostals (7%). All other groups share the remaining 5%, including the nonaffiliated. Even in this off-the-beaten-path, Muslims have doubled their adherents from 300 to 630, and those who say they have no religion or are evangelical or born again Christian have increased their numbers between the 1991 and 2001 censuses.

As is true in much of the western world, Catholics are a good deal stronger in the urban areas, outnumbering all Protestants 49% to 46% in the greater St. John's area, while Protestants constitute about two-thirds of residents in the more rural areas.

to more of an appreciation or celebration of people's religious beliefs and traditions. There is no intention to negate the importance and value of the individual's own faith commitment but it is hoped that through the programs students will recognize that people with beliefs different than their own also value and celebrate their beliefs and traditions."

Program standards, evaluation techniques, resources, and appropriate age-level curricula have been developed and tested. At the present time, the schools are piloting a world religions program for high school.

Hodder explains what he hopes will be accomplished, "This has been and is a challenging venture but through the involvement of many people with a vested interest it is working and we are confident that students graduating from our schools will have an understanding of and an appreciation for many of the living belief systems around the world. Hans Küng said, 'There will be no world peace without peace between the world's religions: there will be no peace between the world's religions without dialogue between the world's religions.' Maybe in our little province we can make a beginning and a difference."

(In the next issue we shall examine in some detail the curriculum texts and resources for Newfoundland's pioneering religious education program in a pluralistic, public school environment." □

Bullies in the Pulpit, *continued from page 2*

positions on abortion and homosexuality,” says Frances Kissling, president of Catholics for a Free Choice. “However, the fact of the matter is that the Catholic Church cannot demand this of politicians and has no enforcement power if politicians choose to ignore these suggestions. . . . [I]t is not a sin to disagree with the church on public policy.”

Robert Drinan, an ordained Jesuit priest, a professor at Georgetown University Law Center and a former Massachusetts congressman, says the Church’s leaders “are out of line. . . . [T]hey have no right to judge in public the culpability of [a] particular person. That’s Inquisition stuff. If you are denied the sacraments, it’s a prejudgment, and furthermore, it’s imposing an ecclesiastical norm on a political question. You can’t do that.”

More important politically is that, contrary to conventional wisdom, such attacks on Catholic politicians who don’t follow Vatican teachings to the letter haven’t helped Republicans in the past. In October 1996, when Mary Landrieu, then Louisiana’s state treasurer, was running for a U.S. Senate seat, Archbishop of New Orleans Philip Hannan went on the offensive. If “a person actually believes in Catholic doctrine, then I don’t see how they can vote for Landrieu without a feeling of sin,” he told parishioners. When Bill Richardson ran for governor of New Mexico in 2002, Archbishop Michael Sheehan endorsed the distribution of fliers from pulpits across the state that chastised the former energy secretary for his position on abortion. And there was the famous 1984 clash between Archbishop John O’Connor and then-Gov. Mario Cuomo (D-N.Y.) over abortion rights.

Though these public denunciations are humiliating, they have also been ineffectual. Polls taken around the 2000 presidential election showed that Catholics tend to ignore their religious leaders on political issues. In fact, when the church takes a stand against a candidate it almost always helps ensure that the candidate wins. “These are huge strategic mistakes, to try to set up stringent criteria about who has the right to call himself Catholic,” says Dr. Mark Rozell, professor and chairman of the politics department at Catholic University in Washington. “The majority of American Catholics have ambivalent feelings on [a variety of] doctrinal issues,” he explains, “The tactic tends to backfire when leaders in the church or political community . . . set up a stringent standard that requires someone to agree 100 percent or get out of the church.”

Mary Landrieu is a good example. “Sin” or no sin, she won her seat in 1996 and actually took New Orleans, garnering crucial votes in a tight election. California state Sen. Lucy Killea is another example. In 1989, Bishop Leo Maher of San Diego told the candidate that she was not welcome to receive communion because of her abortion-rights po-

sition. When Killea came from behind to win the election, her opponent groused to newspapers that if only “the bishop had stayed out of it, I would have won.” And Richardson, of course, found himself in the New Mexico governor’s mansion despite his run-in with the church.

So why should the Catholic Church engage in such political mudslinging if it isn’t likely to succeed? For the Church it may be about trying to find a moral center. Even before the recent sex-abuse scandals, the Church had spent the last three decades grappling with a diminishing priesthood and a lay population that has, since the contraception debates of the 1960s, selectively adhered to or ignored Vatican doctrine. Of 60 million Catholics in America, only about one-third, or 15-20 million, are currently considered “core” Catholics – meaning they frequently attend mass and are committed to the centrality of religion in their lives – down from 75 percent or higher in the 1950s. It is this core, which still represents the largest single religious group in America, that began leaving its historic home in the Democratic Party for the anti-abortion Republican Party in the mid-1970s. These voters constitute a juicy voting block if you can get them past their historic affiliation with the labor-loving, social-justice side of the Democratic Party. Hudson believes this core to be “social-renewal” voters whose “top priority is a bundle of issues including life, family, moral decline.” In other words, compassionate conservatives.

Most non-core Catholics, however, diverge from Church teachings on issues of abortion, contraception and sexuality, and for them Catholic faith and political affiliation are not so neatly linked. Politicians and lay people alike tend to adhere to a doctrine perfected by Cuomo in 1984, when he claimed in a speech at Notre Dame University that he was personally opposed to abortion but politically supportive, a position derisively called “Cuomoism” by Church leaders.

That means that while Hudson and other participants in the Thursday morning calls with the White House may be marketing conservative social-renewal Catholics to the Republican Party, the base might not take so kindly to some of the rhetoric in Washington this past year.

“Questioning people’s piety or adopting religious labels or saying someone is not sufficiently religious or sufficiently Catholic [are] appeals that don’t play well with Americans,” says Catholic University’s Rozell. “If Republicans play some of these issues too hard, there is the possibility they could alienate a significant segment of Catholic voters, who are closer to the Republican position on abortion but are uncomfortable with heavy-handed rhetoric on calling themselves Catholics – or have an open enough view on alternative interpretations, even if they themselves disagree.”

— Sarah Wildman is a writer living in Washington, D.C. Reprinted by permission from *The American Prospect*.

Judge Moore Loses Final Appeal

In November the U.S. Supreme Court refused to hear an appeal from suspended Alabama Chief Justice Roy Moore, who had argued unsuccessfully that a monument depicting the Ten Commandments was lawful. Lower federal courts had ruled that Moore violated the U.S. Constitution’s ban on religious establishment when he ordered the installation of the monument at the Alabama Judicial Building in Montgomery. Moore was removed from office by a unanimous decision of the Court of the Judiciary on November 13.

In two separate appeals Moore argued that lower federal courts do not have authority over the state supreme court, and that “the acknowledgment of God as the source of the community morality is essential to a self-governing society.” (The cases are *In re Moore*, 03-258 and *Moore v. Glassroth*, 03-468.)

The High Court’s decision means that the appellate court decision requiring the removal of the monument stands.

ARL president Edd Doerr hailed the decision not to review the case as “a victory for religious freedom.” Doerr said, “While the overwhelming majority of Americans agree with the ethical injunctions in the Decalogue, there’s no agreed upon single version of the Commandments. So giving official government sanction to one version is unconstitutional government favoritism toward some religious traditions and a slighting of others.”

Moving?

Please send a change of address form to: Americans for Religious Liberty, 1777 T Street NW, Washington, DC 20009-7125.

Supreme Court Takes College Scholarship Case

“Until such a case is decided by the Court, danger to church-state separation will remain. ARL, a recent plaintiff in the Philadelphia Ten Commandments case, will seek an opportunity to bring the right case to the Supreme Court. ARL will also work with coalition partners to defeat related pieces of legislation.”

The Ten Commandments controversy is not likely to go away soon. Representative Robert Aderholt (R-AL) and Senator Wayne Allard (R-CO) have introduced legislation aimed at limiting the authority of federal judges to make decisions about religious expression.

The Ten Commandments Defense Act (H.R. 2045) would allow state legislatures to decide whether the Ten Commandments (which version?) can be displayed in federal and public spaces. The act has 85 cosponsors in the House of Representatives and has been referred to the House Subcommittee on the Constitution. Meanwhile, the Religious Liberties Restoration Act (S. 1558), currently under consideration in the Senate Judiciary Committee, would restrict federal review of the Ten Commandments, the motto “In God We Trust,” and the Pledge of Allegiance.

All of these legislative proposals smack of governmental favoritism toward one religion, denying implicitly the equal protection guarantees of the Constitution. ARL president Doerr commented, “The country’s hundreds of thousands of houses of worship and millions of citizens retain their inalienable right to display their preferred version of the Commandments or any other religious or philosophical message in their churches, churchyards, and on their private property. Seats of government must remain free of religious favoritism.”

Thoughts on the Ten Commandments Controversy

Another purpose of our constitutional separation between religion and government is to avoid social conflict and strife based upon religious differences. Allowing officials to use their government authority to endorse certain religious beliefs would create divisiveness and competition for state approval in the religious community.

More troublesome to people of faith, however, is the simple fact that religious displays sponsored by government degrade religion. This happens in a variety of ways. First, in a country where our religious differences are so numerous and so obvious, it makes no sense to let a government official be the arbiter of which version of the Ten Commandments to commemorate. While differences between alternative versions of the commandments may seem rather trivial, they often reflect deep theological differences. Seventh-day Adventists, for example, may rightly object to Moore’s selective and incomplete rendering of the Sabbath commandment. Short of advocating for a theocracy, supporters of the monument offer no reasons why the state, rather than private individuals or faith communities, should be given authority to shape religious practices and messages.

Second, the role of religion is likely to be compromised by the quest for political power. Moore provides a clear example of someone using faith to promote political ambitions. When religion aligns itself too closely with a particular political leader or partisan view, it risks being tainted.

— K. Hollyn Hollman, general counsel, Baptist Joint Committee on Public Affairs from Report from the Capital (September-October 2003).

The U.S. Supreme Court will soon hear arguments in *Locke v. Davey*, a case that challenges a college scholarship program in Washington State. Under the Washington Promise Scholarships any qualified student can receive state funds to attend any accredited college or university in the state. Certain academic, income, and enrollment criteria are required.

The program, following the mandate of the Washington State Constitution, disallows scholarship funds for religious training or for programs that prepare a student for the ministry. This ban on direct aid to religion goes back to the 19th century and is shared, in one way or another, with 36 other state constitutions.

One student, Davey, is studying for the ministry at an Assemblies of God college near Seattle. After being denied the scholarship, Davey sued the state. A federal district court ruled in favor of the state, holding that the state constitution’s ban is permissible. But the U.S. Court of Appeals for the Ninth Circuit overruled that decision, and the state appealed to the Supreme Court.

Previous Supreme Court rulings do not give clear guidance on how the present Court is likely to decide this case. The Court has ruled that state constitutions may be stricter than the federal First Amendment. State constitutions may define establishment in a way that makes government activity in support of religion less permissible than the federal Constitution. But recent Court rulings have made government support for certain kinds of church-related college and pre-college expenses acceptable.

The *Locke v. Davey* case will decide whether the federal Free Exercise Clause requires the state to fund religious instruction even when the state’s constitution forbids it. The Washington constitution expressly prohibits the use of public money “for or applied to any religious worship, exercise or instruction, or the support of any religious establishment.”

Opponents of the Washington constitutional provision have filed amicus briefs claiming that the constitution resulted from anti-Catholic bigotry and should be struck down because it incarnates ancient prejudices. But an 1891 opinion of the state attorney general held that these provisions “were not the work of the enemies, but of the friends of religion.” The drafters of the constitution, said the attorney general, “were unwilling that any man should be required, directly or indirectly, to contribute toward the promulgation of any religious creed, doctrine or sentiment to which his conscience did not lend full assent.”

The scholarship program is carefully tailored to meet the constitution’s objections to state sponsorship of religion. Scholarship students are not restricted from taking religion courses as part of their academic career or even majoring in religion if that major is available. But they cannot study for the ministry or use the scholarship in pursuance of ministerial or pre-ministerial education.

Supporters of Davey, whose long-range goal is to invalidate all state constitutional provisions that prohibit tax aid to religion, claim that Davey’s free exercise rights are “burdened” by the state action. But Justice William O. Douglas once observed, “The fact that government cannot exact from me a surrender of one iota of my religious scruples does not, of course, mean that I can demand of government a sum of money, the better to exercise them. For the Free Exercise Clause is written in terms of what the government cannot do to the individual, not in terms of what the individual can exact from the government.”

The stakes could not be higher for the future of church-state relations in the United States. A decision is expected by June 2004. □

Faith-Based Agenda, *continued from page 1*

place of worship and still be eligible for funding. "Inherently religious" activities, such as worship, religious instruction, and proselytization may not be supported by federal funds but religious charities may retain their religious identity, including the display of icons, symbols, and the selection of board members and overseers on a religious basis.

The program is full of loopholes. The Orange County (California) Rescue Mission was okayed for federal funds after it renamed its chapel an auditorium. In the Education Department, faith-based organizations may apply for funding for mentoring at-risk children and may receive access to information technology and training programs. In the Labor Department, church-run groups will be able to use Individual Training Accounts to obtain religious training services, "provided" that the training is the result of "private, independent" choice. The faith-based provider must be on an approved list of state or local providers. Labor also proposed rules to implement Bush's order that protected the religious hiring rights of "exempted" federal contractors.

The Justice Department will now allow church groups to apply for "forfeited assets" of \$50,000 to community social services. Religious entities must agree not to use the property for religious purposes. Still no enforcement mechanism has been created to monitor these changes. St. Raphael's Hospital in New Haven, Connecticut, is to become a community health facility. The New Life Evangelistic Center in Brooklyn, Illinois, has transformed itself into a homeless shelter and a community outreach shelter.

The Veterans Administration has watered down its regulations that religious organizations serving homeless veterans certify that they will exert "no religious influence" on those they serve. Religious groups will be given stronger hiring rights, based on religious preference.

Many critics say that the new regulations could easily be abused. Ira C. Lupu, a specialist on these matters at George Washington University Law School, noted, "These regulations might not preclude funding for a substance-abuse program that includes religious inspiration for its participants."

Bush trumpeted his executive orders at a White House briefing, attended by senior staff and some cabinet officials. Jim Towey, director of the White House Office of Faith-Based and Community Initiatives, said that Bush "will use every single tool that he has" to advance his faith-based agenda. Attending the briefing was Claude A. Allen, deputy secretary of HHS and a recent nominee by Bush to the U.S. Court of Appeals for the Fourth Circuit, which could one day hear challenges to the programs.

Meanwhile, the House of Representatives okayed a bill on September 17 that will allow taxpayers who are not eligible for the 1040 long form to deduct charitable contributions on the short form. The Senate passed a similar bill in April, and a conference committee is now ironing out differences in the provisions. Religious and secular charities may benefit from the tax code changes, which will cost about \$13 billion over the next ten years. □

Pledge Case Goes to High Court

The U.S. Supreme Court will soon decide whether the 1954 inclusion of the phrase "under God" in the Pledge of Allegiance violates the First Amendment's ban on religious establishment. A three-judge panel of the U.S. Court of Appeals for the Ninth Circuit ruled 2-1 against the pledge but stayed its implementation because of an expected Supreme Court review.

The case, which has engendered much national debate and discussion, and many irresponsible threats of constitutional amendments from the Religious Right and their Republican allies, was accepted by the Supreme Court on October 14.

In an unusual development, Justice Antonin Scalia recused himself, making possible a tie vote in the sharply divided Court. Scalia had openly criticized the ruling as an attempt "to exclude God from the

public forums and from political life" in an address on January 12, 2003, in Fredericksburg, Virginia.

Scalia's recusal is a victory for the plaintiff, Michael A. Newdow, who filed papers September 9 asking Scalia to remove himself from the deliberations.

Newdow cited the code of conduct for United States judges, which says that "a judge should avoid public comment on the merits of a pending or impending action."

Newdow, an emergency room physician and a newly admitted member of the California bar, also claims to be a minister in the "First Amendment Church of True Science." He launched the case in federal district court in 2000, claiming that the 1954 alteration of the pledge established monotheism as an official government doctrine. He objected to a California law requiring public elementary school students to start each school day with a teacher-led recitation of the pledge. His daughter was then a second-grader in the Sacramento suburb of Elk Grove. The Ninth Circuit agreed with him in June 2002, but amended its ruling in February 2003 to bar only the officially sponsored recitation of the pledge in the public schools of the nine western states under its jurisdiction.

The Elk Grove Unified School District argued in its brief that the pledge "is not a religious act nor does it convey a religious belief." The Bush administration has also asked for a reversal in a 30-page petition submitted by Solicitor General Theodore B. Olson.

While many legal analysts think the ruling will be overturned, some believe it may be a close call.

They cite the 1992 Supreme Court decision, written by Anthony Kennedy, that struck down a nonsectarian prayer at a Rhode Island high school graduation ceremony because it was held to be a subtle but coercive attempt to enforce religious conformity.

The case, *Elk Grove Unified School District v. Newdow*, No. 02-1624, will be argued in early 2004, and a decision is expected by late June. □

The Case Against Charitable Choice:

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

Albert J. Menendez and Edd Doerr

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

\$10.00 paperback

Order from:

**Americans for Religious Liberty
1777 T Street, NW, Washington, DC 20009-7125**

Clergy Sexual Abuse

On July 23 Massachusetts Attorney General Thomas E. Reilly released a groundbreaking, detailed report entitled “The Sexual Abuse of Children in the Roman Catholic Archdiocese of Boston.” (The eighty-four page report is available in its entirety on the attorney general’s website at www.ago.state.ma.us/archdiocese.pdf)

In January 2002 Catholic priest John Geoghan was convicted of molesting a boy and sentenced to ten years in prison. More than 130 people had accused him of sexual abuse over a period of years and other criminal charges, and several civil lawsuits, were pending against him. Geoghan’s case is important because it led to the exposure of massive scandals regarding clerical sex abuse of minors.

Clerical sex abuse of minors in Massachusetts is of public concern because it is a serious crime, as is the coverup of such abuse by ecclesiastical or other authorities. And such sexual abuse isn’t confined to Massachusetts or the United States but is a long festering worldwide problem of staggering magnitude.

GREAT QUOTATIONS ON RELIGIOUS FREEDOM

Compiled and edited by
Albert J. Menendez and Edd Doerr

This outstanding collection of 732 memorable quotations on religious freedom – the most comprehensive ever assembled – covers centuries of thought and a wide array of sources. On every page the reader will discover a wealth of thoughtful, wise, and sometimes impassioned statements by all manner of men and women on a subject that has moved the consciences of generations. Included are early church fathers, Enlightenment philosophers, popes, anti-clerical European statesmen, journalists, famous writers, judges, twenty-six US presidents, and many others. A special feature is the inclusion of quotes from major judicial decisions, from 1872 to the present, that bear on religious liberty.

These quotations show that an enormously wide spectrum of men and women of diverse religious, social, and political views have championed religious freedom. Teachers, scholars, clergy, legislators, writers, and anyone with an interest in this vital issue will benefit from this superb volume.

250 pp., \$18.00

Order from:
Americans for Religious Liberty
1777 T Street, NW
Washington, DC 20009
301-260-2988

Sexual abuse of minors isn’t confined to Catholic priests or even to clergy generally. Parents, relatives, teachers, scout leaders, various authority figures, and strangers are also guilty of these crimes. But nowhere has the abuse of minors been so protected or systematically covered up as in the nation’s and the world’s largest top-down-run religious organization. And rank-and-file Catholics are just as concerned about this problem as anyone else.

In his introduction to the report, Reilly states: “Based on my conclusions and in order to ensure that children will be safe in the future, this report is essential; it is essential to create an official public record of what occurred. This mistreatment of children was so massive and so prolonged that it borders on the unbelievable. This report will confirm to all who may read it, now and in the future, that this tragedy was real.”

Reilly states that Archdiocese records show “that at least 789 victims (or third parties acting on the behalf of victims) have complained directly to the Archdiocese,” that the “number of alleged victims who have disclosed their abuse likely exceeds one thousand. And the number increases even further when considering that an unknown number of victims likely have not, and may never disclose their abuses to others.”

Reilly’s report adds: “For more than fifty years there has been an institutional acceptance within the Archdiocese of clergy sexual abuse of children. Clergy sexual abuse of children has also been shown to be a nationwide problem with some reports indicating that more than 300 priests were removed from ministry in 2002 alone as a result of allegations of sexual abuse of children, and as many as 1,200 Roman Catholic priests in the United States have been accused of sexually abusing more than 4,000 children. The staggering magnitude of the problem would have alerted any reasonable, responsible manager that immediate and decisive measures must be taken.”

The report adds that the Archdiocese’s “investigation and discipline process . . . protects priests at the expense of victims and, in the final analysis, is incapable of leading to timely and appropriate responses to sex abuse allegations.”

Reilly’s report also concludes: “The Archdiocese’s responses to reports of sexual abuse of children, including maintaining secrecy of reports, placed children at risk. Top Archdiocese officials . . . aware of the magnitude of the sexual abuse problem, decided that they should conceal – from the parishes, the laity, law enforcement and the public – their knowledge of individual complaints of abuse and the long history of such complaints within the Archdiocese. . . . The Archdiocese believed that Canon Law – the church’s internal policies and procedures – prohibited it from reporting abuse to civil authorities in most instances. . . . The Archdiocese believed that reporting of clergy sexual abuse of children to civil authorities would cause scandal, and the resulting publicity would harm the reputation of the Church. . . . In the very few cases where allegations of sexual abuse of children were communicated to law enforcement, senior Archdiocese managers remained committed to their primary objectives – safeguarding the well-being of priests and the institution over the welfare of children and preventing scandal – and often failed to advise law enforcement authorities of all relevant information they possessed, including the full extent of the alleged abuser’s history of abusing children.”

An appendix to Reilly’s report shows that between 1994 and 2000 the Boston Archdiocese paid out \$17,870,482 to settle legal claims from 402 victims, plus \$1,157,219 for treatment costs to victims and \$702,770 for treatment of priest abusers. Extrapolating from the Boston data, it seems reasonable to agree with published estimates that since 1990 Catholic dioceses in the U.S. have paid out more than one billion dollars to abuse victims, and that may be only the beginning.

continued on page 8

Clergy Sexual Abuse, *continued from page 7*

In late August 2003 the Catholic Diocese of Covington, Kentucky, one of the Church's smaller judicatories, released a report showing that since 1989 it had paid nearly \$780,000 to abuse victims, \$722,000 for counseling, and \$218,000 in legal fees. The diocese also announced that it would begin talking with 22 people who have filed a \$50 million suit charging clergy sex abuse. The Covington diocese also disclosed that eight percent (30 out of 372) of diocesan priests had sexually abused one or more minors over the past 50 years.

(Parenthetically, this enormous drain on the Church's finances can hardly be disregarded as one motive for seeking more public funds for its faith-based schools and charities. Money, of course, is fungible.)

Reilly's report confirms and is confirmed by the two books by Spanish psychologist Pepe Rodríguez reviewed in our last newsletter (No. 84). Reilly and Rodríguez, on two sides of the Atlantic and in two different languages, come to essentially the same conclusions.

As if symptomatic of the current cultural tragedy, between publication of Rodríguez' *Pederasty* book in late 2002 and the July 2003 release of the Massachusetts Attorney General's report, there has appeared a new translation of the eminent 19th century Portuguese writer Eça de Queirós's 1875 novel, *The Crime of Father Amaro*, published by New Directions.

Amaro is a young priest assigned to a parish in a small Portuguese town, where he ends up seducing the daughter of a more senior priest's

mistress. The story ends badly, of course. But the novel is a thorough, very readable exploration of small town hyperpiety, politics, and clerical hypocrisy, rich in detail and eminently readable.

And just as Antonio Skármeta's 1985 novel *Burning Patience* (*Ardiente Paciência*, Ediciones del Norte, Hanover, NH) about Chilean poet Pablo Neruda in early 1970s Chile was transposed to 1950s Italy in the award-winning film *Il Postino*, so too has *The Crime of Father Amaro* been transposed remarkably successfully from 1870s Portugal to 2000 Mexico by Mexican director Carlos Carrera in 2002 (available in video and DVD as *The Crime of Padre Amaro*). The film broke all box office records when it was released last year in Mexico. It tracks the original novel remarkably well. U.S. audiences may find some of the film hard to swallow but anyone familiar with Latin culture will recognize its essential integrity and authenticity.

That these artistic endeavors are all coming to the fore is indicative of the modern crisis within the Catholic clergy and larger Western society. And, being dealt with as it currently is, the problem isn't going away anytime soon. At the end of his 2002 book Rodríguez recommended that instances of sexual abuse be reported to police or civil authorities, as complaining to church authorities is likely to lead nowhere, though hopefully the expanding scandal over the past two years might possibly improve the situation.

It is to be hoped that the exposure of clerical sexual abuse will lead to effective prosecutions and effective efforts by all concerned to clean up this very nasty problem.

—Edd Doerr

Editorials

Alabama Irony

Roy Moore won fame, or notoriety, as the state judge who placed a hand-carved Ten Commandments plaque in his courtroom, got sued for it, and won his case. As the "Ten Commandments judge" he then won election to the post of Chief Justice of the Alabama Supreme Court. In mid-2001 he installed a two-and-a-half ton Decalogue monument in the rotunda of the state judicial building. The federal courts ruled against him on First Amendment grounds. Although Moore defied a court order to remove the monument, the other eight justices on the state supreme court sided with the federal courts.

More than a decade earlier federal judge Brevard Hand (sometimes referred to as Judge "Unlearned" Hand) sought to back an Alabama law authorizing government sponsored prayer in public schools. Rebuffed by the U.S. Supreme Court (in *Wallace v. Jaffree*), Hand sought to ban 45 high school social studies and home economics textbooks on the ground that they were teaching "the religion of secular humanism." The U.S. Eleventh Circuit Court of Appeals made short work of that.

Now, irony of ironies, the new 2003 twenty-five cent coin commemorating Alabama statehood in 1819, features and honors Helen Keller, born in that state in 1880. Keller, deaf and blind from early childhood, became a prominent writer and world famous advocate for the disabled. To the chagrin, surely, of Justice Moore and his fundamentalist cheering section, Keller was a member of the International Workers of the World (nicknamed "Wobblies"), a champion of women's rights and family planning, an opponent of child labor. Though something of a Swedenborgian, she never joined a church. She was, however, a member of the advisory board of Charles Francis Potter's First Humanist Society in New York and participated with freethought leader Joseph Lewis in dedicating a statue of Thomas Paine.

Ironically, Keller was one of the founders of the American Civil Liberties Union, the principal group involved in the challenge to Justice Moore's Decalogue monument.

We prefer the Alabama of Helen Keller to the Alabama of Roy Moore.

Bush and Theocracy

In a speech on November 6 President George W. Bush declared that "theocratic rule [is] a straight smooth highway to nowhere . . ." That is certainly interesting, coming from a politician who, and whose party, has frequently used religion as a political tool, favors compelling all taxpayers to support sectarian "faith-based" schools and charities, and only the previous day signed into law a "faith-based" limitation on reproductive choice.

Also on November 6 the United Nations General Assembly voted 80 to 79 to block a Bush administration-backed effort to have the UN body approve a "faith-based" ban on all human cloning. Many countries would support a Belgian-led ban on cloning human persons but which would allow the use of human cloning for therapeutic and scientific purposes. The UN body voted to delay consideration of the issue until the end of 2005.

On the previous day, November 5, Bush signed into law a bill banning a particular abortion procedure, called "partial-birth abortion" by the powerful anti-choice lobby. That is a vague term not used or recognized by the medical profession, which applies the term "Intact Dilation and Extraction" to a procedure performed usually between 12 and 20 weeks of gestation, but sometimes after, when the physician regards the procedure as the best one for the health of his/her particular patient. The ban is clearly "faith-based" legislation reflecting the Vatican and fundamentalist theologies of "fetal personhood at conception," a view with limited religious support and no scientific backing.

Within hours after Bush's signing of the bill federal courts in Nebraska, New York, and California issued temporary restraining orders against implementation of the legislation pending further court action. A very similar Nebraska law was ruled unconstitutional in 2000 in *Stenberg v. Carhart* on the ground that it did not allow an exemption from the law for health reasons.

If Bush wants Iraq and other countries to stay away from "theocratic" rule, he should practice what he preaches here at home. □

Update

Opposition to Vouchers Rises, Poll Shows

Americans oppose giving aid to private and parochial schools through the voucher mechanism by 60% to 38%, according to the 35th annual Gallup/Phi Delta Kappa poll. The highly respected survey, issued late every summer, found that opposition to vouchers had increased 8% since last year's poll.

Over the past decade the average level of opposition in these polls was 54%, suggesting that this year's results represent a significant increase in voter rejection. This comes despite a barrage of propaganda, favorable court rulings, and mounting support from the Bush administration and congressional Republicans (and an occasional Democrat like California Senator Dianne Feinstein).

The poll also found that voters did not want their state to make vouchers available by 56% to 42%, despite a 2002 Supreme Court decision allowing such aid.

Clearly, most Americans do not want legislation that would, as the poll says, advance "private school attendance at public expense."

The two major political parties are appealing to different audiences on the voucher issue. Nearly half of Republicans (48%) favor vouchers while less than a third of Democrats (31%) do so. On the question of state voucher options, 53% of Republicans and 31% of Democrats expressed favor.

Furthermore, "the public has high regard for the public schools, wants needed improvements to come through those schools, and has little interest in seeking alternatives," according to the poll's directors, Lowell C. Rose and Alec M. Gallup.

Favorable attitudes toward public schools increases as parents are asked to grade the public school their oldest child attends. Fully 68% give grades of A or B to their local schools compared to 48% for public schools in their community in general. Parents with children in public schools give higher ratings to the school than those who have no children in schools. The A and B ratings for all public schools has risen from 31% in 1983 to 48% in 2003.

The poll found that 73% of voters wanted reforms of education to come through existing public schools rather than from alternatives, such as voucher or charter schools. Last year 69% favored this position.

Creationists Lose Texas Textbook Vote

On November 7 the Texas State Board of Education soundly rejected critiques of new biology textbooks under consideration for adoption. The lucrative textbook business is strongly influenced by Texas. Nobel laureate Steven Weinberg testified before the board urging them to adopt the books. The creationist lobby claimed factual errors in the texts and complained that evolution had been presented in two favorable a light, but the Board concluded by an 11-4 vote that creationist criticisms had misrepresented basic scientific data.

All submitted high school and advanced placement biology books will now be placed on the "conforming" list, making them eligible for adoption by local school districts.

The National Committee for Science Education "commended the state Board of Education for withstanding pressure to modify the textbooks to include erroneous information" and "commended the publisher for withstanding enormous pressure to compromise the scientific accuracy of their textbooks."

Minnesota educators are also grappling with statewide science standards and Iowa is developing curriculum models in science education. Creationists have targeted these states and Ohio.

Helen Thomas on Church and State: excerpts from her remarks upon receiving the ARL Religious Liberty Award on May 11, 2003.

"Freedoms are the heart of the Bill of Rights. The first freedom in the first amendment is the freedom of religion, freedom of speech and then freedom of the press. I know I'm preaching to the choir when I say that I strongly believe in the separation of the church and state. Jefferson, Madison, the founding fathers, had it exactly right. We are to be a free people, free to worship as we choose, and even not to worship. So the creation of a religious office in the White House is not what was contemplated by the founding fathers, for themselves or others. And many of them were indeed deeply religious, practicing their own religion.

"Federal funding of religious charities also takes us into an area that we should not go. Atheists pay taxes too. Religious charities have depended on their congregations for contributions and that's the way it should always be. Government social programs take care of all the needy, no matter what their religion is. Would we want a religious test for social security or Medicare? Let's get real.

...
"I've gone to church with many presidents. None suggested an office of religion in the White House. President Nixon did hold worship services in the East Room, but they seemed more like social gatherings. I remember going up to Attorney General John Mitchell one day and I asked him a question about Watergate. He said, 'At a church service you're asking me that?' And I said, 'Oh, are we in church?' ..."

Prayers No Longer Mandatory

With the exception of the U.S. Naval Academy, U.S. military academies no longer require prayer at dinnertime. A chaplain continues to offer prayers at weekday lunches at the Naval Academy, despite the Fourth U.S. Circuit Court of Appeals ruling striking down a similar practice at the Virginia Military Institute (VMI). Navy lawyers insisted that the Fourth Circuit decision did not invalidate "the saying of grace" at Annapolis. The Air Force, Coast Guard and Merchant Marine academies offer moments of silence before required attendance at meals, while the U.S. Military Academy at West Point has neither a moment of silence nor a formal prayer at meals.

On August 13 the full Fourth Circuit Court of Appeals upheld a three-judge panel's ruling in April that VMI's obligatory pre-meal prayer was coercive and unconstitutional. The vote was 6-6, leaving the prior ruling intact, but suggesting how divided the Fourth Circuit is on church-state matters. Virginia attorney general Jerry W. Kilgore has said he will appeal to the U.S. Supreme Court. Two conservative dissenters attacked the ruling. Judge J. Harvie Wilkinson III, often seen as a potential Bush nominee to the Supreme Court, claimed that "prayer is the most benign form of religious observance," while Judge Paul V. Niemeyer said the three-judge panel decision "treats religion as a virus that somehow will infect the public square ..."

This ruling also caused the Citadel, a South Carolina state military college in Charleston, to drop its required mealtime prayers.

Amish Ask for Exemption

Pennsylvania's Amish community has asked Congress for an exemption to national laws barring children under age 18 from working in

continued on page 10

Update, *continued from page 9*

sawmills and woodworking factories. Amish businesses that employ teenagers have been fined for violation of child labor laws. Amish religious rules require children to leave school after the eighth grade. Amish leaders have asked for an exemption based on religious free exercise considerations.

Bush Expands Abortion Ban

President Bush on August 30 ordered the State Department to withhold U.S. family planning assistance to overseas groups that promote or perform abortions with their own money. The decision expands a 2001 executive order that banned family planning financed and administered by the U.S. Agency for International Development. Said Gloria Feldt, president of Planned Parenthood, "The world's poorest women and their children are again bearing the brunt of Bush's obsession with appeasing his domestic political base. This is the real face of Bush's compassionate conservatism."

California Fire Department Drops Chaplains

The California Department of Forestry and Fire Protection has dropped its chaplain program after six firefighters sued the program, charging that it violated both the federal and state constitutions. The chaplaincy program has been moved to the employee assistance program and will no longer be funded by the state. Chaplains will now be voluntary and unpaid. Christians, Jews and agnostics objected to the state-funded Chaplaincy Corps.

Monument Removed in Casper

The Casper, Wyoming, City Council voted 5 to 4 on October 29 to remove a Ten Commandments monument from the city park. The Wisconsin-based Freedom from Religion Foundation threatened the city with a lawsuit. One factor in the decision was the Council's unanimous refusal to allow the Rev. Fred Phelps of Topeka, Kansas, to erect a monument stating that gay college student Matthew Shepard of Casper, who was murdered in 1998, was in hell. Phelps, pastor of a Baptist church, has made opposition to gay rights legislation a major portion of his "ministry," and has picketed funeral services of gays and lesbians throughout the nation.

Muslim Family May Sue Oklahoma Schools

A Muslim family in Muskogee, Oklahoma, has threatened a lawsuit against the school district, which has suspended their sixth grade daughter for wearing a head scarf. The family says the girl, Nashala Hearn, wears the head scarf at Benjamin Franklin Science Academy in Muskogee for reasons of religious conscience. The school district, which suspended her for eight days in October, contends that it is an issue of safety and has refused to make an exception. The Rutherford Institute, a legal advocacy group in Charlottesville, Virginia, which usually supports conservative Christians, plans to file a lawsuit if the policy is not changed. Oklahoma law protects religious expression and the wearing of religious garb.

Safeguarding the Future

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

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

Please contact us if you would like further information.

Americans for Religious Liberty
1777 T Street, NW • Washington, DC 20009 • 301-260-2988

Wrongful Death Law Covers Fetuses

The Mississippi Supreme Court held on August 21 that a fetus is a "person" under state law and therefore that wrongful death claims can be filed on its behalf. The 6-2 ruling expands the definition of a person in wrongful death cases to include "unborn child." The present law allows people to sue for wrongful death in the case of a newborn child or a prematurely born fetus that would have been expected to survive. Presiding Justice Chuck McRae, in a written dissent, described the decision as an assault on *Roe v. Wade*.

Catholic School Enrollment Declines

Overall enrollment in the nation's Catholic schools declined 2.4% during the 2002-2003 school year, according to annual figures released in August by the National Catholic Educational Association (NCEA). While 47 new Catholic schools opened last year, 140 schools were closed. NCEA president Michael Guerra blamed the decline on "a depressed economy" and the absence of programs to help middle-income families pay the tuition costs. He also noted that 40% of Catholic schools, mostly in suburban areas, have waiting lists for admission. A new organization, the National Association of Private Catholic and Independent Schools (NAPCIS) claims that 170 "lay-run proudly conservative Catholic schools" have now opened throughout the U.S. The Ann Arbor, Michigan-based group says its schools will offer education by those who are "proud of our Catholic heritage and teach their students to be proud of it, too." Support for the new schools has come from Bishop Raymond L. Burke of La Crosse, Wisconsin and Bishop Fabian Bruskewitz of Lincoln, Nebraska.

International

Ankara: Turkish Prime Minister Tayyip Erdogan indicated that Turkey will vigorously oppose any reference to Christianity in the constitution of the European Union. Erdogan made this statement in an interview with the Italian daily *La Repubblica*. He added: "Freedom of conscience and the prohibition of all discrimination are the founding principles of modern Europe. . . . If the idea of religion is included in the constitution, that would be a contradiction of the principles and the progress made in this continent over the centuries. In a certain sense, . . . the motor of development in Europe has been secularity."

Back at home, the Patriarch of Constantinople, the "first among equals" of international Eastern Orthodoxy has called upon Turkey to

change its constitutional stipulation that only a Turkish citizen can become Patriarch. Bartholomew said Turkey should allow any Orthodox clergyman to be elected Patriarch and then grant him Turkish citizenship. Only about 3,000 Orthodox Christians live in Istanbul, where the patriarchate is located, compared to 125,000 a century ago. The Turkish government closed the only Orthodox seminary in 1971 and put all religious education under government control. Bartholomew called for a revision of these laws in a television interview.

Belfast: *Education Week* reported in August that Northern Ireland's fastest growing education option is integrated schooling. Nearly 17,000 students attend 53 schools where administrators strive to have a balance of Catholic and Protestant teachers and students. In 1997 only 8,000 students attended religiously integrated schools. Housing segregation, and decades (if not centuries) of mistrust between the rival brands of Christianity have contributed to separate schooling, still attended by 95% of the population. The government now finances integrated schools, just as it does the "maintained" Catholic schools (80% funding) and the largely Protestant state schools (100% funding). Polls repeatedly show that large majorities of Northern Ireland parents support integrated education. Even in the separate Catholic and Protestant schools, a new program, Education for Mutual Understanding, now requires a roughly similar curriculum that downplays religious and cultural divisions.

Frankfurt: Germany's highest court ruled in September that a Muslim teacher cannot be forbidden to wear a head scarf in a public school. The Federal Constitutional Court held that school authorities in Stuttgart do not have the authority to bar an Afghanistan-born teacher, Fereshta Ludin, from teaching because she refused to discard her head scarf. The court, by a 5-3 vote, did not rule that this was a constitutional right, however, and left it up to the state of Baden-Wurttemberg to pass a law guaranteeing teacher's rights to religious expression. The court said that legislators should enact these laws, not the judiciary, prompting the national weekly *Die Zeit* to call the ruling "cowardly."

Bavaria, Lower Saxony, and Hesse are expected to enact laws protecting religious free expression in the schools. In August the same court ruled that a Muslim shop assistant had been wrongly dismissed for wearing her head scarf at work.

There are 3.5 million Muslim immigrants in Germany, 2.6 million of them from Turkey. Ms. Ludin, who taught in a Muslim school in Berlin and is married to a German citizen, said she hoped to return to her classroom in a Stuttgart public school.

Lille: The first Muslim high school in France opened in September. Like other Catholic, Protestant and Jewish schools, the Lycée Averroes is financed and monitored by the state. About 80% of the operating costs of private religious schools are provided by the state.

The headmistress of the school, Sylie Taleb, is a French-born convert to Islam who taught in Catholic schools for 17 years. The school has agreed to follow the strict French curriculum presented for the state-financed public schools and other religious schools. Courses in Arabic and in Islamic culture and history are offered as electives. Koranic studies are taught for one hour a week. Non-Muslims are welcome to attend Lycée Averroes, but none have enrolled.

The school is temporarily housed in a mosque. State authorities monitor the school to make certain that corporal punishment is not imposed and that censorship of books for religious reasons does not occur. Veils are worn by some female students but are not required.

Lille is in northeast France on the Belgian border.

London: In a move described by *The Observer* as a "major break with British traditions that religion and government should not mix," Prime

Minister Tony Blair has set up a new religious advisory committee to the government. Called the Faith Community Liaison Group, it is part of the Home Office and will affect the cabinet departments of education, culture, media, sports, trade and industry. Its objective is "to achieve greater involvement of the faith communities in policy-making and delivery of services," according to its chair, Fiona Mactaggart, the Home Office Minister for Civic Renewal. The new group resembles the faith-based enterprise network established by President Bush in the US in 2001. The Christian Socialist Movement applauded the move. Hindu, Sikh, Jewish and Muslim representatives serve on the committee with Christians. The National Secular Society, however, protested the move. Its executive director, Keith Wood, said the move was "a further example of the government's desire to favor and privilege religious organizations." Wood said that nonreligious groups had been excluded from the new committee, officially called "a ministerial working group."

Minsk: A rally by thousands of Protestants in Bangalore Square in the Belarus capital of Minsk was called to protest increasing restrictions on the activities of Protestant groups in the predominantly Orthodox nation. Protestant bishops denounced new pressures on their community as "reminiscent of the Stalin era." They charged that recently passed legislation gives preferential status to the Orthodox Church and violates the separation of church and state guaranteed in the Belarussian constitution. Belarus President Aleksandr Lukashenko, who calls himself an "Orthodox atheist" reportedly sees the Orthodox Church as a valuable prop to his regime and to his desire to integrate Belarus with Russia.

Paris: Cardinal Jean-Marie Lustiger of Paris has opposed a proposed law that would allow Muslim girls to wear veils in state-run schools. In a late-September statement, the cardinal said the secular traditions of twentieth century France should be upheld. In an interview with the daily newspaper, *Le Figaro*, archbishop Jean-Pierre Ricard, president of the French bishops conference, said, "Muslims should get used to functioning in a secular, democratic and pluralistic state, just as the Catholic Church has done for close to a century."

Rome: A judge's decision ordering the removal of a crucifix from a public school classroom in the village of Ofena symbolizes growing
continued on page 12

ARL in Action

Americans for Religious Liberty co-founder Sherwin Wine has been honored by publication of a festschrift, *Life of Courage: Sherwin Wine and Humanistic Judaism* (International Institute for Secular Humanistic Judaism [www.iishj.org], 318 pp., \$30). ARL president Edd Doerr contributed a chapter to the book.

Freedom Forum's 2004 desk calendar contains a quote from ARL's Edd Doerr, from an address on religious freedom in 1990 presented at the Touro Synagogue in Newport, RI, the oldest synagogue in North America, at the bicentennial celebration of President George Washington's letter to the congregation. Doerr's complete speech may be found in ARL's book *The Great Quotations on Religious Freedom*.

Since our last report Doerr has addressed church, workshop, and other audiences in Columbia and Bethesda, MD, Williamsburg, VA, Omaha and Lincoln, NE, New Orleans, LA, and Washington, DC. Doerr and Al Menendez also addressed student audiences in Virginia and were guests on radio and TV talk shows in Washington, New York, Missouri, and Louisiana.

Books, *continued from page 11*

church-state conflicts in Italy. The October ruling by Judge Mario Montanaro came as a result of growing pressure against Christian religious symbols by the Union of Italian Muslims, who now number between one and two million people. Adel Smith, a Muslim activist, objected to crucifixes in his children's classrooms.

Montanaro wrote that the placing of crucifixes in classrooms "shows the state's unequivocal will to place Catholicism at the center of the universe in public schools without the slightest regard for the role of other religions in human development."

The ruling was denounced by the Vatican. Cardinal Ersilio Tonini said, "You can't remove the symbol of a people's religious and cultural values. The majority of the Italian people are offended by this verdict." The Vatican newspaper, *L'Osservatore Romano*, also condemned the court.

The government of Prime Minister Silvio Berlusconi ordered an inquiry into the judge's decision. Last year the education minister proposed that the display of crucifixes be made mandatory in schools, government offices and railway stations, but that proposal has not been implemented. The Italian teachers' union supported the decision but Berlusconi's minister of labor, Roberto Maroni, called it "outrageous."

Italy, like much of Western Europe, is adjusting to the requirements of religious pluralism, as its Roman Catholic heritage confronts the secular realities of modern government and the growing Muslim community.

Santiago: Chile, the only country in the western hemisphere that still bans divorce, is moving toward approval of a civil divorce statute. Opinion polls indicate that 70 percent of Chileans favor legalizing divorce, but the Roman Catholic Church hierarchy is conducting a fierce campaign to prevent legalization (as it did in Italy, Spain and Ireland but failed). Four unsuccessful attempts to allow divorce have failed in the Congress since 1990. The lower house approved a bill legalizing divorce in 1997 and a Senate committee voted 33-13 in August to move forward on the proposal.

At present civil annulment, which requires couples to say their marriage was invalid from the beginning, is allowed, and 5,000 annulments are granted annually. (The nation's president, Ricardo Lagos, was granted one.)

Conservatives are trying to water down the bill by requiring compulsory mediation, waiting periods of up to five years, and requiring that both parties agree to the divorce.

The absence of divorce has led to cohabitation. Nearly half of all children are born to unmarried couples, and the annual number of marriages has declined from 100,000 in 1990 to 60,000 in 2002.

Vatican City: Archbishop Jean-Louis Tauran, the Holy See's secretary of state, announced that the Holy See is "seriously considering" applying for full membership in the United Nations. At present, the Vatican is a non-member state permanent observer.

Tauran told a press conference that the Vatican will "carefully weigh the advantages and disadvantages of such a step." The permanent observer to the UN is Apostolic Nuncio, Celestino Migliore.

Switzerland has been the only other political entity with a similar status, but Swiss voters recently approved a measure allowing their nation to apply for full membership in the international body.

Hundreds of nongovernmental organizations, including Americans for Religious Liberty, have supported a campaign called "See Change," led by Catholics for a Free Choice, to remove the Vatican from its special status at the UN, which is accorded to no other religious group.

Vatican City: Archbishop Tauran told an Italian newspaper that Turkey should not be admitted to the European Union (EU) because EU member states "should share the same patrimony of values that are dear to Europe." The remark was interpreted by many as a slap at Islam, the dominant religion in Turkey. Both Germany and France seem indisposed toward inclusion of Turkey in the EU, and Catholic Church/Vatican pressure may be the reason. The Commissioner for EU Enlargement, Günter Verheugen of Germany, has claimed that "the Catholic Church has no rights in Turkey."

Vatican City: The Vatican has come under fire for knowingly promoting a U.S. priest through its diplomatic corps despite warnings that he had molested a young girl in Cincinnati during the 1980s. Monsignor Daniel Pater, recently the Vatican's second-ranking diplomat in India, settled a 1995 lawsuit with the woman he had abused. Pater's pastor in Cincinnati warned Bishop James M. Harvey, a Vatican state department executive who now heads the pope's personal staff, about Pater's activities. Pater resigned his Vatican diplomatic post and has returned to the Cincinnati archdiocese, where his future will be decided by a local review board.

Vatican City: The Vatican has also been fighting negative publicity from a CBS Evening News report on August 6 that a 1962 document from the Holy Office mandating extreme secrecy in cases of clerical sex abuse may be the "smoking gun" prosecutors are seeking. The document, *Crimen Sollicitationis*, deals solely with the "crime" of priests soliciting sexual favors from penitents in the confessional. Bishops and other church authorities were enjoined to practice manifest secrecy to protect the church from scandal. But lawyers for victims of clerical sexual abuse in the U.S. say the document reflects a cover-up mentality that could reflect on the church's inept handling of the spreading scandal. □

Need a Speaker?

Americans for Religious Liberty can provide expert speakers for:

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

Write or phone:
Americans for Religious Liberty
1777 T Street, NW
Washington, DC 20009
(301) 260-2988

Books and Culture

Public School Choice vs. Private School Vouchers, edited by Richard D. Kahlenberg, The Century Foundation Press, 202 pp., \$15.95.

This is clearly one of the best books published in recent years on school vouchers. It reinforces what ARL has been publishing on the subject for years and adds considerably more. The authors utterly demolish the main myths spread by voucher promoters: That vouchers raise student achievement in both private and public schools, that vouchers are part of "a new civil rights movement," that vouchers are "good for democracy," and that the "public is clamoring for vouchers." Curiously, the authors neglected to mention the 25 statewide referenda on vouchers or their analogues between 1967 and 2000 that registered opposi-

tion at better than two to one. The authors show that extensive voucher programs in New Zealand and Chile have been disasters.

The various authors then make a solid case for greatly expanding public school choice as a vastly superior way of helping poor urban children.

This book merits the widest possible circulation.

Edd Doerr

Constantine's Sword: The Church and the Jews, by James Carroll, Houghton Mifflin Co., 756 pp., \$16.00.

Hitler's extermination of six million Jews did not happen in a vacuum. The Shoah, or Holocaust, could occur only because the way had been prepared by many centuries of Christian anti-Semitism. In this extraordinarily detailed, comprehensive, nuanced, gripping book, Catholic author James Carroll, a former priest now married and with two children, traces the development of anti-Semitism from its origins nearly two millennia ago, through Christian theological developments that contributed to and shaped anti-Jewish sentiment, the Crusades (whose first victims were not Muslims but Jews), the Inquisition, and trends since the Reformation leading eventually to the Nazi death camps. Like Catholic authors Garry Wills and John Cornwell, whose books we also reviewed recently, Carroll criticizes Pope Pius XII and the Vatican for their failure to adequately respond to Hitler's murderous designs. One sentence near the end of the book pretty well summarizes his findings. Carroll writes (p. 603) that "Catholic history, while not causing the Shoah, was a necessary, unbroken thread in the rise of genocidal antisemitism as well as the source of the Church's failure to openly

Visit ARL's Web Site

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

oppose it." *Constantine's Sword* is so richly detailed, documented, and readable that no short review could do it justice.

Edd Doerr

The Holy Reich: Nazi Conceptions of Christianity 1919-1945, by Richard Steigmann-Gall, Cambridge University Press, 294 pp., \$30.00.

This compelling book details how the Nazis used the historically close relationship between church and state in Germany to consolidate their power and build a coherent ideology.

As early as 1934 Hitler created a Reich Education Ministry, which formally restored obligatory religious instruction and student participation in religious activities.

The year of Hitler's takeover of the government showed church-state collusion. Writes the author, "The 450th anniversary of Luther's birth fell only a few months after the Nazi seizure of power in 1933. The celebrations were conducted on a grand scale on behalf of both the Protestant churches and the Nazi Party."

continued on page 14

ARL Religious Liberty Library

Great Quotations on Religious Liberty

edited by Albert J. Menendez and Edd Doerr \$18.00

The Case Against Charitable Choice: Why President Bush's Faith-Based Initiative is Bad Public Policy

Albert J. Menendez and Edd Doerr \$10.00

Visions of Reality: What Fundamentalist Schools Teach

Albert J. Menendez \$10.00

Abortion Rights and Fetal 'Personhood'

edited by Edd Doerr and James W. Prescott \$12.95

Religious Liberty and State Constitutions

Edd Doerr and Albert J. Menendez \$14.95

Faith and Freedom: Religious Liberty in America

Marvin E. Frankel \$7.95

Vox Populi: Letters to the Editor

Edd Doerr \$9.95

Church Schools and Public Money: The Politics of Parochialism

Edd Doerr and Albert J. Menendez \$14.95

Religion and Public Education: Common Sense and the Law

Albert J. Menendez and Edd Doerr \$5.00

The Case Against School Vouchers

Edd Doerr, Albert J. Menendez, John M. Swomley \$15.95

Compulsory Pregnancy: The War Against American Women

John M. Swomley \$10.00

Catholic Schools: The Facts

Edd Doerr \$9.95

The December Wars: Religious Symbols and Ceremonies in the Public Square

Albert J. Menendez \$18.95

Public Education and the Public Good

Robert S. Alley \$10.00

Church and State in Canada

Albert J. Menendez \$5.00

Myths About School Prayer

John M. Swomley \$5.00

Three Voices of Extremism: Charles Colson, James Dobson, D. James Kennedy

Albert J. Menendez \$10.00

Order from Americans for Religious Liberty, 1777 T Street NW, Washington, DC 20009. Please add \$2 for shipping and handling.

Books, *continued from page 13*

Initially, Hitler wanted to control both the Protestant and Catholic churches, but he found the Protestants more receptive. "Aside from individual Protestant church members, the main pillar of Protestant associational life also displayed an essentially favorable attitude toward the Nazis. The Protestant League became the first of any Christian organizations formally to support the party."

Furthermore, "Broad sections of the Protestant establishment warmly supported the Nazi Party. . . . Whereas the Catholic Church and the Nazi Party kept a distance from each other, relations between the Protestant churches and the party were much more amiable."

While Nazi ideology was more attuned to pre-Christian Teutonic myths, it was able to incorporate some Christian elements, particularly the rampant strain of antisemitism. The Protestant vote for the Nazis in the 1932 election had a religious dimension, according to Steigmann-Gall. "Millions of German Protestants, who were so overrepresented in the Nazi electorate, saw in the seizure of power a return to Christianity; for many of them, the Nazi Party served as a Protestant Center Party, achieving a longed-for rallying together of Protestants."

The author also shows that the portrayal of Christianity in the history textbooks used in Third Reich schools showed an "esteem for Protestantism." And Martin Luther's birthday became an official holiday. "Luther was cast as a great national hero and religious reformer, as the first German, the first Protestant, and implicitly the first Nazi."

In Austria the most enthusiastic supporter of the Nazi Party and the

anschluss were Lutheran pastors, claims the author. "For years Protestants had stood in the forefront of support for Nazism and Austria's reintegration into Germany."

This book should be viewed as a corrective to the idea that most German Christians opposed Hitler, and that only the Catholic Church had a poor record of appeasing the Nazis.

Al Menendez

Anti-Catholicism in America, by Mark S. Massa, The Crossroad Publishing Company, 245 pp., \$24.95.

Massa, a Jesuit priest and director of Fordham University's Center for American Catholic Studies, has written a more balanced study of this controversial topic than Episcopal college professor Philip Jenkins. (See *Voice of Reason* 84.) While deploring the unfair and absurd examples of Catholic-bashing, Massa says, "Anti-Catholicism is hardly the last bias in the United States. . . . It would be risible to insist that bias against Catholics alone remained after other forms of discrimination had disappeared." He cites antisemitism and homophobia, as well as racism, as examples of continuing prejudice in America.

Massa argues that sincere philosophical differences, rooted in different worldviews, are often misperceived as anti-Catholicism. He writes, "Catholic citizens of the United States were, and are, outsiders, 'others' in a culture shaped and still powerfully influenced by Protestant language and presuppositions. This is neither a bad thing in itself, nor a retreat to victimization language. . . . It is disingenuous for Catholics to feign surprise, anger, or grief to learn that they are not in the mainstream of their culture, or that they are perceived as such by a number of their fellow citizens who shape cultural issues." He adds, "The lack of accountability, recourse to institutional secrecy, and misplaced trust in hierarchical leadership that so defines the story of the Boston sex abuse scandals represents, on one level, the legitimization of their worst fears."

Unlike many scholars, Massa defends the Kennedy presidency as an example of proper church-state relationships. He says that Kennedy's Houston address in September, 1960 "reiterated the hard-line separationist position on church and state that had marked his political career from its inception. . . . The speech also represented the mainstreaming of American Catholicism." Furthermore, "Kennedy's speech represented a landmark in the secularization of American politics; it removed religion as an appropriate topic from the Oval Office. It is remarkable that presidential discourse between Kennedy and Jimmy Carter – that is until the rise of the new religious right – was marked by a singular absence of religious metaphors and Christian imagery." Massa argues that "social peace and political order" are the result of social and religious pluralism. "It is precisely because Kennedy was a Roman Catholic that he had to secularize the presidency in order to win it. The Houston speech is a key moment in American Catholicism's coming of age and in the articulation of the terms of that rite of passage."

The book could have been better organized, since it moves rather disjointedly from 19th century nativism to the anti-Kennedy campaign in 1960, to the Jack Chick comics, Jimmy Swaggart and the alleged paucity of Catholic scientists. But on balance it is a very insightful study that deserves attention.

Al Menendez

A People Adrift: The Crisis of the Roman Catholic Church in America, by Peter Steinfels, Simon and Schuster, 392 pp., \$26.00.

Steinfels, former religious correspondent for *The New York Times* and editor of *Commonweal*, states his thesis up-front: "Today the Roman Catholic Church in the United States is on the verge of either an irreversible decline or a thorough-going transformation. . . . [The] fate of American Catholicism will have a significant impact on the nation's fabric, its political atmosphere, its intellectual life, and its social resil-

Vouchers

Gladwell's critique of the No Child Left Behind Act was on target but did not go far enough. The law will lead to teaching to the test, de-enriching curricula, and pressure on kids to drop out (as has happened in Houston) to make schools look better. The act also does not address the problems of inadequate and inequitably distributed funding, the lack of money for repairing or replacing thousands of broken-down school buildings, classes that are too large, especially in the lower grades, or the needs of the fifth of our children who live in poverty or are from families of limited English proficiency. Instead, the Bush Administration and its Republican allies in Congress waste time promoting the dangerous frivolity of school vouchers.

Edd Doerr

Silver Spring, MD

The New Yorker, October 6, 2003

Whether the Post is right today in supporting school vouchers for the District or was right in opposing them on June 21, 1969, March 3, 1971, or March 7, 1984, is an open question. But gagging the District in Congress ["A Voice, but No Vote," editorial, Sept. 9] grossly offends the democratic principles of the Declaration of Independence.

The conservative thrust in Congress to enact a voucher plan for the District is using voteless Washington as a wedge to open up support for vouchers nationally—even though voters from coast to coast have rejected vouchers or their analogues 25 times between 1967 and 2000 by an average ratio of 2 to 1.

Edd Doerr

President, Americans for Religious Liberty

Silver Spring

Washington Post, September 17, 2003

ience.”

He proceeds to examine the church's strengths and weaknesses, and admits that "the leading Catholic indicators reveal a church at risk." The problem is the abysmal leadership of the present hierarchy and their inability to see clearly that major changes in Catholic self-definition have already occurred since the 1960s and must be accommodated and accepted. Otherwise, "a soft slide into a kind of nominal Catholicism is quite foreseeable" and could even lead to "the possibility of a sudden collapse, in a single generation or two, such as has been seen in Ireland and, earlier, in French Canada."

Steinfels calls for a moderately progressive agenda, befitting a *Commonweal* Catholic who wants the church to live up to its expressed ideals. He says the church's "official stances on sexual morality and the role of women constitute a form of Catholic fundamentalism," which is likely to prove destructive and/or self-defeating in the long run.

Finally, he argues that Catholics remain the largest "swing vote" in national politics, with large numbers of independents within their ranks. The Republican strategy of "moral restoration" already appeals to many Catholics, but the GOP's traditional positions on war/peace and social justice issues make it unlikely to bring about a religio-political realignment.

Al Menendez

The Christian Right in American Politics, by John C. Green, Mark J. Rozell and Clyde Wilcox, Georgetown University Press, 296 pp., \$24.95 paper, \$44.95 cloth.

Three of America's leading scholars of religious influences on politics have assembled a first-rate team of academics who assess the Christian Right's influence in a dozen states. These range from the evangelical South (South Carolina, Virginia, Texas and Florida) to the moderate Midwest (Iowa, Michigan, Kansas, and Minnesota) to the more secular West (Colorado, California, and a chapter combining Oregon and Washington) and New England (Maine).

Diversity characterizes the Christian Right's effectiveness in these states. In general, this movement "has been engaged in a long and torturous march toward the millennium from outsider status into the thick of American politics." While it has succeeded in reshaping the agenda of political discourse, it has failed in most of its objectives to "transform public policy in the direction of moral traditionalism." While the Christian Right has gained access to the corridors of political power, it has "fallen far short of its ambitions."

The states chosen for this analysis were those "where the Christian Right was especially active between 1980 and 2000," say the editors. Influence, while limited, is still substantial. "The broader movement helped George W. Bush win the Republican nomination and the White House. Bush repaid this critical support by choosing former Senator John Ashcroft, once the favored presidential candidate of the movement, as U.S. Attorney General."

Abortion is still the issue around which the movement coalesces but gay rights (in Maine and Colorado) and the creationism controversy (in Kansas) are also among its priorities.

"To hell with the Church when it becomes a state and the hell with the State when it becomes a church."

Ernest Hemingway, letter to John Dos Passos, October 1932 (Letters, 375)

Join Americans for Religious Liberty!

1777 T Street, NW, Washington, DC 20009-7125

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

- \$25 Individual \$100 Supporting
 \$35 Family \$500 Sponsoring
 \$50 Sustaining \$1000 Patron
 \$15 Student and Low Income

Enclosed is my/our check for \$ _____.

Name: _____

Address: _____

City, State, Zip: _____

e-mail address: _____

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

This is an excellent anthology that is essential reading for students of the Christian Right.

Al Menendez

Ideas Triumphant: Strategies for Social Change and Progress, by Laurence Lader, Seven Locks Press, 185 pp., \$22.95 hardback, \$16.95 paperback.

Laurence Lader is a reproductive rights pioneer, a founder of NARAL and Abortion Rights Mobilization, and a biographer of Margaret Sanger. *Ideas Triumphant* is a useful handbook for causers who want to move from good ideas to effective action. Half of the book deals with the struggles for reproductive choice, the rest with gun control, "death with dignity" and assisted suicide, and the failed Equal Rights Amendment. Lader makes clear that money, organization, and sound strategy are key to progress on social justice issues.

Edd Doerr

Persecution: How Liberals Are Waging War Against Christianity, by David Limbaugh, Regnery, 416 pp., \$27.95.

This absurd book works only if you believe that Christianity, or any religion, can only survive with government support and preferential treatment from the courts and the institutions of society. The author's dreary catalogue of minor slights and conflicts hardly constitutes any sort of persecution manufactured by political "liberals" bent on destroying Christianity.

Limbaugh, the lawyer brother of Rush Limbaugh, shows no familiarity with the literature of church-state relations or the foundational documents of our history. He merely parrots right-wing distortions and cites mostly obscure religious right sources in his reference notes. His unbalanced interpretations of history owe much to people like David Barton and D. James Kennedy.

If Limbaugh really wants to examine religious persecution, he should visit Sudan, Saudi Arabia or North Korea. The United States, where 86% of residents identify themselves as Christians, as do 92% of the members of Congress, and where conservative Protestant Christianity dominates the air waves and the military chaplaincy, is hardly a land

continued on page 16



Americans for Religious Liberty
1777 T Street NW
Washington, DC 20009-7125

Nonprofit Org.
U.S. POSTAGE
PAID
Permit No. 2145
Washington, DC

RETURN SERVICE REQUESTED

Books and Culture, *continued from page 15*

where Christians are persecuted. In fact, a recent poll shows that 50% of Americans would vote against a “well qualified” atheist candidate for president and nearly 40% would oppose a Muslim.

The fact that this book is on national best seller lists is a sad commentary on our times.

Al Menendez

Enough Religion to Make Us Hate: Reflections on Religion and Politics, by Victor Griffin (available from Dufour Editions, Chester Springs, PA, 1-800-869-5677), 112 pp., \$12.95.

Here is a jewel of a book, written by the former dean of St. Patrick's Cathedral (Anglican) in Dublin and based on his many years as a prominent religious leader in both the Republic of Ireland and in Northern Ireland. Griffin is probably the most outspoken defender of pluralism, separation of church and state, religious tolerance and liberal values in Ireland, since the death of former member of parliament Noel Browne, a liberal Catholic.

Griffin was an outspoken supporter of civil divorce and abortion rights and he led the Church of Ireland, the Anglican Communion's branch church, in its opposition to the nation's strict anti-abortion laws. He spoke during several referendum elections in the 1980s and 1990s, as the “land of saints and scholars” took irrevocable steps toward religious equality and ignored the long-dominant Roman Catholic ethos that had shaped legislation and law for decades.

Griffin frequently had to drag his own coreligionists into the public realm, saying that his church “was scared stiff of controversy” and was afraid to provoke a backlash from the Roman Catholic hierarchy.

Griffin argued that the Irish Constitution should not reflect only the values of one religious community but should recognize a maximum of human freedom based on primacy of conscience and of international human rights. “I do not want a Protestant confessional state in Ireland. I do not want a Roman Catholic confessional state in Ireland. Sectarianism and confessionalism have been the curse of Ireland, north and south, for far too long. I want a truly tolerant and pluralist Ireland.”

Excerpts from *Enough Religion to Make Us Hate*

“The segregation in the education of children on religious grounds encouraging however unwittingly a “them or us” attitude, and with no exposure in the classroom to the other tradition, has helped to keep conflicting prejudices and myths alive. . . .”

“In general, the mainstream of both Protestant and Catholic thought has been hostile to religious liberty. Liberty has been more often associated with non-Christian influences than with Christian ones. Religious enthusiasm in the case of Protestants, and religious conservatism in the case of Catholics, have produced the most extreme intolerance. Freedom and toleration have often had to rely on nondogmatic religion, religious indifference, secular philosophy and anticlerical politics.”

“The unholy mixture of religion and party politics for centuries has been the curse of Ireland. Christianity has always been the loser.”

“With the growth of secularism, the rejection of authoritarianism in religion and politics and the falling off in numbers and influence in the institutional churches . . . tribalism and sectarianism will gradually fade.”

Griffin jokes that he was called a traitor to Protestantism when he was a pastor in Northern Ireland, and labeled a bigot by Catholic conservatives during his long ministry in the Republic of Ireland.

Griffin's little book is thoughtful and profound and deserves a wide readership on this side of the ocean, as Americans face a renewed effort to reintroduce sectarianism and religious intolerance in our political life and in the educational sector. We should learn from the experience of other societies that the pluralist and libertarian experience is the one that best secures the maximum religious liberty and intellectual freedom to all citizens, whatever their religious or philosophical viewpoints.

Al Menendez