



VOICE OF REASON

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Bush Wins Again, With Big Assist from Religious Conservatives

By Albert J. Menendez

Religious factors loomed large in the 51% to 48% reelection of President George W. Bush over his Democratic challenger, Senator John Kerry of Massachusetts. While other issues such as the economy and foreign policy and the war in Iraq were major factors in the vote, the religious makeup of the nation and how its components responded to the issues and personalities of this election are important.

Bush clearly owes his victory to the 23% of the electorate who call themselves “born again” or “evangelical” Christians, the white Protestants who shape the political landscape of the American South and much of the rural North and Midwest. Bush won 78% of their vote, and this support did not vary much regionally. The entire South with its 153 electoral votes, and the states of Missouri, Oklahoma, Kentucky, West Virginia, Kansas and Indiana, with 48 additional electoral votes, gave the president an almost insurmountable electoral vote lead that would have required Kerry to win three-fourths of the remainder of the nation to offset it. Bush received 201 of the required 270 electoral votes in the heartland of evangelical America.

Related factors are the 22% of voters who cited “moral values” as the primary issue determining their presidential vote. They cast 80% of their ballots for Bush. This category overlaps with some other religious groups, of course, but tends to isolate the social issue voter into a cohesive unit that can be studied. Then there was the tiny 8% who said the candidate’s religious faith was a major factor in their vote. They gave more than 90% to Bush. This small segment was entirely evangelical and could have reflected some anti-Catholic sentiment, though it was probably more of an endorsement of Bush’s intense public image of religiosity. (This sliver of the electorate favored Democrat Jimmy Carter in 1976 and 1980.)

Church attendance was a factor in voting, though a bit less so than in 2000. Bush won a bit over 60% among weekly churchgoers and less than 40% among voters who said they never attend religious services. The vote was closer among occasional or rare attenders. The more important factor is where people attended church, or how they defined themselves religiously. Bush, for example, received the votes of 36% of those who never attended religious services, but only 31% of those who said they had no religious affiliation. Bush gained 7% over his 2000 vote among the non-churchgoers, which might raise an eyebrow or two. The 10% who reported no religion (up from 9% four years ago), favored Kerry 67% to 31%, up slightly over Gore.

Kerry ran much stronger than Gore among the 7% (up from 5% in 2000) who defined themselves as “other religions,” a category that includes Muslims, Buddhists, New Agers, and Eastern Orthodox Christians. Bush’s close ties to the Protestant-dominated Religious Right may

have cost him votes among these diverse communities, though it will take some digging at the precinct level to discover the cost, if any, since exit polls are rather vague. The “other” vote was 74% to 23% for Kerry, compared to 54% for Gore, 33% for Bush and 9% for Nader in 2000. Precinct and township level data are always helpful in fleshing out the larger picture of voting.

The Catholic vote proved to be a great mystery. It was, once again, the closest to the national divide, showing that Catholics (27% of the electorate) are the classic swing voters. The Catholic vote was near 50-50, and it may have been 52-48% for Bush, according to the final exit poll results. (In this election, however, the exit polls came under fire for serious flaws of sampling, over-sampling and other problems that raise questions about their accuracy and validity.) What the results suggest is that there are several Catholic votes,

not a monolithic one. Perhaps that is to be expected of such a large and diverse community.

If the national Catholic vote was narrowly for Bush – a big if – it had little impact on the results. Kerry’s two strongest states in popular vote, Rhode Island and Massachusetts, are the two most Catholic states. States where Catholics are 40-50% of the vote, New York, Connecticut, and New Jersey, also went for Kerry. The 30%-40% Catholic states, Pennsylvania, Illinois, Wisconsin, Vermont and New Hampshire, also went for Kerry. States with 25%-30% Catholic went mostly

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for Kerry. They include California, Michigan, Minnesota and Maine. The only strongly Catholic states to go for Bush were Louisiana and New Mexico.

None of this tracks well with the exit poll findings. If the poll is accurate, Bush must have received the bulk of Catholic voter support in states where Catholics are a minority, such as the South and the nation's interior regions, where they have become like their Protestant Republican neighbors. It is true that Bush gained 5-7% among Hispanic Catholics, a factor in his New Mexico victory perhaps, and did win a majority of Hispanics in Florida, though not in California, Texas, Arizona, Colorado, New York or Illinois.

Catholics who reside in predominantly Catholic areas still voted for Kerry. In Dubuque, Iowa, for example, Kerry received 57%, an increase of 2% over Gore's 2000 vote. In St. Paul, Minnesota (Ramsey County), Kerry piled up a 75,000 vote margin and won 63%, 6% more than Gore. Kerry carried Jersey City 2-1, won easily in Buffalo and Albany. In tiny French Canadian Berlin, New Hampshire, Kerry received 64% compared to Gore's 59%.

In Pennsylvania Kerry carried predominantly Catholic Scranton and Erie and the Catholic neighborhoods of Philadelphia and Pittsburgh. Bush carried the rural Catholic areas of Elk, Cambria and Schuylkill Counties, suggesting that the rural/urban divide is strong among the same category of voters in the same state.

Bush won narrowly (1%) in the strongly Catholic towns of Manchester, New Hampshire and Waterbury, Connecticut, and won big in the Italian Catholic bailiwick of Staten Island, New York. (Bush gained 5% in New York City and the surrounding counties, where there must have been some political fallout from the events of 9/11.)

Bush carried most of the rural Midwestern German Catholic vote, which has favored the GOP since the days of Wendell Wilkie. And he did win in the Detroit and Pittsburgh Catholic suburbs of Macomb County, Michigan and Westmoreland County, Pennsylvania, and squeaked ahead in South Bend, Indiana (St. Joseph County). (But Kerry won easily in substantially Catholic Baltimore County, Maryland, and St. Louis County, Missouri.) Bush was victorious in the Catholic Cajun country of southern Louisiana, which has had an uncanny ability to support the winning presidential candidate in 12 of the last 13 presidential elections.

The Catholic community was the most divided of any religious community in this election, and the most unexpected development

was Kerry's failure to win a higher percentage of it. As the first Catholic presidential candidate in 44 years, he was expected to do better and should have, since Catholics remain somewhat more liberal than Protestants on most issues. The impact of the attacks on Kerry by many Catholic bishops and by conservative Catholic organizations will need to be studied by political scientists.

Was there any anti-Catholic voting by evangelicals in 2004? It is difficult to say, since Kerry was also attacked by Catholic conservatives. But it may be significant that Bush's largest gains over his 2000 vote came in Alabama, Oklahoma and Tennessee, three of the most anti-Catholic states in 1960. And of the 97 U.S. counties that bolted against John F. Kennedy in 1960 after having supported Adlai Stevenson in 1956, Bush carried 92 of them, including five of the ten that voted for Al Gore. (Four of the five that supported Kerry were predominantly African American, where blacks could not vote in 1960, or Native American, where tribal Indians were discouraged from voting in 1960). In heavily Baptist and anti-Kennedy Lea County, New Mexico, Bush beat Kerry 80% to 20%. In nearby Roosevelt County, New Mexico, Kennedy and Kerry both received 29%, a lower vote than Stevenson or Gore. And in Dunklin County, Missouri, usually a Democratic area, Bush defeated Kerry 58% to 42%. Whether it was due to his Catholicism or his liberalism, Kerry ran poorly in those rural areas where JFK had also faced considerable opposition more than four decades ago.

African Americans of all religious persuasions gave Kerry about 90% of their votes. Native Americans voted heavily for Kerry (85% in Shannon County, South Dakota). Kerry carried all of the Indian Reservation areas in Montana, North Dakota, South Dakota, Arizona, New Mexico, Wisconsin, Maine, Minnesota and Massachusetts, and generally ran ahead of the Gore vote. Native Americans belong to several religious traditions, Roman Catholic and Episcopalian primarily, but Native non-Christian religions, Mormons, Lutherans and Presbyterians also have a following. In Alaska, the Native or Indigenous population is mostly Russian Orthodox.

Mormons were overwhelmingly supportive of Bush, solidifying his victory in Utah and Idaho, two of his strongest states. In Utah County, where Brigham Young University is located in Provo, Bush piled up an 86% to 11% margin. In Madison County, Idaho, where Ricks College, the only other Mormon College in the mainland U.S. is located, Bush was victorious by the stunning margin of 92% to 7%.

In Dutch-American counties, where the two branches of the Reformed Church are dominant and where many students attend faith-based schools maintained by the Christian Reformed Church, Bush

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

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won handily. In Sioux County, Iowa, Bush defeated Kerry 86% to 14%. Rural Dutch communities in Iowa, Minnesota, Wisconsin and Michigan provided similar margins for the GOP nominee.

Lutheran voters, a major voting bloc in Minnesota, Wisconsin, Iowa and the Dakotas (and a smaller but still significant vote in Nebraska, Montana, Illinois, Ohio and Pennsylvania), are almost as divided as Catholics. But the Republicans maintain an overall edge among Lutherans as a result of the German ancestry segment of this eight million member community. (Lutherans of Scandinavian ancestry are somewhat more Democratic, but Swedes and Danes are more Republican than Norwegians and Finns.) Bush won easily in counties where the Lutheran Church-Missouri Synod (LCMS) is influential. The LCMS is one of America's most conservative religious groups and maintains a large network of faith-based schools. In the last two elections, Lutherans in rural Minnesota have moved in a Republican direction and voted twice for Bush.

Methodists are strong in a string of states stretching from the Eastern Shore of Maryland to Kansas and Nebraska. They lean Republican, particularly in the small towns and rural communities where they are most numerous. The other mainline Protestant churches, including Presbyterians, have long supported the Republican Party, despite holding fairly moderate to liberal theological views and occasionally progressive stances on social issues. They still went 55% to 44% for Bush, making them an unshakably GOP-leaning segment of the national electorate.

Jewish voters were tied with "other religions" voters as the strongest group for the Democrats, giving Kerry 74% to 25% for Bush. This reflects a 6% to 8% Bush gain, however. The Jewish vote impact appears slight on a state level, and only 3% of the national electorate is Jewish. The Jewish gain for Bush, however, shows up in Rockland County, New York, which has a large Orthodox Jewish community. Bush narrowly carried this New York City suburb by 1,000 votes, while Gore had carried it by 16,000 votes four years before.

It appears, all in all, that the Bush campaign made modest gains among Jewish, Catholic and Hispanic voters, and precipitated a surge of evangelical votes for the president, while losing ground among voters of other or no religious traditions (which may also reflect Kerry's gains

among younger voters and among voters with advanced college degrees).

The basic contours of American religious voting were reaffirmed by the 2004 election but several minor shifts could point to major changes in the future. □

Exit Poll Results, 2004 and 2000

Religion	2004		2000		
	Bush	Kerry	Bush	Gore	Nader
All White Protestants	67	32	62	35	2
White Evangelical Protestants	78	21	79	19	1
Catholic	52	47	47	50	2
Jewish	25	74	17	81	1
Other Religions	23	74	33	54	9
No Religion	31	67	28	61	9
Church Attendance					
More Than Weekly	64	35	62	36	1
Weekly	58	41	56	41	2
A Few Times a Month	50	49	45	51	2
A Few Times a Year	45	54	41	55	3
Never	36	62	29	62	6
Issue Related					
Strongly Pro-Abortion Rights	25	73	24	71	5
Strongly Anti-Abortion Rights	73	26	73	23	1
Favor Gay Marriage	22	77	-	-	-
Favor Gay Civil Unions	52	47	-	-	-
Against Gay Marriage/Unions	70	29	-	-	-

South Dakotans Defeat Faith-Based School Aid Measure

On November 2 voters in South Dakota, in a referendum that received no notice outside the state, continued a three decade-plus trend of votes against tax aid to faith-based schools. Between 1966 and 2004 voters from coast to coast, by an average of two to one in 26 separate referendum elections, rejected voucher, tax credit, and all other forms of tax aid for faith-based schools, with the sole exception of one minor referendum in 1986.

By a 53% to 47% margin South Dakota voters rejected a proposed state constitutional change that would have authorized the legislature to use public funds to provide transportation and food services to "those attending sectarian schools." This was an attempt to circumvent Article VI, Section 3 and Article VIII, Section 16 of the state constitution, which prohibit distribution of state funds to sectarian schools. South Dakota allows the loan of non-sectarian textbooks to church-related schools as the result of a 1986 referendum.

The measure failed in 56 of the state's 66 counties. It lost in the two largest cities by 51% to 49% and in the rural and small town counties by 54% to 46%.

Ironically, the measure was defeated heavily in the most Republican counties that supported President Bush and John Thune for the U.S. Senate. In the dozen counties in which Bush received his highest vote, 59.4% rejected the change favoring church schools, while in Lawrence County, which last voted for a Democrat for President in 1916, 57% of voters turned down the measure. South Dakota Republicans are apparently unconvinced that tax support for faith-based education is a winning proposition.

The vote was 195,899 to 173,624 against Constitutional Amendment B.

About 6% of South Dakota students attend nonpublic schools, according to the latest enrollment data, but higher percentages of private school enrollment did not translate into support for the proposed amendment. In Brule County, where 20% of students attend private schools, opposition to Amendment B reached 61%. In Hand County, with 16% nonpublic school enrollment, opposition hit 62%, while in Potter County, with 15% attending nonpublic schools, 63% rejected the measure. □



Catholics, Baptists, Methodists Still Tops in Congress

By Albert J. Menendez

Catholics, Baptists and Methodists remain the Big Three in congressional religious affiliation. In the 109th Congress there will be at least 153 Catholics, 72 Baptists and 61 Methodists. About 54% of all members of Congress belong to these three faith groups. And that is not about to change. Of the 38 newly-elected House members, 24, or 63%, belong to these traditions.

(This analysis is based on 533 members of Congress. Two Louisiana House seats will not be decided until a runoff on December 4.)

Presbyterians remain in fourth place with 50 members, followed by Episcopalians in fifth place with 41, and Jews in sixth place with 37. Nondenominational Protestants are in seventh place with 24 members, followed by Lutherans in eighth place with 20, Mormons in ninth place with 15 and nondenominational Christians in tenth place with 14.

These top ten rankings remain unchanged from the beginning of the 108th Congress, though Catholics are up by three, and Baptists by one. Presbyterians and Methodists remained the same. Episcopalians and Lutherans declined by three members.

Sixteen other religious groups are represented in the new Congress. They are: United Church of Christ (8), Christian Science (5), Eastern Orthodox (4), Assemblies of God (4), Unitarian Universalist (3), African Methodist Episcopal (2), Seventh-day Adventist (2), Christian Reformed (2), Disciples of Christ (2), Church of Christ (2), Quaker (1), Evangelical (1), Reorganized Latter Day Saints (1), Evangelical Methodist (1), Church of the Nazarene (1), and Congregationalist Baptist (1).

Six members of Congress report no religious affiliation.

The top ten religious groups have hardly changed positions in recent elections due primarily to the lack of turnover in Congress. Of the members, there are only 47 new ones (nine in the Senate, 38 in the House). Skillful gerrymandering and the unprecedented influence of money have given incumbents an enormous edge in recent elections. In the 2004 election just seven incumbents were defeated (four of them Texas Democrats gerrymandered out of a job), while 61 members had no opposition at all. This is at least one explanation for the few changes in religious membership in Congress.

To some extent, the ranking of religious groups represents their relative strength in U.S. life. Catholics, Baptists and Methodists have the largest membership of any religious communities, so their strong influence in Congress is hardly surprising.

Other factors may include the "comfort level" within U.S. public life and the acceptability of certain groups in electoral politics, or the in-

volvement of some groups in public policy. Some religious groups have always been involved in national politics and have maintained Washington lobbies for decades (Catholics, Methodists and Baptists come to mind). Some groups were less inclined to dabble in politics (some evangelicals, fundamentalists and Lutherans, for example), but have now entered the political wars with gusto. Some groups, once disliked by segments of the electorate, have gained acceptability as respected players in public life (Catholics, Jews, Mormons). Some groups have always been involved, perhaps as a result of high socioeconomic status (Episcopalians, Presbyterians, Unitarians and Congregationists/UCC).

Then there are the lonely Lutherans, who remain the most underrepresented group in Congress, with only 20 members (eighth place), despite having eight million adherents.

An ordained minister will join the ranks of Congress this time. Emanuel Cleaver II, a United Methodist pastor and former mayor of Kansas City, is the new member from Missouri's Fifth Congressional District. He is an African American and a Democrat.

Several newly-elected members have more than usual backgrounds in religious activities. South Dakota's Republican Senator John Thune, who narrowly toppled Senate Democratic leader Tom Daschle, is a graduate of evangelical Biola University in California. Nebraska's First House District Republican Rep. Jess Fortenberry received a Master of Divinity from the Franciscan University of Steubenville, Ohio, an academic center of conservative Catholicism. Kenny Marchant, a Texas Republican, graduated from Southern Nazarene University and attended Nazarene Theological Seminary for a year. Republican Rep. Cathy

McMorris, newly-elected in the Fifth District of Washington State, graduated from Pensacola Christian College, a fundamentalist school that publishes textbooks for the conservative Christian School market. Dave Reichert, of Washington's Eighth District, received an associate of arts degree from Concordia College, a Lutheran Church-Missouri Synod school (13 of the 38 new House members attended church-related colleges).

Two religious groups which did not have any representation in the 108th Congress will do so in the 109th. Melissa Bean, a Democrat who ousted long-time Republican congressman Phil Crane in the Eighth District of Illinois, belongs to the Serbian Orthodox Church. (Three Greek Orthodox members also serve in Congress, bringing the Eastern Orthodox total to four.) Kenny Marchant, the new Republican member from the 24th Congressional District in Texas, is a member of the Church of the Nazarene.

Catholics are strongest in Rhode Island, Massachusetts, New York, Ohio and Pennsylvania, while Jews are strongly represented in New York, California and Florida. Episcopalians are well represented in Florida, New Hampshire, and Arizona, and Presbyterians in West Virginia, North Carolina, Colorado, and South Carolina. Methodists are strong in Nebraska, Arkansas, and Texas. Mormons are dominant in Utah and Lutherans in South Dakota.

In some states two religions are dominant among the legislators sent to Washington by the voters. In Colorado six of the nine are Catholics and Presbyterians. In Iowa four of seven are Lutherans and Catholics. In South Carolina seven of eight are Presbyterians and Baptists, as are eight of 11 in Tennessee. All five West Virginians are Presbyterians and Baptists.

Some states represent long-range trends. In Massachusetts not one



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of its 12-person delegation is a Protestant. (That would surely cause Cotton Mather to turn over in his grave.) In the Bay State there are nine Catholics, two nonaffiliated, and one Jewish member, in a state once dominated by Puritans, Pilgrims and Boston Brahmins.

On the other hand, Maryland, often thought of as a Catholic state, has only one Catholic in its ten-person delegation, compared to five Baptists and Methodists. In New Mexico, Baptists and Methodists also outnumber Catholics. These changes probably represent both religious diversity, geographical movement among American religions and the increasing acceptability of individuals of even minority religious persuasions almost everywhere. In North Carolina's House delegation, there are three Catholic Republicans. A generation ago North Carolina had the lowest Catholic percentage of the population of any state. The most Methodist state in the union, West Virginia, has no Methodists among its members.

California may be the most pluralistic state – not a surprise. The Golden State sent 21 Catholics, ten Jews, three Mormons, one Unitarian, one Christian Scientist, nine non-denominational Protestants and Christians, and ten Protestants of different denominations to the Capitol.

The new Congress will have more diversity than its predecessor. African-American members increased from 37 to 41, and Latinos are up from 22 to 25, including the first Cuban-born U.S. Senator, Mel Martinez (R-FL). Two brothers of Hispanic ancestry were elected in Colorado: Ken Salazar is the new senator and John Salazar is the state's new Democratic congressman from the Third District. There are also five Asian-American Democrats, an Asian Indian (Republican Rep. Bobby Jindal of Louisiana), and a Native American, Tom Cole of Oklahoma, making a total of 73 minority group members in the 109th Congress. There are 66 Democrat and seven Republican minority members, comprising 27% of the Democrats but only 2% of the Republicans, who remain overwhelmingly white and Protestant.

A majority of members who are Methodists, Presbyterians, Episcopalians, Christian Scientists, Mormons, nondenominational Protestants and Christians, and most of the smaller denominations are Republican. Among Roman Catholics there has been a continued upsurge in Republican membership. Six of the nine newly-elected Catholics in the House are Republicans. Still, there are 86 Catholic Democrats and 67 Catholic Republicans, a 56.2% Democratic edge, compared to about 60% Democratic in the Clinton years.

Geography also influences partisanship among Catholic members. In California 16 of 21 Catholics are Democrats, reflecting the fact that seven are Hispanic Democrats. But all eight Catholics from Florida are Republicans, including four Cuban-Americans. In Illinois Catholics are 5-2 Democrat, and all nine Massachusetts Catholics are Democrats. In Ohio, a crucial state in the 2004 presidential race, six of nine Catholics are Republicans. However, it should be noted that 35.2% of Congressional Democrats are Catholics, compared to 23.1% of Congressional Republicans.

Baptists are sharply divided between 25 African-American Democrats and 37 Southern Baptist Republicans. There are only a handful of Southern Baptist Democrats or other branches of Baptists in Congress. Republicans outnumber Democrats 41 to 31 among the entire Baptist membership in Congress. Four of six newly-elected Baptist House members are Republicans.

Jews and the religiously-nonaffiliated are the most heavily Democratic groups.

Scholars differ about the independent effect of religious affiliation on congressional voting behavior, but there is clear evidence of religious influences on some issues such as abortion, religious activities in public schools, the gay marriage controversy, and the Iraq war.

The complete list of members of the 109th Congress and their religious affiliations is available on the ARL website (www.arlinc.org). □

Religious Affiliations, 109th Congress

<i>Religion</i>	<i>Members 109th</i>	<i>Change Since 108th</i>
Roman Catholic	153	+3
Baptist	72	+1
Methodist	61	0
Presbyterian	50	0
Episcopalian	41	-3
Jewish	37	-1
Protestant (no denomination)	24	0
Lutheran	20	-3
Mormon	15	0
Christian (no denomination)	14	+3
United Church of Christ	8	0
Christian Science	5	0
Eastern Orthodox	4	+1
Assemblies of God	4	0
Unitarian Universalist	3	0
Seventh-day Adventist	2	0
Christian Reformed	2	0
Disciples of Christ	2	-2
Church of Christ	2	+1
AME	2	0
All Others	6	-1
No Affiliation	6	-1

(Based on 533 members in 2004; with 2 Louisiana seats to be decided in December.)

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Campaign 2004: The Battle for the Religious Blocs

The 2004 presidential campaign saw a fierce campaign to enlist religion, and religious groups, as allies. Even the largely secular leaders of both parties have seen the data that religious affiliation and, even more, participation are keys to unlocking the allegiance of a large segment of the electorate. Here is an overview of how the two major parties manipulated the blocs.

Catholics

The battle for the highly important Catholic vote moved into high gear early in the campaign season. The reason was simple: Catholics are a large segment of the religious community and usually constitute about one-fourth of the electorate. Moreover, they are strategically located in the larger states, the “toss-up” states in recent elections, and are classic swing voters. While leaning Democratic, and giving majorities to Clinton and Gore in the three most recent elections, America’s Roman Catholics are far less Democratic than they were a generation ago, though still much more so than Protestants.

The nomination of John Kerry, the first Catholic candidate in 44 years, should have energized some of the latent Democratic sympathies among Catholics, especially since his voting record on many key issues would seem to have majority support among Catholic voters. But a lot has changed since John F. Kennedy barely won the presidency in 1960, over the strenuous objections of nearly two-thirds of Protestants. Catholics are more prosperous, and as a major part of the suburban upper middle class, have experienced many pressures to change their allegiance to the historically dominant Republicans within this socio-economic group.

The changes within Catholicism since the Second Vatican Council closed almost four decades ago have led to a fractious community often at odds with itself. Catholics who have remained weekly churchgoers and are closer to the still-conservative hierarchy’s positions on some issues have consistently voted Republican since Ronald Reagan. Liberal and progressive Catholics who often interpret their religious commitments in other ways than church attendance remain advocates of the progressive Democratic Party’s positions on economic, environmental, immigration and war/peace issues. Given the sharp divisions within America’s largest single religious community, it was perhaps unrealistic to think that either party could win an enormous majority, and polls showed a divided Catholic electorate during the entire campaign.

Conservative elements in the Catholic community stressed abortion, gay marriage and other emotional hot-button issues to sway Catholics to the GOP. George Bush selectively manipulated this audience, giving a major address before an enthusiastic crowd at the Knights of Columbus annual meeting. (The Knights, a fraternal organization of largely white males, represent a strongly conservative force within the Church.) A number of bishops were frankly pro-Bush, berating Senator Kerry for his support of abortion rights and his opposition to a constitutional amendment banning same-sex marriage, and warning Catholic voters that they should not, on pain of sin and possible excommunication, vote for candidates holding these views. Such warn-

ings in the past have gone nowhere, and may have backfired among Catholics (and others) who see this as unacceptable intervention by clerics in the political process.

Most bishops hewed to the line that Catholics should consider a wide range of issues when deciding upon their election day choices. Catholic Democrats fought back by issuing an analysis of voting records in Congress, which argued that Catholic Democrats were far more likely to support traditional Catholic positions on such issues as taxes, help for the disadvantaged, improved health care, concern for the elderly, protection for workers rights, environmental protection, and an emphasis on diplomacy in foreign relations, than Republican Catholics.

A conservative Catholic group based in El Cajon, California, Catholic Answers, published and distributed thousands of copies of a booklet called *Voter’s Guide for Serious Catholics*. The guide purported to be nonpartisan but was in reality right-wing, pro-Republican, and pro-Bush. The unnamed authors claimed that all Catholics must “vote in an informed manner consistent with Catholic moral teaching.” The “guide” said, “If you are unsure where your conscience is leading you when at

the ballot box, place your trust in the unwavering moral teachings of the Church. Catholics must strive to put in place candidates, laws, and political programs that are in full accord with non-negotiable moral values.” The five “non-negotiable” values were said to be “abortion, euthanasia, embryonic stem cell research, human cloning and homosexual marriage.” Nothing was said about war and peace, the honesty or ethics of candidates or the historic “preferential option for the poor” that has undergirded Catholic social teaching since the days of Pope Leo XIII in 1890. Catholic Answers placed full-page ads in such expensive, large circulation papers as *USA Today* on October 12 and claimed to have distributed three million copies.

Evangelicals

America’s evangelicals are mostly white, conservative and Republican. There are black evangelicals, of course, who vote Democratic as regularly as black non-evangelicals. And Hispanic evangelicals are a somewhat unexamined, but growing, group who appear to be divided almost even politically, more Republican than black evangelicals but more Democratic than their white counterparts.

Northern evangelicals have long been Republican voters for a host of cultural and historic reasons. Some subgroups, like the Dutch Reformed, are almost totally Republican. One Minnesota town, Prinsburg, gave Bush 94% of its 2000 vote. This hamlet has only one school, a Dutch Christian Reformed academy, and no public school.

The 2004 campaign was so lopsided in the evangelical community that the question was not whether Bush would win but by how much and how many would turn out to vote. Some polls suggested that Bush did not reach his maximum potential four years ago, perhaps because of the late-in-the-campaign revelation that Bush had been arrested for drunk driving in Maine when he was about 30 years old. There is little hard evidence one way or the other, but Bush did win 80% of evangelicals who voted, and he carried every single predominantly evangelical state, giving him almost all of the electoral votes he needed to become the 43rd president.

Southern evangelicals, once Democrats and then somewhat divided in their political allegiance from about 1950 to 1980, have swung hard to the GOP since Ronald Reagan swept up their votes in the 1980s. Southern evangelicals now largely dominate the national Republican



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Party and are prominent in the Congressional leadership. Many Christian Right activists have attained high positions in local, state and national GOP organizations. Ralph Reed, formerly of the Christian Coalition, is Republican state chairman in Georgia, a one-time Democratic bastion that is fast becoming unshakably Republican.

Support for Bush – considered a fellow believer by most evangelicals – was almost total, since evangelicals also share his low tax and nationalistic foreign policy predilections. Evangelicals tend to be strong believers in American “exceptionalism,” to the belief that the U.S. is a special nation, blessed by God, and superior to other nations. Bush’s pro-Israel policies, lukewarmness toward civil liberties, and support for so-called “family values” legislation are in tune with the prevailing political philosophy of evangelicals. Many evangelicals see cultural or social issues as more important than economic or foreign policy issues. Southern evangelicals are especially attracted by “family values” rhetoric, even though the South has the highest levels of divorce, crime, and prison incarceration of any region.

It was difficult for evangelical Democrats to even be heard in 2004, though the Sojourners movement placed full-page ads in many newspapers, saying “God is not a Republican or a Democrat.” The socially progressive Sojourners movement stressed its reading of such biblical values as protection for the environment as a stewardship concept, world peace, and help for the poor and disadvantaged. This group concluded that the Bush administration had failed the test of good stewardship on all these issues.

The Republican campaign among evangelicals ranged from the vigorous to the outrageous. The Republican National Committee (RNC) targeted church mailing lists, evangelical churches were used to gather GOP campaign workers, and Virginia evangelist Jerry Falwell said that “evangelicals not only control the Republican Party but they are the Republican Party.” The RNC also admitted to sending inflammatory ads to West Virginia, Ohio and Arkansas claiming that a Kerry victory would lead to confiscation of people’s Bibles, a charge so absurd that West Virginia’s distinguished octogenarian Senator Robert Byrd denounced it as “garbage” and a “blasphemous” attempt to introduce religious bigotry as part of a “Republican smear campaign.”

In mid-October evangelical leaders appealed to their followers to go to the polls. Georgia Republican Ralph Reed said, “For the first time, the effort to get out the socially conservative faith community has been fully integrated into the presidential campaign.” Roberta Combs, president of the Christian Coalition, said her group planned to mail 30 million copies of a pro-Bush, pro-GOP election guide. Registration forms have been sent to thousands of churches by Focus on the Family and Redeem the Vote, two Religious Right groups. Ex-football player Ken Hutchinson, now pastor of the Antioch Bible Church near Seattle, told followers, “If we can get another 10% of all believers to get out there and vote, we can elect anyone we want.”

Jews

America’s Jewish community, which has favored Democratic presidential candidates since Al Smith was the Party’s nominee in 1928, have been the target of an unusually vociferous Republican campaign effort. The Republicans emphasized security and terrorism issues and Bush’s support for the Israeli government of Ariel Sharon in their campaign appeals directed at Jewish voters. Ed Koch, former Democratic mayor of New York City, endorsed Bush and campaigned for the president in Florida’s Jewish areas. Koch, who admitted that he did not agree with Bush on a single domestic issue, stressed Israeli security in his Florida appearances. Rabbi Daniel Lapin, director of a right-wing fringe group called Toward Tradition, has gone the Christian fundamentalists one better with his inflammatory rhetoric. In a September 8 email to

“What bewilders me about Republicans is the coalition of the corporate Bourbon wing of the party and the Bible wing, two groups with little in common, but the Bible wing supplies the votes and the Bourbons take most of the booty. The Bourbons get tax cuts and deregulation and the Bibleists get a few vague gestures on symbolic issues such as gay marriage and school prayer. Like the Pharisees, the Bibleists enjoy public displays of religion.”

— Garrison Keillor, *Homegrown Democrat* (New York: Viking, 2004), p. 207.

supporters, Lapin wrote, “Kerry and his supporters reject the vitals of the Judeo-Christian faiths as obstructions to progress. President Bush and his supporters, on the other hand, are comfortable with Biblical faith and find within it their necessary contact with the Infinite.”

An American Jewish Committee poll, however, showed Jews favoring Kerry 69% to 24% late in the campaign. Traditional Jewish support for progressive issues appeared to be reasserting itself, even though the Kerry support was not quite as high as the 79% who voted for Gore.

Other Groups

Mainline, or moderate, non-evangelical Protestants, have been comparatively ignored by the parties and the media, though they also constitute about a quarter of the national vote. In the North, these Protestants have been the backbone of the Republican Party since Lincoln, though their support for the GOP has declined in recent decades. The majority still went for Bush over Gore, and Catholic candidates in the past have run poorly among these prosperous, middle-of-the-road voters. They constitute a large vote in states like Iowa, Indiana, Nebraska, Ohio and Pennsylvania and were crucial to the outcome.

Mormons remain a Republican voting group for a variety of cultural reasons, though Mormons are mostly middle-income and far from an elite group. Their Republicanism is reinforced by conservative views on social issues and a tendency to support U.S. foreign policy ventures, including wars, abroad.

African Americans are a staunch Democratic voting group, also for economic and historical reasons. Most are Baptists, Methodists or Pentecostals, and most adhere to a social gospel view of how religion should impact political life and public policy. A growing number of clergy, however, endorsed Bush and appeared at rallies protesting gay marriage. Bush operatives have targeted black churches, even though Kerry and Edwards received most of the invitations to speak at predominantly black churches.

Most of the “other” religious groups, including Muslims, Buddhists, adherents of Eastern religions, Eastern Orthodox Christians, Arab Christians, Native American religionists, and the religiously non-affiliated lean increasingly toward the Democrats. The Republicans are so closely identified with Protestant fundamentalism and conservative Christian orthodoxy that the 10-15% of the electorate who adhere to faiths other than Christian or Jewish see the Democrats as more tolerant and respectful of religious diversity. In particular, the growing Muslim vote, which some surveys suggested went for Bush in 2000, has veered sharply toward the Democrats as a result of Bush administration policies on civil liberties and national security. □

Referendum Results

California voters approved a bond measure to promote embryonic stem cell research. The measure, endorsed by a 59% to 41% margin, provides \$3 billion over 10 years, making the Golden State the world's largest government sponsor of such research that might result in cures for a number of major debilitating diseases. The California initiative creates a California Institute for Regenerative Medicine, which will begin to release funding for stem cell researchers beginning in 2005. Supporters of Proposition 71 included Republican Governor Arnold Schwarzenegger, who broke with President Bush on this controversial issue. Opponents included the Religious Right, Mormons, and Catholic bishops.

Washington State voters decided, by about 60% to 40%, not to allow the establishment of charter schools.

Voters chose to ban same-sex marriage in all 11 states where the issue was on the November ballot. As expected, support was highest in five

Southern states, where Baptists and evangelicals made it a priority issue. Support for the ban reached 86% in Mississippi, America's most Baptist state, and 77% in Georgia, 76% in Oklahoma, 75% in Arkansas and 75% in Kentucky. Support was somewhat lower in Mormon Utah (66%), and 73% in Lutheran North Dakota. Voters were also supportive in Montana (65%), Ohio (62%), Michigan (59%), and even in liberal Oregon (57%). In the summer primary season,

similar measures won the approval of 79% of Louisiana voters and 71% in Missouri. (Louisiana's vote was in a special election and has been invalidated on a technicality by a federal judge.)

Religious conservatives hailed these referenda as examples of the political clout of a surging fundamentalism in U.S. politics.

Voters in Florida by 65% to 35% approved a constitutional amendment that "authorizes the legislature to require by general law for notification to a parent or guardian of a minor before the termination of the minor's pregnancy." This parental notification law allows for "exceptions and a process for judicial waiver."

Voters in two states, Washington and Nevada, rejected efforts to increase funding for public schools. Most gambling and lottery initiatives passed, but Alaska voters rejected a measure to legalize marijuana.

Voters in San Diego, California, rejected efforts by religious conservatives to keep the controversial Soledad Cross on public property. A referendum to sell public land to a private group, allowing a subterfuge to pass muster, failed at the polls. The plan (Proposition K) required a two-thirds vote but received only 41%. The dispute has a two-decade history that appeared near resolution when Mt. Soledad Presbyterian Church in La Jolla agreed to house the cross, which has been on public property. When the agreement was finalized, veterans groups and local conservatives tried to nullify it. Their efforts have failed so far but the tenacity of this mini-church-state dispute should not be underestimated.

On November 10, 2004 the church rescinded its offer to store the cross. A federal judge ruled recently that the city of San Diego, not a veterans group, owns the land near the cross.

A conservative pressure group, the Thomas More Law Center, is fighting to keep the cross on public property and has appealed to three California Republican Congressmen for their help by declaring the Mount Soledad cross site a national memorial park. □

Church and State in the Courts

Disputes involving religion and government continue to reach U.S. courts in all sections of the country. Here are some recent developments:

- A third federal judge, U.S. District Judge Richard Kopf, of Lincoln, Nebraska, held the Partial-Birth Abortion Ban Act unconstitutional. Kopf, echoing decisions rendered earlier this year in New York and San Francisco, held that Congress ignored medical evidence and contravened a previous U.S. Supreme Court ruling that the health of the mother, as well as her life, must be considered when imposing restrictions on abortion. Some legal specialists now believe that the Supreme Court will not choose to revisit the issue in the light of these three decisions. Kopf's ruling came down on September 8.

- The Roman Catholic Diocese of Tucson filed for bankruptcy on September 20. The diocese is the second in the nation, after Portland, Oregon, to seek bankruptcy protection in the wake of numerous actions in clerical sex abuse cases. In 2002 the Tucson Diocese settled 11 lawsuits filed by 16 plaintiffs. A recent count showed 22 more lawsuits involving 34 plaintiffs had been filed in the past two years, all involving abuse allegations. According to its financial statement, the diocese had \$4.65 million in long-term debt and a \$7 million deficit in net operating expenses. The decision by Bishop Gerald F. Kicanas will subject the diocese to governmental scrutiny of its financial resources and temporarily halt the litigation. Attorneys for the plaintiffs, however, say the diocese has enough money to settle the cases now pending.

- A judge ordered the nation's largest Roman Catholic archdiocese, Los Angeles, to surrender confidential records on two former priests as part of a clergy sex abuse investigation. Thomas F. Nuss, a retired state judge who was appointed to review church personnel records subpoenaed by a county grand jury, ruled that church authorities cannot withhold potential evidence by claiming confidentiality.

Nuss wrote that the need for evidence "does not have a principal or primary effect of inhibiting religion." The judge delayed implementation for 30 days after his September 8 ruling to allow church officials to appeal the ruling. The archdiocese's attorneys claim that privacy rights are jeopardized. Los Angeles County District Attorney Steve Cooley called the ruling "a major legal victory, with national implications, for victims of church sex abuse and a rejection of a so-called First Amendment 'confidentiality privilege'."

- South Carolina attorney general Henry McMaster filed a brief in August with a federal court in support of a town's practice of invoking Jesus in official prayers at council meetings. The town of Great Falls has appealed to the full U.S. Court of Appeals for the Fourth Circuit after a three-judge panel ruled in July that the city council had unconstitutionally advanced "its own religious views in preference to all others." The state of South Carolina supports the town and, in its brief, said there was "an overarching secular purpose" in the prayers. McMaster said many governmental bodies in the Palmetto State, including the House and Senate, regularly invoke the name of Jesus in formal prayers.

- A federal trial will begin January 18, 2005, to decide a dispute over a Ten Commandments monument in Frederick, Maryland. At issue is the location of a block of granite on supposedly private land inside a municipal park. The city of Frederick sold the monument to the Fraternal Order of Eagles in 2002 to ward off a First Amendment lawsuit brought by a city resident and the ACLU. The plaintiffs, however, were not placated by the sale, calling it a sham.

- On August 23 the U.S. Supreme Court refused Michael Newdow's request to reopen his case challenging the constitutionality of the phrase "under God" in the Pledge of Allegiance. A court majority on June 14 ruled that Newdow did not have standing to sue on his daughter's behalf, because the girl's mother has legal custody of the child. The



Court refused Newdow's request for reconsideration of the ruling without comment.

- A federal judge ruled in August that a Bible displayed in a monument outside the county courthouse in Houston must be removed. Kay Staley, a real estate broker and lawyer, filed suit against Harris County contending the display violates the First Amendment's ban on establishment of religion. The stone monument contains a copy of the King James Bible under glass and was constructed during the 1950s as a memorial to Houston philanthropist William Mosher. U.S. District Judge Sim Lake said the Bible display promotes a specific religion on the premises of a government building. Harris County Judge Robert Eckels said he would appeal the decision.

- A federal court in New Haven fined a Vatican official \$15,000 for his role in an insurance scam. On September 9, U.S. District Judge Ellen Bree Burns fined Monsignor Emilio Colagiovanni for conspiracy to commit wire fraud and money laundering. The priest falsely vouched for a bogus charity set up by financier Martin Frankel that stole \$200 million from insurance companies in five states. The priest, an 84-year-old canon lawyer, could have gone to prison for five years, but the court took into consideration his age and declining health. Judge Burns ruled that the aging prelate cannot leave the United States until the fine is paid but spared him a prison sentence.

- Under the prodding of North Carolina Rep. Walter B. Jones, the U.S. Education Department's civil rights office opened an investigation into alleged anti-Christian discrimination at the University of North Carolina in Chapel Hill (UNC). At issue is whether a Christian fraternity that refused to accept non-Christian members should be allowed to remain on campus. UNC Chancellor James Moeser said the decision to revoke the charter of a five-year-old fraternity, Alpha Iota Omega (AIO), was made because the group violated the school's nondiscrimination policy. He said that 42 other religious groups with nearly 5,000 members exist on campus and abide by the policy.

Visit ARL's Web Site

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

A group supporting the fraternity asked for an Education Department inquiry claiming that "these actions constitute an outright violation of student rights to free speech, free exercise of religion and freedom of association." Rep. Jones, a Republican who is a prominent Religious Right member, had earlier called for an investigation of alleged bias at UNC. In a letter to the chancellor, Jones said the fraternity incident "appears to be part of a larger pattern of harassment."

- A Religious Right legal group, the Thomas More Law Center, has filed a brief in federal court to block an agreement to remove a cross from Mt. Soledad in San Diego. To settle a 15-year-old lawsuit, the Mt. Soledad Memorial Association made a private agreement with the ACLU to remove a 43-foot cross that has stood atop Mt. Soledad since 1954. This compromise was intended to bring to a close a dispute that began in 1989 when a local citizen, Phillip Paulsen, filed suit, arguing that the erection of a religious symbol on public land was unconstitutional. In 1998 the City of San Diego sold the property to the memorial group, which oversees memorials to veterans, but that sale was ruled unconstitutional by the U.S. Ninth Circuit Court of Appeals. The new compromise was challenged by a former Navy fighter pilot, John F. Steel and other veterans. The next phase of the case, *Paulsen v. City of San Diego*, was a hearing at the U.S. District Court on September 20. □

Charter Schools: Not Up to the Job

Students attending the much-ballyhooed charter schools are testing about half a year behind regular public school students, according to data on nationally-administered test scores released by the Department of Education in August. Fourth graders attending charter schools, which are public schools often run by private or special interest groups, were half a year behind public school students in both reading and math scores. Only 25% of charter school fourth graders tested "proficient" on math and reading, compared to 30% of regular public schoolers who were proficient in reading and 32% who were proficient in math.

While charter schools are concentrated in the less affluent neighborhoods in cities, a factor which might skew data, the findings showed that charter school students did worse than their counterparts in traditional public schools, regardless of income, race or ethnicity. (This was true for 14 of the 16 characteristics compared.)

The findings, issued without fanfare by the National Center for Education Statistics, were shocking even to voucher supporters and charter school enthusiasts. Chester E. Finn, Jr., president of the pro-voucher Thomas B. Fordham Foundation, said, "The scores are low, dismayingly low."

The test results are derived from the 2003 National Assessment of Educational Progress. The scores were unearthed from online data by researchers at the American Federation of Teachers (AFT) and provided to *The New York Times*. AFT initially supported the concept of charter schools but has produced research studies in recent years that suggest these schools are not achieving their desired results.

Charter schools have been criticized for their lack of accountability,

and those low scores lend credence to that assessment. At least 80 charter schools have closed in the past few years, because of questionable finances, poor performance of students, and dissatisfaction by parents. About 3,000 charter schools exist nationally, educating more than 600,000 students.

Some critics charged the government with trying to camouflage the data, hoping no one would discover the poor performance of charter schoolers, but Robert Lerner, the federal commissioner for education statistics, denied the charges. Amy Stuart Wells, a professor at Columbia University Teachers College, said, "It confirms what a lot of people who study charter schools have been worried about. There is a lack of accountability. They're really uneven in terms of quality."

Commented the *New York Times* editorially on August 18, "The Bush administration's education program received a devastating setback this week when long-awaited federal data showed that children in charter schools were performing worse on math and reading tests than their counterparts in regular public schools. Among other things, the data cast doubt on a central provision of the No Child Left Behind Act that encourages the states to hand over failing schools to commercial companies and nonprofit community groups that want to run them as charter schools.

"Such schools can circumvent some union rules and customary management methods while operating outside the influence of school boards and state authorities.

"The new data are consistent with what states like Michigan and
continued on page 10

California have already learned about the pitfalls of the charter process. There have been individual success stories among the charter schools, but no one seems to have found the key to replicating them on a wider basis. And eliminating the much-criticized educational bureaucracy seems to have created at least as many problems as it has solved.”

The report also noted that seeing charter schools as panaceas for the nation’s educational ills is short-sighted. “The report shows that there is nothing magical about the charter system when it comes to rebuilding failing schools. Instead of encouraging the states to set up thousands of unsupervised charter schools, the education secretary, Rod Paige, and his associates should concentrate on the No Child Left Behind provisions that require the states to place a qualified teacher in every classroom and to make sure that all of the country’s children are being held to the same high standards. That means more oversight and more scrutiny by the states, not less.”

Predictably, many supporters of charter schools pooh-poohed the data and claimed that more testing will show improvements over the long haul. Pro-voucher zealot Jeanne Allen said the results only reflect “a point in time” and should not be construed negatively. Former New York Rep. Floyd H. Flake, a pastor and parochial school administrator, claimed the “statistics don’t tell the story of charter schools.” Instead of refuting the findings, Flake denounced “dispassionate researchers and union bosses trying desperately to preserve their monopoly.”

Other charter school advocates paid for full-page ads in major U.S. newspapers denouncing – not the findings – but those researchers and scholars who brought the data to the attention of the public. □

Charter Schools: New Problems

The collapse of a chain of 60 charter schools in California in August left 6,000 students with no school to attend. Many teachers remain jobless. A businessman, C. Steven Cox, who had used \$100 million in state financing to build an empire of 60 storefront schools had simply abandoned the schools when faced with bankruptcy. The California Charter Academy was an apparent victim of “mismanagement and malfeasance,” according to Jack O’Connell, California’s superintendent of schools.

State auditors are now scrutinizing Cox’s financial records to determine whether he exaggerated enrollments in order to extract more money from the State Treasury. Student academic and immunization records had also been left in a shambles, causing serious harm to thousands of students who sought to transfer to other schools. (According to the California Charter School Association, 80% of the students displaced had enrolled in some of the other 477 charter schools in the state.)

The sudden collapse raised questions about how well charter schools are regulated in California. Many critics of the charter school movement had warned that inadequate regulation could result in a decline in educational quality. Steven Cox had had a number of confrontations with state officials since 2001.

In the District of Columbia, a lawsuit was filed in federal court on September 1, charging that city officials are promoting charter schools at the expense of improving public education in the nation’s capital. The suit was filed in U.S. District Court for the District of Columbia by a group of public school parents called Save Our Schools Southeast and Northeast, which includes the poorest areas of the city.

Religion in the Schools: Four Court Rulings

Trying to steer a moderate course between religious establishment and proselytism on the one hand and preserving religious free exercise on the other is no easy task. Four court rulings in August and September indicate that even federal appeals courts have differed in their interpretation of existing statutes and legal precedent.

In what may prove to be a disastrous ruling, the U.S. Court of Appeals for the Eighth Circuit ruled on September 3 that an elementary school teacher in Sioux Falls, South Dakota, may lead after-school Bible classes in the school where she teaches. This decision contradicts the Equal Access Act of 1984, which specifically bans teacher participation in after-school religious classes on public school property. A lower federal court had ruled that the teacher could take part in religious meetings held at other public schools in Sioux Falls but could not do so at her own school. The teacher, Barbara Wigg, is a leader in the Good News Club, a network of 1,750 programs run by an evangelical Protestant group called Child Evangelism Fellowship, based in Warrenton, Missouri. The group explicitly seeks to convert pupils in U.S. public schools.

Tony Hutton, an attorney with the National School Boards Association (NSBA), said the ruling is “fraught with legal and political peril for the nation’s schools.” He noted, “One of the relatively few clear and simple guideposts we have in this area of law is the widely understood rule that teachers don’t get involved with students in religious activities on school premises.”

The NSBA had filed an *amicus* brief in the case, joined by the American Association of School Administrators as well as school board associations in Iowa, Minnesota and South Dakota. Those states, in addition to Arkansas, Missouri, Nebraska and North Dakota, fall under the jurisdiction of the Eighth Circuit.

Predictably, religious right groups were elated at the ruling, since it opens the door wider to fundamentalist religious proselytization in public schools. Ms. Wigg was represented by the Orlando, Florida-based Liberty Counsel, whose president, Matthew D. Staver, hailed the decision for having “liberated public school teachers across America.”

A lawyer for the Sioux Falls school district said that the group would ask for the full re-hearing of the case, since the decision was made by a three-judge panel.

The St. Louis-based Eighth Circuit took a stricter line in an August 24 decision which unanimously held that the Devalls Bluff, Arkansas, school district could not include prayers at mandatory teacher training meetings. The school superintendent routinely delivered prayers at the meeting until art teacher Steve Warnock protested and filed suit. The Court held such actions to be an impermissible government endorsement of religion.

The Sixth Circuit Court of Appeals in Cincinnati held on August 12 that the Crestview, Ohio, school district may hand out fliers from religious groups as a “community service” even though “proselytization may occur.” That three-judge panel decision overturned a district court ruling against the practice.

The Third Circuit Court of Appeals in Philadelphia unanimously affirmed in August a lower court ruling that a Pennsylvania law requiring all schools to lead students in the Pledge of Allegiance was unconstitutional. The 2002 statute was struck down by a federal district court last year. The schools were not only required to compel student recitation of the Pledge but were required to inform parents if their children declined to participate. The Third Circuit held that the law “clearly discriminates among students based on the viewpoints they express” and thus violates the First Amendment’s free speech mandate. The Ap-

peals panel also agreed with the lower court that the Pledge statute violates the rights of the students attending the six private schools that joined with public school parents in challenging the law.

The law, passed by Pennsylvania's legislature in 2002, had not been enforced because of the original lawsuit. The statute exempted nonpublic schools if the recitation "violates the religious conviction on which the school is based." Students were also given the right to opt out "on the basis of religious conviction or personal belief." But the August 19 ruling held that students "need the protection afforded by the Constitution and it is the responsibility of federal judges to ensure that protection."

The Pennsylvania attorney general's office decided not to appeal the ruling to the U.S. Supreme Court. □

"The use of religious fundamentalism has been a compelling force in the hardening of partisan lines and the decline of civility in our political life. It is far more difficult for legislators to negotiate compromises on issues if one side is accusing the other of taking an immoral position, which is too often the case in Congress today."

— *Fat Man Fed Up: How American Politics Went Bad*, by Jack W. Germond (NY: Random House, 2004), p. 203.

Marriage Ban Amendment Fails

On September 30, the U.S. House of Representatives failed to pass a constitutional amendment defining marriage as the union of a man and woman. The White House-backed measure fell 49 votes short of the required two-thirds for passage. The roll call was 227-186 in favor of the amendment. Republicans voted 191-27 for the amendment, while Democrats voted 158-36 in opposition. Independent Bernie Sanders of Vermont also opposed the measure. Thus, 88% of Republicans and 19% of Democrats supported a constitutional amendment on gay marriage. Opponents cited the existence of a federal Defense of Marriage law signed by President Clinton and the long-standing tradition in the U.S. that states, not the federal government, should regulate marriage and divorce questions. The 69 percentage point difference between Republicans and Democrats follows the usual pattern on church-state votes, but it was less than the 80 percentage point difference on the Pledge of Allegiance question.

The Republicans clearly sought to use this as an election year vote-getter by scheduling such an important vote in the closing days of the 108th Congress. Rep. Marilyn Musgrave (R-CO), sponsor of the amendment, said, "The people will see how their elected representatives stand on marriage. This is just the start of what I see to be a long process."

As usual, the South carried the amendment – as it did during the Prohibition battles of 1918-1919. Southern members voted 99-25 (80%) in favor, more than enough to offset the 128-161 vote in the rest of the nation. The Border South states were 20-12 (62.5%) in favor, though there was strong opposition in Maryland.

In the South every member from Alabama, Louisiana, Mississippi and Tennessee, including Democrats, voted yes. Only in North Carolina, Texas and Virginia did a majority of Democrats oppose the amendment. Most African American Southern representatives voted no, as did three of the four Hispanic members from Texas. Interestingly, all three Cuban-American Republicans from Florida abstained.

Outside the South, all members from Kentucky, Oklahoma, Alaska, Idaho, Montana, Nebraska, South Dakota, Utah and Wyoming voted for the amendment. All members from Connecticut, Delaware, Hawaii, Maine, Massachusetts, North Dakota, Rhode Island, and Vermont opposed the amendment. Opposition was strongest in New England, where 21 of 22 members voted no (the lone yes was Bradley of New Hampshire). Opposition was also strong in the Pacific Coast region (48

of 66 voted no) and in the Middle Atlantic states (33 of 56 voted no). The Rocky Mountain West voted yes, 18-9, while the Midwest and Great Plains were divided.

Religious affiliation rather closely followed party affiliation and region. The heavily Republican Protestant contingent voted 65% in favor of the amendment, while only 43% of the Democratic-leaning Catholics did so. The smaller religious groups voted either overwhelmingly for (89% of Mormons) or against (only 4% of Jews) and none of the religiously nonaffiliated backed the measure (see table). □

	<i>For</i>	<i>Against</i>	<i>Percent For</i>
Party			
Republican	191	27	87.6
Democrat	36	158	18.6
Region			
South	99	25	79.8
Rocky Mountain West	18	9	66.7
Border South	20	12	62.5
Midwest/Great Plains	48	38	55.8
Mid-Atlantic	23	33	41.1
Pacific Coast	18	48	27.3
New England	1	21	4.5
Religion			
Catholic	50	66	43.1
Jewish	1	24	4.0
Mormon	8	1	88.9
Nonaffiliated	0	6	0
Protestant	168	89	65.4

Editorials

The Best of Times, the Worst of Times

To paraphrase Charles Dickens, in his *Tale of Two Cities*, it is usually true that most national elections have both encouraging and discouraging results. It is no less true in 2004. But no one can or should sugarcoat the negative aspects of this momentous election.

The discouraging news is that religious liberty, separation of church and state, freedom of conscience and all the other freedoms guaranteed in the Bill of Rights are threatened as never before in our lifetime. The reelection of President Bush, which owes a great deal to the resurgence of religious fundamentalism in politics, and Republican gains in both houses of Congress, will make the next four years particularly challenging ones for those who believe, as we do, that the First Amendment's religious liberty guarantees are inviolate and should be preserved, not tampered with or watered down. (I suppose that makes us the true conservatives, not the pseudo conservatives who have misappropriated that label.)

The defeat of Tom Daschle in South Dakota removes a stalwart opponent of Republican court-packing efforts. His successor, John Thune, emphasized his opposition to abortion rights, gay marriage and embryonic stem cell research, and even mentioned school prayer as a desirable goal. Thune is a graduate of Biola University, an evangelical school in California, and is almost certain to back the far right's religious agenda.

Oklahoma voters saw fit to send Tom Coburn to the U.S. Senate, despite the fact that he recommended the death penalty for doctors who perform abortions, and warned that lesbianism was rampant in the public schools of rural Oklahoma. Coburn, an easy winner in a state that gave Bush 66% of its vote, said he would work to energize evangelicals in the political sphere.

South Carolina sent Jim DeMint to the Senate seat held by the colorful Fritz Hollings for 38 years. DeMint said that gays and unmarried pregnant women should not be allowed to teach in the public schools. DeMint, calling himself a "true conservative who promotes traditional family values" represented the Greenville area of the Palmetto State and has close ties to fundamentalist Bob Jones University.

Many new House members espouse the right-wing party line and have had close ties to the Religious Right. More's the pity.

On the bright side we note the reelection of two stalwart defenders of religious liberty: Rep. Chet Edwards of Texas, the only Democrat to survive the purge of five incumbents engineered by the reapportionment genius, Tom DeLay, and Rep. Bobby Scott of Virginia, who won easily. Edwards, ironically, represents the district that includes President Bush's ranch in Crawford.

In the Third Congressional District of Kansas, the state's lone Democratic congressman, Dennis Moore, won the biggest margin of his career in a suburban Kansas City district that is heavily Republican. Johnson County includes some of the wealthiest towns in America (Mission Hills, etc.) and is so staunchly Republican that it went for Barry Goldwater in 1964. But voters are "moderate" Republicans who have seen their statewide party taken over by zealots of the Religious Right, who oppose open-minded science education in public schools, abortion rights and have made religious affiliation and practice the bottom line issue.

Moore soundly whipped Kris Kobach, a former adviser to Attorney General John Ashcroft (happily resigned) who said the church should be the conscience of government. Rev. Jerry Falwell campaigned for Kobach, and the National Republican Congressional Committee spent \$728,000 trying to unseat Moore. We congratulate him.

Americans who cherish a sane and rational society and dream of a nation where freedom of conscience and interfaith harmony are attainable goals must intensify their efforts during the second Bush administration. The challenges are greater, and the opposition is stronger. Therefore, our resolve must be equal to the tasks ahead.

— Al Menendez

Spain, U.S.: Role Reversal

Spain and the United States have quite contrasting histories and images. Until recently Spain was known as the ground zero of the Inquisition, for its expulsion of Jews and Muslims in the late 15th century (for which it apologized profusely in 1992), for its sanguinary conquest of most of the Americas and imposition of a kind of feudalism never found in Spain itself, for being the birthplace of Opus Dei, and for Franco's 39-year clerico-fascist dictatorship.

Our country is noted for the development of democratic government, advances in civil liberties, and an invention and implementation of the principle of separation of church and state.

But all this is changing. As the November 2 election results confirmed, the U.S. is sliding into the grip of an American Taliban that would reverse church-state separation, undermine religious liberty, erode public education, trump science with a regressive theology, and seriously weaken women's rights and reproductive freedom of conscience.

Spain, on the other hand, is moving in the opposite direction. Since Franco's death in 1975, the land of Don Quixote has been advancing by leaps and bounds. Spanish cinema, literature, and journalism have become world class. A Spaniard, psychologist Pepe Rodríguez, can publish a best-seller called *The Fundamental Lies of the Catholic Church* and books on clergy sexual abuse. A first rate novelist like Arturo Perez-Reverte can write best-sellers on the American market and detective stories for the Spanish market slamming the Inquisition and clerical politics (the series *Las aventuras del capitán Alatriste*).

But it is on social policy that Spain's new, left-of-center government under Prime Minister José Luis Rodríguez-Zapatero is moving in a direction opposite that of the Bush administration. The government, in office since last March, is working toward greater separation of church and state with strong popular support, due largely to the fact that only 20% of the people in this traditionally Catholic land consider themselves practicing Catholics. The government is moving to legalize same-sex marriages, further liberalize abortion and divorce laws, and permit embryonic research for therapeutic purposes, moves supported by at least 60% of Spaniards. Catholic Church leaders are opposed to these reforms, but their political clout has suffered because of their past support of Franco's revolt and dictatorship.

Spain, like much of Europe, is moving toward church-state separation because it suffered so long under repressive church-state unions. Would that Americans would learn from their Spanish contemporaries.

— Edd Doerr

Helen Thomas Honored

Helen Thomas, the veteran Washington journalist who received ARL's Religious Liberty Award in 2003, was presented a *Glamour* magazine Women of the Year award on November 8. At the presentation, Sam Donaldson asked her to move to the left. Replied Thomas: "I'm already on the left. I'm a liberal, a glamorous liberal!"

Remembering Francis Crick

Francis H.C. Crick, who shared a Nobel Prize in 1962 as the co-discoverer with James D. Watson, of the DNA genetic blueprint for life, died on July 29 at the age of 88.

My first contact with Dr. Crick occurred when we sat together at an awards banquet in Sacramento in 1985. (The awardee was Planned Parenthood president Faye Wattleton.) Crick impressed me as warm, funny, easy-going. Three years later I had the privilege of attending another awards banquet at Harvard, where I was to introduce Isaac Asimov. Asimov and James Watson sat on either side of me at the dinner. The conversation was quite interesting.

My next contact with Crick was in 1989, when ARL and I were coordinating an *amicus curiae* brief to the Supreme Court in an important abortion rights case. *Webster v. Reproductive Health Services*. Among the points made in the brief were: "There is no scientific consensus on when a human life begins," and "The organic capacity for human thought is absent until after 28 weeks of gestation."

The idea behind this brief was to emulate a brief to the Court two years earlier in the creationism/evolution case, which we won seven-to-two, with Rehnquist and Scalia dissenting. I had proposed getting as many Nobel laureate scientists as possible to sign the brief; 72 did, about 90% of all laureates living in the United States.

In the *Webster* case we had to limit the laureates to those in the fields of biology and medicine, so we ended up with twelve Nobel laureates, including Francis Crick, and 155 other distinguished scientists. The brief was produced in a record ten days and was hailed by the National Organization for Women as one of the best of the many briefs filed in the case. (The text of the brief and list of signers may be found in the book *Compulsory Pregnancy: The War Against American Women*, by former ARL president John Swomley, available from ARL for \$12.95.)

But back to Francis Crick. Tracking down 167 scientists, showing them the text of the brief, and getting their consent to be listed was something of a mad scramble. As I had not heard back from Crick, I tried to phone him at the Salk Institute in California. Crick and his secretary were both on holiday, but Crick had had to return to his office to pick up something. He was passing his secretary's desk when the phone rang. Had I phoned a few seconds earlier or later, I would have missed him and his name would not have appeared on the brief.

Crick's most popular book was *The Astonishing Hypothesis: The Scientific Search for the Soul* (Charles Scribner's Sons, 1994).

—Edd Doerr

Update

Florida Court Upholds Anti-Voucher Ruling

On November 12, the entire (en banc) Florida Court of Appeal upheld an August 16, 2004, ruling by the court's three-judge panel that Florida's voucher program is unconstitutional. The state moved for a rehearing of the entire 15-member Court of Appeal in an obvious attempt to delay implementation of a ruling holding the voucher program in violation of the state constitution.

Eight judges agreed with the panel majority that the voucher program is unconstitutional in its entirety. One judge held that the program was unconstitutional only as it related to sectarian or faith-based schools, but did not consider the entire voucher program unconstitutional. Five judges thought the voucher scheme was constitutional, and one judge recused herself. The case now goes to the Florida Supreme Court.

Creationism Redux

In mid-November the school board in rural Dover, Pennsylvania, voted 6-3 to mandate the teaching of "intelligent design" in ninth grade biology classes. In the wake of the Supreme Court's 1987 ruling against the teaching of fundamentalist "creationism" in public school science classes, some creationists have turned to "intelligent design," a watered down version of creationism that has no support from scientists.

The ACLU in Pittsburgh is looking into how to deal with the case. So far as is known, Dover is the first school district to mandate the teaching of this variety of creationism.

Dissenting board member Carol Brown explains, "We have a vocal group within the community who feel very strongly in an evangelical Christian way that there is no separation of church and state."

Creationists Advance in Wisconsin

The school board in the predominantly Swedish-American town of Grantsburg, Wisconsin, revised the school district's science curriculum to allow the teaching of creationism. The October decision provoked more than 300 biology and religious studies faculty members to urge a reversal of the policy by the small rural school district that educates 1,000 students in northwest Wisconsin. An appeal to the board also came from 43 deans of Wisconsin universities. The school superintendent said that science classes "should not be totally inclusive of just one scientific theory," but Don Waller, a botanist at the University of Wisconsin, said, "Insisting that teachers teach alternative theories of origin in biology classes takes time away from real learning, confuses some students and is a misuse of limited class time and public funds."

Court Will Decide Land Use Act

The U.S. Supreme Court announced in October that it will hear a case testing the constitutionality of the Religious Land Use and Institutionalized Persons Act of 2000. That statute prohibits any "substantial burden on the religious exercise" of an institutionalized person unless the restriction is justified and compelling. It was an attempt by Congress to protect the religious freedom rights and practices of prisoners, and it has never been popular with state prison authorities.

The case accepted by the Court, *Cutter v. Wilkinson*, No. 03-9877, involves the denial of religious literature and ceremonial objects involved in worship by a group of Ohio prisoners who adhere to the Wicca tradition. The Cincinnati-based U.S. Court of Appeals for the Sixth Circuit struck down the law as unconstitutional, determining that it constituted government endorsement of religion, rather than a strengthening of the free exercise clause. The Bush administration

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supports the law and urged the Court to take a different case that involved other religious groups, but the Court refused.

Commandments Cases Reach High Court

The U.S. Supreme Court decided on October 12 to hear two cases involving the display of the Ten Commandments on government property. The surprise move sets the stage for an important church-state ruling on the propriety and constitutionality of government-sponsored religious symbols.

The last Supreme Court ruling on this subject came almost a quarter of a century ago when it struck down in 1980 a Kentucky law that required the posting of the Ten Commandments in public school classrooms. The court majority in that 5-4 decision held that the Kentucky law lacked a "secular legislative purpose."

In its decision the court said it would review a Texas case (*Van Orden v. Perry*, No. 03-1500), in which an appeals court upheld a monument to the commandments on the Texas State Capitol grounds in Austin, and a Kentucky case in which an appeals court disallowed an exhibition of the Decalogue with other historical documents in a courthouse (*McCreary County v. ACLU of Kentucky*, No. 03-1693).

The Supreme Court is likely to hear oral argument in the winter and will issue a ruling by next summer. This decision could have a far-reaching impact, since there are about 20 Commandments cases pending in the federal courts today. There are also three cases involving the display of the Commandments in public schools.

Since appeals courts have come to different conclusions, the Supreme Court apparently felt that it must act in order to clear up the confusion. In both the Texas and Kentucky cases, local governments, including the attorney general of Texas and officials of McCreary County, Kentucky, have argued that the display of the Ten Commandments is not a religious act but "express their historic and secular role as a foundational text for Western cultures and legal codes." Some religious scholars and church-state specialists see this as fundamentally dishonest, an attempt to camouflage a religious message deeply imbedded in Judeo-Christian history and to claim that it is secular.

This case is likely to be one of the most closely watched in the Court's 2004-05 term.

A large number of interest groups are expected to submit *amicus* briefs in this case. The Libertarian Cato Institute waded in immediately. Its vice president for legal affairs, Roger Pilon, made the following com-

ment on October 12: "The Supreme Court's decision today to consider the constitutionality of Ten Commandments displays on government grounds is welcome news. For over two decades, the court has declined to hear such challenges, leading to conflicting rulings in courts below. The principle at issue is clear. On religious matters, government must be neutral. It may not endorse either particular religious beliefs or religious belief as such.

"It is one thing to include religious artifacts as part of a larger cultural or historical display, quite another to display an artifact in a way that implies government's endorsement. Three of the Ten Commandments are explicitly religious: in fact, the first commands monotheism. That may be the dominant belief in America's history, but it is not the only belief Americans have held. Accordingly, out of respect for all Americans, our government must be studiously neutral in such matters. One hopes the Court will articulate those principles clearly and apply them correctly to the facts of the cases before them."

U.S. Faults Saudi Arabia

For the first time since the U.S. State Department issued its annual ratings on the status of religious freedom, ally Saudi Arabia has been criticized. The oil-rich kingdom, where Wahhabi Islam is the state religion, was cited for religious oppression in the 2004 *International Report on Religious Freedom*. "Freedom of religion does not exist in Saudi Arabia," the report categorically declared, and added, "Freedom of religion is not recognized or protected under the country's laws and basic religious freedoms are denied to all but those who adhere to the state-sanctioned version of Sunni Islam. Non-Muslim worshippers risk arrest, imprisonment, lashing, deportation, and sometimes torture."

For years the State Department has been criticized for failing to recognize the obvious repression of religious liberty in Saudi Arabia. The Saudi Embassy in Washington, one of the largest delegations in the U.S. Capital, declined to comment on the action.

Alexandra Arriaga, director of government relations for Amnesty International USA, said the designation should have been made "quite some time ago" and called on the Bush administration to pressure Saudi authorities to lift restrictions on religious minorities and to guarantee religious freedom in Saudi law. Two congressmen involved in the issue, Democrat Tom Lantos of California and Republican Frank Wolf of Virginia, praised the report but called for more action to bring about changes in the kingdom.

John V. Hanford III, U.S. ambassador at large for international religious freedom, also noted that "most branches of Islam do not have freedom of religion in Saudi Arabia."

The Saudi government has made a few cosmetic changes in recent years, including the removal of inflammatory and derogatory references to other religions in textbooks used in state schools. But freedom to practice or acknowledge a faith different from the established brand of Islam is still forbidden.

The State Department also identified seven other "countries of particular concern": Burma, China, Eritrea, Iran, North Korea, Sudan, and Vietnam." Religious freedom was severely restricted in these nations and has been for years. Eritrea, a tiny East African nation, made the list for the first time, as did Vietnam. Eritrea restricts religious liberty to only four recognized groups, while Vietnam has been cracking down on all forms of religious expression, according to the annual report. Iraq, however, was dropped from the list, though most observers see no particular change in religious freedom in the chaotic, war-torn, U.S.-occupied land. Christian churches were firebombed in Baghdad earlier this year, something that had not occurred even under the despotic regime of Saddam Hussein. An estimated 40,000 Christians have fled Iraq since the U.S.-led invasion.

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.

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Americans for Religious Liberty
PO Box 6656 • Silver Spring, MD 20916
301-260-2988 • fax 301-260-2089 • email:
arline@erols.com

The International Religious Freedom Act of 1998 requires the State Department to issue this annual review of conditions affecting religious liberty throughout the world. A nine-member U.S. Commission on International Religious Freedom was established then, and its chairperson, Preeti D. Bansal, called on the U.S. to “follow up its designations with a broad range of economic and diplomatic sanctions.”

House Passes “Pledge Protection Act”

On September 23 the U.S. House of Representatives passed a bill banning federal courts from hearing legal challenges to the Pledge of Allegiance. This newest version of court stripping received the support of 97% of Republicans and 17% of Democrats. The so-called Pledge Protection Act, sponsored by Rep. Todd Akin (R-MO), was approved by a 247-173 vote.

The measure, H.R. 2028, forbids all federal courts, including the U.S. Supreme Court, from considering constitutional challenges to the Pledge. In July, the House approved a bill banning the federal courts from hearing legal challenges to the federal Defense of Marriage Act.

The usual regional and religious patterns prevailed, though the partisan differences were even more significant. (Republicans favored the bill 213-6; Democrats opposed it 166-34. The lone Independent, Bernie Sanders of Vermont, also voted no.)

The dissenters followed the pattern increasingly seen in church-state votes. Of the 34 Democrats who voted yes, 26 were from the South or Border states. Protestants outnumbered Catholics 25-8, with one Mormon from Utah supporting the measure. A majority of the Democratic supporters were Baptists, Methodists, or Presbyterians (18 of the 34). Even three Lutherans (Herseth of South Dakota, Peterson of Minnesota, and Stenholm of Texas) voted in the affirmative. Of the eight Catholic Democratic supporters, four hailed from the South and three from rural areas of the North. The only big city Catholic Democrat to vote for the bill was William Lipinski of Chicago, who often votes with Republicans on cultural issues.

Only six Republicans voted against the measure. Five were moderates. Three were from the West, while one each came from the Northeast, Midwest and Border South. The only surprise in this small band of dissenters was Rep. Dana Rohrabacher of California, usually one of the most conservative House Republicans.

Oregon Law Again Under Fire

In one of his last actions as U.S. Attorney General, John Ashcroft on November 9 asked the U.S. Supreme Court to strike down Oregon’s Death with Dignity Act. This statute, twice approved by Oregon voters, allows physicians to help terminally ill patients to end their lives. Since 1998, about 170 people who were gravely ill ended their lives.

The Bush administration has argued that assisted suicide is not a “legitimate medical purpose,” but a federal court and the U.S. Court of Appeals for the Ninth Circuit have ruled that federal officials do not have the authority to circumvent the Oregon law to punish health professionals. The U.S. government had moved to punish Oregon doctors who prescribed lethal doses of federally-controlled drugs, but a federal court in May ruled against the administration. Paul D. Clement, acting U.S. Solicitor General, said in the appeal filed at the Supreme Court that the Oregon law conflicts with the federal government’s powers. In 1997, however, the High Court held that states may decide the issue without federal interference. The Supreme Court will decide next year whether to hear the case.

Dollars for Missions

On November 17 Congress gave final approval to a bill, H.R. 1446, the California Missions Preservation Act, to provide \$10 million to refurbish 21 mission churches in California, 19 of them Roman Catholic churches with active congregations. President Bush will undoubtedly sign the measure, which church-state experts say clearly violates the First Amendment.

Pentagon vs. Scouts?

As part of the settlement of a lawsuit brought by the ACLU of Illinois, the Pentagon has agreed to warn all military bases worldwide not to support Boy Scout troops. The ACLU suit had challenged military support of the Scouts because the youth organization officially discriminates by religion in admitting Scouts and Scout leaders.

When the suit was brought, about 400 Boy Scout troops were officially sponsored by military bases. As a result of ACLU challenges, Scout troops modified their charters and are now sponsored by churches, the VFW, and the American Legion.

The city of Chicago also agreed not to sponsor Scout activities.

Rep. J.D. Hayworth (R-AZ) has called on Defense Secretary Rumsfeld to “reverse” the administration attorneys who recommended settling with the ACLU. Hayworth has gone into hysterics insisting that the ACLU suit is part of an “ongoing effort on the part of the ACLU to drive the Boy Scouts of America into extinction.” The ACLU’s position is simply that organizations that discriminate by religion should be able to get by without government aid.

Spellings in for Paige

President Bush has replaced his Education Secretary, Rod Paige, widely regarded as a controversial mediocrity, with long-time associate and domestic-policy adviser Margaret Spellings. Paige kicked up a lot of dust earlier in 2004 when he called the National Education Association “a terrorist organization,” a remark for which he never apologized.

NEA president Reg Weaver called Spellings’ nomination “a great opportunity for the administration to change the tone of its discourse with the education community.” When Bush introduced Spellings on November 17, he made no mention of school vouchers, which he has long favored despite adverse public opinion; Spellings is not known to support vouchers. Indeed, some conservatives would have preferred to have Paige replaced by Eugene Hickok, a deputy secretary known to support vouchers.

International

Arusha, Tanzania: The first Roman Catholic priest to be tried for genocide in Rwanda refused to appear for his trial before a UN Tribunal on September 20. Rev. Athanese Seromba’s nonappearance was a protest against UN plans to transfer the trials of some genocide suspects from Tanzania to Rwanda, site of the 1994 massacre of an estimated 500,000 Tutsis by an extremist Hutu government. During an initial appearance last year, Seromba pleaded not guilty to charges of genocide, complicity in genocide, conspiracy to commit genocide and crimes against humanity. The priest was accused of ordering the slaughter of 2,000 people who sought refuge in his church in Nyange, in eastern Kibuye Province. A local Hutu militia and the army attacked the huddled refugees with gunfire and then set fire to the church. The

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church was then bulldozed and more than 2,000 bodies were buried in a common grave. The region around Seromba's church was home to 6,000 Tutsis before the massacre, but almost all were killed in the genocidal reign of terror.

The UN Commission on War Crimes is trying to complete investigations and trials by 2008 by transferring some of the suspects to Rwanda, but at least 44 of them say they fear for their lives if the trials are conducted in the land where the horrible events of 1994 took place.

A number of Hutu church leaders are alleged to have played key roles in the genocide. Seromba is the third member of the clergy to appear before the Tribunal. A Seventh-day Adventist pastor in Kibuye was convicted in February and sentenced to 10 years in prison for crimes against humanity. A former Anglican bishop died in Tanzania in January while awaiting trial for genocide. Two Rwandan nuns were convicted by a Belgian court on charges of aiding and abetting genocide.

Beirut: *The Da Vinci Code*, the international best-seller by American author Dan Brown, has been banned in Lebanon at the request of the Catholic Church. The decision came as a result of a little-known law which allows all of Lebanon's 17 recognized religious groups to censor anything they deem critical of their faith. The Catholic Information Center in Beirut asked that the book be removed from all bookstores in September. The state security agency moved against the book after the Center's director Abdo Abu Kassm said, "There is a campaign now to defame the Christian faith and the life of Jesus, and this book is part of that." The book had been selling briskly in English, French and Arabic translations. Kassm claimed, "By banning this book, this advanced country is preserving the dignity of people."

Some Christians vigorously disagreed. Gebran Tueni, publisher of the country's most influential newspaper, *al-Nahar*, criticized the censorship, "The government is causing more tension between people by doing this than *The Da Vinci Code* ever could. This is primitive. We are intelligent enough to be able to know and understand what is written in novels."

This case may not be the last. A PBS documentary, "From Jesus to Christ: The First Christians," is now awaiting approval from the Catholic Information Center. *Washington Post* Foreign Service reporter Scott Wilson added, "Lebanon's postwar constitution allows each of its once-battling religious groups to proscribe literature, films, magazines and music deemed insulting to a particular faith. In the past, Muslim groups have been the country's most aggressive censors, prohibiting the sale of nearly anything critical of Islam and everything that discusses Israel in anything but the harshest terms."

Brussels: Anti-Muslim hostility has erupted into overt acts of discrimination throughout Europe, according to a report released on September 16 by a human rights group. The report, issued by the International Helsinki Federation for Human Rights (IHF) cited employment and housing discrimination, verbal and physical attacks, and law enforcement measures targeting Muslim communities in Belgium, Denmark, France, Germany, Italy and the United Kingdom. "Since September 11, problems of intolerance and discrimination against Muslims have become increasingly acute in several EU member states. As the fight against terrorism has been stepped up, and public debate has increasingly focused attention on Islamic extremism, Muslim minorities have come under growing pressure in these countries and elsewhere," commented Aaron Rhodes, executive director of the IHF.

Police searches and arrests of Muslims who had nothing to do with terrorism were widespread, particularly in Germany and Britain, the

report found. High-profile politicians have singled out Muslims in their political rhetoric in Denmark and Italy.

Rhodes added, "In all these cases, moderate and peaceful Muslims have been victimized because of the views and acts of a minority of extremist Muslims who advocate violence and intolerance."

Vandals in Strasbourg, France, attacked graves at a Muslim cemetery and sprayed the walls of a Muslim council. In Denmark officials are rejecting Muslim applications for political asylum, cutting benefits for Muslim refugees and tightening restrictions on permanent residence requests.

Brussels: Human Rights Without Frontiers, a Brussels-based human rights group associated with the International Helsinki Federation for Human Rights, has warned that Turkey's treatment of religious minorities may cause it to be denied European Union membership.

A "Memorandum" signed by two dozen human rights groups, including Christian Solidarity International in Zurich and the International Council of Jewish Women, was submitted to the European Council, the European Union and the European Parliament on September 22. The Memorandum was critical of the treatment of non-Muslim minorities in Turkey, which is seeking EU membership. The Memorandum concluded:

"In recent years, Turkey has made certain legal and administrative progress. Nevertheless, at the same time, it has significantly hardened its position towards fundamental rights, such as the freedom of opinion and has adopted a repressive policy towards the minorities living in Turkey. In particular, traditional prejudice towards Non-Muslim minorities is kept alive by the public education system and the state controlled media. Such an attitude, however, is incompatible with the Copenhagen criteria required for accession negotiations of a new member State.

"Recalling the Copenhagen Criteria, the Memorandum explains the concerns of the signatories for a lasting improvement of the minority situation in Turkey. The dozens of national and international NGOs which signed this Memorandum protest against the hate campaign of Turkey's minister for education, Dr. Hüseyin Çelik, which includes the official denial of the genocide, committed on the Christian population of the Ottoman Empire and resulting in 3.5 million victims (1912-1922). For this reason, the signatories want to draw the EU's attention to the necessity of safeguards and profound reforms in the education system and in media control, for public education and mass media and the main 'opinion leaders' and directly responsible for an extremely negative perception of these minorities in Turkey and for subsequent attacks on institutions (churches, synagogues, schools and representatives of Non-Muslim communities), which did not even cease during Turkey's reform process of late."

The Vatican also expressed reservations about admitting Turkey to the European Union.

Leipzig: The German Federal Administrative Court has ruled that a law banning head scarves for Muslim teachers must also apply to Roman Catholic nuns. The law passed earlier this year in predominantly Catholic Baden-Württemberg applied only to Muslims, and the Court held that it must apply "to any form of religiously motivated clothing." Legislators from the southwestern region, where nuns are often teachers in public schools, have vowed to fight the decision.

Madrid: The Spanish government of Socialist Prime Minister José Rodríguez Zapatero approved a bill to legalize same-sex marriage on October 1. The final step before the proposal becomes law is a parliamentary vote scheduled for January. Spain would become the third European nation, after Belgium and the Netherlands, to legalize same

sex marriage. The bill also allows adoption by same-sex parents. Both the Spanish Catholic Church and the Vatican denounced the decision in unusually sharp language. Cardinal Alfonso Lopez Trujillo, president of the Pontifical Council for the Family, called it “a sad step” because “nothing is left in the definition of marriage” but “deep dehumanization.” The Spanish Bishops’ Conference said, “We would be abandoning the legal and human wisdom of all humanity,” if the law is given final approval. The government also plans to liberalize Spain’s abortion laws and expand sex education programs, but these proposals have been delayed until next year.

Books and Culture

Pulpit and Politics: Clergy in American Politics at the Advent of the Millennium, edited by Corwin E. Smidt, Baylor University Press, 352 pp., \$34.95.

In many respects, this is a groundbreaking work of scholarship that expands the parameters of knowledge about how religion influences politics in the U.S. Based on an extensive survey of the political and theological attitudes of more than 8,800 clergy, this volume, edited by Corwin E. Smidt of Calvin College, makes a major contribution to political science. It reveals how complex religion is and how extensive were religious involvements in the 2000 presidential election.

Why study the clergy? As Smidt, director of the Paul B. Henry Institute for the Study of Christianity and Politics, explains, “Clergy have important resources at their disposal to shape the political thinking and actions of their parishioners, and they enjoy ample opportunities to do so.” He adds, “Clergy often provide political cues to their parishioners. . . . [C]lergy are also politically significant in that they are in the business of connecting particular theological and religious beliefs to political attitudes and orientations.”

Twenty-one separate religious groups are studied by a number of scholars. Political, theological, and demographic data help to fill out a portrait of the clergy. Some of the findings are extraordinary. Southern Baptist clergy favored George W. Bush over fellow Baptist Al Gore by 86% to 11% in the 2000 election, while Bush’s fellow United Methodist clergy split 46% to 46%. Unsurprisingly, rabbis favored the Gore-Lieberman ticket 90% to 9%. An unexpected discovery was that Catholics priests voted for Bush over Gore by 59% to 31% with 6% for Nader, even though 48% considered themselves Democrats, 31% Republicans and 21% Independents. Maybe the liberal priests have all departed!

Unitarian Universalist clergy gave Gore 81%, Nader 15%, and Bush 2%. Gore had no appeal to even moderate Baptist clergy; the survey found the American Baptists, mostly Northern moderates, favored Bush 63% to 32%.

Evangelicals and fundamentalists of all stripes flocked to the Bush banner. The Texas governor received the support of 89% of Church of Christ clergy, 87% of the Lutheran Church-Missouri Synod pastors, 90% of the Church of the Nazarene, 91% of the Assemblies of God, and 98% of the Evangelical Free Church (which expelled 1980 presidential candidate John Anderson because of his pro-choice stance). Even Mennonite clergy favored Bush 37-30%, though 12% chose Nader and 21% did not vote.

The only other denominational clergy to favor Gore were the African American churches, the Disciples of Christ, the Evangelical Lutheran Church of America and the Presbyterian Church (USA).

There is one glaring omission from this otherwise excellent book: The Episcopal Church, perhaps the most historically influential faith

group in the U.S. and the church which has produced the largest number of presidents, Supreme Court justices, and First Ladies, was left out. What could have possessed the editor to omit a fascinating religion which straddles the Catholic/Protestant divide, has sharp divisions over gay rights and other social issues, and whose cathedrals serve as major resources of U.S. civil religion? The fact that the present U.S. ambassador to the UN is an Episcopal priest and former U.S. senator from Missouri, John Danforth, only highlights this defect. Conventional wisdom suggests that the high-income, well-educated, historically Republican Episcopalians have been moving in a Democratic direction. But now we may never know!

— Al Menendez

Of Little Faith: The Politics of George W. Bush’s Faith-Based Initiatives, by Amy E. Black, Douglas L. Koopman, and David K. Ryden, Georgetown University Press, 356 pp., \$49.95 cloth, \$26.95 paper.

The three authors, all political science professors at church-related colleges, approach Bush’s faith-based initiatives as a political issue. They concentrate on the political and bureaucratic maneuvers employed to bring about a new government-funded social service that involves the “complex questions of the public role of religion in America.”

The authors seek to understand the broad implications of an extension of charitable choice legislation through “the three lenses of politics, policymaking and public religion.” The “two year saga” involved “intriguing campaign strategy, high legislative drama, important administration actions and detailed judicial decision making.” However, “What was left was a mere shadow of the original and hardly qualified as a faith-based law.”

This is a thorough and well-written book, but it is marred by the authors’ failure, or unwillingness, to acknowledge the constitutional questions and the deep-seated opposition by many legislators and the public to funding programs that allow religious discrimination in hiring practices or that promote or encourage religious proselytizing among potential recipients of these programs. The authors admit, though, that the central, if unspoken, question in the debate was “overt religion’s presence in publicly funded programs” and “religion as a source of public authority.”

The authors err when they say, “The church-state arrangement in our country is badly in need of updating,” by which they endorse more accommodation of religious enterprises in the public realm. They unfairly criticize “elites” who evince “a palpable lack of enthusiasm for collaboration between the public and religious sectors.” They elaborate further, “While many elites may pay lip service to the faith-based initiative, there is a degree of jaded skepticism that undermines their credibility.” They insist on contrasting “elites” with the ordinary American who thinks religion is a good thing because it has the capacity to change lives. “People of faith accept intuitively that religion is an influence for good in helping individuals overcome addiction, avoid the temptation to yield to crime, and alter other destructive behavior.”

However, the Pew Forum on Religion and Public Life surveys have shown that a sizable majority of Americans, while favoring faith-based initiatives in principle, oppose tax support for those groups which insist on religious tests for employment or that engage in religious proselytizing as a matter of policy.

Many staunch church-state separationists, such as this reviewer, acknowledge that religion can be, and often is, a force for good in society. That fact makes it even more imperative to avoid government involvement in funding, personnel decisions, and activities that could be construed as religious favoritism. Religious charities have performed admirable services across the centuries, and have earned public respect,

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because they generally avoided entanglements with civil authorities. Preserving separation of church and state is good for religious social services, as it is for the democratic polity as well.

—Al Menendez

One Electorate Under God? A Dialogue on Religion & American Politics, edited by E.J. Dionne Jr., Jean Bethke Elshtain, and Kayla M. Drogoz, Brookings Institution Press, 239 pp., \$17.95 paper.

This Pew Forum dialogue on religion and public life has brought together 50 prominent Americans from many walks of life who discuss the ways in which religion interacts with politics in the present-day U.S.

The two main participants in this volume of essays are former New York Governor Mario Cuomo, a Catholic Democrat who forcefully espouses the church-state separation view and Rep. Mark Souder, a Republican evangelical from Indiana who defends an accommodationist viewpoint.

In a nutshell, Cuomo advocates “universal moral principles” that are shared by all religious groups and by secular individuals. This application of morality or ethics to public life assures equal input for all people, respect by government for all religious traditions, and guarantees the flowering of religious pluralism. Souder, however, argues that evangelicals see their own religious tradition as the embodiment of truth and that government should respect religiously-based values. But all groups should work to preserve religious liberty for all. Cuomo is clearly more of a separationist even though he espouses a belief in a “natural law”

“A country that has preachers, poets, prophets, houses of worship and open air does not need politicians expressing its piety in public places. Individual citizens can be trusted to find appropriate ways to express their own religious convictions and train the young in virtue. What the people need from political leaders are the virtues of truthfulness, justice, practical wisdom, courage, vision, and a kind of compassion whose effects can actually be discerned in the lives of the poor and the elderly.”

—Jeffrey Stout, “Thoughts on Religion and Politics,” from *One Electorate Under God?*, page 199.

that can be discerned by reason and become universally acceptable. Souder, an Anabaptist conservative, rejects that view in favor of a discernible revelation known from Scripture. The rejection of reason is a common view among most evangelicals.

The variety of views expressed by the essayists for the most part cover the entire spectrum of politics and religion in contemporary America. This would be an ideal volume for serious classroom discussion groups and seminars in academic or community settings.

—Al Menendez

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The Separation of Church and State: Writings on a Fundamental Freedom by America's Founders, edited by Forrest Church, Beacon Press, 2004, 160 pp., \$16.00.

Franklin, Jefferson & Madison: On Religion and the State, by Gregory Schaaf, CIAO Press, Santa Fe, 2004, 232 pp., \$27.95.

The Gospel, God's Law & Government, by P. Jake Jacobs, Liberty Proclamations 1776, Appleton, WI, 2003, 179 pp., \$14.95.

There is a sort of American "Taliban" – the Falwells, Robertsons, Dobsons, LaHayes and their imitators and myriad misguided myrmidons – seeking to convert this country into an "imamocracy." This Taliban, frequently allied with secular ultraconservatives bent on creating some new kind of feudalism (shifting the tax burden from the rich to the middle class, pillaging the environment, ending government regulation, etc.), promotes its goals through an Orwellian, Kafkaesque manipulation of history intended to undermine the church-state separation developed and implemented in this country since the 1770s. Their message blares forth incessantly from hundreds of radio and TV stations, tens of thousands of pulpits, cascades of bad books, hordes of columnists, hundreds of "Christian" bookstores, stables of lawyers, and even the opinions of Supreme Court justices Scalia and Thomas.

Forrest Church's *The Separation of Church and State* is an excellent antidote for the poisonous brew of the American Taliban. (Church's father, the late Senator Frank Church, was one of the founders of ARL.) In this pocket-sized, readable book, Church pulls together, with useful commentary, the more important writings of the Founders that show clearly that they intended our system of government to incorporate the principle of separation of church and state. Included in this five-star book are key selections from Sam Adams, Rev. Isaac Backus, George Mason, Jefferson, Madison, Leland, and Washington. Church also includes a portion of our 1796-97 treaty with Tripoli, ratified by the U.S. Senate, which contains this significant clause, "... the Government of the United States of America is not in any sense founded on the Christian Religion, ..." So much for the "Christian Nation" thesis propounded by our domestic Taliban.

Church's book is published by the 150-year-old imprint of the Unitarian Universalist Association (whose 1982 comprehensive General Assembly resolution on church-state separation was written by this reviewer). Beacon earlier published the important works of Leo Pfeffer and Paul Blanshard.

Gregory Schaaf's book on the views of Franklin, Jefferson, and Madison is equally valuable. This extensive examination of their lives and work of these key Founders, with abundant quotations from their writ-

ings, leaves no doubt that the intentions of the Founders were about 180 degrees different from the latter-day revisionism of Justices Rehnquist, Scalia, Thomas, and the prophets of the new fundamentalist Religious Right.

Jacobs' book would be a joke if only it were funny. Dedicated to ousted Alabama Justice Ray Moore, it is the author's doctoral thesis at something called the Potchefstroom (sic) University for Christian Higher Education, located in South Africa. It contains more orthographic, grammatical, punctuation, capitalization, and factual errors than all the hundreds of books I have reviewed in the last 30 years combined. Its purpose is to rewrite history to suit the American Taliban mentioned earlier. As a former high school history teacher, I am bothered by the fact that Jacobs is a public school history teacher in Wisconsin and a frequent lecturer. Lo, how our profession has slipped. Virtually the last words on the back cover of this sorry waste of good paper are these: "Please pray for the Honorable Chief Justice Roy Moore!" Aaarg!

— Edd Doerr

(Forrest Church's *Separation of Church and State* may be ordered from ARL for \$16 plus \$2 for postage and handling.)

One Nation Under Law: America's Early National Struggles to Separate Church and State, by Mark Douglas McGarvie, Northern Illinois University Press, 256 pp., \$38.00.

University of Richmond professor McGarvie argues that separation of church and state became a full-fledged reality by a gradual process that encompassed the first half-century of nationhood. He writes, "While the Constitution did not directly separate church and state, it did provide the ideological and legal structure that made separation not only possible but inevitable."

The author believes that "liberal republican ideology, perceiving religious liberty as a natural right, served as the basis for the reconceiving of religion as a private matter of conscience protected from governmental interference by the primary laws of the nation and the states. ... [T]he process of disestablishment took nearly fifty years. The final disestablishment of religion in Massachusetts in 1833 can be seen as the culmination of the Revolution begun in 1775."

McGarvie believes that the "legal basis for separating church and state" lies in Article 1, Section 10, the so-called contract clause of the original Constitution rather than in the First Amendment of the Bill of Rights, a novel view, to say the least. "During the early republic, consi-

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Books and Culture, *continued from page 18*

tent with the ideology that spawned the First Amendment, Americans reconceived of churches as private voluntary associations, legally recognized as private, not public, corporations.”

His study focuses on the movement to disentangle civil and ecclesiastical institutions in New York, South Carolina and New Hampshire. This case study approach makes for a lively historical analysis and shows how local conditions fashioned the outcome and pitted denominations against each other.

In New York, for example, “Baptists and Presbyterians led the movement for disestablishment while Lutherans, Quakers and Moravians were slow to follow and Methodists tended to support their former brethren of the Church of England,” who opposed disestablishment. In all three states he studied, legal and constitutional remedies were employed to change the structural relationship of church and state. As a consequence, “laws to strengthen Christian values and communitarian ideals” began to vanish or wither away.

At the end of the early national period, churches had lost their legally established status but were soon poised to become voluntary pressure groups that would later reassume their public identities by seeking to use the political and legal systems to foster their values.

Many separationists will disagree with the author’s view that the Constitution did not directly mandate church-state separation but will readily acknowledge that the process of implementation took many decades and was brought to fruition in different ways in different states.

— *Al Menendez*

Through the Embers of Chaos, by Dervla Murphy, John Murray, 388 pp., £8.99.

Dervla Murphy, the great Irish travel writer with an acute sense of history, recalls her recent journey on bicycle and foot through the former Yugoslavia. She is appalled at how religious and ethnic bigotry devastated an entire region of the Balkans. Her chapter, “Clerical Extremists,” lays bare the role of religion in the region’s troubles and its responsibility for fueling the fires of resentment and hatred. She is contemptuous of the Serbian Orthodox Church for bestowing religious medals and ecclesiastical honors on war criminals and paramilitary murderers.

She also criticizes the religious extremism centered in Medjugorje. “Herzegovina formed and to an extent still forms the vortex of the ultra-nationalist Croat’s rabid religious bigotry.” The local Franciscans

have fashioned a lucrative empire from pilgrimages of believers in the alleged apparitions of the Virgin Mary since 1981 and have close ties to the right-wing Franciscan University of Steubenville, Ohio. Murphy says “the place felt like what it is, a base con-trick, taking advantage of people’s credulity.”

The region remains a tinderbox, especially in Kosovo, where Muslim Albanians and Orthodox Serbs despise each other. In Serbia a Chetnik paramilitary leader and an Orthodox bishop called for “a Christian Orthodox Serbia with no Muslims and no unbelievers.”

Murphy concludes, “Small wonder so many places of worship, including Orthodox churches in Kosovo, were targeted in all the recent Balkan wars – though so few former Yugoslavs still believe in the faith of their fathers.”

— *Al Menendez*

A Masterpiece of Obfuscation

The February article by Frederick Hess, “What Is a ‘Public School’? Principles for a New Century,” is a masterpiece of obfuscation and disinformation. Among the serious omissions not adequately dealt with by those who responded are the following:

The overwhelming majority of nonpublic schools in the U.S. are pervasively sectarian institutions that commonly practice forms of indoctrination and discrimination that would be intolerable in real public schools.

For 35 years U.S. voters have consistently rejected school vouchers or their analogues in 25 statewide referenda by an average margin of 2-1.

Some other nations do, indeed, subsidize faith-based schools, but this has seldom been without serious controversy, as in the United Kingdom, France, Belgium, Australia, and Canada. Hess dared not mention the case of the province of Newfoundland, where until the 1990s there were no public schools at all, only tax-supported faith-based schools. When Newfoundlanders finally had the chance to vote on the system, they rejected it by a margin of 3-1 in favor of U.S.-style religiously neutral public schools.

Edd Doerr, President
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September ‘04 *Phi Delta Kappan*