



VOICE OF REASON

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Utah Voters Crush Vouchers in 62% to 38% Rout

Voters in America's most Republican state rejected what would have been the most comprehensive voucher program in the nation in a landslide that swept all counties. With 99% of precincts reporting, Utahns voted 62.2% to 37.8% against vouchers. The latest vote was 309,204 to 187,811. State School Board Chairman Kim Burningham exulted, "Tonight, with the eyes of the nation upon us, Utah has rejected this flawed voucher law. We believe this sends a clear message. It sends a message that Utahns believe in, and support, public schools."

This referendum marks the 26th time voters have rejected public support for private or faith-based schools over four decades, in states ranging from Massachusetts to California. It was the eleventh defeat for bills directly mandating vouchers or tuition tax credits.

The turnout was heavy, particularly in Salt Lake City, the state's major metropolitan area and home to 35% of Utah voters. Reporter Steve Gehrke noted in the *Salt Lake Tribune*, "High voucher-driven turnout kept polls open late Tuesday night. The county was banking on voter turnout of about 10 percent to 15 percent, but those numbers appeared closer to 40 percent by early evening, according to poll watchers." Salt Lake voted 117,287 to 57,440 against vouchers, a solid 67% No vote.

Voters all over the state rejected vouchers, even in ultraconservative Utah County, home of the Mormon flagship college, Brigham Young University, where 88% of the major party presidential vote went to



Photo: Utah Senate Democrats

Utahns for Public Schools petitioned the voucher proposal to referendum.

President Bush in 2004. Vouchers lost 52% to 48% there. Vouchers lost 51% to 49% in Washington County, in the southwest corner of the state where fundamentalist Mormons live and where Bush took 83%.

In the heavily Mormon suburbs of Salt Lake City, opposition ran 60% to 40%. In Summit County, a ski-resort area and the closest thing to a liberal county in Utah (Bush only won 53% to 47% over Kerry) 72% of voters rejected vouchers. In Carbon County, which has many Catholic and Eastern Orthodox Christians, 75% of voters rejected vouchers. In Grand County, a majority non-Mormon county, 78% were opposed.

But rural Mormons were not enamored of vouchers either. The vote in nine counties where Mormons exceed 85% of the population was 67.2% opposed. The 2004 major party presidential vote in these counties was 84.7% for Bush, 15.3% for Kerry. Bush's number one county, Rich (89% for Bush) voted 73% against vouchers.

Opposition was relatively uniform. The six largest population counties voted 61.1% No, while the twenty three rural and small town counties voted 67.6% in opposition. (Three rural counties where Kerry topped 40% of the vote turned in a 74% vote against vouchers.)

This landslide defeat in Utah has national implications. In the last eight presidential elections (1976-2004), Utah was the most Republican state in six of them (1976, 1980, 1984, 1988, 1996, and 2004), and the third most Republican state in 2000. It slipped to eighth place in 1992 for George H.W. Bush only because Ross Perot ran second to Bush, attaining his third highest statewide support in Utah, which has a populist as well as conservative tradition.

ARL President Edd Doerr said, "If the voucher movement cannot win in Republican Utah, it cannot win anywhere. They might as well consider closing up shop."

Utah's voucher plan was passed by an overwhelmingly Republican legislature. It would have given \$500-\$3,000 per child for private school tuition depending on family income. Even affluent families whose children attend high-performing schools qualified, though only

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students not attending private schools were eligible to transfer. Legislators appropriated \$9.3 million for the first year of the program that was projected to cost several hundred million dollars within a decade.

The proposal was petitioned to referendum by a citizens group called Utahns for Public Schools.

The campaign was spirited and intense. Expenditures by both sides totaled over \$8 million. Opponents, supported by the National Education Association (NEA), the Utah Education Association (UEA) and teachers' groups in Colorado, Ohio, Maine and Wyoming contributed to the effort to defeat vouchers. Critics cited the accountability factor for Utah taxpayers in a state that is conservative and Republican. They emphasized that Utah private schools, which only educate 4% of the state's students, are not subject to state auditing or financial report requirements, do not have to meet state core curriculum requirements, and do not have to adhere to teacher training or school accreditation standards that are required for public schools. Private schools do not have to report on student achievement to the Utah Office of Education nor are they subject to performance audits to gauge effectiveness of their programs.

Critics of the plan also cited the state's 50th place ranking among the states in its spending per student and overcrowding in classrooms. Supporters of public education argued that legislators should have appropriated more funds to public schools rather than approving the diversion of resources to nonpublic schools.

Pro-voucher forces, led by Parents for Choice in Education, used religion and cultural issues in an attempt to win support. The Parents for Choice group tried to link the NEA to same-sex marriage, a campaign denounced as "dirty politics" and "dirty tricks" by NEA and the *Salt Lake Tribune*.

The Sutherland Institute, a conservative Mormon-oriented think tank, claimed that public schools were introduced in 19th century Utah to end Mormon control of the state. It claimed that public schools today continue "cultural cleansing of minority groups."

The Sutherland Institute charge was seen as absurd by *Salt Lake Tribune* columnist Rebecca Walsh, who noted in a September 25 article that Mormon influence in the state's public schools is enormous. "The ironic thread in all of this is the common knowledge that Utah's public schools are de facto 'Mormon schools.' Most of the teachers are Mormon; so are the students. With kids...walking to seminaries around the corner from every junior high and high school, the church influence on public education is undeniable." Ironically, many non-Mormons prefer Catholic and other private schools in the state.

Walsh also criticized the official Mormon Church's response to the

Excerpts from *The Salt Lake Tribune* editorial of November 5, "No to Referendum 1: Vouchers would not improve Utah education."

"Referendum 1 was forced onto Tuesday's ballot by a groundswell of opposition to vouchers by a populace unwilling to compromise their neighborhood schools by allowing tax revenue to be siphoned off to pay private school tuition.

"Beyond the radical political and philosophical goals of the voucherites, there are other sound reasons for pounding a stake through the heart of this perennial push on Capitol Hill: the potential of vouchers to rob public schools of funding, and the questionable constitutionality of sending public funds to religion-based private schools.

"The Utah and U.S. constitutions rightly forbid using public money to fund instruction in religious doctrine. That is why implementing the law would surely trigger lawsuits that would put taxpayers on the hook for millions of dollars in legal bills. Regardless of the outcome in court, it can be said with certainty today that the voucher law is an offense to the spirit of separating church from state.

"The voucher law would not only create a system of private schools that are not accountable to taxpayers, but deal a devastating blow to public schools. ...No other state funds public education so poorly, and no other state's lawmakers have been foolhardy enough to install a universal voucher program at the expense of their public systems.

"Utah's voucher law also fails as an antidote to the expected influx of 145,000 new students, many of them low-income immigrants, in the coming decade. Most poor families cannot afford private school for their children, even with a \$3,000 voucher.

"The bottom line on vouchers is simply this: Sending tax money to private schools is a bad idea. Vote 'AGAINST' Referendum 1."

issue. "What is disappointing is the limp response from The Church of Jesus Christ of Latter-day Saints. The future of Utah's public schools hangs on the outcome of November's referendum. The fallout could range from diminished education funding long term to the concentration of minority, special-education and low-achieving students in ghettoized public schools. But apparently that's not a 'moral' issue worthy of parsing. Instead, church leaders reverted to the mealy-mouthed vocabulary of their biannual political neutrality statements."

—Albert J. Menendez

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State Elections

Louisiana Ignores Religious Blip

In Louisiana's governor's race, a Democratic ad accusing Republican nominee Bobby Jindal of being anti-Protestant failed to generate much controversy and appears to have had no impact on the vote. Jindal, a second-term Republican congressman from the New Orleans suburbs, won 54% of the vote in the state's October 20 open primary. Four years previously he lost narrowly (52% - 48%) to Democrat Kathleen Blanco. Jindal was born in Baton Rouge (a good place for a future governor) to immigrant parents from India. He converted from Hinduism to Catholicism before finishing Brown and Oxford Universities, and wrote an article for the scholarly *New Oxford Review* defending his selection of Catholic over Protestant Christianity. Democrats claimed the article cast slurs on Protestants, who are numerous in North Louisiana. Former Bush speechwriter Michael Gerson accused the Democrats of stirring up religious antagonism in his *Washington Post* column. Jindal, the first Indian American governor in the U.S. and the first nonwhite to hold this office in the Pelican State since Reconstruction, had little problem beating two Democrats and an Independent without a runoff, a highly unusual feat in politically contentious Louisiana. He won everywhere, piling up two thirds of the vote in the New Orleans suburbs (75% in St. Tammany Parish), 60% in both the Cajun parishes and in Baptist north Louisiana and 45% to 55% elsewhere. The total vote declined by 100,000, all of it in the New Orleans area as a result of population displacement since Hurricane Katrina. The vote in New Orleans dropped from 135,000 in 2003 to 75,000, and in St. Bernard Parish, which was completely submerged by floods, from 25,000 to 11,000. In suburban Jefferson Parish the vote went down from 140,000 to 115,000. This is the first statewide election since the 2005 natural disaster.

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Mississippi Democrats Play Losing Religious Card

Mississippi Democrat John Arthur Eaves shamelessly emphasized his personal evangelical religious views in his campaign for governor against Republican incumbent Haley Barbour. He called for "restoring" school prayer, teaching creationism and "Biblical literacy" in schools and making abortion illegal. Trying to out-religion the Republicans in conservative Mississippi, the nation's most heavily Baptist state, was risky. Voters did not buy it. Eaves went down to a 58% to 42% defeat on November 6, a 5% decline from the Democratic vote for governor in 2003.

New Jersey voters rejected a \$450 million bond issue to fund stem-cell research. The measure was defeated 53% to 47%. While the New Jersey Catholic Conference and New Jersey Right to Life opposed the measure, its defeat was probably due to voters concerned over taxes and government expenditures, and the unpopularity of Gov. Jon Corzine, who backed the proposal with his own money. Anti-tax groups were also active in the campaign, as was the libertarian Cato Institute. Terrence Dopp wrote in *Bloomberg.com*, "The rejection shows voters didn't buy Corzine's argument that borrowing for investment in stem-cell research would attract economic development and help retain business in New Jersey, home to more pharmaceutical companies than any other U.S. state."

Religion Remains Important in 2008 Vote

Voters still see religion as important to their vote and to their evaluation of potential candidates in the next election. But the intensity factor seems to have declined from the last election as voters say that domestic issues and the war in Iraq are more important than social issues like abortion and gay marriage. These are the major findings of the most recent Pew poll released in September.

The Pew Research Center reported, "As in the past, most Americans continue to say that it is important for a president to have strong religious beliefs. ... But the latest Pew survey finds that candidates for the White House need not be seen as *very* religious to be broadly acceptable to the voting public."

Voters are not automatically favoring the candidate seen as the most religious, as was true for Bush in 2004. "So far religion is not proving to be a clear-cut positive in the 2008 presidential campaign. The candidates viewed by voters as the least religious among the leading contenders are the current frontrunners for the Democratic and Republican nominations—Hillary Clinton and Rudy Giuliani, respectively. On the other hand, the candidate seen as far and away the most religious—Mitt Romney—is handicapped by this perception because of voter concerns about Mormonism."

The Mormon issue continues to impact negatively on the former Massachusetts governor. "However, a quarter of Americans—Democrat, independent and Republican alike—say they would be less likely

to vote for a presidential candidate who is Mormon. And those who say this have substantially less favorable impressions of Mitt Romney."

Reluctance to vote for a Mormon candidate is highest among white evangelical Republicans who attend church weekly (41% say they are less likely to vote for a Mormon) compared to 21% of white Catholics and 16% of white mainline Protestants. Since active evangelicals form a large bloc of GOP primary voters, Romney faces a major potential roadblock on his road to the nomination.

Social issues are clearly being overshadowed by domestic issues such as the economy, health care, and the environment, and by the Iraq war and terrorism. At this point in time, 78% of voters say domestic issues are "very important," 72% cite Iraq, and only 38% single out social issues such as abortion and gay marriage. Evangelicals are most likely to cite social issues as very important (56%) but even among this politically potent group, 72% cite domestic issues and 66% see Iraq as very important to their next presidential vote. Republicans are somewhat more likely (45%) to rank social issues as very important than are Democrats and Independents (36%). Only 28% of white Catholics and mainline Protestants rank social issues as very important, as do 33% of the religiously unaffiliated and 42% of black Protestants.

Other findings include:



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Religion Remains Important, *continued from page 3*

• “The Republican Party continues to hold a substantial advantage over the Democratic Party in terms of being seen as more friendly to religion.”

• 61% of voters say they are “less likely” to vote for an atheist and 45% are reluctant to vote for a Muslim. Opposition is lower for Mormons (25%), Evangelicals (16%), Jews (11%) and Catholics (7%). The Catholic figure is amazing, since only a generation ago, opposition to a Catholic president was 30% in national polls.

• Voters say Mitt Romney is the most religious candidate while Hillary Clinton, despite her life-long Methodism, is the least religious.

• 37% of voters say “non-religious liberals have too much control” over the Democratic Party, a decline of 7% since 2005, while 43% of voters, unchanged since the last poll, say “religious conservatives have too much control over the Republicans.” Evangelicals are more critical of the Democrats (52% to 27%), while the religiously unaffiliated are more critical of Republicans (63% to 29%). Significantly, more mainline Protestants and Catholics see the Republicans more unfavorably in religious terms than they do the Democrats.

• Most Americans still think it important for the president to “have strong religious beliefs.” Thirty-nine percent “mostly agree,” 30% “completely agree,” while 27% “disagree.” Fifty-four percent of evangelicals completely agree as do 43% of black Protestants, but only 8% of the religiously unaffiliated (62% of the unaffiliated disagree, the only group expressing majority opposition). However, voters seem comfortable with candidates who are seen as “moderately” or not too religious. More than 40% are uncomfortable with politicians seen as too religious.

• Voters see nothing improper with journalists asking politicians about their religious beliefs (58% to 37% endorse such inquiries with majorities in all groups agreeing), but voters in all religious categories, including evangelicals, oppose church endorsement of candidates (63% to 28%). Catholic opposition to church endorsement is 68%, match-

ing that of the unaffiliated, and even evangelicals are opposed to formal church endorsements (53% to 38%).

• Stem cell research (SCR) receives 51% to 35% support, with Democrats (60% to 26%) and Independents (55% to 32%) in favor, while only 37% of Republicans favor such research. Most liberals (69%) and moderates (61%) favor SCR while only 35% of conservatives do. Catholics are far more supportive than Protestants (59% to 44%), while 68% of the unaffiliated endorse SCR. Evangelicals are opposed by 57% to 31%. Black Protestants are evenly divided, with 20% undecided.

• Gay marriage is opposed by 55% to 36% of those polled by Pew. Religion is a major factor in determining opinion on this issue. Evangelicals are opposed 81% to 14%, as are black Protestants (64% to 25%). Mainline Protestants and Catholics are closely divided, while the religiously unaffiliated favor same-sex marriage by 60% to 30%.

Ideology is as important as religious affiliation on the same-sex marriage issue. Liberal Democrats favor it 71% to 26% while conservative Republicans oppose it 83% to 11%. Slight majorities among moderates are opposed. Church attendance is a determining factor, as weekly church-goers are opposed 73% to 21%, while occasional attendees are in favor 47% to 43%.

Support for legalized abortion in “most or all cases” outnumbers opposition by 52% to 43%, somewhat lower than in previous surveys. The unaffiliated support abortion rights (68% to 25%) as do black Protestants (60% to 37%). Catholics are more supportive (51% to 44%) than Protestants (46% to 49%). Among Protestants there is a sharp division between mainliners (63% to 30% in favor) and evangelicals (65% to 31% against). Liberal Democrats are most supportive of abortion rights (85% to 12%) while conservative Republicans (28% to 69%) are most opposed. Moderates and Independents give 54% to 58% support for keeping abortion legal.

The Pew Research Center surveyed 3,000 adults during August 2007. ■

Prof Slams Biased Bible Course

A fundamentalist-slanted Bible course aimed at public schools has come under fire by a noted religion scholar. The curriculum developed by the Greensboro, North Carolina-based National Council on Bible Curriculum in Public Schools (NCBCPS), has been adopted by several hundred school districts, though the exact locations are heavily guarded secrets.

Mark A. Chancey, associate professor of religious studies at Southern Methodist University, said the NCBCPS curriculum’s “overall level of quality is strikingly low.” In the September 2007 issue of the highly respected *Journal of the American Academy of Religion*, Chancey wrote, “Early editions include hand-drawn charts and graphics. Most editions—with some improvement in the 2005b version—are replete with capitalization, punctuation, and sentence construction errors; factual

errors; unsubstantiated claims; faulty logic; and unclear wording. Exercises are based almost entirely on memorization of biblical stories.”

The group’s curriculum has been revised in recent years, supposedly to answer objections from critics. The curriculum is suffused with both literalist interpretations of Scripture, including a 7-day creation and a young earth theory, but argues that Noah’s Ark could have had room for 40,000 animals.

Chancey added, “The overall impression the various editions convey is of an inability to differentiate between pseudoscience, urban legends, fringe theories, and mainstream scholarship as well as between faith claims and nonsectarian descriptions.... In short, students will leave this course with the understanding of the Bible apparently held by most members of the NCBCPS and with little awareness of views held by other religious groups...”

Chancey also noted that the curriculum takes David Barton’s line promoting America-as-a-Christian Nation and distorts the meaning of church-state separation to fit Christian Nation mythology.

Chancey concluded, “The various editions of this curriculum have been filled with factual errors, fringe scholarship, and plagiarism. With its promotion of a fundamentalist Protestant understanding of the Bible and a revisionist history of the United States as a distinctively (Protestant) Christian nation, the curriculum appears not to pass legal muster. Its growing use reflects the increasing influence of Christian Americanist ideology as well as the need for greater involvement of religious studies scholars in the issue of religion and public education.” ■

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Manipulating the Blocs: Candidates Appeal to Religious Voters

During late summer and fall, several presidential candidates aimed their appeals at groups of religious voters, invoking both issue stands and emphasizing similar religious convictions. A parallel story is the growing angst and unhappiness expressed by numerous Religious Right leaders about the major Republican candidates, the party most receptive to evangelical and Religious Right influences.

Organized **Religious Right** forces have followed the debates and polls with growing unhappiness. None of the four leading GOP contenders is seen as the embodiment of their hopes, though Southern Baptist leader Richard Land has been trumpeting the attributes of former Tennessee Senator Fred Thompson, the late entrant into the field. The possibility of a Giuliani nomination has led to increasing speculation that disillusioned evangelicals may mount a third-party challenge. Focus on the Family chieftain James Dobson seems to be leading this effort. In a *New York Times* op-ed (October 4), Dobson stated that abortion was the bottom-line issue. Referring to a September 29 gathering in Salt Lake City of 50 “pro-family leaders,” Dobson bluntly warned, “If neither of the two major political parties nominates an individual who pledges himself or herself to the sanctity of human life, we will join others in voting for a minor-party candidate.”

Rev. Donald Wildmon, a United Methodist minister and chair of the American Family Association, echoed that sentiment in an interview with *The Washington Times* (October 5). “If Giuliani gets the nomination, it can be said that the Republicans self-destructed.” Wildmon was not enthusiastic about a third-party, but was not opposed to it. He directed his ire at the GOP. “Every six months before an election, Republicans are our best friends, and six days after the election, they don’t even know us. Here’s one thing I’ll say about Republicans. They may not win with us, but they cannot win without us. The leadership needs to think seriously and long about that proposition.”

The fact that all serious GOP contenders skipped a “Family Values” forum in Florida in September indicates the widening rift. Journalist Joe Conason, writing in *salon.com* (October 5) observed, “Such rumblings from the religious right seem ritualistic, issued predictably in election years or whenever Republican politicians show signs of straying from the fold. Many analysts listen, shrug and then predict that the party leadership will somehow accommodate the restive theocrats long before Election Day – and that the imperatives of power will prevail, as usual, over principle.” Conason added, “But this time could be different for the increasingly disgruntled Dobson and his theocratic cohort. ... The Republican Party won’t be ‘finished’ by the defection of the religious rightists – as a few feverish partisans predict – but they have the capacity to make what portends to be a bad year even worse.”

Candidates’ campaigns reflect their religious interest strategies. **Rudy Giuliani**, realizing the suspicion in which he is held by many evangelical rank and file voters, has tried to make an end-run around Religious Right leaders and taken his appeal directly to conservative activists. He has refused to meet with the Arlington Group leaders, an ad hoc gathering of ultraconservatives who have interviewed Mitt Romney and Fred Thompson. He was the last major GOP candidate to respond to an invitation from the Family Research Council to attend its Values Voter Summit in Washington, D.C., in October. But he has attended numerous conservative, but not Religious Right, conferences and “has

met with second-tier conservative leaders,” according to journalist Alexander Bolton. Bolton added in *The Hill*, a Capitol Hill newspaper, that “Giuliani is smart to circumvent the social conservative leaders who are irreconcilably opposed to him and appeal directly to the conservative base.”

Giuliani has done his share of pandering to religious conservatives by endorsing taxpayer-funded vouchers for private elementary and secondary schools at a New Hampshire campaign stop, and supporting the inclusion of prayer in school graduation ceremonies during a campaign swing in Iowa. At a speech to religious conservatives in the nation’s capital, he pledged to use the White House Office of Faith-Based and Community Initiatives to support groups that promote alternatives to abortion.

John McCain made two bombshell statements in September, apparently in an attempt to resuscitate his flagging campaign. At a campaign appearance in South Carolina, McCain said he had been a “practicing Baptist” rather than an Episcopalian for the past 15 years, but he has never officially joined his wife’s Baptist church in Phoenix. Commentators cited his self-classification as an Episcopalian in numerous reference journals during his entire political life. Some saw this as shameless pandering for votes in South Carolina, which has at least 900,000 Baptist voters compared to 50,000 Episcopalians. McCain was soundly beaten by George

W. Bush in the Palmetto State in the 2000 primary.

In an interview posted on *beliefnet.com*, McCain said that “the Constitution established the United States of America as a Christian nation.” While he admitted that he might vote for a Muslim, he said immigrants “know that they are in a nation founded on Christian principles.”

The comment provoked outrage from the Anti-Defamation League, whose leader, Abraham Foxman, sent a letter to the senator, saying in part, “We urge you to reconsider and withdraw your statements describing the United States as a ‘Christian nation’ and a ‘nation founded on Christian principles.’ Not only were your assertions inaccurate, they were also ill-advised for any candidate seeking to lead a nation as religiously diverse and pluralistic as ours.”

McCain was praised by the Christian Coalition, whose spokesperson Jim Backlin said, “McCain’s ‘America is a Christian nation’ comments might make him president.”

Mitt Romney’s campaign cannot seem to overcome the Mormon factor. Polls consistently show a large segment of voters are turned off by Romney’s religious affiliation. One Iowa group, “U.S. Christians for Truth,” led by Richard Green, a retired pastor from Council Bluffs, circulated a flyer saying that “Jesus Christ, if he were alive in the flesh in this time and voted, would NEVER vote for Mitt Romney under any circumstances. Mitt Romney represents Mormonism, which is counterfeit Christianity, a cult.”

Dr. Robert Jeffress, pastor of the powerful First Baptist Church of Dallas, condemned Romney at a church service on September 30. “Mitt Romney is a Mormon, and don’t let anybody tell you otherwise. Even though he talks about Jesus as his Lord and savior, he is not a Christian. Mormonism is not Christianity. Mormonism is a cult. ... It’s a little hypocritical for the last eight years to be talking about how important it is for us to elect a Christian president and then turn around and endorse a

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Manipulating the Blocs, *continued from page 5*

non-Christian. Christian conservatives are going to have to decide whether having a Christian president is really important or not.”

It is not unusual for this Dallas megachurch to be involved in partisan, i.e. pro-Republican, politics. In 1960 pastor W.A. Criswell told worshippers that John F. Kennedy’s election would result in “the death of a free church in a free state” and that the U.S. would succumb to “Roman Catholicism’s bloody hand.”

Trying to deflect criticism and emphasize common values he shares with evangelicals, Romney told the evangelical magazine *Christianity Today* (September) that his “priorities include abortion and same-sex marriage” and that Americans “want a president who will preserve the values and culture of America.” He also tried to blame “secularists” for “bias against believers.”

“In terms of the relationship between the faiths, I don’t see any particular differences. I know the media today focus far more on people of faith. In some circles, the bias against believers is pronounced. There are some people who would like to establish a religion of secularism in this country to replace all others. So people of faith are routinely scrutinized in a way they were not when my dad ran in 1968.”

Romney’s flip-flops on abortion and gay rights (once for, now against) have not helped him, either. Wrote Michael Kranish in the *Boston Globe* (October 5), “Romney has sought for more than a year to convince evangelicals that they should support him despite their concerns about his Mormon faith, which many evangelicals see as a non-Christian religion, and his past support for abortion rights and some forms of gay rights.”

The Log Cabin Republicans, a Republican organization that supports gay rights, has targeted Romney in TV ads that will air in Iowa and on cable. The ads emphasize Romney’s 1994 campaign promises to advance human rights protection for gays and lesbians and to preserve abortion rights. It is difficult, though, to see who benefits from these ads, though they are probably designed to cast Romney as a switcher who cannot be trusted. Log Cabin president Patrick Sammon is thought to be a Giuliani supporter.

On October 11, the Romney campaign made a breakthrough when Mark DeMoss, an evangelical publicist and onetime staffer for Rev. Jerry Falwell, endorsed Romney. DeMoss said, “I am more concerned that a candidate shares my values than he shares my theology.” Southern Baptist DeMoss has become an unpaid adviser to the Romney campaign. Romney also copped a major endorsement from Bob Jones III, chancellor of fundamentalist Bob Jones University in Greenville, South Carolina. Jones told the *Greenville News* that he preferred Romney’s “erroneous faith” to the “lack of religion” of Hillary Clinton and Rudy Giuliani. “This is all about beating Hillary,” Jones said. In Hollywood, evangelical entertainer Pat Boone is counted among Romney supporters.

Romney also placed first in a straw poll conducted on October 20 by the Values Voter Summit, a Washington, D.C., gathering of Religious Right activists. Romney edged out Mike Huckabee 28% to 27%, while all other candidates were far behind.

At the Religious Right rally, Romney pounded “secularism” as the enemy of all religious people. “The effort to establish an anti-religion in America—the anti-religion of secularism—has got to come to an end. We’re a nation under God and we do place our trust in him.”

Moving?

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Romney is receiving sympathy from many Jewish Republicans. He was cheered at a presidential forum hosted by the Republican Jewish Coalition in Washington, D.C., in October (though “the most enthusiastic applause went for Giuliani,” according to a press report). Wrote Jennifer Siegel in *The Jewish Daily Forward* (October 26): “As the former Massachusetts governor continues his quest to win over Christian conservatives deeply suspicious of his Mormon faith, Jewish Republicans are sounding a note of tolerance within the GOP. Many long ago came to view their party’s Evangelical wing as a close ally in the fight to protect Israel. At the same time, though, some Jewish Republicans say they would be uneasy if Romney fails with the party’s base solely because of misgivings about his faith.”

Fred Thompson has made the rounds of Christian conservative groups but did not seem to excite the rank and file. He also got into some trouble when he told a questioner in South Carolina that he did not attend church at his residence in Virginia, though he attends his mother’s Church of Christ congregation when he visits Tennessee.

His conservative campaign rhetoric does not match his Senate record, which was more moderate on several issues. In a September speech in Iowa, he claimed to have a “100% record against abortion” but later said that women who obtain abortions during the first trimester should not face criminal penalties. However, authorities “can do whatever they want to with abortion doctors, as far as I’m concerned, but if it comes down to giving criminal sanctions to a 19-year-old girl and her mama, I’m against that.” Thompson called for a constitutional amendment to curb judicial review over same-sex marriage decisions unless the legislature has approved it, a confusing view. Pandering to the nativist bloc, Thompson advocated measures to expel illegal immigrants from the U.S.

Some Clinton-haters have not forgiven Thompson for voting against the perjury charge against President Clinton, even though Thompson voted to find Clinton guilty of obstructing justice.

Thompson was the only candidate to attend the Iowa Christian Alliance banquet on September 29, which featured David Barton, the far-right lecturer whose books on U.S. history advocate Christian reconstructionism and theocracy.

Some hard-line religious conservatives also see Thompson as mushy on the same-sex marriage issue. Writes W. James Antle III in the conservative *American Spectator* (October 2): “Most religious conservatives support a constitutional amendment that would prevent states or the federal government from defining marriage as anything other than a union between a man and a woman. Thompson prefers an amendment that would prevent state or federal judges from imposing same-sex nuptials on an unwilling public, focusing on judicial activism rather than the definition of marriage.”

Mike Huckabee lags in the polls but has received increasing support from fellow Baptists and evangelicals, mainly due to his previous career as a Baptist preacher (and Arkansas governor). The *New Man*, a Pentecostal-oriented magazine that started out as the official journal of the Promise Keepers movement, featured Huckabee on the cover of its July/August issue, declaring him “one of our own.” The magazine’s publisher, Stephen Strang, is a Religious Right zealot and a supporter of Christian Zionism in the Middle East.

As Religious Right critic Sarah Posner notes in *The American Prospect* (August 16), “Strang is no newcomer to Republican politics. He helped George H.W. Bush in his 1988 campaign, and after being an early supporter of John Ashcroft in the 2000 race, later became an avid George W. Bush backer. His own imprint published Stephen Mansfield’s glowing campaign biography, *The Faith of George W. Bush*, and he has continued to be a cheerleader for Bush and the Iraq War, even as the public’s support for both has hit rock bottom. While Strang shares fellow conservative evangelicals’ reactionary views on abortion and homosexuality, he also has been at the forefront of pushing for apocalyptic

war in the Middle East.” Huckabee indicated general support for this view in an Iowa address.

Also backing Huckabee are Michael Farris, the home-schooler and founder of Patrick Henry College, and Texas evangelist James Robison.

Huckabee’s near-win at the large Religious Right gathering in Washington was surely helped by his preacherly rhetoric. Receiving several standing ovations, Huckabee invoked religious code words. He said conservatives need a candidate who speaks “the language of Zion as a mother tongue,” compared himself to “the prophets of old, the ones who spoke truth to power” and said, “It’s a lot better to be with David than Goliath.” It was obviously aimed at Protestant evangelicals who are steeped in Biblical language and who would prefer to vote for a fellow believer.

Amy Sullivan, writing in *Time*, said that Religious Right leaders and their followers are pulling apart. The leaders want a winner; the rank and file are impressed by Huckabee’s religious credentials. “If religious voters heed Mike Huckabee’s call again once the real voting begins, the battle between the purists and pragmatists in the Christian Right may well be settled in Iowa,” she wrote.

The Democrats have both problems and opportunities when confronting religious issues and religion-based voters. As a party, they are far more comfortable with diversity. The party has far more members, voters and office-holders who are Catholic, Jewish, Eastern Orthodox, Muslim, Buddhist, Hindu and secular than the overwhelmingly white Christian (mostly Protestant) GOP. But Democrats need to connect with the large and now politically active evangelical Protestant community. At least, that is the conventional wisdom emanating from Democratic campaign staffs.

All three major Democratic contenders have senior staffers in charge of religious outreach. Clinton hired Burns Strider, a former Southern Baptist missionary, as her “director of faith-based operations.” Howard Dean’s Democratic National Committee maintains a Faith in Action program run by a Pentecostal minister. But they may be ignoring their best hope for party gains next year. Eve Conant writes in *Newsweek* (October 1): “For now, the Democrats’ best target may be Hispanics, the fastest-growing subset of evangelicals. They voted strongly in support of Bush in 2004, but many are now angered by the GOP’s handling of immigration.” Several Hispanic evangelical leaders are flirting with the Democrats, but the party has yet to capitalize on these gestures.

Hillary Clinton, the front runner, made an interesting appeal to pro-science voters in October and couched her opinions in a religion-friendly way. Accusing the GOP of waging a war on science, the New York Senator said, “I believe in evolution, and I am shocked at some of the things that people in public life have been saying. I believe that our founders had faith in reason and they also had faith in God, and one of our gifts from God is the ability to reason.” Her statement will probably resonate with mainline Protestants and Catholics.

Somewhat surprisingly, Clinton was attacked from the left by journalists Kathryn Joyce and Jeff Sharlet for being “part of a secretive religious group that seeks to bring Jesus back to Capitol Hill.” In “Hillary’s Prayer” in the September/October issue of *Mother Jones*, the authors charge: “Through all of her years in Washington, Clinton has been an active participant in conservative Bible study and prayer circles that are part of a secretive Capitol Hill group known as the Fellowship.”

The Fellowship runs the annual National Prayer Breakfast and the daily Senate Prayer Breakfast. The group’s ideas, say Joyce and Sharlet, “are essentially a blend of Calvinism and Norman Vincent Peale.”

The authors acknowledge that Clinton has a right to her own religious views and that the Fellowship is officially nonpartisan. But they detect a whiff of conservatism in the venture. “The Fellowship isn’t out to turn liberals into conservatives; rather, it convinces politicians they can transcend left and right with an ecumenical faith that rises above

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politics. Only the faith is always evangelical, and the politics always move rightward.”

Clinton, however, is polling well among voters of all religious persuasions—except white evangelicals. One exception is country and western singer Merle Haggard, who has endorsed Clinton and written a song for her campaign. He told *Time* writer Joe Klein, “. . . I’m a born-again Christian too, but the longer I live, the more afraid I get of some of these religious groups that have so much influence on the Republicans and want to tell us how to live our lives.”

The other Democrats have done little to ingratiate themselves with specific religious communities. Even former **Senator John Edwards**, who is an active United Methodist, has had little to say about any religious influences that might come to bear on his policies. Writes Ariel Sabar, staff writer for *The Christian Science Monitor* (September 20): “For Mr. Edwards, a Southern Baptist-turned-United Methodist, faith is deeply felt but intensely private, a refuge after family tragedy and a daily source of wisdom, but not a platform for politics.”

Edwards told Sabar, “My belief in Christ plays an enormous role in the way I view the world. But I think I also understand the distinction between [my faith and] my job as president of the United States, my responsibility to be respectful of and to embrace all faith beliefs in this country. One of the problems that we’ve gotten into is some identification of the president of the United States with a particular faith belief as opposed to showing great respect for all faith beliefs.”

Barack Obama made a “faith tour” of Iowa, and a “40 Days of Faith and Family” campaign in South Carolina, where he recounted his conversion to Christianity in a megachurch in Greenville, a fundamentalist stronghold that has gone Republican since it backed Nixon over Kennedy in 1960.

A candidate’s personal religious beliefs may not mean as much to voters as some in the media have assumed. A poll by Associated Press – IPSOS found that “faith or belief in God” was seen as “an important quality in a presidential candidate” by only 8% of Republicans, 1% of Democrats and 4% of all voters. (Other polls, phrased differently, show a higher response). However, John C. Green, senior fellow at the Pew Forum for Religion and Public Life, observed: “The volume of discussion about religion is much higher than in the 2004 cycle.”

Senator Charles Grassley, a moderately conservative Iowa Republican and member of a church associated with the conservative Baptist General Conference, told the Sioux County (Iowa) *Index-Reporter* that trying to identify the Republican Party with Christianity has “hurt” the GOP. “That does turn some people off,” the long-time Iowa Senator said. “I believe in the big-tent approach. We ought to be open to anybody who shares our conservative economic, political and social views. . . . But I believe that you can make those arguments without using the religious point of view.” ■

Officers Slapped for Religious Bias

The Defense Department's inspector general found that four generals and three other military officers, including the Pentagon chaplain, improperly participated in a fundraising video for an evangelical Christian group, Christian Embassy. The 47-page report released in August said the officers stepped over the line of propriety (not to mention church-state separation) with this ten minute video filmed in 2005 on behalf of Christian Embassy, an offshoot of Campus Crusade for Christ. The inspector general concluded that the officers, in uniform and at Pentagon offices, violated rules of ethics. "The overall circumstances of the interviews emphasized the speakers' military status and affiliation and implied they were acting within the scope of their official positions as DoD spokespersons," the report concluded.

The report is the latest in a series of confrontations between evangelical activists and those who argue for a religiously inclusive military. The Military Religious Freedom Foundation, founded by retired Air Force lawyer Michael Weinstein, requested the review and urged congressional oversight hearings into religious bias in the Armed Forces. Weinstein wrote that the report "confirms the intentional dismantling of the Constitutionally mandated wall separating church and state by some of the highest ranking officials in the Bush Administration and

the U.S. military."

One of the officers involved, Air Force Major General John Catton, Jr., told investigators that he considers Christian Embassy "a quasi-federal entity." The Embassy has long engaged in evangelistic activities among military leaders, politicians and diplomats since its founding in the 1970s by the late evangelist Bill Bright.

The *Washington Post* praised the report and called for greater scrutiny of government-sponsored religious activities. In an August 13 editorial it said, "The Pentagon's inspector general has concluded that seven current or former military officers, including two major generals and the Pentagon chaplain, violated ethics rules when they appeared in uniform in a promotional and fundraising video for the evangelical group Christian Embassy. The report on Christian Embassy, an offshoot of Campus Crusade for Christ that recruits diplomats, government leaders and military officers, underscores the need for Pentagon officials, both uniformed and civilian, to be more careful about mixing religious activities with government duties. . . . What's important here is not policing appearances on an obscure video. It's getting government officials to understand how their actions may appear to those of a different faith or none at all." ■

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Conservative Scholar Blasts Bush, Congress

Nina Shea, former director of Freedom House and now director of the Hudson Institute's Center for Religious Freedom, accuses the Bush administration of ignoring "crimes against humanity" in Iraq, crimes largely resulting from the U.S. invasion.

Shea, writing in the *Washington Post* on August 27, says that Christians are being systematically driven out of Iraq and some have been killed. Members of several ancient religions, the Mandeans and the Yazidis, as well as Christian groups tracing their ancestry to the days of the Apostles, are fleeing Iraq in droves, after genocidal attacks on their communities by Islamic extremists.

Shea wrote, "Pascale Warda, a Chaldean Christian who survived four assassination attempts, one of which killed her four bodyguards, while serving as Iraq's interim migration minister, told the Commission on International Religious Freedom of the 'desperate' plight of Iraq's internally displaced people and the sense of abandonment they feel. Shortly afterward, the Senate went into recess without acting on a House humanitarian aid measure."

Christians, who are now less than 4% of Iraq's population, constitute 40% of its refugees. Christian and Jewish communities in the past served as "moderating influences" whose "very presence highlights pluralism," writes Shea. Most have fled the Muslim Middle East.

Shea accuses the Bush regime of indifference. "This crime against humanity has gone unnoticed by the Bush administration and Congress. Iraq's Catholic-Chaldean, Syriac Orthodox, Assyrian, Armenian and Protestant Christians; and smaller Yazidi and Mandaean communities are seen as inconsequential. They don't sponsor terrorism, hold political power or have strong regional allies. Because they do not cause trouble, they are ignored."

Shea, a member of the U.S. Commission on International Religious Freedom, concludes, "The United States has no policies designed to protect or rescue them. Worse, it has carried out policies heedless of their effect on Iraq's most vulnerable." ■

The Other Candidates on Church and State

In our past two issues, we have profiled the leading presidential candidates, concentrating primarily on their positions on church-state issues. This final survey focuses on the candidates who, so far at least, have made little headway in the polls but are still expected to be on the ballot in the early primaries and caucuses.

Democrats:

Christopher Dodd has been a Senator from Connecticut since 1980 and served in the House for six years prior to that. He has thus spent more than half his life in elected public office. Though born and bred in Connecticut, he did not go to Yale Law School but got his law degree from the University of Louisville after serving in the Peace Corps.

Dodd is considered one of the most distinguished and knowledgeable Senators, and has a reliably liberal voting record (95% to 100% in recent ADA ratings).

He is pro-choice and voted against the partial-birth abortion ban, supported a sense of the Senate resolution to support *Roe v. Wade* on March 12, 2003, and opposed a federal constitutional ban on same-sex marriage. Dodd voted on June 21, 2002, for a bill to provide access to abortion services for U.S. military personnel and their dependents stationed overseas. He supported additional federal funds to prosecute hate crimes and opposed a bill that would withhold funds from schools that prohibit the Boy Scouts from using their facilities, both regarded as pro-gay rights votes. He voted against the abortion gag rule and the Clarence Thomas nomination.

Dodd has been a reliable vote for church-state separation. As far back as 1978, when he was a House member, he voted against the Packwood-Moynihan Tax Credit Bill.

Dodd is a Catholic in the Kennedy-Brennan mold and a 1966 graduate of Providence College, a Dominican-related university in Rhode Island.

Rep. Dennis Kucinich represents the 10th Congressional District of Ohio, which includes most of the west side of Cleveland and the western and southern suburbs of Cuyahoga County. Cleveland is historically one of the most ethnically diverse cities in the country, with substantial Hungarian, Italian, Slovenian and other immigrant groups settling here in large numbers. Cleveland's City Council was once called a "Little United Nations." Kucinich, himself of Eastern European ancestry, was elected to the City Council at the age of 23 and became mayor eight years later. Controversial and unpopular, he was defeated in the next election in 1979. A political comeback occurred when he won a state Senate seat in 1994 and his Congressional seat in 1996.

According to the *Almanac of American Politics*, "Kucinich has a mostly liberal voting record but has been a centrist on social issues. Long an opponent of abortion, he voted present on two anti-abortion bills in 2002. After he launched his 2004 presidential campaign, he changed his position completely." He is now firmly pro-choice and has said he would only support (or name if he were president) a Supreme Court justice who is "committed to supporting *Roe v. Wade* and a woman's right to choose." (He did vote to ban "partial birth" abortion, however, on April 5, 2000).

Kucinich is co-chair of the Progressive Caucus. His presidential campaign in 2004 netted 617,284 votes, or nearly 4% of all Democratic primary ballots cast. He ran in every primary, taking 16% in Oregon, 10% in Montana, and 9% in Ohio.

He opposed D.C. school vouchers, bans on human cloning, and a

federal ban on same-sex marriage. He opposed a bill permitting states and local governments to display the Ten Commandments on public property, which passed the House on June 17, 1999.

Kucinich, a Catholic, is married to his third wife, which places him in the same relationship with the church as Mayor Giuliani of New York.

The surprise of the 2008 Democratic primaries is the candidacy of former Alaska **Senator Mike Gravel**. Gravel, a native of Massachusetts, moved to Alaska and beat Senator Ernest Gruening in the 1968 Democratic primary, won the general election and was reelected in 1974. (His claim to fame was his involvement in the "Pentagon Papers" affair and his opposition to the Vietnam War.) Revenge came in 1980 when Clark Gruening ousted Gravel in the Democratic primary. The intra-party fight cost the Democrats the Senate seat to Frank Murkowski in November, though Ronald Reagan's presidential landslide in the state may have caused any Democrat to lose.

Gravel, of French Canadian ancestry, was raised Catholic in Springfield, Massachusetts, but became a Unitarian in adulthood.

Since Gravel has been out of public life for nearly three decades, he has rarely expressed himself on current church-state issues. As a Senator, he opposed the Packwood-Moynihan tuition tax credit plan for faith-based (then called parochial) schools in an August 15, 1978, vote. On June 24, 1980, Gravel also voted against a tuition grant plan for parochial schools sponsored by Senator Daniel Moynihan of New York. Both of those bills were rejected by a Democratic-led Senate during the Carter White House years. The 77-year-old would be America's oldest president.

Republicans:

Duncan Hunter has represented the San Diego "inland" suburbs (California's 52nd Congressional District) since 1980. The district is white, prosperous and Republican and also includes a large number of Christian Arabs from Iraq. Hunter, a Baptist and a staunch conservative, was chairman of the Armed Services Committee when the Republicans controlled the House. His concentration has been on military issues, and his social issue votes are reliably conservative. He voted for the "partial birth" abortion ban and for posting Ten Commandments on public property, and supported the San Diego Cross on public land. He voted for D.C. school vouchers and a ban on human cloning in 2003. He missed the vote on banning same-sex marriage.

Ron Paul of Texas is the odd-man out in the GOP primaries. He is the only Republican running for president who is opposed to the Iraq War and calls for an immediate cessation of hostilities and return of U.S. troops. He is clearly the most distinctive of the GOP prospects. A hardy individualist and practicing obstetrician, Paul is an outspoken libertarian who tends to oppose every government project. He favors abolition of the income tax, refuses to accept Medicare or Medicaid payments for his services, and would not allow his children to accept federal education loans, nor does he plan to draw his congressional pension.

Paul has been in and out of the Republican Party, choosing to run for President on the Libertarian Party ticket against George Bush and Michael Dukakis in 1988, when he received 432,179 votes, a fraction of the 91 million votes cast.

For a "libertarian," however, Paul has taken standard right wing
continued on page 10



The Other Candidates, *continued from page 9*

views on most church-state issues. He is adamantly opposed to abortion rights, supporting all the bans passed by successive GOP Congresses, and voted for the Ten Commandments on public property. His libertarian streak shows in three votes in the 108th Congress: He opposed D.C. school vouchers, a ban on human cloning, and a ban on same-sex marriage, all of which he said were not the government's business.

Paul grew up in the Pittsburgh suburb of Green Tree and graduated from Gettysburg College. He was an Air Force flight surgeon and was for a while the only ob-gyn physician in Brazoria County, Texas. At age 72, he is one of the oldest candidates seeking the presidency and would become the nation's oldest Republican president in the unlikely event that he is elected.

Paul calls himself a "Protestant." He grew up in a family of Lutheran ministers, went to a Lutheran college, had his children baptized in the Episcopal church and now attends a Baptist church.

Paul's district is part of the Texas Gulf Coast southwest of Houston. He was elected in 1976, lost a Senate primary to Phil Gramm in 1984, and did not return to Congress until a special election in June 1995.

Tom Tancredo is running for president almost solely on the illegal immigration issue, making him the only one-issue candidate in either party. It has been his cause for years, and he helped establish an Immigration Caucus in the House that has attracted mostly Southern and Western conservatives, whose views smack of Nativism, a nineteenth century political movement (strongest in the two decades before the Civil War) that sought to close the borders and preserve native-white Protestant domination of the nation. Nativism arose again around 1920 and caused major immigration restriction legislation to pass Congress that resulted in the lowest immigration to the U.S. in history, despite the fact that the U.S.A. is often called "a nation of immigrants." Presidents Kennedy and Johnson championed immigration reform, and Congress overhauled immigration laws in 1965, primarily by removing the national origins quotas which discriminated against those not from Northern European ancestry groups. Now, four decades later, concerns over "illegal" immigration and "amnesty" (or regularization of status) for those already here, as well as calls to reduce even legal immigration, are making this a hot-button issue, particularly among Republican primary voters.

Tancredo represents one of America's wealthiest areas, the Denver suburbs that constitute Colorado's Sixth Congressional District. It includes fast-growing Douglas County, the nation's most affluent county in median household income, according to the 2000 census. Posh towns like Englewood and Cherry Hills anchor the district.

Tancredo grew up in an Italian immigrant family on the north side of Denver and was elected to Congress in 1998. Before that, he was head of a libertarian think tank, the Independence Institute, in Golden, Colorado.

Tancredo is a staunch advocate of Religious Right issues, anti-choice and anti-gay rights. He has criticized some of his presidential primary foes for being "insufficiently pro-life," and supported the posting of Commandments on public property. He favored D.C. school vouchers, and voted for bans on human cloning, partial-birth abortion, and same-sex marriage.

Born a Catholic, Tancredo became an agnostic and then joined the Evangelical Presbyterian Church, a small conservative denomination claiming 63,000 members in the U.S. His one-issue candidacy could be a wild card, since he attracted 14% of the votes in the Iowa Straw Poll in August, and his rhetoric has pushed other candidates to adopt more strident anti-immigrant stances, which some GOP activists think will help the party in rural white America in 2008.

Just as Sam Brownback withdrew from the GOP race in October, the old workhorse of the Religious Right, **Alan Keyes**, returned for

another race. Keyes, a onetime Reagan administration official and anti-abortion activist, had sought the Republican nomination twice before, in 1996 and 2000. Running as a kind of "right to life" purist, Keyes received fairly substantial support from the party's hard-right fringe.

In 2000 Keyes ran in every GOP presidential primary except Indiana and the District of Columbia and received 914,548 votes, or 5.3% of the total (George W. Bush won 63% and John McCain 30%). Keyes took 21% in fiercely conservative Utah, 20% in Arkansas, 19% in Idaho and 18% in Montana. (He received only 7% in his home state of Maryland.)

In 1996 Keyes received 449,459 votes, or 3.2% of the presidential primary total votes. His highest support that year came in New Jersey (7%) and Pennsylvania (6%).

Keyes ran for the U.S. Senate against Barack Obama in Illinois in 2004, losing in a landslide by 72% to 28%, the worst Republican showing in history in the Land of Lincoln.

Keyes is vigorously opposed to abortion, gay marriage and stem cell research and has espoused the "Christian nation" thesis. As he announced for another race for president, Keyes said he would "raise the standard... of our allegiance to God and his authority that has been the foundation stone of our nation's life." He is a Catholic but received little support from Catholic Republicans in his previous presidential tries. He has never held elective office, having also been defeated twice in races for the U.S. Senate in Maryland (1988, 1992). ■

Stem Cell Foes Undermine Missouri Law

Opponents of Missouri's stem cell law approved by voters last year have introduced bills in the legislature to bar certain types of research and have created a climate so hostile to research that the future of the initiative is clouded. The prestigious Stowers Institute for Medical Research has suspended plans for a \$300 million expansion, citing a "persistent negative political climate" toward embryonic stem cell research. The University of Missouri lost \$85 million in state funds that were intended for a new research facility.

Now a new obstructionist campaign has begun. A group called Cures Without Cloning submitted paperwork on August 22 to the Missouri Secretary of State's office for a constitutional amendment to appear on the November 2008 ballot. The measure, if enough voters petition a referendum, will ban all forms of human cloning. Writes Lucie Wolken in the *Columbia Missourian*: "The new proposal, without specifically repealing last year's measure, attempts to reverse a key portion by creating a new definition for banned human cloning activities. It also would bar tax dollars from going to such cloning research."

Supporters of stem cell research say the new campaign is deceptive. Connie Farrow, a spokesperson for the Missouri Coalition for Lifesaving Cures, sponsor of the 2006 proposal, retorted, "We have already banned human cloning. We make it a felony punishable by up to fifteen years in prison and a \$250,000 fine. We believe that Missourians understood this issue. It's reprehensible that this group would suggest that Missourians were too stupid to know what it was that they were doing. At the end of the day, that is what they are saying, that you were tricked, that you didn't understand fully what it was that was being presented before you."

Wolken also noted, "The new ballot initiative would add another definition to the Missouri Constitution that would encompass – and ban – somatic cell nuclear transfer. But it would not repeal the old definition, leaving contradicting sections in the constitution." ■

Social Issue Voters Differ From Other Republicans

A new Pew Research Center survey shows that Republicans whose primary issues are “social” i.e. religious and cultural, are more likely to be evangelical Protestants, political conservatives, “strong” Republicans, and weekly churchgoers. They are more likely to be women and belong to the working class rather than professionals, in comparison to other Republicans and Republican-leaning Independents. They also are less likely to be college graduates and to be affluent.



The survey, released October 15, showed 43% of Republicans could be considered social-issue voters. About 70% of social issue voters attend church weekly, compared to 39% of other Republicans. Nearly 55% of them are white evangelical Protestants compared to 23% of other Republicans. White mainline Protestants outnumber evangelicals among the non-social issue voters. A majority of social issue voters are women and working class, compared to about 40% of other Republicans.

	<i>% of Social Issue Republicans</i>	<i>% of Other Republicans</i>		<i>% of Social Issue Republicans</i>	<i>% of Other Republicans</i>
Male	48	58	White evangelical Protestant	55	23
Female	52	42	White mainline Protestant	13	31
Professional class	34	48	Catholic	14	23
Working class	51	38	All other religions	18	23
Attend church weekly	70	39	Conservative	80	58
Occasionally	19	38	Moderate	17	37
Seldom/never	10	23	Liberal	2	4
			Strong Republican	54	32
			Weak Republican	46	68



The Voucher Watch

Americans vs. School Vouchers

Taxpayers can get stuck with paying for faith-based and other private schools only when lawmakers can enact voucher or similar schemes without getting voter approval. That’s what happened in Wisconsin, where the state supreme court thumbed its nose at the state constitution, Ohio, Florida, and Arizona. Ohio’s plan was upheld by the U.S. Supreme Court only because the Court’s 5-4 majority chose to ignore the reality of facts on the ground.

But whenever voters have had a chance to vote on vouchers or their variants, as has occurred in 25 statewide referenda from coast to coast over the last 40 years, they reject them by an average margin of two to one. Interestingly, the 39th annual Phi Delta Kappa/Gallup poll of public attitudes toward education, released in August, showed opposition to vouchers nationwide at 67% to 33%, exactly the same as the average referendum. And the PDK/Gallup poll did not even call attention to the pervasively sectarian and discriminatory nature of the vast majority of nonpublic schools.

Other findings of this year’s PDK/Gallup poll: By 69% to 28% respondents believe that the federal No Child Left Behind (NCLB) Act forces teachers to “teach to the test,” and 79% of those who held that view of the NCLB program said that it is a “bad thing”; by 66% to 31% respondents opposed allowing school boards to contract with private profit-making outfits “to run the entire operations of public schools”; 67% of respondents gave an A or B rating to the school their oldest child attends, while only 16% gave A or B grades to schools nationally (In other words, the school my kid attends is good, but the rest of the schools in the country are not, which is obviously a response

to the unfavorable publicity given to public education by media and theocon/neocon voucher advocates.); 85% think that all students should learn a second language; lack of adequate funding is regarded as the biggest problem facing public education in the U.S.

—Edd Doerr

Milwaukee Voucher Program

A conservative think tank has challenged one of the central premises of the voucher movement, namely, that competition from private schools (funded in part by public tax dollars) will spur public schools to higher achievement levels. The conclusion of the study of the Milwaukee voucher program, released in October by the Wisconsin Policy Research Institute, was neither flattering nor positive.

Students attending voucher schools do not make significant improvement in their standardized test scores, and parents were not particularly involved in the schools’ programs, according to researcher David Dodenhoff, the report’s author. Nor was there evidence of increased parental involvement in Milwaukee public schools since the voucher program went into effect a decade ago.

Journalist Alan J. Borsuk noted, in the *Milwaukee Journal-Sentinel*: “Milwaukee has been a national laboratory for school reform such as the voucher program, yet there is little evidence that it has yielded substantially improved academic results—at least so far.”

Dodenhoff noted that overall educational reforms are interrelated and must be pursued vigorously, especially within the MPS (Milwaukee Public System). Dodenhoff concluded, “Relying on public school choice and parental involvement to reclaim MPS may be a distraction from the hard work of fixing the district’s schools. . . . The question is whether the district, its schools and its supporters in Madison are prepared to embrace reforms more radical than public school choice and parental involvement.” ■

Updates

Americans Ambivalent on Rights

Sixty-five percent of Americans believe the nation's founders intended the U.S. to be a "Christian nation" and 55% think the Constitution created one, according to a survey released in September by the First Amendment Center. The same survey, conducted annually since 1997, found that only 56% believe that freedom of worship should extend to all religions—down from the 72% who said that in 2000.

First Amendment scholars commented on some of the survey's findings:

"While the survey shows Americans highly value religious freedom, a significant number support privileging the religion of the majority, especially in public schools. Four decades after the Supreme Court declared state-sponsored religious practices unconstitutional in public schools, 58% of respondents support teacher-led prayers and 43% favor school holiday programs that are entirely Christian. Moreover, 50% would allow schools to teach the Bible as a factual text in a history class.

"The strong support for official recognition of the majority faith appears to be grounded in a belief that the United States was founded as a Christian nation, in spite of the fact that the Constitution nowhere mentions God or Christianity. Of course, people define 'Christian nation' in various ways—ranging from a nation that reflects Christian values to a nation where the government favors the Christian faith. But almost one-third of respondents appear to believe that the religious views of the majority should rule: 28% would deny freedom to worship to any group that the majority considers 'extreme or on the

fringe."

The New England Survey Research Associates polled a national sample of 1,003 adults between August 16 and 26.

Federal Creationism Funds Withdrawn

Senator David Vitter (R-LA), who was recently caught up in the Washington "Madam" scandal, has tried to refurbish his image among "family values" voters. He earmarked \$100,000 in a spending bill for a Louisiana Christian group that challenges the teaching of evolution in public schools. The money was included in the labor, health and education financing bill for fiscal year 2008. The funds were earmarked to the Louisiana Family Forum "to develop a plan to promote better science education." The Forum was founded in 1999 by then state Rep. Tony Perkins, who now heads the Family Research Council, a Religious Right lobby in Washington.

Bill Walsh, head of the New Orleans *Times-Picayune* Washington bureau, wrote on September 22, "The group's stated mission is to 'persuasively present biblical principles in the centers of influence on issues affecting the family through research, communication and networking.' Until recently, its Web site contained a 'battle plan to combat evolution,' which called the theory a 'dangerous' concept that 'has no place in the classroom.'"

The group is supposed to be nonpolitical. Walsh continued, "The group's tax-exempt status prohibits the Louisiana Family Forum from political activity, but Vitter has close ties to the group. Dan Richey, the group's grass-roots coordinator, was paid \$17,250 as a consultant in Vitter's 2004 Senate race. Records also show that Vitter's campaign

ARL in Action

Edd Doerr spoke to a packed house at Leisure World Community Center in Silver Spring, Maryland, on September 25.

Al Menendez's article "The Battle for Sunday Baseball" appeared in *Liberty* magazine's September-October issue.

Doerr's recent letters to the editor have appeared in *The Washington Times*, *The Christian Science Monitor*, *The Los Angeles Times*, *The Christian Century*, *The National Catholic Reporter*, and *USA Today*.

The New Encyclopedia of Unbelief (Prometheus Books, 897 pp., \$199), just off the press, contains articles on Benjamin Franklin and James Madison written by Edd Doerr. The book will be reviewed in a forthcoming *Voice of Reason*.

ARL joined with thirty religious, civil rights, education and science organizations urging the U.S. Senate to remove an earmark that would fund a creationist curriculum in the science classroom, even though such action has been uniformly prohibited by federal courts. Critics, including ARL, maintain that the Louisiana Family Forum, a Religious Right and creationist organization, is not eligible for \$100,000 in public money to promote the teaching of creationism in public school science classes. (The effort was successful. Senator Vitter withdrew the earmark.)

ARL joined its partners in the CARD (Citizens Against Religious Discrimination) coalition on two issues. One involves the attempt by the Bush administration to use RFRA (the Religious Freedom Restoration Act) to exempt faith-based organizations from statutory nondiscrimination provisions. World Vision, an evangelical group, received \$1.5 million from the Department of Justice in 2005 and

received a bypass from observing the nondiscrimination provision (which relates to religious bias in hiring). CARD asked Rep. Henry Waxman to exercise committee oversight over administration attempts to circumvent legislation designed to preserve religious nondiscrimination in hiring.

CARD also warned of the implications of a religious exemptions provision to the Employment Non-Discrimination Act, which passed the Senate and is heading for House debate. The House version may face an amendment by Rep. Peter Hoekstra (R-MI), which would broaden religious exemptions for "faith-based missions," thereby weakening protections against discrimination.

ARL joined nearly 150 signatories, including ACLU and Catholics For a Free Choice, in urging decreased funding for the Bush administration's abstinence-only programs, which have not achieved their goals despite \$1.5 billion of federal taxpayer dollars.

Medical anthropologist Lynn M. Morgan's article "When Does Life Begin? A Cross-Cultural Perspective on the Personhood of Fetuses and Young Children," originally published in ARL's 1990 book *Abortion Rights and Fetal 'Personhood'*, has been republished in the textbook *Talking About People: Readings in Contemporary Cultural Anthropology*, edited by Robert J. Gordon, William A. Haviland, and Luis A. Vivanco (McGraw Hill, 2006). The material in the ARL book was the basis for an *amicus curiae* brief to the U.S. Supreme Court, signed by 12 Nobel laureate scientists and 155 other distinguished scientists, in 1989 in *Webster v. Reproductive Health Services*.

employed Beryl Amedee, the education resource council chairwoman for the Louisiana Family Forum.

“The group has been an advocate for the senator, who was elected as a strong supporter of conservative social issues. When Vitter’s use of a Washington, D.C., call-girl service drew comparisons last month to the arrest of Sen. Larry Craig, (R-ID), in what an undercover officer said was a solicitation for sex in an airport men’s room, Family Forum Executive Director Gene Mills came to Vitter’s defense.”

On October 17, Vitter withdrew the earmark after vigorous criticism from a coalition of opponents, including Americans for Religious Liberty.

IRS Drops Church Suit

The Internal Revenue Service ended an investigation into an anti-war sermon delivered shortly before the 2004 election by a guest speaker at All Saints Episcopal Church in Pasadena, California. In a September 24 letter to church officials, IRS announced closure but insisted that the sermon was “illegal,” prompting church officials to ask the agency for an apology and a corrected record. According to *Los Angeles Times* staff writer Rebecca Trounson, “The church also has asked the Treasury Department, which oversees the IRS, to investigate allegations that officials from the Justice Department had become involved in the matter, raising concerns that the investigation was politically motivated.”

The investigation began in June 2005 when IRS warned the prestigious church that its tax-exempt status was in jeopardy. Though the church no longer faces loss of tax exemption, the application of IRS rules relating to church involvement in public issues remained uncertain, said All Saints officials, who also added that legal representation had already cost parishioners \$200,000.

The limp IRS withdrawal was called “puzzling” by Loyola Law School professor Ellen Aprill, who chided the agency for not explaining how a discussion of public policy issues without making a formal endorsement of candidates, as in the All Saints case, was held to have violated existing IRS regulations.

Rep. Adam Schiff, a Democrat in whose district All Saints is located, defended the church and sought a GAO probe into the IRS investigation. He told the *Los Angeles Times*, “The real message from today is that the IRS picked on the wrong church. They thought that All Saints would fold up the tent and admit it was wrong...but instead they found a church that would stand up for itself.”

New York Says No

New York State health commissioner Richard F. Daines announced on September 20 that he is turning down this year’s federal grant for abstinence-only education programs. Dr. Daines said, “The Bush administration’s abstinence-only program is an example of a failed national health care policy directive.” He added that the policy was “based on ideology rather than on sound scientific-based evidence that must be the cornerstone of good public health care policy.” The amount rejected is \$3.5 million from federal funds, in addition to \$2.6 million in state funds that will now be redirected to other health education programs.

On the same day the New York Civil Liberties Union issued a report charging that about half of the 40 groups teaching abstinence education in public schools were faith-based, and that the state did not monitor the content of the programs. New York ranked second to Texas in federal funds granted to abstinence-only education.

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

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

Thank you, Edd Doerr, President

Catholic Schools Seek Charter Status

Seven Washington, D.C., Catholic schools are seeking to become public charter schools in order to stave off huge deficits in the archdiocese’s school system. One sticking point is the fate of 550 low-income voucher students who attend the church’s schools under the D.C. voucher program. They constitute more than a third of the students affected by the possible changeover in status. Charter schools, which are widespread in D.C., are also required by law to be nonsectarian. Judith E. Schaeffer, legal director of the People for the American Way, told the *D.C. Examiner*: “Taxpayer dollars are going to schools that can’t stay afloat, and we feel the money should be going back into the public school system.”

IRS Issues Guidelines on Churches

The Internal Revenue Service recently updated its guidelines concerning political activities in nonprofit organizations, including churches, and how such activities could affect their tax-exempt status. There are 21 situations where election-related activities by nonprofits could violate the IRS code. The revisions are far from clear-cut, however, as Catholic News Service noted on August 3: “For example, a church leader’s remarks or writing about a political campaign might or might not put the church’s tax exemption at risk, depending on a variety of factors – among them, whether the leader is commenting on a legislative issue or a particular candidate; whether the leader makes clear that he or she is speaking as an individual and not as a representative of the church; whether the organization authorized the leader’s actions; and whether he or she is speaking or writing in an official church forum or publication.”

“Appearances by candidates before church groups or educational materials prepared by the church before an election can put the church’s tax exemption at risk, or not, depending on these and other factors – whether all candidates are given equal treatment, whether the materials do or do not state the church’s position on topics addressed by the candidates, and whether the church’s political activity is consistent throughout the year or is timed to favor one candidate over another during the period preceding an election.”

Indiana Ends Chaplaincy

Indiana ended a controversial chaplain’s position in the state Family and Social Services Administration on September 23. In May the Freedom From Religion Foundation filed suit challenging the program’s constitutionality. While chaplains serve in some police and fire department

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ments, the position in a large state bureaucracy was deemed unprecedented and unnecessary. The state terminated the program in August but allowed Rev. Michael Latham, the chaplain, to draw disability pay until September. The pilot program was deemed a failure by a report in the *Indianapolis Star*. A spokesperson for the state government admitted that the program failed to meet its goals.

Polygamous Police Officers Removed

Four of the six full-time police officers in Colorado City, Arizona, have been fired because all belong to the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS), which practices polygamy. The practice, which is banned by U.S. and state laws, is widespread in this Mohave County town that straddles the Utah border. Two other officers may be replaced by the Arizona Peace Officer Standards and Training Board. An investigator with Mohave County, Gary Engels, said the town was a theocracy. "That's the problem here. It's totally controlled by the church, and anybody outside the church is going to have a hard time," Engels told the Associated Press.

Buddhists Clash with Environmentalists

A Buddhist group's decision to dump hundreds of eels, frogs and turtles in the Passaic River brought them into conflict with the New Jersey Department of Environmental Protection (DEP) in August. The Amitabha Buddhists did not have a permit and may be fined \$1,000. DEP biologist Mark Boriek told the *Herald News* of West Patterson that nonnative species of wild life could harm the ecosystem. He added that the Passaic River had been cleaned up in recent years. A spokesperson for the small Buddhist sect, based in New York, said they were trying to keep the animals, bought at a Chinatown market, from dinner tables.

House Resolution Pleases U.S. Muslims

A unanimous House vote on October 2 commemorating the Islamic holy month of Ramadan pleased the Muslim community. "During this time of conflict, in order to demonstrate solidarity with and support for members of the community of Islam in the United States and throughout the world, the House of Representatives recognizes the Islamic faith as one of the great religions of the world," the resolution reads. Corey Saylor, of the Washington-based Council on American-Islamic Relations, said the resolution is a "recognition that American Muslims are becoming a part of the fabric of American society," according to Religion News Service (October 5). Some Republicans and one Democrat abstained, while GOP presidential candidate Tom Tancredo (R-Co.) called it "political correctness" by the "political and media elite."

Birth-Control Foe Appointed

The Bush administration appointed an ardent opponent of birth control to manage family planning programs at the Department of Health and Human Services. The October 15 naming of Susan Orr, a former employee of a Religious Right lobby, the Family Research Council, is seen as another election-oriented payoff to the party's religious conservatives. Orr will oversee an annual grant program of \$283 million to provide contraceptive services, counseling and health screening for low-income families. Back in 2001 Orr lauded a Bush proposal to

Church Funding, Italian Style (and Swedish, too)

"One factor now spurring religious competition in Europe is the availability of State money that traditionally flowed almost entirely to established churches. It still does, but the process is more open.

"In Italy, the state used to pay the salaries of Catholic priests, but in 1984 it began letting taxpayers choose which religious groups get financial support. The proceeds of a new 'religious tax' of 0.8% are now divided, according to taxpayer preference, among the Catholic Church, four non-Catholic churches, the Jewish community and a state religious and humanitarian fund.

"The result is an annual beauty contest ahead of a June income-tax deadline, as churches try to lure taxpayer money with advertising campaigns. Catholics get the lion's share – 87% of nearly \$1.2 billion in 2004, the last year for which figures are available.

"Sweden has also overhauled church financing. In 2000, the government gave up formal control of the Church of Sweden. With great fanfare it replaced what had been a church 'tax' with an annual 'fee,' still collected by tax authorities, levied on Church of Sweden members.

"For the first time, taxpayers were told what they owed in cash – instead of being given just a percentage figure, which is typically under 1% of household income. Church of Sweden membership dropped abruptly, and the church launched a publicity drive pitching religion. Membership stabilized, though church-going continued to decline. Still, the established church last year received around \$1.6 billion in membership fees via state tax collectors. The church also brings in some \$460 million in funeral-and-graveyard administration taxes."

Andrew Higgins, Wall Street Journal (July 14, 2007)

cease requirements for birth control services in federal employee health insurance plans, telling the *Washington Post* that "fertility is not a disease."

Alabama Adopts Bible Textbook

Alabama's state board of education unanimously adopted *The Bible and Its Influence* as the textbook of choice for high school Bible elective courses. The text, prepared by the Bible Literacy Project, has been deemed superior to rival fundamentalist texts by scholars and critics, but is not without its own flaws. (See "The Bible Goes to School" by Edd Doerr in *Voice of Reason*, No. 94, pp. 7-8.) All 543 Alabama public high schools will soon be provided with the curricula for the proposed courses. Alabama's decision in October makes it the first state to designate one particular textbook for use in its schools. *The Bible and Its Influence* is currently used in 163 schools in 35 states. Bible Literacy Project chairman Chuck Stetson told Standard Newswire, "This means that any school in the state of Alabama can purchase our textbook with state-provided funds until 2013."

Faith-Based Prisons Proliferate

The Associated Press reported (October 13) that thirteen states have "faith-based" prisons which separate inmates by religion. At present 24 prisons house 1,660 inmates in special dorms where religion, usually a

version of evangelical Protestant Christianity, is stressed along with job training and life skills. At least one program, in Iowa, has been challenged in federal court and found unconstitutional. Critics argue over effectiveness, recidivism rates and religious bias. The report concluded: "Nationally, federal experts estimate that two-thirds of inmates released from state prisons are re-arrested for serious offenses within three years, and 52 percent go back behind bars. Proponents of faith-based programs insist they can achieve lower rates. But supportive data remains scarce, and some skeptics say the programs 'cherry-pick' motivated inmates who would be less likely to re-offend under any circumstances."

Independent criminologists say there is no evidence that the programs reduce re-incarceration over the long haul and, if they do, it may be a result of the selectivity and maturity of the inmates, most of whom are in the last two years of their terms. Some critics have charged anti-Catholic and anti-Muslim biases pervade the programs. In Texas, for example, only 6% of inmates accepted at the faith-based facility are Catholics, while in other prisons Catholics comprise 20% of inmates.

Outlawing Abortion Does Not Lower Rate

A study published October 12 in the British medical journal *Lancet* concluded that abortion rates are about the same in countries where the procedure is legal and where it is illegal. Reviewing the research, Elisabeth Rosenthal wrote in *The New York Times* (October 12): "A comprehensive global study of abortion has concluded that abortion rates are similar in countries where it is legal and those where it is not, suggesting that outlawing the procedure does little to deter women seeking it. ... The study indicated that about 20 million abortions that would be considered unsafe are performed each year and that 67,000 women die as a result of complications from those abortions, most in countries where abortion is illegal." The information was gathered by using 2003 data in many countries and was conducted by scientists from the World Health Organization in Geneva and the Guttmacher Institute in New York. Africa, where abortion is mostly illegal, has high abortion rates and deaths among women. Illegal abortions account for 13% of maternal deaths in Nigeria. Rosenthal adds, "The wealth of information that comes out of the study provides some striking lessons, the researchers said. In Uganda, where abortion is illegal and sex education programs focus only on abstinence, the estimated abortion rate was 54 per 1,000 women in 2003, more than twice the rate in the United States, 21 per 1,000 in that year. The lowest rate, 12 per 1,000 was in Western Europe, with legal abortion and widely available contraception."

Saudi Muslim School Under Fire

The U.S. Commission on International Religious Freedom called on the U.S. State Department to close a Muslim private school in Fairfax County, Virginia, accusing the academy of teaching religious intolerance. In a report released October 18, the panel said the Islamic Saudi Academy, which operates two campuses in the county, a Washington suburb, of promoting religious intolerance that could harm the United States. School officials denied that their curriculum or textbooks are biased toward other religions. The panel, which never visited the school, cited a 2006 analysis by a private research group that found Saudi textbooks promoted not only hatred but violence toward Christians and Jews. Saudi education officials promised changes in the books. The principal of the Saudi Academy, Abdulrahman Alghofaili, said they had adopted a new "American curriculum" and had eliminated material deemed derogatory.

State Department spokesperson Karl Duckworth told the *Washington Post*: "We continue to engage the government of Saudi Arabia on

the need to address the intolerant references toward other religious groups in their textbooks and in other educational materials. There has been progress...but they still have a ways to go." The Academy, whose enrollment has declined from 1,300 to 1,000 over the past five years, is funded by the Saudi government. The Saudi ambassador is chairman of the school's board of directors.

Religious liberty specialists disagree over whether the U.S. government has jurisdiction over religious schools funded by foreign governments.

Prison Bureau Halts Censorship

After relentless criticism from Congress and civil liberties groups, the federal Bureau of Prisons has ended the removal of "nonapproved" religious books from federal prison libraries. The ostensible reason for the censorship campaign that began in July was concern over Islamic books that advocated violence. However, books by such respected and popular religious writers as Karl Barth, Reinhold Niebuhr and Harold Kushner were removed from libraries. Three inmates in a New York federal prison filed suit challenging the policy on grounds that it violated the First Amendment's free exercise clause. After snippily announcing that it would not change policy, the Bureau of Prisons announced a cessation of the book purges on September 26. Criticism of the Bureau's original actions came from conservatives like Mark Earley, president of Prison Fellowship, and liberals like Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism. A liberal Protestant group, Sojourners, remarked, "The idea of government bureaucrats drafting a list of approved books on religion seems like something out of Soviet-era Russia, not the United States of America, where freedom of religion, even for those behind prison walls, is something we treasure."

VA Bans Religious Flag Ceremony

In October the Department of Veterans Affairs told administrators of its 125 veterans cemeteries to discontinue a "flag folding" ceremony that often accompanies funeral services. A complaint from a family at Riverside National Cemetery in California led to the ruling. Though it is not part of the *U.S. Flag Code*, some ceremonies include verbal descriptions of the 13 folds of the American flag at burial services. The eleventh evokes "the God of Abraham, Isaac and Jacob," the twelfth signifies "God the Father, the Son and Holy Ghost," and the thirteenth "reminds us of the national motto, 'In God We Trust'." No one is certain when this ceremonial addition was made, or how widespread it is. The Air Force does not use it.

International Updates

Beijing: China's State Administration for Religious Affairs has banned Buddhist monks in Tibet from reincarnating without government permission. The ban went into effect in September. This, said the agency, is "an important move to institutionalize management of reincarnation." According to *Newsweek's* Matthew Phillips: "China's true motive: to cut off the influence of the Dalai Lama, Tibet's exiled spiritual and political leader, and to quell the region's Buddhist religious establishment more than 50 years after China invaded the small Himalayan country. By barring any Buddhist monk living outside China from seeking reincarnation, the law effectively gives Chinese authorities the power to choose the next Dalai Lama, whose soul, by tradition, is re-

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born as a new human to continue the work of relieving suffering.”

Philips noted in *Newsweek's* August 20/27 issue “that there could be two Dalai Lamas: one picked by the Chinese government, the other by Buddhist monks.” The present Dalai Lama has lived in exile in India since 1959.

Brussels: A Belgian prosecutor recommended in September that the Church of Scientology stand trial on charges of fraud and extortion. Jean-Claude Van Espen said that his 10-year-long investigation should lead to prosecution against a dozen Scientology leaders for unlawful practices in medicine and illegal business ventures. The Los Angeles-based church announced that its Brussels office would vigorously contest the charges if they are brought by criminal justice authorities.

Cairo: The banned Muslim Brotherhood has issued a political platform that would bar women and Christians from the presidency and would establish a board of Muslim clerics to oversee government policy, similar to the Islamic Republic of Iran. The platform, issued in October, details what an Egyptian government run by the Brotherhood would look like. The group banned Christians, a substantial minority in Egypt, from holding the presidency because the post is said to have certain Muslim religious duties. Women should not head the state because the position “contradicts their nature,” said the document. Critics were livid. “It establishes a religious state,” said Abdel Moneim Said, head of the prestigious Al Ahram Center for Strategic and Political Studies. “It’s an assassination to the civic state.” The Brotherhood was banned in 1954, but its members, running as independents, secured one fifth of parliamentary seats in the 2005 election

Canberra: Australia’s Religious Right has intervened directly in Australia’s parliamentary election scheduled for November 24. The Australian Christian Lobby (ACL) has called upon its members, mostly evangelicals, to vote for only those candidates who oppose abortion and same-sex marriage. ACL also favors retention of the Lord’s Prayer before all sessions of Parliament and endorses a new visa category to help persecuted Christians enter Australia as refugees. The Conservative government of Prime Minister John Howard is close to Christian conservatives. One of its candidates, Rev. Peter Curtis, said homosexuality was “a perversion” that caused its practitioners to “die at higher rates from disease.” (The Conservatives are called the Liberal Country Party in Australia.) The opposition Labor Party is also courting the religious vote, while the Green Party has refused to submit to ACL questions. Meanwhile, Cardinal George Pell, head of the Roman Catholic community, the nation’s largest (at five million members), urged a continuation of the ban on same-sex marriages and adoptions by same-sex couples. There are also four million Anglicans in Australia (many of them evangelicals), and a growing Pentecostal community. One in five voters claim no religious affiliation, and church attendance is lower than in the U.S. but higher than Europe.

Sample Copy

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Kolomna, Russia: Russian Orthodox Christianity now pervades the curriculum in many Russian public schools, no more so than in this town 60 miles south of Moscow. Kolomna, a center of Orthodox monasticism in centuries past, was one of the first cities to adopt a new religion-oriented curriculum about a decade ago. The courses are overseen by Rev. Vladimir Pakhachev, who denied that children of other religions are being forced to study or adopt the Orthodox faith.

Not everyone is so sanguine about the new emphasis on religion. Clifford Levy reported in *The New York Times* (September 23): “The dispute came to a head recently when ten prominent Russian scientists, including two Nobel laureates, sent a letter to President Vladimir V. Putin, protesting what they termed the ‘growing clericalization’ of Russian society. In addition to criticizing religious teachings in public schools, the scientists attacked church efforts to obtain recognition of degrees in theology, and the presence of Russian Orthodox chaplains in the military.

“Local officials carry out education policy under Moscow’s oversight, with some latitude. Some regions require the courses in Russian Orthodoxy, while others allow parents to remove their children from them, though they rarely, if ever, do. Other areas have not adopted them.”

Levy added, “Opponents assert that the Russian Orthodox leadership is weakening the constitutional separation of church and state by proselytizing in public schools. They say Russia is a multiethnic, pluralistic nation and risks alienating its large Muslim minority if Russian Orthodoxy takes on the trappings of a state religion.”

Ottawa: “The religious right is on the rise in Canada. Evangelical Christians remain a religious minority but they are growing in power and political influence.” So writes former Canadian member of Parliament Dennis Gruending in *The Harper Index* for September 26, 2007. Gruending cites data that 64% of church-going Protestants voted for the Conservative Party in the 2006 Canadian elections. This “pronounced religious vote” may be “an emerging reality in Canadian political life.” They were joined by 42% of Catholics who attend church weekly, which was the first time in polling history that Catholic support for the Conservatives exceeded that of the Liberals. Religious voters, apparently unhappy with the state of Canadian society, seemed to unite behind the party of the Right and its new prime minister, Stephen Harper. The Catholic voter swing is serious. “This is significant because Catholics comprise almost half of the Canadian population. Catholics have always had a habit of voting Liberal and if that golden chain is broken, as Grenville [pollster] says it was in 2006, the results could have a profound influence on Canadian society.”

Gruending, a member of the Socialist-oriented New Democratic Party, added: “Even the New Democrats, who long ago drifted away from their religious roots, are attempting to mobilize a religious constituency on their own behalf. The social gospel tradition lives on in people such as MP Bill Blaikie and Saskatchewan’s Premier Lorne Calvert, both United Church ministers, but that flame burns weakly in contemporary Canada. Progressive Christians – in Protestant, Catholic, and even some evangelical congregations – have been marginalized in recent years and are now struggling to have their voices heard by politicians and the Canadian public.”

Sri Lanka: The long-lasting civil war between Hindu Tamils and Buddhist Sinhalese now has a new element: restiveness by another religious minority, the Muslims, who comprise 8% of the island nation’s 20 million people. Reports *The Economist* (October 13): “Potentially more dangerous in the east is the growth of Islamic fundamentalism, as the area’s Muslims strive to forge a sense of independent identity. More women in the east wear the long black *abaya* and ultra-orthodox Islamic groups have grown more popular. The conflict in Sri Lanka gives

the global revival of Islam a particular flavor. Whereas the mostly-Hindu Tamils and mostly-Buddhist Sinhalese have language and history as well as their faith to unite them, the country's Muslims are defined only by their religion."

Strasbourg: The Council of Europe's Parliamentary Assembly adopted a resolution urging its member states to oppose the teaching of creationism in public or state-run schools. The October 4 resolution entitled, "The Dangers of Creationism in Science," said that "creationism cannot lay claim to being a scientific discipline." The resolution criticized "intelligent design" as a "more refined version of creationism presented in a more subtle way."

Not shying from controversy, the resolution, approved on a 48 to 25 vote, defended evolution, saying, "Denying it could have serious consequences for the development of our societies. Advances in medical research with the aim of effectively combating infectious diseases such as AIDS are impossible if every principle of evolution is denied. One cannot be fully aware of the risks involved in the significant decline in biodiversity and climate change if the mechanisms of evolution are not understood. . . . The teaching of all phenomena concerning evolution as a fundamental scientific theory is therefore crucial to the future of our societies and our democracies. For that reason it must occupy a central

position in the curriculum, and especially in the science syllabus, as along as, like any other theory, it is able to stand up to thorough scientific scrutiny."

While not binding on the 47 member states, it is considered an important statement.

Toronto: Ontario voters delivered a rebuke to the Conservative Party after it endorsed public funding of faith-based schools. At present, only Roman Catholic Separate Schools, which educate 30% of Ontario students, and the public schools, attended by 66% of students, receive full funding because of an 1867 law mandating equal funding. While polls show that most voters would prefer to limit public funds for public schools, courts have held that Catholic schools must be funded because of the nineteenth century compromise that enabled Canada to become a nation. Conservative leader John Tory apparently thought extending aid to the 4% (53,000 out of 1.3 million) of students who attend Jewish, Muslim or fundamentalist Christian private schools would be a vote-getter, enabling his party to topple the incumbent Liberals. He guessed wrong. What had been seen as a close election turned into a major defeat for the Conservatives (nicknamed Tories) on October 10. The proposed \$400 million annual cost was opposed by two-thirds of voters, according to a reliable survey.



Church and State in the Courts

On the day the Supreme Court's fall term began (October 1), the justices let stand decisions in two cases that are regarded as victories for church-state separation. Religious Right activists had hoped the High Court would take them.

In the first case, *Catholic Charities of the Diocese of Albany v. Dinallo*, the Court let stand the ruling of the New York Court of Appeals that social service religious organizations must provide contraceptives as part of the prescription drug coverage they offer their employees. Catholic charities maintained that provision of birth control coverage violated their First Amendment right of free exercise of religion, but New York's highest court disagreed. Eight Catholic organizations, two Baptist churches, and an Orthodox Jewish group filed a petition asking for a Supreme Court review. In 2004 the Court denied cert in a similar case brought by Catholic Charities in Sacramento, California.

The decision affects 23 states that require employers offering prescription benefits to employees to cover birth control drugs and devices. "Every state court that has heard this case has affirmed that the law helps to provide access to basic health care. Today's decision by the Supreme Court not to consider the case protects the religious freedom of women and families," said JoAnn M. Smith, president and CEO of Family Planning Advocates of New York State.

In the second case, *Faith Center Church v. Glover*, the Court let stand a 9th Circuit Court of Appeals decision that public libraries did not have to make their facilities available for religious worship services. An evangelical group claimed that it had been discriminated against by a library in Antioch, California. The church was represented by the Alliance Defense Fund, a Religious Right legal advocacy group.

On opening day the Court heard oral testimony in a case involving New York City's challenge of a court ruling mandating that the public school district pay for private school tuition for a special education student who was never enrolled in public schools (*Board of Education of the City of New York v. Tom F.*). On October 10 the Court let stand a ruling that required the city to pay the tuition. The unusual 4 to 4 vote, with Justice Anthony Kennedy recusing himself, affects only New York, Con-

necticut and Vermont, the states covered by the U.S. Court of Appeals for the Second Circuit.



An evangelical Methodist group that once ran the New Jersey town of Ocean Grove as a private entity filed suit in federal court in August, charging the state of New Jersey with trying to force them to allow a civil union ceremony for a lesbian couple. The Ocean Grove Camp Meeting Association denied a request for a civil union ceremony at its Boardwalk Pavilion, which is used for Sunday worship services, weekday Gospel concerts, and daily Bible classes. The Pavilion is also used by the general public and was the site for wedding ceremonies until New Jersey's civil union law for same-sex couples went into effect on February 19.

The federal court may have to determine whether the Pavilion is a private or a public place in reaching a decision. The New Jersey Division on Civil rights opened an investigation into complaints of discrimination against the couple, thus triggering the lawsuit. The Camp Meeting Association hired the Alliance Defense Fund (ADF), a Religious Right lobby, to handle the case, provoking more controversy.

ADF charged that the state is violating a church's First Amendment rights "by subjecting this patently religious entity to an illegal investigation and threat of prosecution under the law" and causing a chilling effect on the group's rights to "unfettered religious expression, association and free exercise of religion." Garden State Equality chairman Steven Goldstein said, "This is public property by virtue of its public use for many decades."

State Attorney General Stuart Rabner said that civil unions must be performed, when requested, wherever marriages are held, but clergy may decline to participate if they have "sincerely held religious beliefs." The place for the ceremony was not addressed, however, in his advisory opinion.

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Ocean Grove has a long history. It was chartered in 1869 by Methodist clergy as a seaside resort owned entirely by the church community, which functioned as the civil government. All buildings and private homes still pay rental leases to the Camp Meeting Association. For a century, the group banned Sunday swimming and maintained strict restrictions on Sunday commercial activities, until the U.S. Supreme Court ruled in 1979 that religious and civil authority had been fused to such an extent that it violated the First Amendment's ban on religious establishment.

Even after that ruling, the town remains "dry" and the beach cannot open until 12:30 p.m. on Sundays. Ironically, Ocean Grove now has a large gay community which is given credit for revitalizing local businesses.

Area Congressman Frank Pallone chided the association for filing a lawsuit to protect its religious identity and noted, "They've taken state, federal and local funds by representing that they are open to the public."

On September 18, Lisa Jackson, state commissioner of environmental protection, refused to recertify the pavilion as eligible for a real estate tax exemption that it has received since 1989. Jackson told the Association, "It is clear that the pavilion is not open to all persons on an equal basis."

Most of the Association, outside the pavilion, remains tax exempt.



The 220th anniversary of the signing of the U.S. Constitution was the occasion for the filing of a federal lawsuit against the Department of Defense by a soldier who claimed the government violated his religious freedom. Spec. Jeremy Hall, a soldier assigned to Fort Riley's Military Police Battalion in Kansas, was denied a right to hold a meeting for atheists and other non-Christians. Hall alleges that a superior officer, Major Paul Welborne, blocked his attempt to hold a meeting at a base in Iraq and threatened to block his reenlistment.

Hall is being supported by Mikey Weinstein, president of the Military Religious Freedom Foundation, who told the Associated Press, "We're going to expose the pernicious practice and pattern of these massive violations of the Constitution. That we had to go to this extent is just a heinous disgrace that defies any possible explanation." Weinstein said the military was promoting "compulsory religious practices" and interfering with Hall's free speech and religious freedom rights. Weinstein has also threatened to sue over alleged anti-Semitic Bible studies posted by the Fort Leavenworth Command Chaplain's Website. He added that his foundation has received 6,000 complaints from military men and women protesting religious harassment in the increasingly evangelical-dominated U.S. armed forces.

Hall's case was filed on September 17 at U.S. District Court in Kansas City, Kansas.



The 3rd U.S. Circuit Court of Appeals heard oral testimony on October 3 in a case involving a New Jersey football coach's practice of encouraging and participating in prayer with his players. For 23 years, Coach Marcus Borden had encouraged his players to pray until some players, cheerleaders and parents protested. The school district ordered him to desist, but he claimed that prayers were "voluntary" and "student-led." A lower court last year accepted his argument that his actions were not religious in nature, but the school district, backed by Ameri-

cans United, appealed. The case, *Borden v. School District of the Township of East Brunswick*, "is pushing the courts to decide the boundaries of acceptable religious activity for coaches and other educators in public schools," wrote *Washington Post* staff writer Robin Shulman on October 7.

Shulman added, "Historians say that prayer has been fused with American sport for at least the past 100 years, but it was not until the late 1970s that football players began kneeling on one knee to pray during games. . . . perhaps no sport is more associated with prayer than football, as teams from the NFL to high schools often pray before games in the locker room, during games, on the sidelines and after games, huddled with opponents in the middle of the field."



Rabbi Avraham Bernstein filed a civil rights lawsuit in federal court in Trenton on August 29, charging that local officials in Freehold Township, New Jersey, are violating his right to worship at his home. Bernstein, who is represented by the evangelical Protestant Rutherford Institute, is a rabbi with the Lubavitch Chabad. The township, located in Monmouth County, accused Bernstein of violating local zoning ordinances because he uses his home as a house of worship.



A federal judge denied a Baptist seminary's motion to dismiss a lawsuit filed by a former professor, who claimed she was fired because of her gender. U.S. District Judge John McBryde ruled on September 14 that the suit filed by Sheri Klouda can go forward. Klouda taught Hebrew at Southwestern Baptist Theological Seminary in Fort Worth from 2000 until 2006, when she was dismissed by a new fundamentalist-oriented administration that believes women cannot teach men. Klouda's suit against her alma mater alleges breach of contract, fraud and defamation. Southwestern's president is Paige Patterson, one of the leaders of the fundamentalist take-over of the Southern Baptist Convention a quarter century ago.



A federal court has allowed a Ten Commandments plaque to remain with other historical references in a courthouse in Rowan County, Kentucky. U.S. District Court Judge Karl Forester ruled on September 19 that the Rowan County Fiscal Court's "Foundations" memorial that includes the Declaration of Independence, Magna Charta, Bill of Rights and Mayflower Compact, as well as the Commandments, "does not have the effect of endorsing religion." ACLU had sued the county in 2001, but later rulings by the U.S. Supreme Court and the 6th U.S. Circuit Court of Appeals were cited by Forester as allowing the display.



A federal judge granted a motion for summary judgment against a plaintiff who charged that a California school district violated his religious freedom when he objected to evolution teaching in public school science classes. Plaintiff Larry Caldwell, a lawyer and parent in the Sacramento suburb of Roseville, claimed his civil rights were violated and filed suit against the school district in 2005. The case, *Caldwell v. Roseville Joint Union High School District*, was settled on September 7 when Judge Frank Damrell granted summary judgment, thus denying

Caldwell's claim of religious discrimination. He was supported by the creationist Discovery Institute and a west coast Religious Right legal lobby, the Pacific Justice Institute. Damrell ruled, "This case is not about how biology, including discussions of evolutionary theory can or should be taught in public schools. . . . Rather, this case is about whether Larry Caldwell was denied access to speak in various fora or participate in certain processes because of his actual or perceived religious beliefs." Damrell found no evidence of bias but said the school district had been accommodating of Caldwell's complaints.



Oral arguments were heard on September 14 before the D.C. Circuit Court of Appeals in a case involving religious abuse of prisoners at Guantanamo Bay, Cuba. The case, *Rasul v. Rumsfeld*, centers on four British citizens detained by U.S. forces at Guantanamo, who charged that they were ridiculed and degraded for their Muslim faith for two years before being released without charge. (This is the well-publicized case involving guards who threw copies of the Koran in a toilet, and other indignities).

A lower court held that the Religious Freedom Restoration Act (RFRA), passed by Congress and signed by President Clinton, applies even to claims arising from detention under terrorism laws, but the Bush administration appealed to the D.C. Circuit. A number of religious organizations filed friend-of-the-court briefs on behalf of the plaintiffs, in order to sustain RFRA. They include: American Jewish Committee, Baptist Joint Committee for Religious Liberty, National Association of Evangelicals, National Council of Churches of Christ in the USA, General Conference of Seventh-day Adventists, Presbyterian Church (USA) and the United States Conference of Catholic Bishops.



A controversial Catholic religious order filed suit in circuit court in Alexandria, Virginia, in August seeking to block the dissemination of information the order says is private and confidential. The Legion of Christ, with headquarters in Rome and Mexico, claims that ex-member John Paul Lennon illegally circulated internal documents. A court order requires Lennon, who broke with the group after 23 years of membership, must turn over any Legion property. Lennon is president of a corporation, Regain, Inc., that sponsors the web site regainnetwork.org, which is highly critical of the Legion's practices and secrecy. The Legion's U.S. headquarters are in Connecticut but the suit is filed in Virginia because Lennon is a child and family therapist in Arlington.

Some of the documents circulating on the website are letters written by Legion founder Rev. Marcial Maciel, an 87-year-old Mexican priest who was disciplined by Pope Benedict XVI last year for alleged sexual abuse of seminarians dating back many decades. The Legion presently has 750 priests and 2,500 seminarians and is linked to a lay group of 70,000 called Regnum Christi. Nine former Legion members, including priests, brought charges against Maciel at the Vatican in the 1990s.

Author Jason Berry wrote a 2004 book, *Vows of Silence*, in which he charged that Maciel was "one of the worst pedophiles in the history of the church." Berry defends Lennon's work. He told *Washington Post* staff writer Daniela Deane, "The Legion of Christ is trying to shut down Regain, which is a clearinghouse for information on what the Legion is really about. It shows the group's extraordinary hubris in thinking they can crush an opponent by trampling on the First Amendment."



By the Numbers

- Of active federal judges, 463 have been appointed by Republican presidents, and 350 by Democratic presidents.
 - Democrat Bill Clinton appointed the largest number of judges (330), followed by George W. Bush (274), George H.W. Bush (101) and Ronald Reagan (83). Only 19 were appointed by Jimmy Carter, three by Richard Nixon, two by Gerald Ford and one by Lyndon Johnson. (These are currently serving judges on appeals courts and district courts as of September 4, 2007).
 - 65% of Ronald Reagan's appointments were confirmed by the Senate during his last two years in office when the opposition party was in control. This compares to 64% for George H.W. Bush and 44% for Bill Clinton.
 - The Senate never even voted on 17 nominees of President Clinton.
 - The 9th Circuit Court of Appeals, based in San Francisco, covers the largest number of states (9), in addition to the U.S. territories of Guam and the Northern Mariana Islands.
- Source: Robert Barnes, "The Battle Over Judges," *Washington Post*, September 4, 2007.

A federal appeals court ruled on September 7 that requiring a former prisoner on parole to attend meetings of Alcoholics Anonymous (AA) violated the First Amendment. A unanimous decision by a three-judge panel of the U.S. Court of Appeals for the 9th Circuit held that a Hawaii parole officer, Mark Nanamori, violated parolee and Buddhist Ricky Inouye's constitutional rights by requiring his attendance at meetings which are at least partly religious in nature. Judge Marsha Berzon wrote, "While we in no way denigrate the fine work of A.A./N.A., attendance in their programs may not be coerced by the state." AA's program invokes a "higher power," causing several other courts to conclude that required attendance violates the Establishment Clause.



By a 9 to 6 vote, the full 9th Circuit Court of Appeals ruled on September 10 that a jury's decision to consult the Bible did not nullify their decision in a capital punishment case decided in 1979. In that case, jury foreman Rodney White consulted Biblical verses dealing with capital punishment which allegedly influenced the sentencing deliberations. Stevie Fields was given the death penalty for murdering a student librarian at the University of Southern California.

The appeals court majority denied that the use of the Bible determined the outcome of the case. Judge Pamela Ann Rymer wrote that even if there had been juror misconduct, "we are persuaded that White's notes had no substantial and injurious effect or influence."

The dissenters, led by Judge Marsha Berzon, were adamant that "White engaged in unconstitutional misconduct by injecting his overnight biblical research into the deliberations." Another dissenter, Judge Ronald Gould, said the jury had endorsed "a theocratic jury room."



A Texas judge was accused of violating a citizen's religious liberty by removing him from a courtroom last year after the man refused to remove his turban, an integral symbol of the Sikh faith. The ACLU of

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Church and State in the Courts, *cont. from page 19*

Texas filed suit in federal court in Dallas on August 31 on behalf of Amardeep Singh. The complaint accuses Justice of the Peace Albert Cercone of violating the Texas Religious Freedom Restoration Act. The case arose on June 23, 2006, when an employee in Judge Cercone's courtroom told Singh, who was in court for a traffic citation, to remove his "hat" or be arrested. He complied.

ACLU legal director Lisa Graybill told the *Times of India*, "Judge Cercone not only denied Singh his basic rights to religious practice, he caused him deep humiliation as well. For Singh, the turban signifies devotion to God and is an integral part of a Sikh's identity, just as a yarmulke is for Jewish men or a *hijab* is for Muslim women."

In an interview with India's largest English language daily, Singh said, "I could not believe that here in the United States, a judge, whose job it is to uphold the law, would show such disrespect for my religion."



On August 21 a federal appeals court upheld a lower court ruling that prohibited Bible distribution to fifth graders in Iron County, Missouri. The 8th U.S. Circuit Court of Appeals in St. Louis agreed that distribution of Bibles on public school property by the Gideons International was unconstitutional. The case arose in 2005 when four parents, all Christians, asked that the practice be discontinued, saying it infringed on their rights as parents. The ACLU filed suit in February 2006 after the local school board voted to continue the distribution. A three-judge panel of the Eighth Circuit upheld the district court decision banning the practice. The Liberty Counsel, a Religious Right legal group, supported the school district and is now involved in another suit regarding literature distribution on school property before or after instructional time. Iron County is a rural county (population 10,697) in southeastern Missouri, where Baptists constitute 60% of residents.



A painting of Jesus in a courthouse lobby in Slidell, Louisiana, has been challenged by the ACLU. About a decade ago the Slidell City Court in the New Orleans suburb of St. Tammany Parish erected an Eastern Orthodox icon of Jesus presenting the New Testament. The icon is accompanied by the phrase, "To Know Peace, Obey These Laws."

"We did not file this lawsuit because the ACLU is anti-religion... [but] because we believe this display is clearly in violation of the law," said Vincent Booth, president and acting executive director of the Louisiana ACLU.

The city and parish are being represented by the Alliance Defense Fund (ADF), a Religious Right legal advocacy group, which claimed the U.S. Supreme Court has ruled similar displays on public forums constitutional. However, the Slidell painting contains no secular or historic accoutrements. University of Michigan Law School professor Douglas Laycock said the case could set a precedent.

The case took an odd turn when the court expanded the display to include 15 other historical personages, including John Marshall, Charlemagne, Octavian, Confucius and Hammurabi. U.S. District Judge Ivan Lemelle ruled on September 7 that the overall display is constitutional. Both ACLU and ADF expressed support for the decision.



ACLU's Louisiana affiliate filed suit in federal court in New Orleans on August 13 against the governor and state treasurer for making direct grants to two churches. State lawmakers designated 14 appropriations for churches in the new state budget signed into law in July by outgoing Gov. Kathleen Blanco. Stonewall Baptist Church in Bossier City received \$100,000 and Shreveport Christian Church \$20,000, the two churches challenged in the suit. The purpose of the grants was not clear, according to ACLU, which noted that grants for nonreligious social services would not violate First Amendment principles, as would direct, unrestricted payments. Daniel Mach, litigation director for ACLU's Program on Freedom of Religion and Belief, said, "The government cannot simply choose to subsidize its favorite houses of worship with taxpayer dollars."

On October 5 U.S. District Judge Sarah Vance agreed and blocked the grants. "This government favoritism toward certain churches, together with the lack of a specific secular purpose for the funds, violates constitutional requirements that such government aid be for a secular purpose and not foster excessive government entanglement with religion." Vance issued a preliminary injunction barring the money from being distributed to the churches. An appeal is uncertain, according to the state attorney general's office.



A lawsuit challenging an Indiana chaplaincy program resulted in the program's demise before a court had a chance to rule on the case's merits. In May the Freedom From Religion Foundation (FFRF) filed suit against a new chaplaincy program at the state Family and Social Services Administration (FSSA), that was set up in 2006. The *Indianapolis Star* reported in June that the program had cost the state \$100,000 but had produced nothing. FSSA announced on August 15 that the program had been discontinued, even though its chaplain, Rev. Michael Latham, would still receive a salary because of disability from an undisclosed illness.

FFRF co-president Annie Laurie Gaylor indicated that her group's lawsuit would not be withdrawn until Latham is fired. Latham, an African American who supported the Republican Party, remained as pastor of Renaissance Baptist Church in Fort Wayne, even while drawing his FSSA salary. Latham had been criticized for lacking basic educational credentials for the chaplaincy post, since he lacked both a bachelor's and master's degree, required by the program. Latham receives 60% of his salary under short-term disability status.

The lawsuit said the program violated church-state separation.



Six parents and a former student sued the Round Rock Independent School District in federal court in Texas in August for allowing students to vote on whether to include formal prayers in graduation ceremonies. The plaintiffs contend that the policy violates a U.S. Supreme Court decision that struck down a similar practice in the Santa Fe school district of Galveston County in the same state. The school not only allows the practice but seems to have encouraged it. In 2007, three of the district's four high schools voted to include prayers at graduation. A fourth, Westwood High School, voted against the practice and was forced by district officials to conduct another election. Students again rejected graduation prayer. The case, *Does v. Round Rock Independent School District*, is supported by Americans United and is before the U.S. District Court for the Western District of Texas.



The Freemasons, a historic fraternal order with a quasi-religious orientation, may now be classified as a religion under a California Court of Appeals decision rendered on October 3. Masons might ultimately fall under the protection of a federal law, the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), that says government may not infringe on religious buildings without a compelling state interest. Overruling a lower court, the appeals court issued a seemingly contradictory opinion. It held that Masonry resembled other types of religious entities. "We see no principled way to distinguish the earnest pursuit of these (Masonic) principles... from more widely acknowledged modes of religious exercise." But, at the same time, the court said it could find "no decisions analyzing whether Masonic practices are sufficiently religious in nature to qualify under RLUIPA." In the case at hand, the court held that RLUIPA did not apply since the Los Angeles Scottish Rite Cathedral was used for a "melange of cultural and commercial events with a declining nexus to Masonic principles or other religious exercise;" [therefore] "the Scottish Rite organizations could not claim protection under RLUIPA's 'religious exercise' clause." The question remains whether a future case involving only the more religious aspects of Freemasonry would invoke the provisions of RLUIPA.



A family, supported by the Freedom From Religion Foundation (FFRF), filed suit in October in federal court challenging a school program that encourages religious participation. The program, used for 18 years in the Cherry Creek (Colorado) School District, includes "40 Developmental Assets" for positive activities by students. Number 19 encourages young people "to spend one or more hours per week in activities in a religious institution." The unnamed family's attorney, Bob Tiernan, told CBS 4 TV in Denver, "A public school system shouldn't be recommending students go to church or not go to church. That's an individual decision made by parents and children."

School officials believe the program is constitutionally permissible because it is voluntary and because the religious component is a small part of the program, which also emphasizes homework, and peer group interaction. Tustin Amole, spokesperson for the school district, said, "These are suggestions for families. We don't compel families to follow any of the suggestions or guidelines in there."



Another defeat for those who claim public school teachers have a right to promote their religion in classrooms came when the U.S. Supreme Court declined to hear an appeal of a Virginia teacher. William Lee, a Spanish instructor in York County, alleged that his free exercise and free speech rights were violated in 2004 when his principal made him remove materials advocating the National Day of Prayer and other religious proclamations from his classroom. Lee lost in both federal district court and at the appeals court level. In October the justices declined to review *Lee v. York County School Division* (Case No. 07-140)



The Texas Supreme Court ruled on August 31 that state higher education officials have no authority over seminaries. The case began in

1999 when Tyndale Theological Seminary in Fort Worth sued the state after the Texas Higher Education Coordinating Board ordered the school to quit issuing degrees and calling itself a seminary since it had not been accredited by the state or had its curriculum or faculty approved by the state. Two other seminaries, the Southern Bible Institute in Dallas and the Hispanic Bible Institute in San Antonio, joined the suit.

Judge Nathan Hecht said state education requirements affecting accreditation of seminaries "impermissibly intrudes" upon religious freedom. Writing for the court, Hecht said, "Since the government cannot determine what a church should be, it cannot determine the qualifications a cleric should have or whether a particular person has them. Likewise, the government cannot set standards for religious education or training."

The state had entangled itself in religion and had sought to regulate the nature of seminary education, in the view of the court. "By restricting the terminology a religious institution can use, the state signals its approval or disapproval of the institution's operation and curriculum as vividly as if it hung the state seal on the institution's front door. We think it beyond serious dispute that the statute clearly and excessively entangles the government in matters of religious instruction," Hecht wrote.



Illinois's new moment of silence law, passed by the legislature over Gov. Rod Blagojevich's veto in October, has already provoked a legal challenge. A federal lawsuit was filed October 26 in Chicago by radio talk show host Roger Sherman and his 14-year-old daughter Dawn, a freshman at Buffalo Grove High School, charging that the law is unconstitutional. Illinois joins nine other states in requiring a moment of silence at the start of the school day. Previously, the silence was optional. The law states: "In each public school classroom the teacher in charge shall observe a brief period of silence with the participation of all the pupils therein assembled at the opening of every school day. This period shall not be conducted as a religious exercise but shall be an opportunity for silent prayer or for silent reflection on the anticipated activities of the day."

In his veto message Gov. Blagojevich warned that the requirement could be misconstrued as an occasion to sanction prayer. "The law in Illinois today already allows teachers and students the opportunity to take a moment for silent thought or prayer, if they chose to. I believe this is the right balance between the principles echoed in our constitution, and our deeply held desire to practice our faith."

In 1985 the U.S. Supreme Court, in *Wallace v. Jaffree*, struck down an Alabama law that mandated a period of silence specifically for prayer or meditation. The court reminded legislators that statutes must have a secular purpose. The legislative record in Alabama clearly showed that encouraging prayer was the intent of legislators. A more conservative court in 2001, however, declined to review a federal appeals court ruling that upheld a Virginia law requiring silence for "meditation, prayer or any other silent activity."



An October 30 decision by the 7th U.S. Circuit Court of Appeals may allow "sectarian" prayers to return to the Indiana House. The appeals court ruled that four taxpayers who challenged the practice did not have legal standing to sue. The 2-1 opinion held that since there were no expenditures directly tied to the prayers, the plaintiffs could not sue. Indiana House leaders had traditionally invited guest clergy to

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deliver opening prayers before the sessions, but a lower court held in November 2006 that prayers could not mention Jesus or endorse a particular religion. Indiana ACLU, which filed the initial suit, urged the entire 7th Circuit panel of 11 judges to rehear the case. ACLU attorney Ken Falk urged the legislators to refrain from sectarian prayers, which he said could still be challenged.

Republican leaders pressed for a return to sectarian prayers during next year's session. Democratic House Speaker Patrick Bauer expressed approval of the decision but said he was not certain whether specific sectarian prayers would be appropriate.



The New Horizon Church Ministry, a Harlem-based church that wants to run a faith-based charter school, filed suit in October against New York State, charging that the Charter Schools Act discriminates against religion and is "an attempt by the State to erect a barrier for those who express their religious beliefs from access to public resources." Under New York law, "a charter shall not be issued to any school that would be wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine would be taught." The same is true in all states that allow charter schools, since charters are publicly-funded, alternative public schools. New Horizon, supported by the Gotham Legal Foundation, which describes itself as "a libertarian, center-right group," also charges that the ban on state funding of religious schools is an example of 19th century anti-Catholic bigotry, a so-called "Blaine Amendment." (New York voters rejected a constitutional change in 1967.) Supporters of vouchers have long tried to revoke state bans in 37 states against public funding of sectarian enterprises by claiming the statutes are rooted in anti-Catholic animus. No states have abolished these bans. Even Georgia refused to do so.

The New York challenge is unlikely to succeed, according to George Washington University Law Professor Ira Lupu, who told *Roundtable* correspondent Claire Hughes, "I think it's going to be very, very difficult for anyone in the 21st century to persuade a court, despite the obvious tinges of historical concern, that anti-Catholic animus in the 19th century justifies striking down facially neutral Blaine Amendments in the 21st century. State policies against funding religious schools have been sanitized by the 20th century and its general principles of church-state separation."

In several cases, notably *Brusca v. Missouri* (1972) and *Locke v. Davey* (2004), the U.S. Supreme Court has upheld state constitutional bans on public financing of religious activities that are stricter and more encompassing than the Federal Constitution requires. ■

Garry Wills on Karl Rove

Historian Garry Wills, in his new book *Head and Heart: American Christianities*, (Penguin Press), had this to say about President Bush's political adviser Karl Rove: "His real skill lay in finding how to use religion as a political tool... He shaped the hard core of the Republican Party around resentments religious people felt over abortion, homosexuality, Darwinism, women's liberation, pornography and school prayer... Rove made the executive branch of the United States more openly and avowedly religious than it had ever been, though he had no discernible religious belief himself. His own indifference allowed him to be ecumenical in his appeal to Protestants, Catholics and Jews."

Books and Culture

The Assault on Reason, by Al Gore. Penguin Press, 2007, 308 pp., \$25.95.

In the wake of his successful book and Oscar-winning documentary film, *An Inconvenient Truth*, former U.S. representative, senator, vice president, and winner of the 2000 presidential popular vote Al Gore has given us *The Assault on Reason*, one of the most important political books in the run-up to the 2008 elections.

"The rule of reason," Gore concludes at the end of this must-read book, "is the true sovereign in the American system. Our self-government is based on the ability of individual citizens to use reason in holding their elected representatives, senators, and presidents accountable for their actions. When reason itself comes under assault, American democracy is put at risk."

On his very first page, Gore asks, "Why do reason, logic, and truth seem to play a sharply diminished role in the way America now makes important decisions?" And he answers that "what future historians will certainly describe as a series of catastrophically mistaken decisions on issues of war and peace, the global climate and human survival, freedom and barbarity, justice and fairness" is due largely to the decline of print media (such as they are) and their replacement by entertainment television. He might have, but didn't, refer to the old Roman *pan et circenses* ("bread and circuses"). Hey, what is more important, the adventures of Paris Hilton and Britney Spears or Darfur, Iraq, and global warming? He also explores the role of money and those who have it in the cynical manipulation of public opinion and the concentration of media power in fewer and fewer hands. "The mental muscles of democracy," Gore writes, "have begun to atrophy."

Gore goes on to explore in some detail how psychology, its stepchild "marketing," evolution, and neuroscience explain how television works on the brain more effectively than the printed word of yore. Harness politics to TV and you can dispense with reason and logic.

Of particular importance is Gore's second chapter, "Blinding the Faithful," in which he presents a staunch defense of church-state separation. He cites Jefferson's warning against "the combination of religious dogma and governmental power," Madison's view that "A religious sect may degenerate into a political faction," and excoriates "the global epidemic of fundamentalism—Muslim, Christian, Hindu, and Jewish, among others." He criticizes President Bush as a "fundamentalist politician" who "repeatedly use[s] religious language and symbols in his presentation of his politics," and refers to the "radical Right" as "a political faction disguised as a religious sect, and the president of the United States is heading it." He slams the late Jerry Falwell and others as "cynical, garden-variety political hacks dressed in clerical collars" and Focus on the Family's James Dobson as demonstrating "just how quickly a religious minister could morph into a political attack dog." Power, Gore writes, "is key to understanding the cynical manipulation of faith and the assault on reason."

Turning to the Iraq mess, Gore writes that "If Bush and Cheney actually believed in the linkage that they asserted [between 9/11 and Saddam Hussein]—in spite of all the evidence to the contrary presented to them contemporaneously—that would by itself, in light of the available evidence, make them genuinely unfit to lead our nation. . . . Are they too gullible or too dishonest?" He is also concerned that Abu Ghraib, Guantánamo, and current U.S. disdain for international law could "set up the men and women of our armed forces for payback the next time they are held as prisoners." Beyond the seemingly endless war itself, Gore is genuinely worried that the abrogation of civil liberties regrettably engaged in during previous wars could now enter a phase of long-term or permanent arrogation of power, like something out of Orwell's 1984.

Gore goes over the global environmental crises, pandemics like HIV/AIDS, and the challenges presented by terrorism drug trafficking, and corruption.

In his chapter on “Democracy in the Balance,” Gore explores the mechanics of the Bush administration, such as the unprecedented misuse of “signing statements” to usurp the constitutional lawmaking prerogatives of Congress, the follies of the “faith-based initiatives” (pure politics, according to former White House whistleblower John DiIulio: “the reign of the Mayberry Machiavellis”), and the Karl Rove-guided expansion of executive power, backed now by Bush-appointed Chief Justice Roberts and Justice Alito, not to mention the disastrous duo of Justices Scalia and Thomas and the dreamily otherworldly Justice Kennedy.

“Ultimately, however,” Gore winds up, “no reform measures will save American democracy until and unless we find a way to restore the central role of a well-informed citizenry,” described by Jefferson as “the only true repository of the public will.” He concludes that “the Internet is perhaps the greatest source of hope for establishing an open communications environment in which the conversation of democracy can flourish.” I hope he’s right, as the sound-bite simplicities that now pass for political dialogue and the shrinking and dumbed-down print and entertainment media, controlled by fewer and fewer people, can’t and won’t do the job.

While I can enthusiastically recommend this eminently readable book in this all-too-long lead-up to the 2008 elections, I wish the author had seen fit to include in his discussion women’s rights, reproductive rights, the overpopulation problem (detailed in the Ford administration’s ignored 1975 National Security Study Memorandum 200 report), the crises in American education resulting from inadequate and inequitably distributed funding and the endless campaign to wreck public education by obtaining tax support for faith-based private schools, and health-care and Social Security problems.

As the former vice president sees it, we have maybe ten years to start making serious headway in restoring democracy and dealing with our planetary environmental challenges. We can hope that this book will be an important catalyst.

—Edd Doerr

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Ellery’s Protest: How One Young Man Defied Tradition & Sparked the Battle over School Prayer, by Stephen D. Solomon. University of Michigan Press, 2007, 406 pp., \$29.95.

In November of 1956, just after Dwight Eisenhower crushed Adlai Stevenson for the second time in a presidential election, a 16-year-old student at a high school in suburban Philadelphia engaged in an unusual act of civil disobedience: young Ellery Schempp read a copy of the Koran at his desk during the obligatory school wide reading of ten verses of the King James Bible during daily “devotional” exercises at Abington Senior High School. The action, challenging a Pennsylvania law, led eventually to a culture-altering decision by the U.S. Supreme Court seven years later, rendering such practices unconstitutional since they violated the sanctity of the human conscience and sidestepped the Bill of Rights. (Pennsylvania required Bible reading, and the Lord’s Prayer, though not required, usually followed in most classrooms. The Protestant versions of the scripture and the preferred Protestant usage of the Lord’s Prayer were used exclusively).

The dramatic story of this case (*Abington School District v. Schempp*) from its inception, through several court levels, is admirably brought to life in this richly absorbing tale, reinforced by interviews with many of the *dramatis personae*.

The author, an associate professor of First Amendment law at New York University, weaves a great deal of history concerning religious practices in U.S. public education into his narrative, thus placing the legal issues raised by *Schempp* in context. He also shows what has happened to the issue in the four decades since *Schempp* was decided in 1963. Initially, there was defiance. In Tennessee, for example, only one of the state’s 121 school districts obeyed the High Court and removed Bible reading and devotional exercises. Acceptance of the ruling came gradually and often grudgingly in many states. The rise of the Religious Right has kept the issue in the forefront of debate and makes future conflicts inevitable. “Questions of religion in the public schools will engage lawyers and judges well into the twenty-first century.”

Even though school prayer is likely to remain a contentious issue in the years to come, it is, says Solomon, highly unlikely that the courts will ever backtrack from the crystal clarity of the rulings of 1962 and 1963. “Properly applied, the outcome reached in *Schempp* and *Engel* shouldn’t change no matter how one views the framers’ intentions. . . . The testimony in *Schempp* demonstrated that all prayer and Bible reading is a sectarian practice that promoted some sects and discriminated against others.” He adds, “Prayer is inherently sectarian and has no other purpose than for worship.”

The principles enunciated by the Founders and firmly established in the Constitution have met the test of time. “The religious freedom bestowed by the Bill of Rights in 1791 created a free market that enabled religion to thrive in America. Madison and the founding generation clipped the ties that had long bound civil and ecclesiastical authority. Bound to the state, religion had long sought adherents with fire, sword, and legislative fiat. Unbound, it renewed itself through free competition based on its ability to connect with the human soul, one soul at a time. . . . As freedom produced a proliferation of faiths as well as adherents, so, too, it made prayer and Bible reading in the public schools an idea that no longer worked in a pluralistic society.”

In the even more religiously pluralistic culture of 2007, the Religious Right’s campaign of distortion and denial of history cannot alter the landscape or change the rules.

—Al Menendez

Taking on the Pledge of Allegiance: The News Media and Michael Newdow’s Constitutional Challenge, by Ronald Bishop. State University of New York Press, 2007, 202 pp., \$68.50 hardcover, \$21.95 paperback.

Journalism prof Ronald Bishop offers us two inextricably intertwined stories, that of Michael Newdow’s ultimately thwarted challenge to Congress’ 1954 inclusion of the phrase “under God” in the Pledge of Allegiance and that of the near-hysterical responses to that challenge by the media, the punditocracy, politicians, and the Religious Right. After Newdow won his case in the Ninth Circuit, the Supreme Court vacated the ruling on the ground that Newdow lacked standing to sue.

Bishop records the irrational and generally banal responses to the challenge by all and sundry as they huffed and puffed about Newdow’s threat to the nation, motherhood, and apple pie, responses that reflected a certain timid herd mentality.

U.S.-history-impaired people, including media types, need to be reminded that the Constitution does not mention a deity; that Congress was officially in session on Christmas Day until the 1850s; that the U.S. Senate unanimously approved and President Adams signed a 1797 treaty with Tripoli which stipulated that “the government of the United States of America is not in any sense founded on the Christian religion”; that the “In God We Trust” motto did not appear on any US coin until the middle of the Civil War, not on all coins until the eve of World War I, and not on our currency until 1955.

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Books and Culture, *continued from page 23*

At the end of the day we should be glad that the Supreme Court avoided ruling on the substance of Newdow's challenge because, as ACLU president Nadine Strossen (who wrote the forward to the book) put it, a Newdow win would have led to a constitutional amendment to restore the phrase in the motto that would have "sailed through." I agree and would add that such an amendment could well have done even more serious damage to the First Amendment. Strossen opined that energy would be better spent on other church-state issues. I would also add that had Newdow lost on substance in the Supreme Court, the ruling probably would have been written by either Chief Justice Rehnquist or Justice Thomas and its effects could have been as devastating as a constitutional amendment.

—Edd Doerr

Culture, Identity, and Islamic Schooling, by Michael S. Merry. Palgrave Macmillan, 2007, 228 pp., \$69.95.

Increasing Muslim populations in the U.S. and Western Europe, along with rising tensions between the Muslim world and the West, make this study of Islamic education particularly important. The author provides us with an encyclopedic wealth of information about Islamic education in the U.S., Belgium, and the Netherlands, the last two of which, for historic reasons, provide generous public support for Islamic and other faith-based schools. Especially useful is Merry's demonstration of the insufficiently known or appreciated diversity within the Islamic world—Arabs, Turks, Iranians, Indo-Pakistanis, Indonesians, Sunnis, Shiites, Wahhabis, Sufis, fundamentalists, liberals, secularists, etc.

So far so good. But then the author takes a wild leap through the Twilight Zone to Cloudcuckooland, where with utterly astonishing naiveté he strongly advocates full tax support for Islamic and all other faith-based schools coupled, more astonishingly still, with a level of state supervision and involvement that 99% of U.S. faith-based schools would find unacceptable. It is hard to understand why the author, a specialist in educational philosophy, could know so much about faith-based education in the U.S. and Europe and still support school vouchers or their equivalent.

Merry may know a lot about Islamic schools but he seems woefully

Democracy Under Assault: Theopolitics, Incivility and Violence on the Right

by Michele Swenson

This important, compact, quite readable book could easily have been titled "Everything you might ever want to know about the theopolitical right: personalities, ideologies, agendas, connections, goals, catch phrases, propaganda gimmicks, and methods of operating."

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ignorant of the nature of faith-based education in the U.S. or our 40 years of referenda, opinion polls, and political fights over vouchers. He might care to note the 2007 Phi Delta Kappa/Gallup poll, released in late August, showing opposition to full tax support for faith-based and other private schools at 67% to 33%, almost exactly the average level of opposition to vouchers or their analogues registered in 26 state referenda from coast to coast over the last 40 years.

—Edd Doerr

Manto Púrpura: Pederastia clerical en tiempos del cardenal Norberto Rivera Carrera (Purple Robe: Clerical Pederasty in the Times of Cardinal Norberto Rivera Carrera), by Sanjuana Martínez. Grijalbo, Mexico, 2006, 303 pp., \$20.95.

In July 2007 the Catholic archdiocese of Los Angeles, the nation's largest, agreed to a payment of \$660 million to hundreds of victims of clergy sexual abuse of minors. In September the San Diego diocese agreed to a payout of nearly \$200 million to 144 victims. Added to the huge settlements paid out to victims in the Boston and other church judicatories in recent years, the total bill to the church and its insurers has topped \$2 billion.

This sordid mess has been well documented and analyzed by Rev. Thomas P. Doyle, A.W.R. Sipe and Patrick J. Wall in their book *Sex, Priests, and Secret Codes: The Catholic Church's 2,000-Year Paper Trail of Sexual Abuse* (Volt, 2006), in Mary Gail Frawley-O'Dea's *Perversion of Power: Sexual Abuse in the Catholic Church* (Vanderbilt U. Press, 2007), in the Massachusetts Attorney General's 2003 report, *The Sexual Abuse of Children in the Roman Catholic Archdiocese of Boston*, in the Irish government's Ferns Report, in two books by Spanish psychologist Pepe Rodriguez, and elsewhere.

Now we have Mexican journalist Sanjuana Martínez' thorough exposé of the same problem in Mexico and its links to the mess in California. Unfortunately for most U.S. readers, the book is only available in Spanish.

Among Martínez' findings and conclusions: An estimated 30% of Mexico's 14,000 active priests have been involved in sexual abuse (a figure higher than that found in the US or Spain); Mexican Cardinal Norberto Rivera and Los Angeles Cardinal Roger Mahony both transferred abusing priests from one parish to another, and even shuffled them between the U.S. and Mexico to cover up the abuse, apparently without any squawk from the Vatican; Although church and state are supposedly separate in Mexico, church officials seem immune from civil law; Cardinal Rivera is a poor excuse for a religious leader.

Martínez touches briefly on the case of Austrian Cardinal Hans Hermann Groer, who was protected by the Vatican until the abuse scandal got so bad that 70% of Austrians polled considered him guilty of sexual abuse. Since Austria has a church tax, more than 50,000 Catholics have left the church, costing it three million Euros per year in lost tax subsidies.

It should be noted that these abuse scandals are made public not by secularists but by Catholics themselves.

—Edd Doerr

A Secular Faith: Why Christianity Favors the Separation of Church and State, by Darryl Hart. Ivan R. Dee, 2006, 273 pp., \$26.95.

While Darryl Hart, an evangelical conservative, provides the reader with some useful insights and information, his book is often confusing and he fails to tackle some of the main issues in the church-state field. Nonetheless, he does drop a few pearls of wisdom. Here are some:

"[T]he effort by political conservatives to harness faith-based initiatives to Republican policy prompted religious conservatives to give up something crucial to their Christian faith as well as to the political order

in the United States. . . . If religious organizations maintain that transmitting faith is crucial to their charitable work, and if they seek public funds for that work, the state will be funding proselytizing. This not only violates the clear intentions of the First Amendment but also the convictions of most conservative Protestants who believe that God's people, not state agencies, should support the Lord's work."

"[U]sing Christianity for political ends fundamentally misconstrues the Christian religion."

"Christians may fruitfully participate in political life not as a site of redemption but as an essential part of their humanity. . . . [S]ecular politics is thoroughly compatible with orthodox Christianity."

—Edd Doerr

God's Harvard: A Christian College on a Mission to Save America, by Hanna Rosin. Harcourt, 2007, 296 pp., \$25.00.

Washington Post reporter Hanna Rosin tells the story of Patrick Henry College (PHC), a small evangelical school nestled in the Virginia suburbs of Washington, DC, that aspires to be "God's Harvard" or at least the "Homeschooler's Harvard." Founded in 2000 by Michael Farris, a constitutional lawyer, Baptist minister, and Religious Right bigwig, the school openly proclaims its mission to reclaim America for conservative Protestant Christianity and to train its graduates to take over the government some day—no small ambition.

Rosin embedded herself in the community and ingratiated herself with the college staff, though she is liberal and Jewish and has no particular admiration for PHC. The bird's eye view makes this an intriguing and anecdotal study but also an insightful one. The students are not only all evangelicals, and most home-schooled, but they are far-right Republicans. "On the issues that have come to define the modern Christian right, the students at Patrick Henry generally cleave to orthodoxy."

PHC's most generous backers are Tim LaHaye, a best-selling novelist and zealot, and Jim Leininger, a San Antonio businessman and zealous voucher advocate. Its recruiting brochure includes an endorsement form President George W. Bush. "The College holds a vision for the future of America, a vision which, when fully realized, will have a profound impact upon the course of our nation." Students are given time off from classes to work in Republican campaigns.

All students take courses "proving" the U.S. is a "Christian nation." Rosin describes the ethos: "Students take practical courses in state government, polling, and statistics. They find internships in the offices of Republican politicians or conservative think tanks. . . . In 2003 the college began offering a major in strategic intelligence—students in the program learn the history of covert operations and take internships that allow them to graduate with a security clearance."

Their success rate in Republican Washington is amazing for a new school with only 300 students. "Three times a year, the White House chooses about one hundred students for a three-month internship. Patrick Henry, with only three hundred students, has taken between one and five of those spots in each of the past five years. . . . For the White House, it's also a way to reach out to the base while helping to build a generation of young political operatives. Of the nearly two hundred fifty graduates so far, eight or so have had jobs at the White House (one in Karl Rove's office), dozens of others have been at various federal agencies."

Rosin probes the school's growing pains, symbolized by the departure (or firing) of one third of the faculty over issues related to academic freedom and religious intolerance. The latter is always present. One student was considering joining the Catholic Church. That was a nono. "If Nathan kept flirting with Catholicism, he would have to leave Patrick Henry. Catholics and evangelicals have a long history of animosity, and Patrick Henry continues that tradition."

Political bias on campus remains unabated. "Students described the

Wednesday-morning chapel after the 2006 election as 'like a funeral.' Students were crying and quoting Old Testament passages about evil rulers taking over the land."

This book is a real eye-opener.

—Al Menendez

Faith in the Halls of Power: How Evangelicals Joined the American Elite, by D. Michael Lindsay. Oxford University Press, 2007, 332 pp., \$24.95.

Evangelicals have clearly moved from the margins of society to the centers of power, though sociologists and historians will still disagree about how widespread their influence is in different sectors of society at the present time.

Sociologist Michael Lindsay suggests that they have come a long way in a short time. "Evangelicals populate elite centers like New York and Los Angeles now more than ever. They can be found at the top of nearly every social institution in America, and their influence can be seen in public policy, commerce, and the media." Lindsay explores the use of evangelicalism to prominence in politics, academia, the arts and culture, and the corporate world. Their influence is most pronounced in politics and commerce, less so in the other areas examined. "I have argued that evangelicals' voting behavior is best understood as symbolic action. . . . Especially in the Reagan and George W. Bush administrations, evangelicals benefited from high-level presidential appointments, which brought them into the inner chamber of political power, where they now both push for evangelical priorities and serve as symbols of evangelical influence."

Increasing penetration of the sources of power inevitably leads to problems. One, says Lindsay, is the growing divide between what he calls "cosmopolitan" and "populist" evangelicals. The cosmopolitan breed is "the kind of evangelicalism practiced and embraced by politicians, corporate executives, scholars, and artists." It is likely that "American evangelicalism, as it becomes more cosmopolitan, will become more palatable to nonevangelical observers." The cosmopolitans are more affluent, less sectarian, more tolerant of religious differences and are "sheltered from the world of economic inequality as much as their secular peers are."

The populists are dominated by parallel subcultures and are subservient to dominant leaders who "mobilize" the masses of members for "collective action." They are more powerful at the grassroots, but both streams are politically conservative and are concerned about "legitimacy" or social acceptance.

Lindsay also says that women are underrepresented at all levels of evangelical society, from parachurch groups to other centers of influence.

Are evangelicals taking over the country? Lindsay thinks this is not likely in a pluralistic culture, but they have certainly expanded to the point where their agendas often set the tone of political and cultural conversations. "American evangelicalism has mobilized its resources to build networks of powerful people. Through political influence, academic respectability, creative inspiration, and financial capital, evangelicals have put significant resources into not only advancing their goals but also building the movement. More money can lead to the establishment of new organizations, which, in turn, can generate sources of political power. . . . The evangelical movement has advanced in so many ways that it now wields power in just about every segment of American society."

Under George W. Bush they have reached the pinnacle of success. "Bush has surrounded himself with more evangelicals than any other U.S. president in the last fifty years. Even among nonevangelicals, there is a general affinity for religious faith. . . . The Bush White House has

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consulted with evangelical leaders more regularly and forged closer relations with the evangelical movement than any other administration in recent history.”

Still, they represent only a “fraction” of the many sources of power in the U.S. In conclusion, the author, who interviewed 360 leading evangelicals, writes, “Evangelical public leaders have brought faith convictions to bear in their respective spheres of influence. History will be the judge of whether this contributes to a more enlightened democracy, where engaged citizens use their faith to serve the common good, or whether we have merely witnessed the triumph of another interest group with a distinctive vision for society. What cannot be denied is that these leaders have brought evangelical faith—once confined to the lower ranks of society—into the very halls of power.”

The author does a fairly good job of showing diversity among evangelicals, but he sees the group as a “cohesive” social force. They also tend to act in ways that appear intolerant to outsiders. “Though evangelicals frequently claim to be marginalized and persecuted, they are curiously insensitive to the possibility that minority groups like Jews or atheists might see their efforts as a crusade for domination.”

—Al Menendez

The Divided States of America?, by Richard Land. Thomas Nelson, 2007, 323 pp., \$22.99.

Listed by *Time* in 2005 as one of the “25 most influential evangelicals in America,” Richard Land heads the Southern Baptist Convention’s Ethics & Religious Liberty Committee and has appeared frequently in the media. His book, largely a vacuous parade of pious platitudes, pretends to put forth an evenhanded middle-of-the-road approach to church-state relations between the extremes of “intense secularists” and the wackiness of the fundamentalist “dominionists.” Instead, what he offers is a Religious Right trending tract that gives a whole new set of meanings to the words shallow, superficial, pompous, simplistic, confused, and cynical.

For a guy with an Oxford Ph.D. (sic!) Land makes some really outlandish statements. While he writes that “the vast majority of people in this country . . . have always celebrated Christmas,” the fact is, as Al Menendez shows in his book *The December Wars*, evangelicals like Land

opposed celebrating Christmas until at least the end of the 19th century. He claims that evangelical Christians are “discriminated against” and shows off his knowledge of French by misspelling the French word for “equality.”

In a short (half-page) appendix, Land writes that “. . . Church and state should be separate. . . . The church should not resort to the civil power to carry on its work. . . . The state has no right to impose taxes for the support of any form of religion. . . .” That’s fine, but elsewhere in the book he works hard to make a case for the right of majorities to push their religious views in public schools, a sort of Falwellian “let the moral majority” have the run of schools. He avoids any discussion of the intensifying school voucher controversy, takes a strong stand against freedom of conscience on abortion without intelligently discussing the issue, and goes out of his way to slam former President and fellow Southern Baptist Jimmy Carter and Episcopal priest and former senator John Danforth as being too “secularist.”

Land’s opus is a weak, amateurish, poor thing that deserves to be forgotten.

—Edd Doerr

Suing for America’s Soul: John Whitehead, The Rutherford Institute, and Conservative Christians in the Courts, by R. Jonathan Moore. Eerdmans, 2007, 214 pp, \$18.00 paperback.

The year 2007 not only marks the 25th anniversary of ARL, but it is also the 25th anniversary of the first Christian Right legal advocacy group, The Rutherford Institute (TRI), based in Charlottesville, Virginia. This book tells the story of this group and, by inference, gives the rationale for the development of Religious Right legal groups which have arisen to challenge ACLU, the American Jewish Congress, and other advocates of church-state separation and governmental neutrality toward religion.

TRI grew out of a climate of renewed activism by Christian fundamentalists. “Throughout its first two decades, The Rutherford Institute consistently sought to convince the courts through amicus curiae briefs that religion had become the undeserving target of discrimination and censorship, and therefore merited protection. . . . Because TRI’s founder held the courts responsible for so much of America’s currently sorry state, legal activism did not just make sense, it seemed required.” TRI and founder John Whitehead held a worldview and an interpretation of the Constitution that was (and is) directly antithetical to the prevailing climate. “TRI’s lawyers believed that the founders had almost uniformly esteemed religion . . . carved out a place of primacy for religion in American life.” Moore adds, “According to Whitehead and TRI, the framers so esteemed religion’s cultural and political importance that they drafted a Constitution that provided enormous latitude for religious expression in public life.”

Moore, and such separationist scholars as Derek Davis, point out that TRI’s acceptance of the religion-as-free speech strategy has effectively undermined its central premise. “The religion-as-speech argument succeeded in several late twentieth-century Supreme Court decisions. . . . Free speech arguments have successfully warded off traditional establishment clause concerns regarding state-sponsored recognition or acknowledgements of religion. . . . In the lower federal courts, for example, during that period they prevailed in twenty-nine of the forty-five cases in which they raised the religion-as-speech argument.”

In summary, “The religion-as-speech argument stripped religion of the very constitutional uniqueness it often urged the courts to recognize.”

Whitehead has often departed from the orthodoxies of other Religious Right groups. “In addition to his self-imposed distance from other Christian legal organizations, Whitehead also claimed that Clinton had been a friend of religious freedom, that the death penalty was wrong,

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and that Jesus Christ would not have shunned homosexuals – all heterodox positions for most Christian-right leaders involved in legal advocacy.”

Including a foreword by Martin Marty, the dean of U.S. religious historians, this is a useful book about an organization and a movement that those of us on the separationist side vigorously oppose but need to understand.

—Al Menendez

Why Darwin Matters: The Case Against Intelligent Design, by Michael Shermer. Owl Book/Henry Holt, 2006, 199 pp., \$13.00.

Michael Shermer, founding publisher of *Skeptic* magazine and a columnist for *Scientific American*, has produced an important book that both wipes out the arguments for “intelligent design” creationism and does a fine job of explaining evolution.

In discussing the court challenges to attempts to intrude creationism into public school biology classes, Shermer writes: “The 1987 Louisiana case amplified the description of science even more because this case was appealed all the way to the US Supreme Court, thereby fulfilling the ACLU’s original intent for the 1925 Scopes Tennessee trial. For the case of *Edwards v. Aguillard*, 72 Nobel laureates, 17 state academies of science, and seven other scientific organizations submitted an *amicus curiae* brief to the Court’s justices in support of the appellees’ challenge of the constitutionality of Louisiana’s ‘Balanced Treatment for Creation-Science and Evolution-Science Act,’ an equal-time law passed by the state in 1982. The brief is one of the most important documents in the history of the evolution-creation debate and presents the best short statement on the central tenets of science endorsed by the world’s leading scientists and science organizations.”

Useful features of the book are the chapters on why science and religion need not conflict and why conservatives and conservative Christians should accept evolution. “Evolution provides a scientific foundation for the core values shared by most Christians and conservatives. . . . The conflict between science and religion is senseless, . . . based on fears and misunderstandings rather than facts and moral wisdom.”

A useful appendix lists eight different positions on the creation-evolution spectrum, from “young earth” creationism to “theistic evolution,” plus six out of a myriad of creation stories found in different cultures. This is a book that merits wide circulation.

—Edd Doerr

In Defense of Our America: The Fight for Civil Liberties in the Age of Terror, by Anthony D. Romero and Dina Temple-Raston. William Morrow/HarperCollins, 2007, 252 pp., \$24.95.

This exciting book by ACLU executive director Anthony Romero and journalist Dina Temple-Raston provides a narrative guided tour through the thicket of some of the serious civil liberties problems facing our country today. Among them: the battle over “intelligent design” creationism in Dover, Pennsylvania; the nightmarish treatment of prisoners in New Orleans in the wake of Hurricane Katrina; the grossly disproportionate treatment of a gay teenager in Kansas; the South Dakota attempt to outlaw all abortions; the problems caused by the federal government’s warrantless spying program; the Bush administration’s post-9/11 activities that have imperiled our system of checks and balances; the new dangers of mixing religion and government.

If you think your—our—civil liberties are safe and sound, you need to read this book.

—Edd Doerr

Godly Republic: A Centrist Blueprint for America’s Faith-Based Future, by John J. DiIulio, Jr., University of California Press, 309 pp., \$24.95.

It is easy to see why John DiIulio became President Bush’s first director of the White House faith-based office. It is also easy to understand, after reading this book, why he only lasted eight months. The University of Pennsylvania professor is a “self-styled centrist,” a “Democrat who is conservative on some issues, liberal on others,” so he never found a niche in a highly ideological administration. In fact, the author praises Clinton as much as Bush for recognizing social welfare partnerships between government and religion.

Invoking Madison’s *Federalist Paper No. 51*, in which the phrase “Godly Republic” is found, DiIulio rejects both premises that America was intended to be a secular nation or a Christian nation. “while almost all of the founding fathers were either committed Christians or favored Christianity, the selfsame early leaders themselves plainly and persistently rejected as pernicious (or worse) the idea that the new nation should favor Christians or any other religious group. . . . they repeatedly and explicitly rejected the idea that the new nation should privilege Protestants or any other particular religious group.”

He argues, “Madison and company singled out religion for both special civic benefits and special civic burdens.” He believes that America’s leaders have generally respected the “deal” that resulted in the First

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Books and Culture, *continued from page 27*

Amendment's religion clauses. "Just as the godly republic's first architects intended, America's presidents and other public leaders, whatever their own religious identities, have normally displayed all due regard for religious pluralism and respected settled constitutional limits on church-state collaboration."

The author suggests that religious pluralism has resulted because a largely religious people have generally supported benevolent neutrality and tolerance toward religion. He rejects attacks on the courts by religious conservatives. "The truth is that the Court and the wider federal judiciary have done a commendable, if far from perfect, job of enforcing church-state neutrality principles."

So far, so good. But DiIulio is a bit optimistic in suggesting that religious programs are usually "associated with many positive social and health outcome," though he does admit "there is no credible research to prove that religious non-profits that emphasize spiritual transformation succeed where other, religiously motivated or wholly secular programs fail. However, a sizable body of scientific literature suggests that one or more of three 'faith factors' may be associated with many positive social and health outcomes."

He is convinced that faith-based programs are constitutional and desirable because they represent a religiously-neutral "common good." Some programs may indeed fit this definition, but many do not, and government ties to religion are historically ambiguous if not harmful to both religion and government.

His interpretation of history is flawed when he writes, "It is undeniably true that the American Revolution's leaders and the Constitution's framers were, almost to a man, committed Christians. ... By every valid historical source and measure, however, Washington and most other patriotic leaders and framers were indisputably Bible-believing Protestants." There is a considerable body of scholarly evidence that this notion is not true, or that it is incomplete and misleading.

This book has been praised by conservatives (Michael Gerson, William Kristol, George Will, Michael Cromartie, et al.) and liberals (Rabbi David Saperstein, Governor Martin O'Malley, Kathleen Kennedy Townsend, E.J. Dionne, et al.) but it seems to this reviewer to lean much more to the right than to the center. Reprinting, as an appendix, the 1988 "Williamsburg Charter," a highly flawed document in the minds of most church-state separationists, suggests that the author really is an accommodationist.

—Al Menendez

Commentary

Europe and America at Cross Purposes

Church-state separation was invented in America in the late 18th century because the Founders were quite familiar with the evils of mixing religion and government in both Europe and colonial America. Religious wars, persecution, intolerance, bigotry, discrimination, and uneven playing fields were common in the Old World. Separation became embedded in our national and state constitutions, laws, and court rulings—not perfectly, mind you, but to a greater degree than in any other country.

Unfortunately, too many Americans have little knowledge of history and have allowed a reinvigorated Religious Right to dominate our executive and judicial branches and to become very strong in the legislative branch. The U.S. is drifting or being pushed in the direction of the Old World from which our Founders sought to distance us.

Post-war Western Europe, on the other hand, has been becoming increasingly secular, doubtless in response to the vestiges of church-state union still common there: taxes for religious bodies and faith-based schools and charities, now including Islamic schools in the UK, the Netherlands, Belgium, and France; Austria's requirement that state-recognized religions must have existed in the country for 20 years and enroll at least two percent of the population; mandatory religion in schools in the UK and elsewhere; etc.

Ironically, with church-state separation religion has flourished in the U.S., with regular church attendance currently between 30% and 40% and with Americans polled saying that belief in God is necessary for morality by 58% to 40%. In Europe, meanwhile, active church membership and attendance have declined precipitously, and only small minorities think that morality must be based on religion.

It is interesting that Muslims are being assimilated in the U.S. better than in much of Europe, thanks largely to our system of church-state separation. But Muslim demands in Europe for equality of tax support for their faith-based schools may further encourage Europeans to emulate the American-style separation that our Religious Right is working to scuttle.

Incidentally, Spain, with its dismal history of church-state union, is now making more rapid progress toward separation than any country in the world. Why is the U.S. going backwards?

—Edd Doerr