



VOICE OF REASON

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The Geography of the 2008 Election: A New American Electoral Map is Born

These are some of the major trends:

(1) Obama did best in cities (with incredible margins of 94% in Washington, DC, 85% in Chicago, San Francisco and Manhattan) suburbs (capturing long-time GOP bastions around Chicago and Philadelphia) and improving the Democratic vote in some exurbs and rural areas. Obama topped 60% in every New England state but New Hampshire and carried every county in the region except for rural and sparsely populated Piscataquis County, Maine. A sentimental vote of 72% in his home state of Hawaii pushed the Aloha State to Obama's top state, followed by once-Republican Vermont. The entire Northeast and Great Lakes region backed the Illinois Senator, and he put a crack in the once solid Republican South, carrying Virginia, North Carolina and Florida.

The Mountain West joins the Democratic map, with a sweeping Obama victory in Nevada, which now may be the new bellwether state since it has supported the presidential winner in every election since 1912 (except for 1976 when it backed Gerald Ford). Obama also won easily in Colorado and New Mexico.

Another impressive Obama win came in Indiana, which had not supported a Democrat since Lyndon Johnson in 1964 and, before that,

Table with 4 columns: Obama, %, McCain, %. Lists top ten states for both candidates.

Franklin D. Roosevelt in 1936. Neighboring Ohio, a key swing state since 1964, returned to the Democratic column.

(2) McCain still carried 8 of 11 Southern states, and the Southern-flavored border states of Kentucky, West Virginia, Missouri (by a hair) and Oklahoma (his number one state, where he received 66% of the vote and carried every county). An election with dramatic regional and/or county-level shifts may qualify as what some political scientists call a "realigning" election. We will not know whether this is true for 2008 until subsequent elections are held but Obama's 53% to 46% victory, the most impressive Democratic showing since LBJ, may end up being one.

(3) Realigning elections usually involve some voters and regions moving in an opposite direction from the winner, creating an "anti-trend" effect. John McCain ran stronger than President Bush in Arkansas, Tennessee, Louisiana and about even in Kentucky and West Virginia. The rural white South, in counties from north and east Texas all the way to West Virginia and spilling over into western Pennsylvania represent a sub-regional backlash, possibly based on race or some subliminal cultural factors. A New York Times study found that white rural counties characterized by low levels of education and income shifted three percentage points towards McCain. Many of the anti-Obama counties were anti-Kennedy in 1960, when voters in these heavily Baptist rural areas moved toward Nixon for religious reasons. Nearly 100 counties, mostly in Kentucky, Tennessee, Arkansas, Oklahoma and Missouri, switched from Adlai Stevenson in 1956 to Richard Nixon in 1960. Many of these same counties gave Barack Obama a lower level of support than they had given John Kerry or Al Gore. These are clearly some of the voters, Obama said, "whose support I have yet to earn."

But even in the pro-McCain areas, Obama did well in some cities, winning Nashville, Memphis, Louisville, Lexington, Little Rock, New Orleans and Baton Rouge, for example.

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Democrats Gain Across the Board

The Democratic victory this year was wide and broad. Barack Obama won the presidency 53% to 46% in nearly complete returns, a gain of nearly five points over John Kerry's showing four years ago. His electoral vote majority was 365 to 173, a 113-vote gain. He won 28 states, up from Kerry's 19. Nine states switched from Bush to Obama: Colorado, Florida, Indiana, Iowa, Nevada, New Mexico, North Carolina, Ohio and Virginia. Obama carried 320 counties, spread over 42 states that had supported Bush in 2004. McCain carried 44 counties in nine states (mostly in Tennessee and Arkansas) that had backed Kerry in 2004.

Obama won many normally Republican suburbs and cities, including Cincinnati, Reno, the Denver suburbs (Arapahoe and Jefferson Counties) and Kent County, Michigan (Grand Rapids, a Dutch-flavored Republican town and home of President Gerald Ford).

High-tech and scientific professional areas, such as Olmsted County, Minnesota (home of the Mayo Clinic), Somerset County, New Jersey (home base of many pharmaceutical companies), and Los Alamos, New Mexico, went Democratic for the first time since 1964.

Republican-leaning exurbs around Washington, DC, (Loudon and Prince William Counties, Virginia), Richmond (Henrico County) and Atlanta (Douglas and Rockdale Counties) supported Obama. So did Chicago-area exurbs (Kane, Kendall, McHenry Counties). Even in the South, Obama carried Winston Salem (Forsyth County), North Carolina, and Charleston, South Carolina – the first Democrat since Jimmy Carter in 1976 to do so.

He also won such long-time Republican areas as the counties containing Fargo and Grand Forks, North Dakota, Reading and Harrisburg, Pennsylvania, the Pocono Mountains resort and retirement area (Monroe County) and Tippecanoe County, Indiana, home to Purdue University.

The Obama triumph in the suburbs reflects several realities. Obama won 60% to 39% among self-designated "moderates" and 52% to 44% among those who call themselves Independents. Both groups are strong in suburban areas, as are college graduates, who gave Obama 54% to 45%, the highest level of support for any Democratic candidate, including Lyndon Johnson.

In academic counties, where college students, faculty and administrators are a major portion of the electorate, Obama's majorities reached landslide proportions, reflecting his 68% to 30% win among voters 18

Religious Liberty Is Paramount

I think that the guarantee of religious liberty embodied in the free exercise clause affirmatively requires government to create an atmosphere of hospitality and accommodation to individual belief or disbelief. In short, I think our Constitution commands the positive protection by government of religious freedom.

— Justice Potter Stewart, for the majority, *Sherbert v. Verner*, 374 U.S. 398 at 415 (1963)

to 29, 69% to 30% among first-time voters, and 58% to 40% among voters with postgraduate university degrees.

In the Senate, at press time, the Democrats lead 56 to 40, with two seats still undecided in Minnesota and Georgia. Two seats are held by Independents: Bernard Sanders of Vermont, a true Independent who caucuses with the Democrats, and Joe Lieberman of Connecticut, an "Independent Democrat," who campaigned for John McCain and spoke at the Republican National Convention. Lieberman caucuses with Democrats and retained his committee chairmanship.

The House will probably end up 259-176 for the Democrats, according to *Congressional Quarterly*, though there are recounts in California, Ohio, and Virginia, runoff elections in December in Louisiana, and a vacancy in Illinois, where Rep. Rahm Emanuel has resigned to become Obama's White House chief of staff. (The Senate seats held by Obama and Biden are also vacant but will be filled by Democratic governors). Emanuel's seat is a safe Democratic one in Chicago.

Democrats hold 29 governorships to the Republican's 21, a gain of one, and picked up a number of state legislative seats. Democrats now control 27 state legislatures, compared to 14 for the Republicans, while eight are split, with each party controlling one house. (Nebraska has a nonpartisan legislature). Democrats gained in several states, including New York, Nevada, Ohio, Wisconsin and Delaware. Republicans gained only in Tennessee and Oklahoma, which gave the GOP control of their state legislatures for the first time. ■

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Edd Doerr, *President*
Albert J. Menendez, *Research Director*

Geography of the 2008 Election, *continued from p. 1*

(4) The outpouring of African American, Latino, young white, and college-educated white voters made the difference, swelling the Democratic vote totals in unlikely areas. “Breakthrough counties,” a phrase I coined for my book, *The Geography of Presidential Elections in the United States, 1868-2004* (McFarland, 2005), tells us a lot about changing voting patterns, especially at the county level. The ability of one party or the other to break long-established voting habits, carrying counties that were once thought impossible, is one key to rewriting political history and to redrawing the map of political success. First, let’s look at the Obama winning coalition breakthroughs.

Obama’s popularity in the Chicago area led to the first Democratic victory since the Republican Party was founded in Du Page County, Illinois. Obama picked up 55% and a 44,000-vote plurality in this rock-ribbed Republican suburb west of Chicago. Even Barry Goldwater carried Du Page by 60-40 in 1964. (Just for the record, Du Page did go for Martin Van Buren in 1840, when the Whigs were the Democrats’ opposition, but that was a long time ago!)

Chester County, Pennsylvania, the last Republican holdout in suburban Philadelphia, joined the other suburban counties, giving Obama 55% and a thumping margin of 23,000 votes.

Jefferson County, Alabama, which includes the state’s largest city, Birmingham, went Democratic for the first time since Adlai Stevenson carried it in 1952. Obama won 52-47% and built up a 16,000 vote margin.

More Warning Signs

If this tour of the breakthrough counties isn’t depressing enough for Republicans, consider this:

In **Sarasota County**, Florida, Obama came within 177 votes, out of 205,000 cast, of winning a county that has gone for the GOP since Tom Dewey in 1948. This is a “moderate” Republican area of prosperous Midwestern retirees, and very low church membership (just 36% of county residents belong to any congregation). The hard-right persona of the Republican Party has just about lost it another stronghold. **Salt Lake City**, Utah, came within 2,000 votes out of 382,000 cast of going Democratic. The Utah capital is fast becoming a non-Mormon bastion in the shadows of the Mormon Tabernacle.

Region – McCain won only in the South, carrying eight of the 11 states, in addition to four of the six culturally Southern Border States.

Note to Readers

In this issue our political analysis comes from the pen of my colleague Al Menendez, a political junkie whose passion for politics and elections goes back to the first Eisenhower-Stevenson race in 1952. He absorbs election data and can spot trends a mile away. Serving as a political consultant for ABC News election unit in 1980 and for a comparable NBC unit in 1988, he has worked quietly behind the scenes and has written the *Voice of Reason* political commentary since 1990. He has also compiled the religious affiliations in Congress for various sources since 1972.

Much of what you will read in this issue can really be found nowhere else in such depth. We hope you will enjoy it and share it with friends and colleagues.

—Edd Doerr, *President*

Therefore, 12 of the 22 states that backed McCain are in the Cultural South (though Maryland and Delaware have changed so much in recent decades that they probably should be classified as Northeast). The South is the only region that sent more Republicans than Democrats to Congress, and three of the four House seats that switched from Democrat to Republican were in this region. This is hardly the prescription for future success. (The GOP also held the Upper Plains area by reduced margins.)

The Democrats swept every state in the Northeast and Great Lakes region, the Pacific Coast, and carried New Mexico, Nevada and Colorado in the Mountain West, and came within three points of winning Montana.

The Republican Dilemma – Republicans continue to receive their greatest level of support nationally from white evangelicals and Mormons, with slim majorities from white Catholics and mainline Protestants in a few states. The attempted Democratic breakthrough and heavy campaign effort among white evangelicals was not successful, since the 25% vote for Obama is not much of an improvement over Kerry’s 22%. Within one segment, however, Obama was successful: young evangelicals, aged 18-29, gave him 36%, nearly double the Kerry vote. But his 22% vote among those 45 and over was the same as Kerry’s, and his vote actually declined from 32% to 26% among evangelicals over 65, many of whom live in the rural South. ■

The Religious Vote: Obama Gains Among All Groups

Democrat Barack Obama gained among all religious groups or categories, running better than John Kerry among all of them. This includes a 7% gain among Catholics, 4% among Jews and 3% among white evangelicals. Similar gains came from the nonaffiliated and non-evangelical Protestants. Significant gains were realized by the Obama-Biden team among Hispanics and African Americans of all religious persuasions.

On the other hand, clear religious distinctions emerged. While Obama swept more than 70% of voters who are Jewish, religiously nonaffiliated, and members of religions other than Christian or Jewish, he won only 25% among white evangelical Protestants. The Illinois senator and now President-elect took 54% of the Catholic vote and 45% of all Protestants, which include African Americans and mainline Protestants. Those clear patterns have persisted over several elections and remain part of the landscape of American politics.

Obama narrowed the gap between weekly churchgoers and occa-

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Vote by Religion

	% of All Voters	% Obama	% McCain
Jewish	2	78	21
None	12	75	23
Other	6	73	22
Catholic	27	54	45
All Protestant	54	45	54

Vote by Church Attendance

	% of All Voters	% Obama	% McCain
Weekly	40	43	55
Occasionally	42	57	42
Never	16	67	30

The Religious Vote, *continued from page 3*

sional or infrequent attenders. His improvement among Catholics came primarily from Hispanics and from Catholics who do not attend services weekly.

His small gains among evangelicals came from those aged 18 to 29 and in pivotal rustbelt states like Ohio, Indiana, and Pennsylvania. Mark Silk, director of a think-tank at Trinity College in Hartford observed, "Across the Midwest, where evangelicals tended to vote 3-1 for George W. Bush over John Kerry in 2004, they tended to vote only 2-1 for John McCain over Barack Obama yesterday. Meanwhile, in the South and what we call the Southern Crossroads, whereas in 2004 evangelicals voted 3-1 or better for Bush over Kerry, in most states they actually voted by greater margins for McCain over Obama."

As the Democrats remain the party far more likely to nominate candidates for president and vice president who are Catholic, Jewish, Greek Orthodox, and now, African American Protestant, they retain majority support from these groups. Republicans remain the white Protestant party, as evidenced by its nominees for president and vice president and the voting patterns in this election. As the nation becomes more religiously and culturally pluralistic, the Republicans may have to rethink their religious orientation if they are to remain competitive. Evangelicals and Mormons remain the GOP's most loyal supporters, along with white Catholics in a few states, but Republican failure to connect with other religious minorities could represent future problems at the ballot box. Twenty years after Ronald Reagan left the White House, a new Democratic era may be emerging. ■

White Evangelical Vote (Selected States)				White Non-Evangelical Protestant Vote (Selected States)			
	% of All Voters	% Obama	% McCain		% of All Voters	% Obama	% McCain
Alabama	47	8	92	Arizona	24	45	53
Alaska	27	13	85	Florida	17	45	53
Arizona	21	20	80	Indiana	20	55	44
Arkansas	57	20	77	Iowa	27	57	40
California	17	27	70	Michigan	19	56	43
Colorado	21	23	76	Minnesota	25	60	38
Florida	24	21	77	Nevada	20	43	55
Georgia	37	10	89	New Jersey	19	38	61
Idaho	34	17	82	New Mexico	15	42	57
Illinois	22	37	63	Ohio	20	57	43
Indiana	43	30	69	Oregon	25	61	39
Iowa	31	33	65	Washington	26	61	38
Kansas	41	22	78	Wisconsin	19	59	40
Kentucky	45	25	74				
Louisiana	32	6	93				
Michigan	27	33	63				
Minnesota	29	35	64				
Mississippi	46	6	94				
Missouri	39	29	70				
Montana	32	23	75				
Nebraska	31	25	74				
Nevada	16	27	72				
New Mexico	16	18	80				
North Carolina	44	25	74				
North Dakota	31	26	72				
Ohio	30	27	71				
Oklahoma	53	21	79				
Oregon	27	34	66				
South Carolina	40	15	85				
South Dakota	38	30	67				
Tennessee	52	21	76				
Texas	33	16	83				
Virginia	28	20	79				
Washington	23	30	68				
West Virginia	52	32	66				
Wisconsin	26	35	64				
Wyoming	29	13	83				

Secular Vote (Selected States)			
	% of All Voters	% Obama	% McCain
Arizona	12	65	32
California	16	87	10
Florida	10	71	26
Indiana	11	76	21
Iowa	10	68	30
Maine	18	73	23
Michigan	12	79	20
Minnesota	10	77	21
Missouri	10	79	18
Nevada	17	72	23
New Hampshire	16	76	24
New Jersey	10	80	19
New Mexico	13	74	25
Ohio	12	72	27
Oregon	18	76	24
Pennsylvania	11	84	15
Vermont	22	81	14
Washington	20	72	26
Wisconsin	15	77	20

Catholic Vote (Selected States)

	% of All Voters	% Obama	% McCain
Arizona	24	49	49
California	30	59	37
Connecticut	45	46	50
Delaware	27	61	39
Florida	28	50	49
Illinois	31	53	47
Indiana	18	50	50
Iowa	26	59	41
Louisiana	31	27	70
Maine	29	61	37
Massachusetts	53	61	38
Michigan	26	52	46
Minnesota	27	47	51
Missouri	18	45	55
Nevada	25	57	42
New Hampshire	38	50	50
New Jersey	48	45	55
New Mexico	35	71	28
New York	37	59	41
Ohio	23	47	52
Oregon	13	63	37
Pennsylvania	32	48	52
Rhode Island	55	60	38
Vermont	26	63	37
Washington	15	63	35
Wisconsin	33	53	47

Note: In Connecticut, New Hampshire and Pennsylvania, Obama won convincingly in heavily Catholic towns and counties, despite what the exit polls show.

Selected Hispanic Counties

	% Obama	% Kerry	% Obama Gain
Santa Cruz, Arizona	65	59	6
Imperial, California	61	52	9
Costilla, Colorado	73	66	7
Guadalupe, New Mexico	71	59	12
Mora, New Mexico	79	66	13
Rio Arriba, New Mexico	75	65	10
San Miguel, New Mexico	80	72	8
Cameron, Texas	64	49	15
El Paso, Texas	66	56	10
Hidalgo, Texas	69	55	14
Maverick, Texas	78	59	19
Starr, Texas	84	74	10

Note: Exit polls showed the Hispanic/Latino vote for Obama 67% to 31%, a gain of 13 points over Kerry's vote and the largest gain for Obama among any ethnic group.

Moving?

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Obama Pressed on Religious Issues

Some aides suggested that President Obama might issue executive orders early in his administration to overrule President Bush's ban on embryonic stem cell research. Obama might also reverse Bush's ban on U.S. aid to birth control programs overseas that include abortion, the so-called "gag rule."

Obama must also decide how to handle the faith-based initiatives set in motion by the Bush administration. Obama has said that he would continue funding but would ban discrimination in hiring and proselytizing of recipients and would institute accountability to see if the programs worked.

The president-elect also supports the Employment Non-Discrimination Act, which would prohibit discrimination against gay and lesbian employees. It did not pass the last Congress but an increase in Democratic numbers increases likelihood of passage. Obama is being lobbied by numerous religious groups on these issues. Reporters Michelle Boorstein and Jacqueline Salmon wrote in the *Washington Post* on November 8, "But analysis across the ideological spectrum said that much of what the Obama administration might propose for faith-based organizations is unclear and that the new president could face legal challenges about whether religious groups can discriminate against gay people and those of religions other than their own in hiring." They added, "Several analysts said a standoff over the religious rights of business owners who don't wish to rent their restaurant or meeting place to a same-sex couple holding a wedding is an example of a dispute that might soon flare."

Obama's support for the Freedom of Choice Act (FOCA), which would remove most state and federal restrictions on abortion, served as a red flag at the November annual meeting of the nation's 220 Catholic bishops. (This proposal has also failed in previous Congresses but could be stronger in the 111th Congress). The Catholic bishops approved a statement saying that congressional approval of FOCA would be seen as an attack on the church and could cause the entire Catholic health-care system to shut down, unless religious exemptions were granted to hospitals that refuse to perform abortions. Many bishops were outspoken in their remarks, though Bishop Blaise Cupich of Rapid City, South Dakota, urged fellow bishops not to "hurt personal contacts with this new administration." Cardinal Francis George of Chicago, president of the U.S. Conference of Catholic Bishops, criticized both conservative and liberal Catholic activists for trying to "impose their own agenda on the Church."

Jon O'Brien, president of Catholics for Choice, said the bishops had lost credibility with Catholic voters. "These people represent a minority view of Catholics in the United States and in the world. These are people who don't even believe contraception can be used."

Report on the Referendum Issues

Some of the most significant electoral decisions in 2008 came on referendum questions, many of which touched on sensitive cultural, social and religious issues. Here is a roundup.

Reproductive Choice

Voters decisively rejected attempts to restrict choice on abortion in South Dakota, Colorado and California.

South Dakota voters again refused to amend the constitution to ban almost all abortions. The vote was 55% to 45%, almost the same as in

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Referendum Issues, *continued from page 5*

2006. Since John McCain won 53% of the state's presidential vote, many Republicans once again rejected their party's social issues agenda. Proponents had hoped that passage of the ban would trigger a lawsuit that would eventually reach the U.S. Supreme Court. The South Dakota result, coupled with the Democratic sweep of the White House and Congress and the possibility of more pro-choice appointments to the Supreme Court, makes reversal of *Roe v. Wade* less and less likely.

Colorado voters overwhelmingly rejected (73% to 27%) an attempt to amend the state constitution to define a "person" as a human being from the moment of fertilization. Passage would have banned all abortions and some forms of birth control. The measure even failed in Colorado Springs, often called the "Evangelical Vatican."

California voters were asked, for the third time in four years, to amend the Constitution to require parental notification and a 48-hour waiting period before a minor could have an abortion. Voters said no again by 52% to 48%, with the majority against it coming from the San Francisco Bay area.

Other Issues

Stem Cell Research won approval by Michigan voters by 53% to 47%. Assisted suicide for terminally ill, competent adults passed 58% to 42% in Washington State. The medical use of marijuana was approved by 63% of Michigan voters. Expansion of different types of gambling to aid education and the horse racing industry won approval in Maryland, Missouri, Colorado, and Arkansas, while losing in Maine.

Gay Marriage – Initiatives to restrict same-sex marriage passed in California, Florida and Arizona. Arkansas voters approved by 57% to 43% a ban on adoptions or foster parenting by unmarried couples, straight or gay.

In **Arizona** 57% of voters approved amending the state constitution to prohibit same-sex marriage and to forbid the state from recognizing such marriages performed in other states. This was a reversal from 2006 when a majority of voters rejected a gay marriage ban.

The **California** vote was 52% for an amendment to the state constitution defining marriage as a union of a man and woman, thereby overturning a California Supreme Court decision legalizing such unions earlier this year.

In **Florida** a similar constitutional amendment passed 62% to 38%. The Sunshine State requires 60% support for constitutional changes, and the hurdle was overcome.

In all three states white evangelicals and Mormons led the anti-gay marriage forces and provided the bulk of the funding. They were joined by a majority of African American and Latino voters, who turned out in large numbers for Barack Obama but hold conservative views on this issue.

Social Issues Referenda Mirror Presidential Vote

On all nine major social issue referenda, voters who opposed abortion choice, gay rights, stem cell research and assisted suicide voted for John McCain for president, while voters favoring these issues supported Barack Obama. The correlation was statistically significant and indicates how divided the parties and their voters are on these socio-cultural and religio-cultural issues. The nation remains closely divided on them. The liberal or progressive side won five of these referenda

while the conservative side won four, (all of them dealing with gay rights). See the chart, which shows the divide clearly. For example, those (53%) of Michiganders who favored stem cell research voted for Obama 74% to 24%, while those opposed to the research (47%) went for McCain 61% to 36%.

In all nine referenda, support for abortion rights, gay rights, stem cell research and assisted suicide was highest among younger voters, residents of cities and suburbs, voters with high levels of education and income and voters who are not evangelical Protestants. Opposition to these issues was strongest among evangelicals, older voters, residents of rural areas, and among voters with lower levels of education and income.

Social Issues and Presidential Voting			
State	% Voting	Presidential Vote	
		% Obama	% McCain
Reproductive Choice			
California	Yes 48	40	58
	No 52	79	20
Colorado	Yes 27	22	77
	No 73	64	34
South Dakota	Yes 45	23	75
	No 55	61	35
Stem Cell Research			
Michigan	Yes 53	74	24
	No 47	36	61
Assisted Suicide			
Washington	Yes 58	76	23
	No 42	35	60
Same-Sex Marriage Bans			
Arizona	Yes 56	22	76
	No 44	72	27
Arkansas	Yes 57	29	69
	No 43	50	47
California	Yes 52	37	61
	No 48	85	13
Florida	Yes 61	35	64
	No 39	74	24

Note: Voting "yes" on the reproductive choice issue meant an anti-choice vote. Voting "yes" on stem cell research, and assisted suicide, was a liberal vote. Voting "yes" on the same-sex marriage bans issue was a vote to *ban* same-sex marriage or adoptions.

Congressional Religious Affiliations: Little Change

The 111th Congress is similar to the 110th Congress in one respect, the religious affiliations claimed by members. While Democrats have increased their numbers in both houses, the overall religious makeup changed only slightly, with Roman Catholics, Baptists and Methodists remaining the top three groups, followed by Jews, Presbyterians, Episcopalians, nondenominational Protestants, Lutherans, nondenominational Christians and Mormons as the top ten. This is a preliminary tabulation based on results certified by November 20.

The compilation, based on 525 of the 535 members, shows 159 Roman Catholics, an all-time record. There are 65 Baptists, their lowest number since 1992, and 54 United Methodists, their lowest number since modern records have been compiled. There are 43 Jewish members, 41 Presbyterians, and 35 Episcopalians. There are 26 nondenominational Protestants and 23 Lutherans. Sixteen members are nondenominational Christians and 13 are Mormons. There are eight Eastern Orthodox members, six nonaffiliated and five belonging to the

United Church of Christ. The new Congress will have three Unitarian Universalists, including newly-elected Democrat Walt Minnick, who triumphed in the staunchly Republican 1st District of Idaho. Two Buddhists, two Muslims, and 24 members of small Protestant denominations will serve in the 111th Congress.

This election has had an unusual number of vacancies because of the resignations of Senators Obama and Biden and the possibility that several members of Congress will be taking Cabinet positions in the Obama administration. In addition, there are still undecided Senate and House races in Louisiana and Georgia, which are to be determined in runoff elections in December. Also, recounts are expected in several states even after results have been certified.

A final tabulation will appear in our next issue. A complete list of the religious affiliations of members of the 111th Congress will appear on our web site when all results are known. ■

Religion on the Campaign Trail

As the presidential campaign hit its stride and moved into high gear, religious voters and religious issues were prominently featured. Both campaigns targeted the large and politically important evangelical groups.

While Democrats fought hard for evangelical voters, even including outreach to the Christian music industry in Nashville, it was Republicans who concentrated on the largest bloc in their base.

Southern Baptist leaders were early out of the gate. They organized a 40-day prayer campaign from September 24 until November 2. The "Prayer Vigil for Spiritual Revival and National Renewal" urged the election of more "Godly" Christians to public office, encouraged prayer for public officials to be protected "from the attacks of Satan" and sought to "help churches find ways to help Christians get to the polls." Only 1,300 of the denomination's 42,000 congregations initially supported the effort.

Richard Land, the head honcho of the Southern Baptist Convention (SBC) public policy division, who often dabbles in Republican politics and endorsed Fred Thompson early this year, told the press, "Our vision statement is an American society that affirms and practices Judeo-Christian values rooted in biblical authority. America will be better off if people who are voting are seeking God's guidance."

Historian Richard V. Pierard expressed a different view in the September 4 *EthicsDaily.com*: "A Democratic victory in November would be a catastrophe for the hard-line conservative leaders of the SBC. Their standing in American religious life would be undermined, and they would lose access to the halls of power in Washington. Essentially, the SBC leadership is 'betting the ranch' on the election this fall. They will be going all-out to marshal the troops and get them to the polls to vote for Republican candidates."

Jerry Falwell, Jr., chancellor of Liberty University in Lynchburg, Virginia, launched a drive in September to make sure that the school's 10,500 students registered to vote in Virginia, where the presidential race was considered a toss-up. Falwell, son of the late evangelist and Moral Majority founder, said plans were being developed to distribute registration forms in dormitories, find rides for students to the polls,

and cancel classes on election day. There will be an "all-day concert" on campus and an "election party," presumably celebrating a Republican victory. Falwell boasted, "Wouldn't it be something if Liberty's votes were enough to change which presidential candidate won Virginia and maybe even the presidency itself?"

(As it turned out, about 4,000 Liberty students registered in Lynchburg, which went for McCain 17,622 to 16,256. But the Old Dominion went Democratic for president for the first time since 1964.)



Candidates Spar on Religion

Religious and church-state issues were clearly backstage in the campaign as the economy and national security overshadowed all other voter concerns. But religious issues received some attention. Barack Obama told *The New York Times* on October 19 that his earlier comments about rural voters "clinging to guns and religion" was "boneheaded" and was not meant to disparage religious faith. Obama clearly tried to position himself as friendly to a wide variety of religious traditions. He reiterated a view expressed two years ago in a speech at a Call to Renewal conference, "Whatever we once were, we are no longer just a Christian nation; we are also a Jewish nation, a Muslim nation, a Buddhist nation, a Hindu nation, and a nation of nonbelievers."

His references to religion led *Christianity Today* to comment in October, "But for the first time since Jimmy Carter ran in 1976, a presidential candidate from the Democratic Party is enthusiastically courting evangelicals and Catholics."

In the third debate Obama and McCain clashed over abortion rights. Obama said, "I am somebody who believes that *Roe v. Wade* was rightly decided... what ultimately I believe is that women in consultation with their families, their doctors, their religious advisers, are in the best position to make this decision." McCain said he hoped *Roe v. Wade* would someday be repudiated by the Supreme Court. Both candidates said

Candidates Spar on Religion, *continued from page 3*

they would not apply an abortion litmus test to potential Supreme Court nominations. McCain also endorsed school vouchers while Obama opposed vouchers but endorsed more aid to public schools and charter schools.

Republican vice presidential nominee Sarah Palin stressed conservative religious and cultural values in her campaign. She endorsed a federal marriage amendment to ban same-sex marriage, even though John McCain voted against it. She told Christian Broadcasting Network (CBN) anchor David Brody that her “faith and God in general” were being “mocked through this campaign.” To a favorable audience she made explicit references to her religion.

Palin had to fight off a legislative finding that she had abused her power as Alaska governor during the “troopergate” controversy. The Associated Press also reported that she had used more than \$13,000 in taxpayer funds to attend at least ten religious events and meetings during her brief governorship. Another \$10,094 was billed to the state for other trips that included worship services or religiously themed events. Wrote AP reporter Garance Burke, “An Associated Press review of the Republican vice presidential candidate’s record as mayor and governor reveals her use of elected office to promote religious causes, sometimes at taxpayer expense and in ways that blur the line between church and state.”

Contrary to her claim that she never allowed her religious views to influence policy, Palin “joined a grass-roots, faith-based movement to stop the local hospital from performing abortions, a fight that ultimately lost before the Alaska Supreme Court [in November 2007]. Palin’s former church and other evangelical denominations were instrumental in ousting members of Valley Hospital’s board who supported abortion rights—including the governor’s mother-in-law, Faye Palin,” according to Burke.

As mayor she tried to organize a day of prayer at city hall. As governor she channeled federal funds to religious groups through a new state Office of Faith-Based and Community Initiatives. ■

Bigotry Doesn’t Sell

Senator Elizabeth Dole, the one-term Republican Senator from North Carolina, was in deep trouble as her campaign neared the finish line. So she decided to unleash a religiously explosive TV ad accusing her Democratic opponent Kay Hagan of accepting money from a “Godless” campaign supporter in Boston and suggested that Hagan either “promised” something to her “Godless” supporter or was herself an atheist. Hagan, a Sunday school teacher and elder at First Presbyterian Church in Greensboro, hit back with a TV ad of her own, accusing Dole of “bearing false witness” against a fellow Christian. Hagan also asked that Dole’s ad be removed from the airways, which it was not. Voters decided to retire Dole by 53% to 44%.

In Southside Virginia’s normally Republican 5th District, voters tired of six-term Republican Rep. Virgil Goode, an unspoken critic of Muslims who said that Rep. Keith Ellison of Minnesota should not have been elected to Congress in 2006 and should not have been allowed to take his oath of office on the Koran. (Ellison took his oath on a copy of the Koran once owned by Thomas Jefferson). Goode’s frequent attacks on other religions apparently did not endear him to voters in this conservative Christian rural area, who chose a Democratic replacement. Goode had been considered safe, since he usually won more than 60% of voter support. (At press time Goode had still not conceded.)

In 2008 bigotry didn’t sell as well as its practitioners thought it would.

Campaign for Catholic Vote Divides Church

America’s large and diverse Catholic community was a target of both party campaigns, since Catholics are strategically located in many swing states and because “white” (non-Hispanic) Catholics have supported every winning presidential candidate since 1972.

Throughout the fall campaign, Catholic voters fluctuated, going for Obama by double digit margins, then shifting to McCain by wide margins, and then back to a dead heat by late September. An October 19 poll found 20% of Catholic voters either undecided or saying they could change their minds by election day, according to a *Washington Post* – ABC News Poll.

Despite the choice of Delaware Senator Joe Biden as Barack Obama’s running mate, the blue-collar Irish Catholic senator with more than three decades of experience did not noticeably increase Catholic Democratic support. As early as September, several bishops and two cardinals (Francis George of Chicago and Justin Rigali of Philadelphia) attacked House Speaker Nancy Pelosi and Biden for saying that Catholics hold a variety of views on abortion and related “life” issues. Most bishops remained neutral during the presidential race, but those who did not stressed the abortion issue, saying it was nonnegotiable and overshadowed other issues stressed by Catholic social doctrine. Such statements were viewed as pro-McCain.

The *National Catholic Reporter* criticized such actions in a lengthy editorial on October 31. It said, in part, “Another presidential election

cycle is nearly ended, and once again the Catholic bishops in the United States have sadly distinguished themselves for the narrowness and, in too many cases, barely concealed partisanship of their political views.

“Cycle after cycle they have promulgated the same message: Abortion trumps all other issues and the only credible approach to fighting abortion is voting for candidates who express a wish to overthrow *Roe v. Wade*, the 1973 Supreme Court decision that legalized abortion.

“We have persistently criticized the American bishops on this page for such a limited political strategy. For more than a quarter of a century they have generally used whatever political capital they might have in attempts to deliver the Catholic vote to whomever is making the most agreeable promises that year.

“Year after year, however, the bishops get little in return for their antiabortion political endorsements, while often aiding in the election of politicians who have little regard for the rest of the church’s social agenda.”

The distinguished weekly concluded that some bishops had contributed to a weakening of their own influence. “Certainly the conduct of many of the bishops this election cycle has diminished the significance of abortion and undermined the importance of the rest of the Catholic social agenda by turning the abortion issue into a partisan rallying cry. Their conduct further erodes the legitimate authority of an



already beleaguered episcopal conference.”

Thomas Reese, S.J., former editor of *America*, the Jesuit weekly, and now a fellow at Georgetown’s Woodstock Theological Center, wrote that abortion would never be outlawed in the U.S. Therefore, policies should be adopted to reduce its incidence, such as better health care and reduction of poverty among young and unmarried women.

Catholic progressives and moderates emphasized broad social programs to alleviate poverty, inadequate health care, and declining jobs and educational opportunities among the disadvantaged. The Obama-Biden ticket was their choice.

One Catholic conservative, Douglas Kmiec, a professor at Pepperdine University School of Law and the onetime head of President Reagan’s Office of Legal Counsel, broke with his party and endorsed Obama. In a book written to explain why Catholic conservatives can and should support Obama, Kmiec wrote, “It certainly does not mean that Catho-

lic voters cannot make candidate choices that can reasonably be thought to establish social justice policies that advance the culture of life.” Kmiec was denounced from the pulpit for his actions.

The Catholic Right attacked Obama with the same passion as the Protestant Right. CatholicVote.com, a project of the Fidelis Center for Law and Policy, stressed abortion as the issue of supreme importance. So did the Knights of Columbus, a century-old fraternal organization that used to eschew partisan politics. Supreme Knight Carl Anderson openly criticized Joe Biden’s pro-choice positions. Anderson is hardly non-partisan, having worked in the Reagan White House from 1983 to 1987. Anderson was challenged by Rick Gebhard, a teacher and fellow Knight from Manistee, Michigan, who launched a website, *KnightsforObama.com*, on October 3. As the stakes were high, so was the rhetoric. ■

Pulpit Freedom Sunday Fizzles

“Pulpit Freedom” Sunday on September 28 was far less successful than anticipated, as fewer than three dozen evangelical clergy (out of an estimated 200,000 nationwide) sought to defy IRS regulations by endorsing a presidential candidate. The in-your-face gesture was orchestrated by the Alliance Defense Fund (ADF), an Arizona-based Religious Right legal advocacy group. ADF lawyers clearly hoped the action would lead to lawsuits that might someday end up in the Supreme Court. ADF asked pastors for copies of their sermons so that a court challenge could be mounted to repeal IRS rules against partisan politicking by tax-exempt organizations.

Americans United filed complaints with the IRS against six churches. All were evangelical or Baptist congregations, and five of the six pastors endorsed John McCain.

A group of 55 religious leaders from Ohio, Indiana and Iowa filed a complaint with the IRS in September, saying ADF actions violate separation of church and state. “The rightful place of religious leaders and communities of faith in American life is not in electoral politics,” said the Rev. Eric Williams, a United Church of Christ minister.

Three former IRS officials also asked the agency to investigate the ADF initiative. Marcus Owens, a former director of the IRS exempt organizations division, said. “It is the role of attorneys to assist their clients in understanding the law. It is not at all clear, under any set of ethical rules applicable to members of the bar, that one can actively aid, assist and encourage a violation of the law.”

ADF, which claims the 1954 law initiated by then Senate Majority Leader Lyndon Johnson is unconstitutional, wants an immediate legal test. ADF senior legal counsel Erik Stanley suggested that this challenge would soon make it to a federal appeals court.

But some lawyers think that unlikely. Wrote Laurie Goodstein in *The New York Times* (September 26), “Experts in tax law say it is more likely that the Alliance Defense Fund and its lawyers will face legal sanctions than the ministers, who may simply receive warnings to avoid politicking in the future.”

One expert, Robert W. Tuttle, professor of law and religion at George Washington Law School, echoed that view. “It’s settled law. People can unsettle law that is settled, but I think that it is very, very unlikely that a lower federal court would reach any other conclusion except that religious organizations have no constitutional right to engage in political speech while accepting deductible contributions,” he said.

The ADF caper was widely unpopular. The Baptist Joint Committee thundered on September 23: “An effort to recruit dozens of pastors to endorse political candidates from the pulpit on Sept. 28 is a misguided idea and a brazen attempt to blend the worship of God with electoral politics.”

The New York Times editorialized on September 27, “Taxpayers of any faith should see this as an election-year gambit to dash the pillar of church-state separation. Other clergy, mindful of being spiritual not political ministers, have organized to say no thanks to Pulpit Freedom Sunday. We expect the courts and the Internal Revenue Service to say those preachers are in the right.” ■

Hometown Voting

Both candidates fared well in their hometowns. Obama swept Chicago with 85% of the votes and won 67% in the close-in suburbs of Cook County, giving him more than a million vote plurality in Cook. He also received 70% in the town where he grew up, Honolulu. McCain carried Phoenix (Maricopa County) with 55%.

The Obama-Biden ticket rolled up 70% in Biden’s hometown of Wilmington, Delaware (New Castle County) and 63% where he grew up in Scranton (Lackawanna County), Pennsylvania.

The McCain-Palin ticket won in Anchorage, Alaska, but lost in the capital city, Juneau. McCain had better luck in the home counties of Bill Clinton (Hempstead, Arkansas) and Al Gore (Smith, Tennessee), where he received 60% of the vote, carrying counties that had gone to John Kerry. McCain carried the home counties of Lyndon Johnson (Blanco, Texas), George McGovern (Davison, South Dakota) and Hubert Humphrey (Codington, South Dakota).

Obama carried the home town of Michael Dukakis and John F. Kennedy (Brookline, Massachusetts) and the home county of Jimmy Carter (Sumter, Georgia). Obama carried both of George H.W. Bush’s hometowns (Milton, Massachusetts, and Greenwich, Connecticut), while McCain carried McLennan County, Texas, where George W. Bush has a ranch, and Midland County, Texas, where George W. grew up as a young man. McCain also carried Ronald Reagan’s home county (Lee, Illinois) and Dan Quayle’s (Huntington, Indiana).

Finally, Kennebunkport, Maine, where the Bush family home- stead and Summer White House is located, went Democratic for the first time in modern history, and by a landslide margin of 18 points (58%-40%).



Church and State in the Courts

The U.S. Supreme Court heard arguments on November 12 in a case involving a Utah town that displayed the Ten Commandments on a monument in a city park but refused to allow a display called “The Seven Aphorisms” belonging to a small sect called Summum. The case, *Summum v. Pleasant Grove City, Utah*, involves both free speech and the Establishment of Religion. It is the only church-state case being heard in the autumn term of the High Court.

The lower court held that the First Amendment’s free-speech clause required the city to allow the Summum monument. The court said that a city cannot accept one privately donated monument (The Commandments) while rejecting another.

The case itself is unusual because church-state separation groups believe the outcome should rest on the First Amendment’s Establishment Clause. A coalition of religious freedom advocates filed an amicus brief which argued, “Because of the peculiarities of Tenth Circuit jurisprudence, Summum couched its legal claims principally in the language of free speech and viewpoint discrimination. The proper locus of its complaint is, however, the Establishment Clause—which the Founders intended to serve as the principal bulwark against the government’s resort to rank denominational prejudice. And although Summum has yet to develop its Establishment Clause claim and marshal its evidence, there is enough in the record to suggest that Pleasant Grove’s conduct may well have had a discriminatory object.”

Baptist Joint Committee General Counsel K. Hollyn Hollman also warned, “The proclamation of religious Scripture or principles should come from people of faith, not the government. Groups are free to design and construct monuments that support their faith and place them on private property. However, when the government decides

which religious displays to accept and rejects others, it raises questions of fairness and invites suspicion from those who rightly expect government to be neutral in matters of religion.”

During the November 12 hearing, Chief Justice John Roberts implied that he agreed with this line of reasoning. “What is the government doing speaking and supporting the Ten Commandments?” Roberts asked. Invoking “viewpoint discrimination,” Justice David Souter agreed. “Why isn’t that a First Amendment violation?” he asked.

Summum was founded in Salt Lake City in 1975. Its lawyer, Brian Barnard, described the group’s belief system as an amalgam of Gnostic Christianity, New Age philosophy, and ancient Egyptian traditions, including mummification. Its founder, Summum Ra, died this year and is undergoing mummification.

Religious Right groups, as well as the Bush administration and 14 state attorneys general, have filed briefs urging the Court to uphold the city’s desire to erect only the Ten Commandments.



A group of religious leaders and taxpayers has filed suit challenging a \$12 million grant from the District of Columbia government to a religious homeless shelter that insists on requiring church attendance for the residents. The Central Union Mission employs only Christians and requires volunteers to declare their religious affiliation. They also require the homeless residents to attend nightly church services. The group, founded in 1884, includes a mission statement that declares, “Our mission is to glorify God through proclaiming and teaching the

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—T. Jeremy Gunn, Director, ACLU Program on Freedom of Religion and Belief

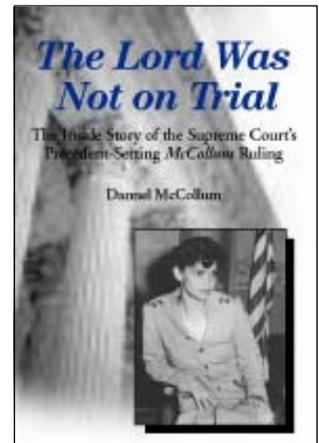
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Dannel McCollum is the former three-term mayor of Champaign, Illinois and a former U.S. Army reserve officer. His books include *Your Life and Mine: Problems and Projects in Conservation*; *A Guide to the Big Vermilion River System*; and *Essays on the Historical Geography of Champaign County, Illinois*.

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gospel, leading people to Christ, developing disciples...

The D.C. Council voted in July to donate \$7 million to Central Union Mission and to convey property worth \$5 million to the group.

The main plaintiff challenging the grant is the Episcopal Bishop of Washington, the Right Rev. John Bryson Chane. Other plaintiffs include the Rev. Joseph Palacios, a Roman Catholic priest and professor of sociology at Georgetown University. The case, *Chane v. District of Columbia*, was filed in October in U.S. District Court for the District of Columbia, by the ACLU of the National Capital Area and Americans United. ACLU National Capital Legal Director Arthur B. Spitzer wrote in *Capital Area Liberties* (November 2008): "The Central Union Mission has a constitutional right to preach the gospel and recruit disciples for its faith, as it's been doing for 124 years. But it is a constitutional violation for the District of Columbia to support that preaching with millions of dollars of public money and public property." He added, "The government shouldn't use taxpayer dollars to underwrite religious indoctrination."



Fairfax County (Virginia) Circuit Court Judge Randy Bellows delivered another blow to the Episcopal Church on October 14 when he ruled that a breakaway congregation, Truro Parish Church, could retain its property and land. This is the third straight ruling Bellows has made in favor of breakaway parishes that have placed themselves under the jurisdiction of conservative Anglican dioceses in Africa rather than the Episcopal Diocese of Virginia. The Virginia diocese has vowed to appeal, claiming that it is unconstitutional for government to interfere in the internal affairs of any church.

Another esoteric case is being heard by Bellows, this one involving a 276-year-old congregation in Falls Church that was once attended by George Washington. Both the diocese and the dissidents are citing early 19th century property deeds and various cross claims. Meanwhile, the Episcopal Diocese of Pittsburgh voted to break with the national church in October, recognizing a conservative Anglican jurisdiction in South America instead. While 58 parishes voted to secede, 16 chose to stay with the national church. Pittsburgh Bishop Robert Duncan, a leader of the disgruntled conservatives, has tried to avoid nasty lawsuits over property but the dispute is still likely to end up in court. "The idea that you can vote to leave the church and have the assets and the finances go with you is nonsensical," said the Rev. Harold Lewis, rector of Calvary Episcopal Church in Pittsburgh, a leader of those in the diocese opposed to secession.

Calvary Church, incidentally, was the site of the first religious radio broadcast in the United States in 1921.

The Diocese of San Joaquin, California, seceded last December and dioceses in Fort Worth, Texas, and Quincy, Illinois, did so in November. They also joined the Anglican Province of the Southern Cone, based in Argentina. Nearly 100,000 Episcopalians in 580 parishes have seceded in the last three decades, part of a growing trend for conservatives and evangelicals to leave existing denominations that have, in their view, grown theologically liberal. Still, that figure represents only 4% of Episcopal Church members.

USA Today reported on November 8, "Meanwhile, National Episcopal leaders are reorganizing the seceding dioceses with local parishioners who want to stay in the church. Complex legal fights have already started in San Joaquin over control of millions of dollars in diocesan property and assets."



Five Buddhist monks filed suit in federal court in October charging they were victims of discrimination by the City of Virginia Beach. The Buddhist Education Center of America claimed the city violated its constitutional right of religious free exercise and ignored a federal law protecting land use rights of faith-based organizations. The City Council voted in August to deny a permit extension, thus forcing the monks to stop services at their home. Some neighbors had objected to increased traffic in a mostly residential area.



On October 6 the U.S. Supreme Court declined to review a ruling by a federal appeals court that a Massachusetts school system did not violate the free exercise of religion rights of parents who objected to certain books their children read. In January the U.S. Court of Appeals for the First Circuit, in Boston, held unanimously that the Lexington school system did not violate parental rights with respect to religion nor did it attempt to indoctrinate children with particular views hostile to plaintiffs' religious beliefs. Two families had objected to books depicting same-sex couples and had asked that their children be exempt from reading them. The case was *Parker v. Hurley*.



A New Jersey appeals court ruled unanimously on August 20 that a conversation between a church member and a religious leader or pastor is not protected from being revealed in court documents unless it occurred in private and unless the pastor was acting as a "spiritual adviser." This is another twist on a long-standing dilemma in U.S. law: Is private counseling or confession of faults between clergy and penitent protected from legal scrutiny? Most courts have held that it is, but the New Jersey Appellate Division has modified and limited that privilege to a "spiritual adviser" who explicitly offers confidentiality.

The case involved a trial of a man charged with sexual abuse of his two daughters. Prosecutors in Middlesex County sought to include a pastor's testimony but a judge at a pretrial hearing disallowed it, claiming it was privileged communication. The appeals court disagreed and remanded the case for further proceedings.



Doctors cannot discriminate against gay and lesbian patients, even if they claim that religious freedom is compromised, according to an August 18 ruling by the California Supreme Court. The case involved a lesbian couple in San Diego who sought fertility treatments. Two doctors said their religious beliefs prevented them from performing artificial insemination on same-sex or unmarried couples. The couple sued, citing California civil rights law. Writing for a unanimous court, Justice Joyce Kennard wrote, "The Constitution's right to the free exercise of religion does not exempt defendant physicians here from conforming their conduct to the [civil rights] act's antidiscrimination requirements even if compliance poses an incidental conflict with defendants' religious beliefs."



The Center for Reproductive Rights filed suit in October in federal district court in Oklahoma City challenging Oklahoma's ultrasound
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law. Under recently passed legislation, women in Oklahoma cannot receive an abortion unless they first listen to a doctor's description of ultrasound images. The law prevents a woman from suing her doctor if he or she intentionally withholds other information about the fetus, such as developmental defects. The statute also requires physicians to use a particular regimen that has been criticized by the American College of Obstetricians and Gynecologists. The Center for Reproductive Rights charges that the Oklahoma law "intrudes upon a patient's privacy, endangers her health and assaults her dignity." Stephanie Toti, staff lawyer for the Center, told the Associated Press, "Anti-choice activists will stop at nothing to prevent a woman from getting an abortion, but trying to manipulate a woman's decisions about her own life and health goes beyond the pale. Governments should stop playing doctor and leave medical determinations to physicians and health decisions to individuals."

The case, *Nova Health Systems v. Brad Henry*, has national implications because Alabama, Louisiana and Mississippi also require ultrasound images prior to abortion. Gov. Brad Henry, a Democrat, is the defendant even though he vetoed the legislation in April because it included no exemptions for victims of rape and incest. The Republican legislature overrode his veto.



An exhibit, "Understanding Evolution," was cleared of the claim that it violated the Establishment Clause of the First Amendment. On October 3 the U.S. Court of Appeals for the Ninth Circuit upheld a lower federal court decision supporting a collaborative project on evo-

lution mounted by the University of California Museum of Paleontology and the National Center for Science Education (NCSE).

Jeanne Caldwell, represented by the right wing Pacific Justice Institute, claimed that the exhibit's discussion and defense of evolution violated her religious beliefs. The Ninth Circuit concluded, "Accordingly, we believe there is too slight a connection between Caldwell's generalized grievance, and the government conduct about which she complains, to sustain her standing to proceed."

NCSE deputy director Glenn Branch explained, "Arguing that 'Understanding Evolution' thereby endorses particular religious doctrines in violation of the Establishment Clause of the First Amendment, Caldwell filed suit in the United States District Court for the Northern District of California. But her suit was dismissed because she failed to allege that she had federal taxpayer standing, failed to sufficiently allege state taxpayer standing, and failed to establish that she suffered a concrete 'injury in fact'."



In October the U.S. Court of Appeals for the 10th Circuit affirmed a lower court dismissal of a suit against the City of Las Cruces, New Mexico. Two city residents, Paul Weinbaum and Martin Boyd, claimed that the city was unconstitutionally promoting Christianity by using three crosses on buildings and on its official logo. The 10th Circuit agreed with a district court holding that the suit lacked merit and added, "It is hardly startling that a city with the name 'The Crosses' would be represented by a seal containing crosses."

Las Cruces is the county seat of Dona Ana County and the home of New Mexico State University. ■

Updates

Republican Judges Dominate Appeals Courts

A *New York Times* study of the federal Courts of Appeals found that 62% of sitting judges have been appointed by Republican presidents. When George W. Bush took office in 2001, there was an even division (76 Republican-appointed and 76 Democratic-appointed judges). Today there are 101 judges appointed by Republicans and 63 by Democrats, with 15 vacancies.

President Bush has appointed more than a third of the appellate court jurists, and the median age of his appointees is lower than Democratic appointees. Several studies show that GOP judges are considerably more conservative in their judicial philosophy. Charlie Savage, author of the October 29 report, wrote, "His administration has transformed the nation's federal appeals courts, advancing a conservative legal revolution that began nearly three decades ago under President Ronald Reagan."

Republican-appointed judges outnumber Democrats in ten of the 13 circuits, including 82% in the 8th Circuit (St. Louis), 76% in the 5th Circuit (New Orleans), and 70% in the 7th Circuit (Chicago). Democratic-appointed judges are 59% in the 9th Circuit (San Francisco) and 50% in the 2nd (New York) and 3rd (Philadelphia) Circuits.

President Bush boasted of his transformation of the appeals courts in a speech to the conservative Federalist Society on October 6 in Cincinnati.

Savage noted the obvious importance of the presidential election for the future of the federal judiciary: "An Obama victory could roll back the Republican advantage on the appeals courts and even create a Democratic majority by 2013, according to a study of potential vacancies by Russell Wheeler of the Brookings Institution. But if Mr. McCain wins, Republicans could achieve commanding majorities on all 13 circuits."

Religious Repression Grows in Algeria and Jordan

The U.S. State Department's annual report on the state of religious freedom in 198 countries singled out Algeria and Jordan – the latter a U.S. ally—for deteriorating conditions involving religious freedom. In regard to Algeria, the report, issued September 19, said, "The government's de facto and de jure policies have precipitated a decline in the status of religious freedom during this reporting period." In February, the government began enforcing an ordinance which "makes proselytizing a criminal offense." The report criticized Jordan for "harassing individuals and organizations based on religious affiliation" and noted, "In Jordan, a Sharia Court found a convert from Islam to Christianity guilty of apostasy, annulled his marriage, and declared him to be without any religious identity."

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You can now visit Americans for Religious Liberty's internet website: arllinc.org. The site contains information about the organization, books available on church-state issues, reprints of important articles, and back issues of our journal.

The most serious violators of religious liberty, called “countries of particular concern,” were: Myanmar (formerly Burma), China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan.

China was criticized for persecuting Tibetan Buddhists and Muslim Uighurs in Western China.

Egypt, while not one of the worst nations, was also cited: “Several government measures and practices undertaken during the reporting period contributed to a decline in government respect for religious freedom.”

“In exposing injustice, this report lights a candle—an 800-page candle—that we trust will encourage justice and greater respect for the rights of religious believers across the globe,” said John V. Hanford, U.S. ambassador at large for religious freedom.

The massive report has been mandated by federal law since 1999. Condoleezza Rice also rejected an attempt by 57 Muslim nations, calling themselves the Organization of the Islamic Conference, to declare “defamation” of religion a criminal offense. “Instead of protecting religious practice and promoting tolerance, this concept seeks to limit freedom of speech, and that could undermine the standards of international religious freedom,” she said.

Religious Bias Claims Up 15%

The *Wall Street Journal* reported “a surge in workplace disputes over religion.” On October 13 reporter Phred Dvorak wrote, “Claims of religious discrimination filed with federal, state and local agencies have doubled over the past 15 years and rose 15% during 2007 to 4,515, a record.”

Disputes involving Muslim workers have resulted in mass firings at meatpacking plants in Colorado and Nebraska and at chicken-processing plants in Tennessee. When employers tried to accommodate requests for prayer breaks, non-Muslim workers protested, forcing reversals in policy.

Religious Discrimination Okayed

In its closing days, the Bush administration Justice Department seemed to justify giving taxpayer funds to religious groups that restrict hiring to fellow believers. A Justice Department memorandum issued in 2007 quietly appeared on the department website in October 2008. The memorandum claims that the 1993 Religious Freedom Restoration Act permits exceptions to federal civil rights statutes if these non-discrimination rules would impose a “substantial burden” on religious free exercise. Using this reasoning, Justice allowed a \$1.5 million grant to World Vision, a group that hires only Christian staff. Many law professors criticized the Office of Legal Counsel’s memo, which is not binding on the next administration.

Abortion Legislation Increases

Studies of state legislative activities indicate a 12% increase in proposed legislation dealing with abortion. Most of the activity related to so-called “informed consent” laws that passed in Ohio, South Carolina, South Dakota and Oklahoma. These laws require ultrasound procedures and involve often highly controversial information designed to discourage abortions. Nearly 450 proposals were filed in 45 state legislatures, though most failed. Several informed consent laws have been challenged in court.

Science and Religion: Not Enemies

“Science and religion are based on different aspects of human experience. In science, explanations *must* be based on evidence drawn from examining the natural world. Scientifically based observations or experiments that conflict with an explanation eventually *must* lead to modification or even abandonment of that explanation. Religious faith, in contrast, does not depend only on empirical evidence, is not necessarily modified in the face of conflicting evidence, and typically involves supernatural forces or entities. Because they are not a part of nature, supernatural entities cannot be investigated by science. In this sense, science and religion are separate and address aspects of human understanding in different ways. Attempts to pit science and religion against each other create controversy where none needs to exist.”

Science, Evolution, and Creationism, by National Academy of Sciences, Institute of Medicine. The National Academies Press, 2008, p. 12.

Virginia Chaplains Quit

Six of Virginia’s 17 police chaplains resigned in September when Superintendent Steven Flaherty asked the chaplains to offer only non-denominational prayers at public events such as trooper graduations and memorial services. This would not affect funerals or private counseling activities. Chaplains who were uncomfortable with generic prayers could opt out of public ceremonies. The chaplains are paid employees of the Virginia State Police. The decision was called “reasonable” by Governor Tim Kaine.

Some Republicans saw this as a golden opportunity to attack Democrats and accuse the governor of discriminating against “Christians.” House Republican Majority Leader Morgan Griffith, a supporter of Mike Huckabee during the GOP primaries, said the action “violates the First Amendment rights of the chaplains” and constituted an attack on Christianity.

Griffith blamed the governor, who had nothing to do with Colonel Flaherty’s decision. Kaine, the state’s first Catholic governor, was the target for Griffith’s sarcasm. “The last time I checked, the Catholic Church was in favor of Jesus Christ,” Griffith said, provoking the governor’s spokesperson, Gordon Hickey, to denounce a “political attack on the governor’s faith.”

Republican legislators have promised to introduce legislation to reverse the decision when the legislature reconvenes in January.

Vatican Abuse Suit to Proceed

On November 24 the U.S. Sixth Circuit Court of Appeals ruled that a lawsuit against the Vatican by three men who say they were sexually abused by priests in the Louisville archdiocese may proceed. The suit charges that the Vatican orchestrated a decades-long cover-up of clerical pedophilia.

Mormon Political Inquiry Set

California’s Fair Political Practices Commission announced in late November that it would investigate the Mormon Church’s possible failure to report a battery of nonmonetary contributions—such as phone

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Updates, *continued from page 13*

banks, a Website, and commercials—to the campaign to pass Proposition 8 on November 4. California voters upheld a measure to ban same-sex marriages by 52% to 48%.

Californians Against Hate founder Fred Karger, who filed the complaint, said that the church's reported contributions—about \$5,000—greatly underestimated its actual efforts. California law requires disclosure of any money spent or services provided to influence the outcome of an election.

Karger's complaint asks, "Who paid for the buses, travel costs, meals and other expenses of all the Mormon participants?" The complaint also mentions a five-state simulcast from church leaders to Mormon congregations and a Website, preservingmarriage.com.

International Updates

Baghdad: Religious minorities were granted only a handful of seats, six out of 440, on provincial councils, in a decision ratified on November 8 by the Executive Council, consisting of the president and two vice presidents. Parliament cut the number from 12, a figure encouraged by the United Nations mission in Iraq. Christians, once 3% of the population, were given less than 1% of the council seats, which may lead them to boycott local elections next year. A majority of Christians, who have lived in the region since the days of the apostles, have been displaced, and many have been killed during the past five years. All but one Christian church in Baghdad have been destroyed in the sectarian clashes. Other Iraqi religious minorities include Yazidis, Sabians and Shabaks.

Canberra: The speaker of Australia's parliament has urged a debate over whether to open each session with the Lord's Prayer, the custom since 1901. While 65% of Australians identified themselves as Christian in the last census, less than half attend church, and the country's political culture is increasingly secular. Most of the 226 parliamentarians are nominally Christian, while two are Jewish and none are Muslim or Buddhist. Both Prime Minister Kevin Rudd and opposition leader Malcolm Turnbull favor retaining the opening prayer.

Moscow: On October 15 the Russian Ministry of Justice began a crackdown on 56 religious groups that have allegedly failed to file

annual reports of their activities. Numerous Protestant and Catholic organizations were on the list, as were Buddhists, Muslims and international Christian groups such as World Vision, Youth with a Mission and the Billy Graham Evangelistic Association. The groups face dissolution, which would seem to be a harsh penalty for failure to comply with annual reporting requirements. Human rights groups, including the Slavic Legal Center and the Slavic Center for Law and Justice, criticized the actions as inconsistent with the Russian constitution.

Joseph Grieboski, president of Washington DC's Institute for Religion and Democracy, said, "The move to liquidate several organizations can be seen only as a move to limit and control their activity further. Despite recent European Court of Human Rights cases against such activities and registration standards, the Russian Government continues its ongoing tightening of religious activity and continues to threaten free exercise of faith in Russia."

Added Derek Davis, director of the University of Mary Hardin-Baylor Center for Religious Liberty, "The Ministry of Justice's action only bolsters the claim by many within Russia that the government is not serious about religious freedom but consistently works in tandem with the Russian Orthodox Church to pester, persecute and eliminate if possible other religions. . . . The Ministry of Justice's action against 56 religious organizations might be a genuine but harmless attempt to bring the organizations into compliance with law. But many inside Russia doubt whether there is not something more troublesome at play here. It might well be Russia's latest attempt to elevate Russian Orthodoxy to a position made prominent by reducing and eliminating the competition."

New York: Religious and political leaders from around the world denounced religious extremism at a United Nations conference on interfaith dialogue held on November 12 and 13. The event's chief sponsor, King Abdullah of Saudi Arabia, told the gathering at the General Assembly that religious conflict has "engendered intolerance, causing devastating wars and considerable bloodshed." He added, "Terrorism and criminality are the enemies of every religion and every civilization." Outgoing U.S. President George W. Bush addressed the conference that was also attended by British Prime Minister Gordon Brown and a few other world leaders. Most countries sent low-rank diplomats.

Some delegates expressed doubts about holding a religious meeting at the General Assembly, but its president, Miguel d'Escoto of Nicaragua, told the *Washington Post*, "We're here to talk about tapping our innermost values and putting them at the service of the neediest people." Several human rights groups criticized Saudi Arabia for having one of the worst records on religious tolerance of any nation. Sarah Leah Whitson, Middle East director for Human Rights Watch, said a U.N. discussion on religious discrimination should spotlight places "where religious intolerance runs deepest, and that includes Saudi Arabia."

The attendees issued a declaration that affirmed "their rejection of the use of religion to justify the killing of innocent people and actions of terrorism, violence and coercion which directly contradict the commitment of all religions to peace, justice and equality."

Paris: A campaign to "redefine" secularism, or the nearly absolute separation of church and state in France, which began in 1905, was initiated by Pope Benedict XVI on his first visit to a nation once called "the eldest daughter of the church." In Lourdes on September 14, the pope said, "The social and political presuppositions of past mistrust or even hostility are gradually disappearing." A possible change in church-state relations is also favored by President Nicolas Sarkozy, who broke protocol by meeting the pope at the airport, hosted him at the Elysée Palace and attended a papal talk at a Cistercian monastery in downtown Paris. At that event Sarkozy argued: "It is legitimate for democracy and respectful of secularism to have a dialogue with religions. That is why I have called for a positive secularism." Later, Benedict gave a nod to

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separation, noting, "The church does not claim the prerogative of the state."

This move is not without its critics. Robert Marquand, staff writer for *The Christian Science Monitor*, wrote on September 15, "Critics of the French president say it is not the province of a man elected to uphold the laws of the French republic to talk about God. They say he is violating the basic law of 1905, which came after decades of bitter battles with the Catholic church, that firmly consigns religion to the private sphere." Marquand added, "Still, it is an uphill battle for the president. The 1905 law is popular, almost sacred, here."

Santiago: Chile has declared a public holiday on October 31 honoring "the evangelical and Protestant churches." The date commemorates Martin Luther's pinning his 95 theses to a church in Wittenberg, Germany, thus setting off the Reformation. Only Slovenia and several German states have declared the day a national holiday. The unanimous vote in Chile's congress is a recognition of the growing clout of evangelicals throughout Latin America. Now 15% of the Chilean population, evangelicals serve as chaplains in the armed forces and their children may receive religious instruction in their faith in state schools along with Catholic courses for Catholic students. Calling the growth of Protestantism "an inexorable trend," *The Economist* noted on November 8, "Five centuries after the region's forced conversion to Catholicism, Chile's new holiday is a cultural milestone." ■

Editorial

Support for Religious Right Declines, but Movement Remains a Threat

This was not a good election for the Religious Right, despite their apocalyptic rhetoric aimed at Sen. Obama and the Democrats. Not only did the candidate they feared win the presidency by a comfortable margin, but the Democrats increased their majorities in both houses of Congress.

Then there were the referenda. Three measures aimed at restricting reproductive choice failed. The one in South Dakota was poised for a legal challenge that might have ended at the U.S. Supreme Court, where *Roe v. Wade's* fate hangs by a single vote. Approval by voters of assisted suicide for gravely ill patients in Washington State and expansion of stem cell research in Michigan were also defeats for the Religious Right. Their only victories came in the three states where voters approved bans on same-sex marriage and in Arkansas where voters banned unmarried couples from becoming adoptive or foster parents.

Finally, a number of congressional zealots closely identified with this movement went down to defeat, including Marilyn Musgrave in Colorado, Bill Sali in Idaho, Tom Feeney in Florida, Virgil Goode in Virginia, and Tim Walberg in Michigan.

But the Religious Right is far from dead. Its supporters remain committed and adamant. The movement's organizational clout and media resources are strong. They relish the opposition role, since their message is itself negative, backward-looking and opposed to religious and cultural pluralism. There is every reason to believe that they will redouble their efforts for future elections and court battles. (A number of religiously conservative universities maintain law schools that train students for future legal assaults on church-state separation and religious liberty.) Like true believers everywhere, they never give up. Nor should their opponents.

—Al Menendez

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Books and Culture

The Lord Was Not on Trial: The Inside Story of the Supreme Court's Precedent-Setting McCollum Ruling, by Dannel McCollum. Americans for Religious Liberty, 2008, 250 pp., \$18.00 paperback.

Not only is this a thoroughly documented and meticulously researched study of a precedent-setting case, but it represents an inside view that could only have come from a family member. As the author notes, "Today, the chief significance of the *McCollum* case is that it was the first of a series of cases brought under the First and Fourteenth Amendments to the United States Constitution where a practice by a local or state governmental body was actually held to violate the First Amendment's 'establishment of religion' clause."

The significance of the case is highlighted, particularly in light of the Supreme Court's recent drift away from strict separation of church and state. McCollum reminds readers, "Many civil libertarians, including myself, view this trend away from strict separation as alarming. Without question, my connection with the *McCollum* case is an influencing factor. The trial and its aftermath posed difficult times for my family and the thought that it may all have been for naught brings with it a strong sense of personal frustration and futility."

All of the ins and outs of a case that reached the Highest Court in the land are told with gusto, against the background of the America of the 1940s.

This dramatic and well-told story belongs on the bookshelf of everyone who is interested in church-state relations and is committed to religious liberty for all. (See ad on page 10.)

—Al Menendez

Voices for Evolution [third edition], edited by Carrie Sager, National Center for Science Education, 2008, 203 pp., \$12.95.

Despite all the court rulings against them, fundamentalists are still working hard in Texas and elsewhere to downgrade evolution in public schools and to replace it with some form of "creationism." NCSE's updated collection of statements supporting evolution from 176 scientific, educational, religious, and civil liberties organizations (including ARL) is especially useful. It also contains a brief summary of significant court rulings supporting evolution. (Disclosure: The book includes the relevant part of the resolution I wrote for the 1982 Unitarian Universalist General Assembly.)

—Edd Doerr
continued on page 16

Left at the Altar: How the Democrats Lost the Catholics and How the Catholics Can Save the Democrats, by Michael Sean Winters. Basic Books, 2008, 248 pp., \$26.00.

Winters, a speechwriter and columnist, says the Democrats can resume their role as America's permanent majority party if they fuse "traditional American liberalism with Catholic social teachings," thus "creating policies that are morally upright and politically successful."

Arguing that the abortion issue after *Roe v. Wade* alienated many Catholic moderates from the Democratic Party, he expresses the ambivalence about the issue that is typical of many Americans. He also cites three factors that changed Catholic opinion in favor of "versions of liberalism focused on human autonomy." They are: (1) "The culture of Catholicism in America continued to change in ways that made disagreement with the Church's teachings more common"; (2) "The collapse of the Catholic ghetto had weakened the hierarchy's control immeasurably"; (3) "The hierarchy's authority was further weakened by the emergence of public dissent from official Church teachings within the Church."

His treatment of John F. Kennedy, the one successful Catholic aspirant for the White House, is disappointing. "His effort aroused the latent anti-Catholicism of both the Protestant Right and the secular Left even while it united Catholics and liberals in a struggle for tolerance. ... In his effort to reassure Protestant misgivings about Catholicism, Kennedy essentially manipulated his religion for electoral gain." Most scholars agree that Kennedy's religion almost cost him the presidency despite his support for church-state separation and assurances of independence from ecclesiastical authority. It was his opponents who used religious animosity in a surreptitious manner to deny him the presidency.

Obama's 54% to 45% win among Catholics suggests that Winters' overall thesis is a valid one.

—Al Menendez

What Americans Really Believe: New Findings from the Baylor Surveys of Religion, by Rodney Stark. Baylor University Press, 2008, 208 pp., \$24.95 paper.

What? Another survey of religion in America? Do we really need it, along with a full-length book to explain the results? Well, if you are a poll junkie, or a numbers cruncher, or a religious sociologist, you might welcome this rather quirky explanation of religious opinions and involvement. It is certainly a respectable one, written by a well known if occasionally controversial sociologist, and conducted by a research institute at Baylor University.

To begin with, the author, Rodney Stark, goes back four decades with his prodigious research and writing. He has in the past tended to treat religion as a commodity that either does well or poorly among the general public. He often reduces religion to numbers, ignoring the vitality factor that has little to do with denominational size. He frankly

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ARL in Action

• Al Menendez and Edd Doerr wrote the cover story for the November/December issue of *Liberty*, a bimonthly magazine devoted to religious freedom issues that has been published for a century by the Seventh-day Adventist world headquarters in Silver Spring, Maryland. The article, "Church-State '08," reminds readers that "Issues regarding the proper relationship between church and state have affected presidential elections for the past several decades and will undoubtedly do so again this year."

• Edd Doerr reviewed a number of important new books in *UU World*, the Unitarian Universalist quarterly, and a Spanish-language book for the summer-autumn issue of *Conscience*, published by Catholics for Choice.

• Copies of all of the previous and current issues of *Voice of Reason* and copies of the three-dozen books and monographs produced by ARL have been donated to the Flynn Harrell Collection on the Separation of Church and State at the University of South Carolina in Columbia. A new library housing these and related materials is due to open in early 2010.

• Edd Doerr is the author of the 26-page section on "The Founding Fathers" in the new book *Icons of Unbelief* published by Greenwood Press (463 pp, \$75).

labels some churches winners and others losers, especially in a previous book, *The Churching of America*.

In this volume he challenges conventional wisdom found in several other surveys. In a society often labeled post-denominational, he says denominations are alive and well. His report of the Baylor Survey shows weekly church attendance at 36% - 38%, lower than Gallup but higher than some other surveys. Stark buys the old and stale conservative argument that conservative churches are growing and liberal ones are declining because "the denominations where 'demythologized modernism' had made substantial headway all suffered catastrophic declines." He does not mention birthrate differentials, retention of young members or immigration as factors, though many researchers see multiple causes for religious decline and gain.

There is a wealth of information about religious beliefs and practices, and some interesting chapters look at atheists and New Age adherents, who often seem invisible in other polls.

There are some problems in the text. For one thing, the author continually uses "irreligious" to define families and individuals who are not avid churchgoers, as if church attendance is the sole criterion for religious commitment.

More importantly, his knowledge of church-state relations is woefully inadequate. He writes, "The principle of the complete separation of church and state is, in fact, quite new, having first been asserted by the Supreme Court in 1947. ... No one suggested that the government was required to be strictly secular." He then says that "school prayer was outlawed "and it is "illegal for school choirs to sing Christmas carols," both of which are untrue.

He expends great effort to prove that the evangelical 28% of the nation "are not so very different" from other Americans. That is strange when his statistical tables and charts comparing evangelicals to "all non-evangelicals" show that evangelicals are 35 percentage points more conservative on gay issues, 34 points more conservative on school prayer, 31 points on abortion, 27 points on "the display of religious symbols in public places" and 25 points on "strict separation of church and state." These are statistically significant differences. He also writes, "Evangelical-

cal Christians are the new scapegoats of liberal American culture.” He condemns critics of the Religious Right and argues that “spurious claims about evangelical theocratic plots” should be seen as ridiculous.

He writes that Americans favor “sacred symbols in public places,” noting that 87% erect their own Christmas trees, including 68% of “self-identified atheists.” That is hardly an earth-shattering discovery.

The Baylor Surveys were conducted in 2005 and 2007 and will be repeated every two years through 2018. Stark is co-director of the Institute for Studies of Religion, which is funded partly by Gallup and the Templeton Foundation.

The book has some value but its overall impact is inconsistent and uneven. Stark may be a brilliant sociologist but he seems to know next to nothing about church–state law.

—Al Menendez

Red State, Blue State, Rich State, Poor State: Why Americans Vote the Way They Do, by Andrew Gelman, Princeton University Press, 2008, 233 pp., \$27.95.

Though primarily a book about how income influences voting behavior, it also includes much information about religion. The author admits he was surprised by his detailed number-crunching, which purports to show that the rich are more likely to vote on social issues than the poor. “The cultural differences between states – the things that make red and blue America feel like different places – boil down to differences among richer people in these states.”

The author finds that “religion is inextricably tied to social and political geography” and that “the correlation between church attendance and Republican voting is weakest among mainline Protestants and strongest among Mormons, evangelical Christians, and Jews.” He concludes, also, that “except for non-evangelical Protestants, frequent attenders of each religious group were much more likely than nonattenders to vote Republican.”

There are different voting patterns in different states. “Within each income group, there is some evidence that economic issues are more important in Democratic-leaning states and social issues more important in Republican-leaning states.” Furthermore, “Higher-income voters are more conservative, both economically and socially, in poor states, and frequent church attenders are more socially conservative in less religious states.”

This religion/income pattern is of fairly recent origin. “The current pattern - of religious attenders being more Republican, especially among high-income voters – has been happening since Bill Clinton’s election in 1992, with no consistent patterns before then.”

In conclusion, “Churchgoers are much more Republican than non-churchgoers—as expected—but what surprised us is that this difference is much larger for richer voters. ... Rich churchgoers are much more Republican than poor churchgoers. But among the nonattenders (who represent about a quarter of Americans), rich and poor alike are solid Democrats. Looked at this way, the Democrats’ base is low-income churchgoers and secular Americans, while Republicans win the votes of middle-class and upper-income churchgoers.”

Since the author’s findings challenge conventional wisdom in several ways, his book becomes that much more important.

—Al Menendez

Blue Dixie: Awakening the South’s Democratic Majority, by Bob Moser. Times Books, Henry Holt and Company, 2008, 274 pp., \$25.00.

This book, which the author calls “a mix of journalism and polemic,” forecasts a new progressive, Democratic South that will reject the Religious Right and enter a post-racial era. “Now the post-‘60s

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backlash generation is dying, both literally and figuratively. A multiracial, post-religious right generation of Southerners has begun to emerge, with precious little patience of the politics of the past. ... Together, these Southerners are rebelling against the religious right’s narrow definition of what ‘values’ mean in politics. They are questioning the Republican Party’s ethics and its Wall Street agenda. They are impatient with Southern Democrats’ timidity and national Democrats’ Dixiephobia. And they are swelling up into a force that, with proper care and tending, will turn Dixie blue.” If this is true, “Southern voters have the potential to reshape the partisan landscape of America.”

To do this, voters will have to bypass the recent power of the megachurch. “As the South became more prosperous, the booming Sunbelt suburbs spawned a whole new, lavish kind of community center with the megachurch. These churches, growing up at the same time that the Republican Party was reaching out to white suburbanites and putting a new emphasis on grassroots organizing, have often served as de facto Republican Party headquarters.”

The Obama victories in Virginia, North Carolina and Florida suggest that Moser may be on to something.

—Al Menendez

continued on page 18

Books and Culture, *continued from page 17*

God and Race in American Politics: A Short History, by Mark A. Noll, Princeton University Press, 2008, 209 pp., \$22.95.

Historian Mark Noll states his thesis up front: "Together, race and religion make up, not only the nation's deepest and most enduring moral problem, but also its broadest and most enduring political influence... for three out of the four great transformations in American history, potent combinations of race and religion were the engines that drove political change." He tells this "immensely complicated" story well and shows how race and religion have interacted to produce dramatic political changes since 1960. Evangelical Protestants have moved from slightly Republican to overwhelmingly so, while mainline Protestants have shifted from solidly Republican to divided almost evenly. Catholics have been voluntarily "redirected" from staunch Democrat to split down the middle. Jews, blacks, and secular voters are now the bastion of the Democratic Party, constituting 50% of the Kerry vote in 2004 compared to 22% of the Kennedy vote in 1960.

Noll's conclusion is succinct: "Among many evangelicals, primarily in the South, and among some Catholics, primarily in the North, race was the key matter pushing allegiance toward the Republican Party... Once segregation was gone, the promotion of a political agenda that championed personal responsibility, traditional values, and Judeo-Christian morality – in exploratory fashion by Barry Goldwater in 1964, and with great effect by Ronald Reagan in 1980 and 1984, and with sustaining force by George Bush and Karl Rove in 2000 and 2004 – enjoyed a broad national appeal, except in those parts of the country where other political goals had become more important."

—*Al Menendez*

Politics in the Parish: The Political Influence of Catholic Priests, by Gregory Allen Smith. Georgetown University Press, 2008, 260 pp., \$26.95.

In 1835 French observer Alexis de Tocqueville observed that American Catholic clergy were scrupulously nonpolitical even though their influence on the religious principles and mores of their flocks was considerable. For the next century many if not most Protestants were cer-

tain that Catholic priests told their congregations how to vote, thus commanding a huge political base. It is unlikely that this was true, but many believed it, including, no doubt, some politicians.

In this book a research fellow at the Pew Forum summarizes his findings from a survey he designed and administered at nine Catholic parishes in Richmond, Arlington and Washington, D.C. during the 2004 election. His conclusion is that clergy exercise only an "indirect" influence on congregants' voting behavior and then only on a few issues. He writes, "These analyses again uncovered no evidence of direct priestly political influence. In short, the survey of parishioners reported here uncovers no evidence of direct priestly influence on the voting behavior or political attitudes of Catholic parishioners during the 2004 election season.

"The analyses presented here do show, however, that for Catholics, political attitudes are clearly shaped in part by religious attitudes, including religious particularism and willingness to accept political guidance from the Church... Willingness to accept Church guidance is, as expected, a statistically significant predictor of conservative views on abortion, stem cell research, birth control, and gay marriage, and a statistically significant predictor of liberal views on capital punishment, welfare, and homelessness."

The bottom line: "Catholic priests... may indirectly influence Catholic politics. In short, the analyses presented here suggest that priestly political influence may be subtle and indirect, but that priests may nevertheless be an important source of political influence for American Catholics."

It is difficult to know whether these results could be replicated in other areas of the country since "the respondents in this study are substantially older, more female, more likely to be white, better educated, and more affluent than are American Catholics as a whole." Still, it is a useful study of a little researched area of political activity.

—*Al Menendez*

Whose Church? A Concise Guide to Progressive Catholicism, by Daniel C. Maguire. The New Press, 2008, 178 pp., \$23.95.

Far too many Americans are of the opinion that Catholics believe what the Vatican and the bishops say they should believe. Eminent ethicist and theologian Dan Maguire, a former priest who trained at the Vatican, dispels that myth.

In a short, readable book brimming with humor, Maguire shows that the Vatican's preoccupation with "pelvic politics" is not backed by the church's history and offers a progressive Catholic take on such pressing issues as poverty, race, sexuality, male dominance, gender, war, and the environment. As the book was published before the November 4 elections, Maguire could not have known in advance that the Catholic vote would go strongly for Barack Obama, which confirms his view of progressive Catholics.

Among the gems in Maguire's book are these:

"That the papacy has become one of the last remaining forms of absolute monarchy is a sad betrayal of the Jesus revolution in authority. Guys love hierarchy."

"The radical right has effectively hijacked the Bible, but they know not what they clutch to their bosom. Scholarship can easily hoist them on their biblical petard... Secular as many citizens may be, they are being Bible-whacked by right-wing distortions of biblical politics."

Maguire favors dealing with the overpopulation problem and shows that the Vatican's rigid, fanatical opposition to contraception and abortion is based on "a great big lie." He cites Saint Antoninus, canonized in 1523, and theologians Tomás Sanchez, Augustine and Thomas Aquinas as supporting abortion for a variety of reasons.

—*Edd Doerr*

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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Counselor: A Life at the Edge of History, by Ted Sorensen. Harper, 2008, 556 pp., \$27.95.

It's now been nearly a half century since John F. Kennedy was elected president despite concerns and fears about his Catholicism. His long-time adviser and special assistant Ted Sorensen has had plenty of time to reflect on that seminal event and does so with grace and eloquence in his autobiography.

Sorensen says that a strange combination of "bigots, liberal intellectuals, anxious Democrats and some nervous Catholics" were the ones most concerned about the religious issue in the 1960 campaign. All but the first were convinceable, he suggests.

Sorensen, a lifelong Unitarian from Nebraska, was "placed in charge of studying and combating this issue" because of "my ability to understand those religious and political liberals who were afraid of the Catholic hierarchy, and to reassure them about JFK's independent views." Sorensen spells out Kennedy's record: "Kennedy publicly disagreed with the church hierarchy on many public policies, was alone among the presidential hopefuls in opposing a 1960 bill that would have authorized public funds for nonpublic schools, and also opposed the U.S. government recognizing the Vatican as a state by appointing a U.S. ambassador. On the most sensitive issue of all, he opposed any attempt to reduce U.S. foreign aid to nations using public funds for birth control."

Sorensen adds that "JFK wanted to be strong in dissociating himself from centuries of Vatican doctrine inconsistent with the Jefferson-Madison principle of separating church and state."

Narrowly winning the presidency despite losing more votes from Protestants than he gained from Catholics, Kennedy pursued an unequivocal pro-separation course. "He confirmed their confidence by conducting an administration free of any bias toward the Catholic Church or any other religion. He recommended no aid for religious schools, channeled no funds to faith-based programs, created no breaches in the wall between church and state, sent no ambassador to the Vatican, and was not unduly influenced by any clergyman from Catholic or other denominations. The country moved on."

Sorensen brings the story up-to-date, with this trenchant observation about the Bush administration: "As I write this today, the chief violator of church-state separation is not the Catholic Church, despite the hierarchy's increasing efforts to reverse judicial and legislative permission for abortion and to prevent stem cell research; it is Protestant conservatives and their president. In 1960, their predecessors, in their pulpits and vicious pamphlets, warned that the election of Kennedy raised three threats to the American way: the threat that the beliefs of one religious faith would be favored or imposed over others; the threat that a public official's personal religious convictions might take priority in his public policy decisions over his constitutional obligations; and the threat that religious leaders would politically instruct their congregants who held public office. Today's religious and political conservatives, ironically in their zeal to tear down the wall between church and state which has served both church and state so well for so long in this country, are themselves fulfilling all three of the prophecies of doom that their forebears had falsely inveighed against John Kennedy."

—Al Menendez

Hitler's Priests: Catholic Clergy and National Socialism, by Kevin P. Spicer. Northern Illinois University Press, 2008, 369 pp., \$34.95.

How could a Catholic clergyman, supposedly dedicated to moral, ethical and humane values, support the Nazi regime in Germany? This is the enigma that captivated historian and Catholic priest Kevin Spicer when he began research nine years ago on the "brown priests." His conclusion is that a fervid German nationalism, a desire to avenge the nation's humiliating defeat in World War I, fear of a Communist take-

"A Different Hamburger"

Richard John Neuhaus' comment on Douglas Laycock's "Substantive Neutrality Revisited" law-review article (While We're At It, June/July 2008) referred to Philip Hamburger's 2002 book "Separation of Church and State" as a "magnificent" debunking of Jefferson's wall between church and state. I beg to differ.

In a published review of Hamburger's book, I wrote that while Hamburger "tries to convey the impression that separation represents only nativist, anti-Catholic, and ultrasecularist bigotry [He fails to mention] that Catholic voters in Massachusetts, New York, California, and Michigan have in recent years voted to reject attempts to remove state constitutional provisions aimed at preserving church-state separation. [Nor does he discuss] the long history of federal and state court rulings upholding separation [or] that in the predominantly Catholic Commonwealth of Puerto Rico the 1952 constitution states that 'There shall be complete separation of church and state'."

It might also be noted that conservative, separation-unfriendly lawyer Bruce Fein, reviewing the Hamburger book in the conservative, separation-unfriendly *Washington Times*, wrote that "not all Protestant worries over the infiltration of a despotic and reactionary papal culture into the American demos were figments [of the imagination]." Fein cited papal opposition to democracy in Europe, papal insistence that Catholicism be established and preferred by governments, the Index, and the 1858 Edgardo Mortara case, involving the controversial papal kidnapping of a six-year old Jewish child, which incensed the world. My observation is that most Catholics prefer to line up on church-state matters with John F. Kennedy and Justice William Brennan.

—Edd Doerr

This letter was published in the November 2008 issue of *First Things*.

over, and disillusion over postwar poverty and "immorality" were major factors. But the glue that held this admittedly small number (138 of 34,000 priests in Germany) together was anti-Semitism. "I found it difficult to comprehend how a person ordained to serve others and preach Christ's commandment of love could so wholeheartedly embrace the hate-filled ideology of National Socialism. I also realized that the anti-Semitism present within my Church created a convenient bridge for these priests to embrace many aspects of National Socialism's racial ideology."

These priests, who were also "pseudo-civil servants subject to state regulations," were not provincial dummies since "more than one-third of them had doctorates in theology or philosophy. ... A large number of the brown priests used their academic gifts for immoral social and ethical ends to promote National Socialism's compatibility with Catholicism."

Most of their bishops opposed their activities and tried to distance themselves from the dissident priests. However, "The German bishops' primary concern was always the protection of the Catholic Church and its sacramental mission." A half century later, German bishops continue to deny that anti-Semitism was influential in German Catholicism, preferring to blame "neo-paganism" instead. "Even today the Catholic hierarchy seems incapable of disengaging itself completely from this historical posture." After the war, their discipline was mild. "While their respective bishops generally disciplined them, almost all of the brown priests eventually made their way back into full-time ministry."

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Books and Culture, *continued from page 19*

The whole history of this era is sad, says Spicer, a member of the Congregation of the Holy Cross and professor of history at Stonehill College in Massachusetts. “It is even sadder that the Catholic pre-Vatican II tradition inadvertently supplied these racist feelings with a theological lie (i.e., Jews killed Christ and for that reason were theological contaminants), which enabled these clergymen to bring anti-Semitism into harmony with their priesthood.”

Spicer’s book is published in association with the United States Holocaust Memorial Museum. Its meticulous scholarship deserves an award for original historical research.

—Al Menendez

Vatican Secret Diplomacy: Joseph P. Hurley and Pope Pius XII, by Charles R. Gallagher, S.J., Yale University Press, 2008, 283 pp., \$40.00.

This “political biography of a religious person” tells the story of the first American who served as a Vatican diplomat (nuncio), Joseph Patrick Hurley. A native Clevelander, Hurley moved “behind the scenes at the Vatican during the pivotal years from 1927 to 1940.”

The book is based partly on diaries kept by Hurley during his diplomatic assignments. Gallagher reveals that Hurley “came to see the Holy See’s wartime program as essentially flawed: he was convinced that Pope Pius XII was overly fearful about communism, and not fearful enough about Nazism.”

Almost unknown until now, “Hurley’s ecclesiastical career provides an important glimpse into how papal wartime policy was formed from the perspective of a Vatican insider who was able to observe and influence events as they unfolded.”

Gallagher shows that Hurley was a significant figure. “During the 1930s he crucially influenced how the Vatican reacted to the anti-Semitic Detroit priest Rev. Charles Coughlin. By late 1940 he became convinced that the wartime policy of the U.S. government was right and that of the Holy See wrong. The decision of Pope Pius XII to move him abruptly out of the Vatican to the diocese of St. Augustine shows that Hurley’s clandestine prodemocracy propaganda efforts made him a liability to the Vatican’s new guiding principle of nonaligned neutrality.

Calling Hurley “an American bishop in President Roosevelt’s court,” Gallagher writes, “During World War II, Hurley began to work independently of the Holy See and other American bishops. Dissatisfied with papal foot-dragging and the neutrality of the American bishops, he aligned himself with the U.S. Department of State and began to act under the direction of American government officials.”

Remembering Andrew Jackson

Newsweek’s Jon Meacham, author of a new biography, *American Lion: Andrew Jackson in the White House*, argues that Jackson saw church-state separation as vital to democracy. In *Parade* (October 19, 2008) Meacham wrote: “Raised a Presbyterian, Jackson was a religious man. But he resisted calls for the formation of a ‘Christian Party in Politics,’ believing that liberty of conscience—the right to believe or not—was a fundamental American value and that the federal government should stay out of matters of faith. Such distance was good for faith and government. Like the Founding Fathers, Jackson thought that public life was complicated enough without turning political disputes into religious ones, something we often forget.”

Sadly, he later became an apologist for Yugoslavia’s Cardinal Aloysius Stepinac and an admirer of Senator Joseph McCarthy. He died in Florida in 1967.

—Al Menendez

Russian Orthodoxy Resurgent: Faith and Power in the New Russia, by John Garrard and Carol Garrard. Princeton University Press, 2008, 326 pp., \$29.95.

“The almost instantaneous disintegration of the Soviet system and the Communist Party that ran it left a vacuum once occupied by the official ideology of ‘scientific atheism.’” The Russian Orthodox Church is filling this vacuum and reconstituting a national belief system in its own image. Believers are replacing party members.”

Religion and nationalism are intertwined. “The USSR’s fatal mistake was to deny Russian patriotism and subsume it under the rubric of Soviet internationalism. The end result was that the once-despised and supine Russian Orthodox Church became the reliquary of pride in being Russian.”

A major factor in the resurgence is the brilliant political and diplomatic leadership of Patriarch Aleksy II, who strengthened church ties with the country’s political leadership and overcame divisions within Orthodoxy. The book could have been improved with more discussion of the fate of non-Orthodox religious minorities in the new scheme of things.

—Al Menendez

Luck & the Irish: A Brief History of Change from 1970, by R. F. Foster, Oxford University Press, 2008, 228 pp., \$24.95.

Oxford historian R. F. Foster writes glowingly about “the astonishing transformation of Ireland” as “a transformation of cultural expectations, based not only on a new confidence in the wider world but also on the rejection of old authoritarian formations: patriarchy and the Catholic Church.”

Changes in religion explain much of Ireland’s new identity. “The notion of Catholicism as indivisible from Irish nationalism and even from Irish identity might be counted as one of the casualties of the last thirty years’ cultural upheaval.”

Simultaneous revolutions in legal recognition of women’s rights, globalization, economic expansion and educational sophistication are linked to religion. “But in Ireland, perhaps more dramatically than anywhere else, the political issues of liberalization from the 1970s to the 1990s raised the question of religious dogma, and the period saw the effective crumbling of the Church’s decisive position.” As a result, both Catholicism and Protestantism in the Republic have grown more ecumenical, progressive and accepting of dramatic changes in lifestyle and culture once thought unimaginable.

—Al Menendez

The Family: The Secret Fundamentalism at the Heart of American Power, by Jeff Sharlet. HarperCollins, 2008, 454 pp., \$25.95.

Pat Robertson, James Dobson, the late Jerry Falwell and D. James Kennedy, Chuck Colson, Tim LaHaye, the Family Research Council, and enough individuals and organizations to fill a telephone directory are the visible faces of ultraconservative religio-political fundamentalism. Equally important is a secretive, amorphous outfit known simply as *The Family*, which concerns itself not with numbers or publicity but only political power, getting it and using it to undermine democracy, civil liberties, church-state separation, and social justice. Its sole public

manifestation is the annual National Prayer Breakfast, begun under the Eisenhower administration, which attracts key politicians and figures like Billy Graham.

Researcher/scholar Jeff Sharlet was able to probe the depths of this under-the-radar organization and expose its insides to the light of day. He names names and charts connections, turns over rocks in the nation's capital and Colorado Springs (referred to by many as the "fundamentalist Vatican"), and shows that the goal of this conspiratorial movement is the spreading of a theologically simplistic hyperfundamentalism by means of acquiring political power.

Sharlet's book is too rich in detail for easy summary, but I will emphasize that this is a tome that every serious voter should read, especially in this crucial election year. It's easily worth five stars.

—Edd Doerr

On Religious Liberty: Selections from the Works of Roger Williams, edited by James Calvin Davis. The Belknap Press of Harvard University, 2008, 312 pp., \$49.95 hardback, \$19.95 paperback.

The author has done an admirable job of collecting many of the public and private writings of the 17th century Rhode Island founder and religious thinker, whose thoughts on freedom of conscience still influence American life today. Williams was a remarkable forerunner of American constitutional principles guaranteeing separation of church and state and religious liberty.

—Al Menendez

Only a Theory: Evolution and the Battle for America's Soul, by Kenneth R. Miller. Viking, 2008, 244 pp., \$25.95.

"Evolutionary cosmology not only promotes a powerful ethic of environmental stewardship, but it places an extraordinary premium on scientific learning and understanding."

This is the crux of a superb defense of evolution from a distinguished professor of biology at Brown University. A practicing Catholic who appeared as a witness for those opposed to teaching "intelligent design" in the Dover, Pennsylvania, public schools, Miller examines the Dover case as a symptom of a great struggle for reason and scientific integrity in American life today.

Miller argues that evolution and religious faith do not have to be "reconciled" because there is no inherent conflict between them. "If two ideas are not in conflict, they have no need of reconciliation."

Some readers will not share all of Miller's insights, but most should find the book both challenging and insightful.

—Al Menendez

Supporters of church-state separation should not imagine the religious right is washed up. They're not. Their base held together and their leaders are planning for the future. Further, efforts to remedy church-state violations in the federal courts may be stymied because Bush stacked the lower federal courts with relatively young judges. On the other hand, the Obama administration will be able to slowly redress this imbalance. Come what may, the battle to protect church-state separation will not end any time soon.

—Edd Doerr

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American Catholic History: A Documentary Reader, edited by Mark Massa, S.J., with Catherine Osborne. New York University Press, 2008, 287 pp., \$25.00.

This collection of 70 primary source documents spanning four centuries should be ideal for students in college-level religious studies courses. About 20 of them deal with politics, church-state relations and religious liberty. A welcome inclusion is Senator John F. Kennedy's 1960 address to the Houston Ministerial Association (misabeled here as "Southern Baptist Leaders"), Cardinal Joseph Bernardin's "A Consistent Ethic of Life" from 1983 and the 1649 Maryland Act of Religious Toleration.

Also included are the "Act Against Jesuits and Popish Priests," which called for the expulsion of all Catholic clergy from the colony of Massachusetts in 1700, and Archbishop John Hughes' criticism of the New York Public School Society in 1841. It is a very balanced and useful anthology.

—Al Menendez

Paisley: From Demagogue to Democrat? by Ed Moloney. Poolberg Books, 2007, 543 pp., £18.99 (U.S. \$38.00).

Ian Paisley is one of the most fascinating political figures of the recent era. At once a fundamentalist preacher and back street agitator, he rose to seats in the British and European Parliaments and ended up as First Minister of Northern Ireland, in effect the prime minister of the tiny statelet beset by religious conflict for a century. Until his resignation in May, he was arguably the most influential political leader there.

His story is told here in vivid detail by an Irish journalist living in New York.

—Al Menendez

Can a Catholic Support Him?: Asking the Big Question About Barack Obama, by Douglas W. Kmiec. The Overlook Press, 2008, 174 pp., \$12.00 paperback.

Kmiec, professor of law at conservative Pepperdine University School of Law and former head of the Office of Legal Counsel under Presidents Reagan and Bush 41, created a stir earlier this year when he endorsed Obama for president. This quickly-written but cogent and lucid book tells how he arrived at a judgment that true conservatives who cherish the rule of law could and should support the Democratic ticket in 2008.

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He discusses the importance of moral reasoning, rational judgment, and the necessity of looking at a wide range of social justice issues. Though he remains adamantly opposed to abortion, he notes that Republican conservatives directed their energies at attempts to legislate the procedure out of existence while ignoring the reasons why women, especially the poor and young, feel it is their only option. Reducing poverty, increasing the minimum wage, improving prenatal care and expanding adoptions might reduce the incidence of abortion and reduce the never-ending conflict over legal issues. While not a prochoice position, it is a nuanced one that was aimed at middle-of-the-road Catholic voters.

He says it is “absurd” that Catholics should only vote Republican, and he denounces “the scaring and intimidating of Catholic voters” by conservative Catholic groups. He writes, “I believe in Senator Obama’s fight to bring greater justice to the economic life of our nation; to stop the loss of life associated with an unnecessary war, and to redirect the billions, if not trillions, of wasted war-related appropriations toward education and health care and environmental protection. . . . In my view, Senator Obama’s proposals are genuinely intending to advance the common good, and in so doing, they strengthen the protection of human life.”

The book includes a passionate introduction by actor Martin Sheen.
—*Al Menendez*

Catholic Does Not Equal The Vatican: A Vision for Progressive Catholicism, by Rosemary Radford Ruether. The New Press, 2008, 150 pp., 23.95.

Ruether is a self-described feminist Catholic theologian who challenges Vatican policies that affect the integrity of moral and ethical decision-making by women.

Her book, she writes, “is the story of progressive Catholics and Catholic movements in the world that refuse to move backward with the Vatican, that refuse to surrender our church to fearful, reactionary leaders in its ecclesial hierarchies. Our Catholicism is not merely one option within world Catholicism; it is, in our view, a more authentic Catholicism, shorn of its imperial biases and alliances with Eurocentric ruling classes. The Roman Catholic Church has reached a crucial moment in

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I'm in favor of the separation of church and state. My feeling is that either one of these institutions screws you up bad enough on its own. You put them together and you got certain death.

Comedian George Carlin (1937-2008)

its history, and there is no more important time for progressive Catholics to stay committed to an alternative vision of Catholic Christianity.”

Ruether blasts conservative Catholics for claiming that progressives are “cafeteria” Catholics who pick and choose what they will believe and observe. She says conservatives do the same thing, especially when Michael Novak endorsed Bush’s war in Iraq and when Justice Antonin Scalia ridiculed the church’s opposition to capital punishment. She observes, “These same so-called traditionalists declined to accept the judgment of the Pope and the bishops that the war in Iraq violated the just-war teachings of the church and that the use of nuclear weapons is incompatible with the teachings on proportionality, which is the heart of the just-war tradition.”

Why should those who are not Roman Catholics care about the internal struggles? Ruether answers, “Roman Catholicism is a very important expression of historical Christianity in the West, and its reform and renewal are vital to the many around the world who are part of this church, as well as to many others who are affected by its presence and power.”

This is why Chicago Theological Seminary president Susan Brooks Thistlethwaite writes in her forward, “Hers is a timely message. We face not only a Catholic Church wrapped in its own power and privilege, increasingly blind to the real church in its midst of women, the poor, the many nations represented among the faithful and their rich differences, but also a political system that is the mirror image of what Ruether says about the Catholic Church. As I was reading her section on ‘infallibility’ in relationship to the Catholic Church hierarchy, I thought how her criticism fits the Bush administration as well. The illusion that one cannot be mistaken is a demonic blunder, precluding repentance and change. It is death by idolatry – truly, it is.”

This is a hard-hitting and thoughtful treatise that will be appreciated by many readers who are intrigued by the intersection of theology and politics.

—*Al Menendez*

Sarah: How a Hockey Mom Turned the Political Establishment Upside Down, by Kaylene Johnson. An Epicenter Press Book, distributed by Tyndale House Publishers, Inc., 2008, 159 pp., \$15.95 paperback.

Rushed out by an obscure Alaska publisher and then reprinted by an evangelical publishing company in September, this book is a wholly sympathetic campaign biography rather than a genuine analysis of a politician and her policies. This puff job includes 33 pages of photographs, 20 pages of appendices and notes and only 106 pages of text.

Because of her newfound prominence, Governor Palin deserves a serious biography, especially if she plans to run for president in 2012. But this book does not measure up.

—*Al Menendez*

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Commentary

A Stacked Deck: White House Report Favors Faith-Based Schools

In the waning days of the Bush administration, the White House Domestic Policy Council issued a report hailing faith-based urban schools. The result could be labeled a stacked deck or a whitewash and seems to be a parting shot from an administration that cared little for public education while lamenting the inability to provide massive funding for church-related schools.

The report, "Preserving a Critical National Asset: America's Disadvantaged Students and the Crisis in Faith-Based Urban Schools," is devoted exclusively to faith-based urban schools, which educate 1.7 million students, or less than 4% of the total school-age population. A "precipitous decline" in enrollment began during the 1960s and has accelerated during the first decade of this century. This report, resulting from a 2008 White House Summit on Inner-City Children and Faith-Based Schools, used highly selective data to paint a bleak picture of this sector of education, cited questionable data to "prove" their academic superiority and suggested that denial of government aid is a major factor in their decline.

The report asserts that "students in Catholic and other private schools, including non-Catholic faith-based schools, had higher achievement than students from comparable backgrounds in public schools," though many researchers challenge that conclusion. The cited report, by James Coleman, also claimed "greater positive impact on minority students," which "grows as students' socio-economic status falls."

This study admits that demographic changes are a significant factor in the decline, citing a loss of 424,976 students and a decline of 1,162 faith-based urban schools between 2000 and 2006. All religious schools, except Islamic and Jewish ones, declined. This may reflect changing population patterns in the nation's central cities.

The report is blunt in asserting that "faith-based urban schools are closing because of a chronic lack of resources." Nothing is said about changing parental choice or alternative programs in public and charter schools that may have influenced the decline.

But lack of government support is lamented. "The first contributing factor is the general lack of government aid. Unlike public schools, which are almost entirely funded through Federal, State, and local funds, faith-based schools are blocked from receiving significant streams of government money." The villain is the Supreme Court. "Current Supreme Court jurisprudence forbids government funds from going

directly to religious schools." The operative word is "current," since the authors clearly hope for a change in direction by the Court. They also lambaste the existence of so-called "Blaine Amendments" in 38 state constitutions, "which restrict the flow of government aid to religious schools." These amendments are mislabeled as archaic products of Civil War-era anti-Catholicism. Another stumbling block is "a wide array of powerful interest groups [that] oppose such aid, whether in the form of vouchers, scholarships, tax credit, or other means, arguing that no government aid should go to nongovernment schools." The use of the term "nongovernment schools" shows the deep-seated hostility to public education embedded in this White House document and also reveals a profound misinterpretation of the nature of public schools.

As expected, the report's authors applaud the funding of "nongovernment schools in most Western democracies," singling out for praise England, Ontario, Germany, and the Netherlands, all countries (or provinces) where such funding has long been controversial.

The report endorses "venture philanthropy" to help these schools, which is certainly appropriate and involves no government entanglements. But the list of recommendations also includes expanded government support. "While the private sector can do much to help solve the faith-based urban schools crisis, the public sector can and should do more."

"Student-centered funding," including vouchers and tax credits, is endorsed. One poll, purporting to show strong support for vouchers and tax credits among African-Americans and Hispanics, is cited, though

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I believe in evolution, and I support the strong consensus of the scientific community that evolution is scientifically validated. I do not believe it is helpful to our students to cloud discussions of science with non-scientific theories like intelligent design that are not subject to experimental scrutiny.

Barack Obama, Discover Magazine.com, September 25, 2008.



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Commentary, *continued from page 23*

nothing is said about opposition to these schemes by minority voters in state referenda for four decades.

The worst recommendation is an endorsement of “faith-based charter schools,” which are currently prohibited. “Another option is the notion of charter schools that make accommodations for students’ religious beliefs. This is a relatively new and still largely untested concept, though some thinking and writing have been done on the subject and a number of real-life examples are beginning to emerge. As the charter sector continues to expand and diversify and more struggling faith-based urban schools consider their options, the intersection of faith-based schooling and the charting process will only grow as a subject for consideration.” While admitting grudgingly, “Under current law and jurisprudence, public charter schools cannot have an explicit faith component, that is, they cannot endorse religious beliefs, [but] public char-

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ter schools can use the flexibility allowed under the State charter school laws to accommodate the faiths of their students.”

This report even spells out the ways these schools might operate. “A charter school could have faith leaders sit on its governing board, close for religious holidays observed by its students, and arrange its schedule to enable students to participate in faith-based activities after school... a school could allow for voluntary, student-led prayers and offer a course on culture and general morality.”

Changes need to be made cautiously if charter schools are to become open to religious influences. “First, those considering opening a new faith-based charter school need to be aware of what faith-based elements can be lawfully incorporated into their new school. Second, those considering converting an existing faith-based private school into a charter school need to be aware of what faith-based elements need to be removed during the conversion process.”

Such actions “would likely require a number of changes in Federal and State law and jurisprudence.” Finally, “Federal, State and local officials could redouble their efforts to make sure that faith-based urban schools are able to access the resources to which they are already entitled under law.”

This report ignored, perhaps intentionally, some central questions. Who is going to pay to maintain these schools and how can constitutional barriers meant to preserve government neutrality toward religion and independence of religion from government be surmounted? How can funding of faith-based schools by taxpayers be anything other than compelling those of a different or no faith from subsidizing the educational choices of those of another faith tradition?

The solution should lie in private philanthropy and redirection of church resources, not in government funding. But the authors of this report would prefer another taxpayer “bailout” and would favor a “re-interpretation” of the constitution to ease the way. One can only hope that the incoming Obama administration will resist these efforts.

— Al Menendez