



VOICE OF REASON

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Supreme Court Hears Mojave Cross Case

A lonely cross high in a California desert is now the venue for the U.S. Supreme Court's only major church-state case for the 2009 fall term. How a relatively obscure symbol erected in 1934 became a major test for government involvement with religion is a tortuous journey.

The case began in 1995 when Frank Buono, a National Park Service assistant superintendent, was disturbed by the presence of a Latin cross on the grounds of the Mojave National Preserve in remote San Bernardino County. Buono felt the cross indicated government favoritism toward Christianity, since it was placed at a veterans' memorial to honor "the dead of all wars" but particularly of the First World War. Buono became more disturbed when park officials refused permission for a Buddhist group to erect a shrine on nearby Sunrise Rock. He contacted the ACLU, which eventually filed suit claiming the erection of the cross violated the Establishment Clause. Two federal district courts and two federal appeals courts agreed with Buono and the ACLU, but the Veterans of Foreign Wars (VFW), supported by conservative and Religious Right legal groups, continued to appeal the decisions.

Buono, a Catholic, says his opposition is not rooted in hostility toward religion but in belief that government must protect religious liberty by remaining neutral in religious matters. In an interview with *Washington Post* staff writer Robert Barnes, Buono said, "The cross is important to me because it is the indispensable symbol of the death and resurrection of Jesus Christ. But it isn't right that the symbol of my religion, or any religion, be permanently affixed to federal land."

Buono has been supported by Jewish and Muslim veterans groups, People For the American Way Foundation, the Anti-Defamation League, Americans United, the Union for Reform Judaism, and other civil liberties groups. Defending the cross are the VFW, the Beckett Fund for Religious Liberty, the National Association of Evangelicals, and legal groups associated with Religious Right lobbies.

Congress added to the legal complications when it declared the cross to be part of a veterans' memorial in 2001. Both a district court and the 9th U.S. Circuit Court of Appeals held the appearance of a cross on federal land to be unconstitutional. Congress then ordered an acre of land beneath the cross be transferred as part of a property exchange. Both the district court and the 9th Circuit saw this as a subterfuge. The Supreme Court must decide whether the land transfer makes the cross's presence constitutional. It could also decide whether Buono has standing to bring suit, since he no longer lives near the memorial. (Disappointing to many separationists, the Obama administration Solicitor General Elena Kagan, defended the cross because of the land swap and standing issues.)

The cross was erected in 1934, has been replaced several times and has been used as a site for Easter Sunrise Services, an exclusively Christian event. Buono noted, "People have gone there for Easter Sunday, not Veterans Day. It's clearly a cover for what it really is: a religious shrine."

The court could try to sidestep the larger legal issue by ruling on narrow grounds. But if it makes a sweeping decision, it could affect

hundreds of similar memorials around the country, including the Argonne Cross in Arlington National Cemetery and the Memorial Peace Cross in Bladensburg, Maryland. Congress clearly made it a national issue by designating the Mojave site the country's only official memorial to the fallen of World War I.

Oral testimony on October 7 suggested that the High Court was not only divided on the cross question but likely to reach a limited decision that would sidestep making a broader statement about religious symbols on public property.

The justices seemed uninterested in the standing question but seemed to feel the crux of the matter (no pun intended) was whether Congress sufficiently removed the church-state issue by transferring land for the cross to the VFW. Chief Justice Roberts and Justice Scalia emphasized that point, as did Solicitor General Kagan.

But Congress' decision to declare the cross a national memorial to those who died in World War I posed another problem. Justices Ginsburg and Stevens noted that the Mojave Cross is the only national memorial that consists of a single religious symbol.

One testy moment occurred when Justice Scalia asserted that the cross "was the common symbol of the resting place of the dead." ACLU attorney Peter J. Eliasberg rejected that, saying that Jewish war veterans, including his grandfather, are not honored by crosses. The courtroom erupted in laughter when Eliasberg noted: "I have been in Jewish cemeteries. There is never a cross on a tombstone of a Jew."

continued on page 4

Inside:

Off-Year Elections: No Clear Trend	2
Abortion Funding Ban Passes	3
Evolution Teaching Improves Dramatically	4
Support for Abortion Rights Wanes	5
Religious Activists, Right and Left	6
Religious Right Revives	7
Gideon Bible Distribution Causes Harassment in Texas Schools	8

Regular Features

Church and State in the Courts	9
The Voucher Watch	11
ARL in Action	11
Updates	12
International Updates	15
Books and Culture	17
Commentary	24

Off-Year Elections: No Clear Trend

By Albert J. Menendez

Virginia voters continued their quirky two-decade-long pattern of voting for a governor whose party lost the presidential race the year before. In the Old Dominion, Republican Bob McDonnell successfully downplayed his Religious Right connections and emphasized transportation, jobs and taxes to win easily over State Senator Creigh Deeds. After electing two successive Democratic governors and two Democratic Senators and going Democratic for president for the first time in 44 years, Virginia voters reversed course.

Social issues were of little concern to the electorate. McDonnell, a former legislator and attorney general, opposed abortion in most cases and endorsed the state's ban on same-sex marriage that was ratified by voters in a 2006 referendum. He received his law degree from Rev. Pat Robertson's Regent University Law School, where he wrote a thesis criticizing abortion rights, gay rights, cohabitation, and married women who work outside the home. He repudiated his vows on working women but said little about other church-state issues. Deeds was pro-choice on abortion, though he voted for a ban on "partial-birth" abortion. Deeds favored parental notification but opposed parental consent and a waiting period for abortion. (McDonnell supported all measures to reduce or make abortion more difficult.) Deeds and McDonnell voted for a bill banning marriage for same-sex couples, but Deeds changed his mind and opposed the 2006 referendum.

McDonnell's "centrist" campaign won back 65% of the all-important Independent voters who had backed recent Democratic candidates. This vote shifted wealthy Fairfax County in the Washington, D.C. suburbs, which had gone mostly Democratic in state races for nearly two decades, back to the GOP by 51% to 49%. A similar result came in Albemarle County, a celebrity-filled suburb of Charlottesville. African American and student voters went for Democrat Deeds but their turnout was pitiful. Deeds received 74% in Charlottesville, home of the University of Virginia, but only 39% of registered voters cast ballots.

The Democrats were battered two to one throughout rural Virginia, where conservatism seems more powerful than ever. Deeds was the quintessential rural Democrat who celebrated guns, fishing and hunting, but could not shake the stigma attached to the Democratic label. Even in the once Democratic white coal-mining counties in the state's

far southwest, Deeds lost overwhelmingly. Buchanan County, which even supported such losing Democrats as Mondale and Dukakis in the 1980s, went for McDonnell 64% to 36%. Republican college towns in the Shenandoah Valley (Harrisonburg and Staunton) which defected to Obama in 2008 went back to the GOP, as did the outer Washington, D.C. suburbs (Loudon and Prince William Counties).

While social issues were on the back-burner, religion played its usual role. The one-third of Virginians who called themselves white evangelicals voted for McDonnell 83% to 17%, more than offsetting the two thirds of voters who belonged to other religious traditions, who backed Deeds 55% to 44%. McDonnell won among all ages, income and education groups, except the very poor (under \$30,000 income) and the very well educated (post-graduate degrees). Deeds also carried non-whites and the close-in Washington suburbs, where voters tend to be young, white, single and prosperous, but the rest of the state, including the outer suburbs (exurbs) of the nation's capital went for McDonnell.

Republicans also triumphed in the New Jersey governor's race for the first time in a dozen years. Republican Chris Christie, a former prosecutor, built up large margins in suburban and rural counties to oust Democratic Gov. Jon Corzine by 49% to 45%, with 6% going for Independent Chris Daggett.

Not all news was bad for Democrats, however. Bill Owens won the 23rd Congressional District in far Upstate New York. Called the "North Country," this Canadian border-straddling area has been a Republican bastion since 1873, though Obama carried it last year 52% to 47%. An intra-party brawl hurt the Republicans, whose candidate withdrew on the Saturday before Election Day and threw her support to Democrat Owens. His main opponent was Doug Hoffman, running on the Conservative Party ticket, who received the backing of a Who's Who of the Far Right, including Sarah Palin, Rush Limbaugh, Dick Army and Tim Pawlenty. The Democrat prevailed 49% to 46% for Hoffman. The GOP nominee, Dede Scozzafava, remained on the ballot and drew 5%. Some voters lamented the lack of a Republican primary earlier in the year, resulting in Scozzafava's selection by Republican Party officials.

The 23rd district is the most rural district in New York State and was represented by John McHugh, who resigned earlier this year to become

continued on page 8

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Abortion Funding Ban Passes

An amendment severely restricting funding for abortion in the Health Care Reform bill passed the House easily on November 6 on a 240-194 vote. Sponsored by Rep. Bart Stupak (D-MI), and Joseph Pitts (R-PA), reportedly members of the secretive politico-religious group “The Family,” the amendment was aimed at moderate and conservative Democrats. The Stupak/Pitts Amendment received the support of 64 Democrats, one-fourth of House Democrats, and all 176 Republicans. (One Republican, John Shadegg of Arizona voted “present.”)

The amendment attracted more supporters than expected, since only 30 to 40 were reportedly committed to some kind of restriction on abortion funding as a price for their support of the overall bill. The amendment would limit the availability of coverage for abortions because it goes beyond the three-decade-old prohibition against public funding (the so-called Hyde Amendment that was upheld by the Supreme Court in 1977). This amendment limits abortion coverage that many private insurance plans provide, even for those who pay for it out of private funds. That restriction has angered a pro-choice caucus led by Rep. Diana DeGette (D-CO), who has vowed to strip the prohibition from the final bill that is yet to be voted out by a House-Senate conference committee (assuming that it passes the Senate, where the reform bill faces stiff opposition from Republicans and Sen. Joe Lieberman (I-CT), who is particularly opposed to a public option feature.

This issue affected the final passage of the Health Care Reform Bill (HR 3962) on November 7 by a squeaker, 220-215. Of the 64 Democrats favoring the Stupak/Pitts Amendment, 41 voted for final passage while 23 opposed it. Religious differences overshadowed other factors on this vote, since 83% of Catholics and only 41% of Protestants voted for the final product. All seven Hispanic Democrats who favored the amendment and both women voted for final passage. The one Eastern Orthodox Democrat from Ohio voted yes, while the one Mormon Democrat from Utah voted no. Seven of the nine Baptist Democratic supporters of Stupak/Pitts opposed the final passage. So did both Disciples of Christ members.

Religious Factors:

Just over half (35) of the Democrats who supported Stupak/Pitts were Catholics, while 27 were Protestant, one a Mormon and one Eastern Orthodox. This bloc included the only Mormon Democrat, both Disciples of Christ Democrats, and a majority of Catholic Democrats from Ohio, Pennsylvania and Texas. The location suggests that regional or state political cultures may have interacted with religion. Utah is strongly anti-abortion so it is not surprising that Jim Matheson, the lone Mormon Democrat, would support restrictions on abortion funding. The two Disciples of Christ Democrats represent rural districts in Missouri and Tennessee, where anti-choice activism is strong. The same is true of Ohio, Pennsylvania and Texas.

Local political cultures differ sharply even in the same region. While 7 of 10 Catholic Democrats from Pennsylvania supported Stupak/Pitts, all 14 Catholic Democrats from New York opposed the amendment.

Among the 27 Protestant Democrats, Baptists (9), Methodists (7) and Presbyterians (6) were most numerous; almost all were from the South. Even the two Episcopalian Democrats represent districts in Alabama and Tennessee. The lone Lutheran supporter of the amendment, Colin Peterson, hails from rural northern Minnesota and frequently votes with the Republicans.

Chart 1: Catholic Democrats and the Stupak/Pitts Amendment

	<i>% For</i>
All	36.1
White	38.9
Hispanic	31.8
African-American	0
Male	41.8
Female	11.1

Other examples of religion and regionalism: All Catholic Democrats from Arizona and Connecticut voted pro-choice, i.e., against Stupak/Pitts. The only Hispanic Protestant Democrat, Solomon Ortiz of Texas, voted yes. All Arkansas Methodists and West Virginia Presbyterians voted for the ban as did all Protestant Democrats from Tennessee. The only Democrats in Kentucky and Tennessee to oppose Stupak/Pitts were Jewish and represented urban districts (Louisville, Memphis).

Despite the bishops’ pressure, 62 of 97 Catholic Democrats opposed the Stupak/Pitts Amendment. However, since all 38 Catholic Republicans supported the amendment, the overall Catholic vote was 73-62. All Catholic women, however, voted 16-6 against. Male Catholics voted 67-46 for. While 54.1% of all Catholic members backed Stupak/Pitts, that is still slightly lower than the 55.3% of all members who did so.

Among Democrats 36.1% of Catholics supported Stupak/Pitts. But so did 40% of Presbyterians, 30.4% of Methodists, 28.1% of Baptists, including 70% of white Southern Baptists, and 18.2% of Episcopalians.

Hispanic Catholics were less likely (31.8%) to support Stupak/Pitts than white Catholics (38.9%). The three African American Catholics voted against the amendment. Among African American Baptists only two, or 9.1%, supported Stupak/Pitts.

There was no support for the amendment among Jewish, Muslim, Buddhist, nondenominational Protestant and the religiously unaffiliated. Lutheran Democrats were 90% opposed. (Interestingly, 5 of the 9 Lutherans were women.)

Women lawmakers were overwhelmingly opposed to the Stupak/Pitts Amendment. Among Catholic Democrats 16 of 18 opposed Stupak/Pitts (89%). In California 8 of the 13 Catholic Democrats were women and all opposed the amendment. The only two who backed the amendment represent working class constituencies in Toledo, Ohio, and Erie, Pennsylvania. The largest swath of Democratic supporters was concentrated in the blue-collar Catholic North, particularly in Ohio and Pennsylvania, and the rural Protestant South, stretching from West Virginia to eastern New Mexico.

All 38 Protestant, Jewish, Eastern Orthodox, Buddhist and religiously unaffiliated women opposed Stupak/Pitts. Thus, among all female Democrats, 54 of 56 (96.4%) voted against the Stupak/Pitts Amendment.

The Democratic gender divide is significant: 30.7% of men voted for Stupak/Pitts, but only 3.6% of women did so. This gender divide affected the vote among Eastern Orthodox Christians: the one male adherent of this tradition supported Stupak/Pitts, while the three female members opposed the amendment.

continued on page 8

Evolution Teaching Improves Dramatically

The treatment of evolution in public school science standards has “improved dramatically over the last ten years,” say researchers at the respected National Center for Science Education (NCSE).

Louise S. Mead and Anton Mates compared the treatment of evolution in all state science standards to a similar study in 2000 by Lawrence L. Lerner for the Fordham Foundation. Mead and Mates gave an “A” rating to nine states (California, Florida, Indiana, Kansas, New Hampshire, New Mexico, New Jersey, Pennsylvania, South Carolina) and the District of Columbia. Kansas has had to fight to retain excellent standards in the face of intense creationist and Religious Right activism.

Not all results are rosy, however. Five states (Alabama, Louisiana, Oklahoma, Texas and West Virginia) received “F” grades and six states (Alaska, Connecticut, Kentucky, Tennessee, Wisconsin and Wyoming) received a grade of “D.” (See Chart 1)

Moreover, only seven states and the District of Columbia provide “a comprehensive treatment of the connections among biological, geological and cosmological systems,” according to Mead and Mates.

Analysis of state standards is an excellent way of determining the level of science education. In his 2000 study, Lerner observed that standards are “meant to serve as the frame to which everything else is attached.” Since his groundbreaking study, 47 states (all but California, Nebraska and New York) have revised their state science standards. Florida “has improved its standards more dramatically, perhaps, than in any other state,” moving from an F to an A rating, showing that improvement is possible despite political pressures. New Hampshire and Kansas also moved from F to A in the past decade.

Not all states have improved but the directional pull is upward since 15 states showed improvement in science standards, while 20 declined, and 25 remained the same.

The Mead-Mates study “evaluated the inclusion of not only biological evolution but also geological evolution, cosmology, and treatment of the connection among the life, earth, and space sciences. In their study, which appears in the fall issue of the journal *Evolution: Education and Outreach*, Mead and Mates write, “There is perhaps no other arena in which the religious controversy surrounding evolution plays out to such a detrimental degree as in the generation of poor science standards. Local and state control of education can lead to state science standards that reflect political and religious agendas, rather than good pedagogy and strong science.” They argue, “A good treatment of

Chart 1: Rating of State Science Standards

A	B	C	D	F
California	Arizona	Arkansas	Alaska	Alabama
Florida	Colorado	Georgia	Connecticut	Louisiana
Indiana	Delaware	Hawaii	Kentucky	Oklahoma
Kansas	Idaho	Iowa	Tennessee	Texas
New Hampshire	Illinois	Maine	Wisconsin	West Virginia
New Jersey	Massachusetts	Maryland	Wyoming	
New Mexico	Michigan	Missouri		
Pennsylvania	Minnesota	Montana		
South Carolina	Mississippi	Nebraska		
(District of Columbia)	North Carolina	Nevada		
	Ohio	New York		
	Oregon	North Dakota		
	Rhode Island	South Dakota		
	Utah	Virginia		
	Vermont			
	Washington			

evolution in state science standards can help to persuade administrators that the teaching of evolution is not a matter for political negotiations between parents and teachers with different interests but a clear educational necessity.”

The political culture of a state and the strength of its Religious Right are almost certainly factors in the development of adequate science education. Barack Obama carried 20 of the 26 states (including D.C.) with a grade of A or B, but he won only two of the 11 states that received a D or F grade. He split the 14 states with a C rating evenly with John McCain. (See Chart 2)

In the same issue of *Evolution*, NCSE executive director Eugenie C. Scott expresses cautious optimism: “On the basis of Mead and Mates’s results, there is reason to be pleased by the progress over the last ten years in the inclusion of evolution in state science education standards. That the treatment of evolution is inadequate in almost one of five states still suggests that there is considerable room for improvement.” ■

Mojave Cross Case, *continued from p. 1*

Some groups warned that a sweeping decision would remove religious symbols from hundreds of cemeteries. “But the Justices seemed disinclined to answer that basic question,” observed *Washington Post* writer Robert Barnes.

Eliasberg told Barnes that other cemeteries, like Arlington National, should not be affected by the ruling. “In Arlington, there is a cross that is surrounded by a sea of tombstones with symbols of the faith of all of the different service members. In that context, I don’t think anyone would perceive that the government was favoring one particular religion,” Eliasberg said.

A decision is expected in *Salazar v. Buono* in January. ■

Chart 2: The Political Factor: % of States for Obama Compared to State Science Standards

State Standards Grade	% Obama Carried
A	80
B	75
C	50
D	33
F	0

Support for Abortion Rights Wanes

A new Pew Research Center survey shows that support for legal abortion has slipped in the past year. In 2008 those who believe that abortion should be legal in most instances outnumbered those who felt it should be illegal in most cases by 54% to 41%, a thirteen point advantage. In 2009 that margin had dropped to just two points, with a 47% to 45% edge. At the same time those who consider abortion a "critical issue" has declined from 28% in 2006, when the question was last asked, to 15% today. The poll should make sobering reading for women's rights pro-choice voters.

A growing number surveyed (41%, up from 35% in 2007) thought abortion should be more difficult to obtain, though 50% still disagreed in 2009. Almost two thirds (65%) thought it would be "good to reduce the number of abortions," up from 59% in 2005.

The intensity factor is also apparent. Pew researchers say "liberals have relaxed while conservatives have retrenched" on the abortion rights issue. For example, only 8% of liberal Democrats say abortion is a critical issue, down from 34% in 2006. This may be a result of concern over health care reform, unemployment, climate change and other pressing issues. Far more (26%) conservative Republicans see abortion as a critical issue, down nine points from three years ago.

The shift in opinion away from support for abortion rights is greatest among white Catholics and Democratic men. Pew researchers noted, "No single reason for the shift in opinions is apparent, but the pattern of changes suggests that the election of a pro-choice Democrat for president may be a contributing factor. Among Republicans, there has been a seven point decline in support for legal abortion and a corresponding six point increase in opposition to abortion. But the change is smaller among Democrats, whose support for legal abortion is down four points with no corresponding increase in pro-life opinion. Indeed, three groups of President Obama's strongest supporters - African Americans, young people and those unaffiliated with a religion - have not changed their views on abortion at all. At the same time, fully half of conservative Republicans (52%) - the political group most opposed to abortion - say they worry Obama will go too far in supporting abortion rights."

Religion remains a large factor in opinion on this issue. Support for legal abortion is highest among Jews, though even among this historically pro-choice group support has slipped from 86% to 76%. The religiously unaffiliated favor legal abortions 68% to 25%, a small decline of three points. Mainline Protestants are next (55% to 34% support), while black Protestants and Catholics are closely divided. All Catholics are six points more pro-choice than all Protestants, since only 23% of evangelicals support legal abortion while 71% do not.

College graduates, younger people (ages 18-29), and residents of the Northeast are the most pro-choice, while Southerners, senior citizens (over age 65), and those with a high school diploma or less tend to oppose legal abortion. Women are slightly more supportive (50% to 42%) than men (44% to 47%).

Pew researchers concluded: "In spite of the small shift toward opposition to legal abortion, the basic contours of the debate are still intact, with most major groups lining up on the same side of the issue as they have in the past. For example, most people who regularly attend religious services continue to come down in opposition to abortion, while the large majority of those who rarely or never attend religious services still support legal abortion."

The poll, taken in August among 5,534 adults, also reveals that weekly church attendance is 37%, down from 40% in a couple of years. Democrats also declined seven points, from 39% to 32%, since Barack Obama's election. Independents picked up Democratic defectors and

now outnumber both Democrats and Republicans. Republicans dropped from 26% to 22% from November to April but rebounded to 26% by late summer. About 17% of those surveyed said they were religiously unaffiliated, atheists or agnostics, while 34% called themselves born-again Christians.

Political party leanings, religious affiliation and church attendance all affect the survey results on every question. For example, 65% of conservative Republicans, 64% of evangelical Protestants and 53% of weekly churchgoers think abortion should be more difficult to obtain. But only 19% of liberal Democrats, 28% of those who attend church services seldom or never, 27% of mainline Protestants and 23% of the non-affiliated agree.

While the pro-choice side clings to a small majority, it is abortion opponents who see the issue as critical far more than supporters. Fully 27% of those who think abortion should be illegal see it as critical compared to only 6% of those who think abortion should remain legal. This apathy factor could affect future elections. Among those endorsing the legality of abortion, 65% say it is not an important issue, while 30% of those who think it should be illegal say it is unimportant.

One question seldom asked in polls is whether respondents prefer abortion decisions to be made by government ("one size fits all") or by individual women. ■

By the Numbers

55% of Virginians think abortion should be legal in all or most cases, but only 4% think abortion is "a top consideration" in the governor's race.

Of the 10 states with the highest levels of corporal punishment, 9 went for John McCain for president, including Texas, Mississippi, Alabama, Arkansas, Georgia, Tennessee, Oklahoma, Louisiana, and Missouri. Only 1 (Florida) went for Barack Obama.

Men are 53% of the workforce but women receive 58% of the bachelor's degrees granted in this country.

Of the 23 states which have a state affiliate of the Religious Coalition for Reproductive Choice, 18 were carried by Obama and 5 by McCain.

There are 1.57 billion Muslims in the world, or 23% of the population, according to a new survey by the Pew Research Center.

About 62% of Muslims live in Asia, with 203 million in Indonesia, 174 million in Pakistan and 160 million in India.

In Europe the largest Muslim population, 16.5 million, lives in Russia, where they constitute 12% of the total population.

Sources: *Washington Post* 8/16/09; *Time* (8/24/09) Christopher Caldwell, "The Pink Recovery," *Time* 8/24/09; *Faith & Choices* (Summer 2009); *The Economist* October 10, 2009

Religious Activists, Right and Left

A new survey finds that activists of the Religious Right and Religious Left “are deeply religious but have strikingly different religious profiles.” They also have very different issue priorities, issue positions, and party choices.

While none of these findings are particularly surprising, they have the value of solid empirical research and interpretive analysis by scholars who have spent a lifetime studying religion and politics. Here are the primary findings:

Conservative activists, a.k.a. the Religious Right, are exclusively Christian with 54% identifying themselves as Evangelical Protestant, 35% as Roman Catholic and 9% as Mainline Protestant. Progressive activists, a.k.a. the Religious Left, are more diverse with 44% Mainline Protestant, 17% Catholic and 10% Evangelical Protestant. Over a quarter identify themselves as interfaith or mixed faith (12%), nonaffiliated (8%) or Jewish (6%).

Both groups are far more involved in religious activities than the average American. Almost 90% of the Religious Right attend worship services weekly or more, compared to 61% of the Religious Left and 40% (at most) of all Americans. Among conservative activists, 96% say religion is extremely or very important in their lives, compared to 74% of progressive activists and 62% of all Americans.

Biblical interpretation is a point of divergence as 84% of religious conservatives and only 22% of religious progressives believe the Bible is the “Word of God.”

The two groups’ choice of issue priorities is strikingly different. The survey’s authors write: “Conservative and progressive religious activists have strikingly different issue priorities. A majority of conservative religious activists gave priority to abortion and same-sex marriage, while progressive religious activists gave priority to a number of issues, including economic justice, the environment, and peace.” Abortion and same-sex marriage are the two most important priorities to conservatives, while poverty and health care top the list for progressives. On the right, 95% say abortion should be illegal in all or most cases, while 80% of the left say it should be legal in all or most cases. As seems to be true in several other national polls, the anti-choice side is more intense in its opposition than the pro-choice side is in its support for legal abortion.

On same-sex marriage, 82% of conservatives are opposed while 59% of progressives are in favor and another third support civil unions.

These differences are reflected in other domestic issues. Only 6% of conservative activists favor comprehensive national health insurance while 78% of progressive activists favor such action. Only 13% of conservative activists favor more environmental protection compared to 87% of progressive activists. Similar differences emerge on taxation and foreign policy questions.

In the 2008 election, 93% of progressive activists supported Barack Obama while 90% of conservative activists voted for John McCain. In the primaries the progressives favored Obama over Hillary Clinton while conservatives initially preferred Mike Huckabee and Mitt Romney to John McCain, who ran third among conservative activists.

Both the Religious Right and Left have unequivocal political leanings: 84% of conservative activists support the Republican Party while 84% of progressive activists favor the Democrats. About 10% in each group identify as political independents.

Conservative activists are more likely to be men (59%) compared to 46% of progressive activists. A slightly higher percentage of conservatives reside in rural and small town areas and are over age 65. Nearly half of both samples are over age 65 while only 2% of conservatives and 4% of progressives are under age 35. Progressives are better educated: 89% are college graduates compared to 70% of conservatives. Fully 72% of progressives possess a post-graduate degree compared to 40% of conservatives. There is little racial diversity. Almost all of both groups are white. Conservatives are a bit wealthier, with 38% reporting family incomes exceeding \$100,000 annually compared to 30% among progressives.

Conservative activists let religious faith dictate their political decisions far more than progressives. The report notes: “Both religious activist groups cite faith as an important factor in their voting decision, but conservative activists were more likely to say that their faith was the most important factor. Nearly two-thirds (63%) of the conservative activists say their faith was the most important factor in deciding how to vote in 2008.” Only one in five progressive activists said their faith was the most important factor in deciding how to vote.

Conservatives favor more “public expression of faith and prayer by political leaders.” More than two-thirds of the Religious Right endorse public proclamations of faith by politicians compared to just 5% of the Religious Left.

The two groups hold sharp differences about the importance of preserving church-state separation. The authors write: “Conservative and progressive religious activists both support a role for religion in public life, but the groups have strongly diverging views of church-state separation. Eighty-one percent of progressive religious activists say the U.S. ‘should maintain a strict separation of church and state,’ a position taken by only 21% of conservative activists. Nearly all conservative activists believe America was founded as a Christian nation, a view shared by only 37% progressive activists.”

These results come from a 2009 mail survey of 3,009 members of religious activist organizations jointly conducted by the Ray Bliss Institute of Applied Politics at the University of Akron and Public Religion Research in Washington, D.C. The authors of the report include John Green of the Bliss Institute and Pew Forum and Robert Jones of Public Religion Research, both well-known researchers and authors. The third author, Daniel Cox, helped develop the Religious Landscape Survey at the Pew Forum and is a member of the American Association of Public Opinion Research.

The full report, *Faithful, Engaged, and Divergent: A Comparative Portrait of Conservative and Progressive Religious Activists in the 2008 Election and Beyond*, was released in September. ■

To Safeguard the Future

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

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Religious Right Revives

The Religious Right, often depicted as dead or dying by poorly informed observers, has revived once again. Linking their fortunes to the anti-health care reform movement seems to have energized or re-energized their constituencies.

A coalition of three dozen Religious Right groups formed the Freedom Federation in August, specifically to oppose health-care reform. Apparently, the fear of including abortion as a covered procedure in the final package is the motivating factor, even though President Obama's speech to a joint session of Congress on September 9 ruled out abortion coverage. *Washington Post* writer Jacqueline L. Salmon wrote, "As the president prepares to address a joint session of Congress on Wednesday night to press for health-care reform, conservative Christian leaders are rallying their troops to oppose him, with online town hall meetings, church gatherings, fundraising appeals, and e-mail and social networking campaigns. FRD Action, the lobbying arm of the Family Research Council, has scheduled a webcast Thursday night for tens of thousands of supporters in which House Minority Leader John A. Boehner (R-Ohio) and other speakers will respond to the president's health-care address." She noted, "Polls show that the health-care packages on the Hill are widely unpopular among evangelicals. More than seven in 10 white evangelical Protestants in the most recent *Washington Post*-ABC News poll said they are dissatisfied or angry about the Democratic reform proposals."

Donations to Religious Right groups are reportedly increasing. Former Presidential candidate Gary Bauer said his group's (American Values) daily e-mail requests are up from 170,000 to 225,000. Similar gains are reported by Focus on the Family Action, the lobbying arm of James Dobson's powerful Christian Right enterprise.

The first Religious Right event, the Value Voters Summit, drew 2,000 activists to the nation's capital in September. Numerous prospective GOP presidential candidates addressed the group and one of them, former Arkansas Governor Mike Huckabee, won the straw poll as the favorite for 2012. Polls also showed abortion to be the most critical issue for 41% of attendees, far and away the issue that transcended all others. The conference was sponsored by the Family Research Council, whose political arm, FRC Action, announced that they were targeting 16 Democratic senators and congressmen, including Senate Majority Leader Harry Reid, for defeat in 2010.

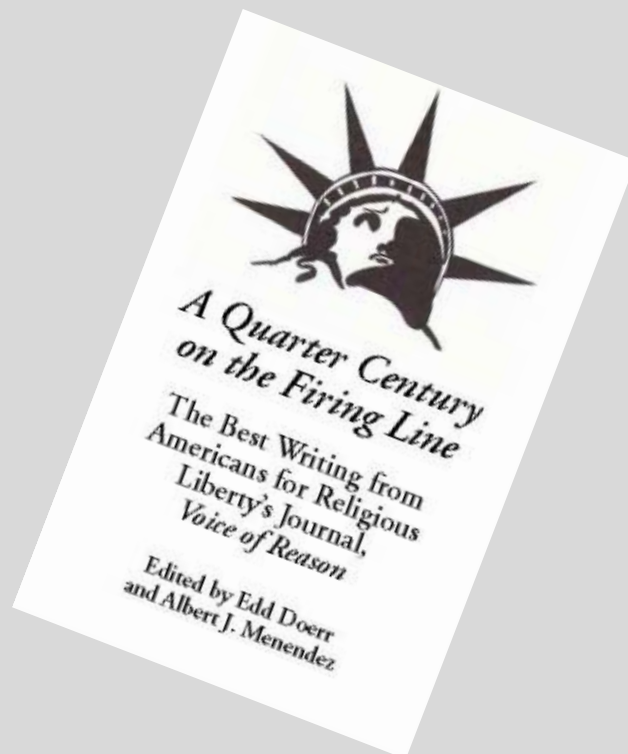
New York Times political reporter Adam Nagourney wrote, "That this bloc of the Republican Party is becoming re-energized presents complications for any Republican thinking about running for president in 2012. It is going to be hard to win the nomination without strongly courting this segment of the party."

Large rallies by Religious Right groups in Orlando and St. Louis added to their renewed visibility. In Orlando Southern Baptist leader Richard Land accused Obama of trying to do to health care "what the Nazis did in Germany," but later apologized.

Several analysts recently warned against ignoring this force. *Forbes.com* said the Christian Right "remains a powerful political force capable of resurgence."

Veteran journalist Neal Gabler warned readers of the *Los Angeles Times* (October 2) that Religious Right zealots have completely transformed the conservative movement: "Having opted out of political discourse, they are not susceptible to any suasion. Rationality won't work because their arguments are faith-based rather than evidence-based. Better message control won't work. Improved strategies won't work. Grass-roots organizing won't work. Nothing will work because you cannot convince religious fanatics of anything other than what they already believe, even if their religion is political dogma."

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"And therein lies the problem, not only for liberals but for mainstream conservatives who think of conservatism as an ideology, not an orthodoxy. You cannot beat religion with politics, which is why the extreme right 'wins' so many battles. The fundamentalist political fanatics will always be more zealous than mainstream conservatives or liberals. They will always be louder, more adamant, more aggrieved, more threatening, more willing to do anything to win. Losing is inconceivable. For them, every battle is a crusade — or a jihad — a matter of good and evil.

"There is something terrifying in this. The media have certainly been cowed; they treat intolerance as if it were legitimate political activity. So have many politicians, and not just the conservative ones who know that if they don't fall in line, they will be run over. This political fundamentalism has also invaded the general culture in deleterious ways. The ugly incivility of recent months is partly the result of political fundamentalists who have nothing but contempt for opposing viewpoints, which gives them license to shout down opponents or threaten them, just as jihadis everywhere do.

"Those who oppose the religification of politics may think all they have to do is change tactics, but they are sadly, tragically mistaken. They can never win, because for the political fundamentalists, this isn't political jousting, this is Armageddon." ■

Gideon Bible Distribution Causes Harassment in Texas Schools

The distribution of the King James Version of the Bible to students in ten Texas school districts “reveals legal and administrative irregularities resulting in serious incidents of harassment and disruption at several of the investigated districts,” according to the findings of an investigation by the ACLU Foundation of Texas.

The report discovered that Jewish students were “physically and verbally harassed” in the Dallas suburban area, particularly in the Frisco and Plano school districts. Bibles were distributed directly to students in the Westwood School District, and Gideons were permitted to enter fifth grade classrooms. Students were not given the opportunity to decline to accept the Gideon Bibles. In Frisco the Gideons urged school officials to keep their distribution plan secret until the day before distribution.

The ACLU report said: “Allowing religious groups like the Gideons into the classroom to distribute religious texts – or allowing them to take advantage of certain distribution policies, to coerce students into taking religious texts – is not only unconstitutional, it also disrupts and undermines schools’ primary purpose of educating Texas’ children.” These actions violated the religious liberty of Texas students. ACLU urged schools “to adopt and enforce consistent policies on the distribution of nonschool materials in order to avoid fostering disruption and

harassment in school and violating students’ constitutional rights to religious liberty.”

These policies should include at least the following:

- prohibit school administrators and teachers from participating in the distribution of religious materials to students;
- prohibit religious groups from distributing religious materials to students in person, or otherwise directly interacting with students in connection with distributions;
- articulate clear, viewpoint-neutral procedures for how outside groups can access nonschool materials distribution areas; and
- require that a clear disclaimer of school sponsorship be prominently displayed at any nonschool materials distribution area.

There should be “no preferential treatment for the Gideons or any other group,” the report concluded. “The Gideons, like any group, have a constitutional right to express their views and distribute Bibles in public forums. However, that right ends where Texas public school students’ right to religious liberty begins.”

The Gideons, founded in 1899, are a Protestant evangelical organization which has distributed 1.3 billion Bibles in 80 different languages in more than 180 countries. They have frequently sought to use public schools as venues for their distribution efforts. ■

Off-Year Elections, *continued from page 2*

Secretary of the Army.

The Democrats also held California’s 10th District, a San Francisco suburb mostly in Contra Costa County, where former Lieutenant Governor John Garamendi was elected 52% to 42%.

Maine

The nip-and-tuck battle over gay marriage brought tiny Maine to the forefront in this off-year election. Question 1 cancelled the same-sex marriage law passed by the state’s legislature in May and signed by Democratic Gov. John Baldacci. The campaign in the Pine State was costly (more than \$4 million for supporters of the law, \$2.6 million from opponents). Thousands of volunteers, many from out of state, descended on the state, and national organizations made the Maine outcome a crucial issue. Supporters of repeal, including the Mormon Church and the Roman Catholic Archdiocese of Portland, employed a Sacramento, California, firm to make TV commercials and received \$1.6 million from the National Organization for Marriage, a New Jersey-based group. Defenders of the law received generous funding from gay rights and human rights organizations. The Catholic archdiocese raised funds at church collections, but the state’s Catholic governor campaigned strenuously to retain the law as an effort, he said, to “recognize individual rights.” The vote was 53% to 47% for repeal, the 31st consecutive defeat for same-sex marriage in referenda.

Finally, Bill Foster, a Baptist creationist, won the St. Petersburg mayor’s race, “I never shied away from my faith because it is who I am, but I will govern under the Constitution,” he told the *Tampa Tribune*. ■

Abortion Funding, *continued from page 3*

In the entire Congress (with all 176 Republicans in favor), 19 women voted yes and 54 no, or 26% yes. Among men 61.2% voted yes.

Another interesting statistic: 21.7% of House Democrats are women, compared to 9.6% of House Republicans—a better than two to one ratio.

In addition to religion and gender, regional geography played a role in the overall vote. The South (73.3%) and Border South (65.6%) provided the winning margin, 117-46. In the rest of the country, Stupak/Pitts lost 123-148. The Midwest and Interior West, with about 60% support, also contributed to passage. New England, the Mid-Atlantic states and the Pacific Coast region were bastions of opposition. (The Greater Northeast voted 58-25 against Stupak/Pitts, showing the historic differences between the East and the South on a host of issues.)

Political reality may also have played a role in convincing so many Democrats to support the Stupak/Pitts Amendment, because 36 of them were elected in districts carried by Republican John McCain in 2008. ■

**Chart 2: The Total Vote by Region
(both parties) on Stupak/Pitts**

<i>Region</i>	<i>% For</i>
South	73.3
Border South	65.6
Plains-Inner West	61.1
Midwest	59.8
Pacific Coast	38.6
Mid-Atlantic	34.4
New England	18.2
All	55.3

— Al Menendez



Church and State in the Courts

Religion Complicates Custody Disputes

Religious differences of divorced parents are muddying the waters of already divisive custody hearings, according to lawyers, judges and scholars. Recent cases involving a New Hampshire judge who forced a student to attend public school in order to weaken her “rigidity on faith” in home schooling is one example. A 17-year-old Muslim’s conversion to Christianity, coupled with fears that her parents were going to kill her, is another. So is the question of the fundamentalist Mormon compound taken over by Texas authorities.

One scholar, Joshua Press, wrote in a 2009 *Indiana Law Journal* article, “Parents today are penalized in custody proceedings for being too religious, not religious enough, or for belonging to an unpopular religious sect. The current situation with religion in custody disputes cries out for the [U.S. Supreme] Court to intervene.”

By way of illustration, Ken Walker, in *Christianity Today.com*, cited recent cases where religion was the central issue in custody disputes. “In Ohio, a Roman Catholic father unsuccessfully sought to deny his ex-wife visitation after she became a Jehovah’s Witness. In North Carolina, a court granted a Jewish father exclusive religious decision-making for his child, instead of his Christian ex-wife. Two years ago, a Kansas father who wanted to homeschool his child successfully appealed a judge’s decision that the child enroll in public school. He and his ex-wife resolved the situation by choosing a Christian school as an alternative.”

The Supreme Court has generally avoided custody dispute cases because laws are fluid, imprecise and vary widely by state. Federal law is virtually silent on the matter.

But the First Amendment may apply when one parent charges “actual or substantial harm” or “a risk of harm” if the child’s religious upbringing is dramatically changed. Press explains how this approach is applied. “Under the actual or substantial harm standard, a court will restrict a parent’s parental rights only if and when that parent’s religious practices have caused an actual or substantial harm to the child. Thus, courts applying this test will usually encounter one parent attempting to prove that the other’s religious activities are so detrimental to the child’s welfare that these activities have already harmed the child’s physical or psychological development. . . . However, a parent who tries to prove that the other parent’s faith is outside of the mainstream will usually fail to meet the actual or substantial harm standard because this more exacting standard is meant to be carefully applied and sensitive to the constitutional implications of favoring certain religious faiths over others.”

Merely exposing a child to a different religion usually will not result in court oversight. “If one parent simply exposes the child to a different religion – even a religion that the other parent considers to be peculiar and abnormal – this will usually not be enough to show that actual or substantial harm has been done to the child’s psyche. . . . Any court that tries to prohibit a parent from taking her child to church or advocating her beliefs to the child, in the absence of any impartial demonstration that the exposure is harmful to the child’s health and safety, will violate the Religion Clauses.”

A few states try to avoid the harmful effect argument by giving the parent with legal custody exclusive control over the child’s religious upbringing. Press criticizes this approach, writing that there is a “troublesome aspect of government compulsion (that is, a government official ordering a parent to implement a religious practice that is not her own).”

Press argues that the “actual or substantial harm standard” is the best because it “is the only one where courts can be said to act neutrally toward either parent’s religion or nonreligion.” This test upholds the

“secular purpose” requirement and avoids the possibility that courts might “delve into the religious tenets of each parent.”

Finally, Press notes that “there are many examples of courts favoring a religious parent over a nonobservant parent,” which would seem to violate the Establishment Clause.

In summary, it seems that child custody disputes that involve religion have resulted in no consistent legal pattern.



A Kentucky judge has ruled that a state law requiring the state’s Office of Homeland Security to stress “dependence on Almighty God” is unconstitutional. The state legislature in 2006 mandated that references to God be incorporated in agency training and educational materials, saying, “The safety and security of the Commonwealth cannot be achieved apart from reliance upon Almighty God.” The bill was sponsored by state Rep. Tom Riner, a Southern Baptist minister and Democrat.

Franklin County Circuit Judge Thomas Wingate said the law violated the Kentucky Constitution. He wrote, “Even assuming that most of this nation’s citizens have historically depended upon God by choice for their protection, this does not give the General Assembly the right to force citizens to do so now. This is the very reason the Establishment Clause was created: to protect the minority from the oppression of the majority. The commonwealth’s history does not exclude God from the statutes, but it has never permitted the General Assembly to demand that its citizens depend on Almighty God.”

A suit against the law was brought by ten citizens and American Atheists last November. The Kentucky Attorney General’s office announced on September 4 that the decision was being appealed, claiming there was “a clear distinction in the law between acknowledgment of religion, which has been permitted for years, and the establishment of religion, which is prohibited by the Constitution.”



Daily recitation of the Pledge of Allegiance in New Hampshire public schools was upheld by a federal judge in October. Judge Stephen McAuliffe held that the pledge is “a permissible acknowledgment of the nation’s religious heritage and character.” New Hampshire law allows students to abstain from repeating the pledge. The Freedom From Religion Foundation, representing a Hanover couple, announced on October 7 that it would appeal the decision.



A three-judge panel of the 9th Circuit U.S. Court of Appeals has upheld a decision barring the performance of “Ave Maria” at a high school graduation in Everett, Washington. Seniors at a commencement exercise in 2006 requested an instrumental version of the Latin hymn but the school refused. One student, Kathryn Nurre, filed suit, charging her First Amendment rights had been violated. The district court agreed with the school’s decision, as did the 9th Circuit by a 2-1 decision. The dissenting judge, however, held that the ruling could “kill musical and artistic presentations by their students.”



continued on page 10

Church and State in the Courts, *continued from p. 9*

The Equal Employment Opportunity Commission (EEOC) admonished a small Catholic college in North Carolina that its employee health coverage discriminates against female employees. The August warning to Belmont Abbey College, founded in 1876 by the Benedictine religious order, was a result of a complaint filed by eight former and current faculty members. The complaint focused on the college's new employee health coverage, which no longer covers contraception. (The old policy also inadvertently covered abortions and elective sterilization procedures.) EEOC, which may file a federal suit, wrote: "By denying prescription contraceptive drugs, [the college] is discriminating based on gender because only females take oral prescription contraceptives. By denying coverage, men are not affected, only women." College president William K. Thierfelder responded in a letter: "As a Roman Catholic institution, Belmont Abbey College is not able to and will not offer nor subsidize medical services that contradict the clear teaching of the Catholic Church." Belmont Abbey has 1500 students, 62% of them female



Post offices must be free of religious proselytizing, a federal appeals court ruled on August 21. The 2nd U.S. Circuit Court of Appeals held that the Full Gospel Church must separate preaching and religious witness from its contract work with the U.S. Postal Service. The appeals court said the church must remove religious materials from its postal unit in Manchester, Connecticut. The Postal Service contracts with some 5,000 private groups around the country, serving small communities where there is no full-time post office.

Residents in Manchester objected to religious advertisements, pamphlets, prayer cards, ministry videos and donation boxes in the same space where a post office facility is located. In 2008 the Anti-Defamation League and other groups filed suit in *Cooper v. U.S. Postal Service* and won in federal district court. The appeals court upheld that ruling.



A decade-long dispute over a government-funded, faith-based social service agency will continue. The 6th U.S. Circuit Court of Appeals ruled on August 31 that taxpayers have standing to challenge the state

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of Kentucky's funding of a Baptist home for children that practices religious discrimination in hiring and proselytizes its residents. The appeals court reversed a lower court ruling.

The case arose when Alicia Pedreira, an employee of the Kentucky Baptist Homes for Children, was fired because she is a lesbian. The appeals court dismissed her claim but said she would be allowed to present evidence of her firing to prove that funding the agency violates the state constitution, which forbids government funding of sectarian organizations. The case began in April 2000, a year before the federal government embarked on the faith-based funding program.



A New Hampshire court ordered a home-schooled girl to attend a public school in September. The July decision by Belknap County District Court Judge Lucinda Sadler cited the fifth-grader's "rigidity on questions of faith." Judge Sadler said ten-year-old Amanda Kurowski would "be best served by exposure to different points of view at a time in her life when she must begin to critically evaluate multiple systems of belief and behavior."

The case is unusual because it stems from a custody dispute in a divorce case. The girl's mother has primary custody and has home-schooled Amanda. Her father has sought for years to educate her in the public school. The Christian Right legal group, Alliance Defense Fund, is contesting the ruling. Meanwhile, Amanda enrolled under court order at an elementary school in Meredith, New Hampshire.

Home schooling is strongly oriented toward conservative Christianity, according to numerous studies. A recent survey by the National Home Education Research Institute found that 82.4% of homeschooling parents are evangelical Protestants, 12.4% are Catholics, 1.1% are atheists or agnostics, and the remainder belong to other religious traditions.



On its opening day in October, the U.S. Supreme Court declined to hear three church-state cases. The justices turned down a request from the Catholic diocese of Bridgeport, Connecticut, that sought to block the release of documents generated by 23 lawsuits in cases involving sex abuse by priests. Courts in Connecticut have ruled that the papers, sealed since 2001, must be released to the public.

In a second case the justices left in place a federal appeals court ruling that Illinois officials did not have to allow abortion-related statements on automobile license plates. Choose Life Illinois, an anti-abortion group, sued to force the state to issue plates.

The justices also refused an appeal from a breakaway Episcopal congregation in Newport Beach, California, that sought to take its property when it broke from the national Episcopal Church and joined an Anglican diocese. California courts have ruled against dissident parishes that seek to retain property when they sever ties with the parent body.



A possible jail sentence for two public school employees who insisted on ignoring a court order against school prayer was averted on September 17. U.S. District Judge Case Rodgers ruled that the prayers off school property were spontaneous and did not violate the order. A principal and an athletic director at a high school in Santa Rosa County, Florida had been convicted of faculty-led prayer. A third school employee was cleared on similar charges.



Special Christian license plates will not be allowed in South Carolina, a federal court ruled on November 10. The state legislature had mandated a plate with the words "I believe," surrounded by a yellow cross and a stained glass window, to be available for car owners. "Such a law amounts to state endorsement not only of religion in general, but of a specific sect in particular," said U.S. District Judge Cameron McGowan Currie, who added, "Whether motivated by sincerely held Christian beliefs or an effort to purchase political capital with religious coin, the result is the same. The statute is clearly unconstitutional and defense of its implementation has embroiled the state in unnecessary (and expensive) litigation." The case is *Summers v. Adams*



Arizona's program of tax breaks for donations to private school scholarships may face a constitutional challenge, after an October 21 order from the U.S. Court of Appeals for the 9th Circuit. That decision declined to review an April ruling that the program, passed in 1997, could be an unconstitutional endorsement of religious education. The case, *Winn v. Garriott*, might end up in the U.S. Supreme Court, according to some legal specialists. *Education Week* reported last January that these tax-code programs are "fast outpacing vouchers as state policy tools" for supporting private schools. Florida, Georgia, Indiana, Iowa, Pennsylvania and Rhode Island have similar tax credit statutes. ■



The Voucher Watch

- Money counts. Private and religious schools that spend more money on pupil education rank higher in standardized test scores, according to a report by Bruce Baker, a professor of school finance at Rutgers University. Baker found that nonsectarian private schools spend \$15,000 per student compared to \$12,000 for Jewish schools, \$7,743 for Roman Catholic schools and \$5,727 for evangelical Protestant schools. Test scores, teacher salaries, teacher educational attainment and class size are also roughly in the same ranking as per pupil expenditure. This could affect the voucher debate since the best and costliest private schools will usually remain out of touch for even the most generous voucher programs.

A similar study by *Washington Post* writer Michael Birnbaum showed Washington-area secular private schools spent \$20,100 per student in the 2007-2008 school year, versus \$10,100 in public schools and \$7,100 in evangelical Christian schools. (No data were available for D.C. Catholic schools, though one estimate was \$9,250.) Birnbaum found that average tuition at schools associated with the Association of Independent Schools of Greater Washington was \$24,700.

- Sen. Dick Durbin (D-Ill) charged in September that the federal government paid \$12 million for 1,718 District of Columbia students to attend voucher schools but could not account for a fifth of them. Durbin asked the 49 participating private schools to report data to the Senate Appropriations Committee after being denied enrollment data from the agency that oversees the D.C. voucher program. It turns out that two of the schools had closed. Durbin said he wanted strict accountability in testing of students and teacher qualifications before he would pledge to support a continuation of the program, which in the past he has opposed.

- The pro-voucher Heritage Foundation has started to use Sweden as an example for the U.S. to follow in education policy. Sweden began a school voucher program in 1992, which now enrolls about 10% of the student population. There are significant differences between the two nations. Only a tiny percentage of Swedish voucher schools are faith-based, while a large majority of American private schools are. Furthermore, Swedish voucher schools may not discriminate in admissions, may not charge additional tuition or fees, are required to cover the content of Sweden's national curriculum, must participate in national

testing, and be open to government inspection. Sweden is more culturally and ethnically homogeneous than the U.S. and far more secular.

- Many Arizona organizations that collect and distribute private tax credit donations to private schools are failing to spend 90% of revenues for scholarships, as required by law. The *Arizona Republic* reported that at least \$1.5 million was unspent in 2008. These nonprofit school tuition organizations are supposed to send the designated funds to eligible private schools. State officials have taken no action even though the "shortfall" has topped \$1 million annually since 2002, according to the Phoenix newspaper.

- Maryland legislators will be asked to approve a tax-code voucher scheme when the legislature convenes in January. Despite losing four times previously, pro-voucher advocates are set to propose a business-funded voucher similar to ones found in Arizona and five other states. Businesses could donate funds to private schools for so-called scholarships and would receive tax credits. The Maryland Catholic Conference and a pro-voucher group called the Black Alliance for Educational Options are spearheading the effort. The state education organization, the Maryland Association of Boards of Education, Maryland PTA and ACLU have announced plans to fight the scheme. Critics cite failures in the application and implementation of vouchers in Arizona, where prosperous families, not the needy, have received most of the benefits. ■

ARL in Action

ARL joined allied groups in asking Attorney General Eric Holder to renounce the Bush administration's policy that allows religious charities to receive federal grants even as they discriminate in hiring. The letter sent on September 17 urged Holder to withdraw "one of the most notable examples of the Bush administration's attempt to impose a constitutionally questionable and unwise policy." President Obama promised to review the issue during the campaign and pledged that groups receiving federal funds must not proselytize recipients of their aid nor should they be allowed to hire only members of the same faith. Some representatives of these charities serve on a presidential advisory panel. Some have suggested that faith-based groups set up non-profit offshoots. Still, the ARL-supported memo warns against any policy "that would damage civil rights and religious liberty."

Updates

'Personhood' Campaign Expands

At least five states face possible referenda next year over proposals to amend state constitutions to declare that personhood begins at conception. The effort, involving signature gathering to place the question on state ballots, is being coordinated by a Colorado group, Personhood USA.

The group has a poor track record, so far. Voters in Colorado rejected a personhood amendment 73% to 27% in 2008. Legislatures in Montana and North Dakota turned down several proposals, though personhood amendments managed to pass the Montana State Senate and the North Dakota House before dying in the other chamber.

Initiative campaigns have begun in California, Florida, Missouri, Montana and Colorado. The proposed California Human Rights Amendment declares: "The term 'person' applies to all living human beings from the beginning of their biological development – regardless of the means by which they were procreated, method of reproduction, age, race, sex, gender, physical well-being, function, or condition of physical or mental dependency and/or disability."

Critics say personhood amendments could negatively impact in vitro fertilization, stem cell research, and certain types of birth control. Proponents hope passage would eventually lead to the end of legal abortion.

Personhood USA cofounder Keith Mason insists that his group will eventually target 30 states, though several polls indicate that the campaign is likely to fail nearly everywhere. A conservative Catholic fringe group, The American Life League, which specializes in newspaper ads attacking liberal Catholic legislators, is assisting in the effort.

The campaign has already begun in Nevada, when the Personhood Nevada Petition was filed with the secretary of state on October 21. If it receives the required 97,000 signatures, it will make the 2010 ballot, according to the *Las Vegas Sun*. The proposal would "change the state constitution to define a 'person' as anyone possessing a human genome, from the beginning of his biological development." Its sponsor, Richard Ziser, who was the Republican nominee against now-Senate Majority Leader Harry Reid in 2004, said the proposal would ban almost all abortions and so-called "death panels" for the elderly. Political analysts are uncertain whether the measure would increase turnout among social conservatives or a backlash from liberals and moderates. Nevada is an unpredictable swing state, with a growing Hispanic population, which tilted the state to Obama in 2008. It has supported every winning presidential candidate in the past century, except in 1976 when it preferred President Ford to Jimmy Carter.

Politicians Mix Money and Religion

Two prominent politicians, one a long-shot prospect for the presidency and the other a little-known Chicago congressman, have found ingenious ways for taxpayers to support their religious interests. Louisiana Gov. Bobby Jindal, a potential 2012 Republican nominee, spent at least \$45,000 in taxpayer money to ferry him to churches throughout the state between March 2 and July 20 this year. Jindal used the state police helicopter to visit mostly conservative Protestant churches in northern Louisiana, the state's Republican stronghold. The helicopter costs \$1,200 an hour to operate. Jindal defended the practice as a way to meet Louisiana people. Interfaith Alliance president Welton Gaddy said the state's youthful Republican governor crossed the church-state separation line and should reimburse taxpayers for the

trips.

Meanwhile, Chicago Democratic Rep. Bobby Rush has spent \$152,777 of his campaign's contributions on the Beloved Community Christian Church, of which he is pastor, according to *CQ Politics*. That's not all. The congressman steered nearly \$1.1 million in economic stimulus funds to his church in the current fiscal year. Since 2007 two organizations affiliated with Rush's church have received \$2.5 million in federal grants. Wrote *CQ's* writer Jonathan Allen, "It's an example of how the campaign finance system allows candidates and office-holders to redirect funds to institutions they care about."

Three States Ban Religious Garb

Oregon, Pennsylvania and Nebraska still make it illegal for public school teachers to wear distinctive religious clothing in the classroom. Most of the laws, including those that have been repealed in other states, emerged during the anti-Catholic agitation of the late 19th and 20th centuries, when nuns taught in some public schools. Now the Oregon law faces a possible challenge since Gov. Ted Kulongoski signed the Oregon Workplace Religious Freedom Act in July, which allows workers to wear religious clothing at their workplaces.

However, the law did not change the ban on the wearing of religious garb by teachers, enacted during the 1920s when the Ku Klux Klan dominated Oregon politics. The ACLU and other groups lobbied to retain the law for public schools, arguing that "impressionable children should not feel indoctrinated by their teachers," according to AP reporter William McCall, who also noted, "Oregon's law, originally aimed at priest collars and nun habits, survived a legal challenge in the 1980s by a Sikh convert who wanted to wear her turban in the classroom and was recently upheld by the state's Legislature." Court rulings in Pennsylvania and Oregon rejected claims by teachers who wanted to wear religious clothing in the classroom. In 1991 a Muslim teacher lost a challenge to a Pennsylvania law enacted in 1895.

While admitting that "it's not an easy issue," ACLU's Oregon director Dave Fidanque said the law ensures religious neutrality in public schools.

Legal opinion varies as to the constitutionality of the three state laws. But other professions have more leeway. The 3rd U.S. Circuit Court of Appeals ruled in 1999 that Muslim police officials in Newark, New Jersey, must be allowed to wear beards.

Muslims Push for Recognition

Muslim groups are pressing public schools to recognize two Muslim holy days, either as official school holidays or as recognized leave days for students and teachers who practice Islam. One is Eid al-Fitr, which marks the end of the month-long Ramadan fast, and the other is Eid al-Adha, the feast of sacrifice. New York City public schools, which are 10% Muslim, are the main target of lobbying by the 80-member Coalition for Muslim School Holidays. The New York City Council passed a nonbinding resolution favoring school closing for the two Muslim holidays, but Mayor Michael Bloomberg, who makes the decision, is opposed. He said it would violate state law that requires 180 days of school and might lead other religions to ask for similar accommodations. Religion News Service observed, "Religious-holiday controversies are not unique to Muslims or to New York City. The issue can loom as large as church-state donnybrooks or can be as quotidian as students' desire to achieve perfect school attendance while also observing their faith."

In Montgomery County, Maryland, local teachers attended an event at the Muslim Community Center during Ramadan. The event, held for the past 15 years, seeks to educate teachers about Islam. Attendance

is voluntary. The diverse Washington, D.C. suburb has growing numbers of students and teachers who are Muslims, Hindus and Buddhists.

Minorities Still Face Discrimination

A Pew Forum survey released in September found that a majority of Americans believe that gays and lesbians, Muslims and Hispanics face “a lot of discrimination” in their daily lives. The survey of 2,010 adults conducted in August found 64% of Americans thought gays and lesbians faced considerable discrimination, while 58% thought Muslims were discriminated against and 52% thought Hispanics were. Nearly half of adults surveyed (49%) said blacks faced continued discrimination. The comparable figure for other groups: women 37%, Jews 35%, evangelical Christians 27%, atheists 26% and Mormons 24%.

The number of Americans who say that Islam “encourages violence more than other faiths” has declined from 45% in 2007 to 38% in 2009.

Taxpayers Pay for Religion Courses

Taxpayers in Montgomery County, Maryland, have been paying county employees to take religion courses that have nothing to do with their work assignments. According to the *Washington Examiner*, police department employees took courses entitled “Survey of Bible Literature” and “Contemporary Problems for Christian Leaders” at evangelical colleges founded by the late Jerry Falwell and televangelist Pat Robertson.

One fire department employee took \$1,600 worth of classes in “Biblical Counseling” at an unaccredited online “college.” Reporter Alan Suderman noted, “The county has paid up to \$900 each for courses like ‘Principles of Christian Growth’ and ‘Contemporary Evangelism’ that emphasized ‘memorizing key Bible verses’ and ‘restraining the flesh and renewing your mind... (to) Christ,’ according to county records and online course descriptions.”

The taxpayer-funded tuition assistance program is supposed to relate directly to employee jobs. Since the report, the program has come under investigation by the County Council, whose president, Phil Andrews, said, “It would appear that in many cases the courses have no benefit for the public that is footing the bill for them.”

Creationism May Invade Massachusetts Schools

A bill in the Massachusetts legislature would encourage discussion of creationism in public school science classes, says its sponsor, Republican State Rep. Elizabeth Poirier. Her bill would also require school districts to “adopt and implement a local policy that allows for a limited public forum and voluntary student expression of religious views at school events, graduation ceremonies, and in class assignments, and non-curricular school groups and activities.... Districts shall treat such expression... in the same manner as the expression of a secular view. Districts are prohibited from discriminating against any student on the basis of a student’s expressed religious views.”

Religion and Politics: No Mix

A *Parade* magazine poll (October 4) shows that Americans are strongly opposed to mixing religion and politics. Just 15% thought religion “should be a key factor in political decisions,” while 58% said “religion and politics should not mix at all,” according to researcher Christine

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Wicker. The other 27% were not sure whether mixing religion and politics was a good thing.

Sikhs Claim Bias

A Sikh civil liberties group says that Americans who practice the Sikh faith are coming under renewed pressure to cease wearing mandatory head coverings. The Sikh American Legal Defense and Education Fund (SALDEF) told *The Times of India*: “The Oklahoma legislature’s attempt to ban head covering in ID photos, followed by a similar attempt by Minnesota state, the Maryland attorney general’s views on veils and head coverings, the Oregon legislature’s ratification of a law banning religious clothing for teachers and the Michigan supreme court allowing judges to order head covering removals were all new challenges for the Sikh community.”

SALDEF also warned that the PASS ID Act of 2009, which is designed to standardize photographic identification documents in the U.S., may cause difficulties for Sikh Americans.

Bush Welcomes Theocons

Theocon leaders paid at least 188 visits to the White House during George Bush’s eight year tenure, at least 33 with Bush himself, according to a study by Citizens for Responsibility and Ethics in Government. Religious Right leaders were well represented. Visitors included Jerry Falwell, Gary Bauer, Paul Weyrich and Donald Wildmon.

Covenant Marriages Prove Unpopular

Covenant marriages, which require premarital counseling and make divorce extremely difficult to obtain, are proving unpopular in Louisiana. The State Department of Health and Hospitals reported that only one percent of marriage licenses from 1997 through 2007 requested covenant marriages. Religious Right groups supported the law. Only Arizona and Arkansas have similar laws.

Bankruptcy Postpones Trials

The Catholic Diocese of Wilmington filed for bankruptcy just hours before a series of sex abuse trials was set to begin. The diocese, which represents 230,000 members in Delaware and Maryland’s Eastern Shore, faced a number of claims. Thirteen victims had filed suit since a 2007 law had extended the time period for legal action. The diocese has spent \$6.2 million to settle sex abuse claims since 2002 and faces \$1.5 million in legal fees for 2009. The diocese eventually faces 142 lawsuits,

continued on page 14

Updates, *continued from page 13*

though the bankruptcy filing temporarily halted trials scheduled for October 19. Wilmington becomes the seventh diocese to declare bankruptcy. The others are Davenport, Iowa; Portland, Oregon; Fairbanks, Alaska; San Diego, California; Spokane, Washington; and Tucson, Arizona.

Army Allows Sikh Doctor

The U.S. Army will allow a Sikh physician, Capt. Kamaljeet Singh Kalsi, to go on active duty as an emergency room doctor while wearing a turban, beard and “unshorn” hair, which are required by the Sikh faith. This does not mean a change, however, in a two-decade old regulation that forbids religious insignia, according to Acting Deputy Chief of Staff Maj. Gen. Gina Farrisee. Kalsi is 32 years old and lives in Riverdale, New Jersey. A number of members of Congress wrote U.S. Defense Secretary Robert Gates in August, urging the army to make an exception to the rules for Kalsi. According to an AP report, the Congressional letter told Gates, “We do not believe that any American should have to choose between his religion and service to our country.”

State Department Identifies Threats to Religious Freedom

The Annual Report on International Religious Freedom was issued on October 26. In addition to country-by-country reviews, the report cited five “state-sponsored challenges to religious freedom.” Here they are:

1. Authoritarian governments. The most severe abuses take place in certain strict authoritarian regimes that seek to control all religious thought and expression as part of a more comprehensive state control of expression and civic life. These regimes regard some groups as enemies of the state because of their religious beliefs or because they undermine unquestioned loyalty to the state. Some governments cite political security concerns as a pretext to repress peaceful religious practice. This report distinguishes between expression of legitimate political grievances by groups of religious believers and misuse of religion to advocate and undertake violence against other groups or the state.

2. Hostility toward minorities. Serious abuses occur where there is state hostility toward minority or non-approved religious groups. While not exerting full control over these groups, some governments intimidate and harass religious minorities and tolerate societal abuses against them. In severe cases, governments may demand that minority adherents renounce their faith or force them to relocate or even flee the country. This report takes careful note of the relationships between religious identity and ethnicity, especially in cases in which a government dominated by a majority ethno-religious group suppressed the religious expression of minority groups. Also detailed in this report are instances in which governments were hostile to a minority religious group because of the group’s real or perceived political ideology or affiliation.

3. Failure to address societal intolerance. Some states fail to address forces of intolerance against certain religious groups. In these countries, laws may discourage religious discrimination or persecution, but officials fail to prevent attacks, harassment, or other harmful acts against certain individuals or religious groups. Protecting religious freedom requires more than having good laws and policies in place. Governments also have the responsibility to work at all levels to prevent abuses, to bring abusers to justice, to provide redress to victims when appropriate, and to proactively foster an environment of respect and tolerance for all people.

4. Institutionalized bias. Governments sometimes restrict religious freedom by enacting discriminatory legislation or taking concrete action to favor majority religions. These circumstances often result from historical dominance by a majority religious group and can result in institutionalized bias against new or historic minority religious communities. This report highlights instances in which government endorsement of a particular interpretation of the majority religion resulted in restrictions on adherents of that religion who follow a different interpretation.

5. Illegitimacy. Some governments discriminate against specific groups by identifying them as dangerous or illegitimate because they are regarded as dangerous to individuals or societal order, describing the groups with terms such as “cults” or “sects,” thereby perpetuating the stigmatization of the groups and encouraging or implicitly condoning acts of violence against them. This practice is relatively common even in countries where religious freedom is otherwise respected.

Fundamentalism in Public Schools

Rep. Michele Bachmann (D-MN), exposed frequently as one of the looniest members of Congress, has been promoting a fundamentalist “ministry” that has been infiltrating public high schools. “You Cannot Hide International,” founded about six years ago by one Bradley Dean, boasts that it has reached over half a million high school students through assembly programs in a dozen states (ND, SD, MN, IA, WI, OK, CO, KS, MO, FL, GA, TN). Also known as “You Can Run,” the group seeks to push Christian fundamentalism in public schools, an activity that is clearly in violation of the U.S. and most state constitutions. At a November rally in Minnesota in November, Bradley Dean blasted public schools for being religiously neutral and called liberals “criminals.”

Will ‘Spiritual Healing’ Be Funded?

The *Los Angeles Times* reported November 3 that the health care reform bill might include “a little-noticed provision [that] would require insurers to consider covering Christian Science prayer treatments as medical expenses.”

Backed by Senators Orrin Hatch (R-Utah) and John Kerry (D-

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Mass), “The measure would put Christian Science prayer treatments – which substitute for or supplement medical treatments – on the same footing as clinical medicine. While not mentioning the church by name, it would prohibit discrimination against ‘religious and spiritual healthcare’.” Kerry and the late Sen. Edward Kennedy may have supported the provision because the Christian Science, or the Church of Christ, Scientist, as it is officially called, is headquartered in Boston. The Christian Science Church lobbied vigorously for inclusion in the bill in both houses of Congress. The House sponsor for the amendment allowing spiritual healing is Rep. John Shimkus (R-Ill), whose district includes Principia College, a Christian Science-related institution.

International Updates

Brno, Czech Republic: Pope Benedict XVI urged Czechs to reject secularism and return to their “Christian inheritance” on a three-day trip in October. The Czech Republic, celebrating the twentieth anniversary of the Velvet Revolution that toppled Communism, has become increasingly secular. Only 33% of its residents were associated with any religion, including once-dominant Catholicism, in the last census, conducted in 2001.

Freiburg, Germany: The Freiburg administrative court ruled that a professor of canon law was not required to pay a church tax (collected by the state) as a condition of church membership. Dr. Hartmut Zapp said he wished to leave the “public body of the Church” by refusing to pay the annual church tax but insisted that he had a right to remain “in the Church as the communion of the faithful.” The decision, said *The Tablet*, a London-based Catholic weekly, has “thrown the German Church on the defensive and triggered a national debate about the justification of the tax.”

Under German law an additional percentage (8% to 9%) of personal income tax is deducted for the Roman Catholic, Evangelical Lutheran, and Old Catholic churches. In 2008 the Roman Catholic Church received over \$7 billion from the church tax. The only way individuals can exempt themselves from the tax is to sign a form at the local municipal authority, stating their wish to leave the church. This results in excommunication for German Catholics. It also means that the churches are not required to provide burial services for those who are no longer “registered” members. The Freiburg archdiocese appealed the ruling in August. The daily *Suddeutsche Zeitung* said the decision represented a “death knell for the church tax.” The German bishops, defending the present system, said it was impossible to differentiate between the church as a “public body” and a private group of believers.

Professor Zapp, a theologian, said paying taxes should not be the condition for church membership, since it would interfere with the spiritual nature of the church. The tax pays the salaries of church employees and “has made the German Church one of the wealthiest in the world,” wrote journalist Christa Pongratz-Lippitt in the August 22 *Tablet*.

Opposition to a church tax is decimating the Catholic and Protestant churches. In the past decade alone 1.1 million German Catholics have formally withdrawn from the church. Departures are up sharply in Stuttgart, Paderborn and Munster in 2009. Mass attendance has declined from 28% to 14% since the late 1980s. The 2007 German census shows Germany to be 31% Catholic, 30% Protestant, and 38% belonging to no religion. In the 1950s only a tiny percentage claimed to have no religious affiliation.

Lahore: Pakistan’s Human Rights Commission charged that a Christian man was murdered in his jail cell on September 15. The prisoner, Robert Fanish, was jailed for violating the nation’s blasphemy laws,

which prohibit negative comments aimed at Mohammad or the Koran. A Muslim family accused him of desecrating a Koran and he was arrested on September 12 in a small town in eastern Pakistan. The provincial government has ordered an investigation into his death. The police in Punjab Province claimed the accused had hanged himself. An alliance of 30 human rights groups charged the government with colluding with religious extremists.

Montreal: Children in Quebec schools must learn about world religions, according to a September ruling by the province’s Superior Court. Conservative Christian parents objected to the mandatory school course that began a year ago and is required in grades one through eleven. The courses on ethics and religious culture replaced previous course offerings in Catholicism, Protestantism or nonsectarian moral instruction. The new curriculum includes all world religions in comparative study. Parents from Drummondville objected to the obligatory nature of the courses, saying the classes undermined their ability to teach their own religion to their children. But Justice Jean-Guy Dubois rejected their claim, ruling: “In light of all the evidence presented, the court does not see how the...course limits the plaintiff’s freedom of conscience and of religion for the children when it provides an overall presentation of various religions without obliging the children to adhere to them.”

The new comparative religion law reflects widespread changes in Quebec education. Before 1997 all children attended either Catholic or Protestant schools (Jews opted for the Protestant ones). After 1997 denominational school boards were replaced by linguistic-based ones. Students attend either French or English-language schools.

The Quebec government supported the school board and said that teaching children about religions other than their own promoted “equality, respect and tolerance.” Opponents in the Coalition for Freedom in Education said “the course should not be compulsory” and promised an appeal. Some parents in the Granby school district kept their children out of the religious culture class, resulting in suspension from school for their children. A private Jesuit high school, Montreal’s Loyola High School, argued that private schools should be exempt from the law.

Paris: France, a nation once called “the eldest daughter of the church” because of its many cathedrals and shrines of saints, has become almost totally secular. A survey by the daily *Le Monde* found that just under 5% attend mass weekly, down from 20% in 1972, when the last survey was undertaken by the Paris-based newspaper. The typical French Catholic is a woman over age 50. Overall, 64% of the French call themselves Catholics, down from 87% in 1972. Few attend services regularly, however. Of weekly churchgoers, 65% are over age 50 and 46% are retired.

In politics, active Catholics favor conservative or right wing parties. Thirty nine percent support President Nicolas Sarkozy’s governing conservative party and 14% favor Far Right groups. Only 21% support liberal parties.

Church attendance has declined even in historic strongholds such as Brittany on the Atlantic coast and Alsace-Lorraine on the German border.

Those who describe themselves as having “no religion” increased from 21% in 1972 to 28% today, while 5% are Muslims or Jews. The rise of Islam has led to a contentious national debate over banning headscarves worn by many Muslim women. A parliamentary committee will meet this fall to consider outlawing the burqa and the niqab, both emblematic of conservative Islam. A ban is supported by Communists and extreme rightists. President Nicolas Sarkozy also said, “The burqa is not welcome on the territory of the French Republic.” A ban already exists in state schools but a further restriction could outlaw the wearing of religious garb in any public place. Sarkozy rejected the claim

continued on page 16

Updates, *continued from page 15*

that religious freedom is at issue, claiming, "It is a problem of liberty and the dignity of women. It is a sign of servitude and degradation." Muslim women marched in Paris in favor of allowing headscarves, but a survey showed that very few French Muslims prefer the headdress.

Rome: An Italian court ruling places Catholicism in an equal setting with other religions in state schools. An August 12 ruling by the Administrative Tribunal in Lazio, which includes Rome, held that public high school students could no longer receive academic credit for courses in Catholicism. Two dozen secular, Jewish and Protestant groups complained of discrimination because of a 2007 ruling allowing academic credits for only the Catholic religion course but not those of other faiths. Italian public schools offer optional religion courses but none of the classes will count as academic credits. Catholic leaders and center-right politicians denounced the decision, but it was praised by the Union of Italian Jewish Communities.

Rome: The Italian government announced plans to fight a European court ruling that crucifixes in Italian classrooms violate freedom of religion. The European Court of Human Rights unanimously concluded on November 4 that the display of a religious symbol particular to one religion "restricted the right of parents to educate their children in conformity with their convictions, and the right of children to believe or not to believe."

The case, *Lautsi v. Italy*, was brought by an Italian woman on behalf of her two sons. Italian courts had ruled that crucifixes represented Italian history and culture rather than religion. The court, based in Strasbourg, France, said state-run tax-supported schools must "observe confessional neutrality in the context of public education."

The ruling "could force a review of the use of religious symbols in government-run schools across Europe," said AP. Prime Minister's Silvio Berlusconi's government and the Vatican denounced the ruling. Italy has three months to file a request for a new hearing or "referral." A five-judge panel will decide whether a review merits the calling of a 17-judge Grand Chamber hearing. The European Court of Human Rights was established in 1959 to review violations of the 1950 European Convention on Human Rights.

The Greek Orthodox Holy Synod called upon Christians across the continent to oppose the ruling, fearing challenges to religious symbols that are omnipresent in Greek courtrooms and classrooms.

Strasbourg, France: Russia's ban on the Church of Scientology was ruled illegal by the European Court of Human Rights on October 1. The ruling is binding and cannot be appealed. The court, based in Strasbourg, France, said Russia's law that religious groups cannot be legally recognized unless they had existed for 15 years violates internationally-recognized standards of religious freedom and human rights. The court awarded the Scientologists \$30,000 in damages and legal costs.

Vatican City: A Vatican agency, the Congregation for Catholic Education, has urged more religious instruction in public schools, warning that sound religious teaching is being replaced by neutral courses in

It was the genius of America's Founders to protect the freedom of all religion, and those who practice no religion at all. So as we join in prayer, we remember that this is a nation of Christians and Muslims and Jews and Hindus and non-believers. It is this freedom that allows faith to flourish within our borders. It is this freedom that makes our nation stronger.

— President Barack Obama at the Esperanza National Hispanic Prayer Breakfast, June 19, 2009.

comparative religion, ethics and culture. The letter, posted September 9, was sent to Catholic bishops' conferences around the world and seemed to be aimed primarily at Europe, where religious education in state-run schools is on the wane. The Vatican said that religious instruction should have an equal place with secular disciplines in classrooms and should be subjected to the "authority of the church." Even in public schools, religious education must be "authentic," and the church's role is to "establish the authentic contents of Catholic religious education in schools," the letter said.

Catholic News Service reported that a Vatican official also insisted that the religious affiliation of teachers of religion classes should be monitored since "religious instruction on any faith needs to be taught by someone who lives it." Catholic news reporter John Travis wrote that Italian schools were unsympathetic to the Vatican statement. "The text immediately ignited a debate in Italy over the proper balance between religious content and the secular nature of public schools."

Washington, D.C.: The U.S. Commission on International Religious Freedom (USCIRF) added India to its "watch list," citing inadequate governmental response to recent waves of violence against religious minorities. USCIRF said there had been "a disturbing increase in communal violence" and "the government's response has been found to be largely inadequate. The national government has failed to take effective measure to ensure the rights of religious minorities in several states." The condemnation was sweeping: "India's democratic institutions charged with upholding the rule of law lack capacity and have emerged as unwilling or unable to consistently seek redress for victims of religiously-motivated violence."

Washington, D.C.: Secretary of State Hillary Rodham Clinton opposed a move by 57 Islamic nations to restrict religious speech by supporting internationally-sanctioned "anti-defamation" laws. A vote at the U.N. is expected soon. Secretary Clinton denounced the move at State Department headquarters on October 26. She said: "I obviously believe that our country has been strengthened by its long tradition of religious pluralism. From the largest denominations to the very smallest congregations, American religious bodies and faith-based organizations have helped to create a more just and compassionate society. Now, some claim that the best way to protect the freedom of religion is to implement so-called anti-defamation policies that would restrict freedom of expression and the freedom of religion. I strongly disagree. The United States will always seek to counter negative stereotypes of individuals based on their religion and will stand against discrimination and persecution. But an individual's ability to practice his or her religion has no bearing on others' freedom of speech. The protection of speech about religion is particularly important since persons of different faiths will inevitably hold divergent views on religious questions. These differences should be met with tolerance, not with the suppression of discourse." ■

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Books and Culture



Writing in the Fall 2009 issue of *The Public Eye Magazine*, Frank L. Coccozzelli warns that right-wing Catholics are not only promoting a “politics of schism” within the Catholic Church, but are seeking to unite economic, cultural and political conservatism with a kind of theological neo-orthodoxy that yearns for the past, when freedom of conscience and dissent were rare within the church. He writes: “Not only reproductive justice and equality issues are at stake. The time-tested Roman Catholic concern for economic justice and the poor, the rights of workers and immigrants, and a responsive government are anathema to the groups pushing for a more traditional church. The Catholic parish as a vital community for immigrants and poor people will be lost.”

In the same issue of the quarterly journal of Political Research Associates, Pam Chamberlain argues that the Religious Right is quietly succeeding in its campaign to limit reproductive choice. She writes: “One arena where anti-abortion activists have found growing success is in popularizing, as a matter of conscience, the right of pharmacists, nurses, doctors and others to refuse to dispense care related to abortion and birth control. In the 1980s and ‘90s activists organized ‘prolife’ physicians to state publicly that they would refuse to perform or assist in abortions. Activists successfully limited the number of medical students who were trained in basic abortion techniques. They organized pharmacists to refuse to dispense the morning after pill as violating their moral opposition to abortion. And they have lobbied for conscience clauses to be enacted in state laws, protecting health care providers and even facility employees who refuse to treat or dispense despite their duty to do so. As of the summer of 2009, 46 states allow some health care providers to refuse to provide abortion services, and 13 states have some form of refusal clause around providing contraceptive services.”

She warns that the Religious Right’s campaign shows no signs of diminishing. “There is no indication that antichoice forces will slacken off in pursuit of their goals. On the contrary, Obama’s election has propelled the Right into a frenzy of state and federal politicking. The health care debate is just one example of renewed opposition. Abortion remains legal, but the Right’s combination of skillfully refined rhetoric and carefully chosen tactics has prevented many women, especially targeted and marginalized ones, from gaining access not only to abortion services but to the wider range of reproductive services and rights.”

Onward Christian Athletes: Turning Ballparks into Pulpits and Players into Preachers, by Tom Krattenmaker. Rowman & Littlefield Publishers, Inc., 2010, 220 pp., \$22.95.

This one-of-a-kind exposé shows that evangelical Protestants have virtually captured the multibillion dollar American sports complex. They have succeeded in shutting out other religious expressions, despite the growing diversity of religion in the U.S., and have established links with the Religious Right.

Chapels and official team chaplains are found across the sports worlds and almost all are evangelicals. “Faith Days” are held at major league baseball parks, and all have an evangelical flavor.

The chapter, “For God, Country, and the Republican Party,” is alone worth the price of the book. Sports figures frequently campaign for Republican presidential candidates and many prefer the hard Right. “God, Country and the GOP is a seemingly inevitable trinity among evangelical Christians in professional sports,” writes Krattenmaker. Sports figures “have marshaled a form of flag-draped religion to promote militaristic patriotism,” he adds.

During the Bush years “conservative politics and partisan-flavored religion merged to the point where they became nearly indistinguishable.” Opposition to abortion rights and gay rights are routine at baseball park evangelical rallies. Athletes in Action and the Fellowship of Christian Athletes sponsor “Right-to-Life Days” in basketball and baseball stadiums and raise funds for the militant American Life League, which opposes all abortions, even those that could prevent a mother’s death. “Through recent decades, the Christian sports establishment has stood firm with the Christian Right in resisting gay rights.” Women’s basketball has become a prime target for evangelical attacks, according to the author. Athletes in Action leader, ex-basketball star Ralph Drollinger, called the Catholic Church “this world’s largest false religion,” and Jews are routinely ignored. “When it comes to politics, Christianity in sports is no equal-opportunity player.” The author notes that the major evangelical sports ministries are generously funded by right wing foundations such as the Arthur DeMoss Foundation and the reconstructionist-oriented Plymouth Rock Foundation. Board members of Baseball Chapel and the Fellowship of Christian Athletes have been members of the John Birch Society and Coral Ridge Ministries.

The author is not hostile to religion’s playing a role in sports, if it is voluntary and non-coercive. “The challenge, rather, is to create a *pluralistic* environment in professional sports, where no one form of belief or nonbelief takes over, but where all are welcome, and all are free to act and speak in accordance with their creeds and beliefs, so long as they do not blatantly infringe on the rights of others.”

He charges, as well, that evangelical emphasis on conversion and disinterest in ethics and refusal to challenge the “winning at any price” mentality hurts Christianity. “The Christianity practiced and expressed in professional sports too often misrepresents the faith.” Furthermore, “Evangelicals in and around professional sports have offered little in the way of sustained public witness against sports’ irreligious, unethical exploitation of human beings.” African American and Hispanic players are still exploited and marginalized. “The agents of Christianity in sports could serve as a prophetic force for wider, deeper progress on redressing the racial injustices that plague the industry and the nation.” And if religion is so pervasive, why are there so many incidents of unsportsmanlike behavior on the field and antisocial, even criminal, behavior off the field?

Why should sports ministries practice a theology of exclusion, the author asks. The Washington Nationals baseball team is a target for his criticism. “Put another way, why should the tax dollars of Catholic and Jewish residents of Washington, D.C., not to mention the Muslims, Buddhists, Sikhs, Hindus, agnostics, and atheists, be used to facilitate an evangelical Christian mission.” This charge makes sense because teams now ask the public to finance gigantic sports complexes. He questions “the dynamics that allow wealthy owners, buoyed by a precious public good known as their antitrust exemption, to virtually blackmail communities into building taxpayer-financed stadiums while so many other public resources, from libraries to public hospitals to roads and bridges, fall into neglect.”

To those who wonder why this book was written, the author argues that the sports-religion connection is “a campaign by well-organized, well-financed evangelical sports ministries committed to leveraging sports to reach and change the broader American culture.”

This is an eye-opener of a book that should convince sports fans at least that the Religious Right is far from dead.

—Al Menendez
continued on page 18

Books and Culture, *continued from p. 17*

True Compass: a Memoir, by Edward M. Kennedy. Twelve, Hachette Book Group, 2009, 532 pp., \$35.00.

Ted Kennedy's memoir is absorbing, introspective, and factual, which is not always true of autobiographies. This recounting of an extraordinary life that spanned three quarters of a century is filled with anecdotes, memories and judgments of history.

There are many revelations that will surprise even entrenched Kennedy-watchers. One is that Ted wanted to run against President Reagan in 1984 but was dissuaded by strong objections from his immediate family.

Kennedy's views on religion and church-state matters will interest many readers. In his 1983 address at Jerry Falwell's college, Kennedy defended separation of church and state, saying that the nation needed "to recall the origin of the principle, to define its purpose, and refine its application to the politics of the present." He noted that religion loses its integrity when it calls upon state power to enforce its teachings. "The real transgression occurs when religion wants government to tell citizens how to live uniquely personal parts of their lives. In cases such as Prohibition and abortion, the proper role of religion is to appeal to the conscience of the individual, not the coercive power of the state."

It's all here, the triumphs and the tragedies, in graceful prose.

—*Al Menendez*

Religion and the American Presidency: George Washington to George W. Bush with Commentary and Primary Sources, edited by Gastón Espinosa. Columbia University Press, 2009, 543 pp., \$34.50.

This hefty volume has both strengths and weaknesses. Among its strengths is the inclusion of a considerable amount of newsworthy material for the thirteen presidents whose religious views are examined. These primary sources include letters and speeches, many of which are rare. Some are addresses to Congress, to various religious groups, to prayer breakfasts, and even President Harry Truman's remarks upon the lighting of the National Community Christmas Tree in 1952. Ronald Reagan's remarks on the "evil empire" and George W. Bush's speech at the Islamic Center in Washington a few days after 9/11 make interesting reading.

The selection of the presidents includes early founders Washington, Jefferson and Madison, as well as Lincoln, about all of whom much has been written. Then, every president since FDR is included (except Nixon and Johnson).

The omission of John Adams, Jackson, Theodore Roosevelt and Wilson is disappointing since all had significant religious interests. Teddy Roosevelt even lectured at a theological seminary after he left the White House, and Wilson, a Presbyterian minister's son, seems to have been influenced by his religious upbringing in many of his policies.

The editor explains the book's purpose: "This book examines the influence of religion on the American presidency over the past two centuries. It spotlights the way thirteen American presidents from George Washington to George W. Bush have been influenced by religion and how these religious influences have in turn shaped their political worldviews and domestic or foreign policies."

All the individual essays were written by historians, and all are thor-

oughly documented. It is evident that many interpretations reflect conservative views that the evidence does not necessarily merit or warrant.

The treatment of President Kennedy strikes this reviewer as unbalanced and unfair. Thomas Carty sees John F. Kennedy as too secular. He implicitly criticizes Kennedy for accepting the Supreme Court decision against mandatory devotional exercises in public schools, though many of us saw that as a courageous defense of separation of powers and a defense of religious neutrality, religious freedom and the integrity of religious practice. Sneering at Kennedy's personal life and accusing him of "treating religion with some irreverence" and "taking a neutral stance toward religion" raise questions about Carty's objectivity. He is out of line to say that "future generations may view Kennedy with less favor, since he provided few solutions for long-term challenges, especially in the area of religion and politics. Kennedy's secularism contributed to the alienation of many conservatives, Catholic and non-Catholic, from the Democratic Party." Kennedy admirers would counter that his policies strengthened the Constitution and led to greater interfaith harmony and respect for religious pluralism. The American government should treat all religions impartially. It is also doubtful that secularism depressed Democratic fortunes since LBJ won a landslide in 1964. Most historians cite other reasons for the decline in Democratic support in the late 1960s.

Carty should have checked his facts more thoroughly. Sen. Estes Kefauver was from Tennessee, not Missouri. Rev. Norman Vincent Peale's Marble Collegiate Church in New York City is affiliated with the Reformed Church of America, not the Methodists. Eisenhower did not receive 53% of the Catholic vote over Stevenson in 1952. Stevenson won 55% in 1952, according to the Gallup Poll, and secured 51% of Catholic voters in 1956.

The same snide criticism of Kennedy is found in the editor's lengthy essay at the beginning. He writes, "Many accuse his administration of crassly manipulating religion and allowing prayer to be taken out of American public schools." Isn't Espinosa aware that presidents do not "allow" Supreme Court decisions? They are made independently of the chief executive. The school prayer decisions began during the Eisenhower administration and were settled during Kennedy's term of office. Kennedy's support for the Supreme Court represented respect for the rule of law and the separation of powers, not hostility toward religion.

To say that Kennedy "manipulated" religion when he was the victim of a massive smear campaign in 1960, surviving only by a narrow margin, is disingenuous and insulting. Neither Espinosa nor Carty seems aware of the University of Michigan Survey Research Center study that concluded that Kennedy lost far more votes than he gained because of his religious affiliation. Kennedy failed to carry over 100 counties that supported Stevenson in 1956 and received a lower share of the popular vote than Stevenson in 1,000 counties.

The essay on Eisenhower, by Jerry Bergman, who is curiously omitted from the biographical information, argues that "Eisenhower's faith in the almighty openly influenced all of his governmental and presidential policies." Did his late-in-life Presbyterianism really affect the development of the Interstate Highway program, his reluctance to support school desegregation, or his actions during the U-2 spy incident? This is an example of claiming too much for religion.

Books exploring the religious beliefs and practices of presidents are usually more descriptive than analytical and are often influenced by their authors' religious attitudes and predilections. I have reviewed more than two dozen of them since 1972. This book falls about midpoint on the quality scale. It makes a contribution to understanding a very complex subject but it falls short of the late Robert Alley's *So Help Me God: Religion and the Presidency, Washington to Nixon* and Richard Pierard and Robert Linder's *Civil Religion and the Presidency*, which are more objective.

—*Al Menendez*

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Souls in Transition: The Religious & Spiritual Lives of Emerging Adults, by Christian Smith with Patricia Snell. Oxford University Press, 2009, 355 pp., \$24.95.

This report on yet another survey of religious life in the U.S. focuses on a new group, “emerging adults,” ages 18 to 23, whose values may well shape society for the foreseeable future.

In round numbers about 46% of emerging adults are Protestants of some sort, 27% have no religion, 18% are Catholics and 9% belong to all other religions. But that tells little about people’s real beliefs and practices.

The authors explore the survey results and conclude that denomination matters less than what people believe and how they relate to religious institutions and creeds. Among the emerging adults only 8% are “devoted” to their religion, with a disproportionate number being Mormons or conservative Protestants. The “regular” churchgoers (14% of all) fall into several categories. The branch called “selective adherents” is often Catholic or Jewish in background. “Sporadic” religionists are frequently Jewish, Catholic or mainline Protestant. The “disengaged” are also disproportionately Jewish or nonreligious.

This diversity makes predictions for the future difficult, but the patterns of the past, which indicate that people become more actively religious as they age, may not be true of today’s young adults. They seem less likely to become committed to any faith tradition but prefer to draw upon many cultural, secular and religious values that shape their lives. Still, “Religion still matters in ways that make a difference in a variety of relationships, attitudes, experiences, and behaviors, even among 18- to 23-year-olds, and especially among the most highly religious.” It is also true that “Religion shapes society and culture. And social institutions and culture shape religion.”

Finally, “Society, culture, and institutions are always evolving. Exactly where American culture and society, emerging adulthood itself, and religious communities and traditions in particular actually end up going in the future will in some measure be shaped by the beliefs, desires, commitments, decisions, and actions of emerging adults and those who care about their lives.”

The rejection of organized religion by many emerging adults has a political counterpoint. The authors, director and associate director of the Center for the Study of Religion and Society at the University of Notre Dame, write, “Most emerging adults in America have extremely modest to no expectations for ways society or the world can be changed for the better. Very few are idealistic or activist when it comes to their making a mark on the world. Many are totally disconnected from politics, and countless others are only marginally aware of what today’s pressing political issues might be.”

This is a most engaging and stimulating study.

—*Al Menendez*

God in the Classroom: Religion and America’s Public Schools, by R. Murray Thomas. Rowman and Littlefield Education, 2008, 285 pp., \$24.95 paper.

This rather basic overview mixes history, law and pedagogy in an attempt to explain why religious controversies are so common in public schools. The author argues: “The twenty-first-century’s religion-in-schools controversies... are derived from incompatible characteristics of the new nation’s dominant worldviews: (a) traditional Christianity and (b) the U.S. Constitution’s version of the Enlightenment.” He never quite explains what “traditional” Christianity is or why “Christian and Enlightenment worldviews are obviously incompatible.”

The author devotes chapters to each of several controversies, including creationism, prayer and Scripture reading, curricula, holidays and

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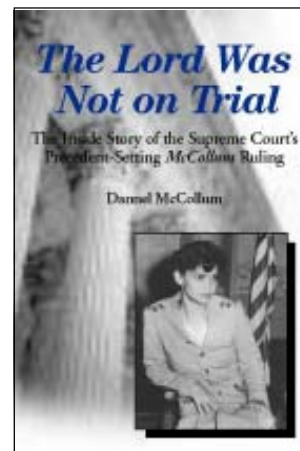
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—Edd Doerr



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celebrations, released time religious instruction, and something he calls “symbols and maxims.” Each chapter includes “Guidelines for Educators,” an attempt to summarize what may and may not be done constitutionally.

While arguing that “the Judiciary is the most influential of the three branches of government in determining the role of religion in the nation’s public school system,” he admits that “inconsistent court decisions have left [some issues] in a somewhat confused state.” This is particularly true for religious holiday celebrations in an educational context.

Thomas believes that “schools have served as key targets in the nation’s ‘cultural wars’ over which values and belief systems will dominate American society.” These “controversies will never be resolved to everyone’s satisfaction because the adversaries in the encounters base their attitudes on very different belief systems.”

Trying to find common ground, respecting the Constitution, upholding high academic standards, and cherishing religious differences are values the author seems to ignore, stressing as he does the confrontations between supposed enemies.

The book’s bibliography relies far too heavily on websites rather than on standard books and periodicals.

—*Al Menendez*

Witnessing Their Faith: Religious Influence on Supreme Court Justices and Their Opinions, by Jay Alan Sekulow. Rowman & Littlefield Publishers, Inc., 2008, 355 pp., \$22.95 paperback.

I have to admit that I approached this book with more than a little trepidation. Its author is the Religious Right’s leading attorney, appearing before the Supreme Court several times. His positions are generally the opposite of ARL’s. But the topic of his book—how religion influ-

continued on page 20

Books and Culture, *continued from page 15*

ences Supreme Court Justices—is an intriguing one that has rarely been addressed by serious scholars of the law.

While Sekulow remains an accommodationist rather than a separationist, he admits that the separationist narrative is a valid one and he seems to recognize that combinations of religious and civil power are bad for society and harmful for religion.

His book clearly involved a great deal of research. He selected nine cases where the alleged religious influences and involvement of the leading Justices clearly influenced their decisions. About the 1962 school prayer decision, Sekulow writes, “This last vestige of the de facto Protestant establishment of religion in the public schools was declared unconstitutional in an opinion issued by a devout Presbyterian, Justice Thomas C. Clark.”

Sekulow respects Clark’s decision, “Clark’s criticism of school prayer was simply a component of his broader concern over the state of religion in contemporary American culture.” He points out, “A final intriguing aspect of Clark’s position on matters of church and state is its similarity to the Presbyterian Church’s historical position on religious liberty.” Finally, “Clark’s decision striking down school prayer and Bible reading was apparently based upon his sense that religious exercises conducted by school officials undermined the integrity of religion and diminished its importance in the eyes of school children.”

One problem with using official denominational statements on various issues is that this presupposes that Justices who are church members are aware of these resolutions, that they agree with them and, more importantly, that they would allow these statements to influence their judicial opinions. All that is highly speculative. To conclude that Justice Morrison Waite was influenced by his low-church Episcopalian upbringing when he ruled against the Mormons in the 1878 *Reynolds* case seems a bit of a stretch. One scholar of the court, Marci Hamilton, though, argues that Waite’s “distinction between belief and conduct [in religious matters] closely mirrors the Christian faith’s distinction between faith and works.” Sekulow adds, “The rule of law that Waite presented in *Reynolds* as the meaning of the Free Exercise Clause could be said to be the embodiment of Roger Williams’s evangelical theory of separation.”

The book looks at other cases including such justices as Joseph Story, a conservative Unitarian, Warren Burger, a moderate Presbyterian, and Hugo Black, whose Baptist upbringing morphed into liberal Unitarianism while he was on the Court.

While there is much to disagree with in the author’s approach, we can probably agree with his final conclusion: “There is no doubt that the Supreme Court will continue to delve into the difficult area of the appropriate relationship between church and state. What becomes self-evident is that the Court’s reliance on history will serve as the overarching test to determine the constitutionality of a public religious acknowledgment or practice.”

—Al Menendez

A Pilgrim in a Pilgrim Church: Memoirs of a Catholic Archbishop, by Rembert G. Weakland, OSB. William B. Eerdmans Publishing Company, 2009, 429 pp., \$35.00.

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You can now visit Americans for Religious Liberty’s internet website: arllinc.org. The site contains information about the organization, available publications, reprints of important articles, back issues of our journal, and congressional religious affiliations.

This is a gracefully written and always interesting memoir of a man who grew up in a coal mining town in Pennsylvania, studied at Julliard School of Music and Columbia University, and ended up a Benedictine monk and abbot and eventually Archbishop of Milwaukee. How this tortuous journey progressed is the absorbing story told by one of American Catholicism’s last liberal bishops.

Weakland became an advocate for the poor and marginalized. “Social justice became an issue I would continue to make my own and in which would begin to form new attitudes and judgments.”

Living and studying in Rome off and on for many years, he heartily endorsed the Second Vatican Council’s reforms. “The document on religious liberty was a palpable victory for the Americans and a confirmation of the American experiment in separation of church and state.”

As bishop he regretted not doing more to confront the clerical sex abuse scandal. “We all considered sexual abuse of minors as a moral evil, but had no understanding of its criminal nature.”

His views on women’s ordination are interesting. “I lamented the loss of so many women’s talents if leadership positions in the Church were denied them. From generation to generation, women have always been the most significant bearers of the Church’s life and tradition; to lose them was tantamount to losing the future.”

As a retired bishop (forced out in 2002), he views Pope John Paul II less favorably than many others. “In my opinion, the negative aspects of his pontificate outweigh the positive.” He faults the pope for “an exaggerated emphasis on the person of the pope and papal teaching,” “rigidity on the question of a married clergy” and an emphasis on authoritarianism and loyalty.

In conclusion, “I realize now that being a bishop during the pontificate of such a forceful and unbending pope was not an easy task for me. I was too much of a free spirit, intellectually too restless, and not able to acquiesce to his thought with peace of mind.”

—Al Menendez

The Death of Conservatism, by Sam Tanenhaus. Random House, 2009, 123 pp., \$17.00.

Sam Tanenhaus, editor of *The New York Times Book Review* and the *Times’* “Week in Review” section, has given us a useful analysis of the evolution of the conservative movement in the United States over the past 75 years. It is, however, academic and theoretical, and its title hyperbolic. He praises the conservatism of Burke and Disraeli, walks us through the conservative opposition to FDR’s New Deal and the moderation of the Truman, Eisenhower, Kennedy and Johnson administrations, explores the complexities of the interaction between Pat Moynihan and Nixon, and then traces how the movement turned hard right with Goldwater, Reagan and the second Bush.

Curiously, however, Tanenhaus does not discuss the reactionary, xenophobic and patriarchal nature of today’s conservative movement, and his bloodless account devotes only a small fraction of a page to the rise of the Religious Right and its melding with the Republican Party beginning in the 1970s.

Missing is any mention of the significance of the 1962-3 Supreme court rulings on government-sponsored religious activities in public schools, the 1973 *Roe v. Wade* decision, school desegregation, the homeschooling and school voucher movements, or the creationism/evolution controversies, all of which contributed enormously to the growth of the theoclon right. Tanenhaus refers to William F. Buckley, Milton Friedman, Irving Kristol, George Will, etc., but totally overlooks the thunderous rants of Jerry Falwell, Pat Robertson, Newt Gingrich, Rush Limbaugh, Glenn Beck, Ann Coulter, Michelle Malkin, Sarah Palin, Michelle Bachmann, Fox News, and their myriad imitators and echoes.

Tanenhaus’ slim volume is worth a read, but what it leaves out is

probably more important than what it includes.

—Edd Doerr

Half the Sky: Turning Oppression into Opportunity for Women Worldwide, by Nicholas D. Kristof and Sheryl WuDunn, Alfred A. Knopf, 2009, 295 pp., \$27.95.

READ ME, this important book demands. And rightly so. In it *New York Times* Pulitzer Prize journalists Kristof and WuDunn meticulously explore the sorry condition of women in far too much of the world. Among the topics covered in their must-read book: female genital mutilation in much of Africa; systematic rape as a weapon of war; the worldwide scandal of sexual slavery; widespread denial of education, equal rights, and adequate medical care for women; overpopulation; the deadly toll of women dying from pregnancy and childbirth; the scandal of gross under-representation of women in public office in the United States.

Holding women back in most of the world are misogyny and patriarchy, a very great deal of which is faith-based. We certainly see this in the current debate in the United States over women's health care concerns in the health insurance reform struggle. Overseas we see the baleful influence of Islamic fundamentalism, while at home we see the patriarchal misogyny and "malignant narcissism" of the Catholic bishops (who are wildly out of sync with the "faithful") and Protestant fundamentalist extremists.

Among Kristof's and WuDunn's recommendations for remedies: expanding girls' education, making family planning assistance universal, microfinance, and "empowerment." With regard to the last, I believe that here in the US we need to elect far more women to Congress and state legislatures. EMILY's List is one of the organizations working to remedy that problem.

Among Kristof's and WuDunn's heroes is Jane Roberts, the gutsy California woman who organized 34 Million Friends of UNFPA, in response to George W. Bush's irresponsible cut-off of \$34 million appropriated by Congress for the UN Population Agency. (We reviewed Roberts' book of that name in VOR No. 102.)

Give this book five stars. (Two bad it won't outsell Sarah Palin's pathetic prattlings.)

—Edd Doerr

The End of Secularism, by Hunter Baker, Crossway, 2009, 224 pp., \$17.99.

This pseudo-scholarly tome is based on the erroneous notion that secularism is necessarily hostile to religion, a view not shared by serious scholars of religion-government relations. While paying lip service to a watered-down concept of church-state separation, Baker does not even refer to the important work of such authorities as Leo Pfeffer, Anson Phelps Stokes, Irving Brant, or Robert Alley, and instead prefers to lean on such weak reeds as Richard John Neuhaus and Philip Hamburger. He dismisses out of hand most of the Supreme Court's church-state jurisprudence since 1947, the writings of Jefferson and Madison, the Slaughter-House cases of the 1870s that largely gutted the Fourteenth Amendment, only in recent years recovering from the Supreme Court's mistakes of over a century ago. Baker overlooks the substantial advantages enjoyed by churches in this country, ignores our incredible religious diversity, and pays little more than lip service to real religious liberty. Although the author boasts both a Ph.D. and a J.D., he comes across as educated beyond his intelligence! Too bad actual trees had to be sacrificed to produce this opus.

—Edd Doerr

The Purple Culture, by Stephen Boehrer, Oceanview Publishing, 2009, 206 pp., \$24.95.

Worth Remembering

I repeat my firm adherence to the American doctrine of the absolute separation of church and state. Political activity on the part of the church is the negation of that separation.

— Gov. Alfred E. Smith, Democratic nominee for President, Campaign Address, Baltimore, October 29, 1928.

This modest-length punch-in-the-gut page-turner of a novel neatly encapsulates the clerical pedophile and hierarchy coverup scandals in the Catholic Church covered so extensively in the media and in books and reports I have reviewed from the United States, Ireland, Spain, and Mexico. The novel centers around the prosecution of three bishops for their abetting and covering up the sexual abuse of minor boys and girls by priests. It would be unfair to reveal details of the plot and outcome, so you'll have to buy the book yourself. Suffice it to say that I read it in only a few hours.

The author is a former priest and diocesan chancellor, now married, and thus has credibility. The clerical abuse problem involves not only the \$2 billion awarded to over 4,000 of the abuse victims, out of the more than 100,000 who have come forward, but also the church leadership's deep influence in politics and church-state matters. *The Purple Culture* explores the phenomenon of hierarchical "malignant narcissism" that sets priestly abuse apart from other forms of misconduct. I give the book five stars.

—Edd Doerr

Searching for Whitopia: An Improbable Journey to the Heart of White America, by Rich Benjamin, Hyperion, 2009, 354 pp., \$24.99

In sparkling prose and fair-minded social commentary, this analysis by an African American think tank scholar explores the fastest-growing part of America: the overwhelmingly white exurbs which play a disproportionate role in politics. Labeling many of these 245 counties as "Whitopia," Benjamin defines them as counties that are at least 90% non-Hispanic white, with population growth exceeding 10%, and where at least 75% of that growth comes from non-Hispanic whites. They are also staunchly Republican and were largely responsible for President Bush's reelection in 2004. There was little change in these counties in 2008. McCain carried 209 of them, while Obama carried 36.

America's 245 exurbs are 83% white, compared to 55% white in suburbs and 47% in cities. They are also middle income and have high rates of home ownership and nuclear families. The exurbs are booming. Seventeen of the twenty fastest growing counties in the nation are exurbs, defined as "outer" suburbs of major cities, where housing is affordable, population density is relatively low (for now) and crime is less pervasive.

The Whitopias are the whitest of the exurbs and represent the Republican base. "In most exurbs, Republican affiliation is not simply a voting preference, but a social sacrament. College-educated white Protestants in our fast-growing suburban outskirts are the embodiments of political power, economic success, and social prestige. This mandarin class, with its visible profile, sets the standards for communal beliefs and aspirations."

Whitopias are not necessarily the wave of the future, however, since they supported the losing candidate and his party and moved in the opposite direction from multicultural America, which enthusiastically supported Obama. But their growth rate represents a brake on any

continued on page 22

Books and Culture, *continued from page 21*

future Democratic majority.

While the author has great respect and empathy for Whitopia, he fears that its existence will not prove beneficial to America's democratic values. "The harm is that it's leading Americans to accept in a de facto way ethnic and class Balkanization as a semipermanent feature of American life. Whitopia imperils a collective commitment to the common good."

Benjamin, who spent a year living in Whitopias in Georgia, Utah and Idaho, has clearly broken new ground in this excellent book that should be required reading for those interested in the present and future of American politics.

—*Al Menendez*

What Americans Really Want... Really: The Truth About Our Hopes, Dreams, and Fears, by Dr. Frank I. Luntz. Hyperion, 2009, 302 pp., \$24.99.

Republican pollster Frank Luntz reports on a new national survey that covers everything from economics to lifestyle. His views on religion and politics reflect a conservative view that religion is "the glue that holds society together." While agreeing with other polls that show religion remains strong in several sectors of life, he says there are "increasing signs of religious erosion," particularly among the young. Though Jewish, he favors a stronger religious role in public life and says that "respect for religion needs to be reestablished." His survey also shows that "A clear majority of religious voters (59%) replied that they vote in every election, compared with a 43% participation rate among nonreligious voters."

The data are interesting, but the author's interpretation of them will appeal far more to religious and political conservatives than to others.

—*Al Menendez*

Evangelical Does Not Equal Republican...or Democrat, by Lisa Sharon Harper. New Press, 2008, 176 pp. \$24.95.

An African-American evangelical blasts her own religious community for its political shortcomings, especially its poor record on racial reconciliation and economic justice and its uncritical embrace of the Republican Party. She writes, "To let the religious right define evangelical...wipes out the memory of real people who lived and fought for just causes and just social policies because of their faith...I refuse to let the religious right confiscate my heritage."

As part of her research, Harper interviewed 70 evangelical leaders. She clearly identifies with the small but growing progressive wing which emphasizes such issues as poverty, peace, and social justice and deemphasizes the hot-button social issues.

Since nearly three quarters of evangelicals voted for the McCain-Palin ticket, it is doubtful that many of Harper's coreligionists share her views.

—*Al Menendez*

Progressive & Religious: How Christian, Jewish, Muslim, and Buddhist Leaders are Moving Beyond the Culture Wars and Transforming American Public Life, by Robert P. Jones, Rowman & Littlefield Publishers, Inc., 2008, 20 pp., \$24.95.

This will be a rallying point for those who want to unite progressive politics and progressive religion. The author claims that progressive and tolerant tendencies exist in all religions, thus constituting "the other religious America." While all four religious traditions he studies have distinctive theological positions that could be harmonious with left-of-center politics, all have common characteristics that include a belief in

the unity of humankind. Religious conservatives and fundamentalists in these groups will howl at this presentation.

Jones, a scholar associated with the Center for American Progress, interviewed a hundred religious leaders on the progressive wing of their faith groups and concluded that they see the world as a place where peace and economic justice could be achieved if religious groups and others work together. Jones' book has been praised by E.J. Dionne, Rosemary Radford Ruether, Rabbi David Saperstein and Jim Wallis, all household names in the Religious Left.

—*Al Menendez*

Religious America, Secular Europe?: A Theme and Variations, by Peter Berger, Grace Davie and Effie Fokas. Ashgate Publishing Company, 2008, 138 pp. \$29.95.

Why is Europe so much more secular than America? Eurosecularity is the result of many different historical, sociological and even economic realities. Three authors present different points of view, which makes for an uneven book. The authors argue that Europe should not be seen as a single unit religiously, since the countries vary widely in degree of religiousness and in political activity by churches. Class and ethnicity also play roles in Europe's development. More attention might have been paid to a pattern of European establishment versus the independence of religious institutions in the United States, where the voluntary principle prevails.

—*Al Menendez*

Spies in the Vatican: The Soviet Union's Cold War Against the Catholic Church, by John Koehler. Pegasus Books, 2009, 296 pp., \$26.95.

Most books about Vatican intrigues and diplomacy have dealt with the Nazi era. But this one tackles the Communist era and is purportedly based on once-secret KGB documents and other intelligence reports.

The major revelations are that Soviet spies "penetrated the papal sanctum" and that East European governments "burrowed their way into the inner workings of the highest level of the church." The Communists "spared no expense in their quest to destroy the church," he adds.

There are some interesting characters in this nonfiction book that reads like a spy novel. One is Monsignor Konstantin Budkiewicz, who was executed on Easter Sunday in 1923 at the notorious Lubyanka Prison in Moscow for "committing a counterrevolutionary act," that is, opposing the first wave of Bolshevik religious persecution. Another is Francis McCullagh, an Irish adventurer who rode with the Cossacks in the Russo-Japanese War, became a British intelligence agent and covered the trial of Archbishop Jan Cieplak in 1923. Cieplak was expelled from the Soviet Union and eventually ended up in the United States. McCullagh wrote the first book about Communism and religion, *The Bolshevik Persecution of Christianity*, published in London in 1924. Also appearing is an American priest and author, Father Robert Graham, an expert on Vatican diplomacy who became "the Vatican's unofficial spy-catcher."

While very sympathetic to the church, Koehler found that "the Vatican is extremely sensitive about espionage cases not only within the walls of the Holy City but within the ranks of its clerics in general."

Since the book is based on semi-sensitive and long-suppressed documents, it is difficult for any reader to evaluate the author's sources and judgments. Koehler spent 40 years as an Associated Press reporter, is a former U.S. Army intelligence officer, and wrote a book a decade ago on the East German Secret Police.

The absence of footnotes and a bibliography is a drawback, but it's a fast and generally interesting read.

—*Al Menendez*

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Inside Congress: Facts and Figures

The Almanac of American Politics 2010 (National Journal Group, 1726 pp., \$79.95) continues a magnificent tradition that began in 1970. Written by Michael Barone and Richard E. Cohen, it includes a comprehensive array of detailed information about all 535 House and Senate members, portraits of Congressional districts, voting records by all members on key issues, and the presidential vote for every House district.

Each state's political profile is presented. Here is Vermont's: "Vermont was the most Republican state in the 1936 presidential election, when Franklin Roosevelt's campaign manager had a good laugh updating an old adage to say, 'As goes Maine, so goes Vermont.' Times have changed. In 2004, Vermont was the third-most-Democratic state, after Massachusetts and Rhode Island, and in 2008, the second-most Democratic, after Hawaii. Vermont has become solidly liberal on cultural and foreign issues and it is not very conservative on economics. The state seems downright hostile to conservative national Republicans. Ronald Reagan got his seventh-lowest percentage here in 1980, and in early 2007, some 29 town meetings voted to urge Congress to impeach President Bush. It is the only state that Bush did not visit as president."

Here are some facts that may help put the Congressional elections next year in perspective:

- Obama carried **242** districts to McCain's **193**.
- McCain carried **49** districts that elected a Democratic House member.
- Obama carried **34** districts that elected a Republican House member.
- **51%** of the districts that went for McCain but elected a Democrat were in the South, while only **18%** of the districts that went for Obama but elected a Republican were in the South.
- Compared to Kerry's 2004 vote, Obama gained in **398** dis-

tricts while McCain gained in **34**, and **3** districts showed no change between 2004 and 2008 (They were Arizona 2, Louisiana 5 and Massachusetts 6)

- **64** districts went for Bush in 2004 but switched to Obama in 2008, while only **1** district (Pennsylvania 12) went for Kerry and switched to McCain.
- McCain gained **8** percentage points over Bush in Arkansas 1 and Arkansas 4.
- The highest turnout increase (**30%**) between 2004 and 2008 came in Georgia 13, an African American majority district in the Atlanta suburbs.
- **18** of the 20 districts with the highest voting turnout increases came in the South.
- Obama carried **15** of the 20 wealthiest districts, with 58% of the vote.
- America's highest income congressional district is Virginia 11, a Washington, D.C., suburb which boasts a median family income of \$101,455.
- McCain carried **13** of the 16 heavily rural districts, winning nearly 58% of the vote, about the same percentage as Bush. Turnout in rural areas was only up 1%, however.
- Obama's top district was New York 16 (The South Bronx), where he received **95%** of the vote.
- McCain's top district was Alabama 6 (the Birmingham suburbs), where he was the choice of **77%** of voters.
- **47** districts have a majority of voters living in rural areas.
- There are **27** Black majority districts, which gave Obama 81% of their combined vote, a gain of 6 points over Kerry and a turnout increase of 13%.
- There are **25** Hispanic majority districts, which gave Obama 65%, a 7 point gain over Kerry and an 11% turnout increase.



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Commentary

Faith-Based Programs

George W. Bush's signature faith-based initiative for providing public funds to religious and community organizations, for feeding the homeless and other programs remains popular, according to a report released on November 16 by the Pew Forum on Religion and Public Life. The entire report, based on polls by Princeton Survey Research Associates (available online) is complicated, but does admit of some generalizations.

Faith-based initiatives are favored by 69% to 25%. Religious groups are believed to be better at feeding the homeless by 52%, versus 21% for non-religious groups and 21% for government agencies. The initiatives are favored more by those under 50 than over 50, by blacks and Hispanics more than whites, by Democrats more than Republicans or Independents.

While those polled favored allowing public funds to be used by churches, poll respondents were somewhat less favorable to aid through synagogues, Mormon churches, or Muslim mosques. However, opposition to aid to "groups that encourage religious conversion" reached 63%. Similarly, the poll registered strong opposition to government funding for organizations that employ only "those who share their religious beliefs" (Republicans, 62%; Democrats, 84%; white evangelicals 61%; white mainline Protestants, 72%; black Protestants, 80%; white Catholics 80%; religiously unaffiliated, 88%).

As to which groups "can do the best job of providing services for the needy," religious groups ranked better (37%) than non-religious organizations (28%) or government agencies (25%). Republicans ranked religious organizations higher than Democrats by 56% to 28%; white evangelicals did so over mainline Protestants, Catholics, or the unaffiliated by 60% to 35%, 34%, and 19%.

Where does all this leave us one year into the Obama administration? It is probably safe to bet that faith-based initiatives will continue, but that public opinion will likely insist on denying tax funding to organizations that seek to convert aid recipients or to discriminate by religion in hiring. Mainstream Protestants, Catholics, Jews, and church-state separation organizations would do well to concentrate on blocking proselytizing and discriminatory employment policies in the near term.

—*Edd Doerr*

Bishops' Clout Felt in Health Debate

Re the AP piece "Bishops' clout felt in health debate" (Nov. 12), political demographer Albert J. Menendez has analyzed the vote in the House of Representatives on the Stupak-Pitts anti-abortion amendment to the health reform bill and found that Catholic Democrats in the House voted 62 to 35 against the amendment and the position of the Catholic bishops, and that Catholic women Democrats in the House voted against the bishops' position 16 to 2. This means that the bishops are out of sync with American Catholics generally on reproductive choice issues and particularly unrepresentative of the views of Catholic women.

The AP piece neglected to mention that the sponsors of the anti-abortion amendment, Reps. Stupak (D-MI) and Pitts (R-PA), and half a dozen other House members who supported the amendment are affiliated with the secretive C Street Family analyzed in Jeff Sharlet's recently reissued book "The Family."

—*Edd Doerr*

Letter published in The Washington Times, November 12, 2009

Forrest Church

Rev. Dr. Forrest Church, a member of Americans for Religious Liberty's National Advisory Board, died on September 24, after a three year battle with cancer. Forrest was the author of *The Separation of Church and State: Writings on a Fundamental Freedom by America's Founders* (Beacon Press, 2004) and two dozen other books. He was the minister of All Souls Unitarian Church in New York for many years and the son of the late Sen. Frank Church (D-Idaho), one of the founders of ARL.

—*Edd Doerr*